



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

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**Date:** October 8, 2021  
**To:** Interested Person  
**From:** Kate Green, Land Use Services  
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## **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 20-187703 GW**

#### **GENERAL INFORMATION**

**Applicant:** Brian McMahon, Township Development  
18320 River Edge Lane  
Lake Oswego OR 97034

**Property Owner:** Miles Place LLC  
7368 S Miles Place  
Portland OR 97219-3026

**Representative:** Ben Altman, Pioneer Design Group  
9020 SW Washington Square Road #170  
Tigard OR 97223  
971-708-6258, [baltman@pd-grp.com](mailto:baltman@pd-grp.com)

**Architect:** Trevor Lewis and Mike Perso, William/Kaven  
4075 N Williams Avenue, Suite 440  
Portland OR 97277

**Site Address:** 7368 S MILES PLACE  
**Legal Description:** LOT 28&29 TL 1300, WILLAMETTE OAKS PK  
**Tax Account No.:** R913700570  
**State ID No.:** 1S1E22AC 01300  
**Quarter Section:** 3730

**Neighborhood:** South Portland NA / [board@southportlandna.org](mailto:board@southportlandna.org)  
**Business District:** South Portland Business Association / [info@southportlanddba.com](mailto:info@southportlanddba.com)  
**District Coalition:** Office of Community and Civic Life / Shuk Arifdjanov / [shuk.arifdjanov@portlandoregon.gov](mailto:shuk.arifdjanov@portlandoregon.gov)

**Zoning:** Residential 5,000 (R5)  
Design (d) overlay

River General (g) and River Water Quality (q) overlays  
**Plan District:** Macadam  
**Other Designations:** Flood Hazard Area  
*Willamette River Wildlife Habitat Inventory* – Sites 23.4A and 23.4.B  
 Wild Lands Fire Hazard

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

**Proposal:** The applicant proposes to redevelop a residential property that is located in the River General and River Water Quality overlay zones. The existing house and a tree are proposed to be removed and a new dwelling is proposed to be built within the same general building footprint. This proposal for new development in the Greenway overlay requires a **Greenway Review** (33.440.310.A). The applicant previously established rights to rebuild the house per 33.258.070.E under PR 19-257231.

*The proposed development is also subject to the design (d) overlay and those requirements are being addressed through the concurrent Design Review with Modifications, LU 20-226664 DZM.*

**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 33.440.250
- Willamette Greenway Design Guidelines

**FACTS**

**Site and Vicinity:** The subject property is situated in a small residential enclave on S Miles Place, between Willamette Park to the north, park-owned land (consisting primarily of submerged mudflats) and the Willamette River to the east, Butterfly Park to the south, and a commercial district along Highway 43/S Macadam Avenue to the west.

The approximately 4,500 square foot site is developed with a 1-1/2 story house and deck that were damaged in the 1996 and 1998 floods. There is some ornamental landscaping around the perimeter of the house. The site topography is relatively flat around the perimeter of the house. East of the house there is an approximately 8-foot concrete block seawall and below the seawall the bank slopes down moderately and is vegetated with a mix of native, non-native, and nuisance species.

The west side of the site has frontage on S Miles Place, which is developed with a paved roadway, but no sidewalks or street tree planters. S Miles Place also has a Greenway Trail designation and serves as a trail connection to points north and south. The south side of the site borders a portion of the S Miles Street right-of-way, which does not include any developed roadway or sidewalk, but does include street trees and an open grassy area.

The neighboring residences along S Miles Place include a mix of single and multi-story houses on similar sized lots.

**Greenway Resources:** The site is located entirely within the floodplain of the Willamette River. As described in the *Willamette River Greenway Plan*, the Willamette River and its banks are a natural resource of inestimable statewide importance. The *Lower Willamette Wildlife Habitat Inventory* (1986) notes that the shoreline adjacent to the Miles Place residential area consists of riparian vegetation and extensive mud flats. This habitat site (Site 23.4A) received a Rank II designation, with high values for diversity, cover, rarity of habitat, and scenic quality. The uplands are within Resource Site 23.4B, which has a Rank V designation; this is applied to lands noted for having the greatest potential for creative wildlife enhancements, since they are not used by many species in their present state.

The subject site does not have a designated Greenway trail, viewpoint, or view corridor.

**Zoning:** The zoning designations on the site include the following:

The **Residential 5,000 (R5)** zone is intended to preserve land for housing and to provide housing opportunities for individual households.

The **Design (d)** overlay zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value.

*The regulations of this overlay zone are being addressed through the concurrent Design Review with Modifications, LU 20-226664 DZM.*

The **River General (g)** overlay zone allows for uses and development which are consistent with the base zoning, which allow for public use and enjoyment of the riverfront, and which enhance the river's natural and scenic qualities. The **River Water Quality (q)** overlay zone is designed to protect the functional values of water quality resources by limiting or mitigating the impact of development in the setback. The greenway overlay zones are intended to implement the land use pattern identified in the Willamette Greenway Plan and the water quality requirements of Metro Code 3.07.340.B (Title 3).

The **Macadam Plan District** contains a set of regulations designed to preserve and promote the unique character of the Macadam area. In addition to special development standards for the district, the regulations restrict auto-oriented uses and development, limit signs, allow for future light rail, and provide view corridors to the Willamette River.

