



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

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Date: May 10, 2016
To: Interested Person
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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 mailed copy of this document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, 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 15-100863 EN AD (REVISES LU 02-128176 EN AD)

GENERAL INFORMATION

Owner: Michael Defrees
Yacht Harbor, LLC
2501 NE 134th Street, Suite #300
Vancouver, WA 98686-3030

Applicant: Peter Finley Fry
2153 SW Main Street, #105
Portland, OR 97205

Representative: Environmental Science & Assessment, Inc.
Attention: Wallave Leake
107 SE Washington Street, #249
Portland, OR 97214

Site Address: 11505 NE YACHT HARBOR DR

Legal Description: LOT 2 EXC PT IN ST, PARTITION PLAT 1992-36
Tax Account No.: R649722140
State ID No.: 2N1E35 00200
Quarter Section: 1930
Neighborhood: Hayden Island, contact Ron Ebersole at 503-320-8398.
Business District: Columbia Corridor Association, contact Debbie Deetz-Silva at 503-978-6044.
District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099.
Plan District: Hayden Island Plan District
Other Designations: 100-year floodplain; Floodway

Zoning: CGchx---General Commercial base zone, with “c” Environmental Conservation, “h” Airport Height, and “x” Portland International Airport Noise Impact overlay zones.

Case Type: EN AD–Environmental Review and Adjustment Reviews

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

Proposal: The applicant proposes to revise a 2002 Environmental Review (LU 02-128176 EN AD) for development of a mixed-use marina community in North Portland on Hayden Island. The original proposal included a harbored marina with boat moorages, with Columbia River frontage, supported by residential development comprised of 153 residential condominiums. The marina was approved for 204 watercraft between 30 and 100 feet in length, with an expected average length of 40 feet. The original proposal included a small commercial/retail component, offering marina-related services for the benefit of on-site residents, and boat owners using the marina. In addition, LU 02-128176 EN AD approved Environmental Review to modify the Environmental Zone line to accurately reflect the location of the post-construction resources providing functional values on the site, plus a 25-foot transition area.

Since LU 02-128176 EN AD was approved in 2003, the applicant has received building permits for, and has constructed Buildings C and D and associated parking areas (“Phase I”) in the central and eastern portions of the site. See building permits #13-132301 CO, and 13-132335 CO, for details on Phase I.

The applicant now proposes to revise the LU 02-128176 EN AD proposal with regards to development proposed in the western portion of the site (“Phase II”), and regarding some of the mitigation landscaping approved along the rip-rapped perimeter of the marina basin.

The following features of the proposal have changed since LU 02-128176 EN AD was approved in 2003:

- The total number of proposed dwelling units has been increased from 153 residential condominiums in 2003, to 374 multi-dwelling units in the current proposal.
- Overall, building plan dimensions are smaller (approximately 80% of the 2003 footprints), with Buildings A, B, and D narrower in width than footprints approved in 2003. Buildings A and B, in the western portion of the site, are shifted approximately 8 feet closer to the top of bank of the marina basin. The proposed heights of Buildings A and B are increased, but technically will not exceed the maximum height of the base zone of 45 feet.
- Surface parking area in the western portion of the site has been increased to allow 1.5 parking spaces per dwelling unit and 102 spaces for the marina; underground parking is maximized. A total of 663 parking spaces are provided.
- The overall project disturbance area has been reduced by 2,419 square feet from LU 02-128176 EN AD and subsequent building permits. The permitting of Building D eliminated a fire lane and significant grading impact from the environmental zone.
- This current mitigation proposal includes relocating proposed plantings previously shown in the rip rap along the west and south banks of the marina as approved in LU 02 - 128176 EN AD. Planting vegetation in rip rap containing minimal soil and subject to erosive forces of fluctuating water levels is not sustainable. As an alternative, the applicant proposes to restore shoreline habitat adjacent to the Columbia River along the north berm.
- Seven inventoried trees (trees 6051-6055, 6062 and 6065) at the north end of Building A are proposed for removal to construct the flood dry-proofed facility.
- A revised mitigation plan provided with this proposal (Exhibit C. 27) includes an additional 0.59 acres (25,916 sq ft) of enhanced forest habitat located on the north berm

immediately adjacent to the LU 02-128176 EN AD –approved mitigation area. An additional 0.47 acres (20,554 sq ft) of bank restoration area on the north shoreline of the north berm is also proposed adjacent to the Columbia River. Invasive plants will be removed, and native plantings, including 32 native trees will be installed in these areas.

The remainder of LU 02-128176 EN AD is proposed to remain as approved in 2003—including the approval and conditions to modify the location of the Environmental overlay zone lines, once development has been completed.

The majority of the site is within the City’s Environmental overlay zone. Certain standards must be met to allow the work to occur by right. If the standards are not met, an Environmental Review is required. Further, Zoning Code Section 33.730.140 requires the current review procedure that was required for the original land use review, for requests to revise former land use reviews. Therefore the requested revisions to LU 02-128176 EN AD must be approved through an Environmental Review

The current, 2015 proposal includes 3 Adjustment requests. Code amendments since the approval of LU 02-128176 EN AD, have added regulations not reflected by the earlier-approved site plans. Because of the unusual shape of the site, with only the northern perimeter of the 120-foot diameter NE Yacht Harbor Drive cul-de-sac fronting the site, the Maximum Setback standards and the Main Entrance standards of the of the 2009-adopted Hayden Island Plan District cannot be met by the proposal.

The revised parking lot layout does not meet the current Parking and Loading standards for Interior Parking Lot Landscaping (these standards have been revised since the approval of LU 02-128176 EN AD).

Therefore the applicant requests Adjustment Review to modify the following standards:

- 33.532.245 Maximum Setbacks in Commercial Zones (Hayden Island Plan District).
- 33.532.250 Main Entrance (Hayden Island Plan District).
- 33.266.1230.G.3.a Parking and Loading-Interior Landscaping.

Relevant Approval Criteria:

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

- **Section 33.430.250 E** Other Development in the Environmental Conservation zone
- **Section 33.805.040** Adjustment approval criteria

FACTS

Site and Vicinity: The development site (Lot 2 or Partition Plat 1992-36) is a former sand quarry on Hayden Island between the Columbia River and the Oregon Slough (see Exhibits B, and C.3). The lot is approximately 24 acres in area. In 2003, LU 02-128176 EN AD approved an Environmental Review for development of a mixed-use marina community including a harbored marina with boat moorages, 153 residential condominiums and associated off-street parking and site landscaping. Since this approval the applicant has received building permits for, and has constructed Buildings C and D and associated parking areas (“Phase I”) in the central and eastern portions of the site, in addition to a new public street, NE Yacht Harbor Drive.

The permanent disturbance areas approved by LU 02-128176 EN AD included approximately 3.5 acres for marina and residential buildings, parking structures, driveways and walkways. Forty-eight trees between 6 and 18 inches in diameter were removed to accommodate mass grading of the site, and 149 trees were proposed to be protected. The majority of the trees that were removed were located in the vicinity of the east berm breach allowing access from the former quarry pond to the Columbia River channel.

Much of Phase 1 of the project has been constructed already, including mass grading throughout the site, removal of a portion of the eastern berm, construction of the marina, and extensive grading and planting on the north berm to create shallow water habitat. Buildings C and D and associated parking are also under construction (City permits # 13-132301 CO and 13-132335 CO).

Lot 2 lies near the east end of Hayden Island and is within Site 71 of the *Columbia Corridor Industrial and Environmental Mapping Project*, an area characterized as “highly disturbed [and] largely developed, [with] vegetation that is primarily grasses and shrubs.” The development site can be accessed via NE Yacht Harbor Drive extending north from N Tomahawk Island Drive to the south end of the site. Properties to south of the site, along N Tomahawk Island Drive, from west to east, include a boat yard, a vacant parcel, and a paved parking lot. The parking lot serves a boat marina east of the site—the Columbia Crossing Marina. Immediately to the west is another boat basin, Columbia River Yacht Club. The main channel of the Columbia River lies north of the site.

Site History: The site has a diverse history. Agricultural uses can be seen on early 1930’s aerial photos of the site. From the 1940’s to the 1970’s, sediment accumulated on the site became vegetated, but the specific land uses at that time are unknown. From 1980 to 1983, the site was used as a permitted dredge spoils disposal facility. The Columbia Crossing Marina on the west side, and the Columbia River Yacht Club on the east side of the affected property used the site for the disposal of dredge material during the construction of each marina. From 1982 to 2000, the site was a permitted dredge spoils and sand mining operation. The sand mining was continued up until 2000, when financial difficulties encountered by the previous owner forced the sale of the property.

Zoning: The zoning designation on the site includes the General Commercial base zone, with Environmental Conservation, Aircraft Landing, and Portland International Airport Noise Impact overlay zones. The site is within the Hayden Island Plan District (see zoning on Exhibit B).

The General Commercial zone (“CG”) is intended to allow auto-accommodating commercial development in areas already predominantly built in this manner and in most newer commercial areas. The zone allows a full range of retail and service businesses with a local or regional market. Commercial outdoor recreation is an allowed use in the CG base zone. The existing marina falls under this use category and is not proposed to change. The proposed apartment buildings (household living) are allowed by right in this zone, as long as development standards are met. The requirements of this zone will be met at building permit time and are not specifically addressed through this Environmental Review.

Environmental overlay zones (“c”) 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.

The Aircraft Landing overlay zone (“h”) 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 height designation at this site is mapped ranging from 180 to 250 feet, however the CG zone limits building height to a maximum of 45 feet, which will be met at building permit time.

The Portland International Airport Noise Impact overlay zone (“x”) reduces the impact of aircraft noise on development within the noise impact area surrounding the Portland International Airport. The zone achieves this by limiting residential densities and by requiring noise insulation, noise disclosure statements, and noise easement. This site is mapped within the 68 DNL noise contour, and the requirements of this overlay zone will be met at permit time.

