



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

FROM CONCEPT TO CONSTRUCTION

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Date: October 10, 2013
To: Interested Person
From: Kathy Harnden, Land Use Services
503-823-7318 / Kathy.Harnden@portlandoregon.gov

NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

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

CASE FILE NUMBER: LU 13-195886 EN

GENERAL INFORMATION

Applicant: Susan Quesnel
PO Box 55847 / Portland, OR 97238

Site Address: 6801 NW ST HELENS RD

Legal Description: BLOCK 14 LOT 14&15 EXC PT IN ST, WILLBRIDGE
Tax Account No.: R915503670
State ID No.: 1N1W13BD 01100
Quarter Section: 2321
Neighborhood: Linnton, contact Ed Jones at 503-799-5368.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Northwest Hills, Forest Park Subdistrict
Other Designations: Northwest Hills Natural Areas Protection Plan
Zoning: R10c – Residential 10,000, with the Environmental Conservation (c) overlay

Case Type: EN – Environmental Review
Procedure: Type II, an administrative decision with appeal to the Hearings Officer.

Proposal:

This review is for an after-the-fact emergency installation of a new septic system. The site is currently developed with a single family dwelling. An existing cesspool, installed in 1922, failed suddenly. Immediate action was required to forestall a health hazard. A new UV septic tank was installed along the north side of the house outside the environmental zone, and a new drainfield was installed that is partially located in the resource area of the Environmental Conservation (“c”) zone. The site has an approximate 30 to 35 percent slope, and an old, terraced area exists on this slope on the southerly side of the house, where the drainfield was installed.

Approximately 1100 square-feet of resource area were impacted by the drainfield. This area includes the top two drainlines, a groundwater interceptor, a portion of the interceptor outfall pipe, and at least one pump. Effluent is pumped in a new pipe in the transition area behind the house, to the new drainfield. The house is located outside environmental resource areas, but is partially located in the transition area.

No trees were removed or damaged in the construction process. The area had signs of previous disturbance as “evidenced by retaining walls built with landscape rock at three different levels.” These terraces were maintained during the drainfield installation.

An environmental review is required because the proposal meets the regulations of Chapter 33.430.070, When These Regulations Apply, and does not meet any of the exemptions in 33.430.080.

Relevant Approval Criteria:

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

33.430.250.A – Public safety facilities, rights-of-way, driveways, walkways, outfalls, utilities, land divisions, Property Line Adjustments, Planned Development, and Planned Unit Developments

FACTS

Site and Vicinity: The site is an 11,700 square foot, single-dwelling residential property, adjacent to NW St. Helens Road to the east. It is situated directly across the highway from Doane Lake and the former *Rhone-Poulenc* remedial clean up site next to the Willamette River. The site is located at the bottom of a steep hill that forms the north-easterly edge of the Tualatin Mountain Range and the boundary of Forest Park. The site lies entirely within the Northwest Hills Natural Areas Protection Plan. The adjacent lot to the north is also zoned R10c, but the areas north, south and west of these two parcels are all zoned Open Space (OS) with either the Environmental Conservation or Protection overlay. Across the highway to the east, is a busy industrial section of NW St. Helens Road with commercial property across the street and heavy industry nearby.

Infrastructure: The site is accessed from NW St. Helens Road, which is an improved highway with full striping and 7-foot wide paved shoulders within an 80-foot wide right of way. Public water is available to the site, but not public sewer. Although there is a public storm sewer in the right of way, this proposal does not generate any additional storm run-off from the site.

Zoning: The R10 zone is intended to foster the development of single-dwelling residences on lots having a minimum area of 6,000 square feet. Newly created lots must have a minimum density of 1 lot per 10,000 square feet of site area. The provisions of this zone allow this use; these provisions are not specifically addressed through this Environmental Review.

