



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

FROM CONCEPT TO CONSTRUCTION

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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** November 18, 2016  
**To:** Interested Person  
**From:** Kathy Harnden, Land Use Services  
503-823-7318 / [Kathy.Harnden@portlandoregon.gov](mailto: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 mailed copy of this document is only a summary of the decision. 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 16-194546 GW**

**GENERAL INFORMATION**

**Applicant:** Jeff Guggenheim  
Guggenheim Architecture and Design Studio  
925 NW 19th Ave, Studio F  
Portland, OR 97209

**Owners:** Sam T Huff  
2147 N Blandena St  
Portland, OR 97217

Meghan T Wright  
2147 N Blandena St  
Portland, OR 97217

**Site Address:** Southwest corner of N. Bradford Street and N. Tyler Avenue

**Legal Description:** LOT 1, HONEYBEE HOLLOW  
**Tax Account No.:** R401150050  
**State ID No.:** 1N1W12DB 02103  
**Quarter Section:** 2222

**Neighborhood:** Cathedral Park, contact Pat Haynes at [dattahaynes@gmail.com](mailto:dattahaynes@gmail.com)  
**Business District:** St. Johns Business Boosters, contact Mike Johnson at 503-206-8633; St. Johns Center for Opportunity, contact Emily Stanfield at 503-841-5522.

**District Coalition:** North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099

**Plan District:** None  
**Other Designations:** Greenway River General (g) and Water Quality (q) overlays, Potential Landslide Hazard Area, and Area of Steep Slopes 20% or greater;

**Zoning:** R5q – Residential 5,000 with the Greenway River Water Quality (q) overlay  
**Case Type:** GW - Greenway  
**Procedure:** Type II, an administrative decision with appeal to the Hearings Officer.

**PROPOSAL:**

The applicant proposes to construct a 1,807 square-foot single-dwelling residence on an 8,500 square-foot, vacant lot. The site is relatively steep with slopes of approximately 28 percent. The proposed house will be somewhat L-shaped with a concrete entry path from the private drive on the north boundary of the lot. It will be accessed from the intersection of N. Tyler Avenue and N. Bradford Street in the northwest corner of the site via an existing shared private driveway. A proposed retaining wall will be located partially in the right of way and on the northwest corner of the site. The construction staging area is proposed south of the proposed house in an area to be landscaped following construction.

A combined land division and greenway review for construction of a house (LU 08-182313 LDS GW) was previously approved for this site. The development from that review was never constructed and the review expired. The new application seeks to alter the previous approval through proposed changes to the house footprint, driveway location, entry orientation, and tree removal. The applicant revised the proposal to remove the three trees on the lot due to their poor health.

**Relevant Approval Criteria:**

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

- **33.440.350, Greenway Approval Criteria**
- **Willamette Greenway Design Guidelines**

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. This application was submitted on March 3, 2015 and determined to be complete on **July 22, 2016**.

**ANALYSIS**

**Site Description:** This 8500 square-foot vacant lot is situated at the southeast corner of N. Bradford Street and N. Tyler Avenue, overlooking the Willamette River. The lot is one of three that access N. Bradford, with the southern two lots being flag lots. The site is located on a steep slope that averages approximately 20 percent, with slightly flatter slopes in the southwest corner. A row of relatively young trees borders the site along its north and east lot lines. The remainder of the site has been recently graded. A vacant right of way borders the site adjacent to the north, with primarily single-dwelling residences north of N. Bradford Street.

Immediately adjacent to the south property line of the site is an upside-down L-shaped area of Open Space Tract created by LU 08-182313 LDS GW. This Tract is situated between the subject lot and the lot adjacent to the south at 6570 N. Tyler and extends along the east side of 6570 N. Tyler, the lot to the south. The right arm of the Tract broadens out below 6570 N. Tyler and encompasses the remaining area between these properties and the rail tracks to the south. West of the site is a 2.7-acre, triangular City-owned Open Space tract, and east of the site is single dwelling that also receives access from the “undeveloped” right of way east of N. Bradford Street.

The existing house at 6570 N. Tyler has a driveway that leads up to N. Bradford which will be used for access to the subject site. This driveway contains an approximately 6-foot tall retaining wall along its upper east side.

The site is approximately 345 feet north of the River and is approximately 85 feet above it and a railroad track separates it from the Open Space zoned areas bordering the Willamette River. It is connected to other natural resource areas including the city-owned open space to the west and the privately owned land Riverward of the rail road tracks. Current habitat value for the site is moderately low due to a dominance of invasive plant species, such as blackberry, and to its low structural plant diversity.

