



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

FROM CONCEPT TO CONSTRUCTION

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**Date:** October 8, 2013  
**To:** Interested Person  
**From:** Kate Green, Land Use Services  
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**NOTICE OF A TYPE IIx DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

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

**CASE FILE NUMBER: LU 12-156455 LDP GW**

**UNINCORPORATED MULTNOMAH COUNTY**

**GENERAL INFORMATION**

**Applicant:** William Horning/Western Planning Associates Inc.  
PO Box 2392 / Lake Oswego OR 97035

**Property Owners:** Larry Lindstrom L & N Sixth LLC  
11550 SW Riverwood Road PO Box 1936  
Portland OR 97219 Lake Oswego OR 97035

**Site Address:** 11550 SW Riverwood Road

**Legal Description:** LOT 3, RIVERWOOD **Tax Account No.:** R711300110  
**State ID No.:** 1S1E35AC 03200 **Quarter Section:** 4132

**Neighborhood, Business District, District Coalition:** None

**Zoning:** Single Dwelling Residential 20,000 (R20); Environmental Conservation (c);  
Greenway-River General (g)

**Other Designations:** Unincorporated Multnomah County, Special Flood Hazard Area, Potential  
Landslide Hazard Area, Willamette River

**Case Type:** Land Division-Partition (LDP), Greenway Review (GW)

**Procedure:** Type IIx, an administrative decision with appeal to the Hearings Officer

**PROPOSAL:** The applicant requests a **Land Division-Partition** in order to divide an approximately 75,600 square foot lot into 2 parcels for single dwelling residences. The proposal also includes a 10-foot right-of-way dedication to Multnomah County along SW Riverwood Road, and a 5-foot maintenance easement to Multnomah County along the abutting public alley.

Parcel 1 will be approximately 26,131 square feet in area, and the existing house is to remain on this parcel. The existing house is to be remodeled, so it will fit entirely within the proposed lot lines. Parcel 2 will be approximately 26,131 square feet in area, and the existing garage and portions of the driveway on this parcel will be removed. Additionally, the proposal includes an approximately 23,069 square foot resource tract over the portion of the site that is located within the Environmental Conservation (c) overlay zone.

This partition proposal is reviewed through a Type IIx procedure because: (1) the site is in a residential zone; (2) two or three lots are proposed; and (3) the site is located within a Potential Landslide Hazard or Flood Hazard Area (see 33.660.110).

For purposes of State Law, this land division is considered a partition. To partition land is to divide an area or tract of land into two or three parcels within a calendar year (See ORS 92.010). ORS 92.010 defines “parcel” as a single unit of land created by a partition of land. The applicant’s proposal is to create 3 units of land (2 parcels and 1 tract). Therefore this land division is considered a partition.

The proposal also includes a **Greenway Review**, for alterations to the existing house; the relocation and modification of utilities, and grading and tree removal for the new house.

**RELEVANT APPROVAL CRITERIA:** In order to be approved, this proposal must comply with the approval criteria of *Title 33*. The relevant criteria are found in:

- **Section 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones,**
- **Section 33.440.350, Greenway Review Approval Criteria.**

## FACTS

**Site and Vicinity:** The project site is located within an unincorporated urban area in Multnomah County, between the city limits of Portland and Lake Oswego. The site is located in the Dunthorpe neighborhood, which is bordered by SW Riverside Drive (also known as Macadam Avenue and Pacific Highway 43) to the west and the Willamette River to the east. The Dunthorpe neighborhood is an established, residential neighborhood with houses on large lots.

The 75,600 square-foot site is developed with a house and an attached garage and a separate detached garage, as well as a small greenhouse. The original house and garage were constructed in 1937; the timing for the other structures is unknown. The house and garages are located on a flat area at the top of a slope which drops down to the Willamette River. The slope to the river drops steeply east of the house and then levels out near the top of the bank. Riverward of the top of the bank, the shoreline has native and non-native plantings, as well as some nuisance species. The vegetated bank gradually drops down to a sandy beach along the river.

### **Infrastructure:**

**Streets** – Multnomah County oversees the operations and maintenance of the streets in this area. The site has approximately 115 feet of frontage on SW Riverwood Road, which is a winding dead-end street, with an Urban Local functional classification. There are two driveways entering the site that serve the existing house.

A 5-foot wide public alley abuts the north property line and extends from SW Riverwood Road to the Willamette River. The alley is undeveloped, except for subsurface stormlines.

Tri-Met provides transit service approximately 1,500 feet from the site along SW Riverside (SW Macadam/Highway 43) via Bus 35.

**Water Service** – Water service is available from Portland Water Bureau. There is an existing 8-inch DI water main in SW Riverwood Road. The existing house is served by a 3/4-inch metered service from the main. The estimated static water pressure range for this location is 59 psi to 74 psi at the existing service elevation of 57 feet.

**Sanitary Service** – There are two sanitary services available to the site. One is an 8-inch CSP sanitary-only sewer located within a 10-foot wide easement (BES tracking #5415) that runs north-south through the middle of subject property. This sewer service is owned and maintained by Dunthorpe-Riverdale District. The other is a 10-inch CSP sanitary-only sewer located in SW Riverdale that is owned and maintained by the City of Portland (BES as-built #21829). This sewer line is available for connection, but pumping would likely be necessary.

**Zoning:** The zoning designations for the property include: **Single Dwelling Residential 20,000 (R20)**, **Environmental Conservation (c)** and **Greenway River General (g)**. The property is also located within an unincorporated area of Multnomah County.

The single-dwelling residential zones are intended to preserve land for housing and to provide housing opportunities for individual households.

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.

The Greenway overlay zone is intended to protect, conserve, enhance, and maintain the natural, scenic, historical, economic, and recreational qualities of lands along Portland's rivers.

**Land Use History:** City records indicate that the site was the subject of seven prior land use reviews which occurred under Multnomah County's land use provisions (identified as MUP); these include: MUP 0-3 HV, MUP 0-6 MC, MUP 0-6 PA, MUP 14-99 PA, MUP 21-93 LD, MUP 4-92 WRG, and MUP 7-92 HV. Most of these cases were related to additions to the residence and garage. One is related to a land division that was approved in 1993 (MUP 21-93 LD); however, records do not show any action was taken to finalize that proposal.

**Environmental and Greenway Resources:** At this location, the application of the Environmental and Greenway overlay zones is based on detailed studies and resource inventories that have been carried out in unincorporated Multnomah County.

The subject site is within Resource Site 117-A: Dunthorpe, as mapped in the *Inventory of Natural, Scenic and Open Space Resources for Multnomah County Unincorporated Urban Areas*. Overall, Resource Site 117-A is approximately 660 acres and the general boundaries are Lewis and Clark College/Riverview Cemetery (north), Willamette River (east), the county line at Iron Mountain Road (south), and Terwilliger Boulevard (west). This area is composed primarily of low-density residential development and within the resource site, there are both aquatic and terrestrial habitats, including the streams and ravines flowing to the Willamette River and Tryon Creek, and the rock cliffs above the Willamette River.

Valuable resources found with Resource Site 117-A include perennial and seasonal streams, palustrine wetlands, springs, forest, fish and wildlife, special status species, groundwater, and open space. Functional values include water quality, flood attenuation/storage, fish and wildlife habitat, slope stabilization/soil anchoring, groundwater recharge and discharge, and water supply and heritage. Additional functional values include sediment trapping and pollutant/nutrient removal, storm drainage, land use buffering, education, recreation and scenic amenities.

The primary resources found at the project site include the vegetated bank, open beach and waterway along the Willamette River, which afford fish and wildlife habitat, flood storage, groundwater recharge, and scenic amenities.

**Agency Review:** Several Bureaus have responded to this proposal and relevant comments are addressed under the applicable approval criteria. Please see Exhibits "E" for details.

**Neighborhood Review:** A *Notice of Proposal in Your Neighborhood* was mailed on December 31, 2012. No written responses have been received.

## **ZONING CODE APPROVAL CRITERIA**

### **The proposal must comply with the Land Division and Greenway Review approval criteria:**

Part A: Land Division

Part B: Greenway Review

#### **PART A: LAND DIVISION**

##### **33.660.120 Approval Criteria for Land Divisions in Open Space and Residential Zones**

The Preliminary Plan for a land division will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met.

Due to the specific location of this site, and the nature of the proposal, some of the criteria are not applicable. The following table summarizes the criteria that are not applicable. Applicable criteria are addressed below the table.

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
E	33.633 - Phased Land Division or Staged Final Plat	A phased land division or staged final plat has not been proposed.
F	33.634 - Recreation Area	The proposed density is less than 40 units.
I	33.639 - Solar Access	Each of the proposed parcels is an interior lot (not on a corner). In this context, solar access standards express no lot configuration preference.
J	33.640 - Streams, Springs, and Seeps	The site is bordered by the Willamette River, which has Environmental and Greenway designations. No other streams, springs, or seeps are noted on the plans outside of Environmental and Greenway zones.
L	33.654.110.B.2 - Dead end streets	No dead end streets are proposed.
	33.654.110.B.3 - Pedestrian connections in the I zones	The site is not located within an I zone.
	33.654.110.B.4 - Alleys in all zones	No new alleys are proposed or required
	33.654.120.C.3.c - Turnarounds	No turnarounds are proposed or required
	33.654.120.D - Common Greens	No common greens are proposed or required
	33.654.120.G - Shared Courts	No shared courts are proposed or required
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required

**Applicable Approval Criteria are:**

**A. Lots. The standards and approval criteria of Chapters 33.605 through 33.612 must be met.**

**Findings:** The site has an environmental zone designation; and it is within a potential landslide hazard area and flood hazard area, so there is no minimum density requirement. The maximum density is one unit per 20,000 square feet square feet. The overall site area is 75,600 square feet, so the maximum density is 3. The applicant is proposing 2 parcels for single dwelling development, so the density standards are met.

