



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

Dan Saltzman, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: May 24, 2012
To: Interested Person
From: Sue Donaldson, Land Use Services
503-823-7618 / Sue.Donaldson@portlandoregon.gov

**NOTICE OF A TYPE I 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 to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Suite 235, Salem, OR 97301. The phone number for LUBA is 1-503-373-1265. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 12-114030 EN

GENERAL INFORMATION

Owner Metro
600 NE Grand Ave
Portland, OR 97232-2736

**Applicant/
Representative** Eugene Lampi
Portland Bureau of Environmental Services
1120 SW 4th #1000
Portland OR 97204

Site Address: South Ash Creek Natural Area and a portion of undeveloped right-of-way (SW Dickinson Street)

Legal Description: LOT 22, 23 & 26 TL 2800, CRESTWOOD; LOT 26 TL 4601, CRESTWOOD

Tax Account No.: R185703270, R185703580

State ID No.: 1S1E30DC 02800, 1S1E30DC 04601

Quarter Section: 4024

Neighborhood: Crestwood, contact Tony Hansen at 503-246-4656.

Business District: None

District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.

Plan District: None

Other Designations: Fanno Creek and Tributaries Conservation Plan (Resource Site 130)

Zoning: OSc, OSp, R10c, R10p

Case Type: EN Environmental Review – Resource Enhancement

Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The Bureau of Environmental Services (BES) proposes a Resource Enhancement project along 280 feet of South Ash Creek within the Ash Creek Natural Area and also partially

within an undeveloped portion of the SW Dickinson Street right-of-way. Metro owns the site and it is managed by Portland Parks and Recreation (PPR) and Bureau of Environmental Services (BES). Most of the project area is in the Environmental Protection zone, with some in the Environmental Conservation zone. Work in the stream includes creating step-pool channel morphology and adding roughness to the channel bed. The stream is deeply incised and the measures proposed are needed to reconstruct the stream and stabilize it so that it can withstand the effects of high flows during storm events. The project includes protecting the existing 8-inch sanitary sewer line that crosses under the stream bed and, in some locations, is exposed.

The total area of temporary disturbance will be approximately 20,317 square feet, resulting from work in the stream as well as access, staging and stockpiling. Primary access will be from SW 55th Avenue. This will be a temporary road and will require crossing the stream. The applicant's construction management plans (*Exhibits C.9 and 10*) states that the crossing will be temporary and has been designed to minimize disturbance. Up to 13 native trees will be removed. Areas that are disturbed will be restored and planted with native vegetation. A 29,400 square-foot restoration area outside the temporary disturbance area is also proposed. Two non-native cherry trees will be removed within the restoration area.

Certain standards must be met to allow work to occur by right within the City's Environmental Conservation and Protection overlay zones. If the standards are not met, an Environmental review is required. The applicable standards for resource enhancement are in *Section 33.420.170*. The project does not meet three of the standards because work is proposed within a water body, fill (rocks, substrate material and wood) will be placed in the channel and some native vegetation will be removed. Therefore, the project must be approved through an Environmental Review.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of *Title 33*. The relevant approval criteria are in *33.430.250.B Approval Criteria for Resource Enhancement projects*.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. This application was submitted on February 17, 2012 and determined to be complete on **March 20, 2012**.

ANALYSIS

Site and Vicinity:

The project site is within the 5-acre Ash Creek Natural Area (formerly Dickinson Woods). It is east of Dickinson Park and separated from it by SW 55th Avenue and a line of private properties fronting on SW 55th Avenue. On the east, it is bounded by the I-5 freeway and SW 52nd Avenue. PPR and BES manage the Ash Creek Natural Area. South Ash Creek originates just west of I-5 near SW 52nd Avenue and drains 397 acres within Portland's jurisdiction. It flows west and exits Portland's Urban Services Boundary area north of SW Dickson Place prior to joining Fanno Creek.

Infrastructure

Zoning: The proposed project site is zoned OSc and OSp (Open Space with Environmental Conservation and Protection overlays) as well as R10c and R10p, (Single dwelling residential, 10,000 with Environmental Conservation and Protection overlays). The Open Space zone is intended to preserve and enhance public and private open, natural and improved park and recreational areas identified in the Comprehensive Plan. The R10 residential zone is a low density single-dwelling zone which allows attached and detached single dwelling structures and duplexes. The residential zoning is on one tax lot that was created through a property line adjustment in which the property owners to the north give the south part of their lot

to PPR. The R10 portion of the site is now part of the Ash Creek Natural Area, but the zoning has not yet been changed to Open Space.

Environmental Overlay Zones protect environmental resources and functional values that have been identified by the City as providing benefits to the public. The Conservation (c) overlay. The Protection (p) overlay zone protects the most important resources and functional values and development is approved only in unusual circumstances. The environmental regulations encourage flexibility and innovation in site planning and provide for development that is carefully designed to preserve the site's protected resources. They protect the most important environmental features and resources while allowing environmentally sensitive urban development where resources are less significant. The purpose of this land use review is to ensure compliance with the regulations of the environmental zones.

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 area is located in the *Fanno Creek and Tributaries Conservation Plan*, Resource Site 130 (South Fork Ash Creek Tributary of Fanno Creek). The area encompasses upland coniferous, mixed coniferous and deciduous and deciduous forests as well as significant riparian habitats. No wetlands have been identified within the project area. The forest at the east end of is especially important for slope stability and buffering impacts from I-5. Significant functional values include:

- Dissipation of erosive forces of stormwater
- Groundwater discharge
- Maintaining native forest microclimate
- Feeding, watering, hiding and dispersion areas for fish
- Rearing, feeding, migration areas for fish
- Retention of soils
- Stabilization of slopes
- Storage, conveyance and desynchronization of stormwater
- Trapping sediment from stormwater
- Anchoring shorelines and stream banks

Following are more recent assessments of the project area by PPR and BES:

BES has conducted field surveys which identified incised stream channels and degraded habitat conditions resulting primarily from high water flows. No fish were discovered. Several ODOT storm sewer outfalls from I-5 located immediately upstream, exacerbate flow conditions. An existing 8-inch sewer line crosses the creek in two locations. At one location, the pipe is exposed in the streambed.

