



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

Dan Ryan, Commissioner
Rebecca Esau, Director
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TTY: (503) 823-6868
www.portland.gov/bds

Date: September 10, 2021
To: Interested Person
From: Timothy Novak, Land Use Services
503-823-5395/Timothy.Novak@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 October 1, 2021. Your comments must be e-mailed to the assigned planner listed above**; please include the Case File Number, LU 21-051288 EN, in your e-mail. If you do not have access to e-mail, please telephone the planner listed above about submitting comments. Please note that all correspondence received will become part of the public record.

CASE FILE NUMBER: LU 21-051288 EN

Applicant/Owner: Michael Biggi
11175 SW Ellson Ln
Tigard, OR. 97223
mikebiggi@equitygroup.com | (503) 720-3734

Site Address: 4390 SW 58TH AVE

Legal Description: TL 5200 0.53 ACRES, SECTION 07 1S 1E
Tax Account No.: R991071450
State ID No.: 1S1E07CD 05200
Quarter Section: 2423

Neighborhood: Bridlemile, contact at board@bridlemilepdx.org
Business District: None
District Coalition: In care of Office of Community and Civic Life, contact Shuk Arifdjanov at shuk.arifdjanov@portlandoregon.gov.

Plan District: None
Other Designations: Resource Site #124, *Fanno Creek & Tributaries Conservation Plan (1991)*

Zoning: R10p, c – Residential 10,000 with the Environmental Protection (p) and Conservation (c) overlay zones

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

Proposal:

The applicant proposes to develop the lot with a single-dwelling residence and associated improvements, including on-site stormwater management facilities. The lot was previously approved for development along with three other lots that share the same driveway access off of SW 58th Ave. That review, LU 15-243056 EN AD, included a mitigation plan for all four lots, including the subject lot, which has been completed. This proposal limits disturbance to within the area that was approved under the previous review and doesn't propose any tree removal. As such, this application is not proposing additional mitigation, except for plantings to meet the standards of 33.430.180 for the proposed 4-inch stormwater outfall.

Per 33.730.130.B.4.a, because the date of the final decision of LU 15-243056 EN AD is more than three years old, development of a new single-dwelling residence on the site requires another review. All conditions of approval of the 2015 LU Review continue to apply.

The entirety of the lot is within the Environmental Conservation (c) and Environmental Protection (p) overlay zones. Certain environmental standards must be met to allow the work to occur by right. In this case, the proposed work doesn't meet all the standards of 33.430.140 General Development Standards. Specifically, the project doesn't meet 33.430.140.A & C. 33.430.140.A limits the maximum disturbance area allowed on the site and in this case limits it almost exclusively to the transition area. 33.430.140.C requires that the permanent disturbance area be located at least 50 feet from the top of bank of any identified water body within a protection zone on lots zoned R10, R20, or RF; the southeastern corner of the proposed disturbance area is approximately 32 feet from top of bank of the neighboring stream that runs through the site. Since not all of the development standards of 33.430.140 can be met, a Type II Environmental Review is required.

Relevant Approval Criteria:

In order 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.

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 26, 2021 and determined to be complete on September 3, 2021.

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.

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>.

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.

There is a fee charged for appeals. Recognized neighborhood associations may qualify for an appeal fee waiver.

