



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**

FROM CONCEPT TO CONSTRUCTION

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**Date:** April 11, 2014  
**To:** Interested Person  
**From:** Stacey Castleberry, 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 the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

### **CASE FILE NUMBER: LU 14-104035 EN (PRE-APP: EA 13-208987 PC)**

#### **GENERAL INFORMATION**

**Applicant:** SRG Partnership / **Attn:** Brian Higgins (503-221-1917)  
621 SW Morrison Street, Suite 200 / Portland, OR 97205

**Owner:** Oregon Health and Science University / **Attn:** Naomi Mathaba  
3181 SW Sam Jackson Pk Rd, Mail Code CSB 210 / Portland, OR 97239

**Site Address:** 3181 SW Sam Jackson Park Road

**Legal Description:** TL 200 26.24 ACRES LAND & IMPS SEE R327745 (R991090552) FOR AIRSPACE & IMPS & R327746 (R991090555) FOR IMPS, SECTION 09 1S 1E

**Tax Account No.:** R327744

**State ID No.:** 1S1E09 00200      **Quarter Section:** 3428

**Neighborhood:** Homestead, contact Anton Vetterlein at 503-866-1667.

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

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

**Plan District:** Marquam Hill, Subdistrict B

**Zoning:** EXdcp - Central Employment base zone, with Design, Environmental

**Case Type:** EN - Environmental Review

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

**Proposal:** The purpose of this request is to obtain approval to construct a 10,000 square foot building addition to the west side of the existing Doernbecher Children's Hospital. The new structure will house an Intra-operative MRI operating suite on the 8th floor of this addition. An intra-operative MRI (iMRI) is an operating room configuration that enables surgeons to image the patient via an MRI scanner while the patient is undergoing surgery, particularly brain surgery. An iMRI reduces the risk and helps confirm that the surgery was successful before the surgery is complete.

This project has a 5,000 square foot footprint and is on 2 floors, tying into the existing building on the 7th and 8th floors. This specialized iMRI operating room is required to tie directly into the existing Doernbecher operating suite which is located on the 8th floor of the hospital. This proposed Doernbecher Children's Hospital iMRI building expansion requires a Type II Environmental Review and a Type II Design Review for the Marquam Hill Design District, as described below.

A portion of the Doernbecher Children's Hospital site is within the City's Environmental Conservation overlay zone. Certain standards must be met to allow the work to occur by right. If the standards are not met, an Environmental Review is required. In this case, two elements of this project are to be constructed within the environmental overlay zones:

A 10,000 square foot building addition will be constructed west of Doernbecher Children's Hospital. The new two-story, 10,000-square foot iMRI addition will be constructed on the west side of the existing Doernbecher Children's Hospital building, on the steep hill side site, and will include 5,000 square feet on each floor tying into the building's existing 7th and 8th floors. The dimensions of the addition are 44 feet by 120 feet on the north-south axis. The north end of this addition will extend into the environmental conservation zone line beyond the 25-foot transition area, into the resource area, as shown on attached site plans. The building's structure will step down with the site topography, and at the lower end of the north side will contain the required storm water planters.

A 280- foot long underground PGE line will be constructed to provide electrical service to Doernbecher Children's Hospital. The existing PGE electrical line that currently serves Doernbecher Children's Hospital runs along the west side of the existing building, in the same location that the proposed building addition is proposed. As part of the overall project, the PGE line is to be shifted between 90 and 60 feet to the west of the existing line (outside of the footprint of the building addition) as depicted on attached plans. The applicant has received approval from PGE of the proposed planting plan.

The construction disturbance area within the Environmental Conservation overlay zone is 8,400 square feet, including the area needed for the PGE line installation. Since a significant portion of the overall hospital site lies outside of the environmental zone, the environmental development standard that limits the allowed disturbance in the resource area cannot be met by the project (Standard 33.430.140 A), and it must be approved through Environmental Review.

In addition, construction of the new PGE electrical service line will require the removal of one tree that is larger than 10 inches in diameter (a 24-inch diameter bigleaf maple). The utility line development standards for environmental zones (33.430.150) limit the removal of trees to those that are 10 inches or less in diameter. Since this standard cannot be met for the new utility line, it must be approved through Environmental Review.

A Type II Design Review is being processed concurrently in a separate application: LU 14-104030 DZ.

**Relevant Approval Criteria:**

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

- 33.430.250.A Environmental Review of Utilities
- 33.430.250.E Other Development in the Environmental Conservation zone

**ANALYSIS**

**Site and Vicinity:** Located on Marquam Hill in Southwest Portland, the Oregon Health & Science University (OHSU) campus, the OHSU campus accommodates more than 30 existing multi-storied buildings housing health care, research, and educational programs. The subject properties at the OHSU campus are extensively built-up with large buildings and heavily traveled roads. Most open space areas are formally landscaped. The remaining informal open space is densely vegetated with trees and shrubs. English ivy, an invasive, non-native plant, proliferates on the campus.

Established originally as part of the University of Oregon in 1887, OHSU was the Pacific Northwest's first medical school. Beginning in 1919 with the development of OHSU's first

building on Marquam Hill [the University of Oregon Medical School], the campus has grown with little long-term planning. In 1999, OHSU began a long-range planning effort based on the institution's mission and strategic business goals. The resulting expansion plan was reviewed and evaluated by the Bureau of Planning as part of the Marquam Hill Plan.

Today, the OHSU campus on Marquam Hill is a unique place, among natural wooded areas along SW Terwilliger Boulevard, a stable and diverse neighborhood [Homestead], and the intense development of OHSU and Veteran's Administration Medical Center.

