



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

Ted Wheeler, Mayor
Rebecca Esau, Director
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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 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 18-208727 EN

GENERAL INFORMATION

Applicant: Laura Haunreiter | Harper Houf Peterson Righellis Inc.
205 SE Spokane Street, Suite 200 | Portland, OR 97202
503-221-1131

Owners: Alexis and Andrew Rosengarten
1248 SW Upland Drive | Portland, OR 97221-2654

Site Address: [1248 SW UPLAND DRIVE](#)

Legal Description: BLOCK C LOT 15, WEST HIGHLANDS & EXTD
Tax Account No.: R893104090
State ID No.: 1S1E06AD 06400
Quarter Section: 3124

Neighborhood: Sylvan-Highlands, contact Dave Malcolm at 503-805-9587. Southwest Hills Residential League, contact at contact@swhrl.org.

Business District: None
District Coalition: Southwest Neighborhoods Inc., contact Sylvia Bogert at 503-823-4592., Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Northwest Hills Plan District – Skyline Subdistrict
Other Designations: Resource Site 111 – Canyon Headwaters, *Southwest Hills Resource Protection Plan*; Potential Landslide Hazard Area, Wildfire Hazard Area

Zoning: *Base Zone:* Residential 10,000 (R10)
Overlay Zone: Environmental Conservation (c)

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

Proposal:

Following heavy rains in the fall and winter of 2015, the slope behind the applicant's house became unstable and started to slide. The applicants hired a geotechnical engineer to address the erosion and slope instability. A plan was developed to stabilize the slope using terraced soldier pile retaining walls and new stormwater piping for roof drains to reduce water on the slope. The applicant applied for a construction permit in July 2016. During the permit review BDS found the proposal would exceed standards for the Environmental Conservation overlay zone and requested the applicant provide an alternatives analysis and mitigation plan for the proposed work so that the permit could be issued, and work conducted prior to approval of an Environmental Review. BDS reviewed the alternatives considered and agreed that the proposed stabilization approach would have the least detrimental impacts on environmental resources given the available alternatives. BDS then issued the permit so work could occur as soon as possible to prevent further slope instability and danger to the applicants and their home. A mitigation plan was also prepared, and the hillside was replanted with native shrubs and groundcovers following construction.

The slope stabilization and terraced soldier pile work conducted at the project site occurred entirely within the resource area of the Environmental Conservation overlay zone; therefore, certain standards must be met to allow the work to occur by right. In this case, the work required disturbance area that exceeded the standards of 33.430.140.D and the work was required to be closer to the stream than allowed by 33.430.140.F; as a result, Environmental Review is required to both retroactively evaluate the slope stabilization work and ensure adequate mitigation was, or will be, conducted to compensate for all detrimental impacts.

Relevant Approval Criteria:

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

- [33.430.250.E Other development in the Environmental Conservation zone or within the Transition Area only](#)

ANALYSIS

Site and Vicinity: The project site is in SW Portland with 82 feet of frontage on SW Upland Drive. The front half of the 12,900 square foot lot is developed with a front yard, driveway, and three-story house. The front yard of the house is developed with a small concrete retaining wall, sloped driveway, and front yard landscaping. The rear (east) end of the house foundation is located approximately 70 feet back from the front (SW Upland Drive / west) lot line. A level bench area of approximately six feet extends east out from the foundation at the rear of the house. After this level bench, the site slopes steeply down for approximately 30 feet to the top of bank of a small creek. This steep area of the lot has a grade of approximately 60% and consists of mature evergreen trees and an understory dominated by sword fern. The creek is located at approximately the center of the lot with the south end of the lot sloping steeply back up to the back site of a neighboring lot to the east. Surrounding development consists mainly of larger lots with residential dwellings.

Zoning: The zoning designation on the project site includes the Residential 10,000 (R10) base zone with Environmental Conservation (c) overlay zone (see zoning on Exhibit B).

The Residential 10,000 base 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 regulations of this zone do not apply to this proposal; 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 preserve the site's protected resources. They protect the most important environmental features and resources while allowing environmentally sensitive urban development where resources are less significant. 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 separate areas throughout the City. Environmental resources and functional values present in environmental zones are described in environmental inventory reports for these respective study areas.