In 2000, PPR prepared the *Dickinson Park-Dickinson Woods Master Plan*, which includes the project area. It contains the following comments on creek conditions:

The stream banks are undercut and lack riparian vegetation. At the time of the survey, the stream bottom was muddy in the southern half of the creek, where the gradient portion was lower, indicating sediment deposition. The general health of the site is good despite the obvious presence of non-native plants.

In 2003, a PPR natural areas vegetation survey rated the natural area as poor, due to invasive plants, litter, stream bank erosion and 'rogue' trails. The applicant's narrative (Exhibit A.1 and A.2) contains a more detailed assessment of stream conditions and terrestrial ecology. Conditions of note include lack of vegetation along the stream, very low flows in summer with 'flashy' conditions created by precipitation in wetter periods. The forest canopy in and near the project area is dominated by big leaf maple with some red alder and Douglas fir. The shrub layer includes salmonberry, vine maple, Indian plum, hazelnut, red huckleberry and serviceberry, but it lacks diversity and structural complexity. Invasive species

include holly, Himalayan blackberry, English ivy, clematis, English laurel and crane's bill (Herb Robert).

PPR has prepared a *Desired Future Conditions Report (DFC)* for the Ash Creek Natural Area. The report sets goals for restoration activities, given existing conditions and management of human use. Approximately 0.5 acres of the study area is within the resource enhancement site. The rest of the 1.1-acre project site is within the SW Dickinson right-of-way. The target plant community envisioned for this location is a Douglas fir- Bigleaf maple forest alliance. The applicant's revegetation plan is based on the *DFC* report as well as on information gathered about nearby sites in the Tryon and Fanno Creek watersheds (see Exhibits A.1 to A.3).

Alternatives Analysis

33.430.250 E.2 states that the applicant must submit different alternatives demonstrating that the approach proposed causes the least impact upon the functions and values and that any unavoidable impacts can be sufficiently mitigated. The applicant has presented three alternatives, summarized below.

1. No action: if nothing is done the creek will continue to erode and the channel will become more incised. Water quality and stream habitat would continue to decline and the existing sanitary sewer line crossings would not be protected.
2. Excavate flood terraces –the ground adjacent to the stream would be excavated to create a riparian flood terraces along the channel. However, the channel is deeply incised and the adjacent banks are steeply sloped. Excavation in this area will likely destabilize the slopes, which are prone to sloughing and collapse in wet weather.
3. Restructure stream channel: This alternative uses various measures to stabilize the channel, dissipate the energy of high flow events, protect the existing sewer line and improve stream habitat. Placing rock and wood check dams in the channel will create a step/pool profile, creating roughness to dissipate high flow velocity and protecting the channel from further scouring. These measures will also improve habitat conditions and protect the sewer line where it crosses under the stream.

The applicant chose the third alternative because it will improve the structure of the channel, improve water quality and improve habitat conditions. It will result in disturbance and impacts to resources. However, these will be temporary, minimized to the extent possible and, in the longer term, will result in resource improvement, both in the stream and the surrounding riparian zone. In addition, the stream channel improvements will also protect the sewer pipe under the creek from damage.

Impact Analysis

Construction Activities: Construction activities will result in 20,317 square feet of temporary disturbance area. There will be permanent changes made in the stream channel that will amount to 1,843 square feet of area. Reconstructing the stream channel is expected to improve resource values so the disturbance area is not considered to be permanent.

Access, stockpiling and channel restoration

Primary access will be from SW 55th Avenue via a 14-foot gravel driveway that will be either over or close to the existing sewer easement area at the west end of the site. It will then run slightly north and east following the stream course. A temporary stream crossing will be constructed near the SE 55th Avenue entrance. The driveway will be aligned to minimize impacts to trees and avoid areas adjacent to the stream. However, 11 existing native trees will have to be removed for road construction (8 Bigleaf maples and 3 Red alders). Most construction materials will be stored off the site at Dickinson Park but there will also be a small staging area on the north side of the access road just east of the stream crossing (see Exhibit C.10).

In stream Work: To restructure the stream channel, stream flows will have to be diverted at the west end of the project site. This will be done with temporary sand bag dams and a bypass de-watering pipe will be installed. Then the stream channel will be reshaped and structured with substrate materials, rocks, rock fill and woody materials for the check dams. The applicant has submitted plans and profiles (Exhibits C.4 and C.5) as well as Construction Details (Exhibits C.6, 7, and 8) that clearly show the way the materials will be placed in the stream. The profiles show the change in elevation and placement of rock and substrate that will mitigate the effects of high stream flows during rain events. Check dams will serve as grade control structures. Stream enhancement measures will also protect the sewer pipe from damage where it crosses under the stream bed. All in-water work will be performed between July 15 and September 30, following ODFW guidelines for tributaries to the Tualatin River. Although there is no evidence of fish in the stream, BES staff will perform fish salvage operations during the site isolation period to confirm their absence.

Trees to remain within the disturbance area will be fenced to protect the root zones as much as possible. However, there is abundant vegetation and trees are close together, so it will not be possible to avoid working within tree root zones. The size and type of equipment to be used will be chosen to minimize impacts when work has to be done close to the trees. In addition, City Forestry staff will provide technical advice on tree protection during construction.

Mitigation Plan

Mitigation consists of revegetation along the stream banks (approximately 0.2 acres) and riparian area (approximately 0.9 acres). 450 bare root trees, 700 bare root shrubs and 600 cuttings will be planted. The applicant's Revegetation Plan (see *Table 2* on Exhibit C.3) notes that actual quantities and species may be adjusted depending upon site conditions, existing vegetation and plant availability. Some of the trees and shrubs will be planted in a 29,400 square-foot of area outside the construction disturbance area. Part of the resource enhancement work will be to remove invasive non-native plants in the project area. Initial site preparation will include control of non-native invasive vegetation, following the protocols of an integrated pest management (IPM) approach, and based on PPR's IPM policy. These will be replaced with native grasses, wildflowers, shrubs and trees. Native wildflower seed will be applied at the rate of 1.45 lbs. per acre.

