



City of Portland, Oregon
Bureau of Development Services
Land Use Services

FROM CONCEPT TO CONSTRUCTION

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Date: December 17, 2012
To: Interested Person
From: Kathy Harnden, Land Use Services
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NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 12-198739 EN

GENERAL INFORMATION

Applicant/Owner: Steve Nelson / Sapa Profiles
7933 NE 21st Ave / Portland, OR 97211

Consultant: Jacqueline Gruber / Maul Foster And Alongi, INC
2011 NW 19th Ave Suite 200 / Portland, OR 97209

Site Address: 7933 NE 21ST AVE

Legal Description: TL 500 5.16 ACRES LAND & IMPS SEE R646260 (R941111083) FOR MACH & EQUIP, SECTION 11 1N 1E

Tax Account No.: R941111080

State ID No.: 1N1E11D 00500

Quarter Section: 2232

Neighborhood: Sunderland, contact CNEN at 503-823-3157.

Business District: Columbia Corridor Association, Peter Livingston at 503-796-2892.

District Coalition: Central Northeast Neighbors, contact Alison Stoll at 503-823-3156.

Plan District: Portland International Airport - Middle Columbia Slough Subdistrict

Other Designations: Environmental Conservation Zone

Zoning: IG2ch – General Industrial 2 with the Environmental Conservation (c) and Airport Landing Zone (h) overlays

Case Type: Environmental Review

Procedure: Type II, an administrative decision with appeal to the Hearings Officer.

Proposal:

The applicant proposes to construct a stormwater treatment facility in the northeastern corner of the parking lot on this industrial site and also update the existing stormwater conveyance system in order to significantly reduce the concentrations of metals, including copper and zinc, which enter the Columbia Slough. The project site is an aluminum extrusion and shipping facility. It's processes have allowed heavy metals to escape into the parking lot area where they eventually are picked up by rainwater and released into the riparian area north of the plant and eventually into the Columbia Slough. The improvements include installing four 10,000 gallon stormwater detention tanks, a submersible pump station that routes stormwater to the

holding tanks, routing existing stormwater collection points to the new treatment system. Most of the improvements will be made on existing disturbance areas, i.e., the paved parking lot,

The proposed new treatment system will capture the existing parking lot and other hard surface area runoff and convey it to a new 385-gallon-per-minute (gpm) submersible pump station. From the pump station, the water will be pumped to four 10,000-gallon storage tanks, and ultimately pumped to a Model 210SBE Aquip Stormwater Filtration System, at a rate of 210 gpm. The filtration system uses a passive absorptive filtration media for metals removal. The storage tanks and treatment system are proposed to be located on concrete over an existing asphalt area, which currently provides 5 paved parking stalls.

Untreated water from the west end of the site will be directed to the holding tanks via a Treated stormwater will be sent in a new pipe to existing stormwater outfalls. Untreated stormwater from the west side of the site will be piped east to the new treatment system. These two pipes will be approximately 3 feet apart for a length of approximately 270 feet. Installation of the new conveyance pipes will require approximately 1,240 square feet square feet of new, temporary disturbance area in the resource area, immediately adjacent to the north edge of the parking area. The applicant proposes to revegetate the temporary disturbance area with a native grass stream bank mix, and thirty native shrubs that include salal, dull Oregon grape and Douglas spirea. No trees will be affected by the proposed activity and none are proposed as mitigation.

The new filtration system, portions of the system's concrete pad, a portion of the storage tank and pump enclosure areas and all of the proposed outfall conveyance piping are located within the resource area of the Central Columbia Corridor's Environmental Conservation zone. With the exception of the piping which will be installed immediately north of and adjacent to the paved area, all other construction activity will occur on the existing pavement on the site. An environmental review is required because the construction activity will occur within the resource area of the Conservation Zone.

Relevant Approval Criteria:

To be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are:

- **Section 33.430.250.E** Other Development in the Environmental Conservation zone or within the Transition Area only

FACTS

Description of the Site: The site is located in an industrial zone, adjacent to the west end of the middle branch of the Columbia Slough, which borders the north end of the site. Almost the entire site is developed for industrial activities, which includes a 150,000-square-foot building used for aluminum extrusion, anodizing and shipping. Most of the remainder of the site is paved and is used for shipping and employee parking. The entire north end of the paved area is currently striped for passenger vehicle parking stalls. The site extends another 10 to 20 feet beyond the paved area to the Columbia Slough. NE 21st borders the site to the east; NE Argyle borders the site to the south; and another large industrial business is located on the west side of the site.

The Environmental Conservation Zone runs along the north end of the site and varies in depth from approximately 30 feet at its narrowest section to about 70 feet at the northwest corner. The transition area between the southern edge of the Conservation Zone to the resource area is 25 feet deep, leaving a resource area that varies between about 7 feet and 47 feet in depth across the north end of the site. A good portion of the resource area is developed with the asphalt parking area. The riparian area on the site, north of the parking area, varies in depth from approximately 11 feet to about 20 feet. Twenty-three deciduous trees, including 3 black locust (a non-native, nuisance species) and 21 native alder, as well as both native and non-native shrub species, border the site between the pavement and the Slough.

Infrastructure: The site is a corner lot bordered by NE 21st Avenue to the east and NE Argyle to the south. Access is from NE 21st Avenue. Both streets are developed with 60-foot wide rights-of-way with curbs and sidewalks, bordering developed properties. There is a 42-inch concrete public storm-only sewer located in NE 21st Avenue and a 27-inch concrete public storm-only sewer located in NE Argyle Street. There is also an 8-inch concrete public sanitary gravity sewer located in NE 21st Avenue and a 12-inch concrete public sanitary gravity sewer in NE Argyle Street.

Development Standards: Chapter 33.248.070 requires non-conforming development to be upgraded to development that conforms to the Code. However, one Code exception is found in Ch.33.258.070.2.a.(4), Improvements to on-site stormwater management facilities in conformance with Chapter 17.38, Drainage and Water Quality, and the Stormwater Management Manual. This proposal meets this exemption.

Zoning: The zoning designation on the site includes General Industrial 2 (IG2) base zone, with Aircraft Landing Zone (h), and Environmental Conservation (c), overlay zones (see zoning on Exhibit B).

The IG2 zone is one of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zone provides areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. IG2 areas generally have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street. The provisions of this zone allow this use; these provisions are not specifically addressed through this Environmental Review.

The “h” overlay limits the height of structures and vegetation in the vicinity of the Portland International Airport; a height contour map is available for review in the Development Services Center. The maximum height of buildings or vegetation on this site is 180 feet.

Environmental overlay zones protect environmental resources and functional values that have been identified by the City as providing benefits to the public. The environmental regulations encourage flexibility and innovation in site planning and provide for development that is carefully designed to be sensitive to the site’s protected resources. They protect the most important environmental features and resources while allowing environmentally sensitive urban development where resources are less sensitive. The purpose of this land use review is to ensure compliance with the regulations of the environmental zones.

Environmental Resources: The application of the environmental overlay zones is based on detailed studies that have been carried out within eight separate areas of the City. Environmental resources and functional values present in environmental zones are described in environmental inventory reports for these study areas.