The project site is mapped within the *Southwest Hills Resource Protection Plan* as Inventory Site 111, Canyon Headwaters. Site 111 provides a connection between the northwest and southwest hills. However, the importance of the connection is diminished by the presence of Highway 26, especially for terrestrial wildlife species. The forest is in the later, conifer topping hardwood successional stage. The eleven or so intermittent creeks located along the canyon walls and throughout the site provide habitat. This site, in combination with Site 112, has high scenic value created by the forested hillsides, knolls and valley floor. Significant resources and functional values on the project site include cultural, open space, intermittent creeks, groundwater, wildlife habitat and corridor, and forest.

Impact Analysis and Revegetation and Monitoring Plan: The following discusses development alternatives and associated impacts that were considered by the applicant. The following additionally describes the proposed construction management plan and mitigation and monitoring proposal.

Development Alternatives:

Alternative #1 – Terraced Cast-in-Place Wall

This alternative consisted of two terraced concrete cast-in-place retaining walls and would have required approximately 50 cubic yards of imported backfill. The size and location of the walls were similar to the recommended terraced soldier pile wall design. However, the cast-in-place design would need to be laterally supported by tiebacks to support both the steep slope and load of the house above. Further, the soft nature of the surface bearing soils would require deep excavations to provide large footings to prevent the wall from overturning. To accomplish the amount of excavation needed to construct the concrete forms, a tracked excavator and a machine auger would have been required. This construction method would have led to much higher risk, larger disturbance area and potential for adverse impacts to both property and the environment including the potential to undermine the stability of the house foundation. The degree of disturbance from construction would have likely adversely impacted the root zones of three large fir trees resulting in the removal of the trees. Construction duration was also a concern, as the forming and curing of the walls would leave a disturbed environment for several weeks longer than the preferred options, increasing the risk of soil erosion.

Therefore, this alternative was rejected due to risks from erosion, potential impacts to the existing house foundation and likely adverse impacts to the healthy mature trees. These risks were eliminated or greatly minimized with the preferred alternative. The total area of disturbance for Alternative 1 would have been approximately 2,900 square feet. The area breakdown was as follows:

- ❖ 1,100 square feet of disturbance for construction access and staging area
- ❖ 700 square feet of disturbance for imported fill
- ❖ 1,000 square feet of disturbance for wall forming and concrete pouring

Alternative #2 – Single Retaining Wall

This alternative consisted of a single soldier pile or cast-in-place retaining wall, with similar construction methods as Alternative 1, with the exception that this option required the use of larger heavy equipment due to the increased wall size as well as additional imported fill needed (140 cubic yards). Four existing large fir trees would have been impacted by construction; three of which would have likely needed to be removed. The soils located beneath the wall in this alternative were unstable, since it was at the existing slide location. Excavations would have been required downslope of the new wall location, towards the stream, to install lagging.

This alternative was rejected due to the high risks associated with heavy equipment needed for construction and the adverse impacts to existing fir trees. These risks, disturbance area and

impacts to existing fir trees. These risks, disturbance area and impacts to trees, were eliminated or greatly reduced in the preferred alternative. The total area of disturbance for Alternative 2 would have been approximately 2,800 square feet. The area breakdown was as follows:

- ❖ 1,100 square feet of disturbance for construction access and staging area
- ❖ 1,300 square feet of disturbance for imported fill
- ❖ 400 square feet of disturbance for soldier pile wall construction

Alternative #3 – Rock Buttress Slope Armoring

This alternative consisted of the construction of a rock buttress at a 1H:1V slope within the vicinity of the slide, and a 2H:1V slope at the southwest end. The buttress would have consisted of 225 cubic yards of imported Class 100 Rip-Rap. A culvert would have been installed within the stream bed to maintain drainage. This alternative was not recommended due to the large amount of disturbance to the drainage reserve and the creek itself. A mini-excavator would have been utilized to place the boulders and the heavy repeated excavator traffic along the unstable site slope could have been potentially dangerous. In addition, this option required the removal of four large fir trees. The total area of disturbance for Alternative 3 would have been approximately 3,300 square feet. The area breakdown was as follows:

- ❖ 1,300 square feet of disturbance for rock buttress
- ❖ 2,000 square feet of disturbance for construction access and staging

Preferred Alternative – Terraced Soldier Pile Wall

The preferred design proposed to stabilize the compromised hillside and included the construction of terraced soldier pile walls with 45 cubic yards of imported backfill. This alternative allowed the walls to be staggered and avoided impacting the three large fir trees on site and created an access path from the lower and upper areas. This approach allowed the overall wall heights to be significantly lowered by having the wall terrace in the center. The two shorter walls were less obtrusive and easier to screen with vegetation, blending in with the natural forested environment.