The required and proposed lot dimensions are shown in the following table:

	Minimum Lot Area (square feet)	Maximum Lot Area (square feet)	Minimum Lot Width* (feet)	Minimum Depth (feet)	Minimum Front Lot Line (feet)
<b>R20 Zone</b>	12,000	34,500	60	60	30
Parcel 1 (existing house)	26,806		62	339	63
Parcel 2	25,791		60	362	54

\* Width is measured by placing a rectangle along the minimum front building setback line specified for the zone. The rectangle must have a minimum depth of 40 feet, or extend to the rear of the property line, whichever is less.

Based on the foregoing, the applicable density and lot dimension standards are met, so this criterion is met.

**B. Trees. The standards and approval criteria of Chapter 33.630, Tree Preservation, must be met.**

**Findings:** The regulations of Chapter 33.630 preserve trees and mitigate for the loss of trees. As shown on the Tree Preservation Plan (Exhibit xx), sixteen trees have been identified on the area of the site landward of the top of the bank, and seven trees have been identified riverward of the top of the bank. The trees riverward of the top of the bank are exempt from these standards, since they are within the Environmental Conservation zone and are subject to the regulations in Chapter 33.430 instead. In addition, all the trees on the site are within the Greenway Overlay zone, and are subject to the regulations in Chapter 33.440.

The Tree Table provided by the applicant calculated the tree preservation based on the trees landward of the top of bank (Exhibit C.5). Based on this table (summarized below), the site has a total of 233-inches of non-exempt tree diameter. Some of the trees are within existing or proposed easements or within areas to be dedicated for new public right-of-way, so those trees may not be used to meet this standard, since they will no longer be within the owner's sole control. Yet, with the preservation of 6 trees, specifically Trees 5, 6, 7, 12, 13, and 14, highlighted in bold below, a total of 90.5-inches of tree diameter or 38 percent of the tree diameter will be protected, which will meet Option 1 of the Tree Preservation Standards.

Tree #	Species	Diameter (inches)	To be retained? Y-Yes, N-No, T-Tentative
1	Cedrus deodora/Deodar Cedar	48	T-within new public easement
2	Trachycarpus sp/Windmill Palm	26.5	N-to be relocated-see Greenway Review
3	Trachycarpus sp/Windmill Palm	9	T-within new ROW dedication
4	Trachycarpus sp/Windmill Palm	8	T-within new ROW dedication
<b>5</b>	<b>Trachycarpus sp/Windmill Palm</b>	<b>6</b>	<b>Y-protect</b>
<b>6</b>	<b>Morus alba/Mulberry</b>	<b>14</b>	<b>Y-protect</b>
<b>7</b>	<b>Betula Utilis/Jaquemonti Birch</b>	<b>6</b>	<b>Y-protect</b>
8	Paulownia Tomentosa/Empress Tree	6	Exempt-Dead-see Greenway Review
9	Prunus Blireana/Plum	10	T-within new ROW dedication
10	Cornus florida/Dogwood	10	T-within existing public easement-see Greenway Review
11	Rosaceae/Sweet Cherry	18	N-within new storm facility-see Greenway Review
<b>12</b>	<b>Pyrus Communis/Pear</b>	<b>8</b>	<b>Y-protect</b>
<b>13</b>	<b>Rosaceae/Apple</b>	<b>20</b>	<b>Y-protect</b>
<b>14</b>	<b>Moraceae/Fig</b>	<b>36.5</b>	<b>Y-protect</b>
15	Prunus Blireana/Plum	8	T-tree topped by storm
16	Acer palmatum/Japanese Maple	8	T-within new ROW dedication
	TOTAL	239	

In order to ensure that future owners of the lots are aware of the tree preservation requirements, the applicant must record an Acknowledgement of Tree Preservation Requirements, at the time of final plat. The Acknowledgement must be noted on the plat and it must explain that site work and development on Parcels 1 and 2 must be carried out in conformance with the Tree Preservation Plan and in accordance with the Greenway regulations regarding tree cutting or removal (Exhibit C.5). It should be noted that trees that are not designated to be preserved to meet this standard, 33.630, are still protected under the Greenway regulations, 33.440, and any tree removal must be reviewed through a Greenway Review or shown to be exempt from those regulations. With the noted condition, this criterion will be met

Additionally, all trees riverward of the top of bank are to be located within the Environmental Resource Tract (Tract A), as required by the Environmental Standard 33.430.160, and those trees will continue to be subject to the Environmental and Greenway regulations.

**C. Flood Hazard Area. If any portion of the site is within the special flood hazard area, the approval criteria of Chapter 33.631, Sites in Flood Hazard Areas, must be met.**

**Findings:** City maps include information about the areas inundated by the 1996 flood area, the special flood hazard area, and the floodway (City of Portland datum). These maps show the 1996 flood inundation area extends up to elevation 37.4 feet (City of Portland datum) on the subject site; the special flood hazard area extends up to elevation 18 feet (City of Portland datum); and the floodway does not extend onto the subject site.

The stormwater and sanitary connections for each parcel are proposed within the 1996 flood inundation area. However, this criterion only addresses the special flood hazard area.

In this case, the entire area of the property below elevation 26 feet (City of Portland datum) will be placed within an Environmental Resource Tract. As such, both of the parcels and the services on

the parcels will be located outside of this special flood hazard area. Further, since the floodway does not extend onto this site, there is no requirement for a flood hazard tract. Based on these factors, this criterion is met.

**D. Potential Landslide Hazard Area. If any portion of the site is in a Potential Landslide Hazard Area, the approval criteria of Chapter 33.632, Sites in Potential Landslide Hazard Areas, must be met.**

**Findings:** The site has a Potential Landslide Hazard Area designation. The approval criteria state that the lots, buildings, services, and utilities must be located on the safest part of the site so that the risk of a landslide affecting the site, adjacent sites, and sites directly across a street or alley from the site is reasonably limited.

The applicant submitted a geotechnical evaluation of the site and proposed land division, prepared by a Certified Engineering Geologist and a Geotechnical Engineer and stamped by GeoPacific Engineering Incorporated, which consisted of the following:

- September 25, 2013 Geotechnical Review of Proposed Storm Water Facilities,
- July 29, 2013 Geotechnical Review of Proposed Storm Water Facilities, and
- June 28, 2012 (updated December 19, 2012) Geotechnical Engineering Report and Landslide Hazard Study.

The report was evaluated by the Site Development Division of the Bureau of Development Services, the City agency that makes determinations regarding soil stability. Site Development provided the following evaluation:

*The report provides a review of current landslide inventory and hazard maps, regional geologic maps and a summary of a geologic reconnaissance of the site. The report concludes that the construction of the proposed house, the proposed grading, and the planned stormwater facilities should not impact slope stability provided the recommendations contained in their report are incorporated in the design and construction of the improvements. The report implies the risk of a landslide affecting the site, adjacent sites, and sites directly across the street is reasonably limited. Site Development finds the landslide hazard study is acceptable and satisfies the approval criterion of Section 33.632.100. Site Development noted that additional geotechnical information may be required at the time of building permit review.*

Based on these factors, this criterion is met.

**G. Clearing, Grading and Land Suitability. The approval criteria of Chapter 33.635, Clearing, Grading and Land Suitability must be met.**

**Findings:** The regulations of Chapter 33.635 ensure that the proposed clearing and grading is reasonable given the infrastructure needs, site conditions, tree preservation requirements, and limit the impacts of erosion and sedimentation to help protect water quality and aquatic habitat.

**Clearing and Grading:** In this case, the site has steep grades (over 20%) and is located in an area with a Potential Landslide Hazard designation. Therefore, the clearing and grading associated with preparation of the lots must occur in a way that will limit erosion concerns and assure that the preserved trees on the site will not be disturbed.

The applicant provided a Preliminary Clearing and Grading Plan and a Landslide Hazard Report (Exhibits C.4 and A.3), which address how clearing and grading and soil stockpiling should occur on the site to minimize erosion risks. This plan also designates areas where grading should not occur and notes tree protection measures to be implemented on the site. Additionally, as noted in the response from Site Development, since the site is designated as a Special Site (per City Code 10.30.030) additional requirements for erosion, sediment, and pollution control apply and must be met at time of permits. The Landslide Hazard Study specifies that the site is suitable for development and that a properly designed and constructed residence would not have an adverse impact on slope stability.

The grading will primarily involve excavating for the alterations to the existing house and for foundations for the new houses and trenching for the utilities, but will not include mass grading of the site to alter the existing contours. As discussed in more detail in the Greenway Review findings, below, measures will be implemented to limit grading, erosion, and sedimentation.

Stormwater runoff from the lots will be managed via stormwater planters and swales with discharge to a public storm system, which will assure that the runoff will not adversely impact adjacent properties (see detailed discussion of stormwater management later in this report).

At the time of building permit submittal on the individual lots, Site Development will review the grading plan against the applicant's Landslide Hazard Study, as well as any additional geotechnical information required at the time of permit submittal, to assure that the grading will not create any erosion risks. In addition the plans will be reviewed for compliance with the applicant's tree preservation plan. With conditions calling for such, this criteria is met.

**Land Suitability:** The site is currently in residential use, and there is no record of any other use in the past. However, city records do not show that an onsite septic system that served the existing house was decommissioned at the time the house was connected to the public sewer system. To ensure the property is suitable for development, the onsite septic system must be decommissioned and a final inspection approved prior to final plat approval.