The project site is mapped within the *Inventory and Analysis of Wetlands, Water Bodies and Wildlife Habitat Areas for the Columbia Corridor Industrial/ Environmental Mapping Project* as Central Columbia Inventoried Water Features #28. This section of the Columbia Slough is described as providing important stormwater and groundwater drainage functions critical to the safety and protection of present and future urban development. Another important function is the wildlife corridor in the riparian fringe along the levee which connects wildlife islands in the form of wetlands and natural areas along its route. The values to be protected are as follows: forested riparian strip for wildlife habitat, visual amenity, and erosion control; and drainageway functions including fish habitat, drainage, flood storage, desynchronization, erosion control, sediment trapping, and pollution and nutrient retention and removal.

The project area is also identified in the *Middle Columbia Corridor/Airport Natural Resources Inventory* as the Middle Columbia Slough, a 3.5 mile-long woodland section of the Columbia Slough (Inventory Site #CS1) regulated in Portland City Code Ch. 33.565, adopted in November 2011. Types of resources found in the CS1 site are listed as open water stream/drainage way channels; wildlife connectivity; migratory stopover; herbaceous, scrub-shrub and forested wetlands; vegetated flood area; bottomland hardwood forest with black cottonwood and red alder predominant, and native shrubs intermixed with Himalayan blackberry. Functional

values consist of microclimate and shade; stream flow moderation and water storage; bank function, and sediment, pollution and nutrient control; large wood and channel dynamics; organic inputs, food web and nutrient cycling; wildlife habitat; habitat connectivity/movement corridor. Although water quality in the Slough is degraded, the adjacent riparian area is given a “high relative values/Special Habitat Area” ranking for both riparian resources and wildlife habitat.

This ranking is further supported in Metro’s *Nature in Neighborhoods* inventory of regionally significant riparian corridors and wildlife habitat. The Slough’s resources and functions identified in this Inventory include:

- a. *Regionally Significant Riparian Corridors*: Vegetated riparian corridors provide important natural watershed functions. Tree canopy shades streams, helping to keep streams cool. Riparian vegetation helps to stabilize stream banks, capture sediment in stormwater runoff, support natural hydrologic flow processes and nutrient cycling, and provide a source of woody materials to the streams. Wood in streams enables natural channel-forming processes that support native aquatic species.
- b. *Regionally Significant Wildlife Habitat*: These resources provide important feeding, breeding and nesting habitat for native wildlife.

Impact Analysis and Mitigation Plan: A description of the proposal was provided on page two of this report. The construction management plan, mitigation and monitoring proposal are also described.

Development Alternatives: Approximately 90 percent of the site is covered in impervious surfaces, including buildings and asphalt paving with another 10 to 20 feet of riparian area north of the paved area. In addition, there are existing storm drain lines and outfalls on the north end of the property. Therefore, location options for the proposed stormwater treatment facilities were quite limited. The applicant proposes that all construction activity will occur on existing paved areas and proposed concrete pads, with the exception of the conveyance pipes that will take treated water to the existing outfalls and will be located north of the paved area.

Construction Management Plan (CMP): A CMP was provided as Exhibit C.3.0. All construction access and staging is limited to the existing paved areas, except for the excavation and installation of the conveyance pipes. The applicant proposes to install erosion, sediment and pollution controls around all area drains, catch basins and ditch inlets. A silt fence will be installed on the north side of the conveyance pipe installation area to ensure that sediments are not washed into the Slough.

A small portion of the proposed holding tank area, the pump enclosure and filtration unit, and all of the proposed conveyance piping and a outfalls are located in the resource area of the conservation zone. The applicant states that all proposed development, except the piping, will occur on the developed parking area that is paved with asphalt. The tanks and filtration unit will be built on top of new concrete pads in the parking area. Redevelopment of this area is not expected to have significant environmental impacts because new soil disturbance in the resource area was not identified. However, the applicant plans to support the new holding tank and treatment facility on concrete pads. The applicant did not specify whether the existing asphalt would have to be removed prior to pouring the concrete. To ensure that construction activity in this area does not accidentally occur off the existing asphalt area, a condition is needed that requires construction fencing to be installed along the north edge of the paved area.

Unavoidable Impacts:

The excavation area for the submersible pump station and conveyance pipe corridor will have a disturbance area of approximately 2,540 square feet in the resource area of the Conservation Zone. Approximately 1,240 feet of this disturbance will be new, temporary impacts to the riparian area. The impacts will be temporary because the applicant proposes to replant the riparian area after installation of conveyance piping. Two conveyance pipes are proposed to be

installed: one that takes treated water from the new treatment facility west to an existing outfall, and the other that takes untreated water from a pipe at the west end of the site, east to the new treatment facility. Both conveyance pipes will be located in the undeveloped portion of the resource area. The remaining 1,300 square feet of disturbance in the resource area will consist of installation of concrete pads, portions of two of the four 10,000 gallon holding tanks and about half of the new treatment facility that will become permanent development in the resource area.

Site Development commented that because the proposed soils at the site have a high potential for consolidation settlement, a geotechnical report will be required at the time of permit application.

Multnomah County Drainage District (MCDD) commented that due to increased discharge velocities and duration of discharge, that riprap sized to the 100 year-storm even must be placed at all outfalls to the Slough. Further, signs must be placed at all outfalls to mark their locations. The applicant will need to contact MCDD for more information regarding riprap size and placement and outfall signage. Based on the quantity and velocity of stormwater discharged through the outfall(s), the applicant will need to calculate the amount and size of riprap and riprap apron that will be required to accommodate the MCDD requirement.

Proposed Mitigation: The applicant's proposed mitigation measures include planting a drought-resistant native grass seed mix and three native shrub species: salal, Douglas spirea, and dull Oregon grape. Quantities of these species and seed dispersion rates were not specified, although the application states that temporary disturbance areas will be replanted to achieve a 90% vegetation cover within one year. In addition, the applicant proposes to remove all invasive plant species within the temporary disturbance area and states that "the stormwater treatment system will improve the quality of the stormwater runoff..." that enters the Columbia Slough from this site, which is the purpose of the project.

MITIGATION FINDINGS

One of the purposes of requiring mitigation is to "Buffer the resource area from the noise, fumes, lights, and motion of vehicular traffic associated with industrial, commercial and multi-dwelling residential uses..." (33.430.110 .E). Mitigation requirements seek to restore and enhance disturbance areas in exchange for allowing some areas to become permanently disturbed. In this case, in addition to the 1,240 square feet of temporary disturbance area in the riparian zone, approximately 1,300 square feet of developed resource area will be redeveloped to contain part of the proposed treatment facilities.

The applicants propose to replant the temporary disturbance area where the pipes will be installed as mitigation for impacts to the resource area as mitigation for the project. This plan includes distributing enough seed mix in the disturbance area to cover approximately 55 percent of the temporary disturbance area (Applicant's Landscape Mitigation Plan, Exhibit C.4.b.). In addition, only 30 native shrubs are proposed to be planted in the 1,240 square foot temporary disturbance area, or 17 percent of the temporary disturbance area, for a total coverage of 72% of the temporary disturbance area. The three shrub species include: salal, dull Oregon grape, and Douglas's Spiraea.

The Code Standard for replanting utility lines requires three 1-gallon shrubs and eight 4-inch pots of native groundcover plants per each 10-square feet of disturbance area (33.430.150.D.1). For this site, with 1,240 square feet of temporary disturbance area for the pipe installation alone, 372 shrubs and 992, 4-inch pots of native groundcover plants would be required if the applicant were to meet standards and not go through a land use review.

