



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

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Date: July 5, 2012
To: Interested Person
From: Kate Green, Land Use Services
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NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has **approved** a proposal in your neighborhood. The 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 12-117291 TR

GENERAL INFORMATION

Applicant: Ian Cannon, Multnomah County c/o Sellwood Project Office
2100 SW River Parkway / Portland OR 97201

Representative: Mary Dorman, Angelo Planning Group
921 SW Washington Street, Suite 468 / Portland OR 97205

Site Address: multiple properties along SW Macadam Avenue (north, south, and west of the west bridgehead of the Sellwood Bridge)

Legal Description: TL 500 0.15 ACRES, SECTION 22 1S 1E; TL 200 107.25 ACRES CEMETERY LAND POTENTIAL ADDITIONAL TAX, SECTION 22 1S 1E; TL 600 0.07 ACRES, SECTION 22 1S 1E; TL 100 2.58 ACRES SPLIT MAP R330344 (R991220930), SECTION 22 1S 1E; TL 700 0.19 ACRES, SECTION 22 1S 1E; TL 300 1.18 ACRES, SECTION 27 1S 1E

Tax Account No.: R991220090, R991220290, R991220370, R991220770, R991220900, R991270770

State ID No.: 1S1E22DB 00500, 1S1E22 00200, 1S1E22DB 00600, 1S1E22D 00100, 1S1E22DB 00700, 1S1E27A 00300

Quarter Section: 3730, 3830, 3829, 3929, 3930, 3931, 4030, 4031

Neighborhood: South Portland NA., Jim Davis at 503-248-9820

Business District: South Portland Business Assoc, Kevin Countryman at 503-750-2984

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

Zoning: Open Space (OS), General Commercial (CG), Design (d), River General (g), River Natural (n), River Water Quality (q), River Recreational (r), Scenic (s), Environmental Conservation (c) and Environmental Protection (p)

Plan District: Macadam

Other Designations: Flood Hazard, Potential Landslide Hazard, 20% Slope, Streams, Metro Title 13 Rankings, Macadam Design District

Case Type: Tree Review (TR)

Procedure: Type II, an administrative decision with appeal to the Hearings Officer

UPDATED PROPOSAL: As part of a recent Greenway and Environmental Review (LU 11-173927 EN GW) for the replacement of the Sellwood Bridge, Multnomah County proposed the removal

of trees throughout the construction area. During the review of that prior land use case, it was determined that some of the trees that are proposed for removal are located within a Scenic Corridor along SW Macadam Avenue (Highway 43), and their removal is also subject to Tree Review (33.480 and 33.853).

To address this requirement, Multnomah County now requests a **Tree Review** for the removal of trees within the 20-foot Scenic review area along the SW Macadam Avenue Scenic Corridor.

In total, over 114 trees and other vegetation will be removed within the Scenic Resources 20-foot wide setback area. The Public Notice indicated approximately fifty-eight (58) of these trees would be subject to this Tree Review. However, based on BDS review of the project plans (Exhibit C.1), the location of the area subject to this Scenic Tree Review on Sheet 10 is incorrect. The location of area subject to the Tree Review is the first 20 feet along the street lot line. This area is not shown correctly for the property noted as 1S1E22DD-00600, and is incorrectly noted on a portion of the abutting property to the east. In any event, the trees that are within the *correct* 20-foot Scenic review area for Sheet 10 are exempt from the Tree Review, since they are within the alignment of a proposed sidewalk; and the trees on the abutting property are exempt from this review, since they are outside of the 20-foot Scenic review area (33.480.040.B.g).

Based on the *correct* location of the Scenic review area, and allowed exemptions, the following 36 trees, which are within the 20-foot Scenic review area and over 12 inches in diameter, are the subject of this review:

TREES SUBJECT TO TREE REVIEW			
Tree #	Species	Diameter (inches)	Drawing Figure
1256	Acer macrophyllum/Big Leaf Maple	24	9
1257	Acer macrophyllum/Big Leaf Maple	12	9
1258	Acer macrophyllum/Big Leaf Maple	18	9
1259	Fraxinus latifolia/Oregon Ash	16	9
1305	Acer macrophyllum/Big Leaf Maple	13	9
1320	Acer macrophyllum/Big Leaf Maple	18	9
1491	Acer macrophyllum/Big Leaf Maple	24	9
1497	Acer macrophyllum/Big Leaf Maple	14	9
1498	Acer macrophyllum/Big Leaf Maple	14	9
1503	Acer macrophyllum/Big Leaf Maple	13	9
1504	Acer macrophyllum/Big Leaf Maple	15	9
1505	Acer macrophyllum/Big Leaf Maple	14	10
1506	Acer macrophyllum/Big Leaf Maple	20	10
1508	Acer macrophyllum/Big Leaf Maple	22	10
1509	Acer macrophyllum/Big Leaf Maple	12	10
1073	Acer macrophyllum/Big Leaf Maple	20	11
1077	Acer macrophyllum/Big Leaf Maple	12	11
1080	Acer macrophyllum/Big Leaf Maple	17	11
1103	Populus balsamifera trichocarpa/Black Cottonwood	28	12
1105	Acer macrophyllum/Big Leaf Maple	15	12
1107	Populus balsamifera trichocarpa/Black Cottonwood	19	12
1108	Populus balsamifera trichocarpa/Black Cottonwood	36	12
1123	Acer macrophyllum/Big Leaf Maple	12	12
1126	Populus balsamifera trichocarpa/Black Cottonwood	32	12
1128	Acer macrophyllum/Big Leaf Maple	20	12
1131	Acer macrophyllum/Big Leaf Maple	14	12
1135	Thuja plicata/Western Red Cedar*	12	12
1136	Populus balsamifera trichocarpa/Black Cottonwood	49	12
1164	Thuja plicata/Western Red Cedar*	14	12

1165	Thuja plicata/Western Red Cedar*	17	12
1917	Alnus rubra/Red Alder	31	12
1383	Acer macrophyllum/Big Leaf Maple	31	13
1593	Acer macrophyllum/Big Leaf Maple	12	13
1594	Acer macrophyllum/Big Leaf Maple	12	13
1601	Acer macrophyllum/Big Leaf Maple	35	14
1607	Acer macrophyllum/Big Leaf Maple	16	14

*Conifers are noted in bold.

Of the other trees, approximately forty-two (42) are subject to prescribed standards for tree replacement (33.480.040.B/Table 480-1), and the balance have been identified as being exempt because they are nuisance species or less than 6-inches in diameter.