Similarly, the applicant has proposed to remove a portion of the existing house, and a garage and greenhouse, in order to create a new parcel for a new residence. In order to ensure that the new parcels are suitable for development, permits must be obtained and finalized for alterations to the existing house and demolition of other detached structures on proposed Parcel 2 prior to final plat approval. The permit for alterations to the existing house must also include sewer capping of the northern sanitary lateral connection.

With conditions regarding the alteration and demolition and decommissioning permits, the new parcels can be considered suitable for development, and this criterion will be met.

**H. Tracts and easements. The standards of Chapter 33.636, Tracts and Easements must be met;**

**Findings:** The following tracts are required for this land division:

- An Environmental Resource Tract (Tract A) is proposed to meet the Environment Standard 33.430.160.E, which requires resource areas outside designated disturbance areas to be placed within a tract that owned in common by all the owners of the land division site, a Homeowners' Association, a public agency, or a non-profit organization. In this case, the entire area of the site within the Environmental Conservation (c) overlay will be placed within the tract.

Additionally, the following easements are proposed or required:

- A Private Storm Sewer Easement is proposed across Parcel 2 for a storm line connection that will service Parcel 1.
- A Slope/Utility/Drainage Easement for the benefit of Multnomah County is required to abut the existing alleyway located along the north property boundary of Parcel 2.

In order to assure ownership and maintenance responsibilities of the tracts and easement are clearly designated, several conditions are warranted:

- Maintenance agreement(s) must be provided, which describe the maintenance responsibilities for the tracts and easements described above and facilities within those areas;
- The proposed tract must be owned in common by the owners of Parcels 1 and 2;
- The maintenance agreement(s) must be prepared and recorded with the final plat; and
- The plat must reference the recorded maintenance agreement(s) with a recording block for each agreement, substantially similar to the following example:

*“A Declaration of Maintenance agreement for (name of feature) has been recorded as document no. \_\_\_\_\_, Multnomah County Deed Records.”*

With the implementation of these conditions, this criterion will be met.

**K. Transportation impacts. The approval criteria of Chapter 33.641, Transportation Impacts, must be met; and,**

**L. Services and utilities. The regulations and criteria of Chapters 33.651 through 33.654, which address services and utilities, must be met.**

**Findings:** The regulations of Chapter 33.641 allow the traffic impacts caused by dividing and then developing land to be identified, evaluated, and mitigated for if necessary. Chapters 33.651 through 33.654 address water service standards, sanitary sewer disposal standards, stormwater management, utilities and rights of way. The criteria and standards are met as shown in the following table:

<b>33.651 Water Service standard</b> - See Exhibit E.3 for detailed bureau comments.
The water standards of 33.651 have been verified. Water is available to serve the proposed development from the water main in SW Riverwood Road. Parcel 1 has an existing water service from that main, which may continue to provide service to the existing house. A new service and meter must be installed to serve development on Parcel 2, at the time of new development.
<b>33.652 Sanitary Sewer Disposal Service standards</b> - See Exhibit E.1 for detailed comments.
The sanitary sewer standards of 33.652 have been verified. Based on the response from Environmental Services (BES), according to 1969 Multnomah County plumbing records the existing house was connected to the public 8-inch sanitary line (Dunthorpe-Riverdale facility) located within a public easement that traverses the subject property, and as-built records show there two laterals available to the subject lot. The applicant has provided a Certification of Public Sanitary Sewer Service from Dunthorpe-Riverdale District (dated 4/26/12) indicating that sanitary sewer service is available. BES notes the Dunthorpe-Riverdale sanitary easement must be identified on the final plat.  BES further notes <i>(a)ccording to the Application Addendum Narrative and the site utility plan dated 9/28/13, the sanitary lateral serving the northern portion of the existing house (101 feet from the manhole at the southern property line) is located on Parcel 2.</i> BES has indicated the northern sanitary lateral must be capped prior to final plat approval. However, BES also notes this sewer connection may be available for use by Parcel 2 at time of development. BES will review the connection permit at time of development.  Additionally, as noted previously, the onsite septic system must be decommissioned prior to final plat approval. With the noted conditions, this criterion will be met.
<b>33.653.020 &amp; .030 Stormwater Management criteria and standards</b> - See Exhibits E.1 & E.5
BES has verified that the stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater. Multnomah County manages the public storm system that is located in the public alley that abuts the north side of the subject site. Stormwater from both parcels is proposed to be discharged to this system.  No stormwater tract is proposed or required. The applicant has proposed the following stormwater management methods for the individual parcels:  <b>Parcel 1 (existing house):</b> BES notes the existing house and driveway currently discharge to 3 points. The house discharges to the public system (managed by Multnomah County) located in a public alley that abuts the subject site. As noted previously, the existing house will be altered. BES notes that as part of those alterations, if a new gutter and piping system must be installed and attached to the existing disposal connection, permits must be finalized for that work, prior to final plat approval.



Additionally, the stormwater from the portion of the existing driveway that will remain on Parcel 1 will be required to be treated in a stormwater planter before it is directed to the public system in the alley for disposal. Permits must be finalized for this work, prior to approval of the final plat.

Since the connection to the public storm system will require piping across Parcel 2, a private stormwater easement must be provided across Parcel 2 for the benefit of Parcel 1, and this easement must be noted on the final plat.

**Parcel 2:** Stormwater from the portion of the existing driveway on this parcel will be required to be directed to a stormwater planter, and BES notes permits must be finalized for this facility prior to final plat approval. BES also notes that at the time of future development on this parcel, all new development and the discharge from the existing driveway will be required to be directed to a new stormwater management facility.

Multnomah County has noted that any alterations of stormwater discharge onto the right-of-way or other county facilities requires a Discharge Permit. Additionally, Multnomah County will require a 5-foot slope/utility/drainage easement for the benefit of Multnomah County along the alleyway located along north property line. This easement will allow the County to provide the services necessary to maintain the function of the existing drainage facilities in the area. The easement must be shown and labeled on the final plat to the satisfaction of Multnomah County.

Additionally, BES requires the as-built locations for all storm and sanitary utilities to be shown on a supplemental plan, prior to final plat approval.

With conditions to implement these requirements, this criterion will be met.

**33.654.110.B.1 - Through streets and pedestrian connections**

**33.654.130.B - Extension of existing public dead-end streets & pedestrian connections**

**33.654.130.C - Future extension of proposed dead-end streets & pedestrian connections**

The site fronts onto SW Riverwood Road, which is a dead-end street that terminates at the Willamette River, approximately 1,000 feet south of the site. The nearest a cross-street connection is approximately 1,200 feet to the north at SW Military Road. None of the roads in the area meet the general spacing requirements for through streets, which call for streets to be provided no more than 530 feet apart and at least 200 feet apart.

Several features limit options for meeting the street spacing requirements, including the steep terrain of the area, the location of existing development, the location of streams and the Willamette River. The street system in this area is under the authority of Multnomah County Land Use and Transportation and the county has note identified the need for a new cross street at the location of this site.

However, Multnomah County will require a 10-foot wide dedication along the existing street frontage to provide space for the required pedestrian facilities. With the implementation of a condition for the right-of-way dedication, as discussed in more detail below, this criterion will be met.

**33.641 – Transportation Impacts – 33.641.020 and 33.641.030**

**33.654.120.B & C Width and elements of the street right-of-way**

**33.654.130.D Partial Rights of way**

The regulations of Chapter 33.641 require the traffic impacts caused by dividing and then developing land to be identified, evaluated, and, if necessary, mitigated. This site is located within unincorporated Multnomah County, so any right-of-way dedication or associated requirements are within Multnomah County's jurisdiction.

Multnomah County notes: *The County standard right of way for a Urban Local facility is 50 feet. The applicant is required to dedicate 10 feet in order to achieve a proportional share of this standard. This right of way will be used to improve the roadway to serve growing travel demand, which in part will be generated by this proposed action.* Therefore, a condition will be made, which requires that the applicant shall meet the street dedication requirements of the

Multnomah County for along the site's SW Riverwood frontage and show the right-of-way dedication on the final plat.

Additionally, to improve the pedestrian environment, Multnomah County requires the applicant to remove all sub-standard or damaged sidewalk and reconstruct the sidewalk to meet current county standards; to obtain a driveway permit for access to SW Riverwood Road; and to obtain an encroachment permit for any existing or proposed structures or activities within the public right-of-way.

With these conditions, Multnomah County (Exhibit E.2) has determined the existing streets can safely serve one additional dwelling without having any significant impact on the level of service provided. As such, this criterion will be met.

**33.654.120.E. Approval criterion for the width of pedestrian connections.**

**Findings:** As noted above, Multnomah County requires the applicant to remove all sub-standard or damaged sidewalk and reconstruct the sidewalk to meet current County standards in compliance with the Americans with Disabilities Act. With a condition to this effect, the width of the public sidewalk should be sufficient to provide a pedestrian connection to accommodate expected users, and this criterion will be met.

**33.654.120.F. Approval criterion for the width of alleys. The width of the alley right-of-way must be sufficient to accommodate expected users, taking into consideration the characteristics of the site and vicinity such as existing street and pedestrian system improvements, existing structures, and natural features.**

**Findings:** As noted in the response from Multnomah County Land Use and Transportation, a 5-foot wide easement must be provided along the north lot line of proposed Parcel 2, in order to provide the services necessary to maintain the function of the existing drainage facilities in the abutting public alleyway. With the condition for this alley easement, as outlined above, this criterion will be met.