The Hayden Island Plan District preserves and enhances both the character and opportunities of Hayden Island to: Create a transportation network, and opportunities for higher intensity,

mixed-use development near the Light Rail Station; to ensure transitions between residential and nonresidential zones and neighborhoods; to promote more pedestrian-friendly transportation systems; and to preserve and restore the unique and valuable natural resources of the environmental zoned portions of the island. Two of the development standards will not be met by the proposal and the purpose of this land use review is to demonstrate that the Adjustment approval criteria are met for these standards.

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

The *Columbia Corridor Industrial/Environmental Mapping Project* identifies riverine and palustrine perennial, emergent, scrub-shrub, and forested wetlands to be protected on inventory site 71 (page 111). In addition the inventory lists “riparian strip for wildlife habitat, visual amenity, erosion control, drainageway functions, including fish habitat, drainage, flood storage, desynchronization, erosion control, sediment trapping, and pollution and nutrient retention and removal for the same area,” as “Values to be Protected” (page 163) for the Columbia River and Bankline. On the development site for this proposal, the cottonwood forested riparian strip along the west and north perimeter of the site provides many of these important functions on the site.

Summary of Applicant’s Statement:

The applicant provided details regarding the site’s development history and resource enhancement context.

The site is a former sand quarry. As recently as 2003, improvements on the site were minimal, and included a utility shed, some piping, a chain link fence, a gravel driveway and a stormwater outfall to the Columbia River. The site included a large, steep-sided quarry pond. The site is located within Site 71 of the *Columbia Corridor Industrial and Environmental Mapping Project* (1989), and was characterized in that document as “highly disturbed” with vegetation that consisted of primarily grasses and shrubs.

From 1980 to 2000, the site was a permitted dredge spoils disposal and sand mining operation. The Columbia Crossing Marina immediately to the west and Columbia River Yacht Club to the east each used the site for the disposal of dredge material during construction of those facilities.

Prior to the grading activities in 2003 the site included a large, steep-sided quarry pond of about 13 acres located in the site interior. The pond was separated from the Columbia River and marinas to the east and west by narrow, steeply sloping sandy berms. The berms were sparsely vegetated with native tree saplings and a mixture of native and non-native colonizing species, which provided limited wildlife habitat and other resource functions.

On-site aquatic functions were of low value due to the isolation of the quarry pond from the Columbia River. Fish were excluded from entering the quarry pond except under flood conditions. Summer water temperatures in the quarry pond were too high to support native salmonids due to lack of shading, shallow water and lack of circulation. The quarry pond contained non-native warm water species that entered the pond during the 1996 flood or were introduced by humans. High summer temperatures in the pond supported bullfrogs, an undesirable non-native species that preys on a variety of native aquatic and amphibious life.

Significant resource enhancement has been completed on the south side of the north berm area, at the project site since 2003. However, the north side of the berm, adjacent to the Columbia River, hosts a number of conditions that significantly limit its habitat value. While there are a number of native cottonwoods present in the higher elevation areas, overall the site lacks native species diversity and multi-layered vegetated structure, and exhibits a high coverage of invasive plant species. Many of the larger cottonwoods and smaller shrub species

show significant beaver predation, and many areas, especially those areas below 16 feet Columbia River Datum (CRD), lack any vegetated cover. Severe bank erosion is also evident along much of the shoreline.

The mitigation/resource enhancement currently proposed will result in significantly improved functional values along the Columbia River shoreline compared to those that currently exist. Existing functions of the riparian fringe, including those that support wildlife, fisheries, erosion control and other drainageway functions will be augmented by removing invasive plant species and planting 1.06 acres of native trees and shrubs.

Land Use History: City records indicate that prior land use reviews have been conducted for this site.

- LU 02-134501 ZC: Approval of a 2002 Zone Map Error Correction
- LU 02-128176 EN AD: Approval of a 2002 Environmental Review for mixed use development including marina moorage, residential condominiums and commercial space.
- LU 00-00543 EN: Approval of a 2000 Environmental Review, and Denial for a proposed Parks and Open Space use.
- LU 91-00824 EN AD: Approval of a 1992 Environmental Review and Adjustment approval with conditions to excavate a basin for development of a boat moorage for up to 510 boat slips with 255 parking spaces to support the marina.
- LU 91-00724 MP: Approval of a 1991 Minor Partition approval to create two lots
- PC 8046R/SRZ 117-90: Approval of a 1991 Revocable Permit and Environmental Site Review approval to continue a sand processing operation
- MP 94-89: Approval of a 1989 Minor partition to create two lots
- DR 83-03-06: Approval of a 1983 Multnomah County Design Review approval for a moorage office and retail office.
- PD 10-79p/CS 15-79p: Approval of a 1979 Multnomah County Planned Development and Community Service Designation approval for a 1,100 space boat moorage with attendant parking for up to 750 automobiles.
- PD 9-79p/CU 19-79p: Approval of a 1979 Multnomah County Planned Development and Conditional Use approval for a sand resource area.
- M 75-59: Approval of a 1967 Multnomah County tentative approval for a subdivision.

Unless specifically modified by this environmental review the approvals and conditions of approval from the above listed land use reviews remain in effect.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **August 27, 2015**. Several City Bureaus responded with no issues related to the Environmental Review (see “E” exhibits in application case file for details), and the following City Bureaus had comments related to this review:

- Bureau of Environmental Services provided comments related to stormwater management, sanitary sewer connections, and mitigation plantings proposed for this review.
- The Site Development Section of BDS commented on the applicant’s proposed development with regards to the flood hazard area, the floodway, balanced-cut-and-fill requirements, possible forthcoming changes to FEMA development requirements, the need for geotechnical engineering reporting and ground improvement design.

Their comments are discussed where applicable, in findings below for the Environmental Review approval criteria. Further, in accordance with 33.800.070, these requirements are included as conditions of approval.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **August 27, 2015**. No written responses were received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

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.

The approval criteria applicable to the proposed development include those found Section 33.430.250.E. The applicant has provided findings for these approval criteria and BDS Land Use Services staff revised these findings or added conditions, where necessary to meet the approval criteria. The criteria and findings for Subsection E are combined where they are similar.

33.430.250.E. Other development in the Environmental Conservation zone or within the Transition Area only. In Environmental Conservation zones or for development within the Transition Area only, the applicant's impact evaluation must demonstrate that all of the following are met:

- 1. Proposed development minimizes the loss of resources and functional values, consistent with allowing those uses generally permitted or allowed in the base zone without a land use review;**
- 2. Proposed development locations, designs, and construction methods are less detrimental to identified resources and functional values than other practicable and significantly different alternatives;**

Findings: These criteria require the applicant to demonstrate that the proposal minimizes impacts with consideration as to uses allowed in the base zone, and that alternatives were considered during the design process. The previously approved land use review (LU 02-128176 EN AD) included extensive findings regarding how the proposal minimized impacts while allowing development and uses allowed in the General Commercial base zone without additional land use review. The current proposal includes a development footprint comparable to that approved by the 2002 review, in this portion of the site, and continues to minimize impacts while allowing uses generally permitted in the General Commercial base zone.

For this request to be approved, this decision must also conclude that there are no practicable alternatives that would be less detrimental to the identified resources and functional values. The Portland Zoning Code defines both the term *practicable* and the term *functional values*:

Practicable: Capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Functional values: The benefits provided by resources. The functional value may be physical, scenic, educational, or some other nonphysical function, or a combination of these. Most natural resources have many functional values.

The resources and functional values that occur on the site include: Riparian strip for wildlife habitat, visual amenity, erosion control, and drainageway functions.

Alternatives Analysis

An alternative analysis was completed for the Yacht Harbor project as part of LU 02-128176 EN. That analysis identified the natural functions and values on the site as limited due to past mining activity that removed vegetation except for a narrow fringe on the berms surrounding the mining area. A narrow riparian fringe with numerous trees (primarily black cottonwood) on the berms provided some function, as those areas were less disturbed

during mining operations, and contained. Aquatic functions were found to be of low value. A small 2,200 sf (0.05 ac) wetland existed in the southeast portion of the site.

The preferred alternative for LU 02-128176 (Alternative 5) provided compensatory mitigation for unavoidable impacts to wetlands, trees, and riparian resources to create a net increase in wetland and riparian functions and values far beyond those provided by the existing conditions.

The preferred alternative provided multifamily residential dwelling units with a shift to higher density, while minimizing the impacts to upland and riparian natural resources such as trees, in keeping with Metro's policy to encourage development in already developed areas of compatible uses and the City of Portland's desire to maximize the density of residential development.

The applicant's design evolved to reduce impacts to natural resources in response to the City's input and environmental assessments, and has continued to evolve through the subsequent permitting processes, through value engineering to further reduce impacts and through new green technology. The original alternative analysis is significant in scope and length and still applies. It is not repeated here, but is included as reference.

Alternative 5 provided the following measures to minimize detrimental impacts to existing on-site resources and to enhance the overall value of natural functions at the site:

- New wetland 1.0 acre + fringe marsh area
- Preserve 197 trees (6"+) existing in EC zone
- 329 net new trees proposed for site
- 48 EC zone trees removed
- 95 trees required for mitigation, 180 new trees proposed
- Planting of native vegetation on northern berm to mitigate impacts to natural resources
- Low-slope riparian fringe around new wetland
- Formal landscaping in developed areas further enhances site open space

Table 1 summarizes the natural features provided by the Preferred Alternative in LU 02-128176 and compares them to a No-Build option.