The applicants' proposed mitigation plan is found to be inadequate to mitigate 1,300 square feet of permanent impacts to the resource area and 1,240 square feet of temporary impacts to the resource area.

The temporary disturbance area must be planted with a minimum of 100 shrubs to be planted in a triangular pattern for its entire length, which shall begin at the east property line and continue for 10 linear feet beyond the west end of the designated disturbance area. The shrubs will be approximately 2.5 feet from each other, based on linear information provided on Exhibit C.4.b. In addition, based upon existing native vegetation found in the area, and on suggestions from the BES Watershed Revegetation Program, staff has determined that red currant, pacific ninebark, red elderberry, and red-osier dogwood would be better suited to this site than the shrub species currently proposed and that these 4 species shall be substituted for those shown in the applicant's landscape plan (Exhibit C.4.b). The entire temporary disturbance area shall be seeded with the applicant's proposed native seed mix, at a rate sufficient to cover 100 percent of the temporary disturbance area.

Further, the riprap that is required to be placed below each outfall location must be planted with one-half-inch-diameter live willow stakes. Stakes must be installed at 2 to 3 per square yard of riprapped area.

All plantings must be installed during the planting season (between October 1st and March 31st) following construction activity and maintained as described below.

Proposed Monitoring Plan:

A Monitoring Plan was not provided, although the applicant stated that the property owners will be responsible for monitoring and maintaining the mitigation plants. The owners must ensure that a qualified landscaper or groundskeeper will regularly inspect, irrigate and maintain all required plantings. Standard monitoring plans require replacement of dead and dying plants for a minimum period of two years following installation of the plants. The applicant must provide a Mitigation Plant Monitoring Report for each of the two years following installation of the mitigation plants that demonstrates how these conditions have been met.

Agency and Neighborhood Review: A "Notice of Proposal in Your Neighborhood" was mailed **November 9, 2012**. The following Bureaus have responded with no issues or concerns: A Notice of Proposal in your Neighborhood was mailed on November 9, 2012.

1. Agency Review: Several Bureaus and agencies responded to this proposal. Please see Exhibits E for details. The comments are addressed under the appropriate criteria for review of the proposal.

2. Neighborhood Review: No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

33.430.250 Approval Criteria for Environmental Review

An environmental review application will be approved if the review body finds that the applicant has shown that all of the applicable approval criteria are met. When environmental review is required because a proposal does not meet one or more of the development standards of Section 33.430.140 through .190, then the approval criteria will only be applied to the aspect of the proposal that does not meet the development standard or standards.

Findings: The approval criteria which apply to the proposed new stormwater treatment and conveyance facilities are found in Section 33.430.250 A. The facts relevant to the approval criteria are presented on pages 2 through 5 of this report, and summarized below in findings for the approval criteria.

33.430.250 A. Public safety facilities, rights-of-way, driveways, walkways, outfalls, utilities, land divisions, Property Line Adjustments, Planned Developments, and Planned Unit Developments. Within the resource areas of environmental zones, the applicant's

impact evaluation must demonstrate that all of the general criteria in Paragraph A.1 and the applicable specific criteria of Paragraphs A.2, 3, or 4, below, have been met:

Note: since this activity is neither a Public Safety Facility nor a Land Division or Planned Development, the criteria in Sections 33.430.250 A.2 and A.4 do not apply and are not included.

A.1. General criteria for public safety facilities, rights-of-way, driveways, walkways, outfalls, utilities, land divisions, Property Line Adjustments, Planned Developments, and Planned Unit Developments;

A1.a. Proposed development locations, designs, and construction methods have the least significant detrimental impact to identified resources and functional values of other practicable and significantly different alternatives including alternatives outside the resource area of the environmental zone

Findings: This criterion requires the applicant to demonstrate that alternatives were considered during the design process, and that there are no practicable alternatives that would be less detrimental to the identified resources and functional values.

The applicant demonstrated that all but the most northern edge of the site is fully developed with buildings and asphalt pavement, and that existing storm drain lines and outfalls are located at the north end of the property, where untreated stormwater is currently discharged. The north edge of the site is also closest to the Columbia Slough, which eventually receives all stormwater from the site. Therefore, location options for the proposed stormwater treatment facilities on the site are limited.

As described above, over 90 percent of the site is covered with buildings and asphalt pavement, and the Columbia Slough, which is the destination point for stormwater runoff, is located at the north end of the site. A stormwater treatment facility should be located as near to the destination point for treated stormwater as is feasible. Further, most of the construction activity will occur on existing paved surfaces on the site, with the exception of: the proposed submersible pump station, one new outfall for overflow from the filtration unit and two new conveyance pipes that will take untreated water to the treatment facility and take treated water to existing outfalls. The storage tanks and treatment facility will be installed on concrete pads in the existing disturbance area. Therefore, the proposed alternative has the least significant detrimental impacts to identified resources and functional values than other alternatives, and this criterion is met.

A.1.b. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;

Findings: This approval criterion requires the protection of resources outside of the proposed disturbance area from impacts related to the proposal, such as damage to vegetation beyond the approved limits of disturbance, erosion of soils off the site, and downstream impacts to water quality and fish habitat from increased stormwater runoff and erosion from the site.

The applicant described the proposed stormwater management plan and the construction management plan in Exhibit A.1. In addition, a graphic Construction Management site plan (Exhibit C.3) was provided. The Construction Management Plan is described on page 4 of this report. The Construction Management Plan describes the construction areas and erosion controls that will minimize impacts to the riparian area adjacent to the site, and to the Columbia Slough.

Multnomah County Drainage District requires the applicant to install upgraded riprap at the existing outfalls to meet the requirements of a 100-year storm event due to the increased velocities and durations of discharged stormwater expected to occur from the new treatment facility. In addition, new signs must be installed at the outfalls to mark their locations. Staff

has modified the construction management plan (Exhibit C.3) to include areas for the required riprap below existing and proposed outfalls.

Therefore, because some areas described as non-disturbance areas will actually be disturbed in order to install riprap and signs at all proposed and/or existing outfall locations that remain in use, conditions are needed that require installation of the riprap and signage and relocation of portions of the silt fence to surround each outfall, riprap and signage area. In addition, staff found that new riprap areas at new or existing outfalls must be planted with one-half-inch-diameter live willow stakes. Stakes must be installed at 2 to 3 stakes per square yard of riprapped area. In addition, the applicant must notify MCDD

With staff's modifications, as described above, no additional disturbance areas or impacts are anticipated outside of the delineated disturbance areas or in the resource area. Therefore, no significant detrimental impacts on resources and functional values in areas designated to be left undisturbed will occur.

With the conditions described in Paragraph 4 above, this criterion can be met.

A.1.c. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;

Findings: This criterion requires the applicant to assess unavoidable impacts and propose mitigation that is proportional to the impacts, as well as sufficient in character and quantity to replace lost resource functions and values. The proposed mitigation plan, as modified by staff, is described on pages 6 of this report. The required mitigation plantings will increase species diversity on the site and improve wildlife habitat in areas that have degraded vegetation. The plantings will provide assistance with pollution and erosion control, sediment trapping, and nutrient retention and removal.