**Greenway Resources:** The greenway overlay zones protect, conserve, enhance, and maintain the natural, scenic, historical, economic, and recreational qualities of lands along Portland's Rivers. The greenway regulations implement the City's Willamette Greenway responsibilities as required by ORS 390.310 to 390.368, as well as the water quality performance standards of Metro's Title 3. The purpose of this land use review is to ensure compliance with the regulations of the greenway overlay zones.

The *Lower Willamette River Wildlife Habitat Inventory* identifies this upland slope as site 7.3b. and the shoreline south of the rail tracks as Site 7.3.a This property has a Rank III classification because of its previously disturbed condition where large pieces of concrete were once found, leftovers from past development including sawmills, dry docks, and other industrial uses. Although the site today has been cleared of such debris, it contains little vegetation other than grasses and a handful of non-native trees and shrubs. The Rank III designation is also due to its medium degree of food and cover available for wildlife. The *Inventory* recommends that rehabilitation efforts focus on replanting native species of trees and shrubs which will better serve wildlife needs, be attractive in an urban setting, and meet maintenance objectives.

**Zoning:** The Single-Dwelling Residential (R5) zone is intended to create and maintain single-dwelling residential neighborhoods. The q-overlay is designed to protect the functional values of water quality resources by limiting or mitigating the impact of development in the greenway setback.

**Land Use History:** City records indicate that prior land use reviews include the following:

- **MP 107-79:** Approval of a Minor Partition.
- **S(P) 18-89:** Approval of a 3-lot partition (including this lot) and private street tract.
- **ZC 6870:** Approval of a Zone Change to residential zoning.
- **LU 08-182313 LDS GW:** Approval a 2-lot land division with two open space tracts, which allowed the formation of the subject site as Lot 1. Two trees were to be preserved on this lot. Although both trees are shown on the applicant's Construction Management Plan, one of them is marked for removal. Also, this approval included a condition that only drywells could be used on the site for stormwater treatment, subject to Plumbing Code Appeal #6696.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **August 3, 2016**. The following Bureaus have responded with no issues or concerns:

The Bureau of Environmental Services initially responded that it had not received sufficient information regarding approvable stormwater facilities. After receiving additional information, BES responded that it had received sufficient information to demonstrate an approvable stormwater management plan and therefore had no objections to the proposal, although the applicant must demonstrate that the stormwater facility must be designed to manage stormwater runoff from both the proposed building and driveway areas. BES had no conditions of approval for the land use review. Please see Exhibits E.1.a and E.1.b. for additional details. Also see Exhibit C.1, Existing Conditions Plan for the location of the existing stormwater easement and bioswale locations.

The Bureau of Transportation Engineering responded that although there are no applicable transportation-related approval criteria associated with the Greenway Review, the applicant must address existing encroachments and driveway locations that appear to be located within the public rights of way at the time of building permit application. Transportation also noted

that the Local Transportation Impact Charge may be applicable at that time. Please see Exhibits E.2.a and E.2.b for additional details.

The Water Bureau responded with no issues or concerns per Exhibit E.3.

The Fire Bureau responded that a previous approval for this site had required residential fire sprinklers and that a modification to Fire Code Appeal 5834 would be required at the time of Building Permit if the applicant did not propose residential fire sprinklers for the proposed structure. Please see Exhibit E.4 for additional details.

The Site Development Section of the Bureau of Development Services responded that because the proposed development would not occur within a previously determined 20-foot offset area, it took no exception to the proposal. Please see Exhibits E.5.a and E.5.b for additional details.

General Life Safety responded with information regarding building permit requirements. Please see Exhibit E.6 for additional details.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on August 3, 2016. A total of two written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal. Comments concerned the height of the structure, drainage, potential impacts to parking, and concerns regarding construction activity should not block neighboring driveways and access.

Planner Response: These concerns are not related to the Greenway approval criteria and are therefore not addressed in this review. Height of structures is regulated by the base zone. Parking is being provided on site.

## ZONING CODE APPROVAL CRITERIA

### 33.440.350 Greenway Review Approval Criteria

The approval criteria for a Greenway review have been divided by location or situation. The divisions are not exclusive; a proposal must comply with **all** of the approval criteria that apply to the site. A Greenway review application will be approved if the review body finds that the applicant has shown that all of the approval criteria are met.

