



City of Portland
Bureau of Development Services
Land Use Services Division

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Date: April 30, 2008
To: Interested Person
From: Kathy Harnden, Land Use Services
503-823-7834

**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 reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

**CASE FILE NUMBER: LU 08-106100 GW
UNINCORPORATED MULTNOMAH COUNTY**

GENERAL INFORMATION

Applicant: Christopher Tallmadge
Soderstrom Architects P C
1200 NW Naito Parkway #410
Portland, OR 97210

Owner: Stanley A Myers
1144 22nd Avenue
Longview, WA 98632

Site Address: 12740 FIELDING RD

Legal Description: TL 600 0.35 ACRES, SECTION 35 1S 1E
Tax Account No.: R991350090
State ID No.: 1S1E35CD 00600
Quarter Section: 4231
Other Designations: Unincorporated Multnomah County; *Inventory of Natural, Scenic and Open Space Resources for Multnomah County Unincorporated Urban Areas, Resource Site No. 117-A - Dunthorpe; Potential Flood Hazard, 100-Year Floodplain; Preliminary Rapidly Moving Landslide Area; Potential Landslide Hazard Area*

Zoning: R20cg – Residential 20,000 (R20) base zone, with the Environmental conservation (c) and Greenway general overlay zones

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

PROPOSAL: The applicant proposes to demolish an existing house at 12740 Fielding Road and replace it with a new dwelling in approximately the same location. The existing two-story house has a footprint of 2000 square feet and was built in 1948. The proposed three-story

house will occupy a building footprint of approximately 3,289 square feet. The existing 848 square-foot wood deck and attached concrete patio access will not be removed from the setback area. The existing dock and stairs to the Willamette River will remain in place. The existing 12-foot wide driveway off of Fielding Road will be expanded to 20 feet in width to provide emergency vehicle access. No new construction will occur within the Greenway setback. The entire site is located within the 100-year floodplain.

The proposed building coverage of 3,289 square feet is within the maximum building coverage for this site (3,750 square feet) allowed by the R20 base zone, as is a three-story house, provided it is 30 feet or less in height. These design features are not addressed by the Greenway overlay zone regulations, but must be met at the time of building permit review.

The applicant proposes to remove existing blackberry and other non-native invasive species on the riverbank. The applicant will install erosion control wattles in four horizontal rows parallel to the river along the steep riverbank prior to vegetation removal. The landscape plan includes planting three red alders, 26 red-osier dogwoods, and sedges along the riverbank to meet the Greenway landscaping requirements that require a minimum of 3 trees and 26 shrubs.

No portion of the existing dwelling, nor any portion of the new proposal falls within the Environmental Conservation overlay zone on the site. Therefore, the environmental regulations of the zoning code do not apply to this proposal. The demolition is not subject to Greenway Review.

The project site is located within an unincorporated area of Multnomah County, but lies within Portland's Urban Services and Urban Growth Boundary. The City and Multnomah County have an intergovernmental agreement [IGA] that allows the County to focus on rural land use issues and authorizes the City to administer applicable City of Portland regulations, including zoning requirements, for lands within these 'urban-county pockets'. For lands near the Willamette River, both the City's Greenway and Environmental overlay zones have been applied. All lands within urban-county pockets are subject to City of Portland standards for stormwater disposal, erosion control, grading and floodplain review. Some services, such as sewer, water, or fire, may be provided by non-City agencies.

The site is located in Portland's Willamette Greenway, and the Greenway standards and criteria in the Portland Zoning Code must be met. In this case, the proposed home lies within the Greenway River General zone and must therefore be approved through a Greenway Review.

Relevant Approval Criteria:

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

33.440.350 Greenway approval criteria
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ANALYSIS

Site and Vicinity: The 15,250-square-foot site is located approximately 1.5 miles south of the Portland City Limits on the west bank of the Willamette River. The property is rectangular, approximately 75 feet by 250 feet, with its northeast end abutting the Willamette River. The entire site is located in the 100-year floodplain. The western portion of the lot has elevations ranging from 26 to 33 feet. The east 55 feet of the site slopes steeply down to the Willamette River at a grade of 2:1 (horizontal distance: vertical elevation change), or a 50 percent slope. The property is developed with a single-family house and surrounded by low-density single-dwelling residential development. Elk Rock Island and Spring Park are across the river, among more low density residential development.

Most of the site is landscaped in ornamental lawn with a shrub border. A few Douglas fir trees line the west and north sides of the property. The steeply sloping bank of the Willamette River

supports one big leaf maple tree and several cottonwood saplings, but is dominated by Himalayan blackberry. The riparian habitat on the site has diminished over time with the invasion of nonnative species. With removal of blackberry shrubs and planting of native shrubs and trees, the 50 feet of river frontage can be restored to enhance and preserve riparian wildlife habitat values.

There is also a drainage that comes onto the property near the northwest corner and drains south across the west end of the site. The applicant proposes to direct overflow from the proposed stormwater swales to this drainageway. The slope behind the drainage will need to be excavated to allow the required 20-foot wide access required by the Lake Oswego Fire Department. This drainage needs to be protected from construction activities that could harmfully impact it.

The project site is included in Resource Site 117 A-Dunthorpe, in the *Inventory of Natural, Scenic and Open Space Resources for Multnomah County Unincorporated Urban Areas*. Significant resources found within Site 117-A, which are also on this site, include perennial and seasonal streams, fish and wildlife habitat, groundwater, and open space. Functional values include water quality, flood attenuation/storage, fish and wildlife habitat, slope stabilization/soil anchoring, groundwater recharge and discharge, and water supply, land use buffering, recreation and scenic amenities.

The applicant proposes the following measures to preserve and enhance the habitat on the site:

Construction Area: The applicant shows a “limits of disturbance” area on the Construction Management/Grading and Erosion Control Plan (Exhibit C.3). Providing a designated construction area will help to ensure impacts are limited to that specific portion of the site. The construction area will include most of the lot southwest of the Greenway setback. An equipment staging and stockpile area is identified on the existing paved driveway on the west side of the house. Construction vehicles, equipment, supplies and debris must be contained within this area or be removed from the site to a legal disposal or storage facility.

The applicant shows the limits of construction disturbance for the new house to be located landward of the Greenway setback across the site. However, activities related to the demolition of the existing house will be located partially within the Greenway setback. Both silt and construction fencing must be placed around the demolition activities, including the drainageway and fir trees at the west end of the site, and within and landward of the Greenway setback, until demolition of the existing house is complete. Once demolition is complete, and prior to construction of the new house, the silt fence and temporary construction fence at the east end of the site must be moved landward of the Greenway setback to the location shown on the Construction Management Plan. Fencing around the drainageway and fir trees at the west end of the site and around the spruce tree must be maintained.

Tree Protection: The seven fir trees that line the west and northwest perimeters of the property and a 14-inch spruce is located in the northeast corner of the house do not appear on the Construction management plan, although they do appear on the landscape plan and the applicant did not indicate that they would be removed. Construction activities will occur within the root zone of the spruce and the two firs on the northwest corner. Activities within the root zones of these trees may risk their health. Activities within 14 feet of the Spruce trunk and 26 feet of the 26-inch Douglas fir should be conducted using hand held equipment. These trees must have construction fencing installed around their root zones as described above to prevent construction activity that may be harmful to the trees’ health, or, an Arborist must provide documentation that construction activities within the root zones will not harm the trees.

