



City of Portland
Bureau of Development Services
Land Use Services Division

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Date: July 21, 2008
To: Interested Person
From: Rachel Whiteside, Land Use Services
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NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 08-129090 EN

GENERAL INFORMATION

Applicant: Michael Ross,
Water Bureau
1120 SW 5th Ave Ste 600
Portland, OR 97204

Owner: City of Portland
1120 SW 5th Ave #609
Portland, OR 97204

Consultant: Dennis Petrequin,
Cascade Design Professionals, Inc.
2780 SE Harrison St, Ste 104
Milwaukie, OR 97222

Site Address: NW 109th Avenue & Mt. View Avenue

Legal Description: LOT 1-33 BLOCK 20 LOT 38-53 BLOCK 20 LOT 56-74 BLOCK 20,
FIRST ADD TO LINNTON

Tax Account No.: R283500830

State ID No.: 1N1W03AC 01100

Quarter Section: 1918

Neighborhood: Forest Park, contact Jim Emerson at 503-283-4096. Linnton, contact Kerrigan Gray at 503-778-2444.

Business District: None

District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Northwest Hills - Forest Park Subdistrict

Other Designations: Forest Park Natural Resources Management Plan (NRMP)

Zoning: OSp – Open Space “OS” with Environmental Protection Overlay zone “p”

Case Type: EN – Environmental Review

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

Proposal:

The Water Bureau proposes a resource enhancement project to demolish an antiquated and leaking water reservoir and replant the area with native plants. The reservoir is an in-ground concrete vault, located within Forest Park between NW Mountain View and NW 109th Avenues.

However because these streets exist on paper only, the site is accessed via a trail that begins at the intersection of NW 4th Street and NW 107th Avenue. The trail follows the platted right-of-way approximately 1800 feet uphill to the reservoir site. The total disturbance area proposed for construction access and tank demolition is approximately 20,600 square feet.

The site is thickly vegetated with a high number of trees. The proposed grading and construction plan does not require removal of any trees, however two trees may be impacted due to cuts or fills within their drip lines. The applicant believes these trees will recover, but the Mitigation Plan includes trees and shrubs to compensate for these two trees in addition to the disturbance area of the reservoir demolition.

The site is located within the Forest Park Natural Resources Management Plan (NRMP) and its regulations apply. The proposed tank demolition (resource enhancement) is a minor amendment under the NRMP rules, and therefore, an Environmental Review is required.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. Section 33.430.030 states that, "Natural Resource Management Plans may contain regulations that supersede or supplement the regulations of this chapter. Whenever the natural resource management plan provisions conflict with other provisions of this chapter, the natural resource management plan provisions supersede." In this case the Forest Park NRMP supersedes the regulations of Chapter 33.430. The relevant approval criteria are listed in the Forest Park NRMP under Chapter 8, Implementation Procedures

SITE INFORMATION

Description of the Site: The site is located within Forest Park, surrounded by undeveloped parkland, uphill from the Linton neighborhood. The area is dominated by steep slopes that have precluded development of the platted rights-of-way. There is no other development within approximately 800 feet of the site. The identified site is 4.98 acres, but the area of work is limited to approximately 8,900 square feet in area.

The surrounding area is forested with a combination of coniferous and deciduous trees and a healthy shrub layer. The concrete reservoir structure is partially buried in the ground and exposed where the ground slopes away. Forest litter over the years has created an organic layer on top of the reservoir. Ferns and other herbaceous species are growing on top of the reservoir.

Infrastructure: All of the adjacent rights-of-way – NW 109th Avenue, 108th Place, 108th Avenue, and Mountain View Avenue – are undeveloped. The site is accessed from the nearest developed right-of-way at NW 4th Street and 107th Avenue.

An 8-inch water main runs from the reservoir downhill to NW 4th Street. There is currently no sanitary sewer available to serve the site.

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

The site is part of the *Northwest Hills Natural Areas Protection Plan* and within the *Forest Park Natural Resources Management Plan*. The subject property is identified as part of Resource Site #101 Linton Park. The site provides high quality food and cover sources for wildlife in area. Water is also available on a seasonal basis. The site forest cover is composed of a mix of vegetation types, the most prominent of which is conifer topping hardwood. Also present are

shrubs, mature hardwood and mi-aged conifer. Forest cover protects watershed resources, serves as habitat for wildlife and provides open space, scenic and recreational resources. Identified bird species include pileated woodpecker, screech and saw-whet owls, and sharp-skinned hawk.

Zoning: The OS zone is intended to preserve public and private open and natural areas to provide opportunities for outdoor recreation and a contrast to the built environment, preserve scenic qualities and the capacity and water quality of the stormwater drainage system, and to protect sensitive or fragile environmental areas.

The “p” overlay provides the highest level of protection to the most important resources and functional values. Development will be approved in the environmental protection zone only in rare and unusual circumstances through environmental review.

Land Use History: There are no previous land use reviews on this site.

PUBLIC REVIEW COMMENTS

Agency and Neighborhood Review: A Notice of Proposal in your Neighborhood was mailed on **May 29, 2008**.

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

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

PROJECT ANALYSIS

Impact Analysis and Mitigation Plan: The applicant provided a full description of the proposal as summarized on page 1 of this report. The following discusses developments, other than the one proposed, that were considered by the applicant, as well as describing the construction management, mitigation, and monitoring strategy, as proposed by the applicant. These are described in detail in the applicant’s narrative (Exhibit A.1 in the Application Case File).