The removal of other trees in the project area was evaluated through the prior land use case (LU 11-173927 EN GW) and the tree removal and replacement and mitigation requirements called for in the prior land use case continue to apply to the site. Additionally, tree removal in the public right-of-way and on city-owned land has also been reviewed by the Urban Forester.

RELEVANT APPROVAL CRITERIA: In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are: **33.853.040.B Tree Review.**

ZONING AND LAND USE HISTORY

Zoning: The zoning in the project area is varied, and includes 3 base zones and 8 overlay zones. The base zones include: Storefront Commercial (CS), Open Space (OS), and General Commercial (CG); the overlay zones include: River Water Quality (q), River Natural (n), River Recreational (r), River General (g), Scenic (s) and Design (d); and a portion the area is within the Macadam Plan District.

A brief description of each zoning designation is provided below:

The **Open Space (OS)** zone is intended to preserve public and private open and natural areas to provide opportunities for outdoor recreation and a contrast to the built environment, preserve scenic qualities and the capacity and water quality of the stormwater drainage system, and to protect sensitive or fragile environmental areas.

The **General Commercial (CG)** zone is intended to allow auto-accommodating commercial development in areas already predominantly built in this manner and in most newer commercial areas.

The **Scenic Resource (s)** overlay is intended to:

- Protect Portland's significant scenic resources as identified in the *Scenic Resources Protection Plan*;
- Enhance the appearance of Portland to make it a better place to live and work;
- Create attractive entrance ways to Portland and its districts;
- Improve Portland's economic vitality by enhancing the City's attractiveness to its citizens and to visitors;
- Implement the scenic resource policies and objectives of Portland's Comprehensive Plan.

The **Environmental Conservation (c)** and **Environmental Protection (p)** overlay zones protect environmental resources and functional values that have been identified by the City as providing benefits to the public. The environmental regulations encourage flexibility and innovation in site planning and provide for development that is carefully designed to be sensitive to the site's protected resources. They protect the most important environmental features and resources while allowing environmentally sensitive urban development where resources are less sensitive. *Though the site has environmental zoning, none of the tree removal addressed under this review is within the environmental overlay zones.*

The **River Natural (n)** overlay is intended to protect, conserve, and enhance land of scenic quality or of significant importance as wildlife habitat.

The **River General (g)** overlay allows for uses and development which are consistent with the base zoning, which allow for public use and enjoyment of the waterfront, and which enhance the river's natural and scenic qualities.

The **River Water Quality (q)** overlay is designed to protect the functional values of water quality resources by limiting or mitigating the impact of development in the greenway setback.

The **River Recreational (r)** overlay encourages river-dependent and river-related recreational uses which provide a variety of types of public access to and along the river, and which enhance the river's natural and scenic qualities.

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

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

Land Use History: The project site is made up of a number of properties on the west side of the Willamette River where the proposed bridge work will be staged and installed. City records indicate some of those properties have been the subject of prior land use actions, as outlined below. A complete list of the land use history is provided in Exhibit G.2. Prior conditions continue to apply as outlined in 33.700.100. No changes to the previously imposed conditions have been requested.

Westside Properties

- CU 012-69: Condition Use Review for fill in Powers Marine Park. Approved with conditions.
- CU 60-74: Conditional Use Review for picnic shelter in Willamette Park. Approved with conditions.
- LUR 00-00299 GW: Greenway Review for remedial action to clean up petroleum contamination in the soil and groundwater at Staff Jennings. Approved with conditions.
- LUR 97-00926 CU DZ GW: Conditional Use, Design, and Greenway Review for Radio Frequency Facility. Approved with conditions
- LU 02-136384 CU AD: Conditional Use and Adjustment Review for Riverview Cemetery. Approved with conditions

Sellwood Bridge Project

- LU 09-160242 GE CP: Goal Exception and Comprehensive Plan Amendment to place fill within the greenway setback for non-river dependent/related development associated with the Sellwood Bridge Replacement Project. Approved with conditions.
- LU 11-152470 GW: Greenway Review for in-water structures for a detour bridge related to the future Sellwood Bridge replacement. Approved with conditions.
- 11-173927 EN GW: Environmental and Greenway Review for the replacement of the Sellwood Bridge and associated ramps, trails, and plantings. Approved with conditions.

PROJECT ANALYSIS

Site and Vicinity: The project site is made up of multiple properties within proximity of the existing Sellwood Bridge. The existing Sellwood Bridge is located about 16.6 river miles upstream of the Willamette River's confluence with the Columbia River. At the bridge, the river has a tributary drainage of approximately 11,200 square miles, and the streambed elevation is

below sea level and subject to tidal influences. Tributaries contributing flow in the vicinity of the project area are Stephens Creek, Johnson Creek, Kellogg Creek, and the Clackamas River.

The Willamette River between Willamette Falls and the mouth of the Willamette River at the Columbia River has been straightened, channelized, dredged, and filled. Overall, it has been narrowed and deepened, resulting in the loss of important natural channels, minimizing the interaction between the river, the riparian area, and floodplain vegetation. Despite these impacts, however, the Willamette River within the project area has some of the highest concentrations of remaining beach habitat, off-channel habitat, riparian area, mature forest, and cold-water tributary confluence areas. These features persist because the west side of the Willamette River is comparatively undeveloped and has been maintained as a natural area.

Further, as noted in the response from Bureau of Environmental Services, riparian resources at within the project site were identified in Metro's *Nature in Neighborhoods* inventory of regionally significant corridors and wildlife habitat. The shoreline within the project area on the west side of the Willamette River is noted for its relatively intact floodplain and established vegetated riparian areas. The existing riparian vegetation helps to improve water quality and critical habitat function by stabilizing stream banks, capturing sediment in stormwater runoff, supporting natural hydrologic flow processes and nutrient cycling, and providing a source of woody debris to the river.

In addition, the lower Willamette River lies within the intersection of two migratory flyways on the west coast: the Pacific Flyway (South America to the Arctic), and the Columbia River Flyway (Snake River confluence to the Pacific Ocean). Habitat connectivity throughout these flyways is of utmost importance to the production and survival of countless species, and its protection is mandated by the Migratory Bird Treaty Act (MBTA) of 1918.

Additional information about the environmental, greenway, and scenic resources is included in the sections, below.