The BES Watershed Revegetation Program (WRP) staff will install all plant materials, including bare root seedlings and live pole cuttings. Dense spacing of plants will allow for mortality while meeting target stocking levels. The revegetation areas will not be irrigated. Trees will be planted approximately 10 feet apart and shrubs will be planted in clusters at 15 to 20 foot spacing (approximately 1-3 feet within clusters). Trees and shrubs will be staked with 4-foot bamboo poles to identify plant locations during maintenance and monitoring. Live pole cuttings will be installed along stream banks in areas where soil is saturated in winter and early spring.

Installation Schedule for Woody Plants (Table 3, Exhibit A.2)

November - December 2012	Live pole cuttings	Stream banks	960 lin. ft.
January- February 2013	Bare root seedlings	Stream banks = cleared and/or disturbed areas	~9,000 sq. ft.
January - February 2014	Bare root seedlings	Remainder of riparian area within revegetation zone	~34,500 sq. ft.

Construction Management

The applicant has submitted a Construction Management Plan, Access and Stockpile Plan, Erosion Control Plan and Erosion Control Details (Exhibits C.9, 10, 11 and 12) that show the limits of disturbance, the revegetation area, access and stockpiling area, fencing, and estimated cut and fill volumes. The net result will be 25 cubic yards of fill (woody material, substrate and rocks). The plan also shows silt fencing,

erosion control wattles, fencing around the disturbance area and trees that will be removed. Construction notes specify revegetation requirements and stockpiling at Dickenson Park.

Proposed Monitoring

The WRP has monitoring protocols for upland, riparian and wetland areas. Comprehensive monitoring includes tracking plant survival/mortality and inventorying groundcover species composition and cover. Qualitative monitoring techniques included narrative observations and treatment recommendations. Monitoring measures will be added or modified as particular site conditions change. Based on condition assessments (plant establishment success, re-growth of invasive species, etc.), WRP staff will prescribe one to four vegetation management treatments annually. Competing and non-native, invasive vegetation will be suppressed by mechanical and chemical methods for the first five years. Exhibit A.2 (p.5) contains a schedule of tasks for maintaining and monitoring new plantings over five years.

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

LUR 94-00938 EN: An Environmental Review for stream bank restoration; case was voided.

LUR 95-00285 PU SU ZC EN: A Planned Development, Subdivision, Zone Change, and Environmental Review that was approved with conditions.

LUR 98-00687 EN: An Environmental Review for stream bank restoration; case was approved with conditions.

LUR 01-00777 ZC: A proposed Zone Change; case was withdrawn.

LU 04-004937 EN: Environmental Review for construction of pedestrian trails and removal of unwanted “rogue” trails in Dickinson Park and Dickinson Woods (Ash Creek Natural Area).

Agency and Neighborhood Review: A Notice of Proposal in your Neighborhood was mailed on **March 23, 2012**.

Neighborhood Review: One neighbor responded in writing expressing concern about bank erosion on their property, which is adjacent to the SW Dickinson Street right-of-way and near the project site. The owners are working with BES staff to find a solution to the erosion issue.

Agency Responses

Several bureaus have responded with comments and these have been incorporated into the applicable decision findings: Please see E Exhibits for additional details.

ZONING CODE APPROVAL CRITERIA

33.430.250 Approval Criteria

An environmental review application will be approved if the review body finds that the applicant has shown that all of the applicable approval criteria are met. When environmental review is required because a proposal does not meet one or more of the development standards of Section 33.430.140 through .190, then the approval criteria will only be applied to the aspect of the proposal that does not meet the development standard or standards.

Response

The standards that are not met are in 33.430.170.A, B and C. These relate to excavation and fill in water body, net fill, removing native vegetation. The applicant has submitted findings for the approval criteria and BDS Land Use Services staff has revised these findings or added conditions, where necessary, to meet the approval criteria.

33.430.250.B Resource Enhancement Projects

1. *There will be no loss of total resource area*

Findings: There will no change in the total resource area as a result of the project. All of the disturbance area will be revegetated. Therefore, this criterion is met.

2. *There will be no significant detrimental impact on any resources and functional values;*

Findings: The definition of *significant detrimental impact* (Section 33.910.030) is, “An impact that affects the natural environment to the point where existing ecological systems are disrupted or destroyed. It is an impact that results in the loss of vegetation, land, water, food, cover, or nesting sites. These elements are considered vital or important to the continued use of the area by wildlife, fish and plants, or the enjoyment of the area’s scenic qualities”

The proposed stream work will have impacts, but they will not be detrimental in the long run. The impacts include temporary disturbance area for the construction of an access road, diverting the stream and restructuring the channel. The impacts will be limited and minimized through careful construction management and erosion control methods described earlier in this report. The negative impacts include loss of 11 native trees but the overall beneficial impacts of stream restructuring, invasive plant removal, replanting in the temporary disturbance area and planting in the area surrounding it will be significant. Therefore, this criterion is met.

3. *There will be a significant improvement of at least one functional value.*

Findings: As discussed in the applicant’s narrative (Exhibit A.1 and A.2) and earlier in this report, the project will improve several functional values. Restructuring the stream will dissipate the erosive forces of stormwater, retain soils and stabilize slopes. The impacts of high flows will be reduced and habitat values will be increased as a result of removing invasive plant species and replanting with native trees and shrubs. Therefore, this criterion is met.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards 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 proposed development for work in the Resource Areas of the Environmental Conservation and Protection Overlay Zones will improve the condition of 280 lineal feet of the South Ash Creek channel and surrounding upland area. The proposed development will create temporary disturbance as a result of gaining access to the creek, diverting it temporarily and then improving the channel itself. Unmet standards from Section 33.430.170 (Standards A, B, and C) were addressed as part of the application.