**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. The Design Guidelines are grouped in a series of eight Issues, as follows:

**Issue A. Relationship of Structures to the Greenway Setback Area:** This Issue “applies to all but River-dependent and River-related industrial use applications for Greenway Approval, when the Greenway trail is shown on the property in the *Willamette Greenway Plan*.” These guidelines call for complementary design and orientation of structures so that the Greenway setback area is enhanced;

**Issue B. Public Access:** This Issue “applies to all but River-dependent and River-related industrial use applications for Greenway Approval, when the Greenway trail is shown on the property in the *Willamette Greenway Plan*.” These guidelines call for integration of the Greenway trail into new development, as well as the provision of features such as viewpoints, plazas, or view corridors;

**Issue F. Alignment of Greenway Trail.** This issue “applies to all applications for Greenway Approval with Greenway Trail shown on the property in the *Willamette Greenway Plan*.” These Guidelines provide direction for the proper alignment of the greenway trail, including special consideration for existing habitat protection and physical features in the area of the proposed

alignment. The *Zoning Code* requires construction of the Greenway trail when new development occurs on the site that has the public trail designation (33.440.240 and 33.272.030.D).

**Issue G. Viewpoints:** This issue “applies to all applications for Greenway Approval with a public viewpoint shown on the property in the *Willamette Greenway Plan* and for all applications proposing to locate a viewpoint on the property”. These guidelines provide direction about the features and design of viewpoints, as required at specific locations.

**Issue H. View Corridors:** This issue “applies to all applications for Greenway Approval with a view corridor shown on the property in the *Willamette Greenway Plan*”. These guidelines provide guidance in protecting view corridors to the River and adjacent neighborhoods.

**Findings:** The *Willamette Greenway Plan* does not identify the greenway trail, viewpoints, or view corridors on this site. Therefore, Guidelines A, B, F, G, and H do not apply.

**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:

**Findings:** As noted above, the project area is not located adjacent to the River, or on a River bank, but is instead approximately 320 feet north of the top of bank, and is separated from it by an Open Space Tract, a house, and a railroad track. Because vegetation was removed from the site in the mid-1990s and site was re-graded in 2002, and because it is situated next to a developed neighborhood, it does not contain significant wildlife habitat. However, the actual riverbank and a publicly owned lot to the west remain in a fairly natural condition. Also, a pedestrian trail has been constructed approximately 180 feet south of the site and railroad tracts in the Open Space zoned area.

Land Use Case 08-182313 LDS GW, which created two lots and an Open Space tract on the larger site, required plantings to be installed in Open Space Tract B, which wraps around Lot 2, south of the subject site. The required plantings included 12 native trees and 15 “clusters” of native shrubs, with 10 plants per cluster” to be installed in Tract B, which includes the entire lower third of the larger site area. It is not apparent from historic and recent air photos that any of these plants have ever been installed. However, a zoning permit was issued for installation plants in 2010 but was not followed up by a final inspection request.

Also, after publication of the Notice, the applicant requested approval to remove all trees on the site because a recent Arborist Report (October 27, 2016) completed after the Notice was mailed determined that the three trees on the site (a topped big leaf maple that sprouts from a rotten stump; a 26-inch topped Douglas fir; and a 19-inch topped Ginkgo biloba) are in poor health or dangerous and should be removed. The poor health of the Ginkgo does not qualify it for removal. Requests to preserve it require a Tree Review to change the land division preservation requirement. The Douglas fir, noted by the arborist to be dangerous, may be removed. However, the Ginkgo must be preserved in accordance with the '08 decision.

The applicant proposes to plant the lot per Title 11 Tree density. However, in order to replace the tree that was to be preserved by the original review, the applicant must plant more trees in addition to meeting Title 11 tree density. The applicant must final ZP19-144090 for the original plantings in Tract B, and the original condition for monitoring from LU 08-182313 remains in effect. The Zoning Permit must receive final inspection prior to final inspection of the new home on Lot 1.

With these conditions, this Issue will be met.

**Issue D. Riverbank Stabilization Treatments:** This Issue “applies to all applications for Greenway Approval.” This guideline promotes bank treatments for upland developments that

enhance the appearance of the riverbank, promotes public access to the River, and incorporates the use of vegetation where possible.

**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.” This Issue calls for landscaping treatments that create a balance between the needs of both human and wildlife populations in the Greenway Setback area or Riverward of the Greenway Setback.

**Findings:** Because this site does not lie within the Greenway Setback and is neither adjacent to the River nor Riverward of the Setback, Issues D and E are not applicable.