Installation of the soldier piles was made by a small-tracked auger working above the walls. The backs were installed with a combination of hand and machine augers. The path between the walls created by terracing was also utilized for construction and negated the requirement of installing temporary access paths, reducing the overall project disturbance area. This in turn reduced the disturbance of vegetation near the stream and the risk of erosion. The total area of disturbance for the Preferred Alternative was approximately 1,700 square feet. The area breakdown was as follows:

- ❖ 500 square feet of disturbance for construction access and staging area
- ❖ 600 square feet of disturbance for imported fill
- ❖ 600 square feet of disturbance for soldier pile wall construction

Construction Management Plan: The Construction Management Plan for the project is shown on Exhibit C.3. The following components of the Construction Management Plan protected against erosion and prevented the transport of sediments into the onsite waterbody. The following measures also ensured that disturbance was localized, preventing impacts to the portions of the Environmental Zone that was to remain undisturbed.

- Orange construction fencing was installed at the limits of the work area; no activities occurred beyond the construction barrier.
- Silt fence was placed downslope of the disturbance areas, ensuring soil was kept onsite.
- Construction entrances (ingress/egress) were delineated prior to construction and were maintained for the duration of the project.
- Exposed cut and fill areas were stabilized using seeding and native plantings.

Unavoidable Impacts: A total of 1,700 square feet of disturbance (500 square feet temporary and 1,200 square feet permanent) occurred within the resource area of the Environmental Zone because of this project. No other impacts to resources (e.g. trees, stream, etc.) were incurred because of this project.

Mitigation Plan: To compensate for permanent and temporary impacts to the Environmental Conservation overlay zone resulting from slope stabilization activities, the applicant revegetated 1,700 square feet of disturbance by planting a total of 49 shrubs and 102 groundcovers, all native species from the *Portland Plant List*. The majority of the plants were installed in 2016 with the remainder of the plantings being added in 2018.

Land Use History:

- ❖ LU 95-012320 ZC (95-00427): Proposal to place more Environmental Conservation zoning and less Environmental Protection zoning on the uphill property, and more Environmental Protection and less Environmental Conservation zoning on the Highway 26 right-of-way – Hearing’s Officer approval with conditions was appealed to City Council which upheld the appeal.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **October 12, 2018**. The following Bureaus have responded with no issues or concerns:

- Life Safety
- Fire Bureau
- Portland Bureau of Transportation
- Urban Forestry
- Water Bureau

The Bureau of Environmental Services responded with the following Conditions of Approval. Please see Exhibit E.6 for additional details.

1. BES requests that a condition of approval be included requiring the existing outfall to be reconstructed to match the design approved under RS 16-198748.
2. Prior to approval of the associated building permit, the applicant must record an Operations and Maintenance Plan for the drainage reserve, drainage reserve encroachment and outfall, to the satisfaction of BES.

The Site Development Section of BDS responded with the following Condition of Approval. Please see Exhibit E.7 for additional details.

1. The stormwater outlet is to be reconstructed in accordance with the approved plans as shown in permit 16-198748-RS.

Planner Response: The applicant has recorded an Operations and Maintenance Plan (Exhibit A.6) with Multnomah County to implement a drainage reserve over the stream on the property, fulfilling BES’ condition to do so. Permit 16-198748 RS was inspected, approved, and finalized on December 21, 2018 (Exhibit G.3), satisfying both BES and Site Development recommended conditions.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on October 12, 2018. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

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 approval criteria applicable to the proposed development include those found Section 33.430.250.E. The applicant has provided findings for these approval criteria and BDS Land Use Services staff revised these findings or added conditions, where necessary to meet the approval criteria.