The applicant's mitigation plan was not adequate to fully mitigate impacts from the proposal, and is requiring different and more shrubs to be planted, as well as requiring a denser distribution of groundcover seeds than that proposed by the applicant. Once construction is complete, the applicant is required to revegetate all temporary disturbance areas with a native grass seed mix and the shrubs listed above on pages 5 and 6.

The modified Mitigation Plan will be installed and maintained under the regulations outlined in Section 33.248.040.A-D (Landscaping and Screening). A two-year monitoring plan is required that ensures survival of all mitigation plantings. To confirm maintenance of the required plantings for the initial establishment period, the applicant will be required to have the plantings monitored and inspected for two years after installation.

With conditions described on pages 5 and 6 above, to ensure that plantings required for this Environmental Review are installed, maintained, and inspected as required by this review, *this criterion can be met.*

A.1.d. Mitigation will occur within the same watershed as the proposed use or development and within the Portland city limits except when the purpose of the mitigation could be better provided elsewhere; and

A.1.e. The applicant owns the mitigation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.

Findings: Mitigation for significant detrimental impacts will be conducted on the same site as the proposed use or development, and the applicant owns the proposed on-site mitigation area. *These criteria are met.*

A.3. Rights-of-way, driveways, walkways, outfalls, and utilities;

A.3.a. The location, design, and construction method of any outfall or utility proposed within the resource area of an environmental protection zone has the least significant detrimental impact to the identified resources and functional values of other practicable alternatives including alternatives outside the resource area of the environmental protection zone;

Findings: No work is proposed within the environmental protection zone and this criterion does not apply.

A.3.b. There will be no significant detrimental impact on water bodies for the migration, rearing, feeding, or spawning of fish; and

Findings: The project is to occur adjacent to the Columbia Slough. To the extent that approval criterion A.1.b. "There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed," is met, *this criterion is also met.*

A.3.c. Water bodies are crossed only when there are no practicable alternatives with fewer significant detrimental impacts.

Findings: Water crossings were not included in this project proposal, and therefore, this criterion does not apply.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit. Non-conforming upgrades for interior landscaping will be required during the building permit process.

CONCLUSIONS

The project site is an aluminum extrusion and shipping facility. Its processes have allowed heavy metals to escape into the parking lot area where they eventually are picked up by rainwater and released into the riparian area north of the plant and eventually into the Columbia Slough. The applicant plans to construct a stormwater treatment facility in the northeastern corner of the parking lot and update the existing stormwater conveyance system in order to significantly reduce the concentrations of metals, including copper and zinc, which enter the Slough. The improvements will be primarily located on existing disturbance areas, i.e., the paved parking lot. The purpose of the project is to remove heavy metals from the stormwater discharged at this site, which will benefit the waters of the Columbia Slough. The disturbance in the resource area caused by installation of conveyance pipes will be replanted with native grasses and shrubs, as described above.

As proposed by the applicant, this proposal will not result in permanent impacts to the resource area. Temporary impacts from installing underground conveyance pipes will occur in the resource area. However, some permanent impacts will also occur from locating the submersible pump in the resource area, as well as new outfalls and placement of riprap at all outfalls that remain in use. The modified mitigation plan ensures that the impacted riparian resource area will be adequately enhanced at the end of the project.

ADMINISTRATIVE DECISION

Approval of an Environmental Review for:

- Construction of a stormwater treatment and conveyance system, as described on page 2 of

this report;

- Installation of riprap aprons below each outfall; and
- Installation and monitoring of mitigation plants

all of which require additional permitting from the City and all of which lie within the resource area of the Environmental Conservation overlay zone, and in substantial conformance with Exhibits C.2, C.3, C.4, and C.5, as signed, and dated by the City of Portland Bureau of Development Services on **December 10, 2012**. Approval is subject to the following conditions:

- A. All permits:** Copies of the stamped Exhibits C.XX from LU 12-124260 EN and Conditions of Approval listed below shall be included within all plan sets submitted for permits (building permit, Zoning permit, etc. See “Other Technical Requirements” listed above). These exhibits shall be included on a sheet that is the same size as the plans submitted for the permit and shall include the following statement, ***“Any field changes shall be in substantial conformance with approved Exhibits C.2 through C.4.”***
- B.** A Zoning or Building Permit shall be obtained by the applicant prior to the commencement of any construction activities approved in this Environmental Review. The application for the Zoning Permit shall include a final planting plan and a riprap installation plan around existing functioning and proposed outfalls, with the following information:
1. The Plan shall be at a scale sufficient to show placement of individual shrubs and riprap areas, including all outfalls that are new or remain in use;
 2. The required riprap aprons, shown to scale with the required number of willow stakes for each;
 3. The locations of individual native shrubs planted in the temporary disturbance area, which include the required red currant, pacific ninebark, red elderberry, and red-osier dogwood;
 4. A note stating the seed dispersion rate required by this review; specifically the proposed and approved native seed mix, at a rate sufficient to cover 100 percent of the temporary disturbance area.
- C.** Temporary construction fencing shall be installed along the Limits of Construction Disturbance for the approved development, as depicted on Exhibit C.3, Construction Management Plan, or as required by inspection staff during the plan review and/or inspection stages.
1. The approved construction and silt fencing shall be modified such that it is installed around each new or existing and functioning outfall and its required riprap area;
 2. No mechanized construction vehicles are permitted outside of the approved “Limits of Construction Disturbance” delineated by the temporary construction fence. Any planting work, invasive vegetation removal, or other work to be done outside the Limits of Construction Disturbance, shall be conducted using hand held equipment.
- D.** The applicant must contact MCDD to determine riprap size and placement for the outfalls and for outfall signage. The applicant must calculate the amount and size of riprap and the size of the riprap apron based on the quantity and velocity of stormwater discharged through the outfall(s) necessary to meet the MCDD requirement.
- E.** Shrubs and groundcovers, as described above in Condition B.3, shall be planted as follows:
1. Plantings shall be installed between October 1 and March 31 (the planting season).
 2. Prior to installing required mitigation plantings, non-native invasive plants shall be removed from all areas within 10 feet of mitigation plantings, using handheld equipment.
 3. Following installation, the applicant shall request inspection of the plantings in order to final the Zoning Permit required in Condition B, above.

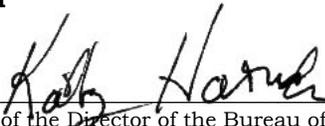
F. The land owner shall maintain the required plantings for two years to ensure survival and replacement. The land owner is responsible for ongoing survival of required plantings during and beyond the designated two-year monitoring period. The landowner shall:

1. Obtain a Zoning Permit for a final inspection at the end of the 2-year maintenance and monitoring period. The permit must be finalized no later than 2 years from the final inspection for the installation of mitigation planting, for the purpose of ensuring that the required plantings remain. Any required plantings that have not survived must be replaced.

G. Failure to comply with any of these conditions may result in the City's reconsideration of this land use approval pursuant to Portland Zoning Code Section 33.700.040 and /or enforcement of these conditions in any manner authorized by law.