Table 1. Changes in natural functions resulting from the project

Function	Project Impact	Proposed Benefits of Project and Mitigation Activities	No Build Scenario	Current Proposal
Riparian	<ul style="list-style-type: none"> ▪ 48 trees less than 14 in. dbh removed in EC zone ▪ 149 trees (76%) over 6 in. dbh remain in EC zone, including all over 18 in. 	<ul style="list-style-type: none"> ▪ 180 trees to be planted ▪ 3,184 shrubs to be planted ▪ Removal of invasive non-native species 	<ul style="list-style-type: none"> ▪ 197 trees over 6 in. dbh remain within the EC zone ▪ Natural regeneration continues ▪ Continued invasion by non-native species 	<ul style="list-style-type: none"> ▪ See Revised Mitigation Plan Exhibit C.27
Wetland	<ul style="list-style-type: none"> ▪ 0.05 acre palustrine shrub-scrub / emergent wetland impacted 	<ul style="list-style-type: none"> ▪ 1.0 acre of palustrine shrub-scrub wetland created to mitigate wetland impacts 	<ul style="list-style-type: none"> ▪ Minimal natural regeneration continues, hindered by steep banks 	<ul style="list-style-type: none"> ▪ No Change

Function	Project Impact	Proposed Benefits of Project and Mitigation Activities	No Build Scenario	Current Proposal
		<ul style="list-style-type: none"> Reducing steepness of slopes increases narrow fringe marsh around open water basin 3 years of maintenance to facilitate establishment plantings 	<ul style="list-style-type: none"> Continued colonization by native and invasive non-native species 	
Fish habitat	<ul style="list-style-type: none"> Loss of approximately 500 lineal feet of low-value riparian habitat along eastern berm - bank is steep and the lower part is riprapped Loss of 48 trees 13 in. dbh or smaller 	<ul style="list-style-type: none"> Wetland mitigation area designed to provide fish habitat Opening pond 12.9 acres of off-channel fish habitat Easing the existing slopes allows a higher-quality edge habitat Elimination of fish-trap potential of enclosed pond 	<ul style="list-style-type: none"> Enclosed pond is a fish-trap risk No off-channel fish habitat in quarry pond Minimal fish habitat offered by existing riprap bank in proposed breach area 	<ul style="list-style-type: none"> No Change
Water quality	<ul style="list-style-type: none"> No permanent negative effects Temporary impacts from berm removal include turbidity and sedimentation (offset by BMPs during construction) The enclosed quarry pond contains construction impacts 	<ul style="list-style-type: none"> Breaching of the berm lets water circulate within the quarry pond, decreasing temperature Increased wetland area increases denitrification, phosphorus uptake Riparian plantings augment water quality function of existing riparian vegetation over time 	<ul style="list-style-type: none"> Minimal sediment removal Minimal nutrient and pollutant uptake Temperature in quarry pond likely exceeds 303d standards for the Columbia River 	<ul style="list-style-type: none"> No Change
Hydrology	<ul style="list-style-type: none"> Minimal – enclosed pond connected only during extreme high water 	<ul style="list-style-type: none"> Breaching the berm creates opportunity for flood storage and desynchronization 	<ul style="list-style-type: none"> No flood storage or desynchronization except during extreme flooding 	<ul style="list-style-type: none"> No Change

Current Proposal

The current proposal provides the following features:

- Increases surface parking while narrowing and increasing height of buildings

- Maintains underground parking
- Moves buildings A and B slightly closer to marina bank within the original disturbance limits
- Utilizes more of the area in the southerly portion of the site outside the Ezone for parking

Building dimensions are smaller, reduced to about 80% of the original footprints. Buildings A, B, and D are narrower. 374 units of the 1,021 units allowed are proposed.

Parking has been provided at a ratio of 1.5 spaces per unit, including maximizing underground parking to its full capacity under all of the buildings to keep the surface parking area reduced, and at 102 spaces for the marina. A total of 663 parking spaces are provided including loading areas. All parking and loading areas are landscaped with perimeter buffers and landscaping and 10% interior landscaping.

The net overall project disturbance area has been reduced by 2,419 square feet from LU 02-128176 and subsequent building permits. This was accomplished during permitting of Building D which eliminated a fire lane and significant grading impact from the environmental zone in that area along the perimeter of the project.

LU 02-128176 established future Environmental Conservation zone boundaries at the edges of the proposed buildings. The e-zone included a 25-foot wide transition area. For the purposes of the impact analysis, encroachment of the revised building layout shown by the current proposal beyond the limits of the e-zone boundaries established in LU 02 -128176 is considered impact. All of this encroachment is restricted to areas within the future transition zone.

This proposal also includes eliminating joint riprap planting along the west and south banks of the marina as provided in LU 02 -128176, as well as removing seven inventoried trees (trees 6051-6055, 6062 and 6065) in the area of the access ramp structure at the north end of Building A to construct the flood dry-proofed facility.

Total proposed Environmental Zone impact is as follows:

• Transition zone at the west property boundary:	0.13 acres (5,664 sq ft)
• Transition zone at east edge of the west berm:	0.22 acres (9,372 sq ft)
• Eliminate joint riprap plantings:	0.51 acres (22,386 sq ft)
• Tree removal:	<u>7 trees removed</u>
Total Environmental Zone Impact:	0.86 acres (37,422 sq ft)
	7 trees removed

This revised mitigation plan provided with this proposal (Exhibit C.27) includes an additional 0.59 acres (25,916 sq ft) of enhanced riparian forest habitat located on the north berm immediately adjacent to the existing mitigation area. Invasive plants in this area, which consist predominately of Himalayan blackberry, will be removed, and native plantings will be installed to enhance the existing riparian forest habitat along the Columbia River shoreline down to the OHW elevation (16 feet CRD).

The revised mitigation plan also includes a further addition of 0.47 acres (20,554 sq ft) of riparian area enhancement on the north shoreline of the north berm. Invasive plants in this area will be removed, and native plantings will be installed to enhance the existing riparian habitat along the Columbia River shoreline between elevations 16 feet and 10 feet CRD.

Because the tree removal area along the west site perimeter is already being heavily planted with native trees, it is proposed to mitigate these trees in the expanded mitigation area on the north berm. Based on their caliper size (Exhibit C.8, *Tree Preservation Plan*), and a review of Table 430-3 from 33.430.140, it was determined that the number of new trees required to replace the removed trees is 32.

Total proposed mitigation for the Environmental Zone impact is as follows:

• Riparian forest enhancement (21ft to 16ft CRD):	0.59 acres (25,916 sq ft)
• Shoreline enhancement (16ft to 10ft CRD):	0.47 acres (20,554 sq ft)
• Tree removal:	<u>32 trees planted</u>
Total Environmental Zone Mitigation:	1.06 acres (46,470 sq ft) 32 trees planted

The revised mitigation plan includes a total of 1.06 acres riparian forest habitat enhancement along the shoreline of the Columbia River in an expansion of the existing mitigation area on the north berm. Ultimate habitat values in this area have potential to be much greater than those possible for either the impact areas or the steep riprap slopes of the marina due to its isolation from human activity and its location adjacent to a large, contiguous area of high quality habitat on the Columbia River shoreline.

The result of this proposal, with a slight reduction in overall disturbance area as described above, and with an improved and updated mitigation plan, will be a net gain of forested upland and riparian habitat quantity and quality compared to LU 02-128176. This will result in fewer detrimental impacts to identified resources and functional values than other practicable alternatives considered for the project.

Any natural function affected by the revised proposal will be adequately replaced by the expanded riparian forest and shoreline enhancement, and overall habitat values and functions will be greater than those proposed in LU 02-128176. All other provisions for mitigation included in LU 02-128176 remain unchanged. This criterion is met.

3. 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, erosion of soils off the site, and downslope or downstream impacts from increased stormwater runoff and erosion off the site.

Construction of Phase I described in LU 02-128176 is on-going and nearing completion. The total construction impact area within the environmental zone is approximately 4.7 acres. Components of Phase I that have been completed include the following:

- Mass grading
- Placement of fill and rough grading along southern and western bank
- Installation of utilities; water, sewer, cable, power, etc.
- Marina dredging
- Grading and planting at north berm Mitigation Area
- Installation of bank protection system
- East berm breach
- Construction of stormwater quality facilities upland and within the basin banks.
- In-water structure construction; sheet pile seawall, main walkways, finger floats, gangway, pilings, and log boom for wildlife enhancement area
- Construction of marina support facilities
- Final grading of public & private roadway system
- Construction of NE Yacht Harbor Drive
- Construction of underground garages for Buildings C and D
- Components of Phase I that are not yet completed include the following:
- Final construction of buildings C and D
- Phase II activities include the following:
- Construction of underground garages for Buildings A and B
- Construction of Buildings A and B

- Planting marina bank areas
- Enhancing an additional 1.06 acres of riparian forest and shoreline habitat on the north berm

The work that is subject to the current proposal includes construction of buildings A and B in a revised configuration. Staging areas, construction methods, erosion control, and tree protection is still as was approved in LU 02-128176.

Mitigation Area Construction

Construction of the Mitigation Area at the north berm has been completed. The applicant is proposing to expand the mitigation area on the north berm by 1.06 acres. This work will involve removal of invasive plant species and planting with native plants only, and will not involve grading.

Riparian Area Construction

No change from LU 02-128176.

Post-construction stormwater management

No change from LU 02-128176.

The City's Bureau of Environmental Services provided significant comments pertaining to impacts of stormwater and the use of pervious pavement. BES will require more detailed information regarding these facilities at permit time, and if additional disturbance area is needed to construct them it is possible that additional environmental review will be required.

The Site Development Section of BDS provided extensive comments regarding flood hazard areas, the floodway, balance cut and fill, floodplain development requirements, geotechnical concerns, stormwater discharge and treatment concerns, and erosion control and construction management. They have included several conditions of approval related to these building code requirements, and the conditions will need to be met at the time of building permit review.

In conclusion, detailed erosion control plans, in addition to floodway analysis, flood proofing information, and other technical information will be required by BDS Site Development prior to construction activity. This technical analysis will ensure that there will be no detrimental impact on resources and functional values in areas designated to be left undisturbed. Although proposed sediment barriers appear adequate to protect resources outside of the proposed disturbance area, City inspectors often note the need for additional sediment control during on-site field inspections. With conditions for allowing City inspectors to require additional sediment barriers if deemed necessary in the field, for additional tree protection measures, and for live stake plantings in stormwater outfall areas, this criterion can be met by the proposal.

