



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

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Date: January 4, 2019
To: Interested Person
From: Morgan Steele, Land Use Services
503-823-7731 / Morgan.Steele@portlandoregon.gov

NOTICE OF A TYPE IX 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 18-166588 PV UNINCORPORATED MULTNOMAH COUNTY

GENERAL INFORMATION

Applicant: Chuck Lobdell | Johnson Creek Watershed Council
1900 SE Milport Road, Suite B | Milwaukie, OR 97222
503-652-7477 | chuck@jcwcc.org

Owner/Owner's Representative: Centennial School District No. 28J | Greg Lecuyer
18135 SE Brooklyn Street | Portland, OR 97236
503-762-3650 | gregory_lecuyer@csd28j.org

Site Address: [SE 172nd Avenue and SE Foster Road](#)

Legal Description: LOT 1, PARTITION PLAT 2009-77
Tax Account No.: R649893050
State ID No.: 1S3E19CA 01201
Quarter Section: 3847

Neighborhood: Pleasant Valley, contact Steve Montgomery at foxtrotlove@hotmail.com.
Business District: None
District Coalition: East Portland Community Office, contact Victor Salinas at 503-823-6694.

Plan District: Pleasant Valley
Other Designations: Unincorporated Multnomah County; 100-Year Floodplain; *Pleasant Valley Natural Resources Protection Plan* – Mitchell Creek

Zoning: *Base Zone:* Residential Farm Forest (RF)
Overlay Zone: Pleasant Valley Natural Resources Overlay Zone (v)

Case Type: PV – Pleasant Valley Resource Review
Procedure: Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

PROPOSAL:

The project site is located at SE 172nd Avenue and SE Foster Road in Unincorporated Multnomah County on a tax lot owned by Centennial School District. The site contains approximately 600-feet of open stream channel (Mitchell Creek) and a 0.8 acre man-made, in-line pond. Currently, the southern and northern portions of the creek, where they enter and exit into the pond, are piped through culverts. The man-made pond and associated culverts are currently resulting in both fish barriers and increased temperatures by up to 14 degrees Celsius in Mitchell Creek and downstream in Kelley Creek.

This project focuses on restoring Mitchell Creek and the associated pond back to its natural state by removing man-made features, restoring dynamic hydrologic conditions that formerly occurred naturally on the site, and improving habitat and ecological health by removing invasive, non-native species and revegetating with native species.

The project includes the following restoration elements:

- Removal of two undersized and overly steep culverts and the man-made, in-line pond.
- Creation of 0.55 acres of riverine floodplain/palustrine emergent wetland, 0.32 acres of palustrine shrub-scrub wetland, and 800-feet of restored stream channel.
- Removal of man-made structures (culverts, in-line pond) to enable natural stream processes and functions.
- Placement of 38 logs to facilitate channel development and enhance habitat diversity.
- Planting native shrubs and trees to reduce stream temperature and provide habitat.

Additionally, Best Management Practices (BMPs) such as, straw wattles, turbidity curtains, and erosion control matting will be utilized to ensure any resources adjacent to the project area will not be impacted by the work, during and after construction.

The entirety of the project is located within the City's Pleasant Valley Natural Resources overlay zone. Certain standards must be met to allow the work to occur by right. If the standards are not met, a Pleasant Valley Resource Review is required. In this case, the proposed pond restoration includes disturbing (33.465.170.A) and excavating (33.465.170.B) an identified wetland; therefore, the work must be approved through a Pleasant Valley Resource Review.

RELEVANT APPROVAL CRITERIA:

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

- [Section 33.465.250.A](#) – Resource Enhancement Projects

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 May 7, 2018, and determined to be complete on May 18, 2018.

ANALYSIS

Site and Vicinity: The project site is an approximately 35-acre vacant lot, which is located within Unincorporated Multnomah County at the intersection of SE 172nd Avenue and SE Foster Road. The western portion of the site is within the Pleasant Valley Natural Resource overlay zone within an Unincorporated Multnomah County Pocket, including approximately 800 feet of Mitchell Creek, which runs north to south through the western portion of the property and is a tributary to nearby Kelley Creek. The remainder of the site is outside of City of Portland jurisdiction, located within Multnomah County Jurisdiction. Historically, the site was used for agriculture and industrial purposes; currently, the lot is vacant, and all development has been removed.