Note: In addition to the requirements of the Zoning Code, all uses and development must comply with other applicable City, regional, state and federal regulations. This decision applies to only the City's environmental regulations. Activities which the City regulates through PCC 33.430 may also be regulated by other agencies. In cases of overlapping City, Special District, Regional, State, or Federal regulations, the more stringent regulations will control. City approval does not imply approval by other agencies

Staff Planner: Kathy Harnden

Decision rendered by:  **on December 12, 2012.**
By authority of the Director of the Bureau of Development Services

Decision mailed: December 17, 2012

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on October 25, 2012, and was determined to be complete on **November 7, 2012.**

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on October 25, 2012.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless extended by the applicant, **the 120 days will expire on: March 7, 2013.**

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project

elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on December 31, 2012** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Hearings Officer an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or **January 2, 2013**.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

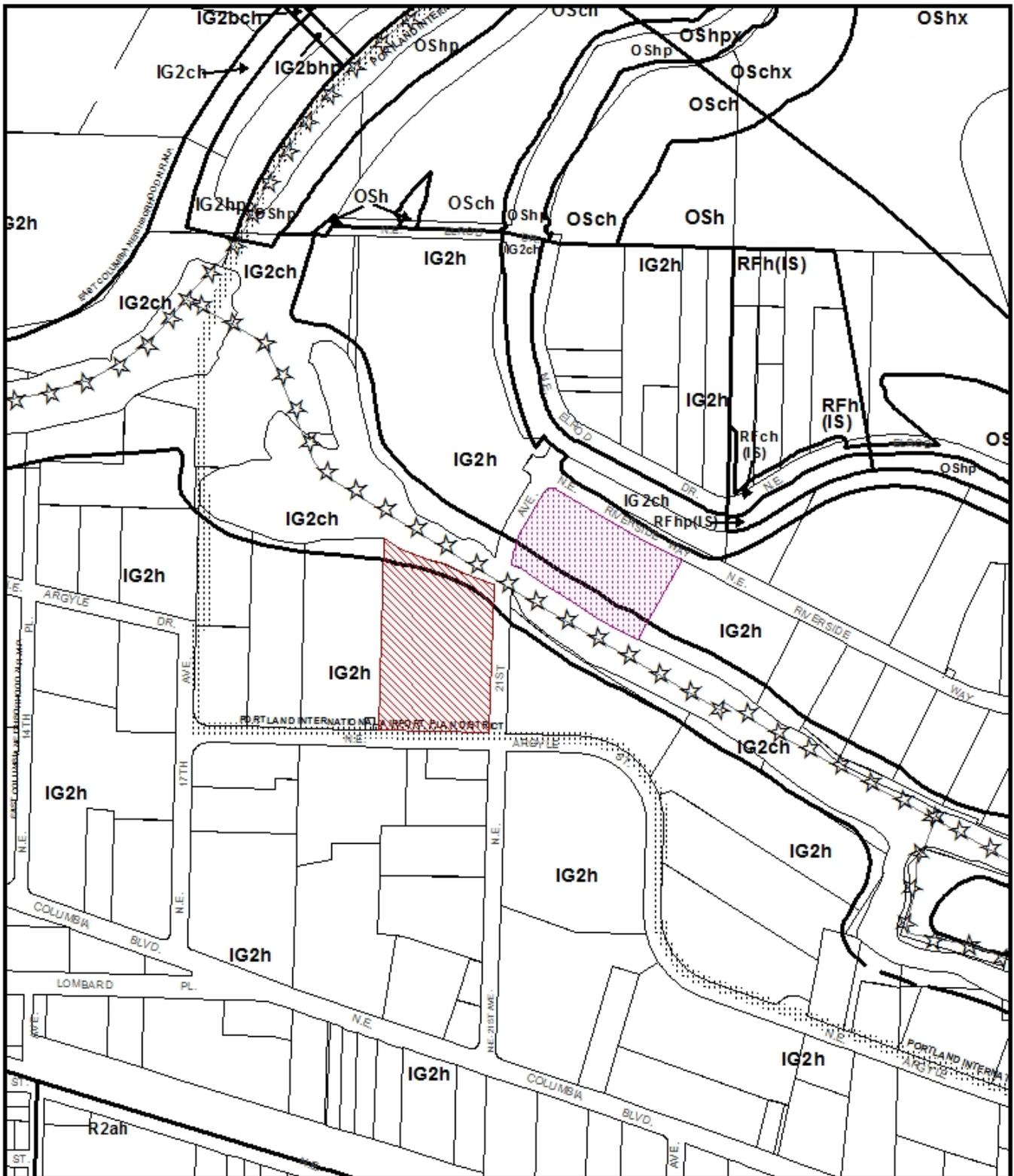
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Existing Conditions Plan
 - 2. Proposed Development Plan
 - 3. Construction Management Plan (attached)
 - 4. Mitigation Plan (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Life Safety
 - 7. Multnomah County Drainage District
- F. Correspondence:
 - None.
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING

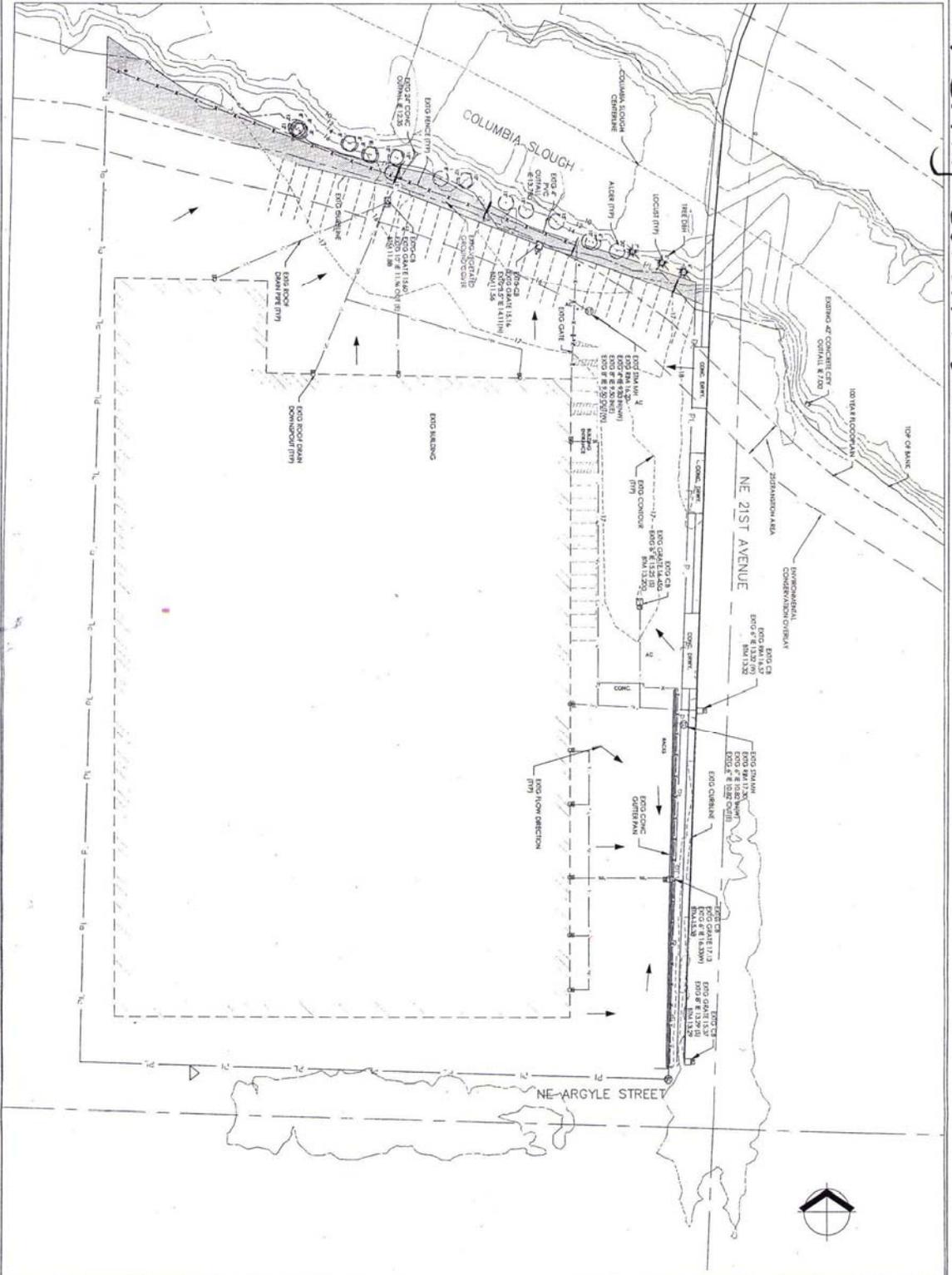
-  Site
-  Also Owned



This site lies within the:
PORTLAND INTERNATIONAL AIRPORT PLAN DISTRICT

| | |
|-------------|--------------------------|
| File No. | <u>LU 12-198739 EN</u> |
| 1/4 Section | <u>2232</u> |
| Scale | <u>1 inch = 450 feet</u> |
| State_Id | <u>1N1E11D 500</u> |
| Exhibit | <u>B (Oct 25, 2012)</u> |

Existing Conditions



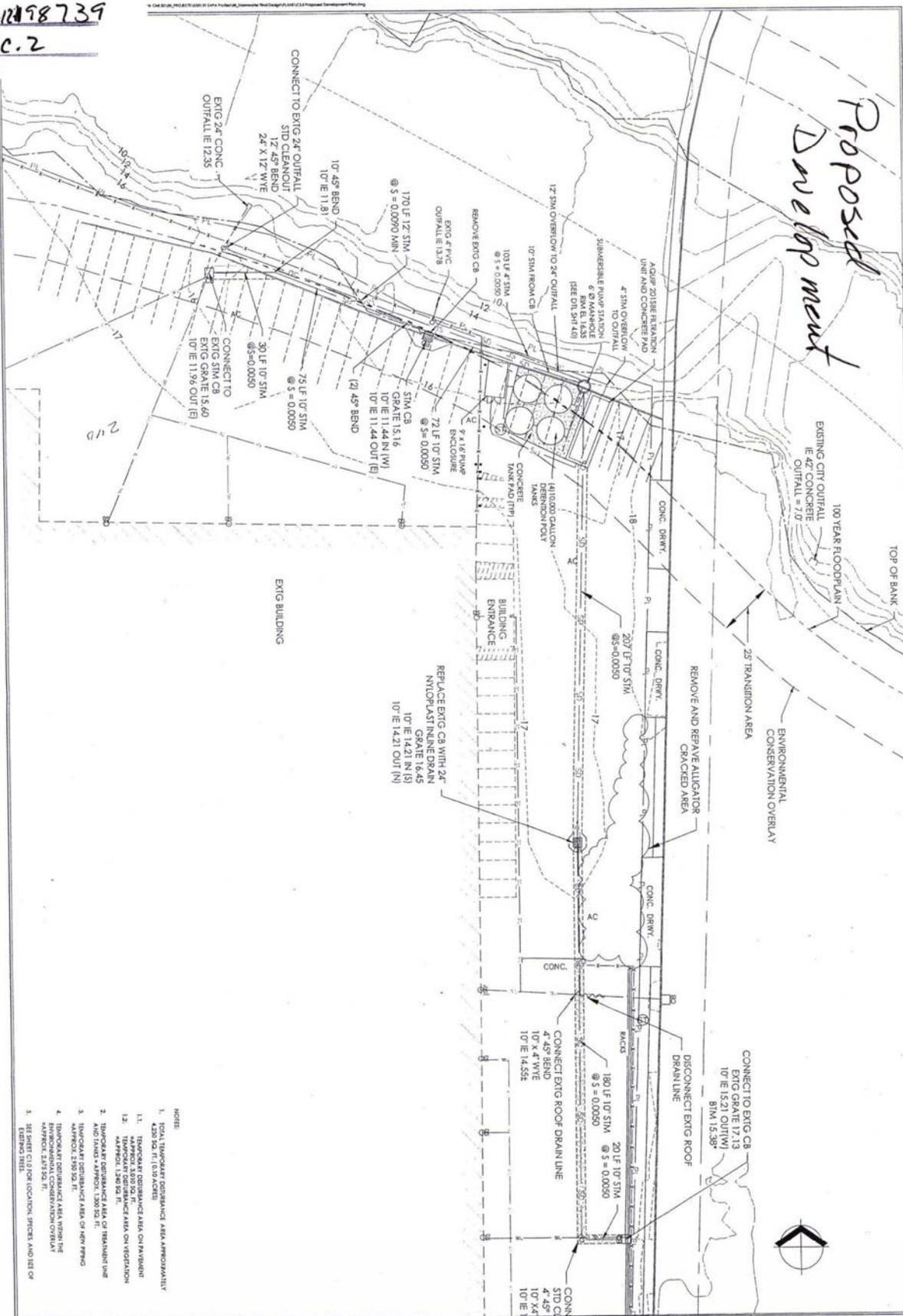
Approved
 City of Portland - Bureau of Development Services
 LU # 12-198739 EU
 Planner K. Randa Date 12/12/12
 * Approved Monitoring/Maintenance Plan

| | | | |
|---|--|---|---|
| <p>PROJECT: 2012-10-18</p> <p>REVISIONS:</p> <p>DATE: 12/12/12</p> <p>SCALE: 1"=100'</p> <p>SHEET: C1.0</p> | | <p>STORMWATER MANAGEMENT</p> <p>SAPA Main Plant</p> <p>7933 NE 21st Ave., Portland, OR</p> | <p>MAUL FOSTER ALONGI</p> <p>400 EAST MILL PLAIN BLVD, SUITE 400</p> <p>VANCOUVER, WA 98640</p> <p>360.674.2891 www.mfalongi.com</p> |
|---|--|---|---|

CASE NO. LU-12-198739

EXHIBIT C.2

Proposed Development



- NOTE:
1. TOTAL TEMPORARY DISTURBANCE AREA APPROXIMATELY 4,290 SQ. FT. (0.19 ACRES)
 - 1.1. TEMPORARY DISTURBANCE AREA ON PAVEMENT APPROX. 3,000 SQ. FT.
 - 1.2. TEMPORARY DISTURBANCE AREA ON VEGETATION APPROX. 1,290 SQ. FT.
 2. TEMPORARY DISTURBANCE AREA OF TRANSITION ARE AND STANDS APPROX. 1,300 SQ. FT.
 3. TEMPORARY DISTURBANCE AREA OF NEW POND APPROX. 250 SQ. FT.
 4. TEMPORARY DISTURBANCE AREA OF TRANSITION ARE APPROX. 2,475 SQ. FT.
 5. SEE SHEET C1.2 FOR LOCATION, SPICES, AND SET OF EXISTING TREE.