33.430.250.E Other development in the Environmental Conservation zone or within the Transition Area only. In Environmental Conservation zones or for development within the

Transition Area only, the applicant's impact evaluation must demonstrate that all of the following are met:

E.1 Proposed development minimizes the loss of resources and functional values, consistent with allowing those uses generally permitted or allowed in the base zone without a land use review;

Findings: The purpose of this criterion is to recognize that some form of development is allowed, consistent with the base zone standards. Impacts of the proposed development are measured relative to the impacts associated with the development normally allowed by the base zone; in this case, the development consisted of a landslide repair for the health and safety of the home, its occupants, and surrounding natural resources.

The lot was platted in 1958 and the house constructed in 1980. The purpose of this review is not to address expanded living area or increase in use within the Environmental Zone, the purpose is to address, retroactively, bank stabilization measures that were needed as a result of a rain-induced landslide. Essentially, the bank stabilization measures ensured that the single-family residence could remain and that the use intended for the base zone (single-dwelling) could continue safely.

Further, the proposed landslide mitigation minimizes, to the extent practicable, impacts to resources and functional values. An alternatives analysis was considered (Pages 3 and 4) and a construction management plan implemented to ensure the landslide could be fixed, and the use continued, with the least impact to onsite resources.

Therefore, the project minimized the loss of resources and functional values, consistent with allowing those uses generally permitted or allowed in the base zone without a land use review and *this criterion is met.*

E.2. Proposed development locations, designs, and construction methods are less detrimental to identified resources and functional values than other practicable and significantly different alternatives;

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 provided an alternatives analysis that can be found in the application case file in Exhibit A.2 and is summarized in this report on Pages 3 and 4. The applicant considered four alternative landslide mitigation approaches (Option 1: terraced cast-in-place wall; Option 2: single retaining wall; Option 3: rock buttress slope armoring; Option 4: preferred design) in order to conclude that the proposed design would result in less detrimental impacts than the other three alternatives they considered.

The applicant chose the alternative that avoided tree removal and also resulted in the least amount of disturbance. Further, the terraced design of the preferred alternative allowed wall height to be limited and could be installed outside of the top of bank of the onsite stream. Therefore, the terraced soldier pile wall design both stabilized the slope and also minimized impacts to natural resources.

This criterion is met.

E.3. 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 project, such as damage to vegetation, erosion of soils off the site, and downstream impacts to water quality and fish habitat from increased stormwater runoff and erosion off the site.

The applicant provided a graphic Construction Management site plan (Exhibit C.3) and the Plan is described on page 4 of this report. Construction management techniques were utilized by the applicant to minimize impacts to identified resources and functional values designated to be left

undisturbed such as silt fence, construction fencing, and designated ingress and egress for machinery and equipment. It is also important to note that the project itself prevented further erosion and impact to resources by stabilizing a slope, that if not corrected, could have had detrimental impacts to onsite resources such as trees and streams.

This criterion is met.

E.4. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;

Findings: This criterion requires the applicant to assess unavoidable impacts and propose mitigation that is proportional to the impacts, as well as sufficient in character and quantity to replace lost resource functions and values. The proposed mitigation plan is described on Page 5 of this report. It offset 1,700 square feet of disturbance area and mitigated any vegetation (shrubs and groundcovers) removed because of the slide.

The mitigation plan compensated for impacts at the site for the following reasons:

- ❖ All disturbance areas outside the permanent improvements were planted with native vegetation.
- ❖ The mitigation plantings will increase species diversity to improve wildlife habitat in the project vicinity.
- ❖ The plantings will aid in future bank stabilization in addition to nutrient retention and erosion control.

Staff conducted a site visit on October 29, 2018, confirming the initial planting of 49 shrubs and 102 groundcovers. However, to confirm maintenance and survival of the required plantings, the applicant will be required to have the plantings inspected two years after the issuance of this decision.

With conditions to ensure that plantings required for this Environmental Review are maintained and inspected, *this criterion can be met.*

E.5. 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

E.6. 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 for significant detrimental impacts was conducted on the same site as the landslide mitigation; the applicant owns the onsite mitigation area.