The new Doernbecher Children's Hospital iMRI building expansion is proposed at the south end of the existing Doernbecher Children's Hospital building, on its west side, along SW Veteran's Hospital Road, within the interior of the 116 acre OHSU campus. The existing hospital extends through the 'c' zone such that the area has been previously disturbed during the construction of that building in 1998. The area that addition is built on is within that previously disturbed area and is occupied by forested resource area. There are no existing creeks, groundwater areas or any scenic or historic aspects.

The immediate project area for the iMRI building addition is very steep, and forested with a mixture of bigleaf maple and Douglas fir trees. It is situated between US Veteran's Hospital Road to the south, and the Doernbecher Hospital surface parking lot, approximately 230 feet to the north.

**Zoning:** The zoning designation on the site includes Central Employment base zone, with Design, Environmental Conservation, and Environmental Protection overlay zones (see zoning on Exhibit B).

The Central Employment base zone (EX) allows mixed-uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area. The provisions of this zone allow this use; these provisions are not specifically addressed through this Environmental Review.

The Design overlay zone (d) promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development must meet the Community Design Standards (Chapter 33.218) or are subject to design review. A Type II Design Review is being processed concurrently in a separate application: LU 14-104030 DZ.

Environmental overlay zones (c and p) 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. The purpose of this land use review is to ensure compliance with the regulations of the environmental zones.

The site is also within the Marquam Hill Plan District, which supports the preservation and enhancement of natural open space areas, existing scenic views, and neighborhood livability, while encouraging an intense level of institutional development including a dynamic mix of medical research, education, and patient care facilities that contribute to Marquam Hill's distinctive character. These standards are addressed by the concurrent Type II Design Review being processed in a separate application: LU 14-104030 DZ.

**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 located within Site #114 (Terwilliger Parkway, Central) of the *Southwest Hills Resource Protection Plan*. According to the resource plan, the OHSU campus occupies the north

edge of the site, which overall has identified resources including wildlife habitat, forest, perennial and seasonal creeks, groundwater recharge, scenic, historic, cultural, recreation, and open space. The overall site habitat has been classified as:

- Upland Coniferous/Broadleaf Deciduous Forest
- Riverine, Upper Perennial/Intermittent Streambeds

The overall site #114 is characterized by second growth conifer topping hardwood. The forest is 30-50 years old and is generally half conifer and half deciduous. A layer of downed woody debris provides food and cover and increases habitat quality. With regard to habitat rating, the scientific analysis in the resource plan concludes that the site as a whole has a “moderately high” habitat value with a score of 75, within a range of all southwest sites analyzed ranging from 50 – 86. This portion of the resource area includes only forested type areas.

**Land Use History:** The relevant land use case reviews that the City of Portland has on record for the subject site include:

1. LUR 95-00324 MS EN AD -- approved construction of Doernbecher Children’s Hospital and an adjacent parking facility for 150 cars.
2. LUR 95-00366 DZ -- approved construction of Doernbecher Children’s Hospital and an adjacent parking facility for 150 cars.
3. LU 14-104030 DZ – concurrent Design Review for the Doernbecher Children’s Hospital iMRI building addition.

The current proposal does not appear to affect the above listed land use review approvals, however conditions of approval from current and past land use actions remain in effect.

**Agency and Neighborhood Review:** A Notice of Proposal in your Neighborhood was mailed on February 27, 2014.

**1. Agency Review:** Several Bureaus and agencies have responded to this proposal. Please see Exhibits E.1 through E.5 for details. The comments are addressed under the appropriate criteria for review of the proposal.

**2. Neighborhood Review:** No written responses were received from either the Neighborhood Association or notified property owners in response to the proposal.

## ZONING CODE APPROVAL CRITERIA

### 33.430.250 Approval Criteria for Environmental Review

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.

**Findings:** The approval criteria which apply to the proposed PGE utility line are found in Zoning Code Section 33.430.250 A, and those pertaining to the new building addition are found in Section 33.430.250 E. The applicant has provided findings for these approval criteria and BDS Land Use Services staff have revised these findings or added conditions, where necessary to meet the approval criteria. The criteria and findings for Subsections A and E are combined where they are similar.

**33.430.250 A. Public safety facilities, rights-of-way, driveways, walkways, outfalls, utilities, land divisions, Property Line Adjustments, Planned Developments, and Planned Unit Developments. Within the resource areas of environmental zones, the applicant's impact evaluation must demonstrate that all of the general criteria in Paragraph A.1 and the applicable specific criteria of Paragraphs A.2, 3, or 4, below, have been met:** Note that since this activity is not a Public Safety Facility, Land Division, Planned Development, or

Planned Unit Development and does not require a Property Line Adjustment, the criteria in Sections 33.430.250 A.2 and A.4 do not apply and are not included.

**33.430.250 E. Other development in the Environmental Conservation zone or within the Transition Area only. In Environmental Conservation zones or for development within the Transition Area only, the applicant's impact evaluation must demonstrate that all of the following are met:**

**E.1 Proposed development minimizes the loss of resources and functional values, consistent with allowing those uses generally permitted or allowed in the base zone without a land use review;**

**Findings:** This criterion applies to the new building addition within the resource area of the Environmental Conservation overlay zone. The purpose of this criterion is to recognize that some form of development is allowed, consistent with the base zone standards. Impacts of the proposed development are measured relative to the impacts associated with the development normally allowed by the base zone; in this case, the EX base zone allows 100 percent of the site to be covered by buildings, according to Table 140-3 of the Zoning Code. After the proposed building addition, approximately 8 acres of the site will remain undeveloped.