- B. River frontage lots in the River Industrial zone, and**
- C. Development within the River Natural zone, and**
- D. Development on land within 50 feet of the River Natural zone.**

**Findings:** The site has neither a River Industrial nor River Natural designation, and is not located within 50 feet of a River Natural designation. Therefore, *Criteria B, C and D do not apply.*

- E. Development within the Greenway setback.** The applicant must show that the proposed development or fill within the Greenway setback will not have a significant detrimental environmental impact on Rank I and II wildlife habitat areas on the Riverbank. Habitat rankings are found in the *Lower Willamette River Wildlife Habitat Inventory*.

**Findings:** The site is not located within the Greenway setback, and therefore, no development is proposed within the Setback. Further, the *Lower Willamette River Wildlife Habitat Inventory* assigns the majority of the habitat within and riverward of Willamette Park a ranking of IV or V (the lowest rankings) due to rip-rapped Riverbanks and lack of vegetation in this section of the River. This proposal will have no impact within the greenway setback or on Rank II wildlife habitat along riverbank of the park because it is so distant from these areas.

*This criterion is not applicable.*

- F. Development riverward of the Greenway setback.** The applicant must show that the proposed development or fill riverward of the Greenway setback will comply with all of the following criteria:

**Findings:** This proposal does not include any development waterward of the greenway setback. Therefore, *this criterion is not applicable.*

- G. Development within the River Water Quality overlay zone setback.** If the proposal includes development, exterior alterations, excavations, or fills in the River Water Quality overlay zone setback the approval criteria below must be met. River-dependent development, exterior alterations, excavations, and fills in the River Water Quality zone are exempt from the approval criteria of this subsection.

**Findings:** The Water Quality overlay zone setback is dependent on the slope of the bank per Table 440-1 of the Portland Zoning Code. It requires the width of the vegetated corridor to be 25 feet measured from top of bank for slopes having less than a 25 percent grade. For banks with slopes greater than 25 percent for 150 feet or more, the width of the vegetated corridor will be 200 feet.

Top of bank is defined as: *The first major change in the slope of the incline from the ordinary high water level of a water body. A major change is a change of ten degrees or more. If there is no major change within a distance of 50 from the ordinary high water level, then the top of bank will be the elevation 2 feet above the ordinary high water level (Portland Zoning Code Definitions).*

The first major change in the bank slope occurs approximately 30 feet from the ordinary high water level, which is approximately the 20-foot elevation. Therefore, top of bank is the approximate elevation of 22 feet. The property is over 300 feet from top of bank. Therefore, because the proposal does not include any development within the Greenway River Water Quality zone setback, this criterion is not applicable.

**H. Mitigation or remediation plans.** Where a mitigation or remediation plan is required by the approval criteria of this chapter, the applicant's mitigation or remediation plan must demonstrate that the mitigation will occur on-site or as close to it as possible; that the applicant owns the mitigation site; and that the mitigation plan contains a construction timetable as well as monitoring and maintenance plans

**Findings:** There are no applicable approval criteria that require a mitigation or remediation plans for this proposal. Therefore, this criterion does not apply.

## DEVELOPMENT STANDARDS

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

## OTHER TECHNICAL REQUIREMENTS

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

Bureau	Code Authority and Topic	Contact Information
Water Bureau	Title 21 - Water availability	503-823-7404 <a href="http://www.portlandonline.com/water">www.portlandonline.com/water</a>
Environmental Services	Title 17; 2008 Stormwater Manual	503-823-7740 <a href="http://www.portlandonline.com/bes">www.portlandonline.com/bes</a>
Fire Bureau	Title 31 Policy B-1 - Emergency Access	503-823-3700 <a href="http://www.portlandonline.com/fire">www.portlandonline.com/fire</a>
Transportation	Title 17 - Transportation System Plan	503-823-5185 <a href="http://www.portlandonline.com/transportation">www.portlandonline.com/transportation</a>
Development Services	Title 24 - Building Code, Flood Plain, Site Development; Title 10 - Erosion and Sediment Control	503-823-7300 <a href="http://www.portlandonline.com/bds">www.portlandonline.com/bds</a>
Urban Forestry	Title 11 - Trees	503-823-8733 <a href="http://www.portlandoregon.gov/trees/">http://www.portlandoregon.gov/trees/</a>

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

## CONCLUSIONS

The proposed project is to construct a single dwelling on a steep slope north of the Willamette River. The site was included in an earlier land division review, which created the lot and

approved tree removal. All proposed development is well beyond the Greenway Setback and the site has neither river frontage nor a Greenway trail designation.