These criteria are met.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this project 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.

CONCLUSIONS

Through this Environmental Review, the applicant requests retroactive approval for the installation of a terraced soldier pile wall within the Environmental Conservation overlay zone. The applicant selected a construction approach that minimized impacts to onsite resources and their functional

values. With the implemented mitigation, the above findings have shown that the proposal meets the applicable approval criteria. Therefore, this proposal should be approved.

ADMINISTRATIVE DECISION

Approval of an Environmental Review for:

- 1,700 square feet of disturbance within the Environmental Zone for landslide repair consisting of the installation of soldier pile walls

all in substantial conformance with Exhibit C.7, as approved by the City of Portland Bureau of Development Services and signed and dated on **December 28, 2018**. Approval is subject to the following condition:

- A. 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. Two years from the issuance date of this decision, the landowner shall:
1. Obtain a BDS Zoning Permit for approval and inspection of a Mitigation Plan for planting a total of 49 shrubs and 102 groundcovers in substantial conformance with Exhibit C.7, AS-BUILT and Mitigation Plan. Any required plantings that have not survived must be replaced.
 2. All required plantings shall be continuously maintained, by the land owner in a healthy manner, with no more than 15% cover by invasive species. Required plants that die shall be replaced in kind.
- B.** 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 December 28, 2018**
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 July 25, 2018, and was determined to be complete on October 9, 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 July 25, 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 extended the 120-day review period (Exhibit A.7). Unless further extended by the applicant, **the 120 days will expire on: June 6, 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.

Appealing this decision. This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on January 18, 2019**, at 1900 SW Fourth Avenue. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th 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.

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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **January 18, 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 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:

