



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

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

**Date:** June 14, 2021  
**To:** Interested Person  
**From:** Morgan Steele, Land Use Services  
503-865-6437 / [Morgan.Steele@portlandoregon.gov](mailto: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 21-007532 GW**  
**UNINCORPORATED MULTNOMAH COUNTY**

**GENERAL INFORMATION**

**Applicant:** David Stellway  
10400 S Riverside Drive | Portland, OR 97219-7923  
503.804.6115 | [davidstellway@gmail.com](mailto:davidstellway@gmail.com)

**Owner:** Luhya LLC  
10400 S Riverside Dr | Portland, OR 97219-7923

**Site Address:** 10268 S RIVERSIDE DRIVE

**Legal Description:** TL 1200 0.99 ACRES, SECTION 26 1S 1E  
**Tax Account No.:** R991260070  
**State ID No.:** 1S1E26CB 01200  
**Quarter Section:** 4031

**Neighborhood:** NONE  
**Business District:** NONE  
**District Coalition:** NONE

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

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

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

**Proposal:**

The applicant is requesting a Greenway Review to allow the construction of a new gangway, pilings, and boat dock on the Willamette River to allow river recreation and temporary boat moorage. The proposed dock system will consist of one, approximately 73-foot long gangway; the dock structure itself will be 400 square feet of grey colored fiberglass decking and providing grating with 60 percent sunlight penetration. The boat dock and gangway will be constructed off site and delivered to the site. They will be installed from a floating barge with a crane. The pilings will be installed with a vibratory hammer from a floating barge. The floating barge will act as the project staging area. All access to the project area will be from the water.

To mitigate for impacts to the riparian corridor adjacent to the river, the applicant is proposing to plant a total of 4 trees, 45 shrubs, and 150 ground cover species, covering approximately 1,125 square feet within the Greenway overlay zone, riverward of the top of bank. Further, to offset impacts to shallow water habitat, the applicant proposes to pay into Oregon State Marine Board's Derelict Boat Fund which removes abandoned and derelict vessels from the river, helping reduce negative impacts to aquatic habitat.

The site lies within the Greenway River General (g) overlay zone and the proposed dock and its components occur 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 required. Further, the eastern portion of the site contains Environmental Zoning adjacent to the Willamette River. The proposed dock is located within the Transition Area only and does not trigger Environmental Review.

**Relevant Approval Criteria:**

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

- **Greenway Review 33.440.350**
- ***Willamette Greenway Design Guidelines***

**ANALYSIS**

**Site and Vicinity:** The property is within unincorporated Multnomah County in the Dunthorpe neighborhood of South Portland. The riverfront in this portion of Dunthorpe is developed with single-family residential uses. Within the immediate vicinity of the project area, the shoreline is developed with low-density residential homes (1 unit per 20,000 square feet) and private docks. The site itself is currently developed with a single-family residence, a driveway, and areas of landscaped yard. The site is separated from S Riverside Drive by single-family development and a set of railroad tracks. Access to the site is taken via a driveway that crosses the railroad tracks in the southern portion of the site.

The proposed project is located on the west bank of the lower Willamette River (river mile 19); approximately 800 feet southeast of the Riverview Natural Area. The property's riverbank is partly vegetated with a mix of native trees and invasive understory (e.g. Himalayan blackberry and English ivy) and contains an existing platform area shored up by an existing retaining wall. An existing set of stairs provides access to this area which will be the site of the new gangway connection for the proposed dock.

**Zoning:** The site is zoned Residential 20,000 (R20) base zone, with Greenway River General (g) and Environmental Conservation (c) overlay zones (see zoning on Exhibit B).

The Residential 20,000 base zone is intended to foster the development of single-dwelling residences on lots having a minimum area of 12,000 square feet. The regulations of this zone will be shown to be met at building permit time; these provisions are not specifically addressed through this Greenway Review.

The Greenway overlay zone is intended to protect, conserve, enhance, and maintain the natural, scenic, historical, economic, and recreational qualities of lands along Portland's rivers; establish

criteria, standards, and procedures for the development of land, change of uses, and the intensification of uses within the Greenway; and implement the City's Willamette Greenway responsibilities as required by ORS 390.310 to 390.368 and Metro's Title 3. The purpose of this land use review is to ensure compliance with the regulations of the Greenway overlay zones.