The project site has limited native vegetation and has been heavily disturbed, including the building of a racetrack in the western portion of the site which required altering Mitchell Creek and

its accompanying floodplain by installing two culverts and an in-line pond. Though the stream corridor and floodplain are not in pristine condition on the site and in the project vicinity, the creek and adjacent lands provide significant functional values, as outlined in detail below.

Zoning: The zoning designation on the site includes Residential Farm/Forest (RF) base zone, with Pleasant Valley Natural Resource (v) overlay zone. The site is also located within the Pleasant Valley Plan District (see zoning on Exhibit B).

The RF zone is intended to foster the development of single-dwelling residences on lots having a minimum area of 52,000 square feet. Newly created lots must have a minimum density of 1 lot per 87,120 square feet of site area. No new development or use are proposed; therefore, these provisions are not specifically addressed through this Pleasant Valley Resource Review.

The Pleasant Valley Natural Resources overlay zone seeks to protect and conserve significant natural resources among existing uses and limited new development; facilitate restoration of floodplains, riparian areas and forests; protect and enhance connections between upland and riparian habitats between Pleasant Valley and the nearby habitats of Powell and Clatsop Buttes and Butler Ridge; protect stream water quality through revegetation and limits on construction, impervious surfaces, and pollutant discharges; and to conserve the scenic, recreational, and educational values of significant natural resources in Pleasant Valley. The purpose of this land use review is to ensure compliance with the regulations of the Pleasant Valley Natural Resources overlay zone.

The Pleasant Valley Plan District implements the Comprehensive Plan's goals, policies and action measures for Pleasant Valley; creates an urban community as defined by the Comprehensive Plan; and furthers the Pleasant Valley vision to integrate land use, transportation, and natural resources. Pleasant Valley is intended to be a community made up of neighborhoods, a town center, neighborhood transportation choices, and extensive protection, restoration and enhancement of the natural resources. Portions of the Pleasant Valley area will be in the City of Portland and portions will be in the City of Gresham. The purpose of the Pleasant Valley Plan District includes integrating the significant natural resources into a new, urban community.

Environmental Resources: The application of the Pleasant Valley Natural Resources overlay zone is based on the *Pleasant Valley Natural Resources Protection Plan*. The City's policy objectives for this plan are described in the report. The report includes an inventory of the significant natural resources identified within the Pleasant Valley study area and describes the functional values, or benefits, of the resources.

The project site is located within the Mitchell Creek subarea. Mitchell Creek flows north to Kelley Creek, and the Mitchell Creek subarea contains the largest tributary of Kelley Creek. The basin is 561 acres in size and extends into Happy Valley, Portland, and Clackamas County. Mitchell Creek is approximately 16,425 lineal feet with a forested riparian corridor along much of its length. The basin contains significant habitat for wildlife and supports state-listed sensitive fish and amphibian populations. Habitat types include conifer and mixed forests (103.83 acres), shrub (3.71 acres), meadow (13.70 acres), and wetland (2.92 acres).

Resources and functional values located on this site include: water quality; channel dynamics and morphology; stream flow; microclimate; and organic inputs; riparian and upland wildlife habitat quality.

Impact Analysis and Mitigation Plan: The following discusses development alternatives that were considered by the applicant. The following additionally describes the proposed construction management plan, unavoidable impacts, and mitigation proposal.

Development Alternatives:Alternative #1

Channel re-creation by placement of rock and wood through the entire footprint of the artificial pond. This alternative was over-engineered, undue site impact and unnecessary to accomplish the project purpose.

Alternative #2

Placement of fill within the pond footprint (planting berm) to assist channel formation and create habitat diversity. This alternative was eliminated because it was considered to be excessive wetland impact for negligible benefit.

Alternative #3

Excavation of small areas within the pond footprint to create semi-permanent wetlands for native reptiles and amphibians. This alternative was considered to be undue impact for uncertain benefit.

Alternative #4

Placement of different types of log structures, such as beaver dam analogs, to increase habitat diversity. This alternative was modified into the log structure configuration proposed.

Alternative #5 – Preferred Alternative

The proposed design was selected as the preferred alternative because it addresses and looks to solve both fish passage and temperature issues onsite and restore the historic character of the creek and associated floodplain by breaching the culvert crossings and restoring the adjacent floodplain by eliminating the artificial, in-line pond. In other words, the most benefit relevant to the level of temporary impacts.