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

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

The site is located within the Northwest Hills Plan District. It also lies within the Northwest Hills Natural Area Protection Plan, Unit 91 (the Willbridge Uplands). This unit is sandwiched between the Doane Creek and Saltzman Creek Watersheds. Unit 91 has a “high” wildlife habitat score. Resources and functional values of concern include wildlife habitat, slope/soil stabilization, water purification, groundwater recharge and discharge, storm drainage, recreation, aesthetics, and buffering land uses. The site is bordered by Forest Park and the

Forest Park Natural Resources Management Plan area which abuts its rear property boundary.

Impact Analysis and Mitigation Plan: A description of the proposal was provided on page one of this report. The following discusses development alternatives considered by the applicant, the actual construction management plan, and impact mitigation.

Development Alternatives: Installation of the new drainfield was done during an emergency situation when the existing septic system failed. A “no action” alternative was not realistic as it is illegal to allow raw sewage to flow onto private or public property. A new septic tank and drainfield required immediate installation to protect the health and safety not only of the residents, but also of surrounding neighbors, and no public sewer is available to serve this site.

Construction Management and Unavoidable Impacts: The site is steep and the house and driveway take up much of the available, somewhat flatter, area near the bottom of the slope. The only other undeveloped area on the site, adjacent to the highway, was not large enough to provide the required treatment area. In addition, six large trees located between the house and the highway would have required removal.

The installed location of the drainfield was the only logical location available on the site. As noted previously, the slope behind and east of the house is steep and covered in ivy and blackberry vines, both considered to be noxious weeds on the *Portland Plant List*. The upper slope contains trees including Holly, Chestnut, Elm, Big Leaf Maple and a few Spruce. The undergrowth is almost entirely ivy and blackberry with a few sword ferns mixed in. In addition, there are some downed logs, snags and stumps on the hillside forming additional woody habitat on the site.

The area selected for the drainfield contained no trees and none of the trees above the construction area were close enough to be impacted by the project. Further, as the drainfield was being graded, old terraces were discovered as evidenced by a series of rock walls down the slope that were apparently created by previous landowners of the site. These terraces were left intact as much as possible and the new drainlines incorporated into their structure.

Proposed Mitigation. The applicant covered the disturbance area with straw to reduce runoff potential and intends to plant the 1100 square-foot area with native ferns, small shrubs and ground covers. Trees must not be planted in the drainfield area as their large roots could have negative impacts to proper drainfield functions.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency and Neighborhood Review: A *Notice of Proposal in your Neighborhood* was mailed on September 3, 2013.

1. Agency Review: Several Bureaus and agencies responded to this proposal, but required no conditions of approval. Their responses may be viewed in the “E” exhibits in the application case file.

2. Neighborhood Review: No comments were received from the neighborhood or other members of the public.

ZONING CODE APPROVAL CRITERIA

33.430.250 Approval Criteria for Environmental Review

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

Findings: The relevant approval criteria that apply to the residential-related development in the environmental zone are found in Section 33.430.250.A. The applicant has provided findings for these approval criteria, as outlined below, and BDS Land Use Services staff has added conditions, where necessary, to meet the approval criteria. The applicant's detailed findings may be viewed in the application case file in Exhibit A.1.

A. Public safety facilities, rights-of-way, driveways, walkways, outfalls, utilities, land divisions, Property Line Adjustments, Planned Developments, and Planned Unit Developments. Within the resource areas of environmental zones, the applicant's impact evaluation must demonstrate that all of the general criteria in Paragraph A.1 and the applicable specific criteria of Paragraphs A. 2, 3, or 4, below, have been met:

Note: Since this activity is not a Public Safety Facility, Land Division, Property Line Adjustment, or Planned Development, the criteria in Sections 33.430.250 A.2 and A.4 do not apply and are not included.

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

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

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

The applicant demonstrated in the application narrative that alternative locations for the sanitary drainfield were extremely limited by the on-site topography and both existing development and vegetation on the site. Given the location of the existing house, the steep topography that requires effluent to be pumped uphill, and the location of existing trees on the site, the applicant's proposed location for the new sanitary drainfield was the only practicable alternative. The applicant did consider installing the new drainfield between the house and NW St. Helens Road, but this area was too small to contain the required drainfield area, and six large trees would have required removal.