Hospital uses are allowed by right in the EX zone and within the OHSU Marquam Hill Plan, subject to Design Review. The proposed additional temporary and permanent disturbance within resource area of the Environmental Conservation overlay zone is minimal (approximately 8,525 square feet). Moreover, this portion of Resource Inventory Site #114 is somewhat degraded due to adjacent buildings and parking areas. Given the need to connect the hospital expansion to the existing building, and given other site constraints, the proposed alternative is the only feasible option.

This proposal will result in an additional 5,000 square feet of building coverage, and over 8 acres of the site will continue to be undeveloped. The proposal minimizes the loss of resources and functional values, consistent with allowing those uses generally permitted or allowed in the base zone without a land use review and *this criterion is met.*

**A.1. General criteria for public safety facilities, rights-of-way, driveways, walkways, outfalls, utilities, land divisions, Property Line Adjustments, Planned Developments, and Planned Unit Developments;**

**A.1.a. Proposed development locations, designs, and construction methods have the least significant detrimental impact to identified resources and functional values of other practicable and significantly different alternatives including alternatives outside the resource area of the environmental zone;**

**E.2. Proposed development locations, designs, and construction methods are less detrimental to identified resources and functional values than other practicable and significantly different alternatives;**

**Findings:** These criteria require the applicant to demonstrate that alternatives were considered during the design process, and that there are no practicable alternatives that would be less detrimental to the identified resources and functional values. The applicant provided the following description of the alternatives considered.

Development Alternatives:

The proposed addition to Doernbecher Children's Hospital is integral to the existing hospital, that is, as the intra-operative MRI operating suite, it must be immediately adjacent to the hospital's existing operating suite, and tie directly into the flow and functionality currently in place. OHSU started the development of this project with a series of feasibility studies looking at using interior renovated space to fit this type of operating room inside Doernbecher Hospital.

Alternative 1 (Preferred Alternative): would construct the 2-story, 10,000 square foot building addition on the west side of the existing Doernbecher Children's Hospital building, on the steep

hillside site, and would include 5,000 square feet on each floor, tying into the building's existing 7<sup>th</sup> and 8<sup>th</sup> floors.

Alternative 2: would consist of renovating one of the existing operating rooms into an iMRI-type operating room. This type of operating room requires an adjacent space to house the MRI magnet, and a space to house the control rooms. It was therefore determined that there was simply insufficient space to accommodate all the functions needed for this type of operating room.

Alternative 3: would locate the iMRI in the existing Post Anesthesia Care Unit (PACU) area of the existing operating suite. By moving the entire PACU to the north by 60 feet, enough room could be created to accommodate the space required for the iMRI operating room. Moving the PACU to the north would require moving the Pre-Op area 60 feet to the north, as well. This would then require an existing department within Doernbecher to be moved off site. Overall this approach would require 4 construction phases internally and cause prohibitive disruption over a period of 3 years to complete the project.

Conclusion: The operating suite at Doernbecher Children's Hospital is a very sensitive area in terms of infection control, and construction within this area can offer ongoing challenges when construction is continued throughout a long duration. The location of this addition is very specific to the function of this type of operating room. This operating room has diagnostic functions on the north side and operating functions on the south side and needs to tie into the existing layout of the operating area. Due to the space requirements and potential disruption of an internal renovation approach to this project, it was determined that building an addition to Doernbecher on the west side of the existing building was the only solution that met the project purposes, and therefore the one practicable alternative.

Finally, with regards to construction techniques, the structural system will consist of drilled pin piles, and structured shoring which is far less intrusive and less disruptive to the existing topography and vegetation, than full excavation normally required for conventional footings and structures.

*These criteria are met.*

**A.1.b. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;**

**E.3. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;**

**Findings:** These approval criteria require the protection of resources outside of the proposed disturbance area from impacts related to the proposal, such as damage to vegetation, erosion of soils off the site, and downstream impacts to water quality and fish habitat from increased stormwater runoff and erosion off the site. The applicant provided the following description of construction management considerations for this project.

Construction Management Plan:

The site will be accessed from the upper south side near SW Veterans Road. This area is outside the environmental zone and access from this side will help to minimize disturbance within the resource area. The tower crane will be located mid-building on the west side outside of the resource area. The placement in a central location on the site helps minimize the size of the crane by minimizing the crane reach. A short crane span will help keep the size of the crane smaller to minimize the potential impacts to the site. An office trailer, as well as the construction material staging area, will be set up in the existing parking lot off of SW Veterans Road. Erosion control within the construction area will be provided through the use of silt fences along the north end with straw bales added to stabilize the fence and manage water runoff.

The applicant's construction plan shows construction fencing to be installed at the delineated disturbance limits line, and this will ensure that there will be no impact or disturbance beyond the identified disturbance area.

The existing PGE line is in conduit that PGE will remove completely by pulling from one end or the other. The conduit will be removed in the areas shown on site plans as construction disturbance. A portion of the conduit will be abandoned in place and capped on both sides.

The applicant also proposes collection and treatment of stormwater generated by the project. The applicant proposes off-site discharge to the combined sewer after treatment and detention in a lined flow-through planter. Discharge to this system has been approved by BES (see Exhibit E.1 in the application case file). The proposed flow-through planter is located on a slope and adjacent to a structure, which necessitates the use of an impermeable liner. Trees and high screen shrubs with root structures that could puncture the liner of the proposed flow-through stormwater planter will not be allowed by BES. BES has reviewed the stormwater report provided and it appears sufficient disturbance area has been provided to accommodate a stormwater management facility that meets SWMM requirements.