Land uses within the project area include parks and open space, and developed commercial properties. On the west side of SW Macadam, this includes lands along the perimeter of the River View Cemetery. Properties between SW Macadam and the river include park-owned property: Stephens Creek/Willamette confluence, Willamette Moorage Park and houseboat moorage and Powers Marine Park. Until recently, a marine business, known as Staff Jennings, was located just north of the bridgehead. That property is now owned by Multnomah County.

SW Macadam (State Highway 43), a rail corridor, a variety of commercial businesses, and a PGE electrical tower are located immediately to the west of the project area. To the north is a residential area along SW Miles Court, and Willamette Park.

The project site is also within a landslide hazard area and damage to the piers on the west side of the existing Sellwood Bridge has been attributed to an active landslide at the west bridgehead.

Environmental Resources: The project property on the west side of the river is also within Sites 117 and 115 of the *Southwest Hills Resource Protection Plan* (1992).

None of the tree removal subject to this review is within the environmental overlay zones.

Greenway Resources: City inventories document a multitude of wildlife habitat (including aquatic, riparian, and upland), cultural, scenic, economic, and recreational resources afforded by the river and abutting properties within the project area. In the *Lower Willamette River Wildlife Habitat Inventory* (1986), the designations along the project area are as follows:

Powers Marine Park to Staff Jennings property
shoreline and upland: Site 23.7/Rank III

Staff Jennings property

shoreline: Site 23.6a/Rank IV

upland: Site 23.6b/Rank V

north of Staff Jennings to Willamette Park

shoreline - Sites 23.4a and 23.5a/Rank II

upland: Sites 23.5b/Rank IV and 23.4b/Rank V

Since the habitat inventories were conducted, the shallow water habitat, on both the east and west sides of the Willamette River channel, has also been designated as critical rearing and refuge habitat (protected as Critical Habitat) for six fish species listed for protection under the Endangered Species Act, including Chinook and coho salmon, and steelhead. The river also provides habitat for rainbow and cutthroat trout, and Pacific and brook lamprey. The wooded riparian and upland areas of Powers Marine Park, as well as the vegetated shoreline along the east river bank also provide habitat for other species that use the area including neotropical migratory songbirds, bats, amphibians, and reptiles.

Scenic Resources: Scenic resources applicable to this project are identified in the *Scenic Resources Protection Plan* and the *Willamette Greenway Plan*. Specific resources in the project area include:

Scenic viewpoints:

VB 38-23-View of Sellwood Bridge from Staff Jennings property

VB 38-21-View of Sellwood Bridge from Powers Marine Park

VB 38-23-View of Sellwood Bridge from the Macadam Bay moorage dock

Scenic corridors:

SD 38-27-Scenic corridor along SW Macadam (and SW Terwilliger)

SD 01-04-Willamette River

Additional details about the scenic resources are provided in the findings below.

Agency Review: Several agencies have responded to this proposal and relevant comments are addressed under the applicable approval criteria. Please see Exhibits “E” for details.

Bureau of Environmental Services (Exhibit E-1): BES noted the natural resources at the site where identified as regionally significant riparian corridors and wildlife habitat in Metro’s Nature in Neighborhoods inventory, and recommends the applicant avoid and minimize site disturbance during primary nesting season (April 15-July 31); and replant with native vegetation.

Water Bureau (Exhibit E-2): Water mains situated throughout the project site must be located and protected prior to and throughout the tree removal, construction, and replacement planting activities.

Site Development/Bureau of Development Services (Exhibit E-3): Title 24 regulations must be met through the public works process.

Neighborhood Review: A *Notice of Proposal in Your Neighborhood* was mailed on May 18, 2012. No written response has been received.

ZONING CODE APPROVAL CRITERIA

33.853.010 Purpose

The tree review process evaluates whether mitigation proposed for tree removal is both appropriate and adequate, considering the purpose of the regulations that encourage tree preservation or limit removal. Tree review also evaluates whether changes to tree preservation

plans or tree-related conditions of approval are appropriate, and determines the appropriate mitigation for trees lost due to violations of tree regulations. The review allows flexibility for unusual situations and allows for the purpose of the tree regulations to be met using creative or innovative methods.

33.853.040 Approval Criteria

A. Trees in the Scenic Overlay Zone, Johnson Creek Basin plan district, or Rocky Butte plan district. A request to remove trees in the Scenic Overlay Zone, Johnson Creek Basin plan district, or Rocky Butte plan district will be approved if the review body finds that the applicant has shown that either criterion A.1 or A.2 is met and criterion A.3 is met:

1. The removal is necessary to allow for reasonable development of the site, including access to the site for construction, required parking, pedestrians, and utilities, and considering the allowed uses and characteristics of the area. Alternative locations and construction methods for structures, utilities and paved areas must be considered to maximize preservation of trees, with emphasis on preservation of trees that are 20 or more inches in diameter and tree groves; or
2. For sites within the Scenic overlay zone or Rocky Butte plan district, the removal is to create or enhance a public view from public property or from a public right-of-way. Consultation with the City Forester is required; and
3. The proposal will continue to meet the purpose of the relevant tree preservation or removal standards. Replacement plantings within the Scenic overlay zone must consist of approved vegetation listed in the Scenic Resources Protection Plan appendix.

Findings: The applicant's narrative notes that the removal of trees within the 20-foot Scenic review area is required to accommodate the Sellwood Bridge replacement and associated roadway and regional trail improvements. Based on the extensive public process and review of design alternatives, the applicant has demonstrated that the tree removal is necessary to allow for the development of the new bridge improvements, so Criterion A.1 is met.

The purpose for the tree removal is not to create or enhance a public view, so Criterion A.2 does not apply.

To address Criterion A.3, the proposal must meet the purpose of the relevant tree preservation standards. The relevant tree preservation regulations are those for Scenic Corridors (33.480.040.B.1) in the Scenic Resource zone, as outlined below:

33.480.040.B.1 Scenic Corridors

Purpose. The scenic corridor designation is intended to preserve and enhance the scenic character along corridors, and where possible, scenic vistas from corridors. This is accomplished by limiting the length of buildings, preserving existing trees, providing additional landscaping, preventing development in side setbacks, screening mechanical equipment, and restricting signs.

As shown in the Scenic Resource Protection Plan (SD 38-27/page 162/photo 3), the scenic character along SW Macadam from Lake Oswego is framed by large mature conifer and deciduous trees.

Further details about the scenic resources in this area are spelled out the Scenic Resource Protection Plan (SRPP) as follows:
SRPP/p 37

33.910.000 Definitions

- A. **Scenic corridor:** A scenic corridor is a linear scenic resource. It may include streets, bikeways, trails, or waterways (rivers, creeks, sloughs) through parks, natural areas, or urban areas. The corridor may include scenic views along it, but may also be valued for its intrinsic scenic qualities such as a winding road through a wooded area.