In addition, drainfields are all designed in a similar fashion. This one had additional constraints due to the site constraints. Pumps were required to move the effluent to the top of the construction area on the hillside. Grading equipment was required to dig out the trenches that the pipes needed to be in. Excavated material was placed between each excavated row to reduce the total site area impacted by the project. Erosion controls were placed immediately adjacent to the work area along the sides of the trenches and at the bottom to keep soils from impacting areas outside the work area. The weather cooperated by being hot and dry so that mud was not created during the excavation.

Therefore, although alternatives were very limited, the applicant did consider them and selected the alternative with the fewest impacts prior to initiating construction, and therefore, *this criterion was met.*

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

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

Best management practices (BMPs) were employed during construction to manage potential soil erosion and protect areas that were not to be disturbed. Erosion control BMPs included construction fencing, silt fencing, and a staging area in the existing gravel parking area. These measures were used to prevent any unintended impacts to the environmental conservation zone areas located outside the construction area.

No trees were removed for any portion of the project, including the excavation of the drainfield lines. Further, vegetation at the drainfield site consisted primarily of English ivy and blackberry vines. The rocky debris from a series of rock terraces and the existing noxious weeds prevented native species from populating the site. In addition, existing trees on the site in the area near the drainfield installation consist of holly, Chestnut, Elm, and a few Big Leaf Maples and Spruce trees. Only the maple trees are native species; the others are considered “exotic” and the holly is considered a “nuisance” species.

Due to the erosion control measures that were undertaken for the project, the fact that the excavation occurred during dry weather, that best management practices were employed throughout the excavation and installment work, and that there were few native species on the site, it is concluded that there were few to no impacts on resources or functional values at the site or in areas outside the designated work zone.

Therefore, *this criterion was met.*

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

Findings: The applicant covered the disturbance area with a protective layer of straw and proposes to plant the area with sword ferns and other “indigenous varieties of small shrubs or ground cover from the Portland Plant List.” Although the applicant states that the proposal is to “plant a greater ratio of shrubs to ground cover than what is prescribed by Portland City guidelines” prior to the “October 1” deadline, additional planting specification are needed.

Given that the disturbance site is located partially within the resource area, and partially within the transition area, only the resource area is subject to the requirements of this review. Typical planting requirements over drainfields include native herbaceous species that do not have root systems that could impact the functioning of the drainfield lines. However, native shrubs should be planted in the areas between the drainlines if small rooted native shrubs are available. Many native shrubs grow large enough to be considered small trees.

A native seed mix of herbaceous species must be planted over the drainlines, including grasses, forbs, and ferns. The mix must be planted at a density to ensure a thick groundcover. There are several native species nurseries in the area that can provide guidance regarding species and quantities of seed that should be planted to meet this requirement. Native shrubs, such as kinnickinnick, creeping snowberry, and other small shrubs must be planted between the drainlines, and should be planted on 3-foot centers.

Generally, maintenance activities will include monitoring and inspection of plantings at 6 months and again at 1 year after initial planting. Any dead or dying plants must be replaced in kind. After the initial year, plants must be inspected yearly for the subsequent 2 years, after which the plants should be well established and no longer require regular monitoring.

With conditions to ensure that plantings required for this Environmental Review are native species, selected from the *Portland Plant List*, and that the applicant ensures the success of the plantings through a monitoring and maintenance program, and by City inspections, *this criterion will be met.*

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

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

Findings: Mitigation will occur on top of the drainfield area on the development site, and the applicant owns the property. Therefore, *criteria A.1.d and A.1.e are met.*

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

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

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

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

Findings: There is no environmental protection zoning on this site, and there are no water bodies on the site or within 300 feet of the site, so there will be no impacts to environmental protection zones or to any water bodies, and no water bodies will be crossed. Therefore, Criterion A.3.a. and c. do not apply.

The construction area was well contained by erosion controls that were inspected and approved by the Site Development section of the Bureau of Development Services. These inspections determined that there would be no detrimental impacts on any water bodies in the area, and therefore, Criterion A.3.b is met.