With conditions to use plant materials that will not puncture the liner of the flow-through planter, *these criteria can be met by the proposal.*

**A.1.c. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;**

**E.4. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;**

**Findings:** This criterion requires the applicant to assess unavoidable impacts and propose mitigation that is proportional to the impacts, as well as sufficient in character and quantity to replace lost resource functions and values. The proposed mitigation plan is depicted on attached Exhibit C.4. An area 4,953 square feet in area within the resource area is proposed to be planted with native maple, alder, and fir trees, as well as Oregon grape, snowberry, and huckleberry. In addition, approximately 8,000 square feet beyond the resource area are proposed for native tree and shrub plantings. This plan will offset approximately 2,500 square feet of permanent disturbance area and 8,525 square feet of temporary disturbance area within the resource area, as well as, mitigate the removal of 21 trees from the resource area.

The proposed Mitigation Plan will be installed and maintained under the regulations outlined in Section 33.248.040.A-D (Landscaping and Screening). To confirm maintenance of the required plantings for the initial establishment period, the applicant will be required to have the plantings inspected two years after plantings are installed.

With conditions to ensure that plantings required for this Environmental Review are maintained and inspected, *these criteria can be met.*

**A.1.d. Mitigation will occur within the same watershed as the proposed use or development and within the Portland city limits except when the purpose of the mitigation could be better provided elsewhere; and**

**E.5. Mitigation will occur within the same watershed as the proposed use or development and within the Portland city limits except when the purpose of the mitigation could be better provided elsewhere; and**

**A.1.e. The applicant owns the mitigation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.**

**E.6. The applicant owns the mitigation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.**

**Findings:** Mitigation for significant detrimental impacts will be conducted on the same site as the proposed use or development, and the applicant owns the proposed on-site mitigation area. *These criteria are met.*

**A.3. Rights-of-way, driveways, walkways, outfalls, and utilities;**

**A.3.a. The location, design, and construction method of any outfall or utility proposed within the resource area of an environmental protection zone has the least significant detrimental impact to the identified resources and functional values of other practicable alternatives including alternatives outside the resource area of the environmental protection zone;**

**Findings:** This criterion requires the applicant to review alternative locations, designs and construction methods for the proposal, as required in approval criterion 33.430.250. A.1.a, above. The primary distinction is that the focus of Approval Criterion A.3.a. is on the environmental protection zone. The proposal does not include any activity within the environmental protection zone, and, as described above in findings for 33.430.250 A.1.a, the selected alternative has the least significant detrimental impact to identified resources and functional values. Therefore, *this criterion is met.*

**A.3.b. There will be no significant detrimental impact on water bodies for the migration, rearing, feeding, or spawning of fish; and**

**Findings:** There are no water bodies within or near the development area. Furthermore, to the extent that approval criterion A.1.b. “There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed,” is met, *this criterion is also met.*

**A.3.c. Water bodies are crossed only when there are no practicable alternatives with fewer significant detrimental impacts.**

**Findings:** No water bodies will be crossed by the proposed development. *This criterion does not apply.*

## **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 are met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

Please note that whenever a property owner or tenant makes interior or exterior improvements to a site totaling more than \$145,200, up to 10% of the project cost must be spent toward bringing the site into conformance with identified zoning code standards. Refer to Zoning Code Chapter 33.258.070.D.2 for details. These standards will be required to be met at the time of building permit review.

## **CONCLUSIONS**

The applicant proposes to construct building addition to the west side of the existing Doernbecher Children’s Hospital on the OHSU campus. The new structure will house an Intra-operative MRI operating suite on the 8th floor of this addition.

The applicants and the above findings have shown that the proposal meets the applicable approval criteria with conditions. Therefore, this proposal should be approved, subject to the following conditions.



## ADMINISTRATIVE DECISION

### Approval of an Environmental Review for:

- Construction of a building addition to the west side of the existing Doernbecher Children's Hospital, including a realigned PGE utility line, stormwater facilities, and associated utilities and construction areas;

within the Environmental Conservation overlay zone, and in substantial conformance with Exhibits C.2, C.3, and C.4, as approved by the City of Portland Bureau of Development Services on **April 9, 2014**. Approval is subject to the following conditions:

- A. All permits: A BDS construction permit may be required.** Copies of the stamped Exhibits C.2- C.4 from LU 14-104035 EN 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.2 through C.4."***
- B.** Temporary construction fencing shall be installed according to Section 33.248.068 (Tree Protection Requirements), except as noted below. Construction fencing shall be placed along the Limits of Construction Disturbance for the approved development, as depicted on Exhibit C.3 Construction Management Plan, or as required by inspection staff during the plan review and/or inspection stages.
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.
- C.** A total of 93 trees, 780 shrubs, and a minimum of 5,000 square feet of native ground covers, selected from the Portland Plant List, shall be planted, in substantial conformance with Exhibit C.4 Mitigation Plan.
1. Plantings shall be installed between October 1 and March 31 (the planting season).
  2. 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.
  3. All mitigation and remediation shrubs and trees shall be marked in the field by a tag attached to the top of the plant for easy identification by an inspector. All tape shall be a contrasting color that is easily seen and identified.
  4. After installing the required mitigation plantings, the applicant shall request inspection of Permanent Erosion Control Measures (IVR 210) by the Bureau of Development Services, who will confirm that all required mitigation plantings have been installed. A letter of certification from the landscape professional or designer of record may be requested by the Bureau of Development Services to document that the plantings have been installed according to the approved plans.
- D. An inspection of Permanent Erosion Control Measures shall be required** to document installation of the required mitigation plantings.
1. The **Permanent Erosion Control Measures** inspection (IVR 210) shall not be approved until the required mitigation plantings have 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 may be approved prior to installation of the required mitigation plantings – if the applicant obtains a separate **Zoning Permit** for the purpose