*The overlay and plan district zoning on the property changed on March 1, 2021, as part of an overall update for all properties within the South Reach of the Willamette River; however, this proposal is being evaluated based on the regulations in effect when the application was submitted on September 3, 2020.*

**Land Use History:** City records show no prior land use cases for this site. A Zoning Confirmation (19-257231 PR) affirmed that a replacement dwelling could be constructed on the site, since the existing residence was damaged by flooding.

**Nonconforming Development:** Generally, development within and riverward of the greenway setback must be river-dependent or river-related or approved through a Greenway Goal Exception. Residential development is not river-dependent or river-related, so existing residences are considered nonconforming development, if they pre-date the implementation of the Greenway regulations and are located within the greenway setback. The Zoning Code provides for the replacement of existing nonconforming development when a structure is damaged by causes beyond the control of the owner (33.440.270 and 33.258.050.E.2); and the Zoning Code allows for the expansion of nonconforming development, when the building coverage of the development is not increased (33.440.270.D).

Applying these provisions, the applicant has presented a proposal as follows (Exhibit A3a):

*There is an existing house on the property. Based on City records, the house was initially constructed in 1915. Therefore, this building predates the first City Zoning Code, which was not adopted until November 1924. The structural integrity of the house was significantly damaged by flooding in 1996, and has been determined by structural analysis to be damaged beyond repair, and confirmed per Zoning Confirmation (19-257231 PR). Therefore, the Applicant proposes to replace the dwelling, including total demolition of the existing structure and foundation, in order to allow for the flood proofing of the new structure.*

**Agency Review:** Several Bureaus have responded to this proposal and relevant comments are addressed under the applicable approval criteria and in the Other Technical Requirements section, below. Exhibits “E” contain the complete responses.

**Neighborhood Review:** A *Notice of Proposal in your Neighborhood* was mailed on **May 18, 2021**. A total of 4 written responses have been received, noting concerns about the height and massing of the house or general support for redevelopment of the site.

The height and massing of the house are being addressed in the concurrent Design Review with Modifications, LU 20-226664 DZM.

## 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** of 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 of the approval criteria are met.

**Findings:** The subject property is not in an Industrial zone and it is not in or within 50 feet of a River Natural Greenway overlay zone, so Criteria 33.440.350.B, C and D do not apply. The applicable criteria are addressed below:

**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. The site does not have a Greenway Trail, Viewpoint, or View Corridor designation, so Issues A, B, F, G and H do not apply. The applicable issues/guidelines are addressed below:

**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;

**Issue D. Riverbank Stabilization Treatments:** This Issue “applies to all applications for Greenway Approval.” This guideline promotes bank treatments for upland developments that enhance the appearance of the riverbank, promote public access to the river, and incorporate the use of vegetation where possible;

**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.

**Findings:** The site is adjacent to the Willamette River and mudflats and riparian vegetation which have been identified as providing significant wildlife habitat. The current bank treatment consists of a concrete block seawall and a sloped vegetated bank. The existing vegetation on the site includes a mix of native, non-native and nuisance species.

As discussed in the findings below, measures will be applied to protect and enhance the riparian habitat, wildlife values, and appearance of the site’s riverbank, while also accommodating access to and maintenance around the proposed residence. With the application of the conditions discussed in more detail below, Issues C, D and E will be met. As such, this criterion is met.

**E. Development within the Greenway setback.** The applicant must show that the proposed development or fill within the Greenway setback will not have a significant detrimental environmental impact on Rank I and II wildlife habitat areas on the riverbank. Habitat rankings are found in the *Lower Willamette River Wildlife Habitat Inventory*.

**Findings:** Activities and development proposed within the 25-foot greenway setback include the demolition of the existing house and decks; minor grading (cut and fill) to construct a new foundation, driveway and planting areas; and the construction of the new multi-story residence and associated exterior decks and stairs.

The grading will occur over nearly the entire greenway setback area and the new house and decks will place residential activities directly next to the Rank II habitat area (Resource Site 23.4A). Placing new development within a flood hazard area will diminish the opportunity to enhance the floodplain functions and associated fish and wildlife habitat; and potentially increase noise and lighting impacts on the habitat area. To temper these potential impacts, the excavation and fill must be minimized; exterior lighting must be limited, and the remaining habitat areas must be protected and enhanced.

Cut/fill: The applicant submitted varying “grading” plans and cut/fill calculations to address zoning height and floodplain provisions. The most recent plan (Exhibit C1, provided October 1, 2021), shows some minor excavation and fill within the greenway setback; no corresponding update to the cut/fill calculations (Exhibit A4c), provided August 29, 2021) were submitted. Generally, the materials indicate the grade around the perimeter of the existing house is about 28 feet (the plans indicate City of Portland vertical datum) and the proposed grade will be around 27 feet on the northeast side of the house and just under 29 feet on the south side. Overall, the quantities of excavation have been shown to be slightly more than the amount of fill; however, as noted in the Site Development response, final quantities and calculations must be provided at the time of building permit. Similarly, the fill has been noted as planting medium to support vegetation around the perimeter of the house within the greenway setback; however, no corresponding planting plan has been provided. Therefore, as addressed in more detail in the finding below, conditions must be applied to ensure the quantity and material used for fill is limited.