33.563.210 Northwest Hills Plan District: Forest Park Subdistrict: Additional Approval Criteria. 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 all of the following approval criteria are met:

A. Wildlife. The location, quantity, quality 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 United States Fish and Wildlife Service.

Findings: The site is an existing residential lot developed with a house and driveway. The area where the new drainfield was installed had been previously terraced with rock walls by a former landowner, and the house site had been excavated from the steep slope. There were no trees in the area used for the new drainfield. Instead, it was covered in English ivy and blackberry vines, both nuisance plant species. There were no observable wildlife trails and there was no existing habitat conducive to ground mammals or frogs. However, the disturbed ground area must be replanted with native species to prevent erosion and to recreate a more natural environment as required by the Northwest Hills Plan District.

Therefore, the entire drainfield disturbance area must be planted with a native forb seed mix that will enhance the existing habitat and be may be more conducive to the species listed above. Because the site will function as a septic drainfield, large shrubs and trees must not be planted over the drainfield lines. However, small native shrubs such as Kinnikinnick and Creeping Snowberry may have shallow enough roots to not interfere with the drain system. They should be planted in the open spaces separating the drain lines.

The applicant should inquire at local native plant nurseries for the best available native forbs and shrubs for this site. Native grasses could grow quite tall on this steep slope and create difficulties in trying to maintain their height. Therefore, grasses are not a preferred type of vegetation for this slope. A zoning permit is required to ensure the seeds are installed in accordance with these requirements.

- B. Parks and Open Space.** Overall scenic, recreational, educational and open space values of Forest Park will not be diminished as a result of development activities.

Findings: The site is located outside of the Forest Park boundary, and there are a number of non-native trees between the developed area and the Park boundary that would reduce visual impacts from the developed residential site.

- C. Miller Creek Subarea.** Within the Miller Creek Subarea, shown on Map 563-1, development activities will not degrade natural water quality, quantity, and seasonal flow conditions, and will not increase water temperatures above 68 degrees F. In addition, development activities will not decrease opportunities for fish and amphibian passage.

Findings: The site is not located in the Miller Creek Subarea, so this criterion does not apply.

DEVELOPMENT STANDARDS

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

OTHER TECHNICAL REQUIREMENTS

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

Bureau	Code Authority and Topic	Contact Information
Environmental Services	Title 17; 2008 Stormwater Manual	503-823-7740 www.portlandonline.com/bes

CONCLUSIONS

Failure of a 1922 cesspool on this site precipitated the immediate need for a new septic system to be installed for the existing house on the site. The applicant contacted the Site Development Division of the Bureau of Development Services to obtain emergency permits and necessary inspections to install a new system per current Code standards, and also applied for an Environmental Review during the installation of the system. The system has been installed and approved by Site Development, with limited impacts to the environmentally zoned area on the site. This area is a very steep slope that was covered in English ivy and blackberry bushes with only a few native ferns existing in the area. Higher on the slope are several trees that are non-native species with the exception of a few big leaf maples. No trees were impacted by the project.

The applicant has provided findings and graphic site plans that, with conditions of approval, demonstrate that the environmental review approval criteria can be met. With the conditions for replanting the disturbance area with native forbs and groundcover plants, this request can be approved.

ADMINISTRATIVE DECISION


Approval of the following:

Environmental Review for installation of a tiered septic drainfield in the Resource Area of the Environmental Conservation zone; in substantial conformance with Exhibit C.2, as approved by the City of Portland Bureau of Development Services on **October 7, 2013**. Approval of this Environmental Review is subject to the following conditions:

- A. All permits: A BDS zoning permit is required.** Copies of the stamped Exhibit C.2, from LU 13-195886 EN and Conditions of Approval listed below, shall be included within all plan sets submitted for a zoning permit. These exhibits shall be included on a sheet that is the same size as the plans submitted for the permit and shall include the following statement, **"Any field changes shall be in substantial conformance with approved Exhibit C.2."**
- The applicant shall apply for the zoning permit within 10 days of the mail date, stated above, of this decision.
- B. The BDS zoning permit will document installation** of the required plantings identified in Conditions C through F, below, and must be finalized by **November 15, 2013**. Full compliance with the erosion control requirements of Title 10, as well as maintenance of the erosion control elements are the responsibility of the applicant and owner of the site. Please refer to the City of Portland *Erosion and Sediment Control Manual* for additional information regarding erosion and sediment control requirements.
- C.** The applicant shall seed the entire disturbance area within the Environmental Resource Area with a native groundcover seed mix which shall consist primarily of native forbs. Native grass seed may also be used, for a native forb/grass seed mixture that is at least 75 percent forb seed.
- D.** The forb/grass seed mix shall be applied at the rate specified on the seed mix container(s).
- E.** Small, short-rooted shrubs shall be planted on 3-foot centers in the rows between the drainlines. Such shrubs may include Kinnickinnick and creeping snowberry and any other Portland native shrubs that are identified as having short root systems.
- F.** All seeds and shrubs shall be selected from the *Portland Plant List*. Plantings shall conform to the following:
- All species shall be selected from the Portland Plant List;
 - Plantings shall be installed between October 1 and March 31 (the planting season);
 - Prior to installing required mitigation plantings, non-native invasive plants shall be removed from the entire project area, including the areas identified for mitigation plantings;
 - Plantings in each of the EN subareas shall be permitted with the applicable project elements of the subarea; and
 - After installing the required mitigation plantings, the Applicants shall request inspection of Permanent Erosion Control Measures (IVR 210) by the Bureau of Development Services, who will confirm that all required mitigation plantings have been installed. A letter of certification from the landscape professional or designer of record may be requested by the Bureau of Development Services to document that the plantings have been installed according to the approved plans.
- G. The land owner shall maintain the required plantings** for two years to ensure survival and replacement. The land owner is responsible for ongoing survival of required plantings during and beyond the designated two-year monitoring period. The landowner shall:

1. Obtain a Zoning Permit for a final inspection at the end of the 2-year maintenance and monitoring period. The permit must be finalized no later than 2 years from the final inspection for the installation of mitigation plantings for the purpose of ensuring that the required plantings remain alive and healthy. Any required plantings that have not survived must be replaced.
- H.** 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.
- I. Failure to comply with any of these conditions may result in the City's reconsideration of this land use approval pursuant to Portland Zoning Code Section 33.700.040 and /or enforcement of these conditions in any manner authorized by law.**

Staff Planner: Kathy Harnden

Decision rendered by:  on October 7, 2013
By authority of the Director of the Bureau of Development Services

Decision mailed: October 12, 2013

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

Procedural Information. The application for this land use review was submitted on August 21, 2013, and was determined to be complete on August 30, 2013.

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 August 21, 2013.

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 for five (5) days. Unless further extended by the applicant, **the 120 days will expire on: December 24, 2013.**

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

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

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

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

Appealing this decision. This decision may be appealed to the Hearings Officer, who will hold a public hearing. Appeals must be filed **by 4:30 PM on October 24, 2013** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

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

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

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

Recording the final decision.

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

- *Unless appealed,* The final decision may be recorded on or after **October 25, 2013.**
- A building or zoning permit will be issued only after the final decision is recorded.

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

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

For further information on recording, please call the County Recorder at 503-988-3034
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

