



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

FROM CONCEPT TO CONSTRUCTION

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Date: July 9, 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 14-117165 EN

GENERAL INFORMATION

Applicant: Julie Hays / 2651 NW Birkendene St / Portland, OR 97229

Owners: Julie & Robert Hays / 651 NW Birkendene St / Portland, OR 97229
 Leslie Swanson / PO Box 324/ Errol, NH 03579
 Pinnacle Green, LLC / Attn: Larry Porter
 1325 NW Flanders St / Portland, OR 97209

Site Address: 8723 NW Terraceview Court and adjacent property

Legal Description: BLOCK 6 LOT 10, PANAVISTA PARK; LOT 6 1/6 INT TRACT B, PINNACLE POINTE; LOT A, SKYLINE SUMMIT NO 3

Tax Account No.: R642102090, R659560300, R773970010

State ID No.: 1N1W26DA 07800, 1N1W26DA 07100, 1N1W26DA 07200,

Quarter Section: 2820

Neighborhood: Northwest Heights, contact Charles Clark at 503-297-6159. Forest Park, contact Jerry Grossnickle at 503-289-3046.

Business District: None

District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Northwest Hills Plan District – Skyline Subdistrict

Other Designations: Potential Landslide Hazard area.

Zoning: R10c—Residential 10,000 base zone, with Environmental Conservation overlay zone

Case Type: EN—Environmental Review

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

Proposal: The applicant proposes to construct a below-grade stormwater pipe and outfall within the Skyline Summit No. 3 open space tract, Lot A (R270836). The project is also under City review as a Public Works Permit with Bureau of Environmental Services (BES Job No. EP9365, 13-146556).

Lot A is a drainage reserve for the surrounding area and is unimproved. There is a second

order creek which flows at the center of the drainage reserve. A bio-filtration swale was built by the developer of Skyline Summit, permitted by Bureau of Environmental Services, and occurs within the flow of the creek.

The proposed outfall pipe will carry stormwater runoff from NW Reed Drive (R233328) to the bio-filtration swale in Lot A. The pipe will vary in size from 12 to 15 inches in diameter. The pipe will be constructed in existing sewer easements held by Bureau of Environmental Services (BES). The outfall is proposed to be within a 40 foot wide Public Storm Drainage Reserve.

The current path of stormwater runoff, for the lower half of NW Reed Drive, flows to the end of the cul-de-sac and into a ditch on an empty lot, then turns and flows northwest through the empty lot at 8723 NW Terraceview Court. The stormwater runoff then flows over an embankment onto Lot A. NW Reed Drive was annexed into the City of Portland from Multnomah County in the 1980s, and has limited stormwater facilities.

A portion of the 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, the proposed pipe is 12 to 15 inches in diameter, and does not meet the outfall standard 33.430.180 F; therefore the work must be approved through an Environmental Review.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The applicable criteria for the proposed stormwater improvements within the Environmental Conservation overlay zone are found in:

Section 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.

ANALYSIS

Site and Vicinity: The site is in Northwest Portland in Forest Heights, between NW Pinnacle Drive and NW Hazeltine Street and approximately 1,800 feet west of NW Skyline Boulevard. The property is situated on the northeast side of NW Terraceview Court, 170 feet southwest of the intersection with NW Benson Street. The area of the proposed stormwater facility is in the undeveloped, forested, 2.8-acre open space "Lot A" of Skyline Summit No. 3, and located adjacent to the west property line of 8723 NW Terraceview Court.

Lot A is currently used as a Drainage Reserve for the surrounding area and is unimproved, with the exception of a constructed bio-filtration swale. There is a second order creek which flows at the center of the drainage reserve. The bio-filtration swale was built by the developer of Skyline Summit, as permitted by the Bureau of Environmental Services, and occurs within the flow of the creek.

The subdivision to the east of the site is Panavista Park, first developed in the 1960's in Unincorporated Multnomah County. The City of Portland annexed the neighborhood in the 1980's, however only sanitary sewer infrastructure was upgraded to city standards. The storm sewer infrastructure is limited to the upper portion, near NW Skyline Boulevard. The other adjacent subdivisions, Skyline Summit #1, #2, #3, and Pinnacle Pointe, were developed starting in 1996, after Portland's Environmental overlay zones were adopted. Neighborhoods surrounding the site are developed with single dwelling homes on lots typical of the Residential 10,000 base zone. Large forested open space tracts cover the numerous, east-west flowing streams among these neighborhoods, most of which are tributaries to Cedar Mill Creek.