**33.654.130.A - Utilities (defined as telephone, cable, natural gas, electric, etc.)**

**Findings:** At this time no specific utility easements adjacent to the right-of-way have been identified as being necessary. Any easements that may be needed for private utilities that cannot be accommodated within the adjacent right-of-ways can be provided on the final plat, and this criterion will be met.

**PART B: GREENWAY REVIEW**

The activities to be evaluated through this Greenway Review include:

Parcel 1 (existing house)

Alterations to the existing house, in order to remove a portion of the house that extends onto proposed Parcel 2, and associated earthwork.

Installation of a new stormwater planter to serve the existing house and a new discharge connection to the public storm system in the public alley north of Parcel 2 (via a new easement on Parcel 2)

Removal of one tree for new stormwater facilities

Removal of nuisance plantings

Installation of native plantings and associated irrigation

Parcel 2

Grading and earthwork for the construction of a new residence and installation of new water, sewer, and stormwater utilities for the new house

Removal of three trees for the new development

(Removal of the existing garage and greenhouse will be total demolition of those structures, and demolition is exempt from Greenway Review)

Removal of nuisance plantings

Installation native plantings and associated irrigation

Resource Tract/riverward of Greenway Setback

Removal of nuisance plantings

Installation of native plantings and associated irrigation

Right-of-way

Installation of street improvements within the newly dedicated portion of SW Riverwood Road, and associated removal of walls and trees within the right-of-way

**33.440.350 Greenway Review Approval Criteria**

**A. For all greenway reviews.** The Willamette Greenway design guidelines must be met for all greenway reviews.

**Findings:** The Willamette Greenway Design Guidelines address the quality of the environment along the river and require public and private developments to complement and enhance the riverbank area. A complete description of the Design Guidelines and their applicability is provided in pages 45-81 in the Willamette Greenway Plan.

The Design Guidelines are grouped in a series of eight Issues:

- Issue A. Relationship of Structures to the Greenway Setback Area
- Issue B. Public Access
- Issue C. Natural Riverbank and Riparian Habitat
- Issue D. Riverbank Stabilization Treatments
- Issue E. Landscape Treatments
- Issue F. Alignment of Greenway Trail
- Issue G. Viewpoints
- Issue H. View Corridors:

Issues A, B, and F are applicable to sites that have a Greenway Trail designation. This site does not have such a designation, so those Issues are not applicable.

Issues G and H apply to sites with designated viewpoints or view corridors. No city-designated viewpoints or view corridors are applicable to this site.

Issues C, D, and E address aspects of the riverbank treatment, and are addressed collectively below:

**Issue C. Natural Riverbank and Riparian Habitat:** This issue “applies to situations where the river bank is in a natural state, or has significant wildlife habitat, as determined by the wildlife habitat inventory.” These guidelines call for the preservation and enhancement of natural banks and areas with riparian habitat:

1. Natural Riverbanks
2. Riparian Habitat

**Issue D. Riverbank Stabilization Treatments:** This guideline “applies to all applications for Greenway Approval.” This guideline promotes bank treatments for upland developments that enhance the appearance of the riverbank, promote public access to the river, and incorporate the use of vegetation where possible:

1. Riverbank Enhancement

**Issue E. Landscape Treatments:** This issue “applies to all applications for Greenway Approval which are subject to the landscape requirements of the Greenway chapter of Title 33 Planning and Zoning of the Portland Municipal Code. These guidelines call for landscaping treatments which create a balance between the needs of both human and wildlife populations:

1. Landscape Treatment
2. Grouping of Trees and Shrubs
3. Transitions

As noted previously, this site lies within Resource Site 117 A-Dunthorpe, in the *Inventory of Natural, Scenic and Open Space Resources for Multnomah County Unincorporated Urban Areas*. A complete list of significant resources within Site 117-A is found on page 3 of this report. As outlined below, measures will be implemented to avoid and minimize impacts to the noted resources and to enhance the habitat and scenic values of the riverbank.

**Construction Limits:** Overall, the construction work will affect approximately 2,050 square feet of Parcel 1 and approximately 14,170 square feet of proposed Parcel 2. Nearly all the construction activities will be located over 100 feet landward of the riverbank and greenway setback and will be localized within designated construction limits, as identified on the Construction Management Plan (Exhibit C.4) and the Proposed Improvements Plan (Exhibit C.3). The work within and riverward of the greenway setback will consist solely of the removal of nuisance plants, and the installation of native plants and an irrigation system to support the new plantings.

In order to ensure protection of the river environment, the 100-year flood plain, and the trees that are required to be retained, erosion controls and tree protection fencing will be installed to contain and limit the areas of disturbance. Additionally, conditions will be imposed regarding the following:

- The stormwater facilities for Parcels 1 and 2 will be located landward of the 100-year floodplain, and limited to the areas shown on the Preliminary Clearing and Grading Plan (Exhibit C.4).
- The alterations to the existing house and associated grading on Parcel 1 and Parcel 2 must be limited to the areas noted on the Exhibit C.4.
- The footprint for the new residence on Parcel 2 may not exceed 4,000 square feet.
- The location of the new residence and associated grading on Parcel 2 must be limited to areas landward of Elevation 47, as shown on Exhibit C.4.
- Frontage improvements and tree removal are limited to areas within the existing and newly dedicated area of right-of-way along SW Riverwood Road and are subject to approval by Multnomah County.

**Tree Removal:** Of the four trees (Trees 2, 8, 10 and 11) proposed for removal within the designated construction area: Tree 8 is dead and is within 10 feet of the proposed new house; Tree 2 is an ornamental palm tree that is proposed to be relocated; Tree 10 is an ornamental dogwood tree that is located within an existing sanitary sewer easement; and Tree 11 is an ornamental cherry within the utility corridor for the proposed stormwater system for the existing development on Parcel 1. These trees are not native to the Portland region and though the trees provide some habitat and scenic values for the greenway, their removal will not significantly diminish these resources, since a number of other trees will be retained on the site. Additionally, the installation of 11 native trees and over 200 native shrubs along the shoreline will help to replace the values lost by the removal of these trees.

**Greenway Plantings:** The applicant has submitted an existing conditions and proposed planting plan (Exhibit C.5) of the existing and proposed bank plantings to demonstrate how the Greenway Planting requirements will be met. Based on these plans, all existing trees will be retained and the following plantings will be provided within the greenway setback on each parcel and within the resource tract:

	<b>Length of riverfrontage (feet)</b>	<b>Trees</b>	<b>Shrubs</b>	<b>Groundcover</b>
Parcel 1-greenway setback	95	2 new	15	300
Parcel 2-greenway setback	115	4 total (3 new + 1 existing)	15	250
Resource Tract	210	14 total (6 new + 8 existing)	205	---
<b>Total</b>	<b>210</b>	<b>11 R*/ 20 P*</b> (11 new + 9 existing)	<b>105 R*/ 235 P*</b>	Sufficient to cover balance of area R/ <b>550 P*</b>

\* R-required P-proposed

The Existing Conditions Plan also shows grass, blackberry, and butterfly bush are located within the areas to be planted. To ensure success of the proposed native plantings, a condition will be made that the non-native and nuisance groundcover and shrub species must be removed from the planting area, prior to the installation of the new plantings. To support the new plantings, the narrative indicates an irrigation system will be installed; however, no specific irrigation plan was provided. Therefore, to ensure the nuisance plant removal and irrigation installation work is done in a manner that protects the existing trees, a condition will be made that the work within and riverward of the greenway setback may only be conducted with hand-held equipment.

Further, to ensure the commonly-owned tract (Tract A) and the property with the existing residence (Parcel 1) do not move out of compliance with the plantings standards when the property is divided, a condition is warranted which requires that the Greenway Plantings must be installed within Tract A and on Parcel 1 as shown on the Planting Plan (Exhibit C.5), prior to final plat approval. Additionally, to ensure the native plantings are installed on Parcel 2, a condition will be imposed which requires the Greenway Plantings must be planted, in substantial conformance with the Planting Plan (Exhibit C.5), at time of new development on that parcel.

In summary, as shown on the project plans (Exhibits C.3, C.4, C.5), the alterations to the existing residence and the location of the new house and associated grading will be landward of Elevation 47, and the stormwater facilities and connections will be landward of the 100-year floodplain (Elevation 37.4), and the riverbank will be restored and replanted to provide a more diverse understory and array of native vegetation. With the implementation of the measures proposed by the applicant and those called for by the conditions noted above, protections will be in place to avoid and minimize disturbances to the environmental and greenway resources on the site. Based on the foregoing, these guidelines will be met.

**B. River frontage lots in the River Industrial zone.**

**C. Development within the River Natural zone.**

**D. Development on land within 50 feet of the River Natural zone.**

**Findings:** The project site is not located within a River Industrial or in or within 50 feet of a River Natural zone, so Criterion B, C, and Criterion D do not apply.

**E. Development within the greenway setback.**

**F. Development riverward of the greenway setback.**

**Findings:** These criteria require that the proposal must not have a detrimental impact on designated habitat areas on the riverbank. The criteria also require that the proposal will protect the riverbank from wave and wake damage; will not result in a loss of biological productivity in the river, or interfere with boating, navigation or fishing use of the river or beaches that are open to the public.

As discussed above, this site is included in Resource Site 117 A-Dunthorpe, and significant resources found on this site include the Willamette River, fish habitat, and special status species. Functional values on this site include water quality, flood attenuation/storage, fish habitat and water supply.

The activities proposed within the greenway setback and riverward consists solely of the removal of nuisance vegetation and installation of native species to meet the greenway planting standards, and an irrigation to support the new plantings. No other changes are proposed. With conditions that all work within and riverward of the greenway setback must be conducted with hand-held equipment, this will reduce the likely of any erosion or damage to the existing native plantings during the nuisance plant removal and the irrigation and new native plant installation.