Construction Management Plan: The proposed project is located within the western portion of the 35-acre rural property owned by the Centennial School District. Construction equipment will enter the work area via SE Foster Road from 172nd Avenue. The property is currently vacant; however, the previous landowner disturbed a significant portion of the property which provides established access roads and staging areas for this project. The work area is an artificially created pond and two portions of an earthen racetrack that crosses Mitchell Creek. Under the two racetrack crossings are two undersized, over-steepened culverts that block fish passage and create a temperature loading problem both in Mitchell Creek and downstream in Kelley Creek. The equipment staging area will be located on the east side of Mitchell Creek just downstream from the racetrack and pond. Work will begin by excavating the racetrack fill and culvert on the downstream end first, then grading the downstream streambanks, followed by removal of the upstream culvert and crossing and finally placing the log structures in the newly created wetland area.

Most of the work consists of earthwork/excavation and will be accomplished using a mid-sized excavator. All excavated soils will be spoiled onsite in an upland area approved by Oregon Department of State Lands (DSL). The spoil disposal area is approximately 36,750 square feet of area on the east side of the property, which consists mainly of broken asphalt and gravel roadway/parking area surface. Spoil material will be hauled via dump truck, using the racetrack and existing access road as a haul route.

All work within the wetted channel will be completed during the in-water work window designated for Mitchell Creek (July 15th through September 30th) by the Oregon Department of Fish and Wildlife (ODFW) Guidelines for Timing of In-water Work to Protect Fish and Wildlife. There is a channel-spanning diversion dam downstream of the property that prevents migratory fish from accessing the work area, however standard fish survey and salvage operations will still be conducted prior to isolating the work area for in-water work. ODFW will participate in sampling the creek and the pond to salvage/remove any native fishes, and then place a blocknet downstream from the work area to prevent any fish from entering the site during construction. Although, presence of native fish species here is highly unlikely due to the downstream barrier and the physical conditions of the stream and pond.

To ensure that all aquatic life in the project area is protected during construction, all activities such as the installation of temporary water management will be designed to be consistent with fish passage standards developed by the ODFW and the National Marine Fisheries Service (NMFS). All in-water structures (habitat logs) will be constructed to withstand expected flows and to not impede the conveyance of flows during high water events. Additionally, spill pollution prevention and clean-up materials will be kept on-site during construction should a spill occur.

The temporary water management plan, set forth by the applicant (Exhibits A.2 and C.3), includes the use of sandbag coffer to isolate water flowing into the work area where it will be pumped around the work area through flexible diversion hoses/pipes. Pumps will be used to assist flow through the pipes and to dewater the work area. The return water will be dispersed onto the ground behind an Environmental Protection Agency (EPA) approved sediment mat or curtain to remove suspended sediments before joining the stream's main channel.

Unavoidable Impacts: While the project is intended to enhance environmental resources on the site, some temporary impacts are anticipated. Construction will require the removal of five trees within the Pleasant Valley Natural Resources overlay zone; however, all trees will be removed outside the primary bird nesting window (February 15th through July 31st) to avoid impacts to nesting birds.

Mitigation Plan: In addition to the construction measures described above to minimize impacts, the project will result in overall enhancement to resource functions at the site.

After construction, all disturbed areas will be restored including revegetation with native trees, shrubs, and groundcovers. The revegetation plan includes 0.55 acres of palustrine emergent wetland plantings, 0.32 acres of palustrine scrub/shrub wetland plantings, and 0.45 acres of riparian plantings. The revegetation plan includes reseeding disturbed areas with native grass seed and the planting of 1,120 trees, 2,200 shrubs and 8,450 groundcovers. The revegetation planting will enhance natural resource and habitat values in the wetland and riparian areas of Mitchell Creek.

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

- LU 09-133548 LC – Approval of a lot validation and lot consolidation.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed on May 22, 2018. The following Bureaus have responded with no issues or concerns:

- Fire Bureau
- Life Safety
- Oregon Department of State Lands

The Bureau of Environmental Services responded with the following comment. Please see Exhibit E.1 for additional details.

BES does not object to approval of the pleasant valley resource review application. The proposed development will be subject to BES standards and requirements during the permit review process.

The Site Development Section of BDS responded with the following comment. Please see Exhibit E.4 for additional details.

A detailed review of the proposed work and associated technical analysis will be performed at the time of Site Development Permit review.