Landscape Plantings: Areas riverward of the Greenway setback are of degraded habitat value due to the lack of native riparian vegetation and intrusion by Himalayan blackberry. There are four or five existing saplings, which may be cottowoods, on the riverbank that were not identified by the applicant. The applicant proposes to plant 3 red alder trees, 26

red-osier dogwood shrubs and Dewey sedge on the slope to meet the Greenway landscaping standards. These native plantings, together with removal of invasive blackberry, will enhance the riverbank along the river frontage of this lot.

The riverbank slope is estimated to be approximately 50 percent, which is quite steep. When the blackberry shrubs are removed, soils on the slope will be exposed, which could lead to erosion of the riverbank, until the landscape plants are installed and grow to maturity. The applicant proposes to install four rows of wattles (fiber-filled material that control the effects of water) parallel to the river to control erosion until the plantings have matured. The wattles will decompose over time, which will add nutrients to the soil.

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

Residential 20,000 (R20) is a low-density residential zone that allows development of single dwelling units at density of one unit for every 20,000 square feet of site area. The R20 zone is intended to foster the development of single-dwelling residences on lots having a minimum area of 12,000 square feet, with minimum width and depth dimensions of 60 feet each. Newly created lots must have a minimum density of 1 lot per 20,000 square feet of site area. The provisions of this zone allow this use; these provisions are not specifically addressed through the Greenway review.

Environmental overlay zones protect environmental resources and functional values that have been identified by the City as providing benefits to the public. The environmental regulations encourage flexibility and innovation in site planning and promote 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. No new development is proposed within the environmental zone. Regulations in this chapter of the Zoning Code do not apply.

Greenway overlay zones are intended to protect, conserve, enhance, and maintain the natural, scenic, historical, economic, and recreational qualities of lands along Portland's rivers. They also establish criteria, standards, and procedures for the development of land, change of uses, and the intensification of uses within the Greenway; and they implement the City's Willamette Greenway responsibilities as required by ORS 390.310 to 390.368 and Metro's Title 3. More specifically, the River General (g) zone allows for uses and development which are consistent with the base zoning, allow for public use and enjoyment of the waterfront in certain cases, and enhance the river's natural and scenic qualities.

Environmental Resources: The application of the environmental overlay zones is based on detailed studies that have been carried out within eight separate areas of the City. Environmental resources and functional values present in environmental zones are described in environmental inventory reports for these study areas.

The project site is mapped in the *Inventory of Natural, Scenic and Open Space Resources for Multnomah County Unincorporated Urban Areas*, as Resource Site 117-A: Dunthorpe. Valuable resources found at this site include perennial and seasonal streams, palustrine wetlands, springs, forest, fish and wildlife, special status species, groundwater, and open space. Functional values include water quality, flood attenuation/storage, fish and wildlife habitat (including special status species), slope stabilization/soil anchoring, groundwater recharge and discharge, and water supply and heritage (includes the oak-madrone community and rock cliffs/habitat areas). Additional functional values include sediment trapping and pollutant/nutrient removal, storm drainage, land use buffering, education, recreation and scenic amenities. This resource site is composed primarily of low-density residential development and also includes nearly two miles of Willamette River frontage.

Land Use History: City records indicate that prior land use reviews include the following:

LU 05-176926 GW. A proposal to remove the existing house and construct a new house in its place. These activities were not conducted. The property was sold and then new owner has applied for a different style house proposal.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **March 25, 2008**. The following Bureaus have responded with no issues or concerns:

- Bureau of Transportation Engineering
- Water Bureau
- Fire Bureau

The Bureau of Environmental Services responded that stormwater should be managed on site and that Portland’s stormwater discount program, Clean River Rewards, offers discounts up to 35 percent of the normal charge to ratepayers who manage stormwater runoff on their properties. BES also noted that there is a 10-foot wide easement over a City-owned 12-inch sanitary gravity main that runs along the north property line. This easement is exclusive, i.e., no other utilities, facilities, or easements can be located within the boundaries of public sewer easement without specific prior written consent from the director of the Bureau of Environmental Services. Please see Exhibit E.1 for additional details.

The Site Development Section of BDS responded that the house site is located in the 100-year floodplain of the Willamette River. All residential development is subject to the City’s floodplain requirements as outlined in their response, as well as to the City’s erosion control. Please see Exhibit E. 2 for additional details.

The Lake Oswego Fire Department originally responded that the proposal did not meet the requirements for access or water supply for fire protection. The applicant modified the proposal to expand the driveway width to 20 feet and will install internal sprinklers for fire suppression in accordance with the Fire Department’s requirements. Please see Exhibit E. 3 for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on March 25, 2008. No written responses were 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** 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.

A. Willamette Greenway Design Guidelines:

- *Issue A. Relationship of Structures to the Greenway Setback Area*
- *Issue B. Public Access*
- *Issue C. Natural Riverbank and Riparian Habitat*
- *Issue D. Riverbank Stabilization Treatments*
- *Issue E. Landscape Treatments*
- *Issue F. Alignment of Greenway Trail*
- *Issue G. Viewpoints*
- *Issue H. View Corridors*

B. River frontage lots in the River Industrial zone.

C. Development within the River Natural zone.

D. Development on land within 50 feet of the River Natural zone.

E. Development within the greenway setback.

F. Development riverward of the greenway setback.**G. Development within the River Water Quality overlay zone setback.****H. Mitigation or remediation plans.**

Findings: The project site is a riverfront lot located within the River General Greenway overlay zone. The site does not include trail or view designations, nor is it within or adjacent to any properties with the River Natural or River Water Quality zones. No new development is to occur within or riverward of the Greenway Setback. Therefore, Criteria B, C, D, E, F, G and H are not applicable. Only Criterion A is applicable.

Criterion A contains eight Issues that must be considered in every Greenway Review. In this case, the proposal does not include construction of structures in the Greenway, so Issue A does not apply. The project site does not have a Greenway Trail designation and no viewpoints or view corridors are identified on the site, so Issues B, F, G and H do not apply. Issues C, D and E do apply to this proposal. Specific details relative to these Issues are discussed above on Pages 2 -4.

Criterion A. Willamette Greenway Design Guidelines:

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. A complete description of the Design Guidelines and their applicability is provided in pages 45-81 in the *Willamette Greenway Plan*.

Issue C. Natural Riverbank and Riparian Habitat: This issue “applies to situations where the river bank 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.

Findings: As described on page 4 above, the riparian habitat on the site has diminished over time with the invasion of nonnative species. Mature trees on and near the riverbank are a significant resource and should be preserved and protected to retain the soil stability, water quality, habitat, and scenic values they provide. Saplings growing on the riverbank, if native species, must also be preserved and their locations identified on a new landscape plan to be submitted with the building permit plans. An arborist report must be submitted with the building permit application that identifies the species of these trees. Installation of proposed landscaping material must avoid the root zones of these trees if they are native species.