SRPP/p 6

Policy 8.10: Willamette River Greenway states,

"Protect and preserve the natural and economic qualities of lands along the Willamette River through implementation of the City's Willamette River Greenway Plan."

SRPP/P 14

8. **Pedestrian and Bicycle Paths.** Work with the Office of Transportation and the Parks Bureau to develop bike and pedestrian paths along scenic corridors and in conjunction with designated scenic viewpoints and sites.

Inventory/p 18

E. Macadam Corridor Plan District and Design Guidelines

The Macadam Corridor is within both a plan district and design zone that provide specific regulations and guidance for new development. The plan district prescribes that ground level view corridors be maintained along the unobstructed rights-of-way of SW Miles, SW Nevada, SW California, SW Vermont, SW Nebraska, SW Carolina, SW Pendleton, and SW Richardson Court. These protected view corridors are shown on Map 5 of this report. The view corridors are preserved by maintaining open space from Macadam Avenue to the river along axes 30 feet from the center line of each of these extended rights-of-way.

The Macadam Corridor Design Guidelines were adopted by City Council in March 1985 in order to implement the recommendations on land use and urban design in the Macadam Corridor. A major component of the guidelines is the maintenance and enhancement of visual connections between the river, Greenway Trail, Willamette Park, and the residential community west of Macadam Avenue. The Visual Connections guideline states, "Create public views to the river, Greenway Trail and Willamette Park from Macadam Avenue and other public parks and rights-of-way west of Macadam as well as views from the river and the Greenway to the west. Specific views are identified for protection and enhancement along the SW Texas, Florida, Pendleton, Idaho, Nebraska, Dakota, and Hamilton Street alignments.

The applicant proposes to replace Tree 1917, per 33.430.140/Table 430-3, so the requirements match those required in the Hearings Officer's decision for LU 11-173927 EN GW. That tree was not subject to the prior review. The decision for the prior review, which authorized the removal of approximately 813 trees and other vegetation, included the other 35 of the 36 trees subject to this pending Tree Review. That prior decision called for specific conditions relating to tree mitigation/replacement and native vegetation landscaping. Those conditions continue to apply. The applicant asserts that no additional mitigation should be required for the 35 trees also subject to the Tree Review. It appears the applicant's position is that the mitigation required by the prior review is sufficient to replace the scenic values of the Scenic Corridor, as well as the Greenway values evaluated in the prior case.

However, the previous land use review did not address the Tree Review approval criteria, or the Scenic Overlay Zone requirements. The 35 trees, some conifers and some deciduous, have trunks that range in size from 12-inches to 49-inches in diameter. These mature trees frame and are integral to the wooded character of the Scenic Corridor. The values of the Scenic Corridor along SW Macadam were not specifically considered in the prior review. As such, the mitigation required through the prior review does not account for the impacts to and loss of scenic resources within the Scenic Corridor.

Nevertheless, the mitigation required through the prior review will address some of the impacts to scenic resources, so it is reasonable to consider that mitigation within the context of the pending review. To that end, with a provision that the mitigation for the scenic values be one-half of that noted in 33.430.140/Table 430-3, that amount, coupled with the amount required through the Greenway Review, will afford mitigation for both the Scenic and the Greenway resources of the 35 trees under consideration.

Along with these conditions regarding mitigation quantities, some additional conditions are also needed for the tree replacement within the 20-foot Scenic review area to ensure the natural and scenic values of the existing habitat resources are sufficiently replaced. Those conditions will require that all plantings within this area must be native species identified on the *Portland Plant List*. Additionally, all conifers must be replaced with conifers to contribute to the desired visual character along the Macadam Scenic Corridor. With the implementation of these conditions, the proposal will meet Criterion A.3.

Based on the foregoing, Criterion A.1 and A.3 are 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

All conditions from LU 11-173927 EN GW continue to be in effect and apply to all areas subject to this Scenic Tree Review, including those related to installation, irrigation, monitoring and reporting, and maintenance of plantings, as well as tree protection measures for trees to be retained. Therefore, as outlined in the findings above, with conditions, which address the replacement rate and species specific to the trees subject to this Scenic Tree Review, the proposal will meet the applicable approval criteria. Therefore, the proposal should be approved.

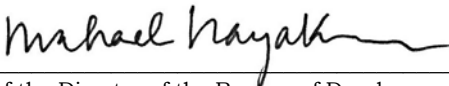
ADMINISTRATIVE DECISION

Approval of a Tree Review to allow for the removal of the 36 trees over 12-inches in diameter within the 20-foot wide Scenic review area (as shown on Exhibits C.1 and C.2), subject to the following conditions:

1. Prior to the removal of any of the trees subject to this review, the applicant must obtain a permit from Bureau of Development Services (BDS) and submit mitigation/replacement planting plans to the satisfaction of BDS to demonstrate the following:
 - a) Tree mitigation/replacement for Tree 1917 must be provided per 33.430.140/Table 430-3.
 - b) Tree mitigation/replacement for the other 35 trees subject to this Tree Review will be one-half the requirements in 33.430.140/Table 430-3. *NOTE: This amount must be provided in addition to the tree mitigation/replacement requirements called for in LU 12-173927 EN GW.*
 - c) All trees must be native species identified on the *Portland Plant*.

- d) Conifers must be replaced with conifers.

Staff Planner: Kate Green

Decision rendered by:  **on June 29, 2012**
By authority of the Director of the Bureau of Development Services

Decision mailed: July 3, 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 March 1, 2012, and was determined to be complete on **May 15, 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 March 1, 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 extend the 120-day review period by 12 days (Exhibit G.4). Unless further extended by the applicant, **the 120 days will expire on: September 11, 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.

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 July 17, 2012** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, 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. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing

the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

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.

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 **July 18, 2012**.
- 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.

