



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

Ted Wheeler, Mayor
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www.portlandoregon.gov/bds

Date: September 4, 2020
To: Interested Person
From: Morgan Steele, Land Use Services
503-823-7731/Morgan.Steele@portlandoregon.gov

NOTICE OF A TYPE II PROPOSAL IN YOUR NEIGHBORHOOD

Development has been proposed in your neighborhood. The proposed development requires a land use review. The proposal, review process, and information on how to respond to this notice are described below. A copy of the site plan and zoning map is attached. I am the staff person handling the case. Please call me if you have questions regarding this proposal. Please contact the applicant if you have questions regarding any future development on the site.

Because we must publish our decision within 28 days, **we need to receive your written comments by 5 p.m. on September 25, 2020.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 20-182557 EN GW, in your letter. It also is helpful to address your letter to me, Morgan Steele. You can also e-mail your comments to me at my e-mail address identified above. Please note that all correspondence received will become part of the public record.

CASE FILE NUMBER: LU 20-182557 EN GW

UNINCORPORATED MULTNOMAH COUNTY

Applicant/Owner: Calvin & Karen Reno
12790 Fielding Road | Lake Oswego, OR 97034-1138

Representative: Tina Farrelly | Pacific Habitat Services
9450 SW Commerce Circle Suite 180 | Wilsonville, OR 97070

Site Address: 12790 S FIELDING ROAD

Legal Description: TL 1200 1.06 ACRES, SECTION 35 1S 1E
Tax Account No.: R991350010
State ID No.: 1S1E35CD 01200
Quarter Section: 4231, 4232, 4331, & 4332

Neighborhood: None
Business District: None
District Coalition: None

Plan District: None
Other Designations: Unincorporated Multnomah County; 100-Year Floodplain

Zoning: *Base Zone:* Residential 20,000 (R20)
Overlay Zones: Environmental Conservation (c), Greenway River General (g)

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

Proposal:

The applicant is requesting a Greenway Review and Environmental Review to allow the for the replacement of an existing gangway, anchoring system, shore connection, and relocation of an existing dock on the Willamette River adjacent to a property located at S Fielding Road in the Dunthorpe area of Unincorporated Multnomah County. The project is needed to maintain aquatic recreation and temporary boat moorage because the existing gangway is deteriorating and contributing to local degradation of the aquatic environment. The removal of the existing floating gangway, concrete footing, guide pile, and dock anchors and the installation of the proposed gangway and four piles will be conducted from a temporary work barge in the river (no land access needed). Only the area east of the existing seawall contains undeveloped areas and will have new disturbance associated with the project.

The total anticipated disturbance resulting from the proposed project, as depicted on the applicant's Site Plan (attached), amounts to 1,163 square feet. In order to provide adequate mitigation for project-related impacts within the Environmental and Greenway overlay zones, the applicant is proposing to plant a total of 15 trees and 15 shrubs in addition to 500 square feet of invasive species removal. Further, to help prevent impacts to shallow water habitat, the applicant proposes to move the dock 20 feet further into the river, siting it in deeper waters than it currently resides.

The proposed gangway, anchoring system, shore connection, and relocation of the existing dock are considered alterations to existing development and will be in the resource area of the Environmental Conservation (c) overlay zone. Certain environmental standards must be met to allow the work to occur by right. In this case, the proposed development will exceed the standards for maximum disturbance area allowed by 33.430.140.D; therefore, a Type II Environmental Review is required. In addition, the site lies within the Greenway River General (g) overlay zone and the proposed gangway, anchoring system, shore connection, and dock occur within and riverward of the greenway setback. Greenway Review applies to changes to the land and structures in the water within the Greenway overlay zones, including excavations and fills, and docks; therefore, a Type II Greenway Review is also required.

Relevant Approval Criteria:

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

- **Environmental Review 33.430.250.E**
- **Greenway Review 33.440.350**
- ***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 August 20, 2020 and determined to be complete on September 1, 2020.

DECISION MAKING PROCESS

The Bureau of Development Services will make a decision on this proposal. After we consider your comments we will do one of the following:

- Approve the proposal;
- Approve the proposal with conditions; or
- Deny the proposal.

The neighborhood association listed on the first page of this notice may take a position on this application. They may also schedule an open meeting prior to making their recommendation to the

Bureau of Development Services. Please contact the person listed as the neighborhood contact to determine the time and date of this meeting.