As a watercourse alteration, the applicant is required to comply with 44 CFR 60.3.b.6:

“Notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse and submit copies of such notifications to the Federal Insurance Administrator.”

In addition, because the watercourse alteration affects flooding conditions, either increasing or decreasing flood elevations, the applicant is responsible to submit the changes to FEMA within 6 months of the change in accordance with 44 CFR 65.3:

“A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Administrator of the changes by submitting technical or scientific data in accordance with this part. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.”

The Letter of Map Revision (LOMR) application is the process of notifying FEMA of a watercourse alteration is. The LOMR must be filed with FEMA if the project results in a change to base flood elevations and/or floodplain boundaries such that adjacent structures, properties, or jurisdictions are affected. Based on communication with FEMA Region X, it may be possible to approve a variance (administrative building code appeal) to waive the LOMR requirement provided the Site Development permit application materials demonstrates the carrying capacity of the channel is maintained, the changes in the base flood elevations are minimized to the extent practicable and in no place exceeds a 1 foot increase, and that the changes will not impact adjacent property, structure, or jurisdiction. Regardless, FEMA Region X strongly encourages the submittal of a LOMR.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on May 22, 2018. One written response has been received from a notified property owner in response to the proposal. The notified property owner's comments are summarized below; however, the full response can be found in Exhibit F.1

1. Notified Property Owner, June 15, 2018: In their comments, the property owner stated that either decision outcome was agreeable if it did not negatively impact the value of their neighboring property.

Applicant Response: In response to the neighborhood comments submitted during public comment period on LUS #18-166588 PV, our project will have no impact on property values in the area. The project's beneficial values are to fish passage, water quality and local wetland habitats. This is a voluntary conservation project that also doesn't affect the property value of the actual site where the work will take place. The project will not affect traffic, or any other foreseeable indirect effects that could affect property values. We appreciate the neighbors' concerns and thank you for the opportunity to respond to these comments.

ZONING CODE APPROVAL CRITERIA

33.465.250 Approval Criteria

A Pleasant Valley Resource 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 Pleasant Valley Resource Review is required because a proposal does not meet one or more of the development standards of Section 33.465.150 through .180, then the approval criteria will only be applied to the aspect of the proposal that does not meet the development standard or standards.

A. Resource Enhancement Projects. In the Pleasant Valley Natural Resources overlay zone, resource enhancement projects will be approved if the applicant's impact evaluation demonstrates that all the following are met:

1. There will be no loss of total resource area;

Findings: This project proposes to remove man-made structures from Mitchell Creek and its floodplain and restore it back to its natural state; in doing so this project will not result

in the loss of any resource area, in fact it will replace 0.8 acres of poor quality, open water wetland with 0.87 acres of high quality wetland habitat, 0.45 acres of restored riparian forest and 36,750 square feet of upland grasslands. Measures will be taken during construction to ensure natural functions within the resource area are protected and will not be depleted because of this project. This includes BMPs to control erosion and sedimentation (wattles, erosion control matting, seeding) along with spill pollution prevention and clean-up should a spill occur. Upon completion of construction activities, any disturbed areas will be restored and revegetated using native shrubs, trees, and groundcovers.

Based on the functions and values of existing resource areas being improved and increased, rather than diminished, *this criterion is met.*

2. There will be no significant detrimental impact on any resources and functional values; and

Findings: All project impacts on existing resources and functional values will be temporary and the overall project approach has been designed to minimize the project construction footprint within the Pleasant Valley Natural Resources overlay zone. The applicant provided a discussion of construction management and restoration (Exhibit A.1), which are summarized on pages 4 and 5 of this report. This discussion explains the applicant's strategy for protecting surrounding environmental resources from construction impacts, as well as for restoring areas in and around the construction zone once construction is complete. Additionally, scheduling of in-water work within ODFW guidelines, and tree removal (five red alders) outside the bird nesting season, will minimize impacts to the project site and downstream aquatic resources.

Considering impacts will be temporary and insignificant, and offset by removal of man-made structures from the creek and enhancement of riparian and wetland areas, *this criterion is met.*

3. There will be a significant improvement to or addition of at least one functional value.

Findings: The project aims to restore a portion of a Mitchell Creek and its floodplain back to its natural state, providing wildlife habitat and improving water quality. The removal of the culverts and other man-made structures in addition to native plantings will improve several functional values including water temperature, fish passage, storm water filtration, wetland habitat, riparian habitat, wildlife habitat corridor connectivity, and overall water quality.