4. 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 quantity to replace all lost resource functions and values.

The site is located within City-designated Resource Site 71 of The *Columbia Corridor Industrial/ Environmental Mapping Project*. This document identifies the following functions and values that are present at Resource Site 71:

Riparian strip for wildlife habitat, visual amenity, erosion control, and drainageway functions such as fish habitat, drainage, flood storage, desynchronization, sediment

trapping, and pollution and nutrient retention and removal.

Currently at the Yacht Harbor site these functions are provided by the cottonwood forest riparian strip along the west site perimeter, the riparian wetlands and enhanced upland habitats that cover much of the north berm, and the open water areas of the marina.

Much of Phase I of the project is constructed. Phase I includes mass grading throughout the site, removal of a portion of the eastern berm, construction of the marina, and extensive grading and planting on the north berm to create shallow water habitat, construct wetlands and enhance riparian forested habitat. Other, yet to be constructed features of the mitigation plan for LU 02-128176 include planting the upland buffer strip along a total of approximately 1400 linear feet of the marina shoreline. Other shoreline plantings required by LU 02-128176 included joint planting of Columbia River willow in about 1150 feet of the 2:1 riprap slope along the south and west banks of the marina between the Ordinary High Water elevation (16 feet CRD) and seven feet CRD.

The open water connection that now exists between the marina and the Columbia River provides access for salmonids and other fish to off-channel rearing and resting habitat in the shallow waters along the north berm. The created riparian wetlands on the north berm provide water quality functions as well as food and habitat for wildlife. Dense vegetation throughout much of the north berm traps sediments and provides nesting opportunities for wildlife.

LU 02-128176 established future Environmental Conservation zone boundaries at the edges of the proposed buildings. The environmental zone included a 25-foot wide transition area. For the purposes of the impact analysis, encroachment of the revised building layout shown by the current proposal beyond the limits of the e-zone boundaries established in LU 02 - 128176 is considered impact. All of this encroachment is restricted to areas within the future transition zone.

This proposal also includes eliminating joint riprap planting along the west and south banks of the marina as provided in LU 02 - 128176, and removing seven inventoried trees (trees 6051-6055, 6062 and 6065) in the area of the access ramp structure at the north end of Building A to construct the flood dry-proofed facility.

Total proposed Environmental Zone impact is as follows:

• Transition zone at the west property boundary:	0.13 acres (5,664 sq ft)
• Transition zone at east edge of the west berm:	0.22 acres (9,372 sq ft)
• Eliminate joint riprap plantings:	0.51 acres (22,386 sq ft)
• Tree removal:	<u>7 trees removed</u>
Total Environmental Zone Impact:	0.86 acres (37,422 sq ft) 7 trees removed

This revised mitigation plan provided with this proposal (Exhibit C.27) includes an additional 0.59 acres (25,916 sq ft) of enhanced riparian forest habitat located on the north berm immediately adjacent to the existing mitigation area. Invasive plants in this area, which consist predominately of Himalayan blackberry, will be removed, and native plantings will be installed to enhance the existing riparian forest habitat along the Columbia River shoreline down to the OHW elevation (16 feet CRD).

The revised mitigation plan also includes a further 0.47 acres (20,554 sq ft) of riparian area enhancement on the north shoreline of the north berm. Invasive plants in this area will be removed, and native plantings will be installed to enhance the existing riparian habitat along the Columbia River shoreline between elevations 16 feet and 10 feet CRD.

Because the tree removal area along the west site perimeter is already being heavily planted with native trees, it is proposed to mitigate these trees in the expanded mitigation area on

the north berm. Based on their caliper size (Exhibit C.8, *Tree Preservation Plan*), and a review of Table 430-3 from 33.430.140, it was determined that the number of new trees required to replace the removed trees is 32.

Total proposed mitigation for the Environmental Zone impact is as follows:

- Riparian forest enhancement (21ft to 16ft CRD): 0.59 acres (25,916 sq ft)
- Shoreline enhancement (16ft to 10ft CRD): 0.47 acres (20,554 sq ft)
- Tree removal: 32 trees planted

**Total Environmental Zone Mitigation: 1.06 acres (46,470 sq ft)
32 trees planted**

The revised mitigation plan includes a total of 1.06 acres riparian forest habitat enhancement along the shoreline of the Columbia River in an expansion of the existing mitigation area on the north berm. Ultimate habitat values in this area have potential to be much greater than those possible in either the impact areas or the steep riprap slopes of the marina due to its isolation from human activity and its location adjacent to a large, contiguous area of high quality habitat on the Columbia River shoreline.

The result of this proposal and its revised mitigation plan will be a net gain of forested upland and riparian habitat quantity and quality compared to LU 02-128176. Any natural function affected by the revised proposal will be adequately replaced by the expanded riparian forest and shoreline enhancement.

The current proposal provides 1.06 acres of enhanced riparian forest habitat (in addition to mitigation approved for the 2002 land use review), and to plant 32 new trees, to address 0.35 acres of encroachment into the Transition zone and replacement of 0.51 acres of joint riprap planting. Invasive plant species will be removed in this area and native plants will be installed in an area to extend from the north boundary of the Mitigation Area (approximately the top of the berm) down to the 10 feet CRD. All other provisions for mitigation included in LU 02-128176 remain unchanged.

The proposal will increase the amount and quality of on-site native vegetation by significantly expanding the riparian strip on the Columbia River side of the north berm. The applicant has identified the functional values that currently exist on site, including riparian, wetland, and aquatic functions. The applicant is proposing to impact some of the functional values provided by LU 02-128176, and has sought to replace these functional values as well as enhance the functions and values of on-site resources. This criterion is met.

Monitoring

Monitoring of the mitigation site expansion is proposed by the applicant to occur for three years after planting to ensure that plantings have survived. Monitoring will be conducted by a mitigation specialist and will include an evaluation of the survival of new riparian plantings. Replacement of dead plants is proposed within one planting season for two years. The percent cover of dominant species in the herbaceous strata and percent cover of invasive species will be visually estimated throughout the site to help determine maintenance strategies for invasive species control. Photo monitoring points will be established at representative locations of the site after the site is planted and will be mapped on the site plan; photos will be taken annually at photo points. A brief technical memorandum will be prepared annually that describes herbaceous cover, condition of the woody plantings, presence of invasive species, and includes recommendations for site maintenance and replanting requirements and photographic documentation of the site.

The applicant proposes a detailed monitoring protocol, complete with annual monitoring reports back to city staff. In order to ensure city inspection of newly installed, and two year old successful mitigation plantings, the applicant will be required to obtain a city Zoning Permit upon completion of the mitigation plantings, and following a two-year plant establishment period.

With conditions to ensure that plantings required for this Environmental Review are inspected and maintained, this criterion can be met.

- 5. 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**

Findings: Mitigation for significant detrimental impacts will be conducted on the same site as the proposed development. This criterion is met.

- 6. 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. This criterion is met.

33.805.040 Approval Criteria for Adjustment Review

The approval criteria for signs are stated in Title 32. All other adjustment requests will be approved if the review body finds that the applicant has shown that either approval criteria A. through F. or approval criteria G. through I., below, have been met. Adjustments to the ground floor window requirements of this Title must also meet the additional requirements stated in the ground floor window sections in the base zones.

- A.** Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: The applicant requests 3 Adjustments: to increase the maximum building setback from NE Yacht Harbor Drive from 10 feet to approximately 155 feet for Phase II, Building B; to increase the distance of the main entrances of Phase II, Buildings A and B, from NE Yacht Harbor Drive from 25 feet to approximately 155 feet, and allow the entrances to face the parking areas in the northwest portion of the site instead of NE Yacht Harbor Drive; and to reduce the ratio of interior parking lot landscaping from 45 square feet per parking space to approximately 36 square feet per parking space. The relevant purpose statements and associated findings are found below:

33.562.245 Maximum Setbacks on Commercial Zones

The maximum setbacks that apply to sites in Commercial zones in Pedestrian Districts apply to all sites in Commercial zones in the plan district. The purpose for setback standards of the base zone states the following:

The required building setbacks promote streetscapes that are consistent with the desired character of the different commercial zones. The CN1, CM, CS, and CX setbacks promote buildings close to the sidewalk to reinforce a pedestrian orientation and built-up streetscape. The setback requirements for areas that abut residential zones promote commercial development that will maintain light, air, and the potential for privacy for adjacent residential zones. The setback requirements along transit streets and in Pedestrian Districts create an environment that is inviting to pedestrians and transit users.

The project has been designed to fit the specific needs of this site while meeting the goals of the Hayden Island Plan, to generate financial feasibility, and to promote multiple objectives such as access to transportation facilities, retention/restoration of natural resources, and internal circulation. The proposal incorporates features and spatial design elements that are not required by the code which equally or better meet the purpose of the regulation and Hayden Island Plan District.

The Hayden Island Plan states, *“There is no consistent pedestrian or bicycle network on the island, and, where it does exist, it is circuitous, requiring out-of-direction travel for walking or cycling.”* Neither Light Rail nor transit is directly available to this site. The development area is within a narrow flange between environmental zones. The overall development concept was approved prior to adoption of the Hayden Island Plan, and includes a primary focal point for the development from NW Yacht Harbor Drive in Phase I, Building C. The flange apex of this building fronts NE Yacht Harbor Drive. Placement of Phase II, Building B in a location that meeting the 10-foot maximum building setback would affectively preclude vehicle access to the western portion of the site, and degrading the role of Phase I, Building C as the site focal point from NE Yacht Harbor Drive, as envisioned in the overall site design.