Environmental overlay zones protect environmental resources and functional values that have been identified by the City as providing benefits to the public. The environmental regulations encourage flexibility and innovation in site planning and provide for development that is carefully designed to be sensitive to the site's protected resources. They protect the most important environmental features and resources while allowing environmentally sensitive urban development where resources are less sensitive. Through this Greenway Review, compliance with these regulations is confirmed.

**Environmental and Greenway Resources:** The application of the Environmental and Greenway 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 these zones are described in inventory reports for the separate study areas. This project site is mapped within Resource Site No. 117-A, Dunthorpe in the *Inventory of Natural, Scenic and Open Space Resources for Multnomah County Unincorporated Urban Areas (2002)*.

Natural resources typically observed within the project vicinity as detailed in the *Inventory of Natural, Scenic and Open Space Resource for Multnomah County Unincorporated Urban Areas*, Resource Site 117-A, Dunthorpe, include the following:

**Resource Types:** Perennial and seasonal streams, palustrine wetlands, springs, forest, fish and wildlife, special status species, groundwater, open space.

**Functional Values:** Primary: water quality, flood attenuation/storage, fish and wildlife habitat (including special status species), slope stabilization/soil anchoring, groundwater recharge and discharge, water supply, heritage. Secondary: sediment trapping and pollution/nutrient removal, storm drainage, land use buffering, education, recreation, and scenic amenities.

**Terrestrial Habitat:** Mixed forest assemblages: Douglas-fir (*Pseudotsuga menziesii*) / vine maple (*Acer circinatum*), – hazelnut (*Corylus cornuta*) / sword fern (*Polystichum munitum*) / English ivy (*Hedera helix*) and Oregon white oak (*Quercus garryana*) – Pacific madrone (*Arbutus menziesii*) / snowberry (*Symphoricarpos albus*).

**Aquatic Habitat:** Perennial, seasonal streams; springs; lady fern (*Athyrium filix-femina*) – skunk cabbage (*Lysichiton americanus*) and sitka willow (*Salix sitchensis*) / reed canarygrass (*Phalaris arundinacea*) wetlands

- Riverine, Tidal, Open Water, Permanent (Willamette River)
- Riverine, Unconsolidated Bottom, Permanently Flooded
- Riverine, Intermittent Streambed, Seasonally Flooded
- Palustrine, Scrub-Shrub and Emergent, Seasonally Flooded

**Habitat Rating:** 55 (the habitat rating range for all City and County sites is 6-106)

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

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **May 7, 2021**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Water Bureau
- Fire Bureau/Lake Oswego Fire Department
- Site Development Section of BDS
- Bureau of Transportation

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on May 7, 2021. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## ZONING CODE APPROVAL CRITERIA

### 33.440.350 Greenway Review Approval Criteria

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

**Response:** The proposed project is for a new river dock and associated gangway, and piles riverward of the greenway setback. The project site does not have a public recreational trail symbol shown on the Official Zoning Map and is not designated with a viewpoint symbol or identified as a view corridor on the Willamette River Greenway Plan map.

The applicable approval criteria for the proposed project are 33.440.350.A, and .F.

**33.440.350 A. For all Greenway reviews.** The Willamette Greenway design guidelines must be met for all Greenway reviews.

**Findings:** The Willamette Greenway Design Guidelines address the quality of the environment along the river and require public and private developments to complement and enhance the riverbank area. The Design Guidelines are grouped in a series of eight Issues. Issues A, B and F apply when the Greenway Trail is mapped on the property. Issue D applies to bank treatments. Issues G and H apply to mapped viewpoints and view corridors. Only Issues C and E apply to this proposal.

**Issue C. Natural Riverbank and Riparian Habitat:** This issue “applies to situations where the riverbank is in a natural state, or has significant wildlife habitat, as determined by the wildlife habitat inventory.” These guidelines call for the preservation and enhancement of natural banks and areas with riparian habitat;

**Guidelines:**

**1. Natural Riverbanks.** The natural riverbank along the Willamette River should be conserved and enhanced to the maximum extent practicable. Modification of the riverbank should only be considered when necessary to prevent significant bank erosion and the loss of private property, or when necessary for the functioning of a river-dependent or river-related use.

**2. Riparian Habitat.** Rank I riparian habitat areas, as identified in the wildlife habitat inventory, should be conserved and enhanced with a riparian landscape treatment. Other riparian habitat should be conserved and enhanced through riparian landscape treatments to the maximum extent practical. Conservation however does not mean absolute preservation. Some discretion as to what vegetation should remain and what can be removed and replaced should be permitted. Riparian habitat treatments should include a variety of species of plants of varying heights that provide different food and shelter opportunities throughout the year.