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

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;

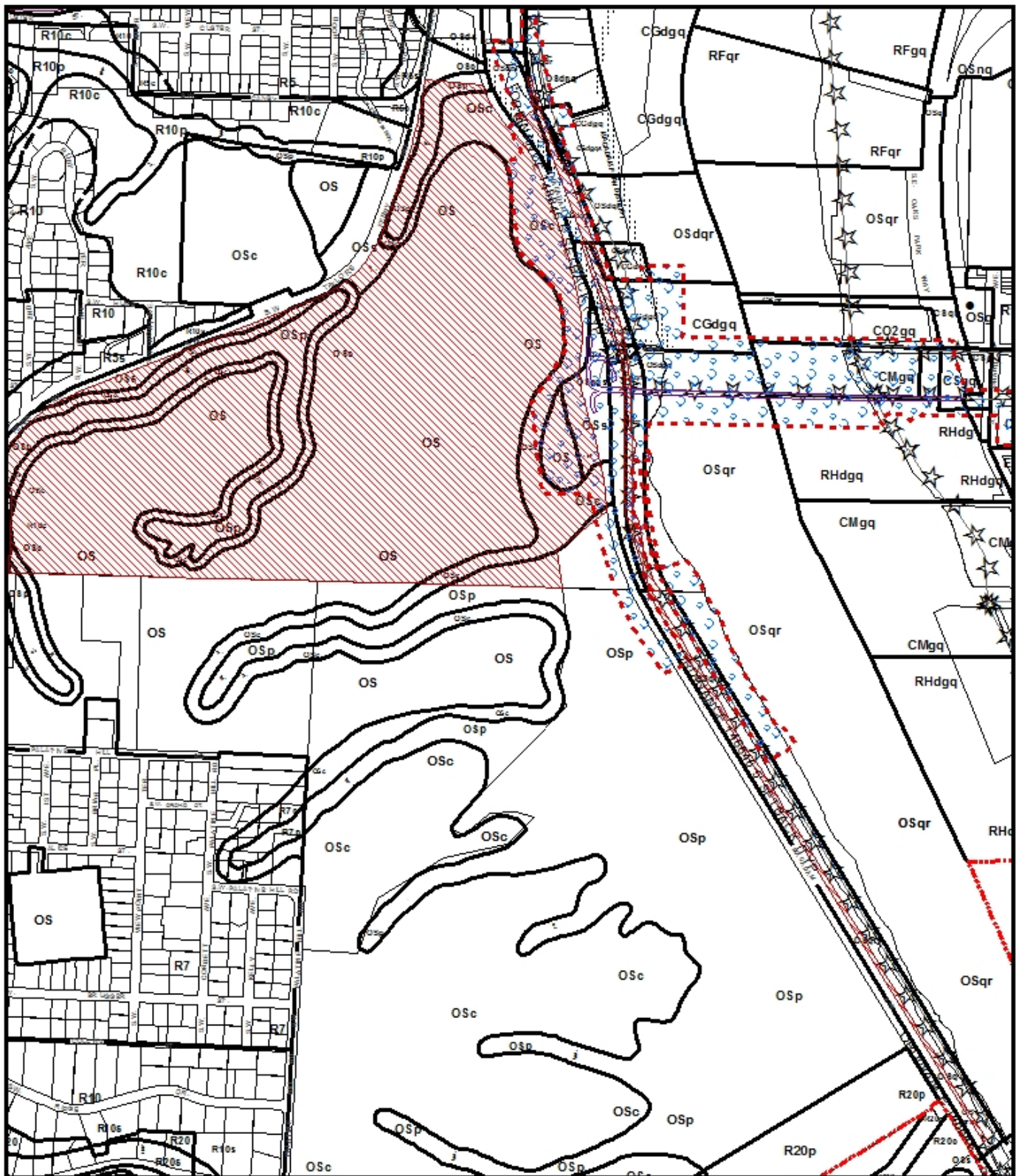
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Supplemental Narrative
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Tree Removal/Proposed Development Plans (attached)
 - 2. Tree Removal List (attached)
 - 3. Initial Plan Set
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Water Bureau
 - 3. Site Development
 - 4. Urban Forestry, Portland Transportation, Fire Bureau, Life Safety
- F. Correspondence: (none received)
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. Letter to applicant re: incomplete application
 - 4. 120-day timeline extension

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



Site



Historic Landmark



NORTH

File No.	LU 12-117291 TR
1/4 Section	3830,3930
Scale	1 inch = 667 feet
State_Id	1S1E22 200
Exhibit	B (May 16,2012)

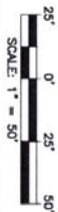
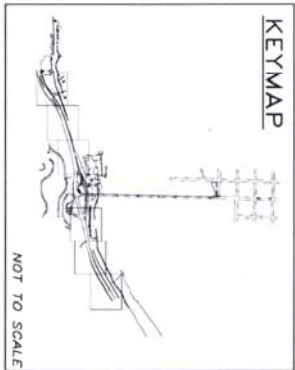
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USER: hie