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

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

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

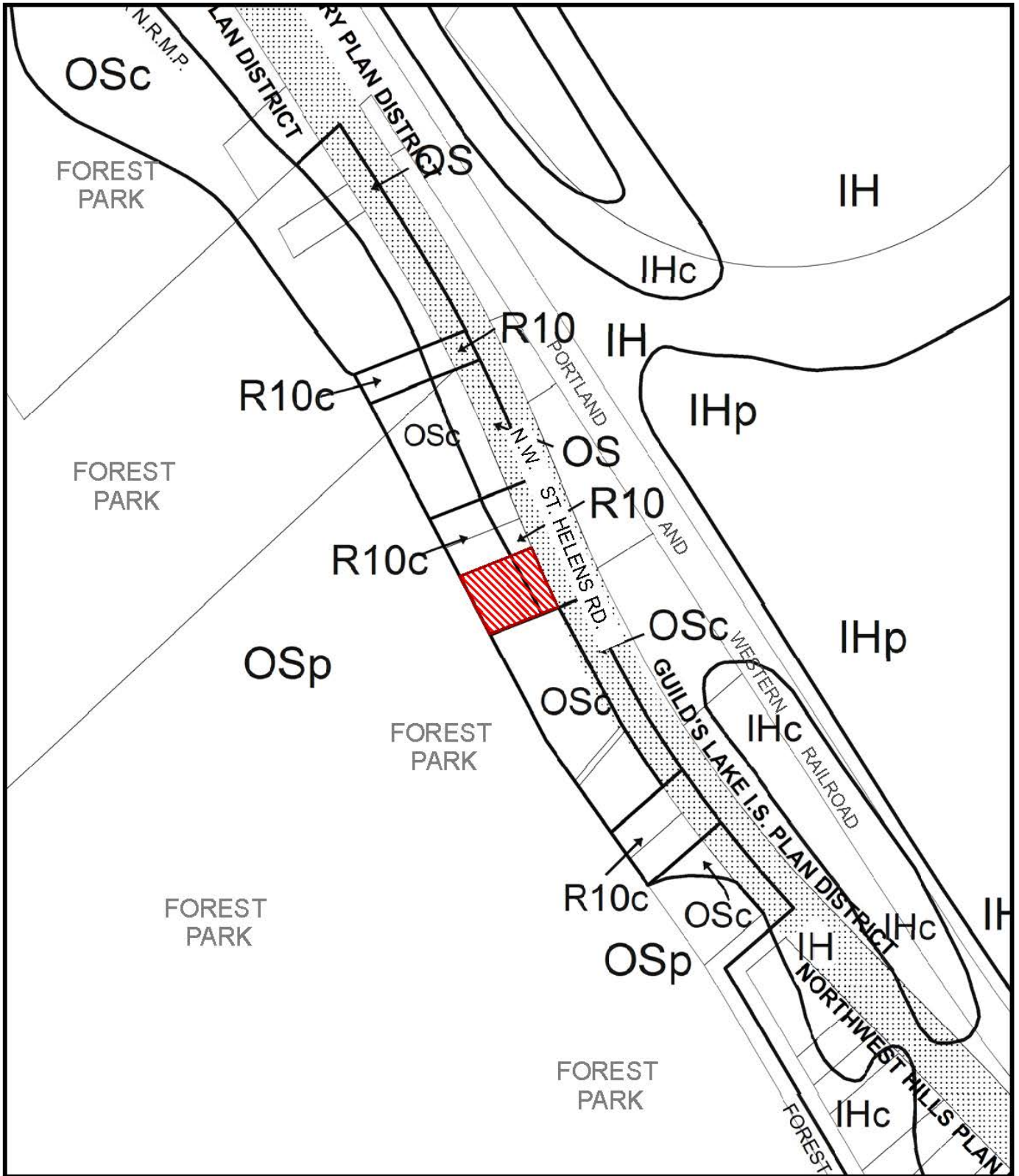
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Type II Environmental Review Application
 - 2. Landslide Hazard Study
 - 3. 5-Day Extension of 120-Day Clock
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Existing Conditions Site Plan
 - 2. Installed Drainfield & Mitigation Plan (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Water Bureau
 - 3. Site Development Review Section of BDS
- F. Correspondence: None Received
- G. Other:
 - 1. Original LU Application