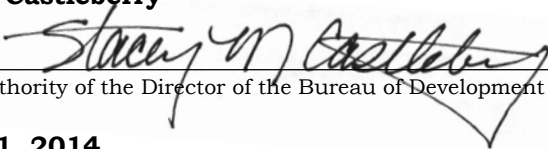
of ensuring an inspection of the required mitigation plantings by March 31 of the following year.

**E. The land owner shall maintain the required plantings** for two years to ensure survival and replacement. The land owner is responsible for ongoing survival of required plantings during and beyond the designated two-year monitoring period. The landowner shall:

1. Obtain a Zoning Permit for a final inspection at the end of the 2-year maintenance and monitoring period. The permit must be finalized no later than 2 years from the final inspection for the installation of mitigation planting, for the purpose of ensuring that the required plantings remain. 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.

**Staff Planner: Stacey M Castleberry**

**Decision rendered by:**  **on April 9, 2014**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: April 11, 2014**

**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 13, 2014, and was determined to be complete on February 25, 2014.

*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 13, 2014.

*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: June 25, 2014.**

**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 April 25, 2014** 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](http://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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Hearings Officer an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

**Recording the final decision.**

If this Land Use Review is approved the final decision 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 **April 28, 2014**.
- 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

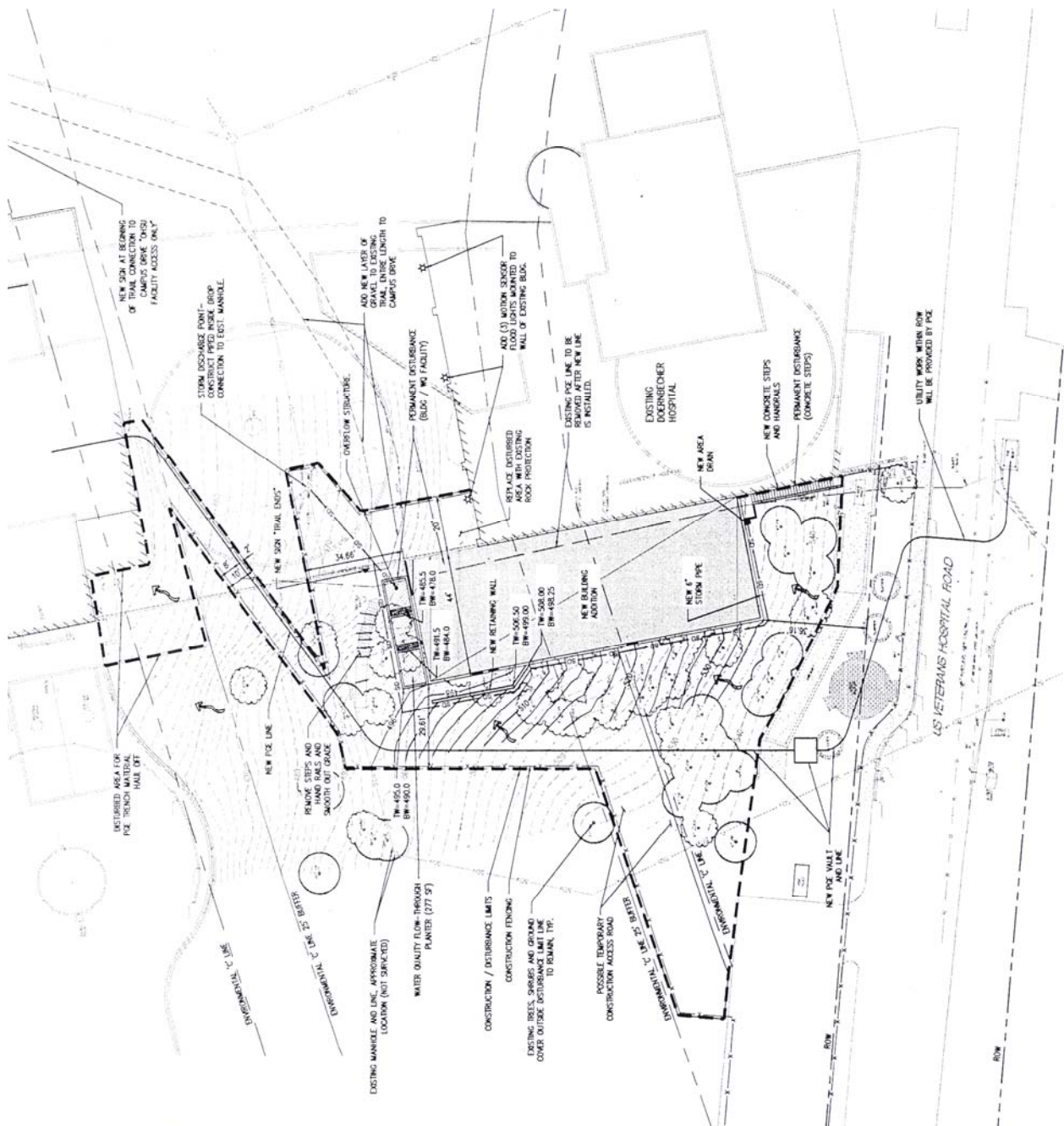
- A. Applicant's Statements
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Existing Conditions Plan
  - 2. Proposed Development Plan (attached)
  - 3. Construction Management Plan (attached)
  - 4. Mitigation Plan (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Water Bureau
  - 3. Fire Bureau
  - 4. Site Development Review Section of BDS
  - 5. Life-Safety Review Section of BDS
- F. Correspondence: (none received)
- G. Other:
  - 1. Original LU Application

**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).**









\*Approved\*

City of Portland - Bureau of Development Services

LU # 14-104035EN

Planner Stacy Mast Date 7/9/14

\* Approval for Environmental Review only. Not a building permit.  
Additional zoning requirements may apply.