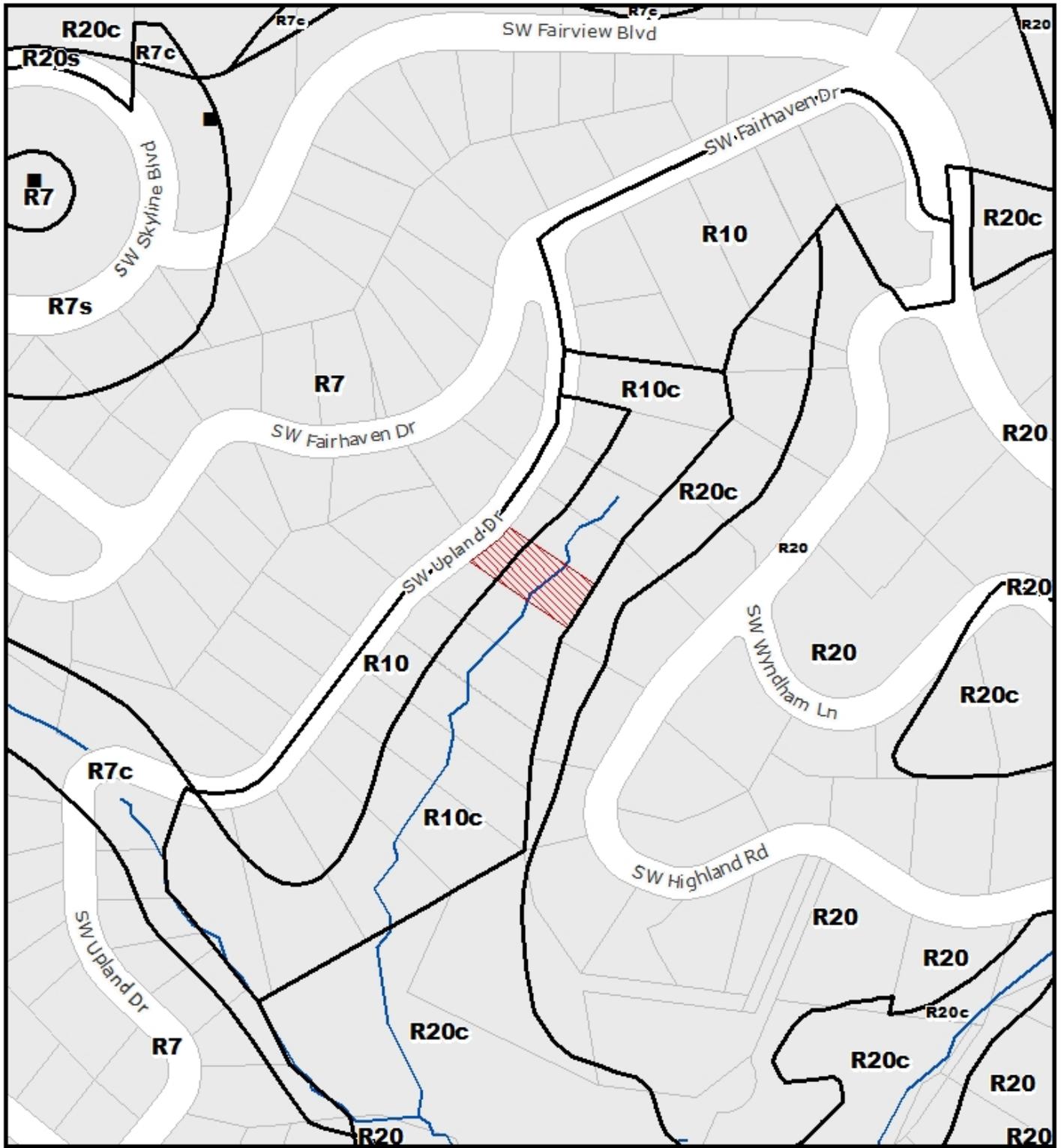
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Applicant's Narrative & Site Plans, July 2018
 2. Applicant's Revised Narrative, October 2018
 3. Applicant's Response to Incomplete Letter, October 2018
 4. Arborist Report with Addendum, June 2016 & September 2018
 5. Geotechnical Report, May 2016
 6. Recorded O&M Plan for Drainage Reserve
 7. Extension to the 120-Day Review Period
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. C1.0 Cover Sheet
 2. C2.0 Grading & Erosion Control Plan
 3. C2.1 Construction Management Plan
 4. C3.0 Details
 5. Topographic Site Map
 6. S1.0 Retaining Walls
 7. L1.0 Mitigation Plan & AS-BUILT (attached)
 8. L2.0 Mitigation Planting Details
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Fire Bureau
 2. Bureau of Transportation
 3. Life Safety
 4. Urban Forestry
 5. Water Bureau
 6. Bureau of Environmental Services
 7. Site Development Review Section of BDS
- F. Correspondence: None Received
- G. Other:
 1. Original LU Application
 2. Incomplete Letter
 3. 16-198748 RS Final Documentation

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



THIS SITE LIES WITHIN THE:
NORTHWEST HILLS PLAN DISTRICT
SKYLINE SUBDISTRICT



Site



Stream



Historic Landmark

File No.	LU 18-208727 EN
1/4 Section	3124
Scale	1 inch = 200 feet
State ID	1S1E06AD 6400
Exhibit	B Jul 30, 2018

Approved
 City of Portland - Bureau of Development Services
 LW # 18-208727-64 Date 12-23-18
 Planner *M. J. [Signature]*
 Approval for Environmental Review only. Not a building permit.
 Additional zoning requirements may apply.

MITIGATION PLANTING PLAN
 1248 SW UPLAND DRIVE RESIDENCE
 PORTLAND, OREGON

HPH Harter
 Right/Left Inc.
 705 SE Spokane Street, Suite 200 Portland, OR 97202
 Phone: 503.221.1171 Fax: 503.221.1173