Development Alternatives: The applicant described the following alternatives, as required by the approval criteria in the Forest Park NRMP:

The two biggest issues to consider were what demolition process to use and how to best access to the site. Presently the site has limited accessibility via a primitive trail through the forest. The applicant proposes to keep the number of trips to and from the site to a minimum and that the equipment used should be the smallest that is capable of breaking up the structure and positioning it into reservoir cavity.

The applicant evaluated two alternatives for what to do with the demolished structure:

- 1. Removing concrete pieces from the site:** This option would require improving and widening the access trail to the site to accommodate the larger equipment. The trail moves along a hillside, and widening it would require cuts into the bank and removal of or significant damage to the vegetation along the trail. The required grading would expose larger amounts of ground to the impacts of erosion and downhill sedimentation. The concrete removal would leave the site in a predevelopment condition, but would cause greater damage to the access trail and surrounding area than if the concrete remained on site.
- 2. Leaving the concrete pieces on site:** This option proposes to leave concrete pieces on the site in the reservoir cavity filling the voids. Concrete would be covered with stockpiled

topsoil and organic litter. The applicant proposes this option to eliminate the need for heavier equipment required to remove the concrete and reduce the disturbance to the site.

The applicant considered two alternatives methods describing what demolition process to use:

1. Implode the structure: The implosion process requires placement of a cable blanket or other device around the reservoir. This will require multiple trips to the site to bring the material on site and will require equipment to help place it. The actual implosion will be quicker than the machine operated demilotion, however the preparation for the implosion will be time consuming and will require more trips to and from the site on the trail to transport the material for the cable blanket that is needed to cover the reservoir during the implosion.
2. Use equipment: This option proposes to use a tracked multi-terrain loader equipped with a hydraulic hammer and bucket to break down the concrete and push the concrete structure pieces into the cavity. Equipment will be needed at the water reservoir site for both types of demolition to move the concrete pieces into the center of the reservoir site. Therefore the applicant recommends this demolition method.

Both demolition methods require access around the structure and access to the site with small track vehicles for moving material and re-grading. Both methods will involve grading and disturbance immediately adjacent to the site.

Proposed Construction Management Plan (CMP): The applicant proposes to install erosion control treatments around the down slope perimeter of the disturbed area. The limit of work will be clearly demarked to mitigate impacts to the surrounding vegetation. Proposed fencing will be placed around tree stands and ground that is not to be disturbed. The applicant will use a small rubber tired all-terrain vehicle to transport erosion control and other required materials to and from the site.

Applicant-Identified Development Impacts: The total site disturbed area will be 20,600 square feet. The applicant has identified approximately 8,900 square feet around the water reservoir. This includes an area to stockpile topsoil and organic material from the top of the reservoir and the disturbed areas around the base of reservoir. The remaining disturbed area is the ground along the access trail, which adds up to approximately 11,700 square feet. The most significant impacts will be to the areas closest to the reservoir where grading will occur. The access trail will not be graded; the only impacts will be to the existing vegetation within the pathway of the trail.

The proposed grading and construction plan does not require removal of any trees, however there are two trees – a 14-inch alder and an 18-inch maple – that have proposed grade cuts or fills within more than one-third of their drip lines. Mitigation for possible damage is discussed below.

Proposed Mitigation: As shown on the Mitigation Plan (Exhibit C.10), the planting on the site will include a mix of coniferous and deciduous trees, shrubs, and groundcovers similar to those found in surrounding area. Stockpiled ferns that were growing on top of the reservoir will be replanted. Any trees that are permanently damaged will be mitigated for and replaced.

The destruction of one 14-inch alder and one 18-inch maple requires six new trees or two new trees and six shrubs. The applicant proposes to enhance the site by planting 10 evergreen trees, 75 shrubs, 43 ferns, and 12 pounds of native grass seed mix. All plant species are listed on the *Portland Native Plant List*. All remaining disturbed areas will be planted with native seed mix for added erosion control. The seeded areas will be covered with an erosion protective layer of straw.

Proposed Monitoring Plan for Mitigation: The applicant notes that planting will occur during the early fall to limit the period of time that the plants are in place before the fall and winter rain

begins. Dri-water product will be added to the planting holes for the trees, shrubs and ferns at a rate recommended by the manufacturer. No additional monitoring was proposed.

ZONING CODE APPROVAL CRITERIA

The relevant approval criteria, listed in the Forest Park NRMP under Chapter 8, Implementation Procedures, are:

a. There is a demonstrated need for the proposal;

Findings: The Upper Linnton Reservoir is an antiquated facility that does not meet earthquake standards and is leaking large amounts of drinking water into the forest, destabilizing the surrounding slopes. Moreover the concrete structure is an anomaly in the forest, limits plant growth and is a potential safety hazard. The isolated location of water reservoir makes it difficult for the Water Bureau to maintain any kind of operational standards or general upkeep. With the new Springville Road Reservoir, the Upper Linnton Reservoir is no longer needed.