Lighting: No specific lighting plan was provided. To reduce lighting impacts, exterior lights must not project into the habitat areas, so a condition will be applied which calls for a lighting plan, prepared by a lighting expert, to be submitted with the building permits, to show any exterior lights are shielded from projecting riverward of the house.

Construction Management/Habitat Protection: To ensure protection of the habitat afforded by the existing native vegetation on the site, all existing native plants must be protected throughout the deck removal, grading and construction activities. The Environmental Assessment, prepared by Environmental Science & Assessment LLC (Exhibit A3f) describes the vegetation between the seawall and the ordinary high water line as follows:

Tree cover is absent and shrub cover includes a mix of some native species such as northwest sandbar willow (*Salix sessilifolia*) and aster (*Camerion* sp.), but most of the cover is dominated by Himalayan blackberry (*Rubus armeriacus*) and reed canarygrass (*Phalaris arundinacea*) and clematis (*Clematis vitalba*).

This corresponds to the vegetation observed by city staff during on a site visit on June 11, 2021, as shown in this photo taken beneath the existing deck.



However, the project plans do not show the location of the existing vegetation riverward of the seawall; nor does the narrative explain how the deck removal will be conducted to avoid damaging native plantings. Further, the Construction Management Plan (Exhibit C2) shows silt fencing proposed in an area east of the seawall, where no construction, aside from planting work, is identified. Therefore, to ensure the protection of the existing native vegetation and to limit impacts to the bank, a condition will be applied calling for temporary protective fencing to be installed landward of the existing retaining wall prior to construction activities for the new residence. This fencing, along with the required erosion control fencing, will clearly delineate the construction work area limits from the area that must be protected. No removal of native species is authorized by this review.

However, the existing deck extends beyond the seawall, so it is impractical to install the protective fencing until the deck is removed. To ensure the removal of the deck is conducted in a manner that is protective of the existing vegetation, a condition will be applied that the deck must be deconstructed with hand-held equipment only; and the protective fencing must be installed and an inspection for the protective fencing must be requested immediately after the deck is removed.

To enhance the habitat values on the site, the applicant has proposed to remove nuisance species from the shoreline and add native plantings. The applicant's plans indicate the minimum tree, shrub and groundcover plantings will be installed to meet the Greenway landscaping standard (33.440.230). However, to replace the shade and cooling values provided by the existing tree (Japanese Maple) to be removed and to provide a more robust planting treatment to amplify the habitat value of the limited area (505 square feet) available for plantings, at least 3 additional arborescent shrubs must be included within the planting area, in addition to the 2 trees, 19 shrubs, and groundcover plantings proposed by the applicant. Existing native plants, within the planting area, may be applied toward meeting these requirements. With provisions that call for all nuisance plant removal and plant installation work to be conducted with hand-held equipment, and some additional native plantings, these measures will help to increase the native plant diversity and habitat values of the shoreline vegetation.

Additionally, though limited, due to the extent of the development proposed within the greenway setback, there are also opportunities to enhance the balance of the greenway setback with native plantings. The project plans do not clearly show what specific development or treatment is proposed for the ground surface within this area; other than to refer to planting medium for greenway plantings (Exhibit C1). One plan (Exhibit C4) refers to a path with a note to *See Architectural Plans*; however, there is not further clarity on the architectural plans. Absent specific details about any path or any other ground level planting treatment, a condition will be applied that native groundcover plantings must be installed within the balance of the 25-foot greenway setback noted on the BDS-Staff Modified Plan (Exhibit C3) to afford some additional habitat function proximate to the Rank

II area. This will help to expand the capacity of the existing habitat areas, while also allowing for some minor access around the perimeter of the residence for circulation and maintenance.

Further, as discussed in the findings for Criterion F, below, the applicant's proposed connection to the public storm sewer system in S Miles Place may not be feasible. Therefore, an outfall disposal and pipe alternative (between the proposed stormwater planter to and under or through the existing seawall) may be needed. If such an outfall pipe is allowable, based on BES, Plumbing, and Site Development review, then the conditions described below should help to temper impacts to the greenway setback and riparian vegetation east of the existing seawall.

While the project will pose some potential impacts to the nearby Rank II habitat area, with the measures outlined above and in the findings for Criterion B, below, those will be tempered, and this criterion will be met.

- 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 of the following criteria:
- 1. The proposal will not result in the significant loss of biological productivity in the river;**
  - 2. The riverbank will be protected from wave and wake damage;**
  - 3. The proposal will not:**
    - a. Restrict boat access to adjacent properties;**
    - b. Interfere with the commercial navigational use of the river, including transiting, turning, passing, and berthing movements;**
    - c. Interfere with fishing use of the river;**
    - d. Significantly add to recreational boating congestion; and**
  - 4. The request will not significantly interfere with beaches that are open to the public.**

**Findings:** The project plans show the proposed development riverward of the greenway setback includes plantings to meet the minimum greenway landscaping standards (33.440.230.B), as noted above. With the provisions to protect and enhance the shoreline habitat values, as discussed above, the planting activities riverward of the greenway setback should not diminish the biological productivity of the river or affect wave damage, boating, navigation, fishing or public beach access.