Zoning: This site is zoned Residential 10,000 (R10) with Environmental Conservation (c) overlay zone, and in the Northwest Hills Plan District (see zoning on Exhibit B). Residential 10,000 (R10) is a low density residential zone, which allows development of single dwelling units at density of one unit for every 10,000 square feet of net site area.

Environmental overlay zones protect environmental resources and functional values that have been identified by the City as providing benefits to the public. The environmental regulations encourage flexibility and innovation in site planning and 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 Northwest Hills Plan District protects sites with sensitive and highly valued resources and functional values. The portions of the plan district that include the Balch Creek Watershed and the Forest Park subdistrict contain unique, high quality resources and functional values that require additional protection beyond that of the Environmental overlay zone. The plan district also promotes the orderly development of the Skyline subdistrict while assuring that adequate services are available to support development.

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

The project site is mapped within the Skyline West Conservation Plan as Site #145 Cedar Mill Creek Headwaters. Resources of concern on the project site include forest, wildlife habitat, sensitive fauna, intermittent and perennial creeks and creek headwaters, palustrine wetlands, groundwater, and open space.

An array of first and second order creeks pass through steep, forested ravines and merge in the southwest corner of Site 145, at Mill Pond. The ravines are separated by southwest trending forested ridges or recently developed residential areas which are part of large area subdivisions. The steep, upper basin location of this site provides an important biological link to downstream land and water resources. The site also serves as a migratory link for mammals, birds, and herptiles along the West Hills ridge.

Impact Analysis and Mitigation Plan: A full description of the proposal was provided on page one of this report. The following discusses development alternatives other than the one proposed, that were considered by the applicant. The following additionally describes the proposed construction management plan, mitigation and monitoring proposal.

Development Alternatives:

As described by the applicant (Exhibit A.1) there are two alternative routes for the stormwater. First (the preferred alternative) is the path of the pipe and installation of the outfall into Lot A, as described above.

The second pipe would be from the cul-de-sac at the end of NW Reed Drive into the sanitary sewer easement to the northeast of 8546 NW Reed Drive. It would then continue down the grade to the southwest and follow the sanitary sewer approximately 1500 feet to a drainage reserve. This drainage reserve is in an Environmental Protection overlay zone (R10p). This path is not feasible because the lots have already been developed and much of the path is in an Environmental Protected overlay zone. Therefore, the proposed pipe alignment follows the sewer easements which BES secured for this purpose in 1999.

The preferred outfall location is proposed at the centerline of the existing bio-filtration swale. This location provides the control needed to safely outfall the storm water to the drainage reserve. It also limits the impact of the proposed outfall to the already developed area of the Public Sewer Drainage Reserve.

Construction Management Plan:

The graphic construction management plan (Exhibit C.3) identifies the limits of disturbance for construction activities within the Environmental Conservation overlay zone. The limits of disturbance include two types of disturbance areas. The first are the areas in which the erosion control measures are to be installed. In these areas only construction workers, without machinery, will be utilized. The second area includes the access easement path and the 10-foot wide disturbance at the pipe and rip-rap installation. In this area small machinery will be used

for trench excavation and moving materials into the site. The machinery will fit within the limits of disturbance.

In preparation for construction activities, erosion control measures will be installed. These include straw wattles running perpendicular to the slope of the hill, silt fences, construction fences around three (3) identified trees, and protection of the pipe inlet at the end of the bio-filtration swale. The erosion control measures will be removed after construction activities are complete and before mitigation plantings are installed.

There is a construction access path identified northeast of NW Terraceview Court that leads to the proposed outfall area, which the City of Portland Bureau of Environmental Services uses for maintenance of the bio-filtration swale. It is free of trees and shrubs and is currently covered with grass. The City of Portland mows and maintains this construction access way easement. The construction access way will be used for equipment and material access for installing the rip-rap outfall, the lower two sections of piping, and one manhole. The construction access way is flat and can be muddy. A filter fabric and gravel will be used on the muddy areas so the soil is minimally disturbed. If the access road is dry and firm, the filter fabric and gravel will not be used. The gravel and filter fabric will be removed after construction activities are complete.