Demolishing the structure onto itself eliminates the hazards the structure poses at the present time. Using the existing soil on top of the structure to regrade the area and then planting with native vegetation will allow the site to return to a natural state and enhance the forest setting. *This criterion is met.*

b. The proposal is consistent with the Forest Park NRMP goals and strategies;

Findings: The *Forest Park Natural Resource Management Plan* identifies four goals and ten strategies. There are two Conservation Goals and two Recreational and Educational Goals. Balancing goals is discussed in the *FPNRMP* because there is an existing gradation of recreational use that results in a gradation of user impacts. The management units were created so that each unit could be treated individually, helping the park retain or improve its most valuable natural resources, retain important values, and reduce conflicts.

The strategies were developed to help reach the goals. They are:

1. Implement Sustainable Resources Program
2. Divide Forest Park into Management Units
3. Acquire and Protect Additional Land
4. Manage Recreation to Protect Natural Resources
5. Improve interpretive, educational and research opportunities
6. Improve Public Access
7. Improve Park Safety
8. Develop Recreational Opportunities at Other Sites
9. Improve Park Staffing and Funding
10. Continue Public Involvement

Strategies 2, 3, 4, 6, 7, 8 and 9 do not directly apply to the proposal.

The Recreation and Education Goals 1 & 2; Conservation Goals 1 & 2; and Strategies 5 and 10 represent broader management goals that do not specifically apply to the proposal. While these goals and strategies are not specifically applicable, the design, implementation and management of the proposed project is consistent with these broader goals.

Strategy 1 directly applies to the proposal and will be discussed in more detail below. The language of the *Forest Park NRMP* is shown in italic.

Strategy 1. Implement Sustainable Resources Program

Protection of natural resources is top priority and will be implemented through a new Sustainable Resources Program (SRP) for Forest Park. The essence of the program is regular monitoring of natural resource functions and values couple with effective management response aimed at sustaining resources over time. Elements of the program are monitoring of resources and pests, core preserves, resource enhancement and restoration, exotic vegetation control, fire management, impact mitigation, and periodic review.

The following activities are means to implement this strategy, which addresses protection of the natural resources as a top priority. The activities are as follows:

Monitor Resources:	The demolition and subsequent planting provide and opportunity to monitor restoration efforts.
Monitor Pests:	This project does not influence this strategy.
Core Preserves:	This project will restore and enhance an interior portion of the park back to a natural condition.
Enhance Resources:	This project will enhance resources through increased plant diversity and habitat area.
Restore Resources:	Removal of the concrete reservoir structure will restore an interior portion of the park back to a natural condition.
Control Exotic Vegetation:	During the demolition and subsequent native planting, invasive plants found in the project area will be removed and disposed.
Manage Fire Hazards:	This project does not influence this strategy.
Mitigate Outside Impacts:	Removal of the concrete reservoir structure will eliminate a non-park use that currently negatively impacts the resources of Forest Park.
Review Periodically:	This project does not influence this strategy.

This project is consistent with the goals and strategies of the Forest Park NRMP, therefore *this criterion is met.*

c. Alternative locations and design modifications were evaluated to show that the proposal has the least significant detrimental environmental impact of the practicable alternatives; and

Findings: On pages 3-4 of this report, alternative demolition techniques considered by the applicant were summarized. The alternatives looked at both how to demolish the structure and what to do with the demolished materials.

The applicant's proposal to use a tracked multi-terrain loader, equipped with a hydraulic hammer and bucket, to break down the concrete structure and push the concrete pieces into the cavity requires the fewest trips up and down the narrow access path. This method also requires the least amount of grading after the structure is demolished. *This criterion is therefore satisfied.*

d. A construction management plan and mitigation plan will minimize impacts on resources and restore adjacent disturbed areas.

Findings: The applicant's proposed construction management plan (CMP) and mitigation plan are described on pages 4 and 5 of this report. The CMP will be effective because it provides realistic limits to disturbance while containing the necessary elements (e.g., highly

visible construction fencing, a workable erosion control plan, and tree protection) and it is apparent that the applicant has carefully thought through the potential impacts of construction activities on the property. The proposed CMP will provide protection for the resources and values in areas designated to be left undisturbed for these reasons.

BDS Site Development staff has noted that the project area meets the criteria specified in PCC Section 10.30.030 as a Special Site with additional requirements for erosion, sediment, and pollution. An erosion control plan prepared by a Certified Professional in Erosion and Sediment Control (CPESC) or State of Oregon registered professional engineer, and special inspections by the CPESC or PE during construction, may be required at the time of building permit application.

The Mitigation Plan has two parts: First, the plan will mitigate for the loss of resource that may be permanently damaged by the demolition activities. Secondly, the Mitigation Plan proposes to enhance the functional value of the forest resource by planting 8 trees, 69 shrubs, and 43 ferns beyond what is required by Table 430-3.

The mitigation plan will compensate for impacts at the site for the following reasons:

- All disturbance areas will be planted with native vegetation.
- Native vegetation will replace an unnatural concrete structure.
- The mitigation plantings will increase species diversity to improve wildlife habitat in an area that previously had limited vegetation.
- The plantings will provide assistance with pollution and nutrient retention and removal, sediment trapping and erosion control.

Mitigation plantings should be installed during the rainy season to avoid mortality of new plantings associated with Portland's summer drought climate. The site has a low instance of invasive weeds (such as Himalayan blackberry and English ivy), but should they be present within the areas to be planted, they must be removed to prevent competition for light and water, with new native plantings. Plantings should be tagged in the field for easy inspection by monitoring workers and City inspectors.