With removal of blackberry shrubs, preservation of existing mature native trees, as well as native saplings, and planting of native trees, shrubs, and Dewey sedge, the 50 feet of river frontage can be restored to enhance and preserve riparian wildlife habitat values. The existing drainage at the front/west end of the site requires protection. Construction activities within a defined disturbance area, in combination with tree and drainageway protection fencing, will minimize impacts on surrounding riparian and forest resources. Conditions of approval must include tree protection fencing around existing trees on the upland portion of the site, preservation of native trees, if any, on the riverbank, and an Arborist report that identifies the species of riverbank trees and provides a protection plan for trees to be preserved upland of the top of the riverbank. With these conditions, *the guidelines in Issue C will be met.*

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.

Findings: While this proposal includes opportunities for enhancement of the appearance of the riverbank through the use of native vegetation, public access is not appropriate at this location as there are no existing or proposed public recreation trails in the area. As noted

on page 4 above, existing trees on the site are to be retained and protected, and new plantings are to be installed. These actions will help to enhance the appearance and habitat values of the shoreline and ensure that the guidelines of *Issue D will be met*.

Issue E. Landscape Treatments: This Issue “applies to all applications for Greenway Approval” and are subject to the landscape requirements of the Greenway Chapter of Title 33 Planning and Zoning of the Portland Zoning Code. These guidelines call for landscaping treatments that create a balance between the needs of both human and wildlife populations:

Findings: Application of the Greenway Planting Standards (33.440.230) results in a minimum of 3 trees and 26 shrubs to be planted on the site’s 51-foot river frontage. In addition, native groundcover plantings are required over the balance of the riverbank area. With protection of the existing mature trees and saplings, the applicant’s Landscape Plan (Exhibit C.4) can demonstrate compliance with the Greenway landscaping standards that result in removal of non-native invasive species, and installation 3 trees, 26 shrubs, and groundcovers on the riverbank. These plantings and other erosion control measures will ensure that the guidelines of *Issue E will be met*.

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 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 to demolish an existing house located partially within the Greenway setback, and construct a new and larger house outside of the setback. The existing wood deck and concrete patio will remain in the setback area, but no new construction is proposed or allowed in the Greenway setback. The applicant proposes to retain the existing spruce and fir trees north of the house, in addition to removing invasive blackberries and planting native trees and shrubs on the riverbank. The proposal, conditions of approval and findings show that the applicable approval criteria for Greenway Review have been met, and the proposal should be approved.

ADMINISTRATIVE DECISION

Approval of a house per the approved site plans, Exhibits C.1 through C.5, signed and dated month/day/year, subject to the following conditions:

Approval of Greenway Review for demolition of the existing house, and construction of a new 3,289 square foot house outside of the Greenway setback, per the approved site plans, Exhibits C.1, C.2, C.3, and C.4 modified, signed and dated April 28, 2008. Approval of Exhibits C.1 – C.4 is limited to approval of:

- 1) The location of the new house, utilities, accessory structures, and construction areas all to be located outside of the Greenway Setback.

Approval is subject to conditions A through F, below:

A. All permits: Copies of the stamped Exhibits C.1 through C.4 from LU 08-106100 GW and Conditions of Approval listed below, shall be included within all plan sets submitted for permits (building, grading, Site Development, erosion control, etc.). These exhibits shall be included on a sheet that is the same size as the plans submitted for the permit and shall include the following statement, ***“Any field changes shall be in substantial conformance with approved Exhibits C.0 through C.4.”***

B. A demolition permit is required prior to construction of this proposal.

C. Residential Building Permits are required for this proposal. **A Pre-construction Erosion Control inspection (IVR 200) by Site Development** is required prior to any ground disturbing activity. The installation of sediment and temporary construction fences described in Condition 1 below shall be completed prior to the scheduled inspection, and the following conditions shall be shown on all permit plans:

1. Prior to demolition of the existing house or any site disturbance, a silt fence and temporary construction fence shall be placed along "Limits of Disturbance", as shown on Exhibit C.1, and/or as required by inspection staff during plan review and inspection, until demolition is complete.
2. Prior to any ground disturbance and throughout all construction activities related to this review, temporary construction fencing shall be installed and maintained in good working order 14 feet from the trunk of the spruce and 26 feet from the trunk of the Douglas fir, or as required in an arborist report prepared by a registered Arborist to maintain the healthy viability of both trees. Activities within 14 feet of the Spruce trunk and 26 feet of the 26-inch Douglas fir must be conducted using hand held equipment unless otherwise allowed by the Arborist's report as described under Issue C above.
3. The arborist report must be submitted to the Bureau of Development Services with the application for a demolition permit.
4. Upon completion of demolition, and prior to construction of the new house, a silt fence and four-foot high temporary construction fence shall be placed landward of the Greenway setback as shown on Exhibits C.3 or as recommended in an Arborist report as required by an Arborist report as described under Issue C above, or as required by inspection staff during the plan review and/or inspection stages.
5. No disturbance or development activities shall occur within the Greenway Setback.
6. No mechanized construction vehicles are permitted outside of the approved "Limits of Disturbance" delineated by the temporary construction fence. All planting work, invasive vegetation removal, and other work to be done outside the Limits of Disturbance, shall be conducted using hand held equipment.
7. All staging and stockpiling of construction materials, demolition materials, soils, vegetation, and parking of construction vehicles shall occur within the equipment staging and stockpile area shown on Exhibit C.3, or shall be trucked away from the site to a legal disposal location.

D. Required Landscaping. A total of 3 trees, and 26 shrubs, selected from the *Portland Plant List*, shall be planted in substantial conformance with Exhibit C.4, Landscape Plan.

1. Landscape plantings shall be installed between October 1 and March 31 (the planting season) following construction.
2. Native saplings located in the planting area shall be preserved.
3. Prior to installing required plantings, non-native invasive plants shall be removed from the site, using handheld equipment.
4. After installing the required plantings, the applicant shall request inspection of Permanent Erosion Control Measures (IVR 210) by the Site Development Section of the Bureau of Development Services, who will confirm that all required plantings have been installed.

E. An inspection of Permanent Erosion Control Measures shall be required to document installation of the required plantings.

1. The **Permanent Erosion Control Measures** inspection associated with the building permit (IVR 210) shall not be approved until the required landscaping has been installed (as described in Condition C above);

--OR--

2. If the **Permanent Erosion Control Measures** inspection (IVR 210) occurs outside the

planting season (as described in Condition C above), then the Permanent Erosion Control Measures inspection associated with the building permit may be approved prior to installation of the required landscaping – if the applicant obtains a separate **Zoning Permit** for the purpose of ensuring an inspection of the required landscaping by March 31 of the following year.

F. The land owner shall monitor the required plantings for two years to ensure survival and replacement as described below. The land owner is responsible for ongoing survival of required plantings.