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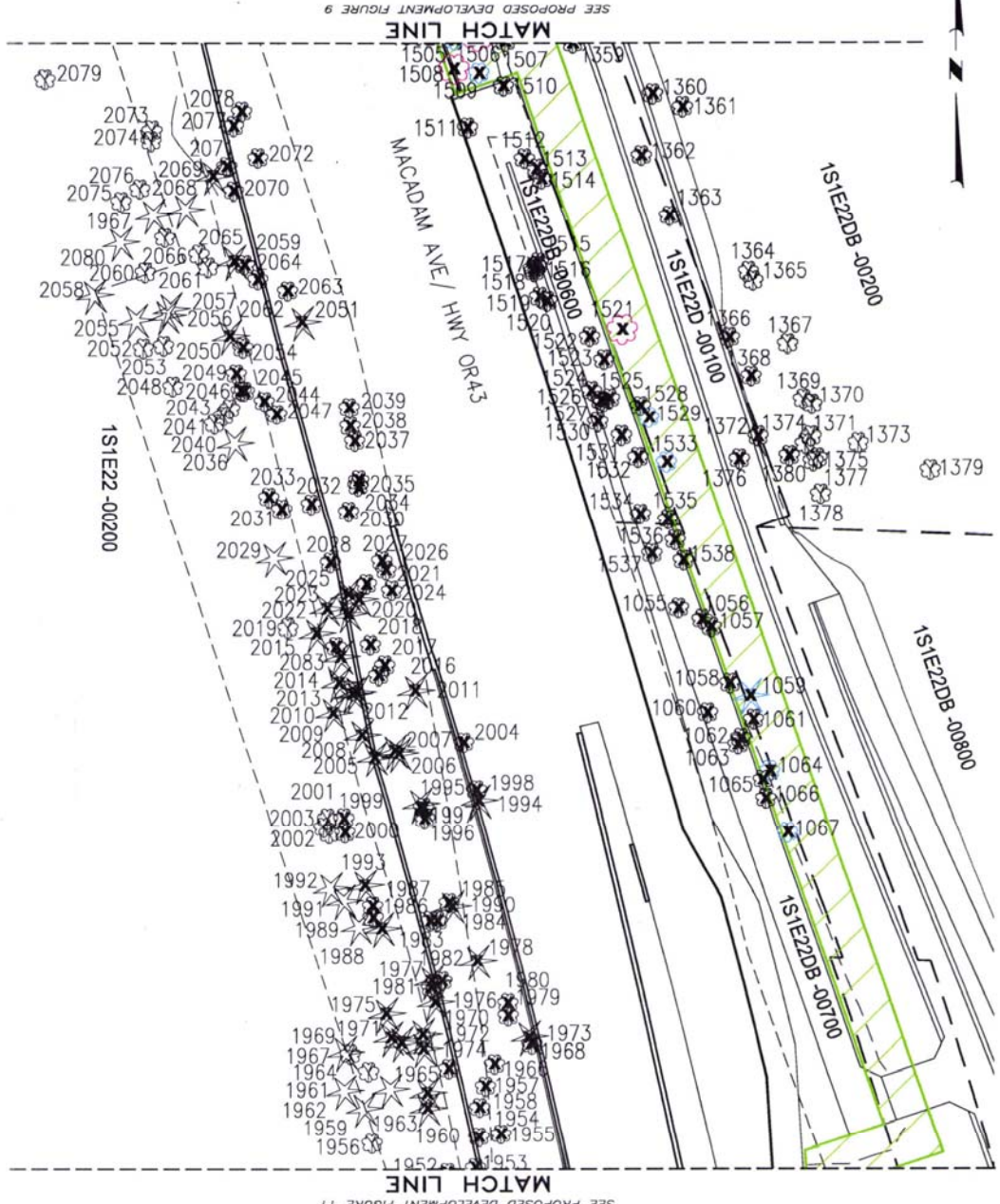
- LEGEND**
- EXISTING TREE, 12"-<20" DBH WITHIN 20' OFFSET
 - EXISTING TREE, 20"-29" DBH WITHIN 20' OFFSET
 - TREE REMOVAL
 - SCENIC OVERLAY ZONE
 - AREA INCLUDED IN TYPE 2 TREE REVIEW - 20' OFFSET FROM PROPOSED EDGE OF PAVEMENT OR BACK OF SIDEWALK
 - RIGHT-OF-WAY/PERMANENT EASEMENT
 - TAXLOTS/EXISTING RIGHT-OF-WAY
 - TAXLOT NUMBER



LAND USE TYPE 2 TREE REVIEW (SCENIC OVERLAY)	
CH2MHILL	
WILLAMETTE RIVER (SELLWOOD) BRIDGE SELLWOOD BRIDGE PROJECT OSWEGO HIGHWAY AND TACOMA ST.	
PREPARED BY STEVE KATKO (503) 736-4278	
PROPOSED DEVELOPMENT	FIGURE 9

CASE NO. 12-117291TR
EXHIBIT C.1
1 of 6

NOT DAT



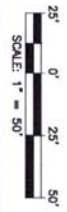
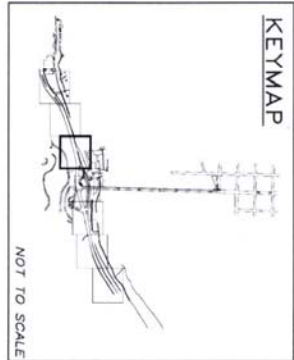
SEE PROPOSED DEVELOPMENT FIGURE 9

SEE PROPOSED DEVELOPMENT FIGURE 11

LEGEND

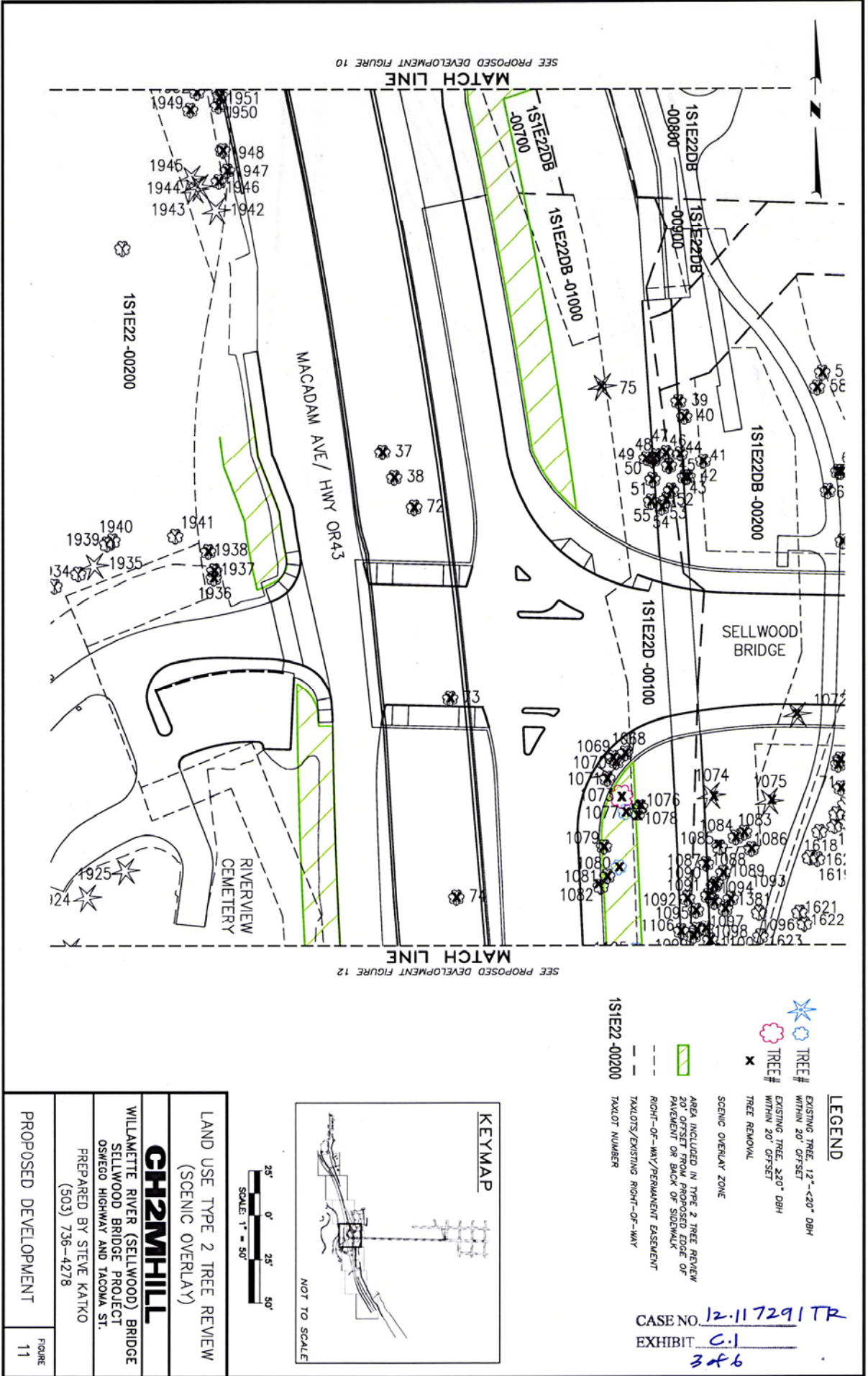
- EXISTING TREE, 12" - <20" DBH WITHIN 20' OFFSET
- EXISTING TREE, 20" DBH WITHIN 20' OFFSET
- TREE REMOVAL
- SCENIC OVERLAY ZONE
- AREA INCLUDED IN TYPE 2 TREE REVIEW 20' OFFSET FROM PROPOSED EDGE OF PAVEMENT OR BACK OF SIDEWALK
- RIGHT-OF-WAY/PERMANENT EASEMENT
- TAXILOTS/EXISTING RIGHT-OF-WAY
- TAXILOT NUMBER