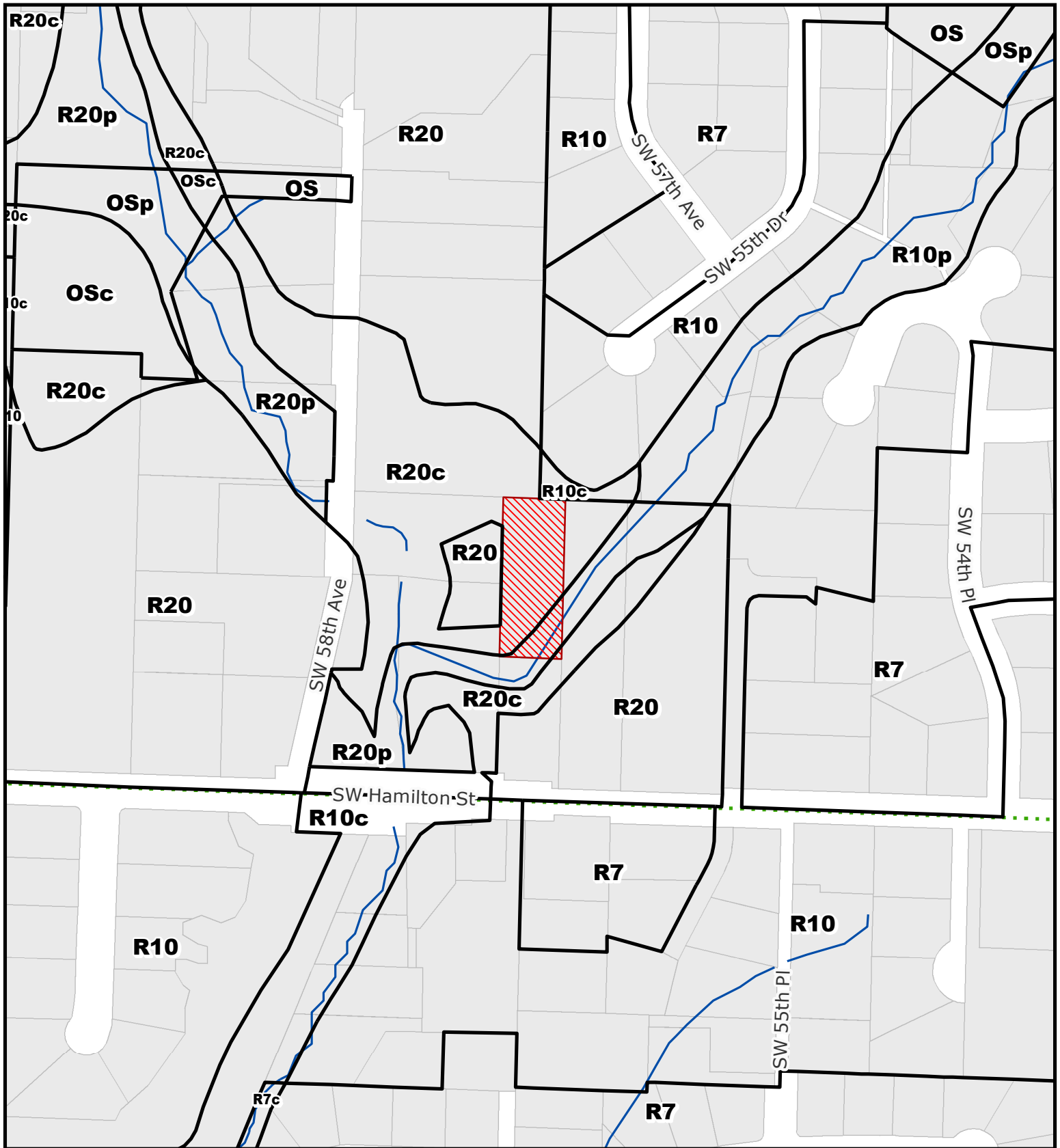
APPEAL OF THE FINAL CITY DECISION

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

For Zoning Code in effect
August 1, 2020 - July 31, 2021



Site

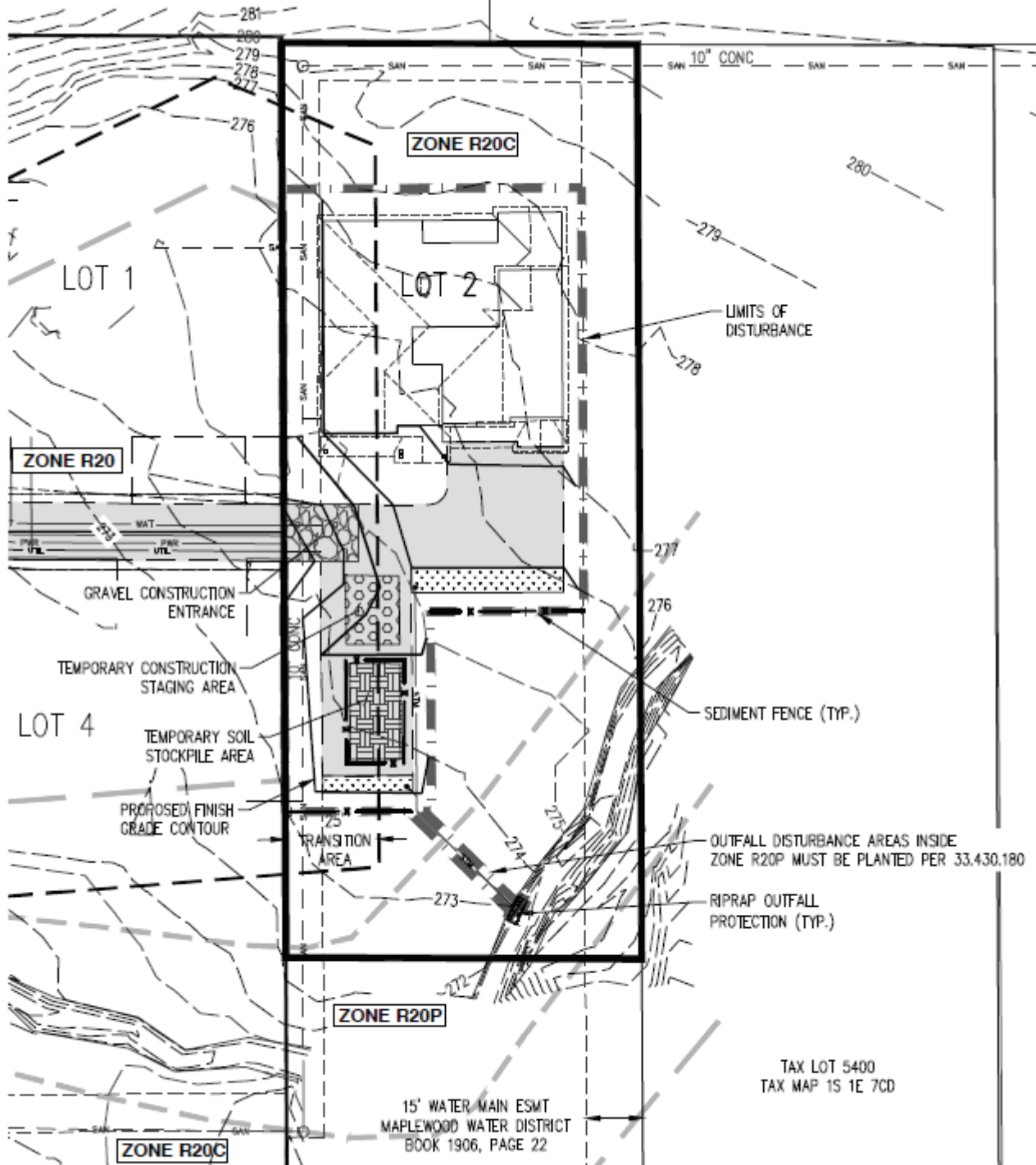


Stream



Recreational Trails

File No.	LU 21 - 051288 EN
1/4 Section	3423
Scale	1 inch = 200 feet
State ID	1S1E07CD 5200
Exhibit	B May 26, 2021



LEGEND*

EXISTING GROUND CONTOUR (1 FT)	---304---
EXISTING GROUND CONTOUR (5 FT)	---305---
PROPOSED FINISH GRADE CONTOUR (1 FT)	---304---
PROPOSED FINISH GRADE CONTOUR (5 FT)	---305---
LIMITS OF TEMPORARY AND PERMANENT AREAS OF DISTURBANCE/CONSTRUCTION FENCE*	--- --- ---
SEDIMENT FENCE	--- --- ---
GRAVEL CONSTRUCTION ENTRANCE	
RIPRAP OUTFALL PROTECTION	
TEMPORARY CONSTRUCTION STAGING AREA	
TEMPORARY SOIL STOCKPILE AREA	

* THIS INCLUDES EQUIPMENT ACCESS AND MANEUVERING AREAS.

PLANTING NOTE:

TOTAL OUTFALL DISTURBANCE AREAS INSIDE ZONE R20P: 90 SQUARE FEET