The project revegetation plan includes reseeding disturbed areas with native grass seed and the planting of 1,120 trees, 2,200 shrubs and 8,450 groundcovers, within the wetland and riparian areas. These actions will significantly enhance riparian, wetland and grassland vegetation conditions, which have been identified as degraded, as well as improve habitat within Mitchell Creek, its floodplain and associated uplands. Restoration of these habitats will improve the functional values onsite, as well as off-site areas downstream.

Based on the improvement of numerous functional values, *this criterion is met.*

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all requirements of Title 11 can be met, and 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 table lists the sources 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
Environmental Services	Title 17; 2014 Stormwater Manual	503-823-7740 www.portlandonline.com/bes
Development Services	Title 24 - Building Code, Flood Plain, Site Development; Title 10 - Erosion and Sediment Control	503-823-7300 www.portlandonline.com/bds

CONCLUSIONS

The applicant proposes a resource enhancement project which includes the removal of man-made structures and the restoration of an existing creek and former wetland and floodplain within the Pleasant Valley Natural Resources overlay zone. All the construction activities will occur within the boundary of a delineated work area, which will localize impacts and protect other natural resources in the vicinity. Subject to conditions related to construction management and on-going maintenance activities, the project is expected to result in improved wetland and riparian habitat within the project area and beyond. Therefore, the proposed resource enhancement project should be approved subject to the conditions below.

ADMINISTRATIVE DECISION

Approval of a Pleasant Valley Resource Review for resource enhancement consisting of:

- Removal of two culverts and an in-line pond;
- Wetland and streambank restoration;
- Removal of five native trees; and
- Installation of native plantings

all within the Pleasant Valley Natural Resources overlay zone, and in substantial conformance with Exhibits **C.4 through C.10**, as approved by the City of Portland Bureau of Development Services on **January 2, 2019**. Approval is subject to the following conditions:

- A. A BDS Site Development Permit is required for inspection of required mitigation plantings.** The Conditions of Approval listed below, shall be noted on appropriate plan sheets submitted for permits (zoning, grading, erosion control, etc.). Plans shall include the following statement, ***"Any field changes shall be in substantial conformance with approved LU 18-166588 PV Exhibits C.4 through C.10."***

Any other permits shall not be issued until a BDS Site Development Permit is issued.

Any other permits shall not be finalized until the BDS Site Development Permit for inspection of mitigation plantings required in Condition C below is finalized.

- B.** Temporary, 4-foot high, construction fencing shall be placed along the Limits of Construction Disturbance for the approved development, as red-lined on **Exhibit C.4**.
1. No mechanized construction vehicles are permitted outside of the approved "Limits of Construction Disturbance" delineated by the temporary construction fence. All planting work, invasive vegetation removal, and other work to be done outside the Limits of Construction Disturbance, shall be conducted using hand held equipment.
- C.** The applicant shall obtain a BDS Site Development Permit for approval and inspection of a

mitigation planting plan for a total of 1,120 trees, 2,200 shrubs, and 8,450 native ground covers, in substantial conformance with Exhibit **C.9 and C.10 Planting Plan & Planting Table**. Any plant substitutions shall be selected from the *Portland Plant List* and shall be substantially equivalent in size to the original plant.

1. Permit plans shall show:
 - a. The location of shrubs and ground covers required by this condition to be planted in the mitigation area and labeled as "new required landscaping." The plans shall be to scale and shall illustrate a naturalistic arrangement of plants and should include the location, species, quantity and size of plants to be planted.
 - b. The applicant shall indicate on the plans selection of either tagging plants for identification or accompanying the BDS inspector for an on-site inspection.
2. Prior to installing required mitigation plantings, non-native invasive plants shall be removed from all areas within 10 feet of mitigation plantings, using handheld equipment.
3. If plantings are installed prior to completion of construction, a temporary bright orange, 4-foot high construction fence shall be placed to protect plantings from construction activities.
4. After installing the required mitigation plantings, the applicant shall request inspection of mitigation plantings and final the BDS Zoning Permit.
5. All mitigation shrubs and trees shall be marked in the field by a tag attached to the top of the plant for easy identification by the City Inspector; or the applicant shall arrange to accompany the BDS inspector to the site to locate mitigation plantings for inspection. If tape is used it shall be a contrasting color that is easily seen and identified.