Additionally, though the applicant has proposed to connect their stormwater planter to the public storm sewer system in S Miles Place, this may not be feasible as noted in the BES response, and summarized in the Other Technical Requirements section, below. Based on the depth of the public storm and water lines in S Miles Place, the proposed stormwater disposal connection would require an exception to the Water Bureau pipe separation requirements, which the applicant has declined to resolve during this pending land use review process. As such, the applicant has not demonstrated that they have a feasible method and location for stormwater disposal. In the event the proposed connection to the public storm system in S Miles is not allowable, Land Use staff find a potential alternative for stormwater disposal via an outfall routed to the east side of the site could be feasible, subject to the following:

- Adequate documentation must be provided to the satisfaction of BES, Plumbing, and Site Development to demonstrate the outfall design and placement meet the stormwater management manual, plumbing code, and Title 24 requirements; and
- The size and installation of the outfall shall be limited as follows: only one outfall pipe (no greater than 4-inches in diameter) is allowed within the greenway setback and riverward of the seawall, between the stormwater planter and the disposal location; only hand-held equipment shall be used to install the outfall pipe; the construction zone shall be no wider than 5 feet at any point; no trees shall be removed; and the entire pipe alignment shall be replanted with native species from the Portland Plant List. If these

requirements are met, then the applicant will have a potential alternative location of stormwater disposal, in the event the proposed connection to the public storm sewer is not allowable to the Water Bureau or other city review agencies.

With the conditions outlined above, impacts to the greenway resources will be minimized and this criterion will be met.

- G. Development within the River Water Quality overlay zone setback.** If the proposal includes development, exterior alterations, excavations, or fills in the River Water Quality overlay zone setback the approval criteria below must be met. River-dependent development, exterior alterations, excavations, and fills in the River Water Quality zone are exempt from the approval criteria of this subsection.

**Findings:** The replacement house and deck are proposed within the River Water Quality overlay zone, so Criterion 33.440.350.G.5 applies.

- 5. Other development, excavations, and fills in the River Water Quality overlay zone setback. Where development, exterior alterations, excavation, or fill is proposed in the River Water Quality overlay zone setback, the applicant's impact evaluation must demonstrate that all of the following are met:**
- a. Proposed development minimizes the loss of functional values, consistent with allowing those uses generally permitted or allowed in the greenway overlay zone without a land use review;**
  - b. Proposed development locations, designs, and construction methods are less detrimental to the functional values of the water quality resource area than other practicable and significantly different alternatives including alternatives outside the River Water Quality overlay zone setback;**
  - c. There will be no significant detrimental impact on functional values in areas designated to be left undisturbed;**
  - d. Areas disturbed during construction that do not contain permanent development will be restored with native vegetation appropriate to the site conditions and found in the *Portland Plant List*;**
  - e. All significant detrimental impacts on functional values will be offset through mitigation;**
  - f. The mitigation plan meets the requirements of Subsection 33.440.350.H;**
  - g. The mitigation plan ensures that the proposed development will not contribute to a cumulative loss of functional values over time; and**
  - h. Where significant restoration or enhancement opportunities have been identified in City-adopted watershed restoration plans or where previous restoration projects have taken place, the proposed development will not preclude those restoration or enhancement opportunities or damage existing restoration projects.**

**Findings:** Generally, both the River General and River Water Quality regulations call for development that is not river-dependent or river-related to be located landward of the 25-foot greenway setback. Additionally, the River Water Quality provisions call for development to be located outside of the 50-foot River Water Quality setback, whenever possible.

In this case, the applicant proposes to construct a replacement house within both the 25-foot and 50-foot setbacks and landward, using provisions that allow for the replacement of a residence that is non-conforming when it is damaged due to circumstances beyond the control of the property owners, and for its expansion provided the building coverage does not increase, as noted in the Non-conforming Development discussion above.

As such, the scope of this review focuses on the allowance of a new residence, in accordance with the R5 zoning, and the opportunities to protect and restore the habitat



and water quality functions on the balance of the site and adjacent habitat areas, in accordance with the greenway provisions.

To address these criteria, the applicant provided the following impact assessment (Exhibit A3f, SUP 8):

*The proposed replacement dwelling site plan will be constructed in the footprint of the existing dwelling. The replacement dwelling will pull back the walkway and deck along the ROW to the south and the deck overhanging the seawall. The seawall is to remain within the parcel and the adjacent ROW to the south. The replacement dwelling footprint will be located entirely within the parcel boundary and the ROW south of dwelling will be maintained as lawn. Stormwater will be treated and directed to storm system in the street and away from the river frontage. The proposed design will result in removal of 212 square feet of structure from the Greenway Water Quality Zone setback area and enhancement of a total of 505 square feet in the area between the OHW and the seawall within the parcel (Figure 4).*

*Two alternative site plans were considered by the site designers. The first alternative proposed limiting the replacement dwelling footprint to the small area within the R-5 setback on the western end of parcel (Alternative 1) and the other plan (Alternative 2) is the plan presented in this report (Figure 4). Neither plan proposes a larger footprint than the existing non-conforming dwelling and will not impact the Greenway Water Quality Zone more than the present dwelling.*

*Alternative 2 is the preferred since it most closely replicates the current residential dwelling while at the same time avoids impacts to the riparian zone and Greenway water quality zone. In the preferred alternative, the removal of the 212 SF of the existing deck, the proposed replacement dwelling plan expands the total area of riparian zone on site (Figure 4).*

*The proposed Landscaping and Water Quality Resource Enhancement Plan prepared by Pioneer Design Group proposes to enhance 37.22 linear feet of river frontage in the parcel totaling 505 square feet (Figure 5). The proposed plan will include removal of all non-native vegetation and install native tree, shrub, and groundcover species from the Portland Plant List.*

*The enhancement plan will replace existing low-functioning plant community dominated by non-natives and invasive species and provide native tree and shrub cover and native understory cover. This will help to improve the Ecosystem Support and Water Quality Support functions of the Greenway along the river riparian zone to increase buffer water quality filtration and total area of wildlife habitat available compared to existing conditions.*

With measures minimize construction impacts by confining the construction activities, temper lighting impacts, and enhance the habitat values of the greenway setback and areas riverward, as discussed previously, impacts will be minimized and this criterion will be met.