The applicant submitted a narrative and site plans to address the approval criteria. With Conditions of Approval for clearing of non-native plants, installing erosion control measures, replanting with native plants, submittal of a Monitoring and Maintenance Report after five years, the applicant has demonstrated compliance with applicable approval criteria for the Environmental Review and it should be approved.

ADMINISTRATIVE DECISION

- **Approval** of an Environmental Review to restore 280 lineal feet of South Ash Creek, in substantial conformance with Exhibits C.1 through C.12, as signed, and dated by the City of Portland Bureau of Development Services on May 22, 2012. Approval is subject to the following conditions:
 - A.** All permits: Copies of the stamped Exhibits C.1 through C.12 from LU 12-114030 EN and Conditions of Approval, listed below, shall be included *within all plan sets submitted for required permits*. 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.1 through C.12."*
 - B.** BES Chief Engineer or City Engineer must sign all construction documents.
 - C.** Temporary construction markings shall be placed along the Limits of Construction Disturbance for the approved development, as depicted on Exhibits C.9 and C.10, Construction Management Plan and Access and Stockpile Plan, and as required by inspection staff during the plan review and/or inspection stages. It is not possible to install chain link fence per *Section 33.248.068* because of the steep terrain and the density of mature trees close to the work area, so alternative methods will be used as noted below:
 - 1. 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.
 - 2. Tree protection shall be provided as described in the applicant's Construction Management Plan, Exhibit C.2. This will include brightly colored tape attached to metal stakes and rows of wattles that also serve erosion control purposes.
 - D.** A total of 450 bare root trees, 700 bare root shrubs, and 600 cuttings shall be planted in the temporary construction disturbance area and the surrounding revegetation area. Quantities may be reduced by 5 plants, if site conditions dictate. All plants shall be selected from the *Portland Plant List*, and shall be planted in substantial conformance with Exhibit C.3, Revegetation Plan, including modifications added and initialed by BDS staff.
 - 1. 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.
 - 2. After installing the required mitigation plantings, the applicant shall request a Zoning Permit by the Bureau of Development Services, who will confirm that all required mitigation plantings have been installed.
 - E.** The BES Revegetation Program shall be responsible for monitoring the required plantings for five years to ensure survival and replacement and shall obtain a Zoning Permit for a final inspection at the end of the monitoring period. The permit must be finalized no later than 5 years from the final inspection for the installation of mitigation planting, for the purpose of ensuring that the required plantings remain. This work shall be carried out according to the program's *Monitoring and Documentation Protocol* and in accordance with Portland Parks and Recreation's *Integrated Pest Management Program*. BES shall be responsible for ongoing survival of required plantings beyond the designated monitoring period. Any required plantings that have not survived must be replaced.
 - F.** Failure to comply with any of these conditions may result in the City's reconsideration of this land use approval pursuant to *Portland Zoning Code*

Section 33.700.040 and /or enforcement of these conditions in any manner authorized by law.

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

This decision applies to only the City's environmental 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: Sue Donaldson

Decision rendered by:  **on May 22, 2012**

By authority of the Director of the Bureau of Development Services

Decision mailed May 24, 2012

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 February 17, 2012, and was determined to be complete on March 20, 2012.

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 February 17, 2012.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: July 17, 2012.**

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.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the *Oregon Revised Statute (ORS) 197.830*. Among other things, *ORS 197.830* requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. You may call LUBA at 1-503-373-1265 for further information on filing an appeal.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, 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.

Recording the final decision.

If this Land Use Review is approved, the final decision must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. The final decision may be recorded on or after **May 24, 2012**.

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.

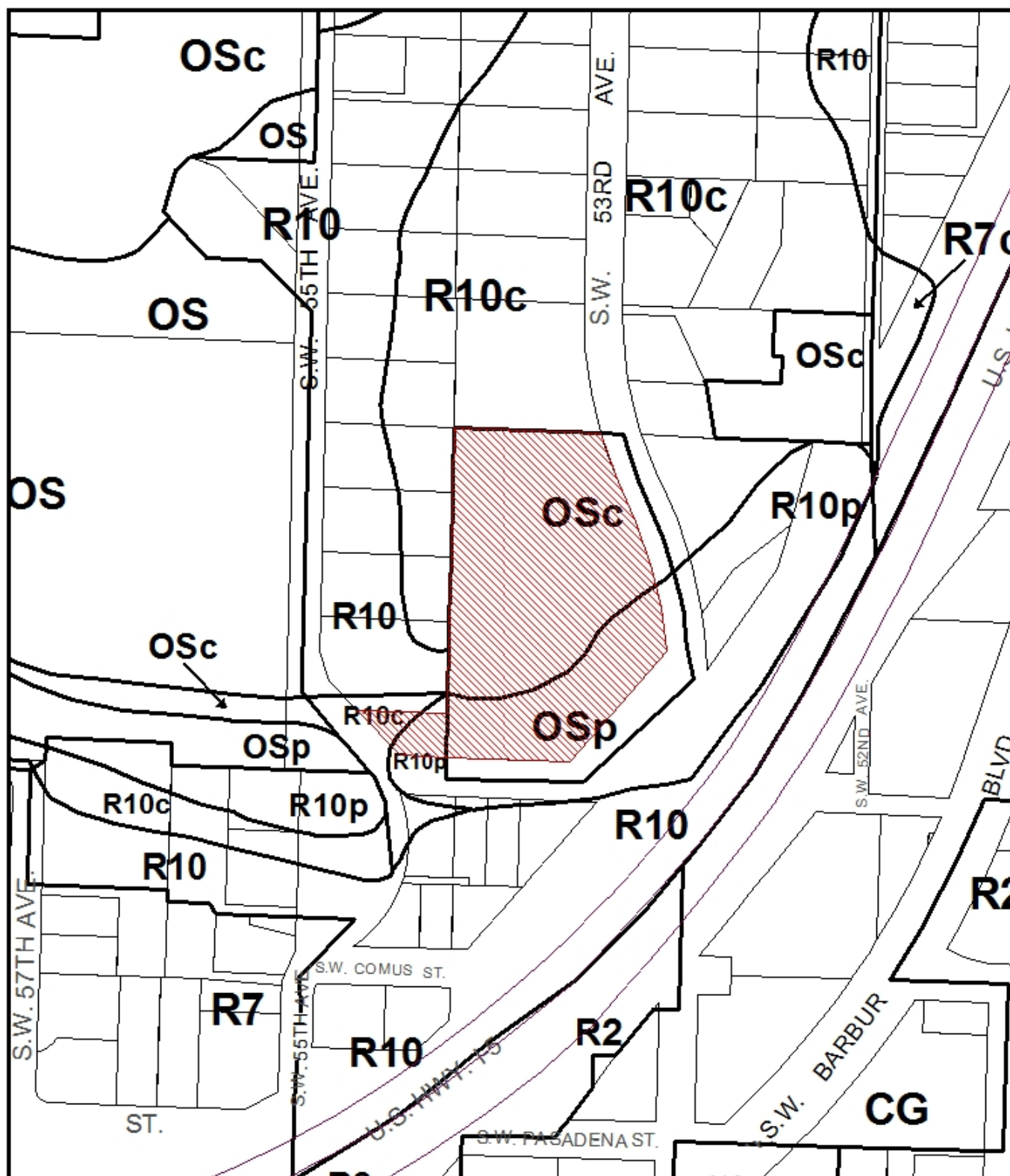
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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 for 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. Narrative
 - 2. S Ash Creek Stream Enhancement and Sewer Protection Project Revegetation Plan
 - 3. Terrestrial Ecology Site Assessment Short Forms
 - 4. Memo from Eugene Lampi and Eric Brennecke re revised plans, dated April 11, 2012
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Proposed Development Site Plan (attached)
 - 2. Tree inventory and removal
 - 3. Revegetation Plan
 - 4. Plan and Profile 1
 - 5. Plan and Profile 2
 - 6. Construction Details 1
 - 7. Construction Details 2
 - 8. Construction Details 3
 - 9. Construction Management Plan
 - 10. Access and Stockpile Plan
 - 11. Erosion Control Plan
 - 12. Erosion Control Details
 - 13. Existing Conditions
 - 14. General Notes and Vicinity Plan
 - 15. Site Zoning
 - 16. Location Map
 - 17. Aerial Photo
- 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. Site Development Review Section of BDS
 - 5. Bureau of Parks, Forestry Division
- F. Correspondence:
 - 1. Gloria Baca and Erik Brock, dated April 20, 2012
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. Fee payment receipt for 12-114037 PR
 - 4. Dickinson Woods Master Plan Concept