CASE NO. 12.117291 TR
EXHIBIT C.1
2 of 6



LAND USE TYPE 2 TREE REVIEW (SCENIC OVERLAY)	
CH2MHILL	
WILLAMETTE RIVER (SELLWOOD) BRIDGE SELLWOOD BRIDGE PROJECT OSWEGO HIGHWAY AND TACOMA ST.	
PREPARED BY STEVE KATKO (503) 736-4278	
PROPOSED DEVELOPMENT	FIGURE 10

The location of area subject to the Tree Review is the first 20 feet along the street lot line. This area is not shown correctly for the property noted as 1S1E22DD-00600, and is incorrectly noted on a portion of the abutting property to the east. In any event, the trees that are within the correct 20-foot Scenic review area for Sheet 10 are exempt from the Tree Review, since they are within the alignment of a proposed sidewalk; and the trees on the abutting property are exempt from this review, since they are outside of the 20-foot Scenic review area (33.480.040.B.g).



PROPOSED DEVELOPMENT

FIGURE 11

WILLAMETTE RIVER (SELLWOOD) BRIDGE

SELLWOOD BRIDGE PROJECT

OSWEGO HIGHWAY AND TACOMA ST.

PREPARED BY STEVE KATKO

(503) 736-4278

LAND USE TYPE 2 TREE REVIEW

(SCENIC OVERLAY)

CH2MHILL

KEYMAP

NOT TO SCALE

25' 0' 25' 50'

SCALE 1" = 50'