**Findings:** The riverbank riverward of the Greenway setback within the project area is in somewhat of a natural state with the exception of stairs, landing area, retaining wall, and concrete remnants. The proposed project is for river-dependent development and includes the installation of a dock and fixed gangway, and pilings. All other portions of the riverbank riverward of the top of bank will be conserved or enhanced through the removal of nuisance vegetation and the planting of native trees, shrubs, and groundcovers.

Rank I riparian habitat areas are “those sites which, if left unaltered, have an extremely significant combination of features which attract a diverse array of wildlife. The sites are essentially natural in character, although some disturbance (natural or human) exists in all of these sites.” The Lower Willamette River Wildlife Habitat Inventory did not include the project area. The nearest Rank I habitat area is approximately two river miles north of the project site in the Oaks Bottom and Ross Island areas. The project area does not meet the description of a Rank I riparian habitat area given

the surrounding residential land use; steep slope; sparsity of vegetation structure, and presence of existing development and nuisance plants.

The proposed project conserves and enhances the existing riparian habitat to the maximum extent practicable by minimizing the project footprint and providing native landscape treatments. The landscape treatments will provide a variety of species of plants of varying heights that provide different food and shelter opportunities throughout the year.

*Based on the foregoing, Issue C is met.*

**Issue E. Landscape Treatments:** This Issue “applies to all applications for Greenway Approval which are subject to the landscape requirements of the Greenway chapter of Title 33 Planning and Zoning of the Portland Municipal Code.” This Issue calls for landscaping treatments that create a balance between the needs of both human and wildlife populations in the Greenway Setback area or riverward of the Greenway Setback.

**Guidelines:**

**1. Landscape Treatments.** The landscape treatment should create an environment which recognizes both human and wildlife use. Areas where limited human activity is expected should consider more informal riparian treatments. Areas of intense human use could consider a more formal landscape treatment. The top of bank may be considered a transition area between a riparian treatment on the riverbank and a more formal treatment of the upland.

**2. Grouping of Trees and Shrubs.** In areas of more intense human use, trees and shrubs can be grouped. The grouping of trees and shrubs allows for open areas for human use and has the secondary value of increasing the value of the vegetation for wildlife.

**3. Transition.** The landscape treatment should provide an adequate transition between upland and riparian areas and with the landscape treatments of adjacent properties.

**Findings:** The landscape treatments issue applies to all applications for Greenway Review which are subject to the landscape requirements of the Greenway chapter of Portland’s Zoning Code. This project does not exceed the monetary threshold that triggers the above referenced requirement. However, to help mitigate for impacts, the applicant proposes to plant 4 trees, 45 shrubs, and 150 groundcovers below the top of bank within a 1,125 square foot area, *and this issue is met.*

**Summary of Issue Findings:** The design guidelines in Issues A, B, D, F, G, and H are not applicable. Issues C and E are met by the proposal. *Therefore, this criterion is met.*

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

**1. The proposal will not result in the significant loss of biological productivity in the river;**

**Findings:** The overall effects of the proposed project are negligible in the context of the lower Willamette River watershed. Although a new over-water structure will be installed, the proposed project includes riparian improvements that will result in modest, local improvements to the functions and values of the riparian area of the Willamette River as well as a payment into OSMB’s Derelict Boat Fund, helping to remove detritus from the river. The proposed riparian plantings will increase the riparian reserve, contributing to improved hydrologic, geomorphic, biological, and chemical/nutrient functions.

The installation of the proposed dock will result in minor temporary impacts to fish habitat during construction and long-term indirect impacts because of new over-water structure area. The proposed project will be constructed during the dry season, the time-period when Endangered Species Act (ESA)-listed salmonids are least likely to be present in the project reach (corresponding to the IWWW (July 1 – October 31)). In addition, the dock and gangways will be installed using a temporary work barge and barge-mounted crane, further minimizing temporary impacts to the riparian area. The design of the dock is intended to mitigate the deleterious effects of over-water structure area.

The planting of native vegetation and nuisance plant removal in 1,125 square feet below the top of bank will provide a local improvement of the existing fish habitat function that is expected to help off-set the effects of the new dock. To further off-set the impact of this new in-water structure on shallow water habitat, the applicant has also proposed a payment into OSMB's derelict boat fund of \$1,500 to ensure the on-going effort to remove abandoned and derelict vessels from the river that are impacting natural resources.