Overall, these activities will contribute to the habitat values of the shoreline, without interfering with boating, navigation, fishing or access to beaches. With the implementation of the noted conditions, this criterion will be met.

**G. Development within the River Water Quality overlay zone setback.**

**Findings:** The site does not have a River Water Quality designation, so this criterion is not applicable.

**H. Mitigation or remediation plans.**

**Findings:** There are no applicable approval criteria that require a mitigation or remediation plan, so this criterion does not apply.

**DEVELOPMENT STANDARDS**

Development standards that are not relevant to the land division review are not addressed in this review, and will have to be met at the time that each of the proposed lots is developed. The development standards that do apply at this time are addressed below:

**Environmental Overlay Zone:** Since project site has an Environmental Conservation (c) overlay designation, the Land Division proposal must comply with the following development standards in order to be approved:

- 33.430.160 Standards for Land Divisions and Planned Developments  
The following standards apply to Land Divisions and Planned Developments in the environmental overlay zones. All of the standards must be met. Modification of any of these standards requires approval through environmental review described in Sections 33.430.210 to 33.430.280.
  - A.** All development is outside the resource area of the environmental protection zone;
  - B.** Where there is a house on the site that is in the environmental protection zone, it may remain if a new lot is created that meets the following:
    1. The existing house will remain; and
    2. A new lot is created that is no larger than required to contain the existing house, garage, minimum required setbacks, a 12-foot wide driveway, and an open area of 20 feet by 20 feet.
  - C.** Resource areas of the environmental protection zone that are outside of lots being created under the provisions of Subsection B., above, are located entirely within environmental resource tracts. The tracts must be owned in common by all of the owners of the land division site, by a Homeowners' Association, by a public agency, or by a non-profit organization; and
  - D.** The total amount of disturbance area allowed within the resource area of the environmental conservation zone is either the amount listed in Table 430-4 or 1 acre, whichever is less, minus the amount of area outside the resource area;

	<b>OS and RF Zone</b>	<b>R20 Zone</b>	<b>R10 Zone</b>	<b>R7 Zone</b>	<b>R5 Zone</b>	<b>All Other Zones</b>
Maximum Disturbance Area	5% of site area	12% of site area	15% of site area	17% of site area	22% of site area	50% of the base zone building coverage

Notes: [1] Disturbance area includes utility construction.

- E.** Resource areas outside designated disturbance areas must be placed entirely within environmental resource tracts. The tracts must be owned in common by all of the owners of the land division site, by a Homeowners' Association, by a public agency, or by a non-profit organization;
- F.** The combined total diameter of trees cut may not exceed 225 inches per dwelling unit in residential zones. In all other zones tree removal is limited to the boundaries of the approved disturbance area. Trees that are less than 6 inches in diameter and trees listed on the Nuisance Plants List are exempt from this standard and may be removed without being counted as part of the 225 inches.
- G.** The standards of Subsections 33.430.140.B, C, and K through R must be met.
- H.** Streets, alleys, walkways, and stormwater facilities are not created within 50 feet of an identified wetland or water body. The standard does not apply to recreational trails identified by the Comprehensive Plan;
- I.** Right-of-way and roadway widths do not exceed the maximums listed in Table 430-5; and

- J. Utility construction must meet the applicable standards of Section 33.430.150. Private utility lines on a lot where the entire area of the lot is approved to be disturbed and where the private utility line provides connecting service directly to the lot from a public system are exempt from this standard.*

The site does not have an Environmental Protection (p) overlay, so Standards A, B and C do not apply. The entire portion of the site within the Environmental Conservation (c) overlay will be placed in an Environmental Resource Tract, and the only activities proposed within the tract involve the removal of nuisance species and the installation of native plantings, so Standards D, E and F are met. By placing the resource area in a tract, all other development will be located outside of the c-zone, so the balance of the standards will not apply to the proposed parcels.

**Existing Development:** Some of the existing development on the site will remain and be located on Parcel 1. The division of the property may not cause the structures to move out of conformance or further out of conformance to any development standard applicable in the R20 zone. Per 33.700.015, if a proposed land division will cause conforming development to move out of conformance with any regulation of the zoning code, and if the regulation may be adjusted, the land division request must include a request for an adjustment (Please see section on Other Technical Standards for Building Code standards.)

In this case, there are several standards that relate to existing development on the site:

- Minimum Setbacks – The existing house identified to remain on the site must meet the required Zoning Code setbacks from the proposed new lot lines. The existing house currently crosses the proposed lot line. The applicant has indicated that alterations will be made to the existing house to remove portions that cross the lot line, so the house will meet the minimum 10-foot setback from the new lot line. To ensure this standard is met at the final plat stage, the applicant must obtain and final permits for the alterations. Additionally, after the alterations are finalized, the final plat must include a supplemental survey showing the location of the house relative to the adjacent new lot lines. Alternatively, existing buildings must be set back from the new lot lines in conformance with an approved Adjustment or other Land Use Review decision that specifically approves alternative setbacks.
- Accessory Structures – In this zone, accessory structures are not allowed on a lot without a primary structure. Therefore, in order for the proposed new parcels to meet this standard, all accessory structures (garage and greenhouse) on Parcel 2 must be removed prior to final plat. Demolition permits are required for structures that are 200 square feet or larger and zoning permits are required for structures less than 200 square feet. The applicant must provide documentation prior to final plat approval that all required permits have received final inspection. To ensure that this standard is met, a condition of approval is necessary.
- Greenway Plantings – As discussed in the Greenway Review, plantings must be installed within the greenway setback of Parcel 1 and within the Environmental Resource tract (Tract A) prior to final plat approval, to ensure these areas do not move out of conformance with the Greenway Planting standards. Greenway Plantings will be required on Parcel 2 at the time of new development on that property.

With the conditions noted above, this land division proposal can meet the requirements of 33.700.015.

**Future Development:** Among the various development standards that will be applicable to future development at this site, the applicant should take note of:

- Greenway Overlay Zone (33.440): The entire site is within the Greenway overlay zone, and any future development, alterations, tree removal, or other changes to the parcels, tracts, and rights-of-way must comply with the zoning regulations in effect at that time.
- Environmental Overlay Zone (33.430): Any future changes proposed within the Environmental Resource Tract will be subject to the zoning regulations in effect at that time.

## OTHER TECHNICAL REQUIREMENTS

Technical decisions have been made as part of this review process. These decisions have been made based on other City Titles, adopted technical manuals, and the technical expertise of appropriate 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 service standards applicable to this preliminary partition proposal.

Bureau	Code Authority and Topic
Water Bureau, 503-823-7404 <a href="http://www.portlandonline.com/water">www.portlandonline.com/water</a>	Title 21 - Water availability
Environmental Services, 503-823-7740 <a href="http://www.portlandonline.com/bes">www.portlandonline.com/bes</a>	Title 17; 2008 Stormwater Manual Sewer availability & Stormwater Management
Dunthorpe-Riverdale Service District No.1 503-988-5050	Sewer availability
Lake Oswego Fire District, 503-635-0275	Emergency Access, Hydrants
Multnomah County Transportation 503-988-5050	MCCR: 6.100A, 16, 18, 18.250, 18.750 DCM 5.1 Public road design
Development Services 503-823-7300 <a href="http://www.portlandonline.com/bds">www.portlandonline.com/bds</a>	Titles 24 -27, Admin Rules for Private Rights of Way Building Code, Erosion Control, Flood plain, Site Development & Private Streets

As authorized in Section 33.800.070 of the Zoning Code conditions of approval related to these technical standards have been included in the Administrative Decision on this proposal.

- Fire: The site is within the jurisdiction of the Lake Oswego Fire Department. The Fire Department response indicates access, water pressure and flow must be evaluated at time of development on proposed Parcel 2. See Exhibit E.4 for more details.

## CONCLUSIONS

The applicant has requested approval for Land Division for a 2-parcel partition, as shown on the attached preliminary plan (Exhibit C.1), and for a Greenway Review for alteration to the existing house, construction of a new residence, and associated tree removal, grading, utilities, and plantings. As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions. The primary issues identified with this proposal are:

- Right-of-way dedication and frontage improvements along SW Riverwood
- Public slope/utility/drainage easement to Multnomah County
- Environmental Resource Tract
- Private Storm Easement
- Tree Preservation
- Greenway Plantings
- Fire Department access, water pressure, and flow requirements

With conditions of approval that address these requirements this proposal can be approved.

## ADMINISTRATIVE DECISION

**Approval** of a Preliminary Plan for a 2-parcel partition that will result in 2 standard lots, and an environmental resource tract, as illustrated with Exhibit C.1; and

**Approval** of a Greenway Review for alterations to the existing house, the relocation and installation of water, sanitary, and stormwater management utilities for the existing, and associated grading and tree removal as shown on Exhibit C.4; construction of a new residence on proposed Parcel 2 and associated tree removal, grading, and utilities, in substantial conformance with Exhibit C.4; installation of native plantings within the greenway setback and riverward in



Tract A, in substantial conformance with Exhibit C.5; and the removal of existing walls and trees associated with frontage improvements along SW Riverwood Road.

These approvals are subject to the following conditions:

**A. Supplemental Plan.** Five copies of a supplemental plan shall be submitted with the final plat survey for review and approval. That plan must portray how the conditions of approval listed below are met. In addition, the supplemental plan must show the surveyed location of the following:

- Any buildings or accessory structures on the site at the time of the final plat application;
- Any driveways and off-street vehicle parking areas on the site at the time of the final plat application;
- The proposed general location of future building footprints and sanitary and stormwater facilities for each of the vacant lots.
- All storm and sanitary as-built utilities.
- Any other information specifically noted in the conditions listed below.