Note that the current Environmental Review applies only to work within the resource area of the Environmental Conservation overlay zone. The construction access way described above by the applicant is situated in the transition area (the outmost 25 feet) of the Environmental Conservation overlay zone and is allowed without Environmental Review.

Unavoidable Impacts:

The permanent disturbance in the Environmental Conservation overlay zone is the rip rap outfall of approximately 50 square feet at the centerline of the drainage reserve and the manhole approximately 70 feet east of the centerline of the drainage reserve. Temporary disturbance will be located in the access easement to the south of the bio-filtration swale (outside of the resource area), and parallel to the pipe.

Proposed Mitigation:

After the pipe is installed, the trench backfilled, and the rip-rap outfall installed, the disturbed area will be mitigated as shown on Exhibit C.4. The erosion control measures will be removed as well as any filter fabric and gravel at the access easement path. Mitigation will include planting native stakes at the rip-rap outfall, planting the 10-foot disturbance area and re-seeding the construction access way with grasses.

Land Use History: City records indicate the following land use reviews for this site.

S021-87 – Approval of a 170-lot subdivision to be constructed in 4 phases.

VZ 156-89 – Approval of a variance to Title 34 to increase wall height.

LUR 92-00513 SU - Approval of the Redesign of Skyline Summit Subdivision.

LUR 93-00223 SU - Approval of an adjustment to preliminary approved street requirements.

The current land use review will not substantially change prior land use reviews: the requirements of these reviews continue to apply.

Agency and Neighborhood Review: A Notice of Proposal in your Neighborhood was mailed on May 19, 2014.

1. Agency Review: Several Bureaus and agencies have responded to this proposal. Please see Exhibits E.1 through E.4 for details. The comments, if applicable, are addressed under the appropriate criteria for review of the proposal.

2. Neighborhood Review: Two written responses have been received from either notified property owners in response to the proposal (Exhibits F.1 and F.2). One letter raised concerns with construction noise and hours of operation, and one with anticipated changes to surface

hydrology and the ultimate pathway of stormwater once the project is complete. The applicant responded to these letters (Exhibit A.5) as summarized below:

The applicant agrees that refraining from working on weekends and after 6:00 PM is acceptable, but work may begin fairly early on weekday mornings (by 7:00 AM).

Regarding the existing drainageway shown on the attached exhibits on 8723 NW Terraceview Court, it carries the storm water runoff from NW Reed Drive as well as local runoff from the hill to the northeast, and the adjacent lot above. Installing the storm water management facility at the end of NW Reed Drive will significantly reduce the amount of water flow in the ditch, but the local runoff from the hill will still need to be managed. Before the drainage ditch is removed, the applicant intends to modify the local storm water drainage plan to ensure runoff is controlled and directed to the appropriate facilities. Site plans have been updated since the Notice of Proposal to show that the drainageway will not be removed at this time.

Note that the drainageway on 8723 NW Terraceveiw Court is outside of the Environmental Conservation overlay zone and alterations to it do not require Environmental Review.

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 new outfall are found in Section 33.430.250 A. The applicant has provided findings for these approval criteria as summarized below.

Note that since this activity is neither a Public Safety Facility nor a Land Division or Planned Development, the criteria in Sections 33.430.250 A.2 and A.4 do not apply and are not included.

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:

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;

A1.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;

Findings: This criterion requires 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 an alternatives analysis that can be found in the application case file in Exhibit A.1, and is summarized in this report on page 3.

The applicant describes two alternative locations for installing the proposed stormwater management system. One alternative would be to pipe the stormwater from NW Reed Drive approximately 1500 feet through a sanitary sewer easement and Environmental Protection

overlay zone to the northwest of NW Reed Drive. The second, as proposed, is to pipe the stormwater approximately 500 feet to the bio-filtration swale where the stormwater currently drains, in the Environmental Conservation overlay zone. The proposed location was chosen because it will use an existing stormwater easement purchased by the City of Portland for this purpose, it is the shortest distance and therefore will cause less construction disturbance, portions are on land owned by the applicant, and it drains into the bio-filtration swale that was designed for and currently contains the same stormwater from NW Reed Drive. There will be no change to the volume or source of the stormwater drained into the bio-filtration swale because the proposed project will pipe the same water that currently drains through a ditch in a nearby location.