Based on the lack of impacts created by the proposed single-dwelling residence, retaining wall and minimal driveway improvements, both the Greenway Design Guidelines and the Greenway Approval Criteria were found to be either satisfied or not applicable, with the exception of Conditions of Approval from the previous land use review case LU 08-183213 LDS GW, which remain in effect.

## ADMINISTRATIVE DECISION

Approval of Greenway Review for construction of an 1,807 square-foot, L-shaped house on an 8,500 square-foot, relatively steep lot; a new retaining wall; a shared private driveway and a concrete entry to the house, in substantial conformance with Exhibits C.1 through C.4 as signed and dated by the City of Portland Bureau of Development Services on November 7, 2016, and subject to the following conditions:

- A. All permits:** Copies of the stamped Exhibits C.2, C.3 and C.4 from LU 16-194546 GW and Conditions of Approval listed below, shall be included within all plan sets submitted for permits (building, grading, Site Development, erosion control, etc.). These exhibits shall be included on a sheet that is the same size as the plans submitted for the permit and shall include the following statement, ***"Any field changes shall be in substantial conformance with approved Exhibits C.2, C.3, and C.4."***
- B. Temporary fencing** shall be installed according to tree protection measures in Title 11 Tree Code, chapter 11.60, to protect the tree noted for preservation on Exhibit C.3.
- C. Prior to issuance** of the building permit for development of this lot, the applicant must final ZP10-144090 for mitigation plantings required by LU 08-182313.
- D. Building permit plans** must include plantings to meet Title 11 tree density. In addition, one more native conifer tree must be planted to replace the removed tree. Permit plans must show the location, size and species of trees to be planted. Plants must be installed prior to obtaining final inspection.

**Staff Planner: Kathy Harnden**

Decision rendered by:  on November 16, 2016  
By authority of the Director of the Bureau of Development Services

**Decision mailed: November 18, 2016**

**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 June 24, 2016, and was determined to be complete on July 22, 2016.

*Zoning Code Section 33.700.080* states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore, this application was reviewed against the Zoning Code in effect on June 24, 2016.



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 several extensions of the 120-day review period. The total of the extensions is 16 weeks. Unless further extended by the applicant, **the 120 days will expire on: March 11, 2017.**

**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 December 2, 2016** at 1900 SW Fourth Ave. Appeals can be filed at the 5<sup>th</sup> floor reception desk of 1900 SW 4<sup>th</sup> Avenue Monday through Friday between 8:00 am and 4:30 pm. **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](http://www.portlandonline.com).

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

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

**Recording the final decision.**

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

- *Unless appealed*, the final decision may be recorded on or after **December 5, 2016 – (the first business day following the last day to appeal)**.
- A building or zoning permit will be issued only after the final decision is recorded.