REGISTERED ARCHITECT
 788
 15100 NW
 SHEET NO. L1.0
 MCP-02

DATE	NO.	DESCRIPTION
APRIL 2018	1	DESIGNED
	2	CHECK SHEET
	3	CHECK SHEET

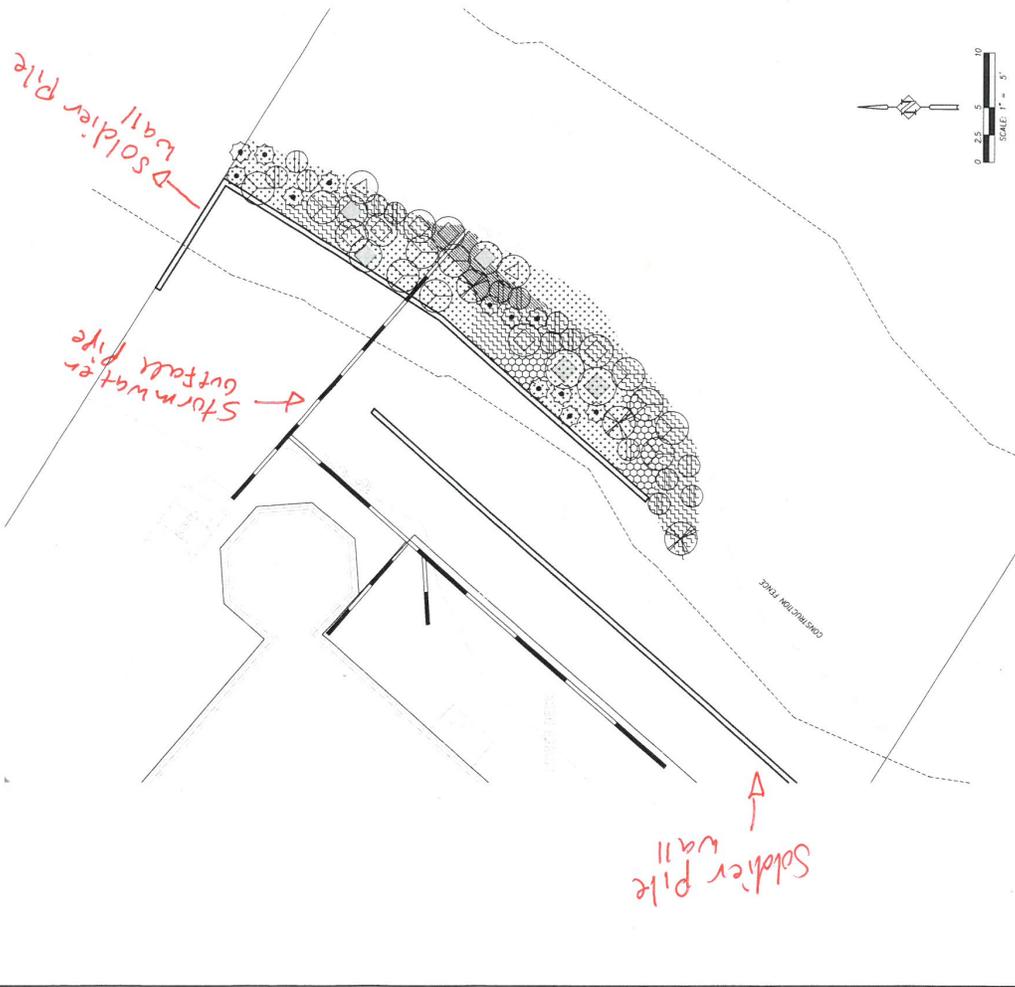
PLANTING SCHEDULE

SHRUBS

12	MADONIA NEROSA - SINGLE LEAF MADONIA
1 CAL	CONT. WELL BRANCHED, SPACE AS SHOWN
14	IRIS SPECIOSA - SALMONBERRY
1 CAL	CONT. WELL BRANCHED, SPACE AS SHOWN
5	HAZELCOTUS DISCOLOR - OCEAN SPRAY
1 CAL	CONT. WELL BRANCHED, SPACE AS SHOWN
1	IRIS SPECIOSA - SALMONBERRY
1 CAL	CONT. WELL BRANCHED, SPACE AS SHOWN
2	IRIS SPECIOSA - SALMONBERRY
1 CAL	CONT. WELL BRANCHED, SPACE AS SHOWN
4	ROSA NUPHARA - NOYON ROSE
1 CAL	CONT. WELL BRANCHED, SPACE AS SHOWN
10	LACONUM PATRIUM - RED HUCKLEBERRY
1 CAL	CONT. WELL BRANCHED, SPACE AS SHOWN

GROUND COVER

14	MANCOURNIA NEANDRIA - WISSE OUT FLOWER
4 POTS	FULL PLANTS, 12" O.C.
80	POLYSTICHUM MUNITUM - SWORD FERN
4 POTS	FULL PLANTS, 24" O.C.
16	TELLIMA GRANITIFLORA - FRENCH CUP
4 POTS	FULL PLANTS, 12" O.C.
12	DISCENTRA SPECTABILIS - BLEEDING HEART
4 POTS	FULL PLANTS, 12" O.C.