With the requirement to provide a receipt for the payment into the Derelict Boat Fund and to ensure the plantings are installed and maintained, *this criterion can be met.*

**2. The riverbank will be protected from wave and wake damage;**

**Findings:** The riverbank within the project area experiences significant wave and wake action from boat traffic on the Willamette River. The existing riverbank does not include armoring to protect it from wave and wake damage, and the proposed project does not include protection measures. Although the applicant's use of the proposed dock will increase the local boat activity, boat speeds in the vicinity of the dock will be slow and are not expected to increase the amount of wave and wake action in the project area. As such, there is expected to be no change in the amount of wave and wake damage to the riverbank in the project area resulting from the proposed project, *and this criterion is met.*

**3. The proposal will not:**

**a. Restrict boat access to adjacent properties;**

**Findings:** The proposed dock will be situated riverward of the project parcel and is approximately 300 feet south and 450 feet north of the nearest docks on adjacent properties. This is expected to be more than an adequate distance to allow boat access to adjacent properties, *and this criterion is met.*

**b. Interfere with the commercial navigational use of the river, including transiting, turning, passing, and berthing movements;**

**Findings:** The proposed dock will not be placed within the navigation channel of the Willamette River. As such, it is reasonably certain that the proposed dock will not interfere with commercial navigational use of the river, *and this criterion is met.*

**c. Interfere with fishing use of the river;**

**Findings:** The proposed dock will not be placed within the navigation channel of the Willamette River. As such, it is reasonably certain that the proposed dock will not interfere with fishing use of the river, *and this criterion is met.*

**d. Significantly add to recreational boating congestion; and**

**Findings:** The Willamette River in the project reach is frequently used by paddle craft and motorized fishing and recreational boats. The Portland Spirit, Christmas Ships on the Milwaukie/Oregon Yacht Club route, and Willamette Jet boat tours each pass the project area. On a typical summer day, the applicant sees an average of 20 motorized boats pass by per hour, and on holidays or busy weekends there are even more. The proposed dock is only intended to service the applicant's personal watercraft. As such, it is reasonably certain that the proposed project will not result in a significant increase in recreational boating congestion in the project area, *and this criterion is met.*

**4. The request will not significantly interfere with beaches that are open to the public.**

**Findings:** The nearest public beach is at Powers Marine Park, approximately 1,500 feet north of the project area. The proposed dock will be approximately 60 feet riverward of the OHW line. As

such, it is reasonably certain that the proposed dock will not interfere with beaches that are open to the public, *and 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.

## CONCLUSIONS

The applicant proposes a new landing, gangway, and boat dock on the Willamette River to allow river recreation and private boat moorage. The proposed dock system will consist of an elevated gangway connected to an existing retaining wall/landing area. The dock design is 40 feet long and 20 feet wide with a 28 foot by 12-foot internal boat slip (approximately 400 square feet of over-water coverage), secured by the gangway. The proposed dock will be constructed of grey colored fiberglass decking and will provide grating with 60 percent light penetration. Construction will be conducted by hand in the upland area, and from a floating barge for the river components, resulting in reduced impacts. The applicant will mitigate the minimal impacts with native plantings of 4 trees, 45 shrubs, 150 ground covers, and a payment into OSMB's Derelict Boat Fund.

The applicants and the above findings have shown that the proposal meets the applicable approval criteria with conditions. Therefore, this proposal should be approved, subject to the following conditions.

## ADMINISTRATIVE DECISION

**Approval** of a Greenway Review for:

- Construction of a 400 square foot floating dock and its components including a gangway and piles

within the Greenway River General overlay zone, and in substantial conformance with Exhibits C.2 through C.4 as approved by the City of Portland Bureau of Development Services. Approval is subject to the following conditions:

- A. A BDS Zoning Permit is required for inspection of required mitigation plantings, and a separate BDS construction permit is required for development.** The Conditions of Approval listed below, shall be noted on appropriate plan sheets submitted for permits (building, Zoning, grading, Site Development, erosion control, etc.). Permit plans shall include the following statement, ***"Any field changes shall be in substantial conformance with approved LU 21-007532 GW Exhibits C.2 through C.4."***

**Building Permits shall not be issued until a BDS Zoning Permit is issued.**

**Building Permits shall not be finalized until the BDS Zoning Permit for inspection of mitigation plantings required in Condition C below is finalized.**