**B. The final plat must show the following:**

1. The applicant shall meet the street dedication requirements of the Multnomah County Transportation for the SW Riverwood Road frontage. The required right-of-way dedication must be shown on the final plat.
2. A public slope/utility/drainage easement granted to Multnomah County, shall be shown along the north boundary of Parcel 2, to the satisfaction of Multnomah County Transportation. The easement must be labeled as "Public Slope/Utility/Drainage Easement to Multnomah County".
3. A private storm sewer easement, for the benefit of Parcel 1, shall be shown and labeled over the relevant portions of Parcel 2.
4. An environmental resource tract shall be noted on the plat as "Tract A: Open Space (Environmental Resource Area). A note must also be provided on the plat indicating that the tract will commonly owned and maintained by the owners of Parcels 1 and 2.
5. The existing Dunthorpe-Riverdale District sanitary easement across Parcels 1 and 2 shall be shown to the satisfaction of Environmental Services.
6. A recording block for each of the legal documents such as maintenance agreement(s), acknowledgement of special land use conditions, or Declarations of Covenants, Conditions, and Restrictions (CC&Rs) as required by Conditions C.10-C.12 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "A Declaration of Maintenance Agreement for (name of feature) has been recorded as document no. \_\_\_\_\_, Multnomah County Deed Records."

**C. The following must occur prior to Final Plat approval:**

**Streets and Alleys**

1. The applicant shall submit plans for review and approval to the satisfaction of Multnomah County Transportation, in order to demonstrate the existing sidewalk meets the current standards of the Americans with Disabilities Act (ADA) or the applicant must obtain a permit to remove and reconstruct sub-standard and/or damaged sidewalks to achieve the standard.
2. The applicant shall obtain an access/encroachment permit for all structures and work in the public right-of-way to the satisfaction of Multnomah County Transportation.

## **Utilities**

3. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of the existing sanitary sewer system on the site.
4. The applicant shall obtain a finalized permit to cap the northern sanitary lateral that serves the portion of the existing house that will be removed from Parcel 2 to the satisfaction of Environmental Services.
5. The applicant shall obtain a discharge permit from Multnomah County for any alterations to the stormwater discharge on the right-of-way or other county facilities.

## **Existing Development**

6. The applicant must obtain a finalized permit(s) for removing the garage and greenhouse structures on Parcel 2. Alternately, the applicant can execute a covenant with the City stating that the structures will be removed if a primary structure has not received final inspection on the lot(s) with the accessory structure(s) within two years of final plat approval. The covenant must be recorded with Multnomah County prior to final plat approval. Prior to removal of these structures, tree protection must be installed in accordance with the approved Tree Preservation Plan, per Condition D.1.
7. The applicant must obtain a finalized building permit for alterations to the existing house that will remain on proposed Parcel 1 that demonstrate compliance with the following:
  - a. The alterations to the existing house and associated grading must be limited to the areas noted on Preliminary Clearing and Grading Plan (Exhibit C.4)
  - b. Tree protection must be provided, in accordance with the approved Tree Preservation Plan, per Condition D.1.
  - c. Sufficient portions of the existing house must be removed to meet the setback requirements of the R20 zone standards in relation to the proposed new lot lines, per 33.110.220/Setbacks.
  - d. The alterations to the existing house and associated grading on Parcels 1 and 2 must be limited to the areas noted on Exhibit C.4.
  - e. The stormwater facilities for Parcels 1 and 2 must be located landward of the 100-year floodplain, and limited to the areas shown on Exhibit C.4.
8. The applicant shall meet the requirements of Environmental Services (BES) for the stormwater systems for the existing driveway and the existing house to remain on Parcel 1. Specifically, a finalized permit must be obtained for a stormwater management system for the portion of the driveway on Parcel 1; and, if modifications to the system on the house are warranted, finalized permits must be obtained for those changes, and stormwater must be directed to an approved disposal point that meets setback requirements from the new lot lines.
9. If the driveway will be retained on Parcel 2, the applicant shall obtain a finalized permit for the construction of a stormwater facility for the driveway to the satisfaction of BES.

## **Required Legal Documents**

10. A Maintenance Agreement shall be executed for the private storm sewer easement described in Condition B.3 above. The agreement shall include provisions assigning maintenance responsibilities for the easement areas and any shared facilities within those area, consistent with the purpose of the easement, and all applicable City Code standards. The agreement must be reviewed by the City Attorney and the Bureau of Development Services, and, where applicable, Multnomah County, and approved as to form, prior to final plat approval.
11. The applicant shall execute an Acknowledgement of Tree Preservation Requirements that notes tree preservation requirements that apply to Parcels 1 and 2. A copy of the approved Tree

Preservation Plan must be included as an exhibit to the Acknowledgement. The acknowledgment shall be recorded with Multnomah County and referenced on the final plat.

12. A Maintenance Agreement shall be executed for the tract described in Condition B.4 above. The agreement shall include provisions assigning maintenance responsibilities for the tract and any shared facilities within the areas, consistent with the purpose of the tract, and all applicable City Code standards. The tract must be owned in common by Parcels 1 and 2. The agreement must be reviewed by the City Attorney and the Bureau of Development Services, and approved as to form, prior to final plat approval. The agreement must also:
  - a. assign common, undivided ownership of the tract to the owners of all lots;
  - b. include provisions for assigning maintenance responsibilities for the tract;
  - c. include provisions assigning maintenance responsibilities for greenway plantings located within the tract;
  - d. include a description of allowed/prohibited activities consistent with Chapter 33.430; and
  - e. include conditions of this land use approval that apply to the tract.

#### **Other requirements**

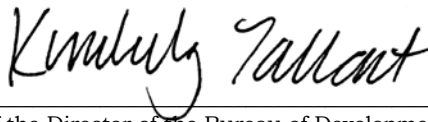
13. Greenway Plantings must be installed within Tract A and on Parcel 1, as shown on the Planting Plan (Exhibit C.5). Prior to the installation of the new plantings non-native and nuisance groundcover and shrub species must be removed from the planting areas. Only hand-held equipment may be used to remove nuisance plants, or install native plants or an irrigation system within and riverward of the greenway setback.

#### **D. The following conditions are applicable to site preparation and the development of individual lots:**

1. The following apply to site work, alterations, and new development on Parcels 1 and 2:
  - a. All activities shall be in conformance with the Tree Preservation Plan (Exhibit C.5). Specifically, trees numbered 2, 5, 6, 13, 14, and 15 are required to be preserved, with the root protection zones indicated on Exhibit C.5. Additionally, except for the trees approved for removal as part of this review, all other trees on the site are to be protected under the Greenway regulations, 33.440, and any tree removal must be reviewed through a Greenway Review or shown to be exempt from those regulations. Tree protection fencing is required along the root protection zone of each tree to be preserved. The fence must be 6-foot high chain link and be secured to the ground with 8-foot metal posts driven into the ground. Encroachment into the specified root protection zones may only occur under the supervision of a certified arborist. Planning and Zoning approval of development in the root protection zones is subject to receipt of a report from an arborist, explaining that the arborist has approved of the specified methods of construction, and that the activities will be performed under his supervision.
  - b. The stormwater facilities for Parcels 1 and 2 must be located landward of the 100-year floodplain, and limited to the areas shown on the Preliminary Clearing and Grading Plan (Exhibit C.4).
  - c. The alterations to the existing house and associated grading on Parcels 1 and 2 must be limited to the areas noted on Exhibit C.4.
  - d. The footprint for the new residence on Parcel 2 may not exceed 4,000 square feet.
  - e. The location of the new residence and associated grading on Parcel 2 must be limited to areas landward of Elevation 47, as shown on Exhibit C.4.
  - f. The clearing and grading plan must substantially conform to the Preliminary Clearing and Grading Plan approved with this decision (Exhibit C.4).
  - g. Greenway Plantings must be planted within the Greenway Setback on Parcel 2, in substantial conformance with the Planting Plan (Exhibit C.5), at time of new development on that parcel.
2. New development on Parcel 2 must be reviewed and approved for access, water pressure, and flow requirements to the satisfaction of the Lake Oswego Fire Department.

3. The applicant shall obtain a discharge permit from Multnomah County for any alterations to the stormwater discharge on the right-of-way or other county facilities.
4. The applicant shall obtain a driveway permit for Parcel 2 to the satisfaction of Multnomah County. Frontage improvements must be made within the SW Riverwood Road right-of-way to the satisfaction of Multnomah County. Frontage improvements shall be limited to areas within the existing and newly dedicated area of right-of-way along SW Riverwood Road.
5. The following apply to the Environmental Resource Tract (Tract A):
  - a. All vegetation planted in a resource area of environmental zones is native and listed on the Portland Plant List. Plants listed on the Portland Nuisance Plant List or Prohibited Plant List are prohibited.
  - b. Only hand-held equipment may be used to remove nuisance plants, or install native plants or an irrigation system.
  - c. Fences are not allowed within a resource area of environmental zones.

**Staff Planner: Kate Green**



**Decision rendered by:** \_\_\_\_\_ **on October 3, 2013**

By authority of the Director of the Bureau of Development Services

**Decision mailed October 8, 2013**

**About this Decision.** This land use decision is **not a permit** for development. A Final Plat must be completed and recorded before the proposed lots can be sold or developed. 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 June 29, 2012, and was determined to be complete on December 28, 2012.

*Zoning Code Section 33.700.080* states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on June 29, 2012.