The applicant's preferred alternative has fewer potential impacts than other practicable alternative stormwater facility locations and designs and *this criterion is met*.

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

Findings: This approval criterion requires the protection of resources outside of the proposed disturbance area from impacts related to the proposal, such as damage to vegetation beyond the approved limits of disturbance, 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 a description of the proposed stormwater management plan and the construction management plan in the application case file (Exhibit A.1), in addition to a graphic Construction Management site plan (Exhibit C.3). The Construction Management Plan is described on pages 3 and 4 of this report.

The undisturbed areas will be protected from erosion and sediment with silt fences and straw wattles. There is one 6-inch diameter red alder tree in the resource area near the project, that will be protected at the root protection zone with 8-foot construction fencing. The inlet at the end of the bio-filtration swale will also be protected per the erosion and sediment control manual. The graphic Construction Management Plan (Exhibit C.3) outlines the temporary disturbance area for construction access, the stormwater pipe, and riprap outfall.

Construction access in the Environmental Conservation overlay zone will be from NW Terraceview Court. There is currently an access easement (construction access way) that follows alongside the existing bio-filtration swale to the outfall location. Construction will be limited to this access way and to the stormwater easement. Because of the limited width, only small equipment (i.e. bobcat) will be used to trench and backfill for the pipe, install the rip-rap, and install the manhole.

Noise could affect wildlife temporarily. The native trees and shrubs in the wooded area adjacent to the construction site will be left undisturbed because construction access will be via NW Reed Drive and NW Terraceview Court. As a result of the stormwater management project, the flow of water from NW Reed Drive will be redirected from the drainageway to the stormwater pipe and outfall. This will slow the soil erosion currently observed on the hillside between NW Reed Drive and the bio-filtration swale at NW Terraceview Court. Therefore the project itself, as well as the construction management proposal, will serve reduce impacts on downstream resources and will contain construction impacts to the delineated disturbance area, and *this criterion is 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;

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 described on page 4 of this report and shown on Exhibit C.4.

The attached Mitigation Plan demonstrates how the disturbed areas will be restored as required in section 33.430.180 of the environmental zoning code to offset unavoidable impacts to environmental resources. There are three impacted areas: the pipe installation area, the rip-rap outfall, and construction access. The pipe installation area contains young alders, willows, blackberry, and other brush to be removed to allow installation. There are no trees greater than six inches planned for removal in the construction area.

Areas disturbed by construction of the project will be restored with native shrubs per 33.430.180 section D. The rip-rap outfall pad is located in the existing bio-filtration swale and will be planted with live stakes per 33.430.180 Section G. Construction access will utilize an existing City of Portland maintenance access easement (construction access way) for the bio-filtration swale from NW Terraceview Court. The construction access way is outside of the resource area of the Environmental overlay zone. The easement is currently planted with native grasses and allows maintenance truck access. If construction activities disturb the vegetation, it will be re-seeded with native grasses from the *Portland Plant List* and/or Erosion and Sediment Control Manual.

The mitigation plan will compensate for impacts at the site because native shrubs will be planted along the disturbance area for installation of the outfall pipe; and the outfall area will be planted with native shrub live stakes, as described by the outfall standards in the Environmental chapter of the Zoning Code.

The proposed Mitigation Plan will be required to be installed and maintained under the regulations outlined in Section 33.248.040.A-D (Landscaping and Screening). Two years of monitoring and maintenance will be required to ensure survival of all proposed mitigation plantings. 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, *this criterion 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

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.

Findings: The rip-rap outfall, one manhole, and 120 feet of pipe in the Environmental Conservation overlay zone are located in a 40-foot wide stormwater easement on "Lot A" owned by Skyline Summit #3. The easement states that the City of Portland (Bureau of Environmental Services) has rights of access for construction, inspection, maintenance, and other sewer system activities.