**H. Mitigation or remediation plans.** Where a mitigation or remediation plan is required by the approval criteria of this chapter, the applicant's mitigation or remediation plan must demonstrate that the following are met:

1. Except when the purpose of the mitigation could be better provided elsewhere, mitigation will occur:
  - a. On site and as close as practicable to the area of disturbance;
  - b. Within the same watershed as the proposed use or development; and
  - c. Within the Portland city limits.

2. The applicant owns the mitigation or remediation 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 or remediation plan; or can demonstrate legal authority to acquire property through eminent domain;
3. The mitigation or remediation plan contains a construction timetable and a minimum 1 year monitoring and maintenance plan that demonstrates compliance with Subsection 33.248.090.E and includes the following elements:
  - a. Identification of the responsible party or parties that will carry out the mitigation or remediation plan;
  - b. Identification of clear and objective performance benchmarks that will be used to judge the mitigation or remediation plan success; and
  - c. Contingency plan that indicates the actions to be taken in the event that performance benchmarks are not met.

**Findings:** The applicant proposes to mitigate for the project impacts with the installation of riverbank plantings on the subject site, which they own. With the application of conditions that will provide for monitoring and maintenance of those plantings, and contingencies in the event the performance measures are not met, these criteria will be met.

## OTHER TECHNICAL REQUIREMENTS

Technical decisions have been made as part of this review process. These decisions have been made based on other City Titles, adopted technical manuals, and the technical expertise of appropriate service agencies. These related technical decisions are not considered land use actions. If future technical decisions result in changes that bring the project out of conformance with this land use decision, a new land use review may be required. The following is a summary of technical service standards applicable to this proposal.

Bureau	Code Authority and Topic
Development Services/503-823-7300 <a href="http://www.portlandonline.com/bds">www.portlandonline.com/bds</a>	Title 24 – Building Code, Flood plain Title 10 – Erosion Control, Site Development Administrative Rules for Private Rights-of-Way
Environmental Services/503-823-7740 <a href="http://www.portlandonline.com/bes">www.portlandonline.com/bes</a>	Title 17 – Sewer Improvements 2008 Stormwater Management Manual
Fire Bureau/503-823-3700 <a href="http://www.portlandonline.com/fire">www.portlandonline.com/fire</a>	Title 31 Policy B-1 – Emergency Access
Transportation/503-823-5185 <a href="http://www.portlandonline.com/transportation">www.portlandonline.com/transportation</a>	Title 17 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489 <a href="http://www.portlandonline.com/parks">www.portlandonline.com/parks</a>	Title 11 –Trees
Water Bureau/503-823-7404 <a href="http://www.portlandonline.com/water">www.portlandonline.com/water</a>	Title 21 – Water availability

As authorized in Section 33.800.070 of the Zoning Code conditions of approval related to these technical standards have been included in the Administrative Decision on this proposal.

**Stormwater Management:** The Bureau of Environmental Services (BES) identified potential issues with the stormwater management concept as follows (Exhibit E1):

*Private Property Stormwater Management:* Stormwater runoff from this project must comply with all applicable standards of the SWMM and SCM and be conveyed to a discharge point along a route of service approved by the BES Director or the Director’s designee. BES has received incomplete information regarding the project’s stormwater management plan.

Staff reviewed the project’s stormwater narrative (04/21). Based on high depth to groundwater, the applicant proposes for runoff from the development to be discharged offsite to the public storm system after pollution reduction and flow and volume control standards are met with two

flow through planters connected as one, sized per the Simplified Approach. BES will require additional information to show feasibility of this connection:

Due to the shallow depth of the storm sewer in S Miles Pl, and the location of the water main between the proposed development and the storm sewer, the applicant must determine if a proposed storm lateral can cross under the 6-inch water main. The applicant should contact the PWB for the minimum clearance needed between the bottom of the water main to the top of proposed storm lateral. The proposed lateral must have a minimum of 2% slope and tap above spring line of 12-inch storm sewer. The applicant must determine the depths of the storm sewer and water main by potholing. See [Environmental Assessment Program | Portland.gov](#) for information on obtaining a potholing permit.

Note that if it is determined that the proposed stormwater connection cannot be made, the applicant will need to propose an alternative stormwater management plan which could change the layout of the site and the disturbance limits within the Greenway.

**Sanitary Sewer:** BES (Exhibit E1) also noted the following regarding existing and future sanitary services:

*Existing Development:* According to City records, the existing structure is currently connected to the sanitary sewer in SW Miles Pl via a lateral located approximately 25 feet north of the maintenance hole in SW Miles Pl and SW Miles St.