Plantings on the proposed Mitigation Plan are to be installed and maintained under the regulations outlined in Section 33.248.090.A-E (Mitigation and Restoration Plantings). The applicant has not proposed a monitoring plan, however a one-year monitoring report is required by Standard E to document survival of proposed mitigation plantings. Therefore, with conditions for submittal of the monitoring reports to City staff, to plant during Portland's rainy season, to remove invasive weeds near mitigation plantings, and to flag mitigation plants in the field for easy identification, *this criterion is met.*

Additional criteria required by Plan Districts

Section 33.563 Northwest Hills Plan District

According to the Northwest Hills Plan District Map 563-1, the subject site is located in the Forest Park Subdistrict of the Northwest Hills Plan District.

Balch Creek Subdistrict

33.563.210 Additional Approval Criterion. In addition to the applicable approval criteria of Section 33.430.250, an environmental review application will be approved if the review body finds that the all of the following approval criteria are met:

A. The location, quantity and structural characteristics of forest vegetation will be sufficient to provide habitat and maintain travel corridors for the following indicator species: pileated woodpecker, sharp-shinned hawk, Roosevelt elk, white-footed vole, and red-legged frog. Standards to meet this criteria are in the applicable Habitat Evaluation Procedure developed by the US Fish and Wildlife Service.

Findings: The proposed reservoir demolition will have negligible impacts on the forest quantity, quality and structural characteristics. As demonstrated above, in Subsection C of

the *Forest Park Natural Resources Management Plan*, the approval criteria for a minor amendment have been satisfied. Only under-story vegetation – shrubs and groundcovers - will be removed within the immediate area of the demolition and access path. No trees greater than 6-inch diameter (dbh) will be removed during the demolition. After completion the project will not obstruct travel corridors or change the overall structural characteristics of the forest vegetation. *This criterion is met.*

B. Overall scenic, recreational, educational and open space values of Forest Park will not be diminished as a result of development activities; and

Findings: The proposed demolition of the Upper Linnton Reservoir is intended to return the project area back to natural forest habitat. This project will enhance opportunities for the public to enjoy the scenic, educational, and open space qualities of the Forest Park system, while removing a hazardous, unsecured concrete vault structure. Returning the area to native vegetation continues the existing recreational uses of the park. The project will not diminish the overall scenic, recreational, educational, or open space values of Forest Park. *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.

CONCLUSIONS

The applicant proposes to demolish an antiquated and leaking reservoir located in the Environmental Protection overlay zone. The applicant will minimize impacts on environmental resources by demolishing the structure in place and using the pieces to backfill the hole. The impacts will be mitigated by replanting the area with 10 native trees, 75 native shrubs, and 43 ferns. The applicant has shown that the proposal meets the applicable approval criteria. Therefore, this proposal should be approved, subject to the following conditions.

ADMINISTRATIVE DECISION

Approval of an Environmental Review for a resource enhancement project to:

- demolish a concrete reservoir;
- restore the natural grade; and
- plant native vegetation

all within the Environmental Protection overlay zone, and in substantial conformance with Exhibits C.4 through C.10, as modified, signed, and dated by the City of Portland Bureau of Development Services on **July 17, 2008**. Approval is subject to the following conditions:

NOTE: Activities which expose soil to direct contact with stormwater between October 1 and April 30 are prohibited. An exception to this prohibition is planting native plants with hand-held equipment.

- A. All permits:** As part of the permit (building, grading, Site Development, erosion control, etc.) application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.4-C.10. The sheets on which this information appears must be labeled, **"Proposal and design as approved in Case File # LU 08-129090 EN. No field changes allowed."**

B. A Preconstruction Erosion Control inspection (IVR 200) by Site Development is required prior to any ground disturbing activity. Condition 1 below shall be completed prior to the scheduled inspection, and the following conditions shall be shown on all permit plans:

1. Temporary construction fencing (four feet high) shall be installed according to Section 33.248.068 (Tree Protection Requirements), except as noted below. Construction fencing shall be placed along the Limits of Construction Disturbance for the approved development, as depicted on Exhibits C.6-8 Construction Management Plan, or as required by inspection staff during the plan review and/or inspection stages.
2. 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. A total of 10 trees, 75 shrubs, 43 native ground covers, and 12 pounds of native grass seed, selected from the *Portland Native Plant List*, shall be planted, in substantial conformance with Exhibits C.9-10 Mitigation Plan.

1. Plantings shall be installed between October 1 and March 31 (the planting season).
2. Prior to installing required mitigation plantings, non-native invasive plants shall be removed from all areas within 10 feet of mitigation plantings, using handheld equipment.
3. 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 Landscape Professional. All tape shall be a contrasting color that is easily seen and identified.
4. The applicant shall have a registered landscape architect, a registered landscape contractor, or the designer of record certify that all the required mitigation plantings were installed as required. After installation, the applicant shall submit a Landscape Certification Form to this effect, signed by the registered landscape professional. The signed Landscape Certification Form shall be submitted to the Site Development Section of the Bureau of Development Services, confirming that all required mitigation plantings have been installed in accordance with these conditions of approval.

D. An inspection of Permanent Erosion Control Measures shall be required to document installation of the required mitigation plantings.