The primary building was set back as permissible under the previous Zoning Code and allows for circulation on the narrow entrance; outside environmentally protected areas. The proposed placement allows for adequate vehicle circulation consistent with the anticipated auto-accommodating characteristics of the CG zone, and better meets the purpose of the regulation given site geometry, existing natural resources and the lack of transit options available to properties on Hayden Island. This criterion is met.

33.532.250 Main Entrance.

Locating the main entrance of a use near the street provides convenient pedestrian access between the use and public sidewalks and transit facilities, and so promotes walking and the use of transit.

The project incorporates additional features and spatial designs not required by the code which equally or better meet the purpose of the regulation and Hayden Island Plan District. The site was approved prior to when the Hayden Island Plan was created and adopted, and includes a primary entrance for Phase I, Building C that meets the intent of the main entrance provisions of 33.532.250. The main entrance of Building C is set as the focus of a view corridor on NE Yacht Harbor Drive, with viewpoints all the way from NE Tomahawk Island Drive. This front of Building C is also a central pedestrian and bicycle distribution hub to the marina and internal circulation system serving the residential buildings deeper in the site.

NE Yacht Harbor Drive is a low-volume street with a 24-foot asphalt auto corridor. This low-volume design is improved to a greater pedestrian scale compared with the local green street depicted in the Hayden Island Plan (having 33 feet of asphalt). The pedestrian scale is larger in proportion to the automotive corridor, the resulting pedestrian crossings are shorter, and the parallel pedestrian corridors are closer to each other.

All other buildings on the site have primary entrances that front the parking areas. They are designed to bring pedestrians safely into the buildings. Neither Light Rail nor transit is directly available to this site. The development is within a narrow flange between environmental zones. The flange apex fronts NE Yacht Harbor Drive. The primary building was set back as allowed under the previous Zoning Code. The setback allows for circulation on the narrow entrance; outside environmentally protected areas. Due to the fully-developed frontage (phase one) on NE Yacht Harbor Drive, it is not physically possible for the future buildings in the approved multi-building site plan to locate their main entrances on NE Yacht Harbor Drive.

The pedestrian orientation and architectural design elements incorporated in this project exceed the standards of the code and meet the intent of the Hayden Island Plan. This criterion is met.

33.266.130 Development Standards for All Other Uses (Parking Lots)

The development standards promote vehicle areas which are safe and attractive for motorists and pedestrians. Vehicle area locations are restricted in some zones to promote the desired

character of those zones. Together with the transit street building setback standards in the base zone chapters, the vehicle area restrictions for sites on transit streets and in Pedestrian Districts:

- *Provide a pedestrian access that is protected from auto traffic; and*
- *Create an environment that is inviting to pedestrians and transit users.*
- *The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles. The setback and landscaping standards:*
- *Improve and soften the appearance of parking areas;*
- *Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;*
- *Provide flexibility to reduce the visual impacts of small residential parking lots;*
- *Direct traffic in parking areas;*
- *Shade and cool parking areas;*
- *Reduce the amount and rate of stormwater runoff from vehicle areas;*
- *Reduce pollution and temperature of stormwater runoff from vehicle areas; and*
- *Decrease airborne and waterborne pollution.*

Previous phases of this project were reviewed under zoning codes that were in effect prior to the current 2015 code. Under the previous code language, interior parking and loading landscape areas were required to equal 10% of the parking and loading area. The previous standard was applied and met in project Phase I. The 2015 code changed to a standard of 45 square feet per parking stall. Under the previous code language a minimum of 13,095 square feet of parking lot landscaping was required for Phases 1 and 2 ($130,950 \text{ sq. ft. parking area} \times 0.1 = 13,095 \text{ sq. ft.}$). The original project design proposed 14,354 square feet of interior landscaping, which exceeded the 10% standard. Under current requirements, the proposed 398 space parking lot (Phases 1 and 2) would require 17,910 square feet of interior landscaping ($398 \text{ spaces} \times 45 \text{ sq. ft.} = 17,910 \text{ sq. ft.}$). As a result, the 14,354 square feet of interior landscaping proposed in the overall site design is 3,556 square feet less than the current standard requires.

The site design has incorporated retention of existing trees along the west side of the site since the 2002 land use approval. This has not changed. Because the trees are within the parking area of Phase II, they provide a significant benefit directly to the Phase II parking area. The retention of these existing mature trees satisfies the requirements of the 2015 code 100% quantitatively, with the additional benefit of starting with mature canopy. The 2015 code requires 57 medium interior trees to be planted for the Phase II parking lot. Under previous codes during the life of this project, 38 trees were required. The existing trees which are being saved in the interior of the Phase II parking lot equates to 59 new medium trees. Therefore, the saving of existing mature trees satisfies the minimum interior parking lot tree requirement. In addition, 15 additional small, medium, and large new trees are being provided dispersed throughout the parking lot to provide uniform canopy coverage to the extent more trees are not practicable. The tree counts from Phases 1A and 1B (Buildings C, D, and Marina) are not considered, only the area calculations. Additional new trees in excess of the quantitative requirements are proposed to fill in the canopy over the entire parking area, with an area need satisfied by the 10% standard.

A core purpose of the landscaping and screening code is the retention and use of existing vegetation, the intent of the code and number of trees is exceeded by the proposal without need of additional area. Significant economic factors are at risk, as strict application of the regulation endangers viability of the project. With the economic changes during the life of this project and lender expectations (no transit or light rail), a minimum parking to unit ratio of 1.5:1 is required. The site plan as proposed currently provides a parking to unit ratio of 1.50:1. Applications of the 2015 Zoning Code would also reduce parking stalls.

The site is not directly served by transit or light rail. The project incorporates additional features and spatial design not required by the code which equally or better meets the purpose of the regulation and District. The parking lots are improved to be attractive to residents. The parking lots are not visible from other right of ways. The parking areas are linear not large open spaces. The site plan shows that the parking areas are adequately shaded. The storm water runoff is address according to Bureau of Environmental Services standards. This criterion is met.

- B.** If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

The CG (General Commercial) zone is intended to allow auto-accommodating development, except where the site is adjacent to a transit street or in a Pedestrian District. The zone's development standards promote attractive development, an open and pleasant street appearance, and compatibility with adjacent residential areas. Development is intended to be aesthetically pleasing for motorists, transit users and pedestrians. The site is not in a residential zone and is not located adjacent to a transit street or in a Pedestrian District, with the exception of an undevelopable 14-foot strip that abuts NE Tomahawk Island Drive, a designated Community Transit Street, approximately 375 feet from the developed portions of the property abutting the northern terminus of NE Yacht Harbor Drive. The proposal features design elements that add to the livability and appearance of the surrounding area and the residential uses proposed in the commercial zone, consistent with the desired characteristics of the CG zone. This criterion is met.

- C.** If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: The overall purpose of the CG zone is allow for auto-accommodating commercial and residential development while ensuring that the projects foster pedestrian and transit-supportive development patterns within areas that are well served by transit. The proposal supports the residential use of the property given site constraints, and the cumulative effect of the adjustments will therefore be consistent with the overall purpose of the zone. Auto-accommodating residential uses are allowable in the CG zone. Other than the maximum building setback and location/orientation of the building main entrances for the Phase II development, the proposal meets the development standards of the Zoning Code. Therefore, the project is still consistent with this overall purpose. This criterion is met.

- D.** City-designated scenic resources and historic resources are preserved; and

Findings: City designated scenic resources are identified on the Official Zoning Map with a lower case "s" and historic resources are designated by a large dot or as being within the boundaries of a Historic or Conservation district. There are no such resources present on the site; therefore, this criterion is not applicable. This criterion is met.

- E.** Any impacts resulting from the adjustment are mitigated to the extent practical; and

Findings: The proposal equally or better meets the purposes of the regulation and District. The impacts are mitigated through design despite the lack of light rail and transit. This criterion is met.

- F.** If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

Findings: Environmental overlay zones are designated on the Official Zoning Map with either a lowercase "p" (Environmental Protection overlay zone) or a "c" (Environmental Conservation overlay zone). This 24 acre site has undergone extensive environmental review, and is the subject of a concurrent environmental review proposal to modify LU 02-

128176 EN AD, under which the proposal was originally approved. The site design serves overall to minimize the impacts to and to improve the resources and resource values of the environmental zone. This criterion is met.

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.

The General Commercial base zone allows a maximum building height of 45 feet, and this will be met at building permit time.

The site is within the Portland International Airport Noise Impact overlay zone which includes standards for residential development. Before a building permit is issued for new residential construction, the owner must dedicate a noise easement to the Port of Portland. The easement authorizes aircraft noise impacts over the grantor's property at levels established by the DNL noise contour (68 DNL in this case). Any increase of the DNL noise level above that stated on the easement will not void nor be protected by the easement. The easement forms are available at the Development Services Center.

New dwelling units allowed by this chapter within the 65 and 68 DNL contours must be constructed with sound insulation or other means to achieve a day/night average interior noise level of 45 dBA. A noise insulation study will be required at the time of building permit review to meet these standards.

Sites that had a Farm and Forest, Limited Single Family, Low Density Single Family, or Medium Density Single Family Comprehensive Plan Map designation on January 1, 1981 or a County Residential Comprehensive Plan designation or zoning on that date are exempt from this prohibition. Sites that have a commercial Comprehensive Plan Map designation are prohibited from developing to a residential density higher than that of the R1 zone.

The applicant provided evidence in City File #01-177639 PR that the property allowed residential uses on January 1, 1981.

OTHER TECHNICAL REQUIREMENTS

Technical decisions have been made as part of this review process, based on other City Titles, as administered by other City service agencies. These related technical decisions are not considered land use actions. If future technical decisions result in changes that bring the project out of conformance with this land use decision, a new land use review may be required. The following is a summary of technical requirements applicable to this proposal. This list is not final, and is subject to change when final permit plans are provided for City review.