1. Provide two letters (to serve as monitoring and maintenance reports) to the Land Use Services Division of the Bureau of Development Services (Attention: Greenway Review LU 08-106100 GW) containing the monitoring information described below. Submit the first letter within 12 months following approval of the Permanent Erosion Control Inspection of the required mitigation plantings. Submit the second letter 12 months following the date of the first monitoring letter. All letters 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 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 planting area and a site plan, in conformance with approved Exhibit C.4 Proposed Enhancement Plan, showing the location and direction of photos.
 - e. A description of the method used and the frequency for watering planted trees, shrubs, and groundcovers for the first two summers after planting. All irrigation systems shall be temporary and above-ground.
 - 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 20 percent cover during the monitoring period.

G. The drainageway at the west end of the property shall be protected and preserved.

Construction or excavation activity shall not harm the existing bed or banks of the drainageway and erosion control measures shall be used to protect water quality in the drainageway. Any proposal to modify this drainageway must first be approved by the City of Portland Bureau of Environmental Services.

H. A new grading plan is required at the time of building permit application to show any required excavation of the hill slope at the west end of the property in connection with widening the driveway. The existing drainageway shall be preserved and protected per Condition G, above.

I. 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 only to the City's environmental regulations. Activities regulated by the City 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.



Decision rendered by: _____ **on April 25, 2008**

By authority of the Director of the Bureau of Development Services

Decision mailed: April 30, 2008

Staff Planner: Kathy Harnden

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 31, 2008, and was determined to be complete on March 21, 2008.

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 31, 2008.

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 requested that the 120-day review period be extended one week to April 25, 2008.

The applicant provided some of the information contained in this report.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on May 14, 2008** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor.

An appeal fee of \$250 will be charged. 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 190th, Portland, OR 97233.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7967 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the Internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, 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 must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed,* The final decision may be recorded on or after **May 15, 2008 – the day following the last day to appeal.**
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034. 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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

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:

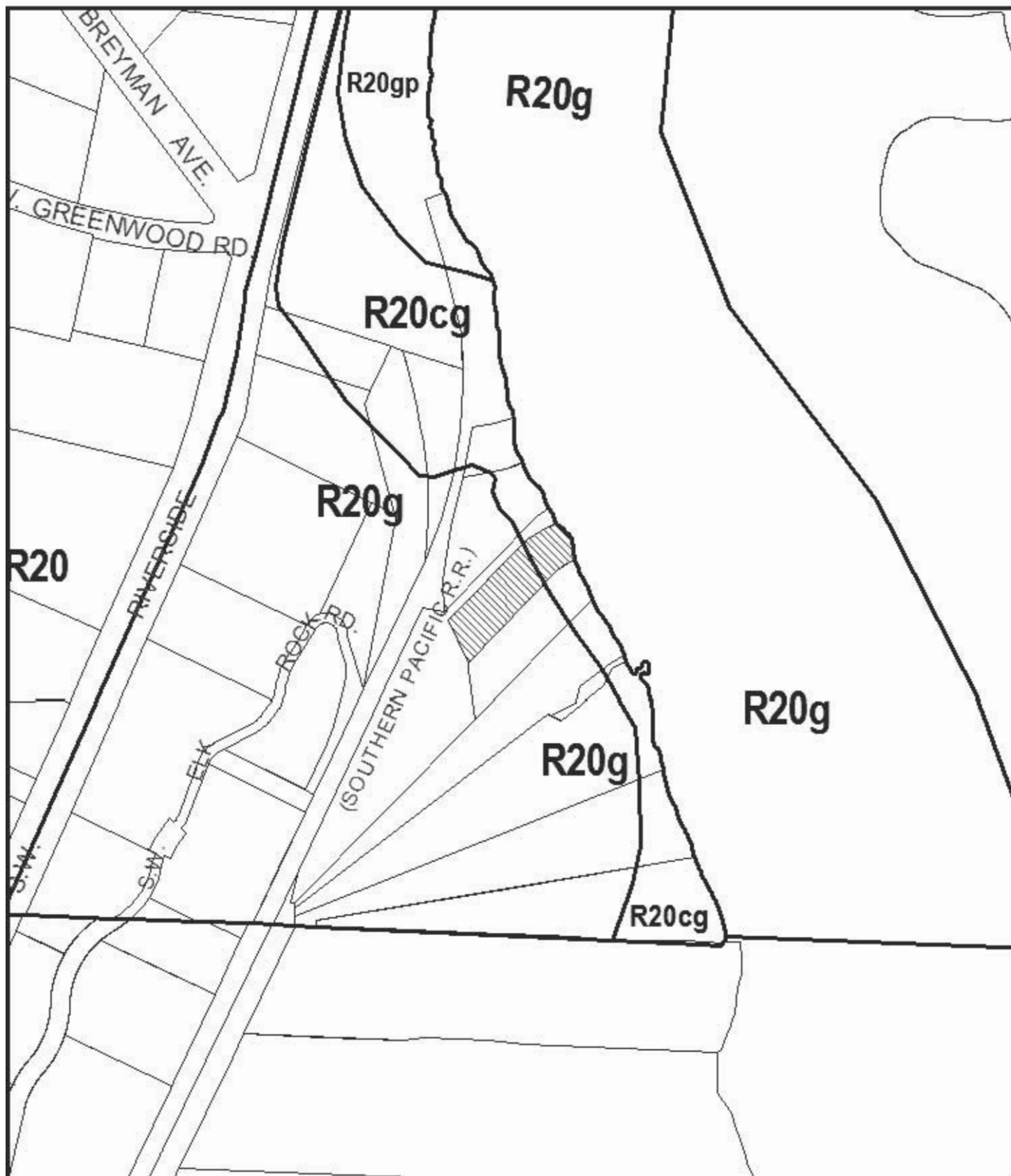
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Existing Conditions Site Plan (attached)
 - 2. Proposed Development Site Plan (attached)
 - 3. Construction Management, Grading and Erosion Control Site Plan (attached)
 - 4. Stormwater Management Site Plan (attached)
 - 5. Landscape Site Plan (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Site Development Review Section of BDS
 - 3. Lake Oswego Fire Bureau
- F. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. Incomplete Letter dated February 13, 2008

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).