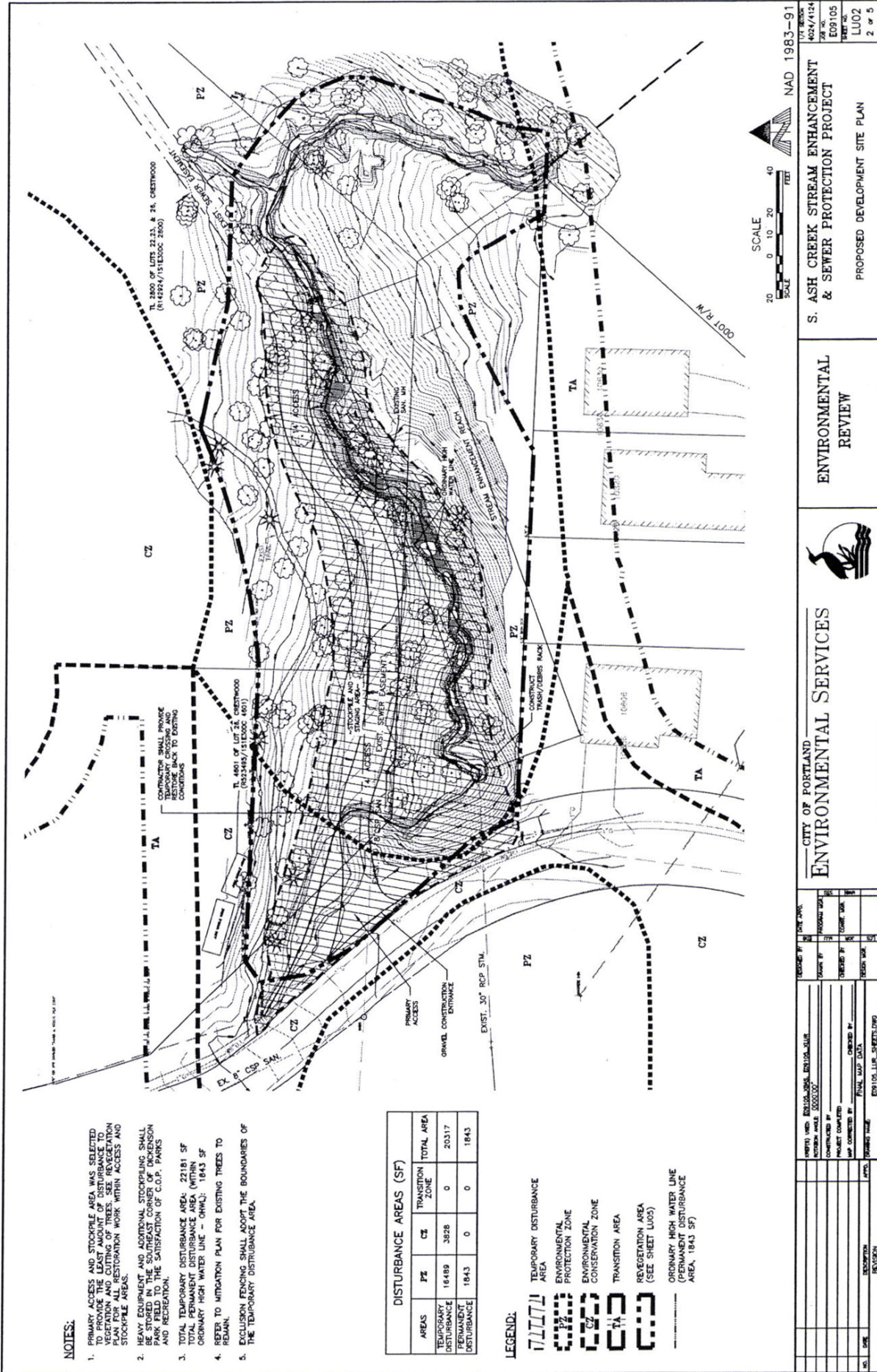
The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING

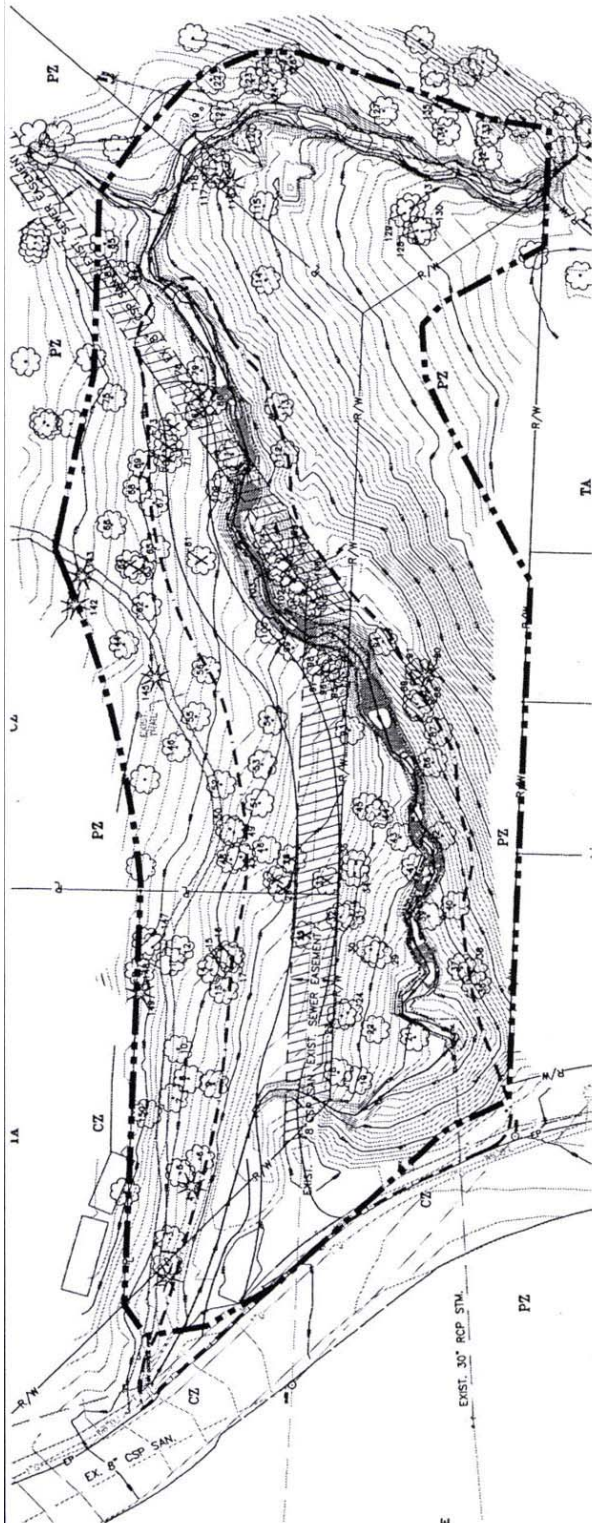


File No.	LU 12-114030 EN
1/4 Section	4024
Scale	1 inch = 200 feet
State_Id	1S1E30DC 2800
Exhibit	B (May 22, 2012)



CASE NO. 12-114030EN
EXHIBIT C.1

C.1



NOTE: N/A = NOT APPLICABLE

TREE TABLE			
Tree No.	Species (Common)	Action	
1	27 Douglas-fir	Preserve	
2	8 Bigleaf maple	Preserve	
3	18 Bigleaf maple	Preserve	
4	10 Douglas-fir	Preserve	
5	15 Bigleaf maple	Preserve	
6	12 Bigleaf maple	Preserve	
7	15 Bigleaf maple	Preserve	
8	8 Bigleaf maple	Preserve	
9	8 Bigleaf maple	Preserve	
10	13 Bigleaf maple	Preserve	
11	10 Bigleaf maple	Preserve	
12	34 Bigleaf maple	Preserve	
13	12 Bigleaf maple	Preserve	
14	8 Bigleaf maple	Preserve	
15	11 Bigleaf maple	Preserve	
16	7 Bigleaf maple	Preserve	
17	11 Bigleaf maple	Preserve	
18	13 Bigleaf maple	Preserve	
19	13 Bigleaf maple	Preserve	
20	N/A	N/A	
21	10 Bigleaf maple	Preserve	
22	8 Bigleaf maple	Preserve	
23	13 Bigleaf maple	Preserve	
24	12 Bigleaf maple	Preserve	
25	10 Red alder	Remove	

TREE TABLE			
Tree No.	Species (Common)	Action	
26	7 Bigleaf maple	Remove	
27	4 Bigleaf maple	Remove	
28	7 Bigleaf maple	Remove	
29	10 Bigleaf maple	Preserve	
30	14 Bigleaf maple	Preserve	
31	9 Bigleaf maple	Preserve	
32	11 Bigleaf maple	Preserve	
33	7 Bigleaf maple	Preserve	
34	8 Bigleaf maple	Preserve	
35	6 Bigleaf maple	Preserve	
36	24 Bigleaf maple	Preserve	
37	18 Bigleaf maple	Preserve	
38	24 Bigleaf maple	Preserve	
39	8 Bigleaf maple	Preserve	
40	12 Bigleaf maple	Preserve	
41	6 Bigleaf maple	Preserve	
42	12 Bigleaf maple	Preserve	
43	14 Bigleaf maple	Preserve	
44	12 Bigleaf maple	Preserve	
45	20 Bigleaf maple	Preserve	
46	14 Bigleaf maple	Preserve	
47	8 Bigleaf maple	Preserve	
48	12 Bigleaf maple	Preserve	
49	7 Bigleaf maple	Preserve	
50	10 Bigleaf maple	Preserve	