*Water Main and Sewer Main Locations:* According to available GIS data, a water main is located between the proposed development site and the sanitary main in SW Miles Pl. Any new connection(s) to the sewer main will cross the water main and will therefore require a [Water Utility Protection Plan](#). Sanitary laterals must meet required separation distances according to the Water Bureau; the applicant should contact the assigned Water Bureau reviewer or the Water Bureau general email ([devrev@portlandoregon.gov](mailto:devrev@portlandoregon.gov)) with questions related to required separation distances.

**Rights-of-Way (ROW):** PBOT has noted that pursuant to 19-253725 PW, there will be no ROW improvement requirements associated with the proposed project (Exhibit E2).

**Water:** The Water Bureau noted (Exhibit E.3) the site is currently served through a 5/8" meter on a 1" service. Services will be evaluated at the time of PWB permit review. If the services are found to be inadequate, they will be resized at the expense of the applicant. If an existing service is not used for the new development, it must be removed. All fees to remove or relocate services are the responsibility of the applicant. Water is available to this site from the 4" DI water main in S Miles Place.

**Fire Safety:** The Fire Bureau noted all applicable Fire Code requirements apply at the time of permit review and development (Exhibit E4).

**Site Development:** The Site Development section provided the following comments (Exhibit E5):

*Demolition:* Removal of any structure that exceeds 200 square feet requires a [demolition permit](#). The existing house was constructed in 1915 and historical plumbing records indicate that it was connected to a sewer prior to installation of the city sewer in 1963. The 1963 sewer construction records indicate that the earlier sewer, which appears to lead to the river, was not maintained by the City and was to be abandoned. There is no record of a septic tank or cesspool on site. If a septic tank or cesspool or evidence of a septic tank or cesspool is discovered during construction, it must be decommissioned through the City of Portland septic decommissioning process.

*Geotechnical:* In order to evaluate whether the foundation design of the proposed structure complies with the Oregon Structural Specialty Code and City of Portland Title 24, the applicant must submit a geotechnical report at the time of building permit application. The report must include liquefaction and lateral spreading analyses.

Erosion control: Erosion control requirements found in Title 10 apply to both site preparation work and development. The project area meets the criteria specified in City Code 10.30.030 as a Special Site with additional requirements for erosion, sediment and pollution control. An erosion control plan prepared by a qualified design professional will be required at the time of building permit application.

Construction management plan: A construction management plan must be submitted for all environmental reviews. Site Development reviewed the construction management plan submitted and takes no exceptions to the construction management plan for the purpose of satisfying the land use application requirements of PCC [33.430.240](#).

Floodplain: The project is located entirely within the flood hazard area. The base flood elevation is shown incorrectly on the plans submitted in support of the land use application and will need to be shown correctly on the building permit application. Site Development will review projects for compliance with [Chapter 24.50 Flood Hazard Area](#) requirements at the time of building permit review.

The site is located within Zone AE of the Special (100-year) Flood Hazard Area as shown on FEMA Flood Insurance Rate Map 410183 0181 E dated October 19, 2004. Based on the November 26, 2010 FEMA Flood insurance Study, the base flood elevation at the site is 33.6 feet NAVD 1988 datum (31.5 feet City of Portland datum).

In addition, the site is located within the community determined 1996 Flood Inundation Area. The 1996 flood elevation is 1.5 feet higher than the base flood elevation based on river gauge data at the Morrison Street Bridge. Therefore, the adjusted base flood elevation = 33.6 feet + 1.5 feet = 35.1 feet NAVD 1988 (33.0 feet City of Portland datum).

The building permit plans must clearly show the reference datum, the base flood elevation, the flood protection elevation, and proposed finished floor elevation. An elevation certificate prepared by a licensed surveyor will be required prior to final inspection of the building permit.

Flood Protection Elevation: Residential-use structures must have the lowest floor, including basements, elevated at or above the flood protection elevation which is two feet above the base flood elevation. Therefore, the lowest floor elevation must be at or above 37.1 feet NAVD 1988 (35 feet City of Portland datum). The submitted plans show the first floor elevation at 37.85 City of Portland datum, which meets the first floor elevation requirements.

Floors located below the flood protection elevation are allowed. However, they must only consist of parking, access, or limited storage and must be constructed of flood-damage-resistant materials meeting the requirements of PCC 24.50.060.F.7. Please reference [FEMA Technical Bulletin 2, Flood Damage-Resistant Materials Requirements](#) and Section 5.1 of ASCE 24-14. The submitted plans show the ground floor at finished floor elevation of 27.35 feet City of Portland datum. Therefore, the ground floor must comply with these requirements. The submitted plans indicate compliance with the use requirement for floors below the flood protection elevation.

In accordance with PCC 24.50.060 and ASCE 24, all equipment must be located above the flood protection elevation including water heaters, furnaces, air conditioners, etc. All electrical service conduits, fixtures, outlets, and cables below the flood protection elevation must be waterproofed or conform to the provisions of NFPA 70 National Electrical Codes for wet locations. This includes all electrical and mechanical equipment necessary to operate the elevator. For guidance regarding elevator design below the base flood elevation, please reference [FEMA Technical Bulletin 4, Elevator Installation](#).