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

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

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

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

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

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

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

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

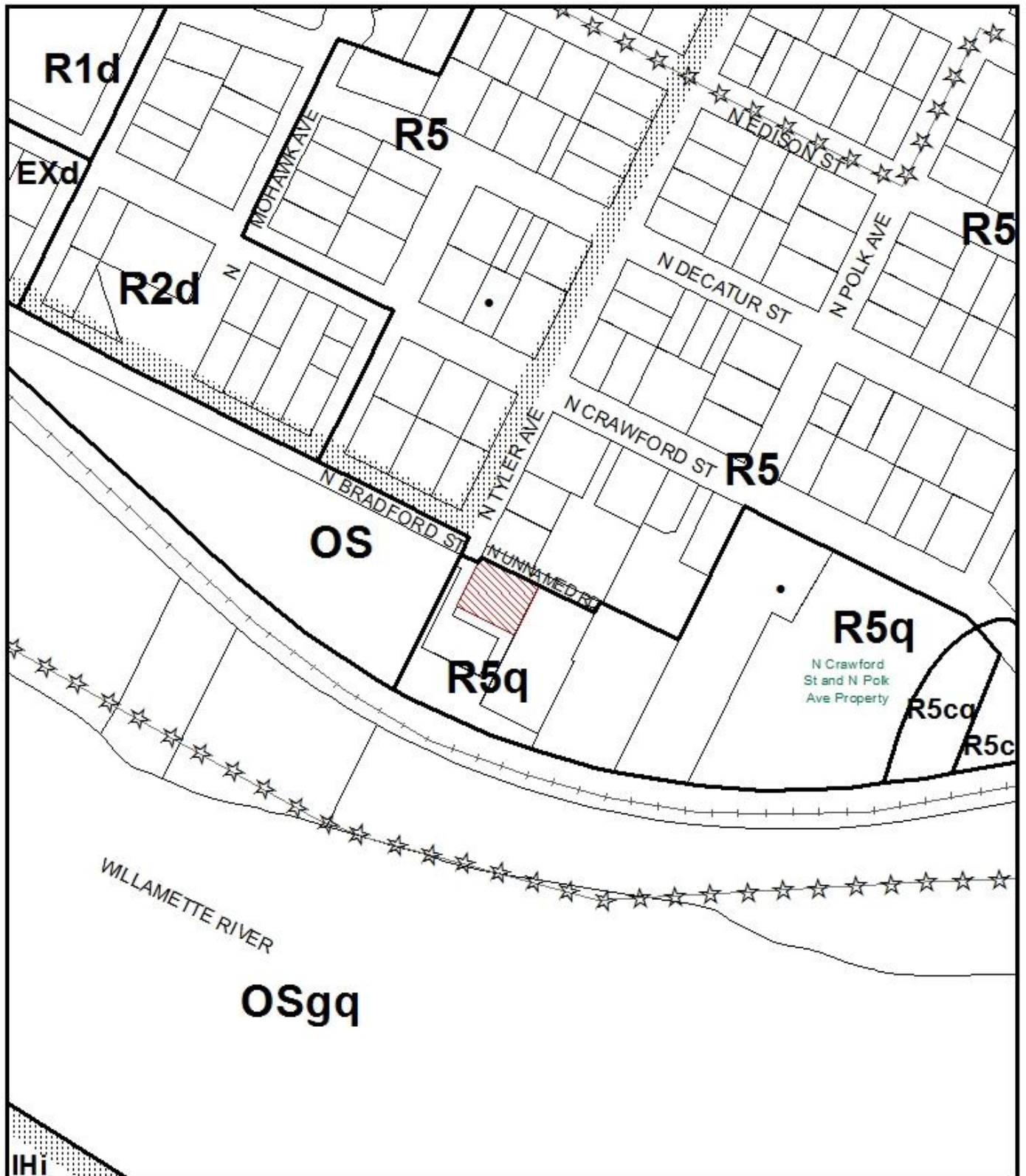
**EXHIBITS**

NOT ATTACHED UNLESS INDICATED




- A. 1. Applicant's Statement
  1. Applicant Response to Site Development Comments
  2. Applicant Response to Bureau of Environmental Services Comments
  3. 120-Day Extension Request, dated August 31, 2016
  4. 120-Day Extension Request, dated October 10, 2016
  5. 120-Day Extension Request, dated November 9, 2016
  6. Response to Site Development Comments, dated August 25, 2016
  7. Response to Bureau of Environmental Services Comments, dated September 22, 2016
  8. Response to Bureau of Transportation Comments, dated October 10, 2016
  9. Driveway Easement

- 10. Arborist Report
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Existing Conditions Site Plan
  - 2. Proposed Development Plan (attached)
  - 3. Construction Management Plan (attached)
  - 4. Mitigation Plan
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Bureau of Transportation Engineering and Development Review
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Site Development Review Section of BDS
  - 6. Bureau of Parks, Forestry Division
- F. Correspondence:
  - 1. Kevin O'Sullivan, August 12, 2016, Requested information regarding stormwater and commented that stormwater would be a big challenge for this site
  - 2. Shonna S. Sims, August 22, 2016, Stated concerns regarding parking in the area and along the unnamed road at this location and requested the owners to inform construction workers to not block access to other properties.
- G. Other:
  - 1. Original LU Application

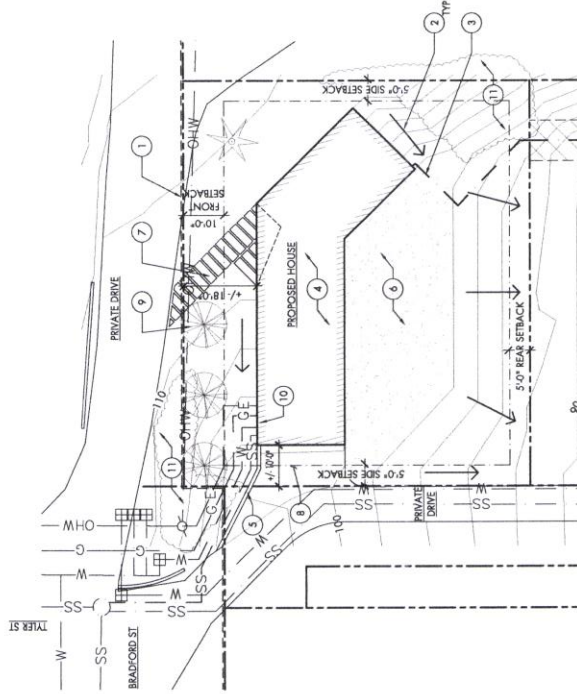
**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**