TREE TABLE			
Tree No.	Species (Common)	Action	
51	12 Bigleaf maple	Preserve	
52	7 Red alder	N/A	
53	14 Bigleaf maple	Preserve	
54	29 Bigleaf maple	Preserve	
55	10 Bigleaf maple	Preserve	
56	13 Bigleaf maple	Preserve	
57	N/A	N/A	
58	N/A	N/A	
59	N/A	N/A	
60	N/A	N/A	
61	8 Red alder	Remove	
62	16 Bigleaf maple	Preserve	
63	6 Sweet cherry	Remove	
64	11 Sweet cherry	Remove	
65	15 Bigleaf maple	Preserve	
66	9 Red alder	Preserve	
67	7 Red alder	Preserve	
68	6 Red alder	Preserve	
69	9 Red alder	Preserve	
70	12 Bigleaf maple	Remove	
71	10 Bigleaf maple	Remove	
72	4 Bigleaf maple	Preserve	
73	8 Bigleaf maple	Preserve	
74	8 Bigleaf maple	Remove	
75	12 Bigleaf maple	Preserve	

TREE TABLE			
Tree No.	Species (Common)	Action	
76	8 Red alder	Remove	
77	N/A	N/A	
78	6 N/A	Remove	
79	7 N/A	Preserve	
80	9 N/A	Preserve	
81	N/A	N/A	
82	N/A	N/A	
83	14 Bigleaf maple	Preserve	
84	12 Bigleaf maple	Preserve	
85	11 Bigleaf maple	Preserve	
86	24 Bigleaf maple	Preserve	
87	10 Bigleaf maple	Preserve	
88	10 N/A	N/A	
89	10 Douglas-fir	Preserve	
90	20 Douglas-fir	Preserve	
91	10 Bigleaf maple	Preserve	
92	N/A	N/A	
93	10 Bigleaf maple	Preserve	
94	24 Bigleaf maple	Preserve	
95	6 Bigleaf maple	Preserve	
96	7 Bigleaf maple	Preserve	
97	10 Bigleaf maple	Preserve	
98	8 Red alder	Preserve	
99	7 Bigleaf maple	Preserve	
100	9 Bigleaf maple	Preserve	

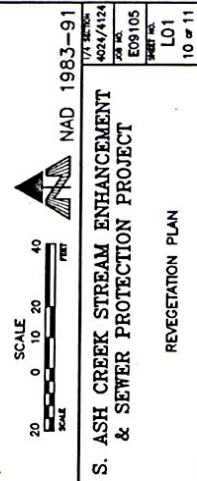
TREE TABLE			
Tree No.	Species (Common)	Action	
101	6 Bigleaf maple	Preserve	
102	16 Bigleaf maple	Preserve	
103	12 Bigleaf maple	Preserve	
104	12 Red alder	Preserve	
105	15 Red alder	Preserve	
106	8 Red alder	Preserve	
107	16 Bigleaf maple	Preserve	
108	14 Bigleaf maple	Preserve	
109	12 Bigleaf maple	Preserve	
110	5 Red alder	Preserve	
111	7 Red alder	Preserve	
112	12 Bigleaf maple	Preserve	
113	30 Bigleaf maple	Preserve	
114	25 Bigleaf maple	Preserve	
115	10 N/A	N/A	
116	26 N/A	N/A	
117	15 N/A	N/A	
118	15 N/A	N/A	
119	15 N/A	N/A	
120	14 N/A	N/A	
121	24 N/A	N/A	
122	18 N/A	N/A	
123	12 N/A	N/A	
124	15 N/A	N/A	
125	15 N/A	N/A	

TREE TABLE			
Tree No.	Species (Common)	Action	
126	15 N/A	N/A	
127	18 N/A	N/A	
128	N/A	N/A	
129	N/A	N/A	
130	N/A	N/A	
131	N/A	N/A	
132	10 N/A	N/A	
133	10 N/A	N/A	
134	10 N/A	N/A	
135	12 N/A	N/A	
136	N/A	N/A	
137	N/A	N/A	
138	N/A	N/A	
139	N/A	N/A	
140	N/A	N/A	
141	N/A	N/A	
142	16 Douglas-fir	Preserve	
143	16 Douglas-fir	Preserve	
144	22 Bigleaf maple	Preserve	
145	27 Douglas-fir	Preserve	
146	10 Bigleaf maple	Preserve	
147	20 Bigleaf maple	Preserve	
148	17 Bigleaf maple	Preserve	
149	16 Douglas-fir	Preserve	
150	24 Bigleaf maple	Preserve	

CITY OF PORTLAND ENVIRONMENTAL SERVICES		S. ASH CREEK STREAM ENHANCEMENT & SEWER PROTECTION PROJECT		TREE NUMBERING/REMOVAL PLAN	
PROJECT NO. 2002-002		DATE 04/12/02		JOB NO. E09105	
DESIGNED BY: [Signature]		CHECKED BY: [Signature]		DATE: 04/12/02	
PROJECT COMPLETED BY: [Signature]		CHECKED BY: [Signature]		DATE: 04/12/02	
MAP CORRECTED BY: [Signature]		CHECKED BY: [Signature]		DATE: 04/12/02	
SCALE: 1" = 40'		SHEET NO. 11		OF 11	

CASE NO. 12-114030EN
EXHIBIT C.2

C.2



CASE NO. 12-114030 EN
EXHIBIT C-3

 REVEGETATION AREA

TEMPORARY DISTURBANCE
AREA

Native Tree and Shrub Installation

WPP will provide and install all native woody plant materials, including both bare-root seedlings and live pole cuttings. All plant materials will be collected and/or propagated from Portland-metro area seed sources to preserve local genetics and improve establishment success. Species composition is described in Table 2. Plants are installed on a species-specific, average seedling mortality factored in to achieve target stocking levels. Prescribed plant installation densities assume that the site will not receive supplemental irrigation during the plant establishment phase.