Balanced Cut/Fill: Balanced cut and fill is required. Any fill placed at or below the adjusted base flood elevation of 33.0 feet City of Portland datum must be balanced with an equal or greater volume of compensating excavation below the base flood elevation within the same flood zone. Excavations may not qualify as compensating if they are filled with water during non-winter

storm events. The cut/fill balance should be calculated using only soil fill and soil excavations. Floodwater storage within the building, proposed building removal, and proposed building construction volumes should not be considered. The cut/fill balance calculation submitted in August 2021 but dated September 27, 2021 in support of the land use review will need to be revised to demonstrate a cut/fill balance below the adjusted base flood elevation instead of the FEMA determined based flood elevation. The amount of cut and fill proposed on the site is very small and is not a feasibility issue for the purposes of land use approval.

**Flood Vents:** Fully closed areas below the lowest floor that are subject to flooding are prohibited or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
- (2) The bottom of all openings shall be no higher than one foot above grade;
- (3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

For additional information regarding design of flood vents, please reference [FEMA Technical Bulletin 1: Design of Flood Openings in Foundation Walls](#).

**Floodway:** Section 24.50.060.D prohibits development within the floodway unless it is demonstrated through a technical (numerical) analysis performed by a professional engineer, that the development will not result in a rise in the base flood elevation. The land use application indicates that no development is proposed in the floodway.

**Street Trees:** Urban Forestry identified two street trees in the S Miles Street right-of-way:

- Dove tree (*Davidia involucrata*), 7" DBH, good condition
- Common fig (*Ficus carica*), good condition, 3" DBH

Street trees must be protected in accordance with Urban Forestry standards at the time of permit review (Exhibit E6).

**Life Safety:** The Life Safety reviewers noted the following (Exhibit E7):

**GENERAL LIFE SAFETY COMMENTS**

<b>Item #</b>	<b>Comment</b>
1	Separate Building Permits are required for the demolition and new work proposed. The proposals must be designed to meet all applicable building codes and ordinances. (ORSC R105.1)
2	The issuance of a permit to demolish a single-family residence or a duplex in a Residential Zone is subject to a 35-day delay, beginning when the demolition permit application is received and intake fees are paid. Additional requirements apply. (City of Portland Code 24.55.200)

## **DEVELOPMENT STANDARDS**

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 11 can be met, and those 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.

Development standards in Zoning Code Section 33.440.230 require landscaping within or riverward of the Greenway Setback. One tree and 10 shrubs are required for every 20 feet of river frontage. These plantings must be shown on all permit plans.

Trees specifically approved for removal by the land use review are exempt from Title 11 Section 11.50.040 Tree Preservation Standards (11.50.040 B.5). However, the 11.50.050 On-Site Tree Density Standards must be met.

The proposal must also comply with any provisions outlined in the corresponding Design Review with Modifications (LU 20-226664 DZM).

## CONCLUSIONS

The applicant proposes to construct a new residence within the 25-foot and 50-foot greenway setbacks that apply to the site, using a provision that allows for non-conforming development to be replaced, when it is damaged by circumstances beyond the property owner's control. The applicant will remove the existing dwelling and associated decks, and an existing tree, and perform minor grading to prepare the site for the new house construction.

To temper impacts to the water quality and adjacent habitat resources, construction limits will be placed to protect the existing habitat features along the bank, and mitigation actions will be applied to minimize construction and lighting disturbances to wildlife and to contribute to improved habitat features where possible.

With the application of the noted conditions, the approval criteria can be met.

## ADMINISTRATIVE DECISION

**Approval** of Greenway Review for the following:

- Removal of one ornamental tree (Japanese maple) within the q-overlay on the north side of the existing residence;
  - Deconstruction of an existing deck within and riverward of the greenway setback;
  - Minor excavation and installation of planting medium for native plantings within the greenway setback;
  - Construction of a new multi-story residence and associated stormwater management facilities;
  - Installation of native plantings within and riverward of the greenway setback; and
- in substantial conformance with Exhibits C1 through C3, as approved by the City of Portland Bureau of Development Services on **October 8, 2021** and with the requirements of the concurrent Design Review with Modifications, LU 20-226664 DZM; and subject to the following conditions:

- A. A BDS Zoning Permit is required for inspection of required 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.). Plans shall include the following statement, ***"Any field changes shall be in substantial conformance with approved LU 20-187703 GW Exhibits C1 through C3; and with the requirements of the concurrent Design Review with Modifications, LU 20-226664 DZM."***

**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 plantings required in Condition F below is finalized.**

- B.** Prior to the issuance of any construction permits, the applicant shall submit a lighting plan, prepared by a lighting expert, which demonstrates any exterior lights are shielded from projecting riverward of the house to the satisfaction of BDS.
- C.** The permit plans shall show and the deck removal shall be performed as follows:
- The deck must be deconstructed with hand-held equipment only; and