D. The land owner shall maintain the required plantings 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. After the 2-year initial establishment 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 applicant shall arrange to accompany the BDS inspector to the site to locate mitigation plantings for inspection. The permit must be finalized no later than two years from the final inspection for the installation of mitigation planting, for the purpose of ensuring that the required plantings remain. Any required plantings that have not survived must be replaced.

E. Failure to comply with any of these conditions may result in the City's reconsideration of this land use approval pursuant to Portland Zoning Code Section 33.700.040 and /or enforcement of these conditions in any manner authorized by law.

Staff Planner: Morgan Steele

Decision rendered by:  **on January 2, 2019**
By authority of the Director of the Bureau of Development Services

Decision mailed: January 4, 2019

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 May 7, 2018, and was determined to be complete on May 18, 2018.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is

complete at the time of submittal, or complete within 180 days. Therefore, this application was reviewed against the Zoning Code in effect on May 7, 2018.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant waived the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on May 18, 2019.**

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.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further 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.

Recording the final decision.

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

- The final decision will be recorded after **January 4, 2019**, by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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 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:

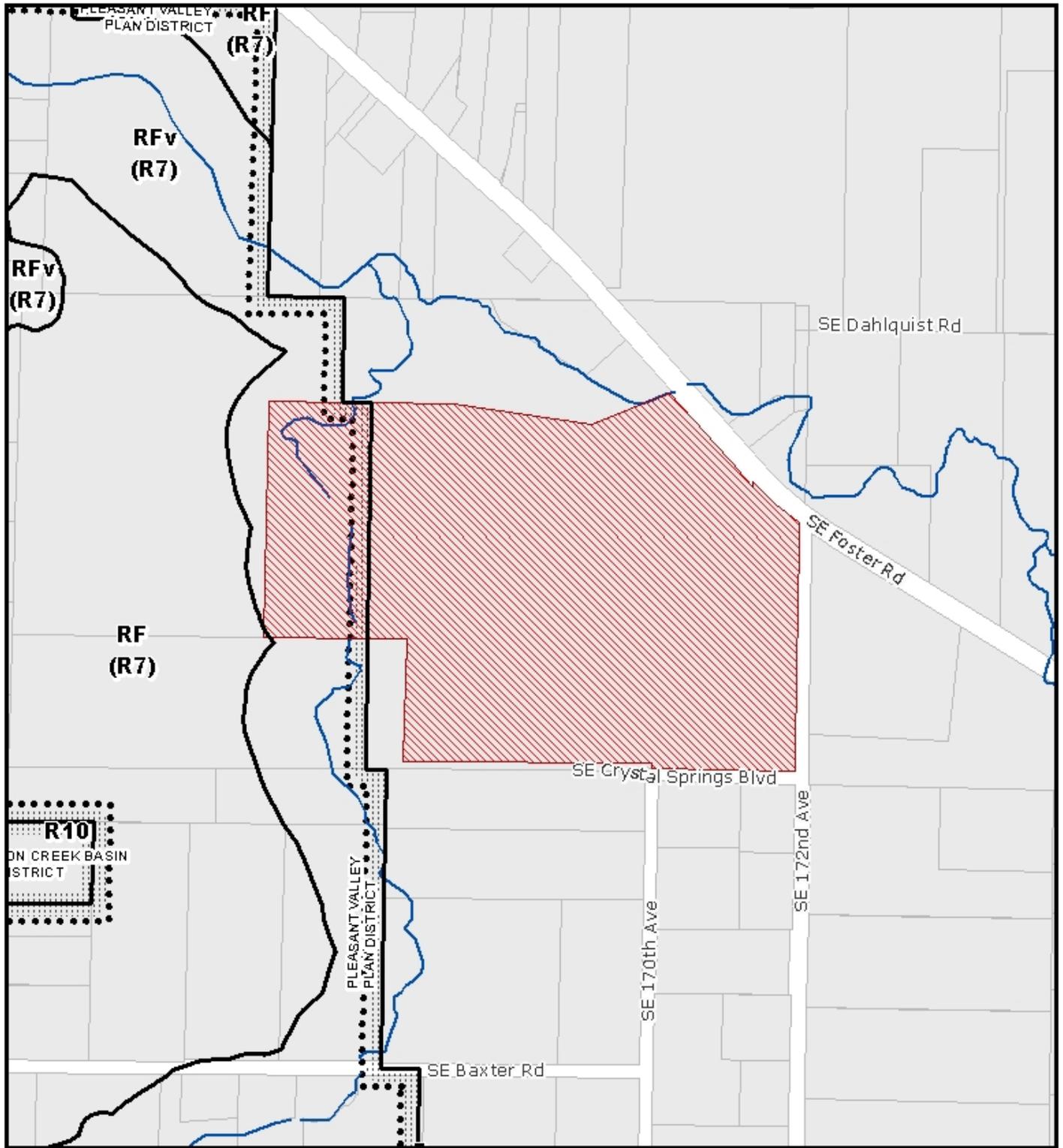
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Applicant's Narrative and Site Plans, May 2018
 - 2. Applicant's Revised Narrative, May 2018
 - 3. Applicant's Response to Incomplete Letter, May 2018
 - 4. Floodplain Compliance Report, July 2018
 - 5. Extension of 120-Day Review Period
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. G01 Cover Sheet
 - 2. G02 Engineering Specifications
 - 3. E01 Existing Conditions and Demolition Plan
 - 4. E02 Grading Plan and Profile (attached)
 - 5. E03 Channel Cross Sections
 - 6. E04 Channel Details
 - 7. E05 Large Wood Details
 - 8. E06 Temporary Erosion and Sediment Control Details
 - 9. L01 Planting Plan (attached)
 - 10. L02 Planting Table (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Fire Bureau
 - 3. Life Safety
 - 4. Site Development Review Section of BDS
 - 5. Oregon Department of State Lands
- F. Correspondence:
 - 1. Mr. and Mrs. J.J. Florey, June 15, 2018
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter
 - 3. Wetland Land Use Notification, Oregon Department of State Lands