**ZONING** ↑  
NORTH

-  Site
-  Recreational Trails
-  Historic Landmark

File No.	<u>LU 16-194546 GW</u>
1/4 Section	<u>2222</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N1W12DB 2103</u>
Exhibit	<u>B (Jun 28, 2016)</u>



1 PROPOSED DEVELOPMENT SITE PLAN  
SCALE: 1"=20'0"

KEY NOTES

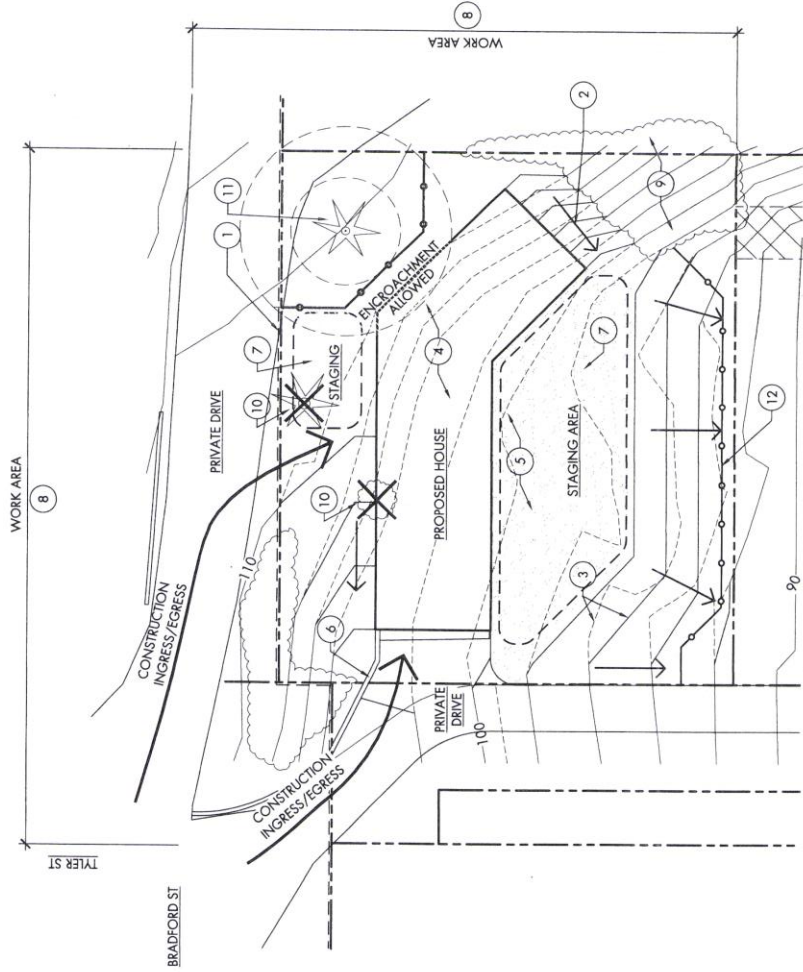
- 1 "O" OVERLAY ZONING BOUNDARY
- 2 ARROWS INDICATE APPROXIMATE DRAINAGE DIRECTIONS
- 3 CONNECT EXISTING 4" DRAIN PIPE LEADING TO SHARED BOSWALE TO DOWN DRAINS AT PROPOSED HOUSE.
- 4 PROPOSED HOUSE AND DRIVEWAY:  
BUILDING COVERAGE\* = 1,807 SF  
WALKS/DRIVEWAY = 493 SF  
TOTAL IMPERVIOUS AREA = 2,300 SF
- 5 RETAINING WALL
- 6 GRAVELED PLAT CONSTRUCTION STAGING AREA, TO BE JANUSCARED IN FUTURE.
- 7 CONCRETE ENTRY PATH
- 8 NEW DRIVEWAY TO CONNECT GARAGE TO SHARED PRIVATE DRIVE.
- 9 NEW TREES TO BE PLANTED SUCH THAT SITE MEETS CHAPTER 11 DENSITY REQUIREMENTS. FINAL QUANTITY, SIZE, TYPE AND LOCATIONS WILL BE INDICATED ON TREE PLAN WHEN SUBMITTED FOR PERMIT. PERMIT APPROVALS WILL ENSURE THAT NEW TREES COMPLY WITH THE CHAPTER 11.60 TECHNICAL SPECIFICATIONS.
- 10 WATER, GAS, ELECTRIC AND SANITARY SEWER ROUTED TO INTERFERE WITH CONSTRUCTION. CONNECTIONS TO BE DETERMINED BY CONTRACTOR AND UTILITY COMPANIES.
- 11 WHERE POSSIBLE, EXISTING GROUND COVER TO REMAIN.  
\*BUILDING COVERAGE MEASURED ALONG EXTERIOR FACE OF FOUNDATION WALLS/FRAMING AND INCLUDES COVERED ENTRY PORCH.