- GENERAL PLANTING NOTES**
- ALL CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH CURRENT CITY OF PORTLAND STANDARDS.
 - INSTALL AND/OR MAINTAIN EROSION CONTROL SYSTEMS IN ACCORDANCE WITH CITY OF PORTLAND STANDARDS PRIOR TO SITE WORK AND LANDSCAPE INSTALLATION.
 - ALL DISTURBED AREAS SHALL BE MULCHED WITH ORGANIC COMPOST MULCH, 3 INCH DEPTH.
 - STABILIZE COMPOST MULCH WITH JUTE NETTING, INSTALLED PER DETAIL 1A1.0 OVER ENTIRE PLANTING AREA PRIOR TO PLANTING.
 - CONTRACTOR SHALL MARK AND PROTECT ALL UTILITIES, SITE FEATURES, AND VEGETATION TO REMAIN IN PLACE PRIOR TO COMMENCING CONSTRUCTION.
 - CONTRACTOR SHALL REMOVE ALL WEEDS AND INVASIVE SPECIES PRIOR TO PLANTING.
 - PRIOR TO PLANTING, CONTRACTOR SHALL TEST ON-SITE SOILS FOR SOIL FERTILITY BY A CERTIFIED TESTING LAB. IF NECESSARY, GROWTH SOILS FOR SHRUB AND GROUND COVER AREAS SHALL BE AMENDED AS RECOMMENDED BY THE SOIL FERTILITY REPORT.
 - LANDSCAPE PLANTING INSTALLATION SHALL INCLUDE PROVISION OF TIME RELEASED WATER MODULES OR WATER RETENTION POLYMERS (PER MANUFACTURER'S RECOMMENDATIONS) TO SUSTAIN LANDSCAPE PLANTINGS, MEETING LOCAL AND STATE BUILDING CODES.
 - PLANT MATERIAL INSTALLED SHALL CONFORM IN SIZE AND GRADE TO THE "AMERICAN STANDARD FOR NURSERY STOCK" - CURRENT EDITION.
 - THE QUANTITIES OF PLANT MATERIALS SHALL BE AS DETERMINED BY THE CONTRACTOR IN ACCORDANCE WITH THE SCHEDULED SPACING OR PLANTING DENSITY. THE CONTRACTOR SHALL MAINTAIN THE RELEASED WATER MODULES OR WATER RETENTION POLYMERS AND SHALL BE RESPONSIBLE FOR REPLACEMENT OF ANY DAMAGED OR MISSING MATERIALS PRIOR TO THE COMMENCEMENT OF THE WARRANTY PERIOD AFTER INSTALLATION AND GUARANTEE. ALL PLANTINGS TO BE ALIVE AND IN SATISFACTORY HEALTH.
 - LANDSCAPE CONTRACTOR SHALL MAINTAIN THE RELEASED WATER MODULES OR WATER RETENTION POLYMERS FOR THE DURATION OF ONE YEAR WARRANTY PERIOD AFTER INSTALLATION AND GUARANTEE. ALL PLANTINGS TO BE ALIVE AND IN SATISFACTORY HEALTH.
 - ALL TREES SHALL BE STAKED IN ACCORDANCE WITH DETAILS.
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 - PLANTINGS SHALL BE INSTALLED BETWEEN OCTOBER 1ST AND MARCH 31ST.
 - PRIOR TO INSTALLATION OF PLANT MATERIALS, REMOVE NON-NATIVE INVASIVE PLANTS WITHIN 10 FEET OF MITIGATION PLANTINGS.
 - AFTER INSTALLATION OF REQUIRED LANDSCAPING, CONTRACTOR SHALL COORDINATE BDS INSPECTION WITH OWNER'S REPRESENTATIVE.

*Remove note 9
 why?*

AS BUILT

CASE NO. 18-208727-64
 EXHIBIT C.7