ZONING

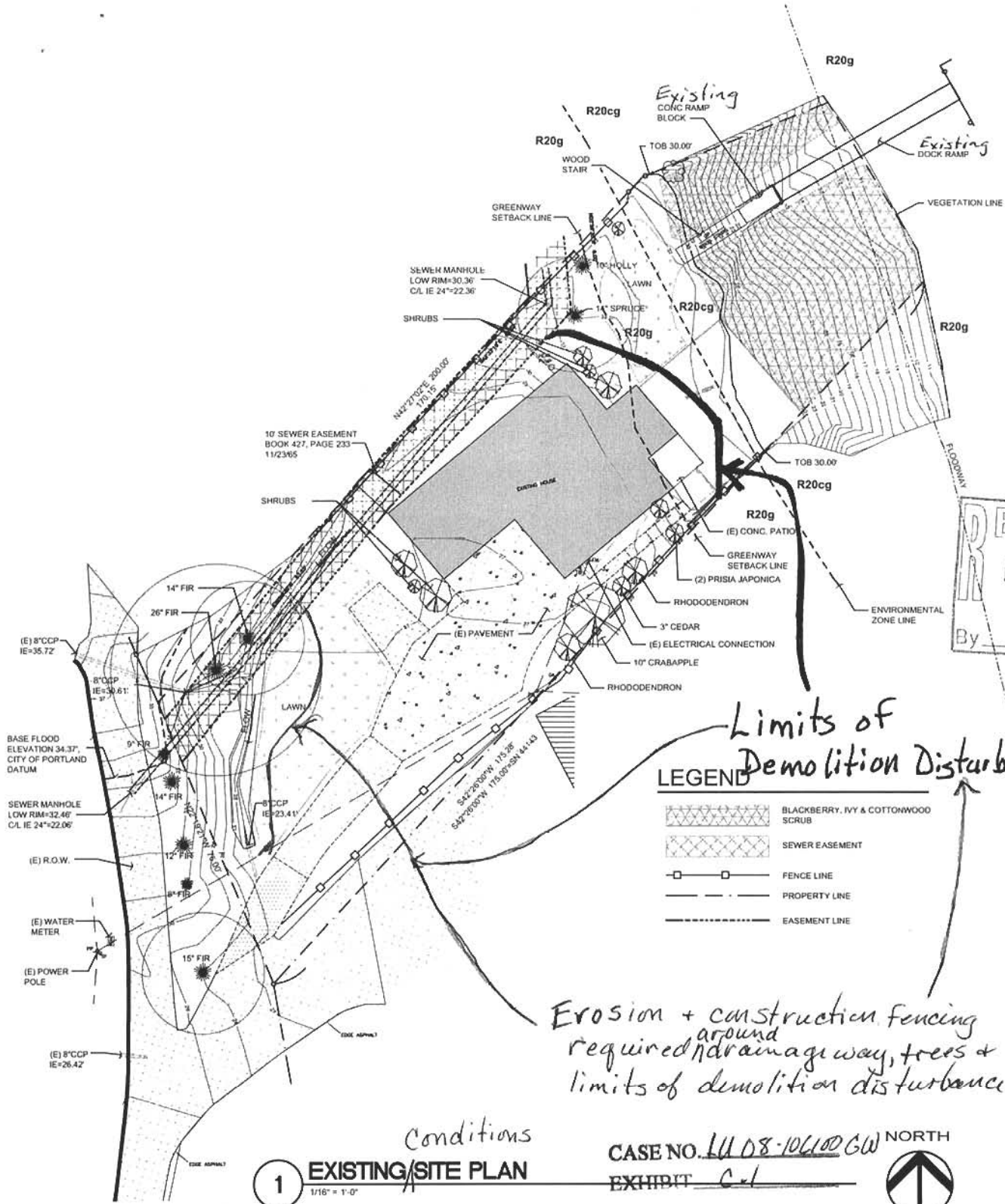
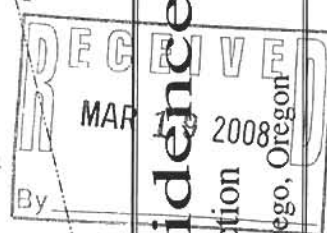


File No.	LU 08-106100 GW
1/4 Section	4231
Scale	1 inch = 200 feet
State_Id	1S1E35CD 600
Exhibit	B (Mar 21, 2008)

Myers Residence

New Residential Construction

12740 Fielding Road, Lake Oswego, Oregon



LEGEND

- BLACKBERRY, IVY & COTTONWOOD SCRUB
- SEWER EASEMENT
- FENCE LINE
- PROPERTY LINE
- EASEMENT LINE

Limits of Demolition Disturbance

Erosion + construction fencing required around drainage way, trees + limits of demolition disturbance

Conditions

1 EXISTING/SITE PLAN

1/16" = 1'-0"