Bureau	Code Authority and Topic	Contact Information
Water Bureau	Title 21 - Water availability	503-823-7404 www.portlandonline.com/water
Environmental Services	Title 17; 2014 Stormwater Manual	503-823-7740 www.portlandonline.com/bes
Fire Bureau	Title 31 Policy B-1 - Emergency Access	503-823-3700 www.portlandonline.com/fire
Transportation	Title 17 - Transportation System Plan	503-823-5185 www.portlandonline.com/transportation
Development Services	Title 24 - Building Code, Flood Plain, Site Development; Title 10 - Erosion and Sediment Control	503-823-7300 www.portlandonline.com/bds

Bureau	Code Authority and Topic	Contact Information
Urban Forestry	Title 11 – Trees	503-823-8733 http://www.portlandoregon.gov/trees/

In addition BDS Site Development Section staff has provided the following requirements:

Permits

Building permits from the Bureau of Development Services will be required for the proposed buildings and improvements on private property.

Flood Hazards

The site is located in the Special (100-year) Flood Hazard Area as shown on Flood Insurance Rate Map (FIRM) Panel [410183 0085 F](#) dated November 26, 2010, Zone AE. The base (100-year) flood elevation is 31.8 feet NAVD 1988 datum based on the [November 2010 FEMA Flood Insurance Study](#).

In addition, the site is located within the 1996 Flood Inundation Area. The elevation of the 1996 Flood was measured to be one (1) foot above the 100-year flood. As such, the adjusted (design) base flood elevation is 32.8 feet NAVD 1988 datum (27.5 feet Columbia River datum). The flood protection elevation is 32.8 ft + 1 ft = 33.8 feet NAVD 1988 datum (28.5 feet Columbia River datum).

All development in the floodplain is subject to the applicable requirements of [Chapter 24.50, Flood Hazards](#). A detailed review of the proposed development will be undertaken with the review of the permit applications for the proposed work.

Floodway

A portion of the site is mapped within the Floodway as shown on the FIRM referenced above. Development (including fill) within the Floodway is prohibited unless it is demonstrated the development will result in no increase in base flood elevations through a technical (no-rise) analysis stamped by a professional engineer licensed in the State of Oregon.

The drawings submitted with the October 28, 2015 Gateway National Corporation memorandum show the Floodway boundary. The boundary does not match the City GIS overlay as shown in Figure 1 below. It is the applicant's responsibility to correctly delineate the Floodway boundaries. Based on the City GIS overlay, portions of the proposed mechanically stabilized earth (MSE) fill slope will be located within the Floodway. It does not appear the proposed buildings will be located in the Floodway.

A technical no-rise analysis, stamped by a professional engineer licensed in the State of Oregon, will be required if fill will be placed within the Floodway. The April 11, 2003 Harper Houf Righellis, Inc., no-rise analysis may be submitted with copies of the grading plan that served as the basis for the no-rise analysis and the proposed grading plan for this development, provided the plans show the same grading in the Floodway. If the proposed grading in the Floodway is different, then a revised no-rise analysis prepared by Harper Houf Righellis Inc., (now Harper Houf Peterson Righellis Inc) would need to be submitted. Otherwise, a new technical no-rise analysis would need to be submitted.

Balanced Cut and Fill

A variance to the flood storage compensation (balanced cut and fill) requirements was granted as summarized in the LU 02-126176 EN AD decision.

Floodplain Development Requirements

Elevation certificates will be required in conjunction with the building permits for this project.

Please be aware that the drawings show the Building A and Building B parking garages below the flood protection elevation. Floodproofing of residential-use structures is prohibited. In order to allow a basement parking garage, the structure must include a non-residential-use component to create a mixed-use building. In this case, the non-residential-use component would need to be permanently dedicated to a non-residential-use through a restrictive covenant.

Non-residential and mixed-use structures may be dry-floodproofed. Dry-floodproofed means that below the flood protection elevation, the structure is watertight with walls substantially impermeable to the passage of water, having structural components capable of resisting hydrostatic and hydrodynamic loads

and effects of buoyancy. The garage entrance must be at or above the flood protection elevation. In mixed-use structures, all residential-use areas must be at or above the flood protection elevation.

Structural integrity must be maintained during floods exceeding the 100-year flood. This has previously been accomplished on similar projects by providing an automatic emergency internal flooding system (e.g. snorkels) to equalize the internal and external hydrostatic pressures during floods exceeding the floodproofed elevation. The automatic emergency internal flooding system must have capacity to raise and lower the internal water level at a rate comparable to the anticipated rate of rise of flood water.

Note: Sheet C5.1 shows helical uplift anchors will be installed to resist uplift forces. Helical anchors may be submitted as a bidder design item but *may not be submitted as a deferred submittal*. The design calculations and drawings stamped by a professional engineer licensed in the State of Oregon will be required to be submitted at the time of building permit application. The drawings will need to include a verification and proof-load testing program. The load testing program must account for the groundwater table elevation at the time of load testing versus design. Accounting in the difference in groundwater elevation will likely increase the required load applied to the anchor during testing.

Please be aware that FEMA is undergoing consultation with NOAA's National Marine Fisheries Service (NMFS) with regard to the effects of the National Flood Insurance Program on endangered species. The consultation is expected to result in the issuance of a biological opinion that may require significant changes to standards for development in and adjacent to flood hazard areas. Potential changes to development standards and the timeline for implementation of changes are not presently known. It is possible that some changes may take effect immediately. Accordingly, there is significant uncertainty and potential risk currently associated with development in and adjacent to flood hazard areas.

Geotechnical Engineering

Geotechnical engineering reports specific to the proposed development will be required to be submitted at the time of building permit application. The reports must include recommendations for the design and construction of the proposed improvements including excavation and shoring and mechanically stabilized earth fill slopes. The report must include a quantitative analysis of liquefaction, soil strength loss, and lateral spread evaluated for site peak ground acceleration, earthquake magnitude, and source characteristics consistent with the Maximum Considered Earthquake (MCE) ground motions.

The project includes mechanically stabilized earth (MSE) slopes. A review of the MSE slopes will be undertaken at the time of building permit review. MSE slopes may be submitted as a bidder design item but *may not be submitted as a deferred submittal*. The design calculations and drawings stamped by a professional engineer licensed in the State of Oregon will be required to be submitted at the time of building permit application. The calculations will need to demonstrate adequate factors of safety for internal and global slope stability under static and earthquake loading.

The project will include stone column ground improvement. Drawings C5.0 and C5.2 submitted with the land use application show the stone column layout based on the designs submitted for Buildings C and D as noted in the October 28, 2015 Gateway National Corporation memorandum. Preliminary copies of the geotechnical report and ground improvement design were not provided.

The ground improvement design drawings and calculations stamped by a professional engineer licensed in the State of Oregon will be required at the time of building permit application. The ground improvement design may be a bidder design item, but may not be a deferred submittal item. A review of the ground improvement design will be undertaken at the time of building permit review.

Please note, the liquefaction analysis code requirements have changed since the approval of the Building C and Building D permit applications. The 2014 Oregon Structural Specialty Code requires the potential for liquefaction and soil strength loss be evaluated for site peak ground accelerations, earthquake magnitudes, and source characteristics consistent with the maximum considered earthquake ground motions. This may result in changes to the ground improvement designs from Buildings C and D.

Stormwater Discharge and Treatment

The Bureau of Environmental Services will review the project for conformance to the [2014 Stormwater Management Manual](#). Site Development reviews proposed onsite infiltration facilities for conformance with slope and building setbacks.

The preliminary utility plan shows offsite discharge of stormwater. As such Site Development takes no exceptions to the proposed stormwater facilities.

Note: The stormwater disposal system proposes to use mechanical water quality treatment against the hierarchy of the 2014 Stormwater Management Manual. Site Development should review the utility plans and grading plans if changes to the stormwater disposal system are required and result in changes to these plans.

Erosion Control and Construction Management

Erosion prevention and sediment control requirements found in [PCC 10](#) apply to all construction related ground disturbing activities. The proposed construction will be required to comply with PCC 10. A detailed review of the Erosion Control and Construction Management plans will be undertaken with the review of the permit applications for the proposed work.

The site qualifies as a Special Site per PCC [10.30.030](#) with additional requirements for erosion, sediment and pollution control. An erosion control plan prepared by a Certified Professional in Erosion and Sediment Control (CPESC) or State of Oregon registered professional engineer will be required at the time of permit application.

Zoning Code Section 33.800.070 provides that conditions of approval may be applied to ensure the enforcement of other City titles. Accordingly these requirements will be included as conditions of approval.

CONCLUSIONS

The applicant proposes to develop “Phase 2” of this Yacht Harbor at Hayden Island project, including buildings a and B and associated parking areas utilities and stormwater management facilities. Several revisions to the previous 2002 Environmental Review are proposed in the current land use review. In addition several Adjustments to development standards which became part of the Zoning Code since 2002, are proposed to the applicant in their findings above, have demonstrated that the applicable approval criteria for Environmental Review and for Adjustment Review are met, or can be met with conditions of approval. Further city service bureaus have provided comments regarding additional requirements required by other city titles. These requirements have been included below in the forms of conditions of approval and must be shown to be met at the time of for building permit submittal.

Note that only those portions of the 2002 environmental review specifically revised by the current land use review above have changed. All other approvals and conditions of approval from LU 02-128176 EN AD continue to apply.

The applicants and the above findings have shown that the proposal meets the applicable approval criteria with conditions. Therefore, this proposal should be approved, subject to the following conditions.