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 extended at the request of the applicant.

The file and all evidence on this case are available for your review by appointment by making a request online or contacting me.

- Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. Copies of all information in the file can be obtained for the cost of making copies during the appointment.
- If you would like to request a copy of the file online, please visit <https://www.portlandoregon.gov/bds/54732>. The fee for this service varies based on the size of the case file and how long it would take to scan or copy documents.
- I can provide some information over the phone or through email.

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.portlandoregon.gov.

APPEAL PROCESS

If you disagree with the Bureau of Development Services administrative decision, you can appeal the decision to the Hearings Officer. This review body will hold a public hearing for the appeal. When the decision is mailed, the criteria used to make the decision and information on how to file an appeal will be included. If you do not send any comments, you can still appeal the decision. There is a 14-day deadline to file an appeal beginning on the day the decision is mailed. The reason for the appeal must be specifically defined in order for the review body to respond to the appeal. If an appeal is filed, you will be notified of the time and location of the appeal hearing.

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

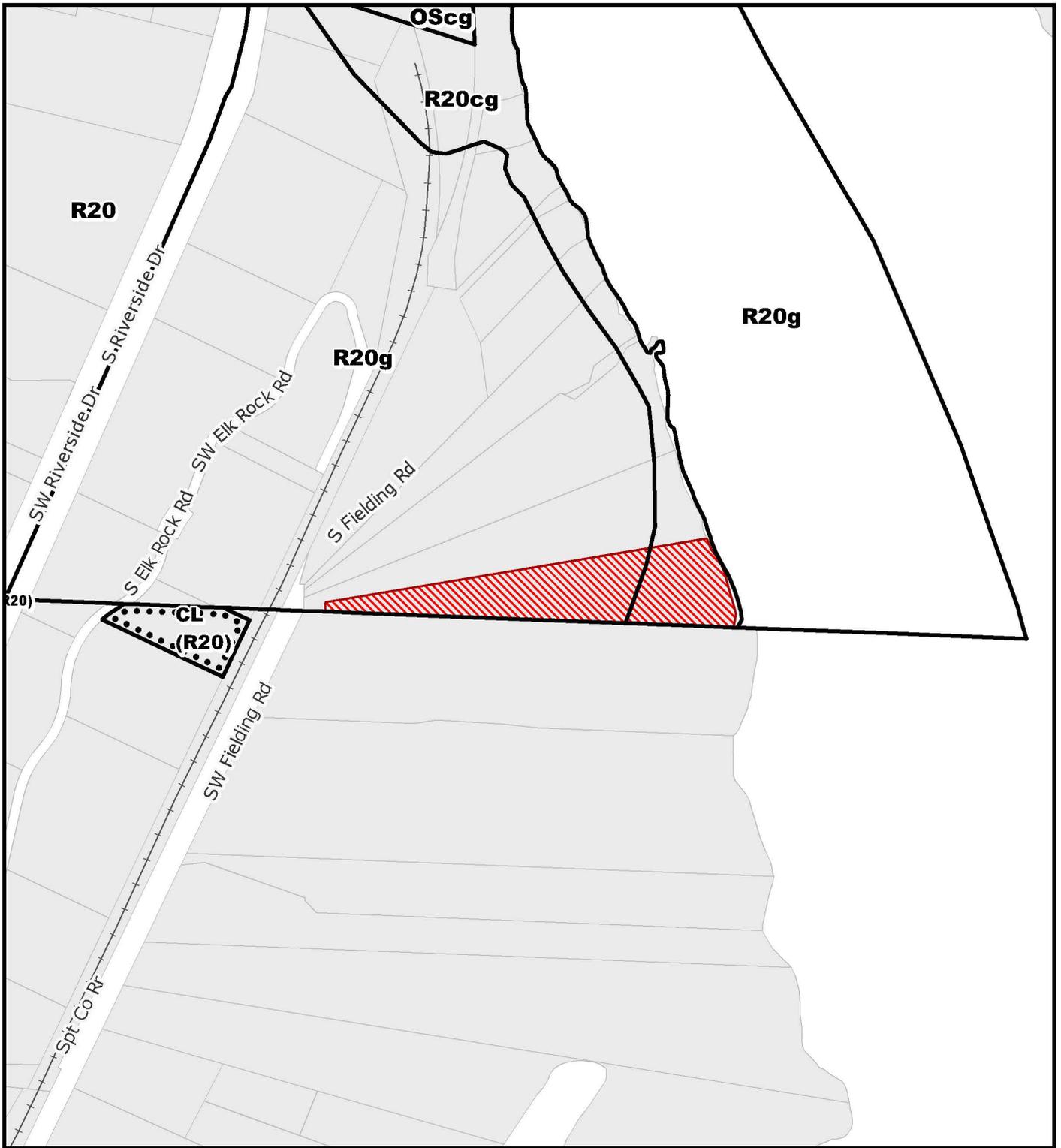
APPEAL OF THE FINAL CITY DECISION

After an appeal hearing, the review body decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283. The phone number for LUBA is 1-503-373-1265. Issues that may provide the basis for an appeal to LUBA must be raised prior to the comment deadline or prior to the conclusion of the hearing if a local appeal is requested. If you do not raise an issue with enough specificity to give the Bureau of Development Services an opportunity to respond to it, that may also preclude an appeal to LUBA on that issue.

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).

Enclosures:

Zoning Map
Site Plan



ZONING

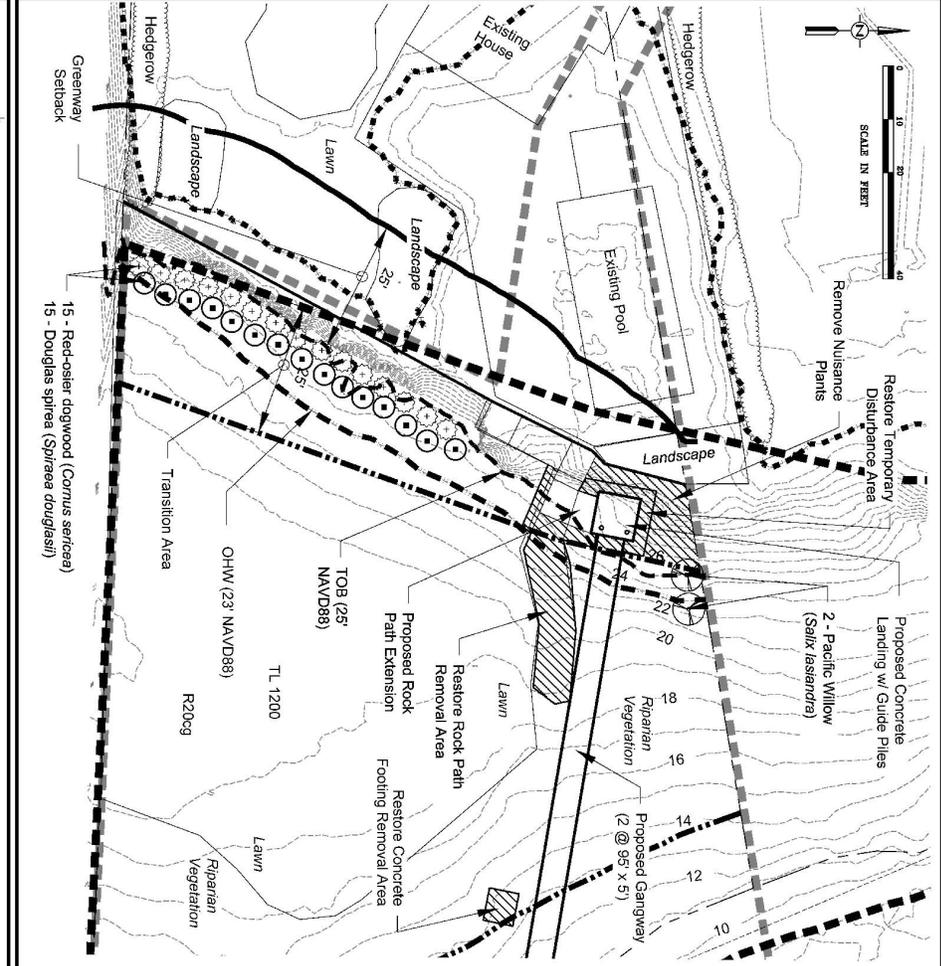


THIS SITE IS IN UNINCORPORATED
MULTNOMAH COUNTY

File No.	<u>LU 20 - 182557 GW EN</u>
1/4 Section	<u>4231-32;4331-32</u>
Scale	<u>1 inch = 200 feet</u>
State ID	<u>1S1E35CD 1200</u>
Exhibit	<u>B Aug 24, 2020</u>