- B.** Prior to the issuance of any construction permits, the applicant must provide a receipt in the amount of \$1,500 for payment made to the Oregon State Marine Board's Derelict and Abandoned Boat Fund.
- C.** The applicant shall obtain a BDS Zoning Permit for approval and inspection of a mitigation plan for a total of 4 trees, 45 shrubs, 150 ground covers in substantial conformance with Exhibit C.4, Mitigation Plan. 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. Permit plans shall show the general location of the trees, shrubs and ground covers required by this condition to be planted in the mitigation area and labeled as "new

required landscaping”. The plans shall include a 40-foot by 40-foot “typical”, scalable planting layout for each planting zone, and shall illustrate a naturalistic arrangement of plants and should include a planting table listing the species, quantity, spacing and sizes 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. Plantings shall be installed between October 1 and March 31 (the planting season).
3. 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.
4. 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.
5. After installing the required mitigation plantings, the applicant shall request inspection of mitigation plantings and final the BDS Zoning Permit.
6. 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 landowner shall monitor the required plantings** for two years to ensure survival and replacement as described below. The landowner is responsible for ongoing survival of required plantings beyond the designated two-year monitoring period. The landowner shall:

1. Submit two annual monitoring and maintenance reports for review and approval to the Land Use Services Division of the Bureau of Development Services containing the monitoring information described below. Submit the first report within 12 months following the final inspection approval of the initial Zoning Permit required under Condition A. Submit a second report 12 months following the date of the first monitoring report. Monitoring reports shall contain the following information:
  - a. A count of the number of planted trees that have died. One replacement tree must be planted for each dead tree (replacement must occur within one planting season).
  - b. Specify plant replacement location.
  - c. The percent coverage of native shrubs and ground covers. If less than 80 percent of the mitigation planting area is covered with native shrubs or groundcovers at the time of the annual count, additional shrubs and groundcovers shall be planted to reach 80 percent cover. Alternatively, all mitigation plants that have died must be replaced (replacement must occur within one planting season).
  - d. A list of replacement plants that were installed.
  - e. Photographs of the mitigation area and a site plan, in conformance with approved Exhibit C.4, Mitigation Plan, showing the location and direction of photos.
  - f. An estimate of percent cover of invasive species (English ivy, Himalayan blackberry, reed canarygrass, teasel, clematis) within 10 feet of all plantings. Invasive species must not exceed 15 percent cover during the monitoring period.

**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.

**Note:** In addition to the requirements of the Zoning Code, all uses and development must comply with other applicable City, regional, state and federal regulations.

This decision applies to only the City’s environmental and greenway regulations. Activities which the City regulates through PCC 33.430 and 33.440 may also be regulated by other agencies. In cases of overlapping City, Special District, Regional, State, or Federal regulations, the more



stringent regulations will control. City approval does not imply approval by other agencies.

**Staff Planner: Morgan Steele**

**Decision rendered by:**  **on June 10, 2021**

By authority of the Director of the Bureau of Development Services

**Decision mailed: June 14, 2021**

**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 January 25, 2021 and was determined to be complete on May 5, 2021.

*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 January 25, 2021.

*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 did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: September 2, 2021.**

**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, and if appealed a hearing will be held. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. Appeals must be received **by 4:30 PM on June 28, 2021. The completed appeal application form must be emailed to [LandUseIntake@portlandoregon.gov](mailto:LandUseIntake@portlandoregon.gov) and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. **An appeal fee of \$250 will be charged.** Once the completed appeal application form is received, Bureau of Development Services staff will

contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails.

**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 190<sup>th</sup>, Portland, OR 97233.

If you are interested in viewing information in this file, please contact the planner listed on the front of this notice. The planner can email you documents from the file. A fee would be required for all requests for paper copies of file documents. Additional information about the City of Portland, and city bureaus is available online at <https://www.portland.gov>. A digital copy of the Portland Zoning Code is available online at <https://www.portlandoregon.gov/zoningcode>.

**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 **June 28, 2021** 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 Original Submittal, February 2021
  - 2. Applicant's Narrative, May 2021
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Existing Conditions Site Plan
  - 2. Proposed Development Site Plan
  - 3. Environmental Zones Site Plan
  - 4. Mitigation Site Plan (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Bureau of Transportation
  - 3. Life Safety
  - 4. Fire Bureau
  - 5. Site Development Review Section of BDS
  - 6. Lake Oswego Fire Department
- F. Correspondence: None received
- G. Other:
  - 1. Original LU Application
  - 2. Incomplete Letter

**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).**