1. The **Permanent Erosion Control Measures** inspection (IVR 210) shall not be approved until the required mitigation plantings have been installed (as described in Condition C above);

--OR--

2. If the **Permanent Erosion Control Measures** inspection (IVR 210) occurs outside the planting season (as described in Condition C above), then the Permanent Erosion Control Measures inspection may be approved prior to installation of the required mitigation plantings – if the applicant obtains a separate **Zoning Permit** for the purpose of ensuring an inspection of the required mitigation plantings by March 31 of the following year.

E. The land owner shall monitor the required plantings for one year to ensure survival and replacement as described below. The land owner is responsible for ongoing survival of required plantings beyond the designated one-year monitoring period. The landowner shall:

1. Provide a letter (to serve as monitoring and maintenance reports) to the Forest Park and Linnton Neighborhood Associations, and to the Land Use Services Division of the Bureau of Development Services (Attention: Environmental Review LU 08-129090 EN) containing the monitoring information described below. Submit the letter within 12

months following approval of the Permanent Erosion Control Inspection of the required mitigation plantings. The letter shall contain the following information:

- a. A count of the number of planted trees that have died. One replacement tree must be planted for each dead tree (replacement must occur within one planting season).
- b. The percent coverage of native shrubs and ground covers. If less than 80 percent of the mitigation planting area is covered with native shrubs or groundcovers at the time of the annual count, additional shrubs and groundcovers shall be planted to reach 80 percent cover (replacement must occur within one planting season).
- c. A list of replacement plants that were installed.
- d. Photographs of the mitigation area and a site plan, in conformance with approved Exhibits C.9-10 Proposed Mitigation Plan, showing the location and direction of photos.
- e. An estimate of percent cover of invasive species (English ivy, Himalayan blackberry, reed canarygrass, teasel, clematis) within 10 feet of all plantings. Invasive species must not exceed 20 percent cover during the monitoring period.

F. 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.

Decision rendered by:  **on July 17, 2008**
By authority of the Director of the Bureau of Development Services

Decision mailed: July 21, 2008

Staff Planner: Rachel Whiteside

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.

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.

Procedural Information. The application for this land use review was submitted on May 14, 2008, and was determined to be complete on May 28, 2008.

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 May 14, 2008.

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 requested that the 120-day review period be extended by 21 days.

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 August 4, 2008** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. 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 contact the receptionist at 503-823-7967 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

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

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

Recording the final decision.

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

- *Unless appealed*, The final decision may be recorded on or after **August 5, 2008 – (the first business 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.

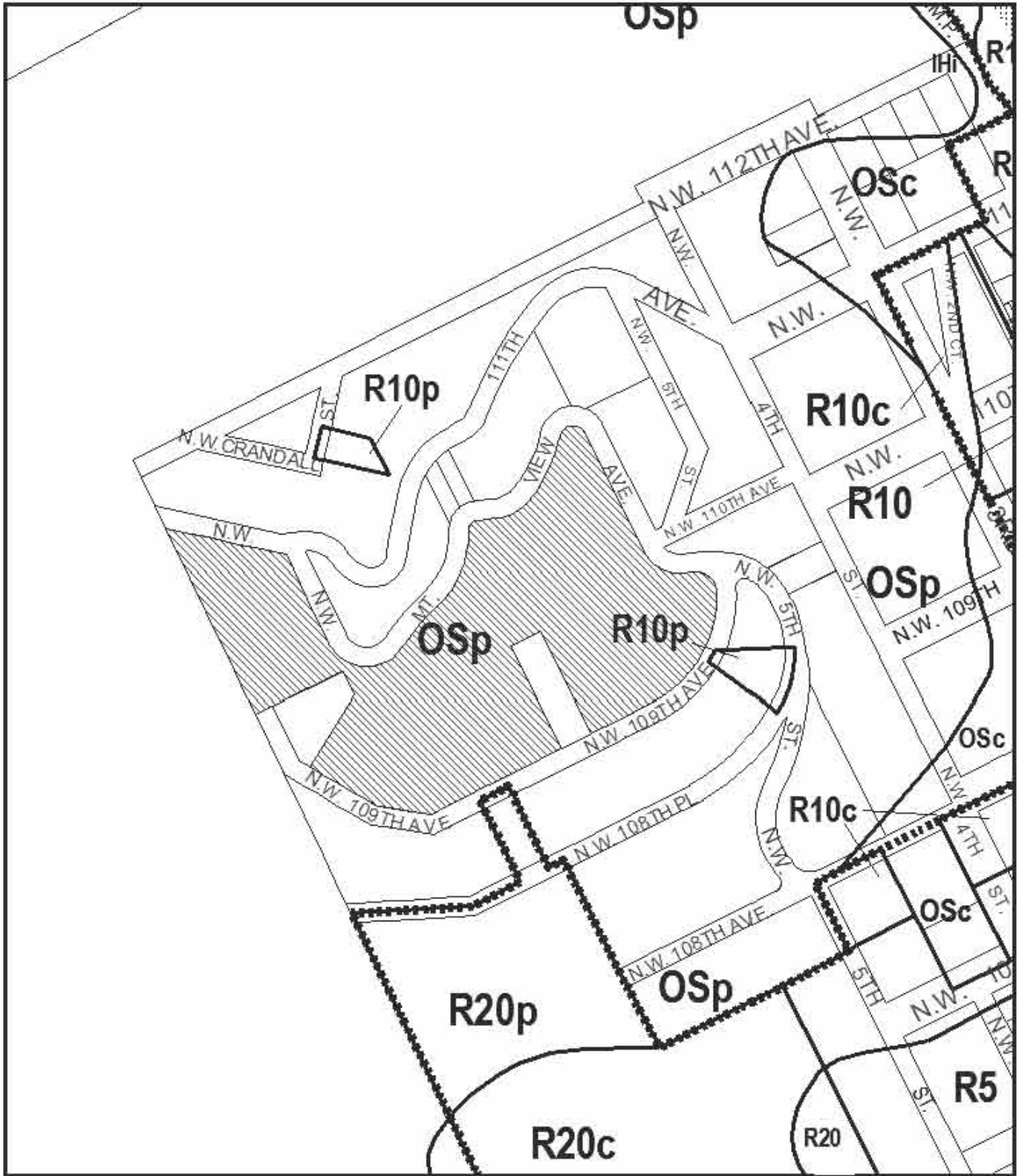
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Existing Conditions Plan – Sheet 1
 2. Existing Conditions Plan – Sheet 2
 3. Existing Conditions Plan – Sheet 3
 4. Proposed Development Plan – Sheet 1
 5. Proposed Development Plan – Sheet 2
 6. Construction Management Plan – Sheet 1 (attached)
 7. Construction Management Plan – Sheet 2
 8. Construction Management Plan – Sheet 3 (attached)
 9. Mitigation Plan – Sheet 1
 10. Mitigation Plan – Sheet 2 (attached)
- D. Notification information:

1. Mailing list
 2. Mailed notice
- E. Agency Responses:
1. Bureau of Environmental Services
 2. Water Bureau
 3. Fire Bureau
 4. Site Development Review Section of BDS
 5. Life Safety Review Section of BDS
 6. Bureau of Parks, Forestry Division
 7. Bureau of Parks, Operations Division
- F. Correspondence: none received
- G. Other:
1. Original LU Application
 2. Site History Research

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).



ZONING

 Site



NORTH

This site lies within the:
 FOREST PARK N.R.M.P. NRMP DISTRICT
 NORTHWEST HILL S PLAN DISTRICT

File No.	LU 08-129090 EN
1/4 Section	1918,2018
Scale	1 inch = 200 feet
State_Id	1N1W03AC 1100
Exhibit	B (May 15,2008)



LINTON WATER STORAGE TANK
Construction Management Plan 3.1
EXHIBIT C-1
Between NW 107th and NW 109th Avenues
PORTLAND, OREGON
MET/4 SEC 3 T1W R1W M1 1100
MAY 2008

OWNER
CITY OF PORTLAND
BUREAU OF WATER WORKS
1900 SW FOURTH AVENUE
PORTLAND, OR 97201

NO.	DATE	DESCRIPTION	BY

PROJECT NO.
DRAWING NO.: 3.1
SHEET 6 OF 10

Approved
City of Portland - Bureau of Development Services
LU # 08-129090 EV
Planner *R. Whitaker*
Date *7/17/08*
* Approval for Environmental Review only. Not a building permit.
Additional zoning requirements may apply.