LU 16-194546 GW

Proposed Development  
Case No: LU 16-194546 GW  
Exhibit C.2





1 CONSTRUCTION MANAGEMENT SITE PLAN  
SCALE: 1"=20'-0"

KEY NOTES

- 1 "Q" OVERLAY ZONING BOUNDARY
- 2 ARROWS INDICATE APPROXIMATE DRAINAGE DIRECTIONS
- 3 DASHED CONTOURS INDICATE ALTERED EXISTING, SOLID CONTOURS INDICATE PROPOSED OR UNALTERED.
- 4 EXCAVATED AREA, BASEMENT AND FOUNDATION OF HOUSE WILL BE EXCAVATED. THIS WILL EQUAL APPROXIMATELY 3.50 CUBIC YARDS OF EXCAVATED SOIL.
- 5 FILLED AREA: THE SOIL FROM EXCAVATION WILL BE USED PRIMARILY TO FILL AND GRADE THE FLAT AREA DIRECTLY SOUTH OF THE HOUSE. OTHER POSSIBLE USES INCLUDE BACKFILL AT RETAINING AND FOUNDATION WALL. EXCESS SOILS WILL BE DISPOSED OF OFF SITE.
- 6 RETAINING WALL
- 7 CONSTRUCTION STAGING AND MATERIALS STORAGE AREA, TO BE LANDSCAPED AT FUTURE DATE.
- 8 WORK AREA LIMITS: DURING CONSTRUCTION THE ENTIRETY OF THE LOT AND ITS CONNECTIONS TO SHARED DRIVES AND UTILITIES WILL CONSTITUTE THE WORK AREA. ACCESS AND VEHICULAR MANEUVERING WILL BE PROVIDED BY THE TWO SHARED PRIVATE DRIVES. STAGING AREAS AND MATERIAL STORAGE WILL BE LOCATED AS INDICATED. SOIL WILL BE EITHER REINCORPORATED INTO THE SITE OR REMOVED FOR OFFSITE DISPOSAL.
- 9 AREA LIKELY TO BE UNDISTURBED. GROUND COVER TO REMAIN FOR SLOPE STABILITY. IF DISTURBED, ENSURE ADEQUATE EROSION CONTROL MEASURES AND FUTURE LANDSCAPING.
- 10 TREE TO BE REMOVED
- 11 TREE TO REMAIN. PROTECTION FENCING CONSISTING OF A MINIMUM 6-FOOT HIGH METAL CHAIN LINK CONSTRUCTION FENCE SECURED WITH 8-FOOT METAL POSTS SHALL BE ESTABLISHED AT THE EDGE OF THE ROOT PROTECTION ZONE AND PERMISSIBLE ENCROACHMENT AREA. THE AREA OF ALL ENCROACHMENTS IS TO BE LESS THAN 25 PERCENT OF THE TOTAL ROOT PROTECTION ZONE AREA; AND NO ENCROACHMENT IS CLOSER THAN 1/2 THE REQUIRED RADIUS DISTANCE.
- 12 EROSION PROTECTION TO BE LOCATED DOWN SLOPE OF CONSTRUCTION. EROSION CONTROL MEASURES TO CONSIST OF JUDICIOUS USE OF STRAW WADDLES, FIBER ROLLS AND/OR SILT FENCES. LU 16-194546



CASE NO. LU-16-194546  
EXHIBIT C.3

W 16-194546 GW  
Exhibit C.3