ADMINISTRATIVE DECISION

Approval of an Environmental Review for:

- Construction of Buildings A and B and all associated parking lot and utility improvements, within the Environmental Conservation overlay zone;

Approval of an Adjustment Review to modify the following standards:

- 33.532.245 Maximum Setbacks in Commercial Zones (Hayden Island Plan District).
- 33.532.250 Main Entrance (Hayden Island Plan District).
- 33.266.1230.G.3.a Parking and Loading-Interior Landscaping, to reduce the ratio of interior parking lot landscaping to 35 square feet per parking space.

all in substantial conformance with Exhibits C3, C8, C 10, C 27, and C 28, as approved by the City of Portland Bureau of Development Services on **May 5, 2016**. Approval is subject to the following conditions (unless specifically revised by this decision, conditions of approval listed in the decision for LU 02-128176 EN AD continue to apply:

A. BDS building permits are required for proposed buildings and improvements on the site. Additionally, a BDS Zoning Permit is required for inspection of required mitigation plantings. Copies of the stamped Exhibits C. 27 and C. 28 from LU 15-100863 EN AD and Conditions of Approval listed below, shall be included within all plan sets submitted for permits (building, Zoning, grading, Site Development, erosion control, 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 LU 15-100863 EN AD Exhibits C.3 through C.29”***

Construction Permits shall not be finaled until a BDS Zoning Permit is obtained issued for inspection of mitigation plantings required in Condition C below.

In addition:

1. Building permit plans shall demonstrate that the buildings do not exceed 45 feet in height.
2. Building permit plans shall demonstrate compliance with all current Zoning Code parking and loading regulations, except those Adjusted by this land use review.
3. As part of any building permit application, the applicant shall dedicate a noise easement to the Port of Portland.
4. As part of any building permit application, the applicant shall provide a noise insulation study review to demonstrate that sound insulation or other means will achieve a day/night average interior noise level of 45 dBA.
5. Development (including fill) within the Floodway is prohibited unless it is demonstrated, to the satisfaction of BDS Site Development staff, that the development will result in no increase in base flood elevations through a technical (no-rise) analysis stamped by a professional engineer licensed in the State of Oregon.
6. The applicant’s permit plans shall correctly delineate the Floodway boundaries, for review and approval by BDS Site Development staff.
7. As part of any building permit application, the applicant shall provide a technical no-rise analysis, stamped by a professional engineer licensed in the State of Oregon if fill will be placed within the Floodway, for review and approval by BDS Site Development staff.
8. Elevation certificates shall be obtained by the applicant as part of building permit application process, for review and approval by BDS Site Development staff.
9. Flood proofing of residential-use structures is prohibited. A non-residential-use component shall be permanently dedicated through a restrictive covenant, and such a recorded covenant shall be included with building permit application materials for review and approval by BDS Site Development staff.
10. Plans submitted for building permit application shall clearly show: the garage entrance at or above the flood protection elevation; and in mixed-use structures, all residential-use areas at or above the flood protection elevation, for review and approval by BDS Site Development staff.
11. Plans submitted for building permit application shall clearly show: automatic emergency internal flooding system with capacity to raise and lower the internal water level at a rate comparable to the anticipated rate of rise of flood water, for review and approval by BDS Site Development staff.
12. Helical uplift anchor design calculations and drawings stamped by a professional engineer licensed in the State of Oregon shall be submitted at the time of building

permit application, for review and approval by BDS Site Development staff.

13. Geotechnical engineering reports specific to the proposed development shall be submitted at the time of building permit application, and shall provide recommendations for design and construction of pervious pavements, for review and approval by BDS Site Development staff.
 14. The design calculations and drawings, of the mechanically stabilized earth (MSE) slopes, stamped by a professional engineer licensed in the State of Oregon, will be required to be submitted at the time of building permit application, for review and approval by BDS Site Development staff.
 15. The stone column ground improvement design drawings and calculations stamped by a professional engineer licensed in the State of Oregon will be required at the time of building permit application, for review and approval by BDS Site Development staff.
 16. An erosion control plan prepared by a Certified Professional in Erosion and Sediment Control (CPESC) or State of Oregon registered professional engineer shall be submitted as part of building permit application, for review and approval by BDS Site Development staff.
- B.** Temporary construction fencing shall be installed according to tree protection measures in Title 11 Tree Code, chapter 11.60, except as specified below. Temporary, 4-foot high, construction fencing shall be placed along the Limits of Construction Disturbance for the approved development, as depicted on Exhibit C.8 Construction Management Plan-Tree Preservation Plan, or as required by inspection staff during the plan review and/or inspection stages.
1. No mechanized construction vehicles are permitted outside of the approved "Limits of Construction Disturbance" delineated by the temporary construction fence. All planting work, invasive vegetation removal, and other work to be done outside the Limits of Construction Disturbance, shall be conducted using hand held equipment.
- C.** The applicant shall obtain a BDS Zoning Permit for approval and inspection of a mitigation plan for a total of 1.06 acres of riparian forest habitat enhancement, and a total of 32 native trees to be planted, in substantial conformance with Exhibits C.27 and C.28 Mitigation Plan, in addition to mitigation already required by LU 02-128176 EN AD. Any plant substitutions shall be selected from the *Portland Plant List*, and shall be substantially equivalent in size to the original plant.
1. Permit plans shall show the approximate location of the trees, shrubs and ground covers required by this condition to be planted in the mitigation area and labeled as "new required landscaping". The plans should illustrate a naturalistic arrangement of plants and should include the location, species, quantity and size of plants to be planted.
 2. Plantings shall be installed between October 1 and March 31 (the planting season).
 3. 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.
 4. All mitigation and remediation shrubs and trees shall be marked in the field by a tag attached to the top of the plant for easy identification by the City Inspector. All tape shall be a contrasting color that is easily seen and identified.
 5. After installing the required mitigation plantings, the applicant shall request inspection of mitigation plantings and final the BDS Zoning Permit.
- D. 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.

- E.** 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.

Staff Planner: Stacey Castleberry

Decision rendered by:  **on May 5, 2016**
By authority of the Director of the Bureau of Development Services

Decision mailed: May 10, 2016

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.

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 January 5, 2015, and was determined to be complete on July 6, 2016.

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 January 5, 2015.

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 waived the 120-day review period, as stated with Exhibit (Exhibit A. 1). **The 120 days will expire on: July 6, 2016.**

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 May 24, 2016** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th 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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, 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 after **May 25, 2016 – (the day following the last day to appeal)**.
- 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:

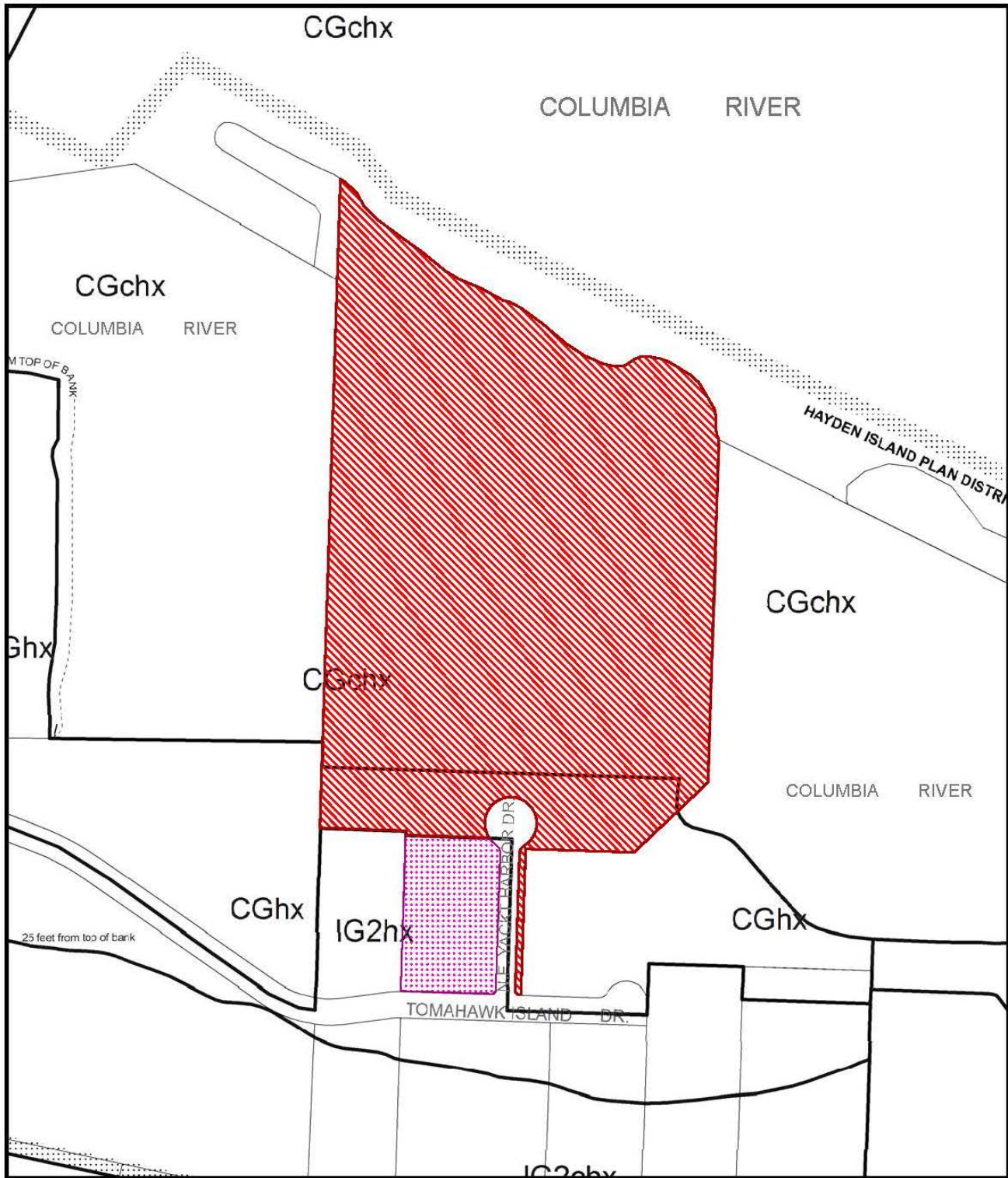
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statements and 120-day waiver
- B. Zoning Map (attached)
- C. Plans/Drawings—Exhibits C.1 through C.29:
 - C. 3 Proposed Development Plan (attached)
 - C. 8 Tree Protection Plan (attached)
 - C. 10 Construction Management Plan (attached)
 - C. 27 Mitigation Plan (attached)
 - C. 28 mitigation Plan Planting Table (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. Bureau of Parks, Forestry Division
- F. Correspondence:
 - (no other correspondence received)
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete letter