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
- Stream

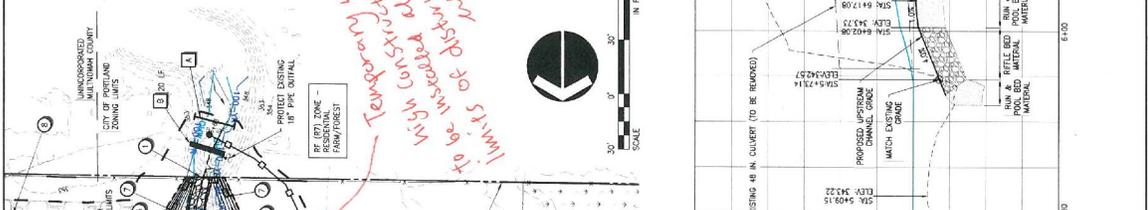
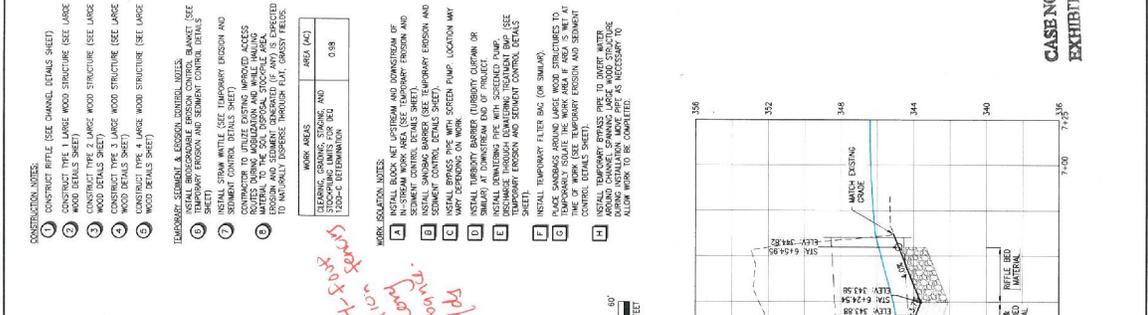
THIS SITE LIES WITHIN THE:
 PLEASANT VALLEY PLAN DISTRICT
 THIS SITE LIES WITHIN UNINCORPORATED
 MULTNOMAH COUNTY

File No.	LU 18-166588 PV
1/4 Section	3847
Scale	1 inch = 400 feet
State ID	1S3E19CA 1201
Exhibit	B May 09, 2018