LU 08-129090 EN

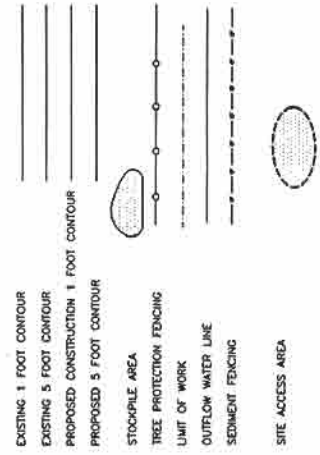
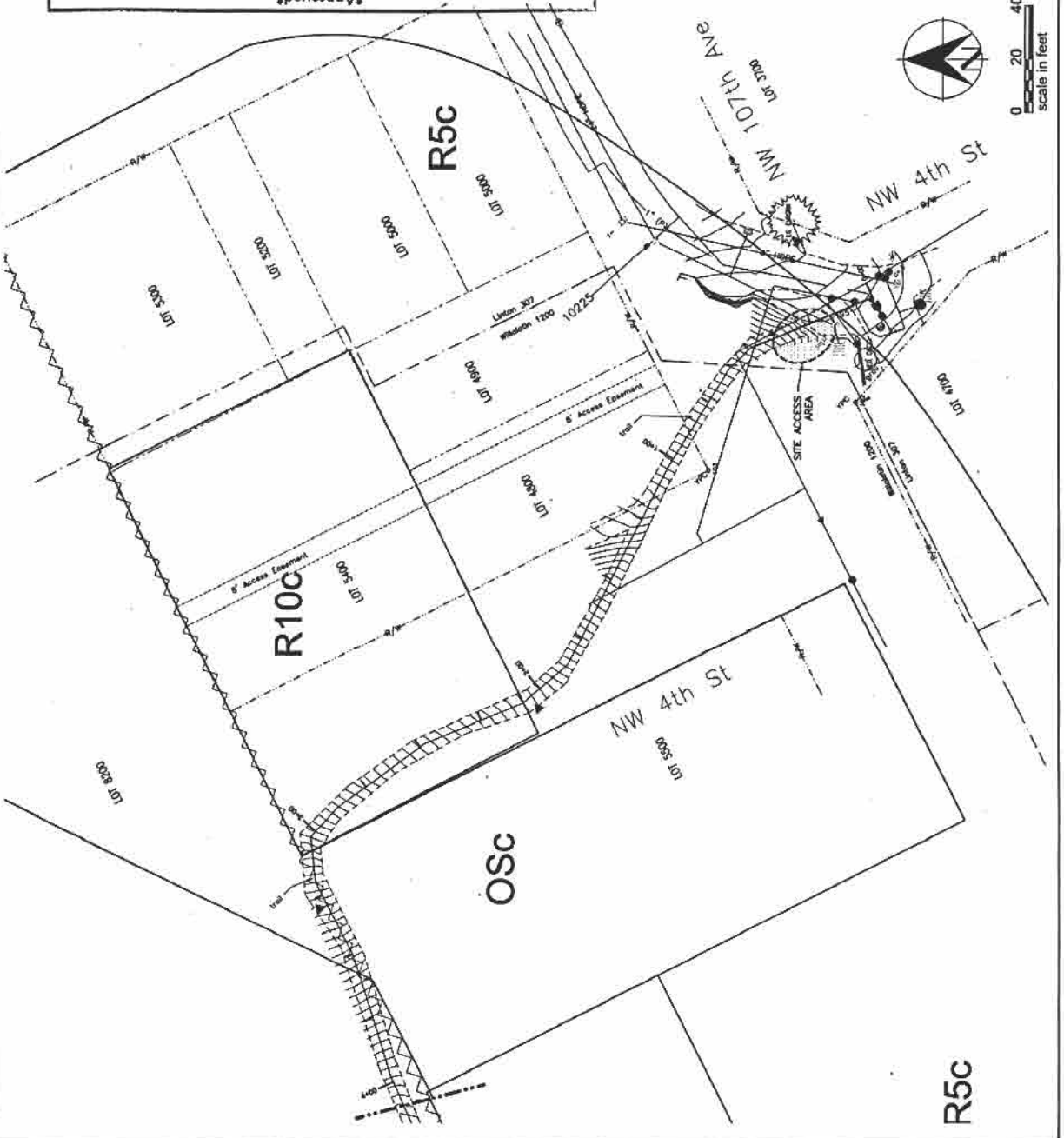
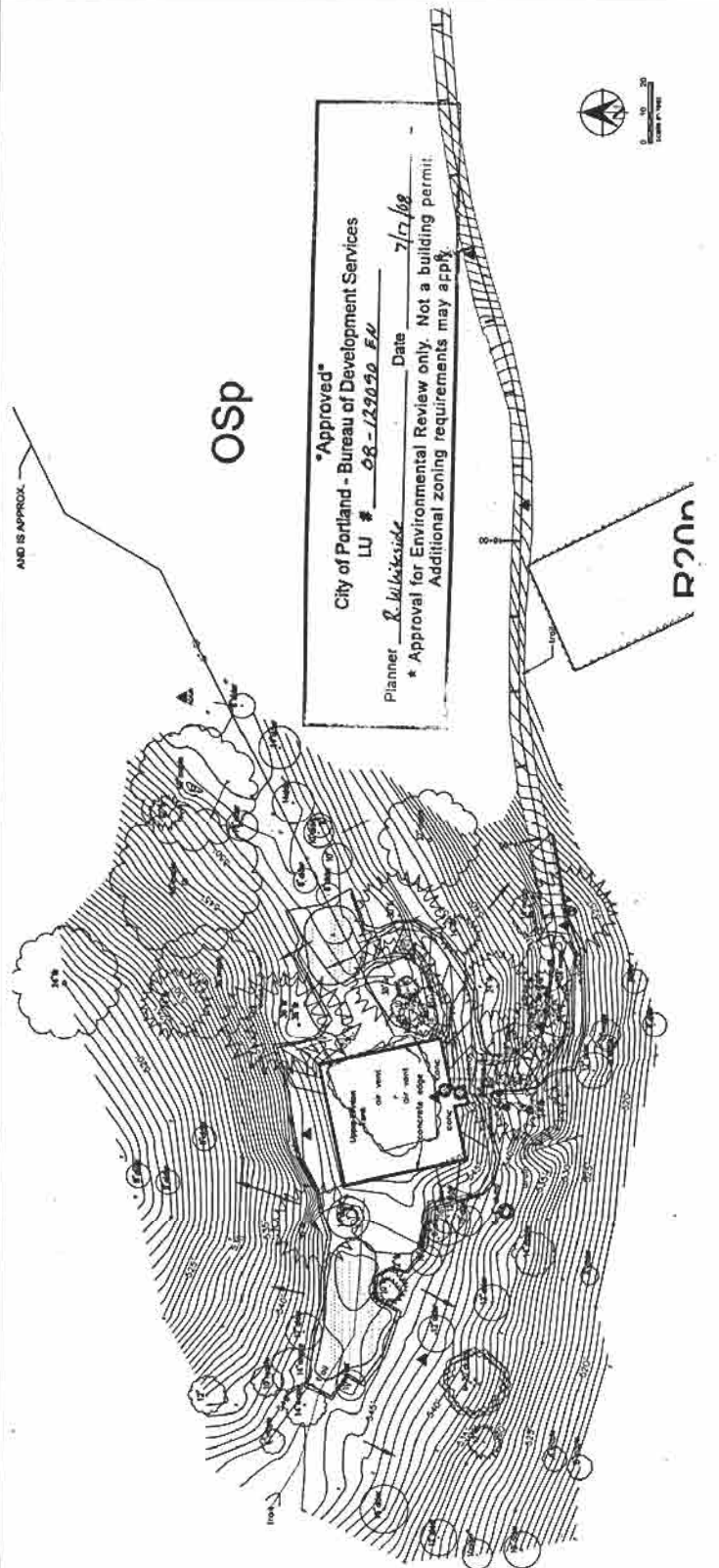