Land Contours are from DOQ3411's OLC Metro 2014 LIDAR data
 River Bathymetric Contours are from the
 City of Portland's River Bathymetry (2007).
 Location of Existing Development and Tax Lot lines are approximate
 based on Portland maps
 100-Year Floodplain Elevation is from FIRM Panel 0387H
 (Map Number 4105 C0367-4)



R20cg = Residential 20,000, River General
 R20cg = Residential 20,000,
 Environmental Conservation and River General

1. PLANT MATERIALS ARE TO BE USED FOR RESTORATION PURPOSES AND SHOULD NOT BE TREATED WITH PESTICIDES, FUNGICIDES, OR FERTILIZERS.
2. THE FILL MIX SHALL BE SUPPLIED BY A LOCAL SUBSECTOR WITH THE SPECIFICATION THAT THE FILL MIX MUST BE AS LOCAL AS POSSIBLE.
3. PLANTS LISTED ON THE NUISANCE PLANTS LIST SHALL BE REMOVED FROM THE RESTORATION AND NUISANCE PLANT REMOVAL AREA.
4. PLANTS SHALL NOT BE STAKED OR OTHERWISE MARKED WITH NON-Biodegradable MATERIAL. THE SELECTED CONTRACTOR WILL BE REQUIRED TO COMPLY WITH THESE SPECIFICATIONS TO ENSURE THAT THE PROPOSED PROJECT COMPLIES WITH SECTION 33.248.050.
5. NEW PLANTINGS MUST BE WATERED REGULARLY DURING THE FIRST GROWING SEASON. DURING LATER SEASONS, WATERING MUST BE DONE AS NEEDED TO ENSURE SURVIVAL OF THE PLANTS.
6. PLANTS THAT DIE MUST BE REPLACED IN KIND DURING THE WARRANTY PERIOD.
7. ACCESS TO THE PLANTING AREA THROUGH EXISTING DEVELOPED AND/OR UNDEVELOPED AREAS WITHIN THE PROJECT PARCELS.
8. PLANTS TO BE INSTALLED BY HAND USING HAND TOOLS SUCH AS A SHOVEL OR SPADE. NO MECHANIZED EQUIPMENT ALLOWED.
9. SEED MIX SHALL BE APPLIED OVER BARE AREAS AFTER NUISANCE PLANT REMOVAL AND NATIVE PLANT INSTALLATION.
10. PROPERTY OWNERS WILL ASSUME RESPONSIBILITY FOR PLANT MAINTENANCE AND MONITORING INCLUDING, BUT NOT LIMITED TO, ASSESSMENT OF NATIVE PLANTS, NUISANCE PLANT CONTROL, AND NATIVE PLANT REPLACEMENT AND REBROWSING.

- LEGEND**
- █ Project Area (0.91 ac)
 - Ordinary High Water (OHW) (23' Elevation NAVD 88)
 - Ordinary / Low Water (OLW) (5' Elevation NAVD88)
 - ← Direction of Flow
 - Property Line
 - Existing Contours
 - Environmental Conservation Overlay Line
 - 25' Transition Area
 - Greenway Setback Line
 - Default Top of Bank (TOB) (25' Elevation NAVD88)
 - █ Restoration Planting and Nuisance Plant Removal Area (500 sf)

Performance Measures

1. Mitigation Trees and Shrubs:
 - a. 100% survival during warranty period.
 - b. 80% long term survival.
2. Restoration Areas:
 - a. Temporary disturbance; restoration area (rock path removal), and native plant removal areas.
 - b. 90% coverage of ground cover plants (where soil is present).
 - c. Minimum of 3 native ground cover species.
 - d. No more than 10% coverage of nuisance plant species.
 - e. Restoration areas (concrete footing removal):
 - i. No more than 10% coverage of nuisance plant species.

RESTORATION PLANTING AREA (500 SF)			
SPECIES	COMMON NAME	QUANTITY	STOCK TYPE
	GROUND COVER		
<i>Agrostis exarata</i>	Spike bentgrass	As needed	Seed or 4" plug
<i>Deschampsia cespitosa</i>	Tufted hairgrass	As needed	Seed or 4" plug
<i>Elymus glaucus</i>	Blue wild rye	As needed	Seed or 4" plug
			Seed or 4" plug
			0.1 lb / 1,000 sf
			0.1 lb / 1,000 sf

Mitigation Plan
FIGURE 7A
 8-1-2020