LEGEND

TREE#

EXISTING TREE 12"-420" DBH

WITHIN 20' OFFSET

TREE#

EXISTING TREE 220" DBH

WITHIN 20' OFFSET

TREE#

TREE REMOVAL

SCENIC OVERLAY ZONE

AREA INCLUDED IN TYPE 2 TREE REVIEW

20' OFFSET FROM PROPOSED EDGE OF

PAVEMENT OR BACK OF SIDEWALK

RIGHT-OF-WAY/PERMANENT EASEMENT

TAXLOTS/EXISTING RIGHT-OF-WAY

TAXLOT NUMBER

CASE NO. 12-117291TR

EXHIBIT C.1

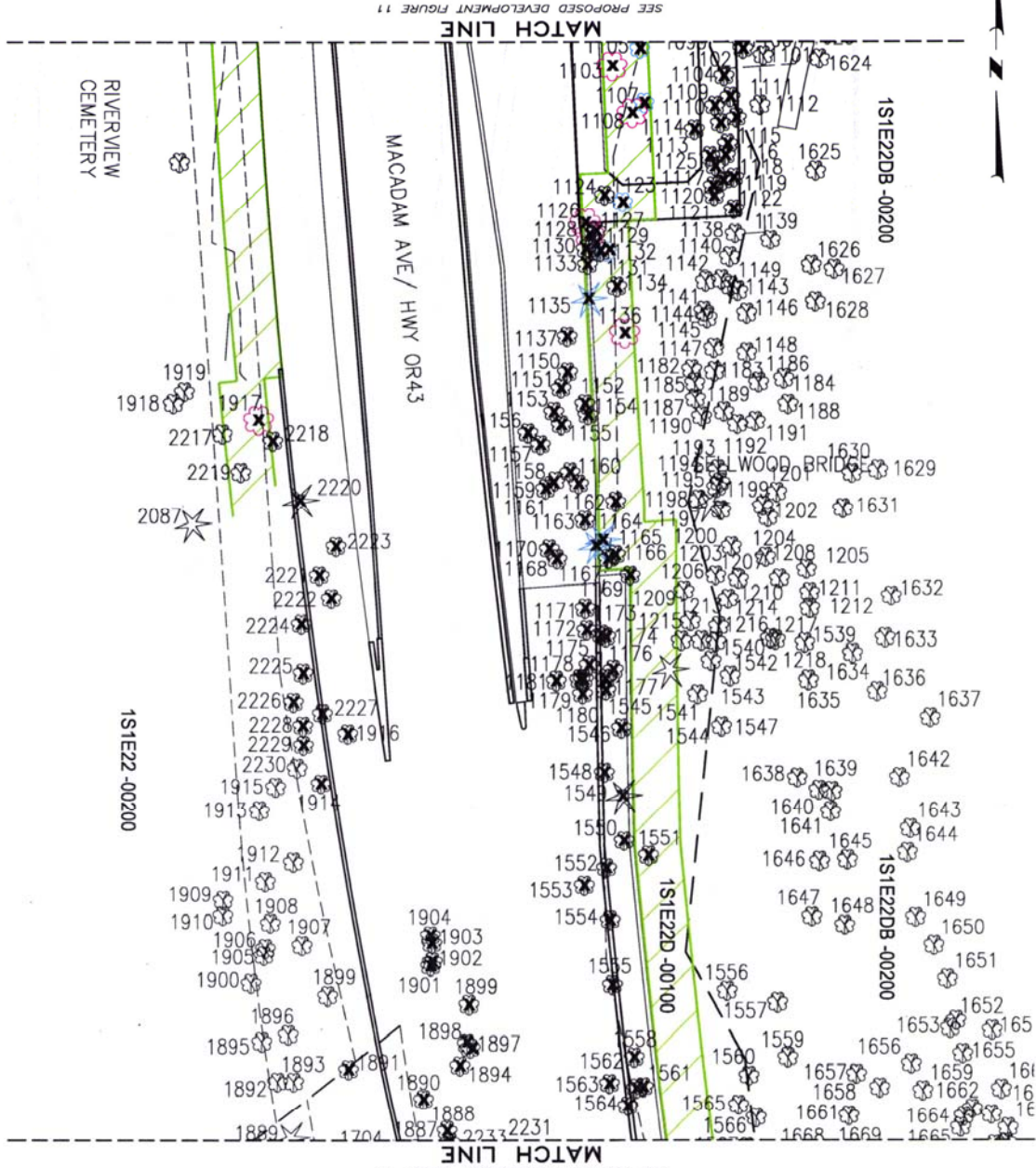
3 of 6

DATE: 12/11/2012 BY: J. KATKO, P.E. 11/23/2012

SEE PROPOSED DEVELOPMENT FIGURE 10

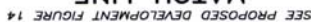
SEE PROPOSED DEVELOPMENT FIGURE 12

PLOT DATE: 5/4/2012 PLOT TIME: 12:28 PM USER: hwa



LAND USE TYPE 2 TREE REVIEW (SCENIC OVERLAY)	
CH2MHILL	
WILLAMETTE RIVER (SELLWOOD) BRIDGE SELLWOOD BRIDGE PROJECT OSWEGO HIGHWAY AND TACOMA ST.	
PREPARED BY STEVE KATKO (503) 736-4278	
PROPOSED DEVELOPMENT	FIGURE 12

CASE NO. 12.117291TR
EXHIBIT C.I.
4 of 6



CASE NO.

EXHIBIT

5 of 6



NOT TO SCALE



(SCENIC OVERLAY)

CH2MHILL

WILLAMETTE RIVER (SELLWOOD) BRIDGE
SELLWOOD BRIDGE PROJECT
OSWEGO HIGHWAY AND TACOMA ST.



PREPARED BY STEVE KATKO
(503) 736-4278

PROPOSED DEVELOPMENT

FIGURE 13



LEGEND

- |  TREE #
 TREE #
X | EXISTING TREE, 12" - <20" DBH
WITHIN 20' OFFSET
EXISTING TREE, 220" DBH
WITHIN 20' OFFSET
TREE REMOVAL |
|---|--|
|---|--|

SCENIC OVERLAY ZONE

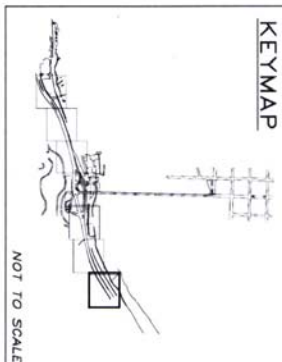
AREA INCLUDED IN TYPE 2 TREE REVIEW -
20' OFFSET FROM PROPOSED EDGE OF
PAVEMENT OR BACK OF SIDEWALK

RIGHT-OF-WAY/PERMANENT EASEMENT

TAXLOTS/EXISTING RIGHT-OF-WAY

151E22 -00200

KEYMAP



NOT TO SCALE



LAND USE TYPE 2 TREE REVIEW
(SCENIC OVERLAY)

CH2MHILL

WILLAMETTE RIVER (SELLWOOD) BRIDGE
SELLWOOD BRIDGE PROJECT
OSWEGO HIGHWAY AND TACOMA ST.

PREPARED BY STEVE KATKO
(503) 736-4278

PROPOSED DEVELOPMENT

FIGURE 14

CASE NO. 12-117291TR
EXHIBIT C.1
6 of 6

TREES SUBJECT TO TREE REVIEW			
Tree #	Species	Diameter (inches)	Drawing Figure
1256	Acer macrophyllum/Big Leaf Maple	24	9
1257	Acer macrophyllum/Big Leaf Maple	12	9
1258	Acer macrophyllum/Big Leaf Maple	18	9
1259	Fraxinus latifolia/Oregon Ash	16	9
1305	Acer macrophyllum/Big Leaf Maple	13	9
1320	Acer macrophyllum/Big Leaf Maple	18	9
1491	Acer macrophyllum/Big Leaf Maple	24	9
1497	Acer macrophyllum/Big Leaf Maple	14	9
1498	Acer macrophyllum/Big Leaf Maple	14	9
1503	Acer macrophyllum/Big Leaf Maple	13	9
1504	Acer macrophyllum/Big Leaf Maple	15	9
1505	Acer macrophyllum/Big Leaf Maple	14	10
1506	Acer macrophyllum/Big Leaf Maple	20	10
1508	Acer macrophyllum/Big Leaf Maple	22	10
1509	Acer macrophyllum/Big Leaf Maple	12	10
1073	Acer macrophyllum/Big Leaf Maple	20	11
1077	Acer macrophyllum/Big Leaf Maple	12	11
1080	Acer macrophyllum/Big Leaf Maple	17	11
1103	Populus balsamifera trichocarpa/Black Cottonwood	28	12
1105	Acer macrophyllum/Big Leaf Maple	15	12
1107	Populus balsamifera trichocarpa/Black Cottonwood	19	12
1108	Populus balsamifera trichocarpa/Black Cottonwood	36	12
1123	Acer macrophyllum/Big Leaf Maple	12	12
1126	Populus balsamifera trichocarpa/Black Cottonwood	32	12
1128	Acer macrophyllum/Big Leaf Maple	20	12
1131	Acer macrophyllum/Big Leaf Maple	14	12
1135	Thuja plicata/Western Red Cedar*	12	12
1136	Populus balsamifera trichocarpa/Black Cottonwood	49	12
1164	Thuja plicata/Western Red Cedar*	14	12
1165	Thuja plicata/Western Red Cedar*	17	12
1917	Alnus rubra/Red Alder	31	12
1383	Acer macrophyllum/Big Leaf Maple	31	13
1593	Acer macrophyllum/Big Leaf Maple	12	13
1594	Acer macrophyllum/Big Leaf Maple	12	13
1601	Acer macrophyllum/Big Leaf Maple	35	14
1607	Acer macrophyllum/Big Leaf Maple	16	14

*Conifers are noted in bold.

CASE NO. 12.11729/TR
EXHIBIT C.2