*ORS 227.178* states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant waived the entire 120-day review period (Exhibit G.3). **The 120 days will expire on: December 27, 2013.**

**Note: 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 October 22, 2013** at 1900 SW Fourth Avenue. Appeals may be filed Tuesday through Friday on the first floor in the Development Services Center until 3 p.m. After 3 p.m. and on Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails.

**Appeal fee waivers.** Multnomah County may cover the appeal fees for their recognized associations. An appeal filed by a recognized association must be submitted to the City with either the appropriate fee or the attached form signed by the County. Contact Multnomah County at 503-988-3043, 1600 SE 190<sup>th</sup>, Portland, OR 97233.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 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.ci.portland.or.us](http://www.ci.portland.or.us) .

**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, OR 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 land division.** The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director or delegate, the City Engineer, and the City Land Use Hearings Officer, and approved by the County Surveyor. **The approved preliminary plan will expire unless a final plat is submitted within three years of the date of the City's approval of the preliminary plan.**

**Recording concurrent approvals.** The preliminary land division approval also includes concurrent approval of a Greenway Reviews. The other concurrent approval must be recorded by the Multnomah County Recorder before any building or zoning permits can be issued.

A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with the concurrent land use review. The applicant, builder, or their representative may record the final decisions on these concurrent land use decisions 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.

**Expiration of concurrent approvals.** The preliminary land division approval also includes concurrent approval of a Greenway Review. For purposes of determining the expiration date, there are two kinds of concurrent approvals: 1) concurrent approvals that were necessary in order for the land division to be approved; and 2) other approvals that were voluntarily included with the land division application.

The following approvals were necessary for the land division to be approved: Greenway Review. This approval(s) expires if:

- The final plat is not approved and recorded within the time specified above, or
- Three years after the final plat is recorded, none of the approved development or other improvements (buildings, streets, utilities, grading, and mitigation enhancements) have been made to the site.

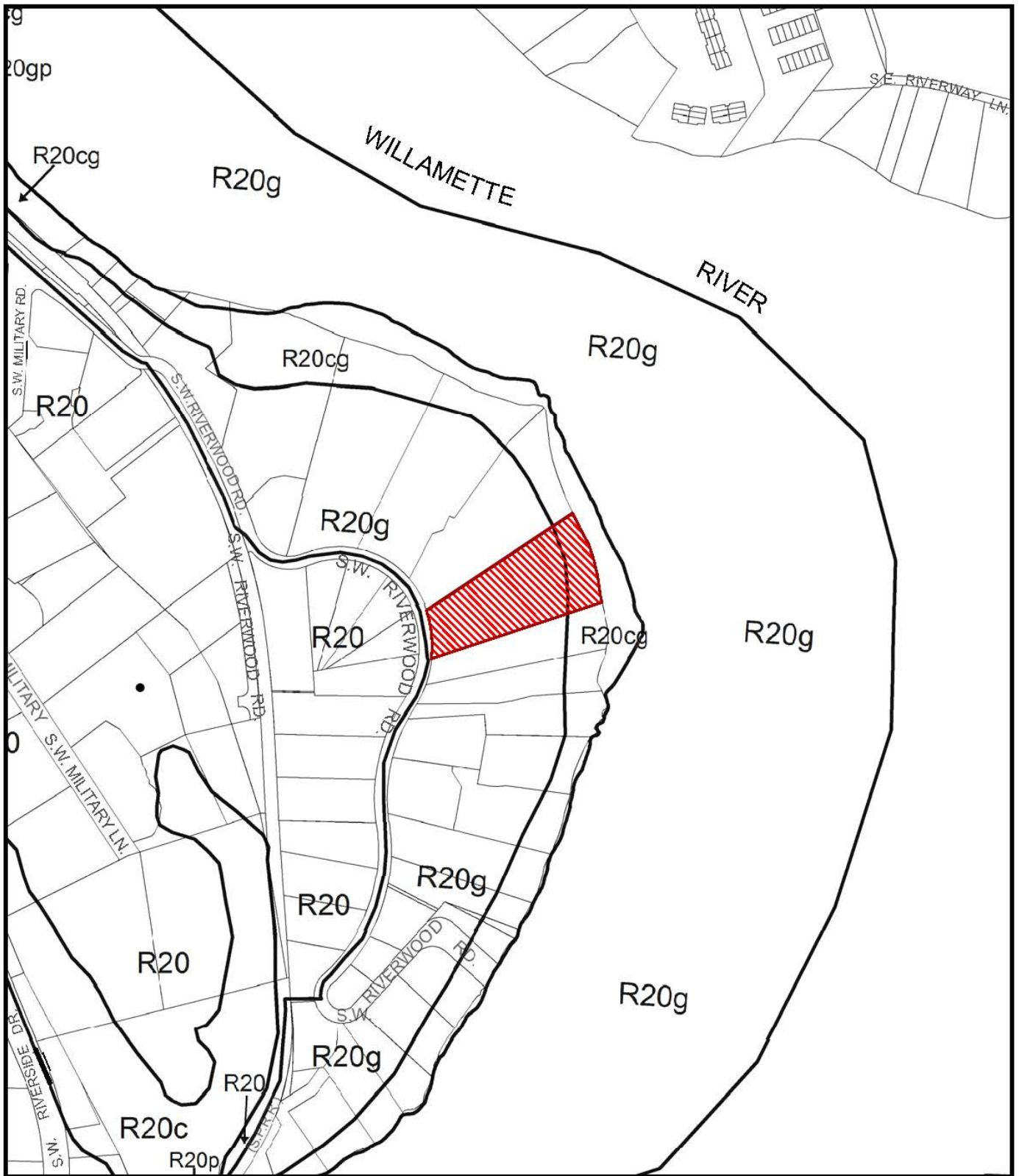
All other concurrent approvals expire three years from the date rendered, unless a building permit has been issued, or the approved activity has begun. Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Supplemental Narrative
  - 2. Revised Narrative
  - 3. Geotechnical and Landslide Hazard Reports
  - 4. Stormwater Report
  - 5. Supplemental Reports and Narrative
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Preliminary Land Division Plan (reduced copy attached)
  - 2. Existing Conditions Survey
  - 3. Proposed Improvements and Utility Plan
  - 4. Preliminary Clearing and Grading Plan (reduced copy attached)
  - 5. Tree Preservation/Planting Plan (reduced copy attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Multnomah County Land Use and Transportation
  - 3. Portland Water Bureau
  - 4. Lake Oswego Fire Bureau
  - 5. Site Development/BDS
  - 6. Life Safety/BDS
- F. Correspondence: (none)
- G. Other:
  - 1. Original LU Application
  - 2. Letter to applicant re: incomplete application
  - 3. Timeline extension
  - 4. Emails to/from applicant

**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



This site lies within:  
Unincorporated Multnomah County

File No. LU 12-156455 LDP, GW  
 1/4 Section 4132  
 Scale 1 inch = 300 feet  
 State\_Id 1S1E35AC 3200  
 Exhibit B (Sep 05, 2013)





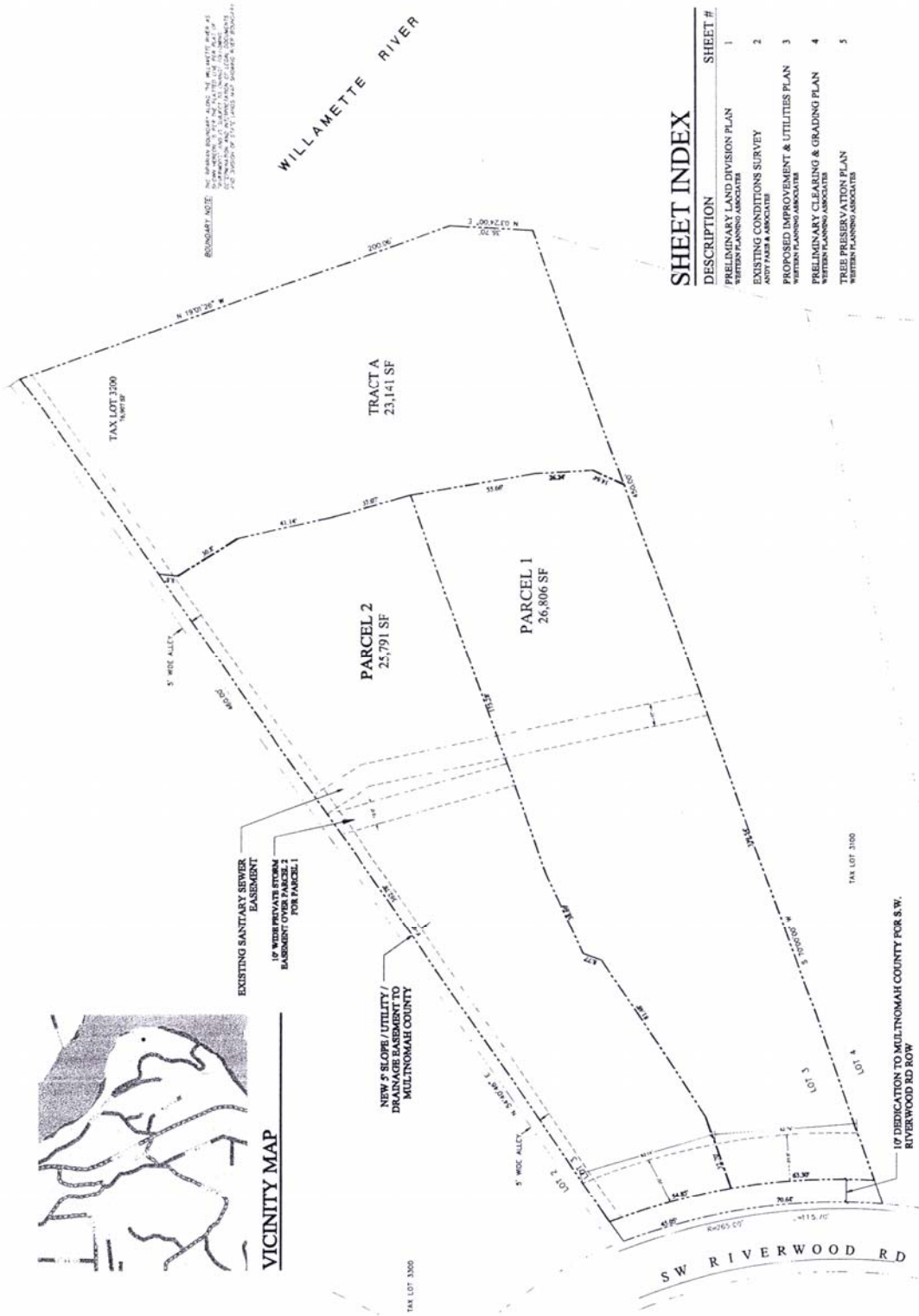
Land Planning  
Architectural  
Architects  
10000 SW  
LAKESIDE DR  
MULTNOMAH, OR 97142  
503.774.0222