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



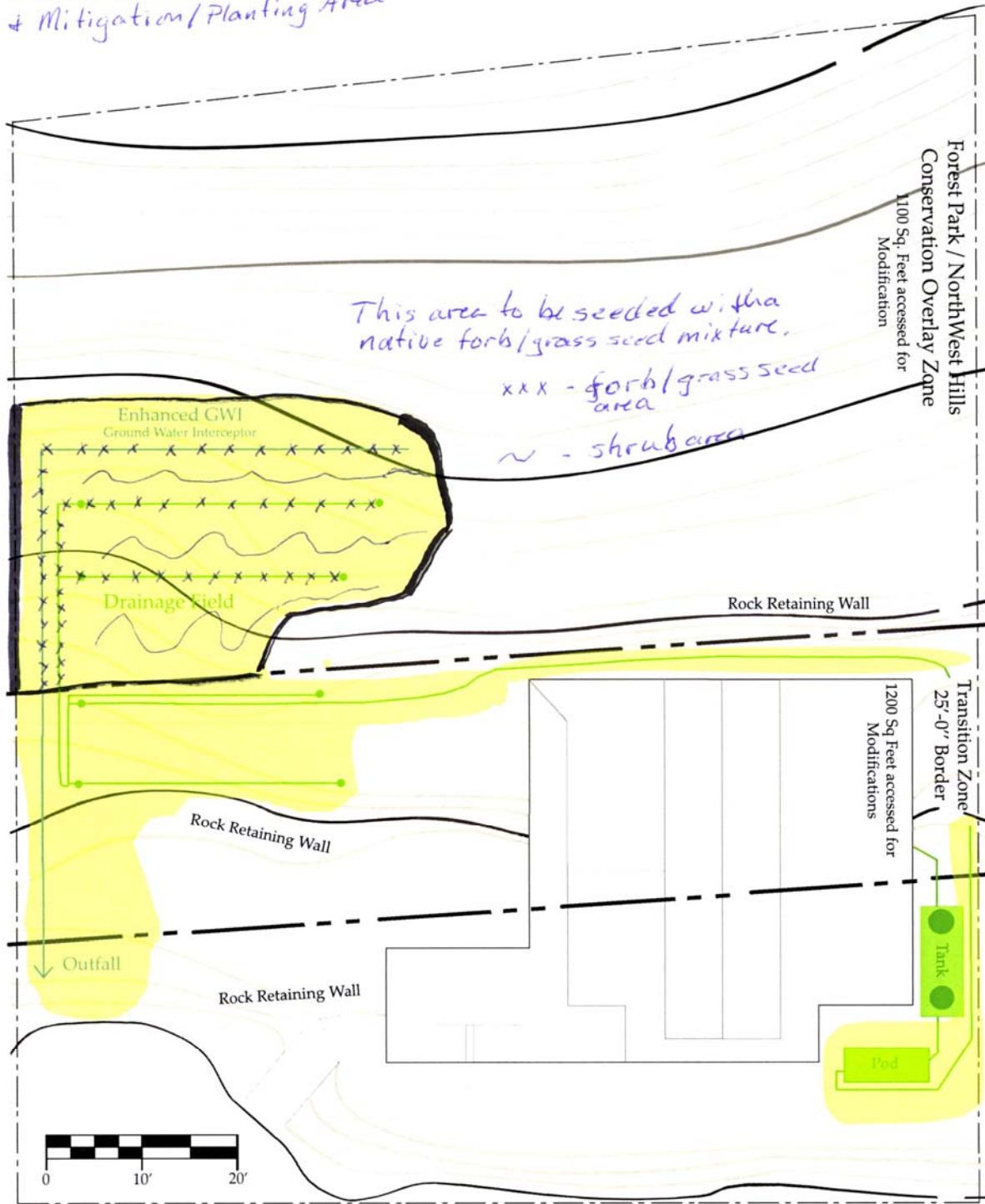
Site



This site lies within the:
NORTHWEST HILLS PLAN DISTRICT

File No. LU 13-195886 EN
 1/4 Section 2321
 Scale 1 inch = 200 feet
 State_Id 1N1W13BD 1100
 Exhibit B (Aug 26, 2013)

Installed Drainfield
+ Mitigation/Planting Area



NW Saint Helens Road



Susan J Quesnel
6801 NW Saint Helens Road
Portland, OR 97210

Environmental Review
Zoning - Conservation Overlay
Conservation Overlay Zones

City of Portland, OR
Bureau of Development Services
1900 SW Fourth Avenue Portland, OR 97201

Exhibit C.2
LU 13-195886 EN