[illegible]

* Actual quantities and values may be adjusted due to some reductions, existing expectations, and plant availability in Streambanks + stream buffer (approx. 0.2) or 3.4. Riparian area = remainder of vegetation area (approx. 0.6 to 1.1)

—CITY OF PORTLAND—
ENVIRONMENTAL SERVICES

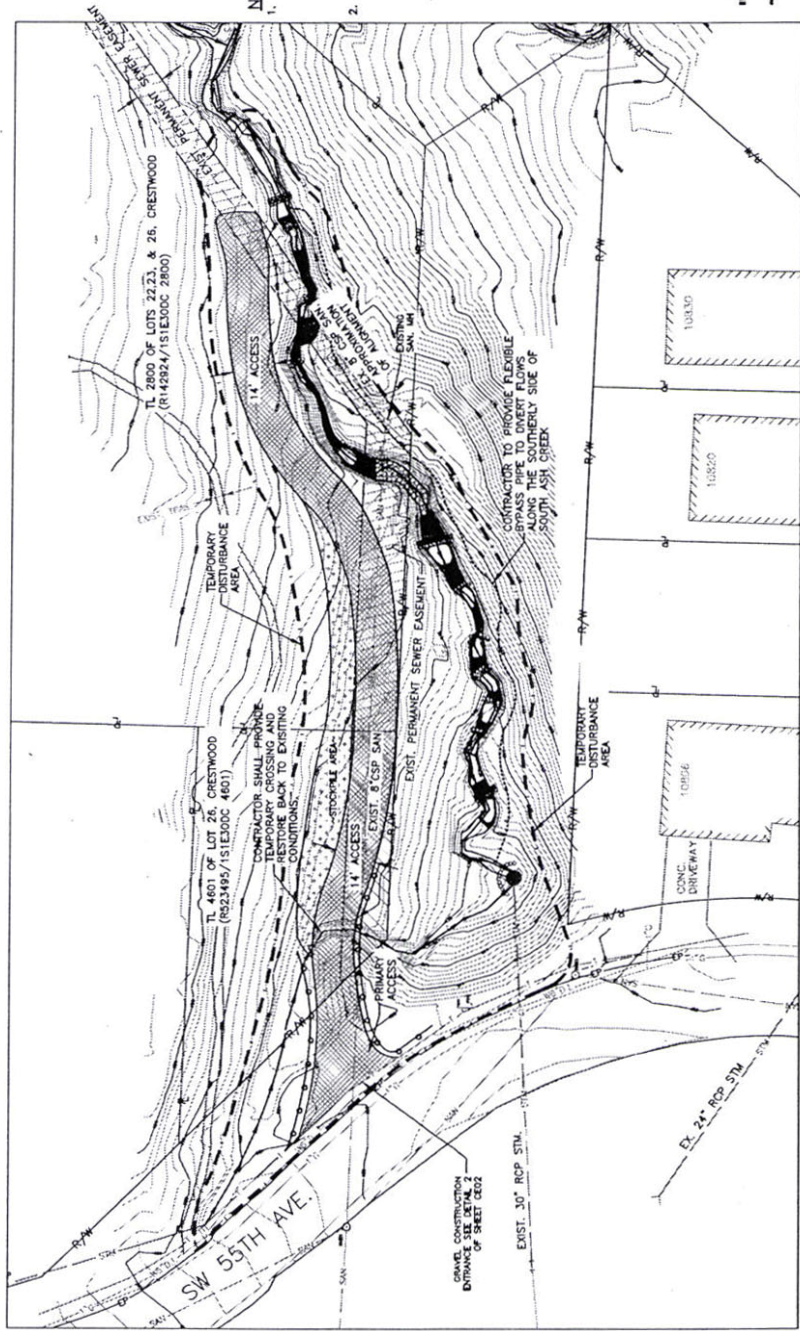
%
O
CO

**S. ASH CREEK STREAM ENHANCEMENT
& SEWER PROTECTION PROJECT**

REVEGETATION PLAN

3-91	7/4 SECTION	0024/4124	008 NO.	E09105	0081 NO.	L01	10 of 11
------	-------------	-----------	---------	--------	----------	-----	----------

C.3



NOTE TO CONTRACTOR.

1. PRIMARY ACCESS AND STOCKPILE AREA WAS REVEALED BY THE REMOVAL OF DISTURBANCE TO VEGETATION AND CUTTING OF TREES. SEE REVEGETATION PLAN FOR ALL RESTORATION WORK WITHIN ACCESS AND STOCKPILE AREA.
2. HEAVY EQUIPMENT AND ADDITIONAL STOCKPILE MATERIALS SHALL BE LOCATED TO THE SOUTHEAST CORNER OF JOHNSON PARK FIELD TO THE SATISFACTION OF C.O.P. PARK AND RECREATION. CONTACT DON MCGART AT (503)873-3841.

- LEGEND**
- PRIMARY ACCESS
 - STOCKPILE AREA
 - TRUCK MAINTENANCE AND STOCKPILE AREA
 - EXIST. SEWER EASEMENT
 - STREAM SUBSTRATE
 - FOOTER BOULDERS
 - FLEXIBLE BYPASS PIPE
 - TEMPORARY DISTURBANCE AREA



CITY OF PORTLAND ENVIRONMENTAL SERVICES		60%		S. ASH CREEK STREAM ENHANCEMENT & SEWER PROTECTION PROJECT		NAD 1983-91	
DESIGNED BY: JEB/LLS CHECKED BY: JEB/LLS PROJECT COMPLETED: 10/20/00 MAP CORRECTED BY: JEB/LLS FINAL MAP DATA: 10/20/00 DRAWING NO.: ESR-10001-C03		REVISIONS: 1 DATE: 10/20/00 BY: JEB/LLS DESCRIPTION: CORRECTED BY: JEB/LLS		SHEET NO.: 2 OF 11 PROJECT NO.: E09105 JOB NO.: 4024/4124		ACCESS AND STOCKPILE PLAN	

CASE NO. 12-114030EN
EXHIBIT C.10

C.10