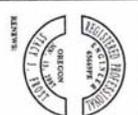
Approved

City of Portland - Bureau of Development Services
 LU # 12-198739 EN

Planner K. Korman Date 12/12/12

* Approved Monitoring/Maintenance Plan

STORMWATER MANAGEMENT
 SAPA Main Plant
 7033 NE 21st Ave., Portland, OR



MAUL FOSTER ALONGI
 400 EAST MILL PLAIN BLVD., SUITE 400
 VANCOUVER, WA 98660
 360.694.2891 | www.maulfooster.com

| REV | DATE | DESCRIPTION |
|-----|-----------|--------------------------|
| A | 5/15/2012 | Set |
| I | 5/29/2012 | Redesign |
| B | 6/14/2012 | Submit for Agency Review |
| C | 8/20/2012 | Submit for Agency Review |

PROJECT: 1001118
 DRAWN: M. WENIG
 CHECKED: T. HOPKINS
 SCALE: AS SHOWN

SHEET TITLE:
PROPOSED DEVELOPMENT PLAN

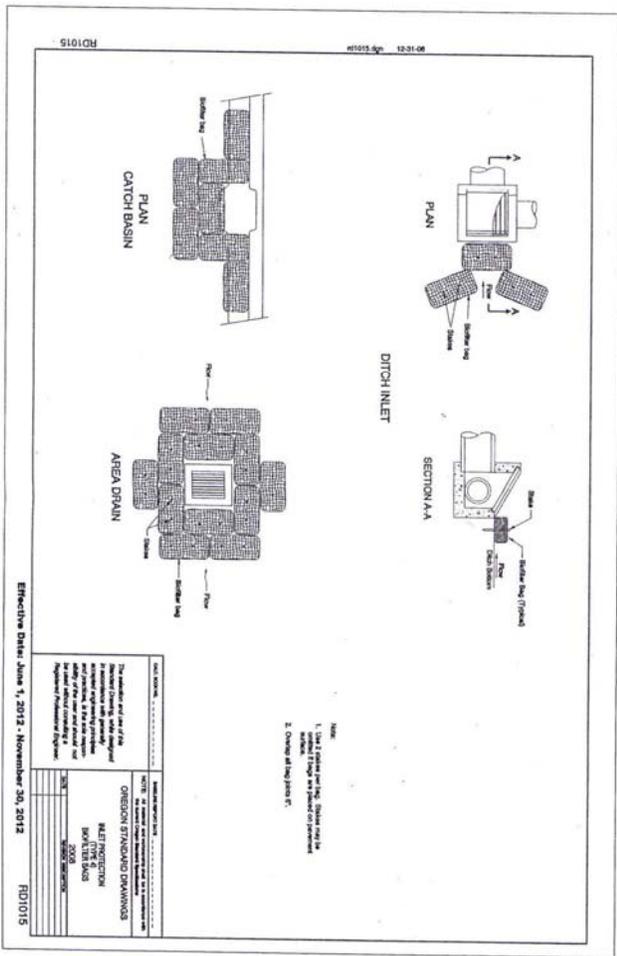
SHEET: C-2

C.M.P. 2

EROSION/SEDIMENTATION CONTROL (ESCP) NOTES:

1. ALL EROSION, SEDIMENT AND POLLUTION CONTROL PLAN (ESCP) MEASURES SHOWN SHALL BE INSTALLED AS PER THE DETAIL DRAWINGS IN THE CITY OF PORTLAND (CITY) EROSION CONTROL MANUAL (AVAILABLE THROUGH THE OFFICE OF PLANNING AND DEVELOPMENT REVIEW, 1600 SW 4TH AVE., PORTLAND, OREGON).
2. TEMPORARY ESCP MEASURES SHALL BE INSTALLED BEFORE STARTING GROUND DISTURBING ACTIVITIES.
3. ESCP MEASURES SHALL NOT BE REMOVED UNTIL PERMANENT STABILIZATION MEASURES ARE COMPLETED.
4. THE IMPLEMENTATION OF THIS ESCP AND THE CONSTRUCTION, MAINTENANCE, REPLACEMENT AND UPDATING OF THESE ESCP FACILITIES IS THE RESPONSIBILITY OF THE CONTRACTOR UNTIL ALL CONSTRUCTION IS COMPLETED AND APPROVED AND VEGETATIONAL LANDSCAPING IS ESTABLISHED.
5. THE ESCP FACILITIES SHOWN ON THIS PLAN MUST BE CONSTRUCTED IN CONJUNCTION WITH ALL CLEARING AND GRADING ACTIVITIES AND IN SUCH A MANNER AS TO ENSURE THAT SEDIMENT AND SEDIMENT-LADEN WATER DO NOT ENTER THE DRAINAGE SYSTEM OR ROADWAYS, OR VIOLATE APPLICABLE WATER QUALITY STANDARDS.
6. THE ESCP FACILITIES SHOWN ON THIS PLAN ARE THE MINIMUM REQUIREMENTS FOR ANTICIPATED SITE CONDITIONS. DURING THE CONSTRUCTION PERIOD, THESE ESCP FACILITIES SHALL BE UPDATED TO ENSURE THAT SEDIMENT AND SEDIMENT-LADEN WATER DO NOT LEAVE THE SITE.
7. THE ESCP FACILITIES SHALL BE INSPECTED DAILY BETWEEN OCTOBER 1 AND APRIL 30 BY THE CONTRACTOR AND MAINTAINED AS NECESSARY, TO ENSURE CONTINUED AND PROPER FUNCTIONING. ALL INSPECTIONS SHALL BE NOTED IN AN INSPECTION LOG.
8. THE ESCP FACILITIES ON INACTIVE SITES SHALL BE INSPECTED AND MAINTAINED A MINIMUM ONCE A MONTH, OR WITHIN 24 HOURS FOLLOWING A STORM EVENT.
9. TEMPORARY STABILIZATION OR COVERING OF SOIL STOCKPILES AND PROTECTION OF STOCKPILES LOCATED AWAY FROM CONSTRUCTION ACTIVITY MUST TAKE PLACE AT THE END OF EACH WORKDAY, OR OTHER BARRIERS, SUCH AS DIVERSION OF UNCONTAMINATED FLOWS AND INSTALLATION OF SEDIMENT FENCES AROUND STOCKPILES, MUST BE IMPLEMENTED TO PREVENT TURBID DISCHARGES TO SURFACE WATERS.
10. SEDIMENT MUST NOT BE INTENTIONALLY WASHED INTO STORM SEWERS, DRAINAGEWAYS, OR WATER BODIES.
11. SEDIMENT MUST BE REMOVED FROM BEHIND A SEDIMENT FENCE WHEN IT HAS REACHED A HEIGHT OF 1/2 THE HEIGHT OF THE ABOVEGROUND PORTION OF THE FENCE, AND BEFORE FENCE REMOVAL.
12. SEDIMENT MUST BE REMOVED FROM BEHIND BAO BASINS AND OTHER BARRIERS ONCE IT HAS REACHED A HEIGHT OF TWO INCHES, AND BEFORE BMP REMOVAL.
13. REMOVAL OF TRAPPED SEDIMENT IN CATCH BASINS MUST TAKE PLACE WHEN THE SEDIMENT RETENTION CAPACITY HAS BEEN REDUCED BY 50% AND AT COMPLETION OF PROJECT.
14. BMPs MUST BE INSPECTED BEFORE, DURING, AND AFTER SIGNIFICANT STORM EVENTS (2.5 INCHES OF RAIN OR MORE IN 24 HOURS).
15. SHOULD ALL CONSTRUCTION ACTIVITIES CEASE FOR THIRTY DAYS OR MORE, THE ENTIRE SITE MUST BE TEMPORARILY STABILIZED USING VEGETATION OR A HEAVY MULCH LAYER. TEMPORARY SEEDING OR OTHER METHODS.
16. SHOULD CONSTRUCTION ACTIVITIES CEASE FOR FIFTEEN DAYS OR MORE ON ANY SIGNIFICANT PORTION OF A CONSTRUCTION SITE, TEMPORARY STABILIZATION WITH STRAW, COMPOST, OR OTHER FACIEMED COVERING THAT PREVENTS SOIL OR WIND EROSION IS REQUIRED FOR THAT PORTION OF THE SITE UNTIL WORK RESUMES.
17. TO ENSURE WORKING ORDER OF BMPs, ALL ESCP CONTROLS AND PRACTICES MUST BE VISUALLY INSPECTED ONCE PRIOR TO THE SITE BECOMING INACTIVE OR IN ANTICIPATION OF SITE INACCESSIBILITY.
18. TO THE EXTENT PRACTICABLE, EXCAVATION SPOOLS SHALL BE REUSED AS EXCAVATION BACKFILL (IF SUITABLE) OR DISPOSED OF ON-SITE. IF TEMPORARY TRENCH/SPILL STOCKPILES ARE LEFT OVERNIGHT, THEY SHALL BE COVERED WITH VISQUEEN OR APPROVED EQUAL IMPERMEABLE MATERIAL.