CONSTRUCTION NOTES:
 1. CONSTRUCT INTAKE (SEE CHANNEL DETAILS SHEET)
 2. CONSTRUCT TYPE 1 LARGE WOOD STRUCTURE (SEE LARGE WOOD DETAILS SHEET)
 3. CONSTRUCT TYPE 2 LARGE WOOD STRUCTURE (SEE LARGE WOOD DETAILS SHEET)
 4. CONSTRUCT TYPE 3 LARGE WOOD STRUCTURE (SEE LARGE WOOD DETAILS SHEET)
 5. CONSTRUCT TYPE 4 LARGE WOOD STRUCTURE (SEE LARGE WOOD DETAILS SHEET)

TEMPORARY EROSION CONTROL MEASURES:
 1. INSTALL EROSION CONTROL MATS (SEE EROSION CONTROL MATS SHEET)
 2. INSTALL STRAW MATS (SEE TEMPORARY EROSION AND SEDIMENT CONTROL DETAILS SHEET)
 3. CONSTRUCT TYPE 1 LARGE WOOD STRUCTURE (SEE LARGE WOOD DETAILS SHEET)
 4. CONSTRUCT TYPE 2 LARGE WOOD STRUCTURE (SEE LARGE WOOD DETAILS SHEET)
 5. CONSTRUCT TYPE 3 LARGE WOOD STRUCTURE (SEE LARGE WOOD DETAILS SHEET)
 6. CONSTRUCT TYPE 4 LARGE WOOD STRUCTURE (SEE LARGE WOOD DETAILS SHEET)

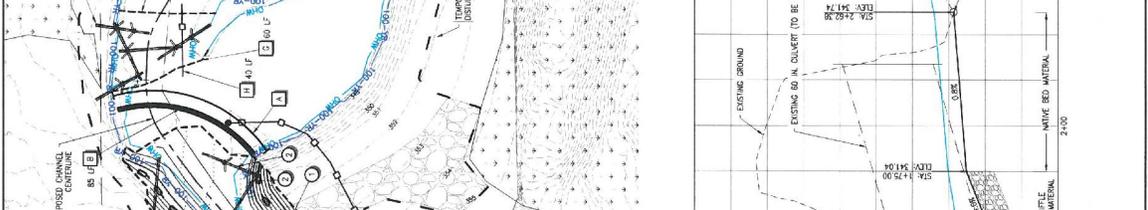
WORK AREAS:
 1. WORK AREA 1: 0.58
 2. WORK AREA 2: 0.58
 3. WORK AREA 3: 0.58
 4. WORK AREA 4: 0.58
 5. WORK AREA 5: 0.58
 6. WORK AREA 6: 0.58
 7. WORK AREA 7: 0.58
 8. WORK AREA 8: 0.58
 9. WORK AREA 9: 0.58
 10. WORK AREA 10: 0.58



WORK AREA NOTES:
 A. INSTALL BLOCK NET UPSTREAM AND DOWNSTREAM OF IN-STREAM WORK AREA (SEE TEMPORARY EROSION AND SEDIMENT CONTROL DETAILS SHEET)
 B. INSTALL STRAW MATS (SEE TEMPORARY EROSION AND SEDIMENT CONTROL DETAILS SHEET)
 C. INSTALL BYPASS PILE WITH SOFTEN PUMP. LOCATION MAY VARY AT DOWNSTREAM END OF PROJECT.
 D. INSTALL TURBOPIE BARBERS (TURBOPIE CLIPFORM OR SIMILAR) AT DOWNSTREAM END OF PROJECT.
 E. INSTALL CHANNEL SPANNING LARGE WOOD STRUCTURE TO TEMPORARILY SEGREGATE THE WORK AREA IF AREA IS WET AT ANY TIME (SEE TEMPORARY EROSION AND SEDIMENT CONTROL DETAILS SHEET).
 F. TEMPORARY FILTER BAG (SEE SHEET).
 G. PLACE SANDBAGS AROUND LARGE WOOD STRUCTURES TO TEMPORARILY SEGREGATE THE WORK AREA IF AREA IS WET AT ANY TIME (SEE TEMPORARY EROSION AND SEDIMENT CONTROL DETAILS SHEET).
 H. INSTALL TEMPORARY BRASS PIPE TO DIVERT WATER AROUND CHANNEL SPANNING LARGE WOOD STRUCTURE TO ALLOW WORK TO BE COMPLETED.

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 6. CONSTRUCT TYPE 4 LARGE WOOD STRUCTURE (SEE LARGE WOOD DETAILS SHEET)