Exhibit C.2

- R.O.W. LINE
- EXISTING GROUND CONTOUR
- PROPOSED GROUND CONTOUR
- DISTURBANCE LIMITS
- SEDIMENT FENCE
- S- STORM OR WER
- X- EXISTING COMBINATION SEWER
- CONSTRUCTION FENCING
- O- TREE PROTECTION FENCING
- CATCH BASIN

TOTAL DISTURBED AREA
21,440 SF

**TREE REMOVAL DATA / CALCULATIONS - ENVIRONMENTAL ZONE AREA**

TREE REMOVAL AND REPLACEMENT REQUIREMENTS PER CHAPTER 33.430 - TABLE 430-3 / 09/08 'A'

QTY.	TREE SPECIES	SIZE OF TREES TO BE REMOVED	REQUIRED TREES TO BE REPLANTED
4	DOUGLAS FIR	6 INCH DBH	8 (2:1 RATIO)
3	RED ALDER	6 INCH DBH	6 (2:1 RATIO)
3	RED ALDER	8 INCH DBH	6 (2:1 RATIO)
1	RED ALDER	10 INCH DBH	2 (2:1 RATIO)
1	RED ALDER	14 INCH DBH	3 (3:1 RATIO)
2	MAPLE	6 INCH DBH	4 (2:1 RATIO)
		24 INCH DBH	3 (3:1 RATIO)
21	TREES REMOVED		46 REPLACEMENT TREES

**TREE REMOVAL DATA / CALCULATIONS - OUTSIDE OF ENVIRONMENTAL ZONE**

TREE REMOVAL AND REPLACEMENT GUIDELINES PER TITLE 11 TREE REGULATIONS - 11.01(4), TABLE 40-2.

QTY.	TREE SPECIES	SIZE OF TREES TO BE REMOVED	REQUIRED TREES TO BE REPLANTED
4	DOUGLAS FIR	6 INCH DBH	4 (TREE FOR TREE RATIO)
3	DOUGLAS FIR	10 INCH DBH	5 (TREE FOR TREE RATIO)
3	DOUGLAS FIR	12 INCH DBH	3 (TREE FOR TREE RATIO)
11	RED ALDER	6 INCH DBH	11 (TREE FOR TREE RATIO)
6	RED ALDER	8 INCH DBH	6 (TREE FOR TREE RATIO)
1	MAPLE	6 INCH DBH	1 (TREE FOR TREE RATIO)
2	MAPLE	8 INCH DBH	2 (TREE FOR TREE RATIO)
47	TREES REMOVED		47 REPLACEMENT TREES