CASE NO. LU-12-198739
EXHIBIT C.3.b



Approved
 City of Portland - Bureau of Development Services
 LU # 12-198739 EU
 Planner X. Hornak Date 12-12-12
 * Approved Monitoring/Maintenance Plan

STORMWATER MANAGEMENT
 SAPA Main Plant
 7933 NE 21st Ave., Portland, OR

MAUL FOSTER ALONGI
 400 EAST MILL PLAIN BLVD, SUITE 400
 VANCOUVER, WA 98660
 360.694.2891 | www.maulfooster.com

REGISTERED PROFESSIONAL ENGINEER
 STATE OF OREGON
 No. 11111
 EXPIRES 12/31/13

| NO. | DATE | DESCRIPTION |
|-----|------------|--------------------------|
| C | 8/20/2012 | Submit for Agency Review |
| B | 8/20/2012 | Submit for Agency Review |
| A | 12/12/2012 | Red set |

PROJECT: STORMWATER MANAGEMENT
 DRAWING NO.: RD1015
 SHEET TITLE: EROSION CONTROL DETAILS
 DATE: 12/12/12

DATE: 12/12/12

Mitigation Plan

NE 21ST AVENUE

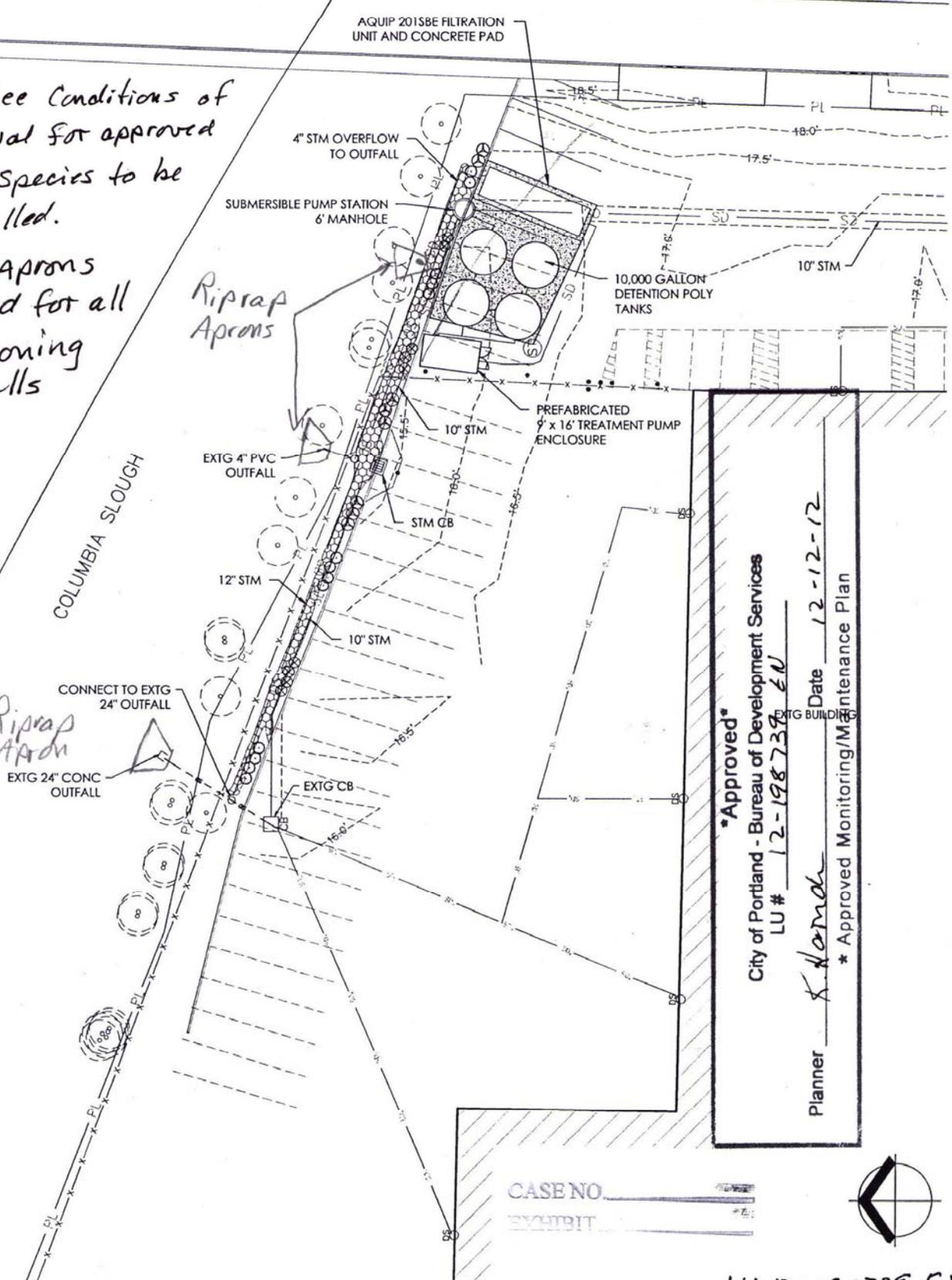
Note: See Conditions of Approval for approved plant species to be installed.

Riprap Aprons required for all functioning outfalls

COLUMBIA SLOUGH

Riprap Apron

Riprap Aprons



Approved
 City of Portland - Bureau of Development Services
 LU # 12-198739 EN
 Date 12-12-12
 Planner *K. Hand*
 * Approved Monitoring/Maintenance Plan

CASE NO. _____
 EXHIBIT _____

LU 12-198739 EN

C.4