SCALE:	AS NOTED
DESIGNED BY:	WPA
DRAWN BY:	WPA
CHECKED BY:	WPA
DATE:	05/31/12
REVISED:	06/04/13
1.	07/08/13
2.	08/20/13
3.	09/26/13



LINDSTROM RESIDENCE  
PRELIMINARY LAND DIVISION PLAN  
11550 SW RIVERWOOD RD., MULTNOMAH CO.  
SUBMITTER ADDRESS

1 of 5



VICINITY MAP

**SHEET INDEX**

DESCRIPTION	SHEET #
PRELIMINARY LAND DIVISION PLAN WESTERN PLANNING ASSOCIATES	1
EXISTING CONDITIONS SURVEY ANDY PABER & ASSOCIATES	2
PROPOSED IMPROVEMENT & UTILITIES PLAN WESTERN PLANNING ASSOCIATES	3
PRELIMINARY CLEARING & GRADING PLAN WESTERN PLANNING ASSOCIATES	4
TREE PRESERVATION PLAN WESTERN PLANNING ASSOCIATES	5

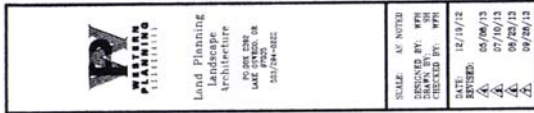


**PRELIMINARY LAND DIVISION PLAN** TOTAL SITE AREA 76,907 SF  
BASE INFORMATION FROM ANDY PABER & ASSOCIATES SURVEY # 20110712100  
 COMPREHENSIVE PLAN DESIGNATION LOW DENSITY SINGLE FAMILY, ZONING AS NOTED (R200 & R20 CO) -SEE SHEET 4

LU 12-156455 Exhibit C.1







LINDSTROM RESIDENCE  
TREE PRESERVATION PLAN  
11550 SW RIVERWOOD RD., MULTNOMAH CO.  
PORTLAND, OREGON

C  
of  
C

PLANTING SCHEDULE

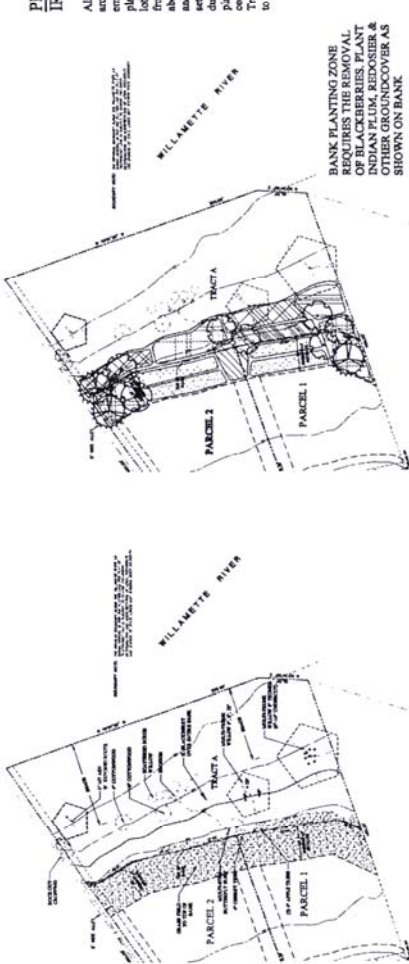
ITEM	QTY	UNIT	REMARKS	REMARKS
1	1	Tree	1" Caliper	Planting Schedule
2	1	Tree	2" Caliper	Planting Schedule
3	1	Tree	3" Caliper	Planting Schedule
4	1	Tree	4" Caliper	Planting Schedule
5	1	Tree	5" Caliper	Planting Schedule
6	1	Tree	6" Caliper	Planting Schedule
7	1	Tree	7" Caliper	Planting Schedule
8	1	Tree	8" Caliper	Planting Schedule
9	1	Tree	9" Caliper	Planting Schedule
10	1	Tree	10" Caliper	Planting Schedule
11	1	Tree	11" Caliper	Planting Schedule
12	1	Tree	12" Caliper	Planting Schedule
13	1	Tree	13" Caliper	Planting Schedule
14	1	Tree	14" Caliper	Planting Schedule
15	1	Tree	15" Caliper	Planting Schedule
16	1	Tree	16" Caliper	Planting Schedule
17	1	Tree	17" Caliper	Planting Schedule
18	1	Tree	18" Caliper	Planting Schedule
19	1	Tree	19" Caliper	Planting Schedule
20	1	Tree	20" Caliper	Planting Schedule

REQUIRED GREENWAY PLANTING SUMMARY

PARCEL 1	81.1% OF FRONTAGE	PROVIDED	100
		REQUIRED	100
		REMAINING	0
PARCEL 2	11.1% OF FRONTAGE	PROVIDED	100
		REQUIRED	100
		REMAINING	0

PLANTING & IRRIGATION NOTES

All landscape plantings to be installed in accordance with the landscape architect's plan, details and specifications. All plants shall be installed in accordance with the specifications shown on the plans. Each lot's landscape installation and its corresponding irrigation on Tract A requires the construction of an above ground irrigation system with hoses, timers and sprinklers. No irrigation trenching in Greenway setback or Tract A. The system shall be installed in accordance with the specifications shown on the plans (typically 3' minimum). Landscape construction to be phased with Parcel 1 and Parcel 2 as Phase I and Parcel 2 as Phase II. Phase I to occur at the time of building permit for Parcel 2.



EXISTING CONDITIONS PLAN 10/12 BY FIELD OBSERVATION

BY FIELD OBSERVATION 10/12

BANK PLANTING ZONE REQUIRES THE REMOVAL OF BLACKBERRIES, PLANT SPURGES, AND OTHER GROUNDCOVERS AS SHOWN ON BANK.

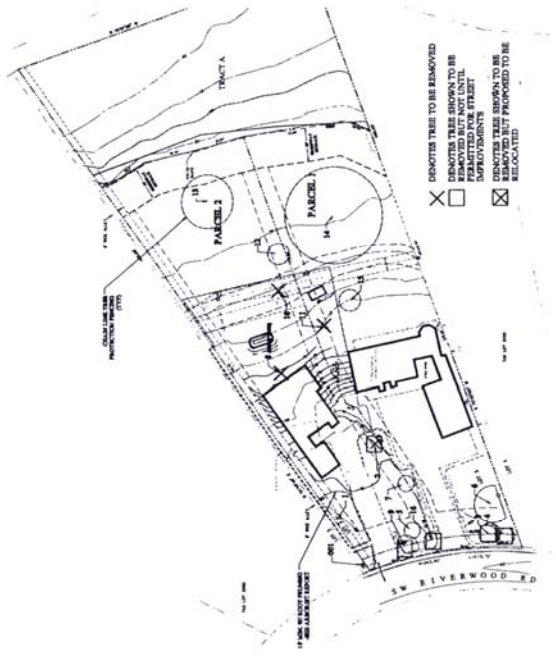
SUMMARY

PARCEL 1	194.5'
TOTAL CALIPER INCHES	44.0'
PROTECTED	41.0'
PARCEL 2	138.5'
TOTAL CALIPER INCHES	48.5'
PROTECTED	42.5'

OFFSITE TREE 001 PROTECTED 20.0'  
TOTAL PROTECTED OF 253' = 166.5'  
ON SITE TOTAL PROTECTED OF 233' = 146.5'

TREE TABLE

NO.	IDENTIFICATION NAME	CONDI.	DBH	PARCEL #	OFF SITE	OFF SITE
1	CORNUS ALTA (VIRGINIA SLACKY)	GOOD	10"	1	NO	NO
2	CORNUS ALTA (VIRGINIA SLACKY)	GOOD	10"	1	NO	NO
3	TRILICHTER LARICINATA	GOOD	10"	1	NO	NO
4	TRILICHTER LARICINATA	GOOD	10"	1	NO	NO
5	TRILICHTER LARICINATA	GOOD	10"	1	NO	NO
6	TRILICHTER LARICINATA	GOOD	10"	1	NO	NO
7	TRILICHTER LARICINATA	GOOD	10"	1	NO	NO
8	TRILICHTER LARICINATA	GOOD	10"	1	NO	NO
9	TRILICHTER LARICINATA	GOOD	10"	1	NO	NO
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11	TRILICHTER LARICINATA	GOOD	10"	1	NO	NO
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100	TRILICHTER LARICINATA	GOOD	10"	1	NO	NO



TREE PRESERVATION PLAN