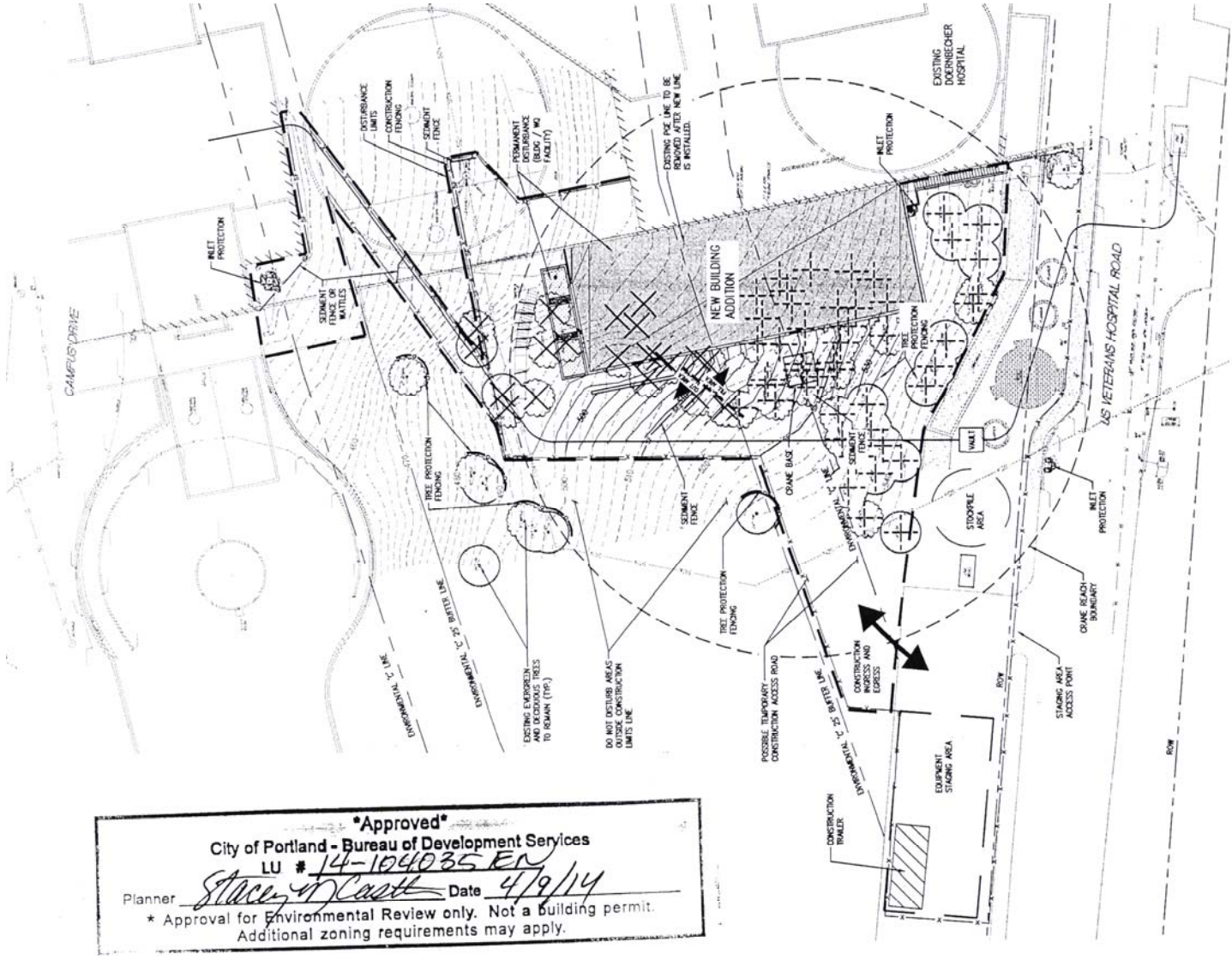
**GENERAL NOTES**

- SEE LANDSCAPE MITIGATION PLAN SHEET 11.0 FOR TREE REPLACEMENT AND RESTORATION PLANTING DESIGN.
- THIS PLAN IS BASED ON SURVEY DATA PROVIDED BY OTHERS. ALL GRAPHICAL AND EXISTING TREE SURVEY INFORMATION HEREIN SHOULD BE FIELD VERIFIED FOR ACCURACY. CONTRACTOR IS RESPONSIBLE FOR KEEPING SITE CONDITIONS AND LOCATION/DEPTH OF UNDERGROUND UTILITIES PRIOR TO PERFORMING WORK. CALL BEFORE YOU DIG.
- COORDINATE TREE REMOVAL WORK WITH OTHER TRADES. DO NOT UNNECESSARILY AFFECT CONSTRUCTION METHODS, SCHEDULES, OR QUALITY OF OTHER WORK.

**LEGEND**

- EXISTING GROUND CONTOUR
- PROPOSED GROUND CONTOUR
- DISTURBANCE LIMITS
- SEDIMENT FENCE
- CONSTRUCTION FENCING
- TREE PROTECTION FENCING
- CUT / FILL DEMARCATION LINE
- INLET PROTECTION

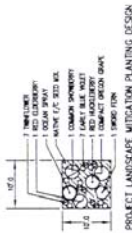
CUT	FILL
110 CY	130 CY



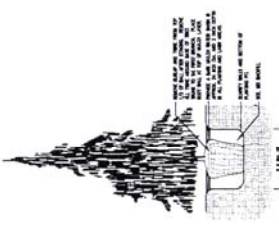
**\*Approved\***  
 City of Portland - Bureau of Development Services  
 LU # 14-104035 EN  
 Planner *Stacey McCauley* Date *4/9/14*  
 \* Approval for Environmental Review only. Not a building permit.  
 Additional zoning requirements may apply.

*Exhibit C.3*

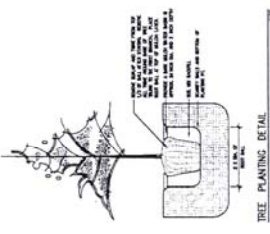




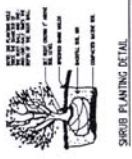
PROJECT LANDSCAPE MITIGATION PLANNING DESIGN  
 TYPICAL 10' X 10' PLANT MATERIAL LAYOUT  
 THIS LAYOUT IS A GENERAL REPRESENTATION OF THE PLANT MATERIAL LAYOUT. THE ACTUAL LAYOUT WILL BE DETERMINED BY THE LANDSCAPE ARCHITECT AND THE CLIENT. THE LAYOUT IS SUBJECT TO CHANGE WITHOUT NOTICE.



COUNTER TREE PLANTING DETAIL



TREE PLANTING DETAIL



SHRUB PLANTING DETAIL

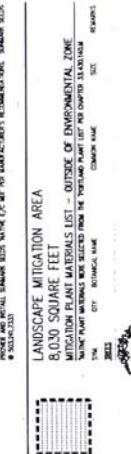
**ENVIRONMENTAL ZONE LANDSCAPE MITIGATION AREA**  
 4,953 SQUARE FEET  
 MITIGATION PLANT MATERIALS LIST - ENVIRONMENTAL ZONE

SYMBOL	COMMON NAME	SIZE	QUANTITY
[Symbol]	ACER NORTOLIANA	7" GAL	800
[Symbol]	RED ALDER	7" GAL	800
[Symbol]	DOGWOOD FR	4"-5"	800



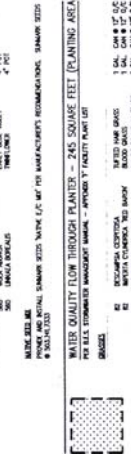
**LANDSCAPE MITIGATION AREA**  
 8,030 SQUARE FEET  
 MITIGATION PLANT MATERIALS LIST - OUTSIDE OF ENVIRONMENTAL ZONE