CASE NO. LU 08-106100 GW NORTH

EXHIBIT C-1

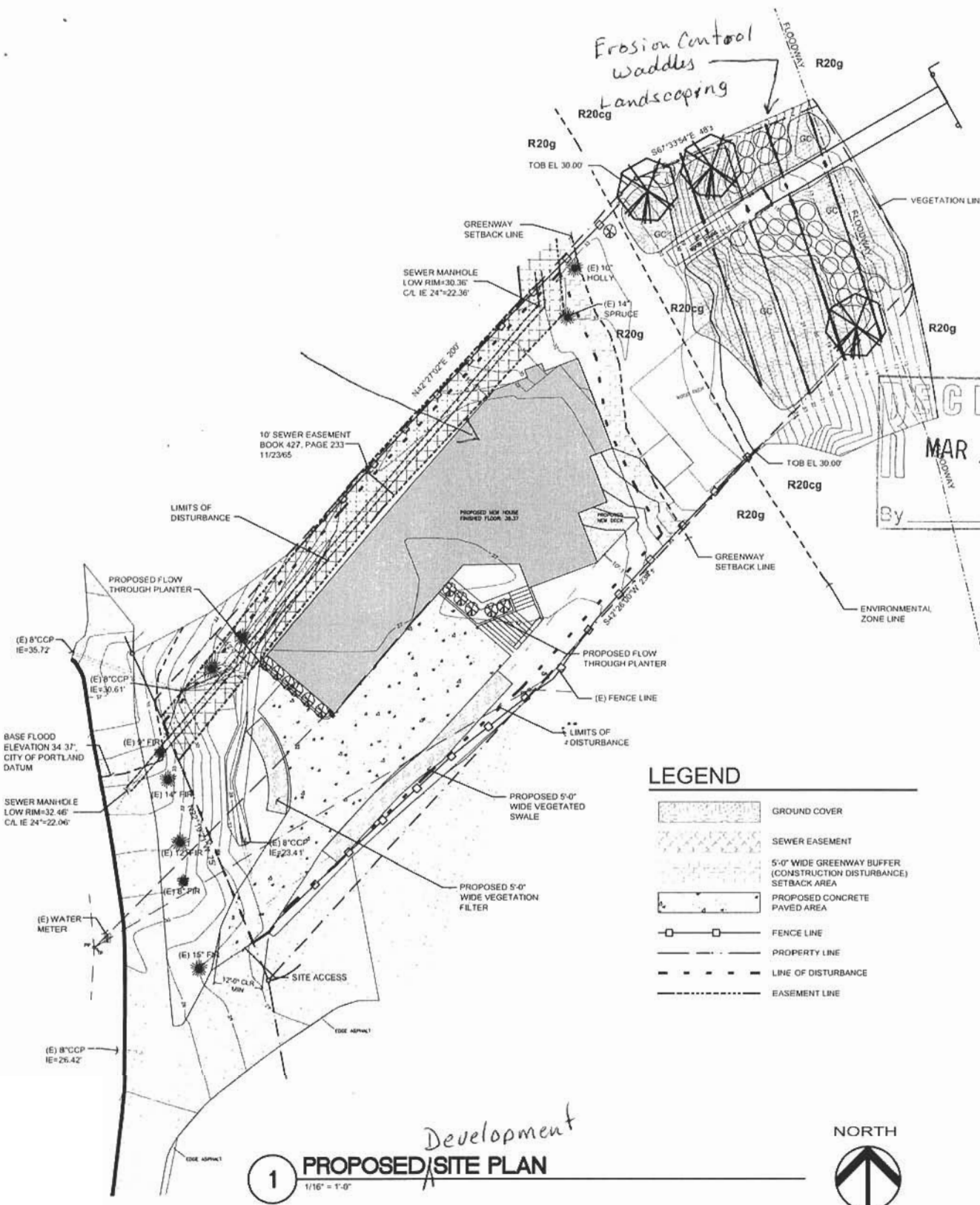
GENERAL NOTES

1. 1'-0" CONTOUR INTERVALS
2. VERTICAL DATUM: CITY OF PORTLAND DATUM, BASED FROM CITY OF PORTLAND BENCH MARK NO. GPS 101, ELEVATION=33.48'
3. THE BOUNDARY IS SHOWN AS DESCRIBED IN DOCUMENT 2005-072526 MULTNOMAH COUNTY DEED RECORDS. A FULL TITLE REPORT MAY DISCLOSE ADDITION, SUBTRACTIONS AND/OR CHANGES IN BOUNDARY LOCATIONS.
4. THE BASE FLOOD ELEVATION PER FIRM #410179-0370-A IS 34.37', CITY OF PORTLAND DATUM.
5. THE FLOODWAY BOUNDARY SHOWN WAS SCALED FROM THE FEMA FLOODWAY MAP 410179-0001-0370.
6. THE FEBRUARY 1996 FLOOD INUNDATION AREA PER THE 1996 METRO WATER QUALITY AND FLOOD MANAGEMENT AREA MAP, ENCOMPASSES THE ENTIRETY OF THE SUBJECT PROPERTY.
7. BOUNDARY AND TOPO MAP PROVIDED BY CASWELL/HERTEL SURVEYORS, INC.

Drawn: cdt
Date: 02.28.08
File: 7099.000
Check: --
Revisions:

Sheet Title
EXISTING
SITE PLAN

A1.0
Job No: 07099



LEGEND

	GROUND COVER
	SEWER EASEMENT
	5'-0" WIDE GREENWAY BUFFER (CONSTRUCTION DISTURBANCE) SETBACK AREA
	PROPOSED CONCRETE PAVED AREA
	FENCE LINE
	PROPERTY LINE
	LINE OF DISTURBANCE
	EASEMENT LINE

1 **PROPOSED SITE PLAN**
1/16" = 1'-0"



GENERAL NOTES

1. NO CONSTRUCTION ACTIVITY SHALL OCCUR WITHIN THE GREENWAY SETBACK.
2. EXCAVATION AND FILL WILL TAKE PLACE WITHIN THE AREA OF THE BUILDING FOOTPRINT FOR FOOTINGS/FOUNDATION.
- APPROXIMATELY 3400 CUBIC YARDS TO BE EXCAVATED. 126 CY
- APPROXIMATELY 4040 CUBIC YARDS TO BE USED AS FILL. 76 CY
3. FILL WILL BE USED TO BRING THE GRADE UP TO THE 32.00 ELEVATION AT THE NORTHEAST FACE OF THE HOUSE.
- APPROXIMATELY 4400 CUBIC YARDS TO BE USED AS FILL. 52 CY
4. TOTAL AREA OF DISTURBANCE: 8705 SQ FT
5. T.O.B. DETERMINED TO BE AT 30.00' ELEVATION BY ECOLOGICAL LAND SERVICES, INC.

CASE NO. LU 08-106100 GW
EXHIBIT C.2

SODERSTROM ARCHITECTS, P.C.
Architecture | planning | exterior restoration | interior design
1200 NW Naito Parkway, Suite 410
Portland, Oregon 97209
MAIN 503.226.5817 FAX 503.273.8584
www.sdra.com

Myers Residence
New Residential Construction
12740 Fielding Road, Lake Oswego, Oregon

Drawn: cdt

Date: 02.28.08

File: 7099.000

Check: --

Revisions:

Sheet Title
PROPOSED SITE PLAN

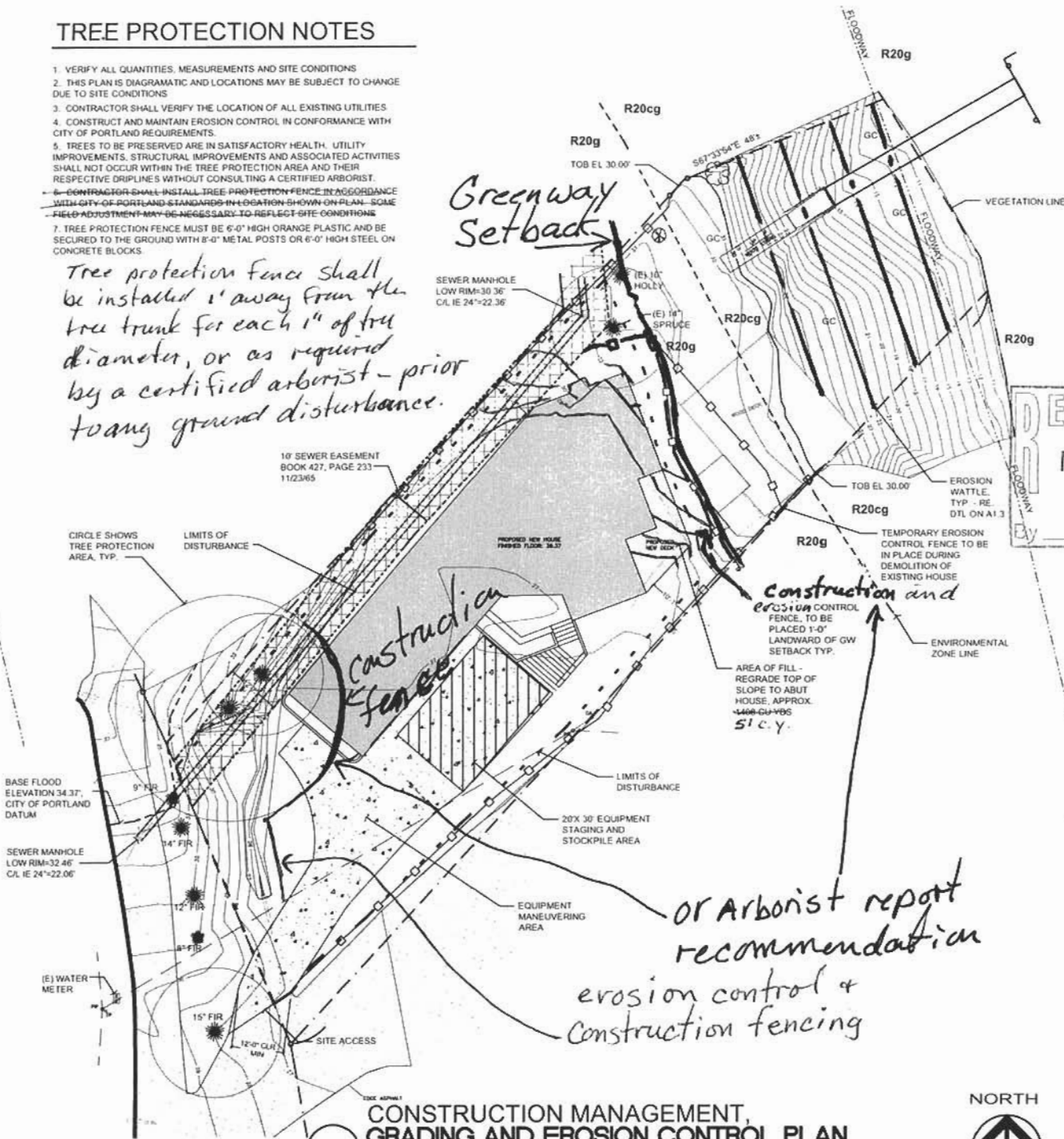
A1.1

Job No: 07099

TREE PROTECTION NOTES

1. VERIFY ALL QUANTITIES, MEASUREMENTS AND SITE CONDITIONS
2. THIS PLAN IS DIAGRAMATIC AND LOCATIONS MAY BE SUBJECT TO CHANGE DUE TO SITE CONDITIONS
3. CONTRACTOR SHALL VERIFY THE LOCATION OF ALL EXISTING UTILITIES
4. CONSTRUCT AND MAINTAIN EROSION CONTROL IN CONFORMANCE WITH CITY OF PORTLAND REQUIREMENTS
5. TREES TO BE PRESERVED ARE IN SATISFACTORY HEALTH. UTILITY IMPROVEMENTS, STRUCTURAL IMPROVEMENTS AND ASSOCIATED ACTIVITIES SHALL NOT OCCUR WITHIN THE TREE PROTECTION AREA AND THEIR RESPECTIVE DRIP LINES WITHOUT CONSULTING A CERTIFIED ARBORIST.
6. CONTRACTOR SHALL INSTALL TREE PROTECTION FENCE IN ACCORDANCE WITH CITY OF PORTLAND STANDARDS IN LOCATION SHOWN ON PLAN. SOME FIELD ADJUSTMENT MAY BE NECESSARY TO REFLECT SITE CONDITIONS
7. TREE PROTECTION FENCE MUST BE 6'-0" HIGH ORANGE PLASTIC AND BE SECURED TO THE GROUND WITH 8'-0" HIGH METAL POSTS OR 6'-0" HIGH STEEL ON CONCRETE BLOCKS

Tree protection fence shall be installed 1' away from the tree trunk for each 1" of tree diameter, or as required by a certified arborist - prior to any ground disturbance.



CONSTRUCTION MANAGEMENT, GRADING AND EROSION CONTROL PLAN

1/16" = 1'-0"

STORMWATER NARRATIVE

DESIGN ASSUMPTIONS

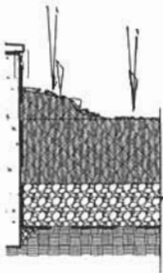
1. REDEVELOPMENT IMPERVIOUS AREA REQUIRING COMPLIANCE WITH THE CITY OF PORTLAND BUREAU OF ENVIRONMENTAL SERVICES 2004 STORMWATER MANAGEMENT MANUAL. FOR POLLUTION REDUCTION AND FLOW CONTROL IS ≥ 6000 SQ. FT.
2. POLLUTION REDUCTION AND FLOW CONTROL FACILITIES WILL BE FLOW THROUGH PLANTERS, VEGETATED FILTER STRIPS AND VEGETATED SWALES DUE TO THE EXISTING SOILS INABILITY TO INFILTRATE AT A USEFUL RATE.
3. TOTAL FACILITY SIZING WILL BE DETERMINED BY USING THE 'SIMPLIFIED APPROACH FOR STORMWATER MANAGEMENT' (FORM SIM) FROM THE CITY OF PORTLAND BUREAU OF ENVIRONMENTAL SERVICES 2004 STORMWATER MANAGEMENT MANUAL. ALL POLLUTION REDUCTION AND FLOW REQUIREMENTS ARE MET BY THE ABOVE OUTLINED APPROACH AS SHOWN IN THE ATTACHED FORM SIM.
4. THE PROPOSED FLOW THROUGH PLANTERS, VEGETATED FILTER STRIPS AND VEGETATED SWALES WILL BE CONSTRUCTED IN ACCORDANCE WITH THE DETAILS AND DESIGN CRITERIA PROVIDED IN THE CITY OF PORTLAND BUREAU OF ENVIRONMENTAL SERVICES 2004 STORMWATER MANAGEMENT MANUAL.

DEMONSTRATION OF COMPLIANCE WITH STORMWATER DESTINATION DISPOSAL HIERARCHY

- | | |
|------------|---|
| CATEGORY 1 | ON-SITE SURFACE INFILTRATION IS NOT A VIABLE OPTION DUE TO THE INABILITY OF THE SITE'S SOIL TO INFILTRATE AT A RATE USEFUL FOR DESIGN OF A SYSTEM OF THIS TYPE. |
| CATEGORY 2 | ON-SITE SUBSURFACE INFILTRATION IS NOT A VIABLE OPTION DUE TO THE INABILITY OF THE SITE'S SOIL TO INFILTRATE AT A RATE USEFUL FOR DESIGN OF A SYSTEM OF THIS TYPE. |
| CATEGORY 3 | ON-SITE FLOW TO A PUBLIC STORM-ONLY SYSTEM IS THE ONLY VIABLE OPTION FOR THIS SITE. A DRAINAGE TRENCH CROSSES THE END OF THE SITE CURRENTLY AND CONNECTS WITH A STORMWATER CULVERT THROUGH A PUBLIC 8" STORM ONLY PIPE THAT DAYLIGHTS TO THE WILLAMETTE RIVER |
| CATEGORY 4 | NOT APPLICABLE |

LEGEND

- SEWER EASEMENT
- PROPOSED CONCRETE PAVED AREA
- FENCE LINE
- PROPERTY LINE
- LINE OF DISTURBANCE
- EASEMENT LINE



ANTER

S. ODERSTROM ARCHITECTS, P.C.
Architecture | planning | exterior restoration | interior design
1200 NW Naito Parkway, Suite 410
Portland, Oregon 97209
MAIN 503.226.5817 FAX 503.273.8584
www.sdra.com

MAR 19 2008

Myers Residence
New Residential Construction
12740 Fielding Road, Lake Oswego, Oregon

Drawn: cdt

Date: 02.28.08

File: 7099.000

Check: --

Revisions:

Sheet Title
GRADING AND
EROSION CONTROL
PLAN

CASE NO. 44-08-106100 GW
EXHIBIT C-3

A1.2

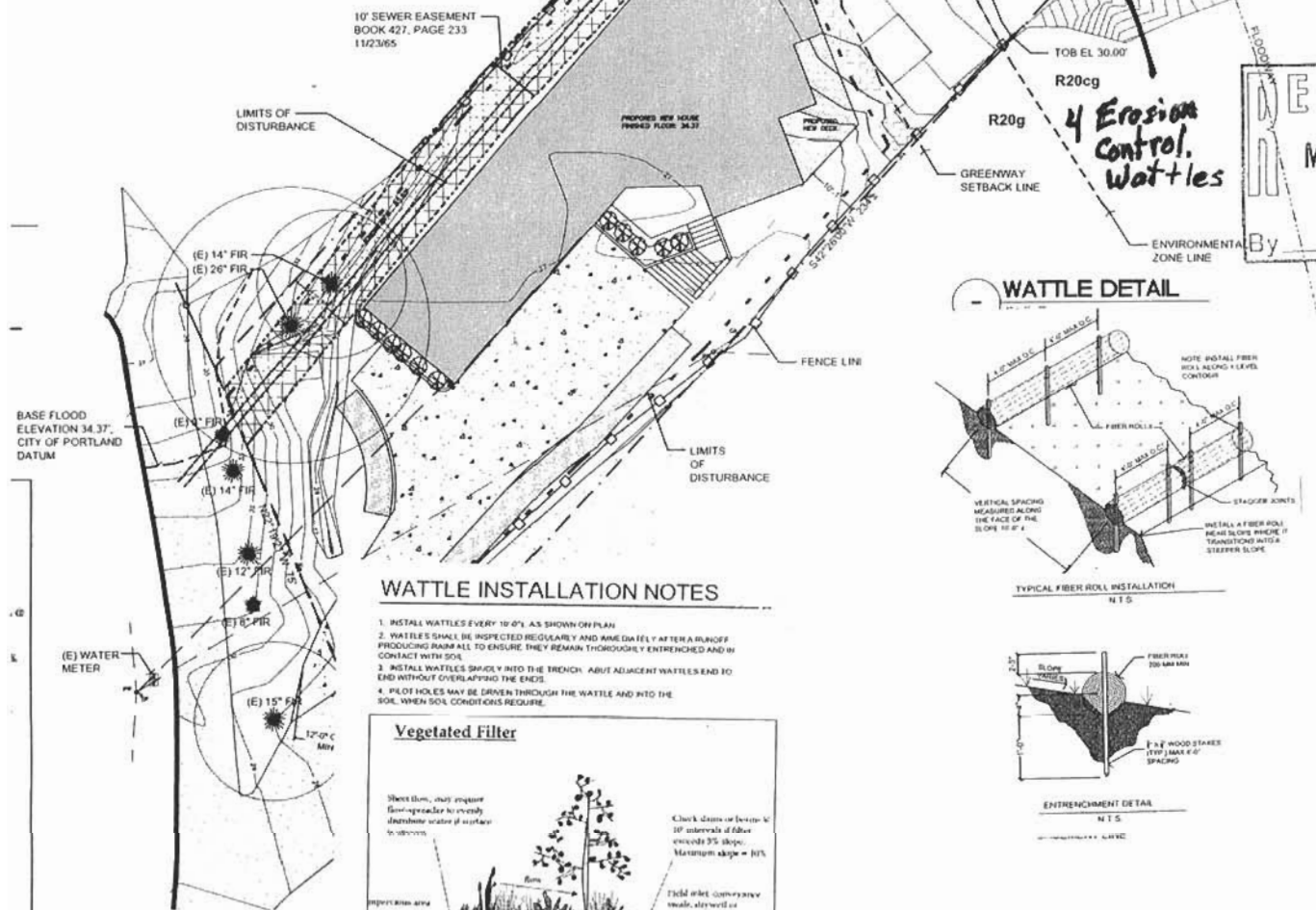
Job No: 07099

BLACKBERRY REMOVAL NOTES

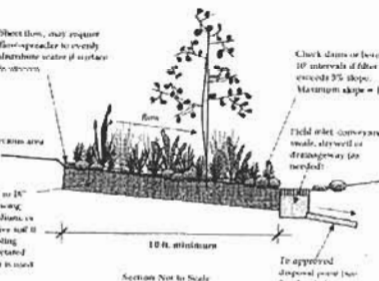
1. PRIOR TO CLEARING EXISTING (E) VEGETATION FROM ENTIRE PLANTING AREA. PLACE WATTLES PARALLEL TO CONTOUR AT THE RIVER VEGETATION LINE.
2. FLAG AND/OR PROTECT NATIVE TREES TO REMAIN AS SHOWN ON PLAN. REMOVE ALL BLACKBERRY, IVY AND REED CANARY GRASS.
3. REMOVE BLACKBERRY CANES TO WITHIN 4" OF THE GROUND SURFACE. CUT WITH HAND TOOLS OR POWER TOOLS. REMOVE CROWNS WITH 6" OF ATTACHED ROOTS.
4. REMOVE ALL CANES AND CROWNS. REMOVE ALL DEBRIS FROM SITE.
5. REMOVE BLACKBERRY CROWNS WITH SPADE MATTOCK OR OTHER DIGGING TOOLS.

PLANT LIST

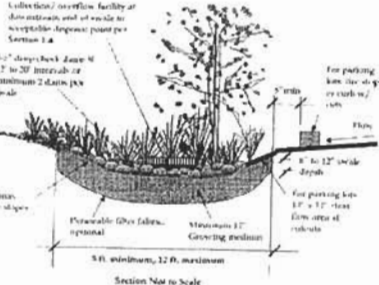
BOTANICAL NAME	COMMON NAME	QUANTITY	SIZE	CONDITION	REMARKS
ALNUS RUBRA	RED ALDER	3	6-8"	BARE ROOT	
CORNUS SERICEA	RED-OSIER DOGWOOD	26	3-4"	BARE ROOT	
CAREX DEWEYANA	DEWEY'S SEDGE	VERIFY	3-4"	POT	1,800 SQ FT @ 12" O.C.
SP. LEPTOPODA					



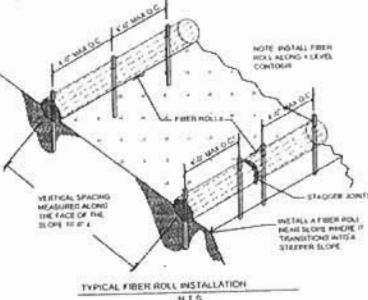
Vegetated Filter



Vegetated Swale

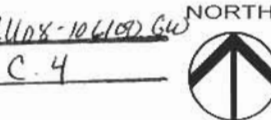


WATTLE DETAIL



ENTRENCHMENT DETAIL

N.T.S.



LEGEND

	GROUND COVER
	SEWER EASEMENT
	5'-0" WIDE GREENWAY BUFFER (CONSTRUCTION DISTURBANCE) SETBACK AREA
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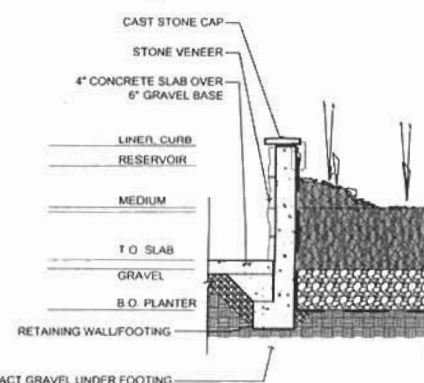
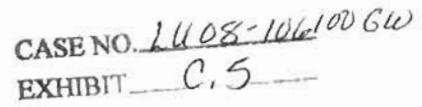
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Check: --
Revisions:

Sheet Title
LANDSCAPE PLAN

A1.3
Job No: 07999

RECEIVED
MAR 19 2008
By _____
CIRCLE SHOW
TREE PROTECT
AREA TYPE _____



FLOW THROUGH PLANTER