- Immediately after the deck is removed, the protective “construction limit” fencing, as depicted on the BDS Staff Modified Plan (Exhibit C2) and per Condition E, below, must be installed and an inspection for the fencing must be requested.
- D.** *In the event the proposed connection to the public storm system in S Miles is not allowable, stormwater disposal via an outfall routed to the east side of the site is allowable subject to the following:*
- Adequate documentation must be provided to the satisfaction of BES, Plumbing, and Site Development to demonstrate the outfall design and placement meet the stormwater management manual, plumbing code, and Title 24 requirements; and
  - The size and installation of the outfall shall be limited as follows: only one outfall pipe (no greater than 4-inches in diameter) is allowed within the greenway setback and riverward of the seawall, between the stormwater planter and the disposal location; only hand-held equipment shall be used to install the outfall pipe; the construction zone shall be no wider than 5 feet at any point; no trees shall be removed; and the entire pipe alignment shall be replanted with native species from the Portland Plant List. If these requirements are met, then the applicant will have a potential alternative location of stormwater disposal, in the event the proposed connection to the public storm sewer is not allowable to the Water Bureau or other city review agencies.
- E.** Temporary, 4-foot high, bright orange construction fencing shall be placed along the Limits of Construction Disturbance line, as depicted on Exhibit C2 BDS Staff Modified Construction Management Plan, to separate approved construction areas from areas to remain undisturbed.
1. All measures provided for sediment control, including sediment fencing, shall be placed inside of the approved “Limits of Construction Disturbance,” delineated by the temporary construction fence.
  2. No mechanized construction vehicles are permitted outside of the approved “Limits of Construction Disturbance” delineated by the temporary construction fence. All planting work, invasive vegetation removal, and other work to be done outside the “Limits of Construction Disturbance”, shall be conducted using hand-held equipment.
- F.** The applicant shall obtain a BDS Zoning Permit for approval and inspection of a planting plan for a minimum of 2 trees, 3 arborescent shrubs, 19 shrubs, and 1,000 square feet of native ground covers, in substantial conformance with Exhibit C3 Planting 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. The 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 be to scale and shall illustrate a naturalistic arrangement of plants and should include the location, species, quantity and size of plants to be planted.
    - b. The applicant shall indicate on the plans selection of either tagging plants for identification or accompanying the BDS inspector for an on-site inspection.
  2. 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 required 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 required plantings for inspection. If tape is used it shall be a contrasting color that is easily seen and identified.

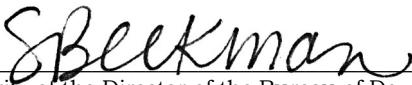
**G. The landowner shall monitor the required plantings** for two years to ensure survival and replacement, as described below. The landowner is responsible for ongoing survival of required plantings during and beyond the designated two-year monitoring period. After the 2-year initial establishment period, 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. 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 (replacement must occur within one planting season).
  - c. A list of replacement plants that were installed.
  - d. Photographs of the mitigation area and a site plan, in conformance with approved Exhibit C3, Planting Plan, showing the location and direction of photos.
  - e. 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.

**H.** 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 greenway regulations. Activities which the City regulates through PCC 33.430 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: Kate Green**

**Decision rendered by:**  **on October 6, 2021**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: October 8, 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 September 3, 2020, and was determined to be complete on December 17, 2020.

*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 September 3, 2020.

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



day review period (Exhibit G3). Unless further extended by the applicant, **the 120 days will expire on: December 17, 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 October 22, 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. There is no fee for Office of Community and Civic Life recognized organizations for the appeal of Type II and IIX decisions on property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

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 **October 22, 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. Initial Submittal (9/3/2020)
    - a. Narrative
    - b. Site Plans
    - c. Survey
  2. Revised Submittal (12/22/2020)
    - a. Technical Memo
    - b. PDG Drawings
    - c. Architectural Plan
  3. Amended Submittal (4/28/2021)
    - a. Greenway Narrative
    - b. Greenway Checklist
    - c. PDG Drawings
    - d. Landscape Drawings
    - e. No Rise Analysis
    - f. Greenway Environmental Assessment
    - g. Architectural Plans
    - h. Survey with Floodplain
  4. Revised Submittal (8/29/2021)
    - a. Letter to Planners
    - b. Civil Landscape Drawings
    - c. Cut Fill Analysis
    - d. No Rise Analysis
  5. Additional Submittal (8/30/2021)

- a. Land Use Plans
- b. LU 96-00306 DZ case decision
6. Supplemental Submittal (9/8/2021)
  - a. Warranty Deed
7. Modified Submittal (9/16/2021)
  - a. Grading Plan changes
8. Revised Grading Plan (10/1/2021)
- B. Zoning Map (attached)
- C. Plans/Drawings:
  1. Site Grading Plan (attached)
  2. Construction Management Plan (attached)
  3. Planting Plan (attached)
  4. Complete Plan Set (submitted 10/5/2021)
- D. Notification information:
  1. Mailing list
  2. Mailed notice
- E. Agency Responses:
  1. Bureau of Environmental Services
  2. Bureau of Transportation Engineering and Development Review
  3. Water Bureau
  4. Fire Bureau
  5. Site Development/BDS
  6. Urban Forestry
  7. Life Safety/BDS
- F. Correspondence:
  1. Scott Hall, June 2, 2021, re: inquiry about proposed features in setbacks and potential seawall changes
  2. Mike Dowd, June 8, 2021, re: concerns about building height, stair location, and "bird-friendliness"
  3. James Gardner, land use chair of South Portland Neighborhood Association, June 8, 2021, re: concerns about height and massing of proposed house and stairs on north side of house
  4. Thomas Soppe, June 8, 2021, re: support for redevelopment of the site
- G. Other:
  1. Original LU Application
  2. Letter to applicant re: incomplete application
  3. Timeline Extension
  4. Correspondence to/from applicant

**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).**