Exhibit C-6

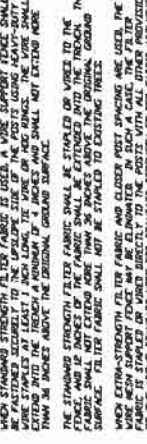


0 20 40
scale in feet



City of Portland - Bureau of Development Services
 LU # 08-129050 EU Date 7/17/08
 Planner R. Wicks
 * Approval for Environmental Review only. Not a building permit.
 Additional zoning requirements may apply.

STANDARD NOTES FOR SEDIMENT FENCE
 THE FILTER FABRIC SHALL BE PURCHASED IN A CONTINUOUS ROLL CUT TO THE LENGTH OF THE BARRIER TO AVOID USE OF JOINTS. WHEN JOINTS ARE NECESSARY, THEY SHALL BE MADE BY OVERLAPPING THE FABRIC BY A MINIMUM 6-INCH OVERLAP, AND BOTH ENDS SECURELY FASTENED TO THE POST.
 THE FILTER FABRIC FENCE SHALL BE INSTALLED TO FOLLOW THE CONTOUR WHERE FEASIBLE. THE FENCE POSTS SHALL BE SPACED A MAXIMUM OF 6 FEET APART AND BRUSH SECURELY INTO THE GROUND A MINIMUM OF 30 INCHES.
 A TRENCH SHALL BE EXCAVATED, READY 8 INCHES WIDE BY 12 INCHES DEEP, AND ADJACENT TO THE VOID POST TO ALLOW THE FILTER FABRIC TO BE TIGHTENED.
 WHEN STANDARD STRENGTH FILTER FABRIC IS USED, A WIRE SUPPORT FENCE SHALL BE FASTENED TO THE UPELSIDE SIDE OF THE POSTS USING ADAPT-BUTT WIRE STAPLES AT LEAST 1 INCH LONG, THE WIRE OR ADAPT-BUTT WIRE SHALL BE STAPLED TO THE POSTS AT LEAST 1 INCH ABOVE THE SURFACE. THE WIRE SHALL BE AT LEAST 1/8 INCH THICK AND SHALL NOT EXTEND MORE THAN 30 INCHES ABOVE THE ORIGINAL GROUND SURFACE.
 THE STANDARD STRENGTH FILTER FABRIC SHALL BE STAPLED TO WIRE TO THE FENCE, AND 12 INCHES OF THE FABRIC SHALL BE EXTENDED INTO THE TRENCH SURFACE. FILTER FABRIC SHALL NOT BE STAPLED TO EXISTING TREES.
 WHEN EXTRA-STRENGTH FILTER FABRIC AND CLOSED POST SPACING ARE USED, THE FABRIC SHALL BE STAPLED TO THE POSTS DIRECTLY TO THE POSTS WITH ALL OTHER PROVISIONS OF THE ABOVE STANDARD NOTE FOR STANDARD STRENGTH FILTER FABRIC APPLYING.
 SEDIMENT FENCES SHALL BE REMOVED WHEN THEY HAVE SERVED THEIR USEFUL PURPOSE.
 SEDIMENT FENCES SHALL BE INSPECTED BY APPLICANT/CONTRACTOR IMMEDIATELY AFTER EACH RAINFALL AND AT LEAST DAILY DURING PROLONGED RAINFALL. ANY REQUIRED REPAIRS SHALL BE MADE IMMEDIATELY.
 ALL THE SPACING AND POST SPACING SHALL BE AS SHOWN ON THIS PLAN. SEDIMENT FENCE REPAIRS AND RE-ESTABLISHMENT SHALL BE REMOVED OR RELOCATED INTO SLOPES, AND THE SEDIMENT FENCES REPAIRS AND RE-ESTABLISHMENT AS NEAR AS POSSIBLE TO THE ORIGINAL LOCATION.
 SEDIMENT FENCE SPACING SHALL BE 150 FT MAX.



1 TREE PROTECTION & LIMIT OF CONSTRUCTION
 2 SEDIMENT FENCE

Exhibit C-8

MAINTENANCE
 EROSION CONTROL MAINTENANCE PERIOD SHALL BE MONITORED OVER WHEN ALL SITE CONSTRUCTION IS COMPLETE AND ACCEPTED AND ALL EXPOSED AREAS ARE PROTECTED BY PERMANENT COVER. AT THAT TIME TEMPORARY EROSION CONTROL DEVICES SHALL BE REMOVED.

LEGEND
 EXISTING 1 FOOT CONTOUR
 EXISTING 5 FOOT CONTOUR
 PROPOSED CONSTRUCTION 1 FOOT CONTOUR
 PROPOSED CONSTRUCTION 5 FOOT CONTOUR
 STOCKPILE AREA
 TREE PROTECTION FENCING
 LIMIT OF WORK
 OUTFLOW WATER LINE
 SEDIMENT FENCING