SYMBOL	COMMON NAME	SIZE	QUANTITY
[Symbol]	ACER NORTOLIANA	7" GAL	800
[Symbol]	RED ALDER	7" GAL	800
[Symbol]	DOGWOOD FR	4"-5"	800



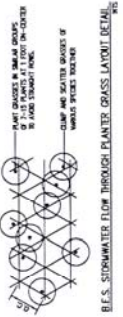
**WATER QUALITY FLOW THROUGH PLANTER - 245 SQUARE FEET (PLANTING AREA)**  
 PLANT MATERIALS LIST - WATER QUALITY FLOW THROUGH PLANTER

SYMBOL	COMMON NAME	SIZE	QUANTITY
[Symbol]	ACER NORTOLIANA	7" GAL	800
[Symbol]	RED ALDER	7" GAL	800
[Symbol]	DOGWOOD FR	4"-5"	800

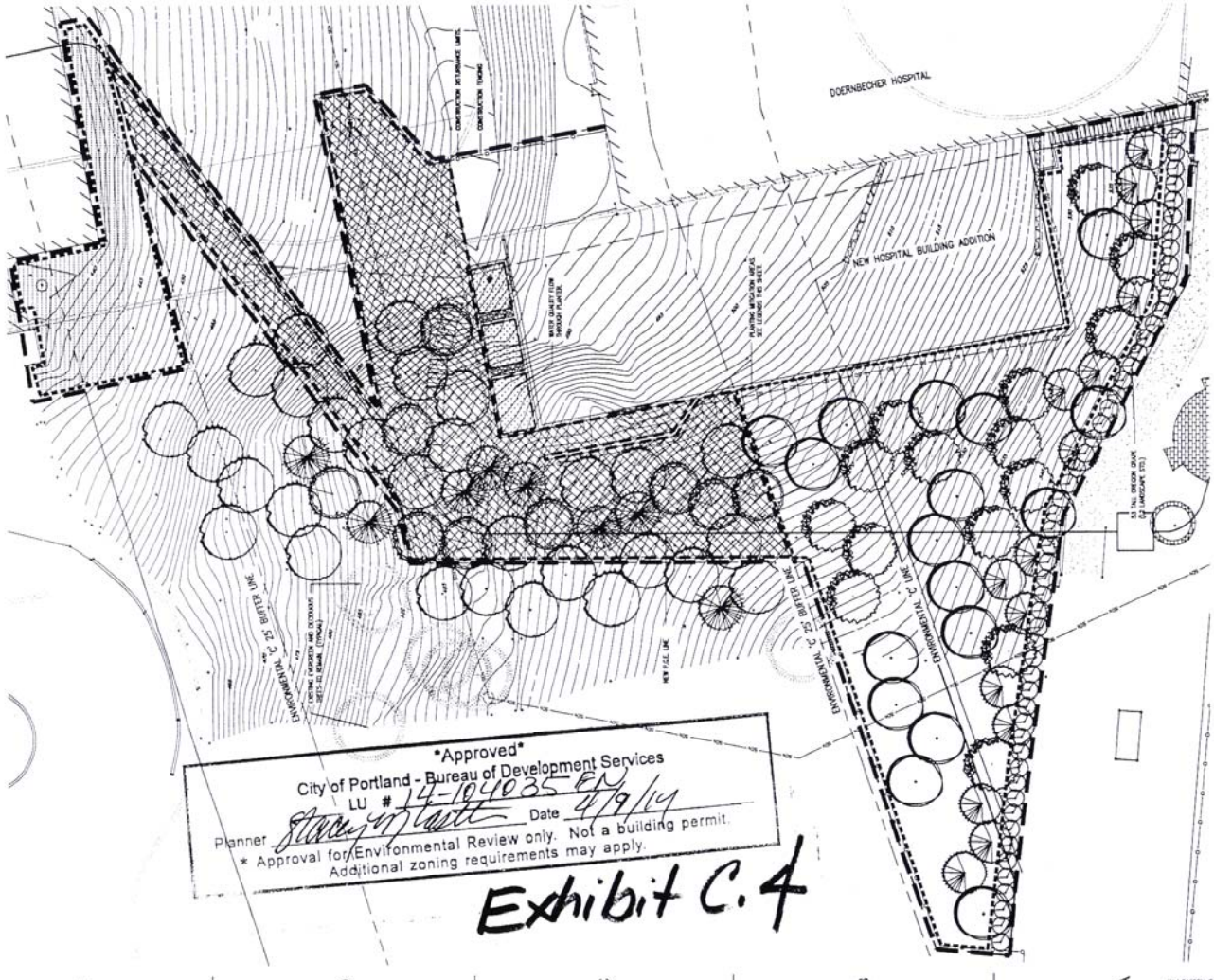


**GENERAL NOTES:**

- ALL PLANTING MATERIALS SHALL BE GROWN IN THE CITY OF PORTLAND, OREGON, AND BE FREE OF DISEASE AND PESTS.
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B.E.S. STORMWATER FLOW THROUGH PLANTER GRASS LAYOUT DETAIL



**\*Approved\***  
 City of Portland - Bureau of Development Services  
 LU # 14-04035 EN  
 Planner *Stacy J. East* Date 4/9/14  
 \* Approval for Environmental Review only. Not a building permit.  
 Additional zoning requirements may apply.

**Exhibit C.4**