OUTFALL DISTURBANCE AREAS MUST BE PLANTED WITH NATIVE SPECIES LISTED IN THE PORTLAND PLANT LIST ACCORDING TO THE FOLLOWING DENSITIES:

1. THREE DIFFERENT NATIVE SHRUB SPECIES ARE REQUIRED AT A MINIMUM 1-GALLON SIZE OR BARE ROOT, PLANTED AT A DENSITY OF 3 PLANTS PER 10 SQUARE FEET (TOTAL 27 SHRUBS); AND
2. THE REMAINING AREA MUST BE PLANTED WITH NATIVE GROUNDCOVER USING A MINIMUM OF 4-INCH POTS AT A DENSITY OF 8 PLANTS PER 10 SQUARE FEET (TOTAL 72 PLANTS)

AKS
AKS ENGINEERING AND FORESTRY, LLC
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www.aks-eg.com

ENGINEERING • SURVEYING
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4390 SW 58TH AVENUE
PORTLAND OREGON
MULTNOMAH COUNTY TWP. ASSessor's MAP 151000D
TWP. LOT 500

PRELIMINARY CONSTRUCTION
MANAGEMENT, EROSION &
SEDIMENT CONTROL & GRADING
PLAN

DESIGNED BY	WH
DRAWN BY	WH
CHECKED BY	WH
SCALE	AS NOTED
DATE	07/28/2009

FOR CITY REVIEW

JOB NUMBER
3944-01

SHEET
6