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



NORTH

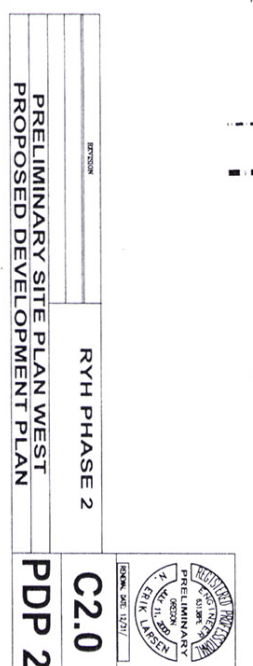
This site lies within the:
HAYDEN ISLAND PLAN DISTRICT

File No. LU 15-100863 EN, AD
 1/4 Section 1830, 1831, 1930, 1931
 Scale 1 inch = 300 feet
 State_Id 2N1E35 200
 Exhibit B (July 30, 2015)

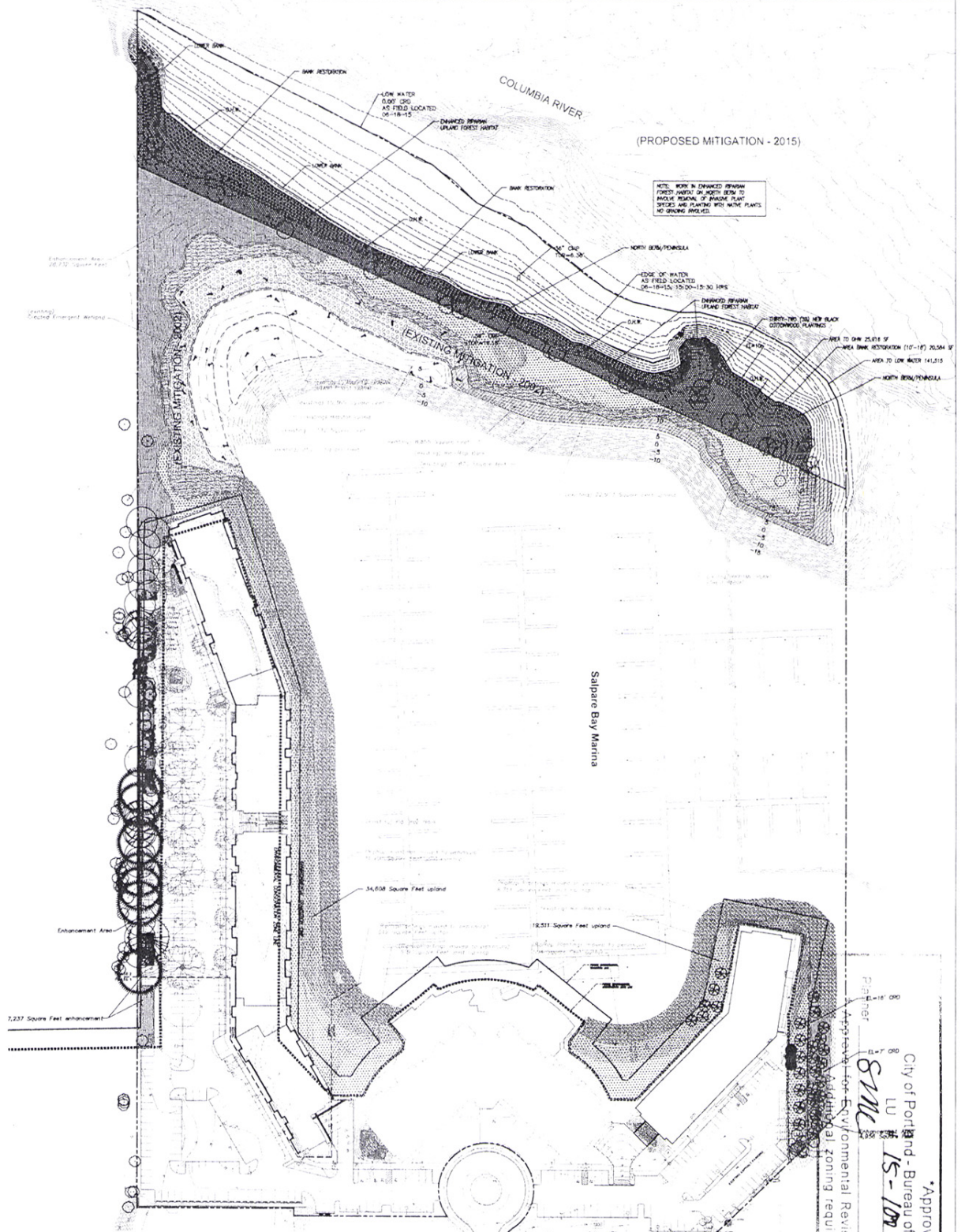
[illegible]

Figure 6. The effect of the concentration of the polymer solution on the morphology of the electrochromic film. The concentration of the polymer solution was 0.05 g/L (A), 0.1 g/L (B), 0.2 g/L (C), and 0.3 g/L (D).

Yacht Harbor LLC - Residences at Yacht Harbor



[illegible][illegible]



Approved

City of Portland - Bureau of Development Services

LU # 15-10M 803 E.U. 4D

8MC

Date 5/5/18

Date 5/5/18


GATEWAY
NATIONAL
CORPORATION
2501 NE 134th Street,
Vanouver, WA 98086

Approved for Environmental Review only. Not a building permit.
Additional zoning requirements may apply.

NOTE: WORK IN ENHANCED REDBANK FOREST/WADAT ON NORTH BEAM TO INVOLVE RESIDENTIAL OF INVASIVE PLANT SPECIES AND PLANTING WITH NATIVE PLANTS. NO GRINDING INVOLVED.

(PROPOSED MITIGATION - 2015)

Salpares Bay Marina

Plant Communities

Pressure current
Zone 1, 3' - 7' CRD

Pressure sand/silt
Zone 2, 7' - 12' CRD

Riparian Wetland	Upland Buffer
Zone 3, 12-16' CRD	Zone 4, 16' + CRD

100

Joint Rip-rap Planting

7-16 CND

11

Enhanced Riparian
Upland Forest, 16+ CRD
Bank Restoration, 10-16 CRD

STURBANACE AREA IN CURRENT MAPPED ENVIRONMENTAL ZONE FOR PHASE 2

SECTION OF DEVELOPMENT:

THE AREA OF TEMPORARY DISTURBANCE IS CURRENTLY MAPPED ENVIRONMENTAL

ONE IS 136,998 SQUARE FEET (3.14

AREA PREVIOUSLY DISTURBED DURING

CONSTRUCT GROUND IMPROVEMENTS AND MARINA CONSTRUCTION, IN ORDER TO

ASSESSMENTS FOR BUILDINGS A AND B.

THE AREA OF PERMANENT DISTURBANCE IS CURRENTLY MAPPED ENVIRONMENTAL.

ONE IS 109,655 SQUARE FEET (2.52
RES)

1020

0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	4
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RHYTHM PHASE 2

DIATION PLAN

L
PLAN

RYH PHASE 2

5400

ALLOCATION PLAN

LAN

REGISTERED PROFESSIONAL ENGINEER
61138K
PRELIMINARY
OREGON
N. 11/30/2004
ERIK LARSEN

PDMM DATE: 12/31/

Exhibit C.27

Yacht Harbor LLC - Residences at Yacht Harbor

Seed Type	Common Name	Scientific Name	% PLS/Lb
Seed Mix A	Sage Grass	<i>Agropyron erecto</i>	2.50%
	Stout Sedge	<i>Carex demissa</i>	15.00%
	Stretweel	<i>Hierium nuttalliae</i>	2.25%
	Dogleg-hair Rush	<i>Juncus erioloba</i>	0.25%
Application Note: 27 lb PLS/acre	Common wildflower	<i>Psoraleum hydropiperoides</i>	50.00%
	Total		100.00%

<u>Credited/Enhanced Areas</u>			
Upland, Box, & wetland Mitigation Planting	4.12 ac.	3.89 ac.	
Enhancement Area	0.71 ac.	0.94 ac.	
Nature seed removal, native planting	0.07 ac. (seed 27)		
Soil Total	4.83 ac. (seed 27)	4.83 ac.	
Removal of mounds (road plantings in lieu of community seed enhancement)		0.51 ac. (22,386 sf)	
Additional riparian shore enhancement (forest enhancement)		0.47 ac. (20,544 sf)	
Additional north shore enhancement (upland upland forest habitat)		0.59 ac. (25,915 sf)	
Area Total		5.39 ac.	

Enhanced Region
Upper Forest, 16+ CND
Rena Enhancement, 10-16 CND

PLANT PER MITIGATION REPORT DATED 6/30/15

Seeds are supplied by Sumona Seeds International, (503) 241-7533

eside

0.000

MITIGATION & R

PRELIMINARY 06/00N N Erik N N	REMARKS: DOL 12/21/	EE 2	C6.3
----------------------------------------------	---------------------	------	------

A. Blend of
Upjohn
Rogers
Patterson
Patterson

B. Blend of
Gardner
John

C. Topsoil
soils. The

D. Provide
Harsanyi
Crabgrass,
autoclaved
herbicide.

E. Provide
autoclaved

- rock, t
- Calcium
- Iron Sul

MITIGATION & R

PRELIMINARY 06/00N N Erik N N	REMARKS: DOL 12/21/	EE 2	C6.3
----------------------------------------------	---------------------	------	------

2.28

Exhibit C.28