BES previously assessed this proposal and determined that the drainageway that runs from the end of NW Reed Drive across this site and the adjacent site to the east can be routed through the public storm sewer currently being reviewed under the public works permit process (refer to BES Job #EP9365, TRACS #13-146556). The public storm sewer will be located within an existing sewer easement granted to the City of Portland located on this site. BES has no objections to the proposed Environmental Review.

These approval criteria place the responsibility of installation and maintenance of the plantings on the applicant. Therefore the applicant will be required to provide documentation that they are allowed access to the mitigation area on "Lot A" to install and maintain the mitigation plantings. With a condition of approval for such documentation, *these criteria can be 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: No activity is proposed within the environmental protection zone and this criterion does not apply.

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

Findings: The applicant is proposing a new outfall to a biofiltration swale within a tributary to Cedar Mill Creek. To minimize erosion and protect stream stability, the applicant proposes a piped outfall to deliver stormwater as near as possible to Cedar Mill Creek. The new vegetated rip-rap outfall, in concert with the existing biofiltration swale, will protect water quality in downstream waters such as Cedar Mill Creek. 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 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The applicant proposes to construct a new stormwater pipe and outfall within the Skyline Summit No. 3 open space tract, Lot A. Lot A is an identified drainage reserve for the surrounding area and is unimproved. A bio-filtration swale was built by the developer of Skyline Summit, within the 40-foot wide Public storm drainage reserve easement on Lot A.

The proposed outfall pipe (12 to 15 inches in diameter) will carry stormwater runoff from NW Reed Drive to the bio-filtration swale in Lot A. The pipe will be constructed in the existing 40 foot wide Public Storm Drainage Reserve easement held by Bureau of Environmental Services (BES). Temporary construction disturbance areas will be replanted with native shrubs and groundcovers following construction.

The applicants and the above findings have shown that the proposal meets the applicable Environmental Review 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 stormwater facilities within the Environmental Conservation overlay zone, in substantial conformance with Exhibits C.2, C.3, C.4, and C.5, as approved by the City of Portland Bureau of Development Services on **July 2, 2014**. Approval is subject to the following conditions:

A. All permits: A BDS Zoning Permit is required. A BDS zoning permit is required for

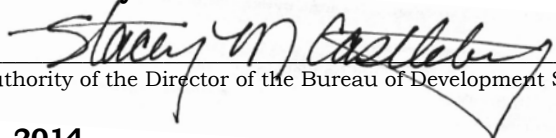
inspection of required construction management practices and required mitigation plantings.

1. Copies of the stamped Exhibits C.2, C.3, C.4, and C.5 from LU LU 14-117165 EN and Conditions of Approval listed below, shall be included within all plan sets submitted for permits (Zoning, 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 LU 14-117165 EN Exhibits C.2, C.3, C.4, and C.5.**"
 2. The applicant shall provide a legal instrument that they have permission to access "Lot A" of Skyline Summit No. 3, in order to install and maintain required mitigation plantings.
- B.** Temporary construction fencing shall be installed according to Section 33.248.065 or 33.248.068 (Tree Preservation Plans/Tree Protection Requirements), except as specified below. Temporary, 4-foot high, construction fencing shall be placed along the "Limits of Disturbance" line 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 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.** Native live stakes, native shrub plantings, native ground covers, and native grass seed selected from the *Portland Plant List*, shall be planted, in substantial conformance with Exhibits 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 the City 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 mitigation plantings and final the BDS Zoning Permit.
- D. 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.
- E.** Failure to comply with any of these conditions may result in the City's reconsideration of this land use approval pursuant to Portland Zoning Code Section 33.700.040 and /or enforcement of these conditions in any manner authorized by law.

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

This decision applies to only the City's environmental regulations. Activities which the City regulates through PCC 33.430 may also be regulated by other agencies. In cases of overlapping City, Special District, Regional, State, or Federal regulations, the more stringent regulations will control. City approval does not imply approval by other agencies.

Staff Planner: Stacey Castleberry

Decision rendered by:  **on July 2, 2014.**

By authority of the Director of the Bureau of Development Services

Decision mailed: July 9, 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 February 14, 2014, and was determined to be complete on May 15, 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 February 14, 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 extended the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: October 12, 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 July 23, 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.

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 **July 24, 2014 – (the day following the last day to appeal)**.
- A building or zoning permit will be issued only after the final decision is recorded.

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

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

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

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun. Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time. Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

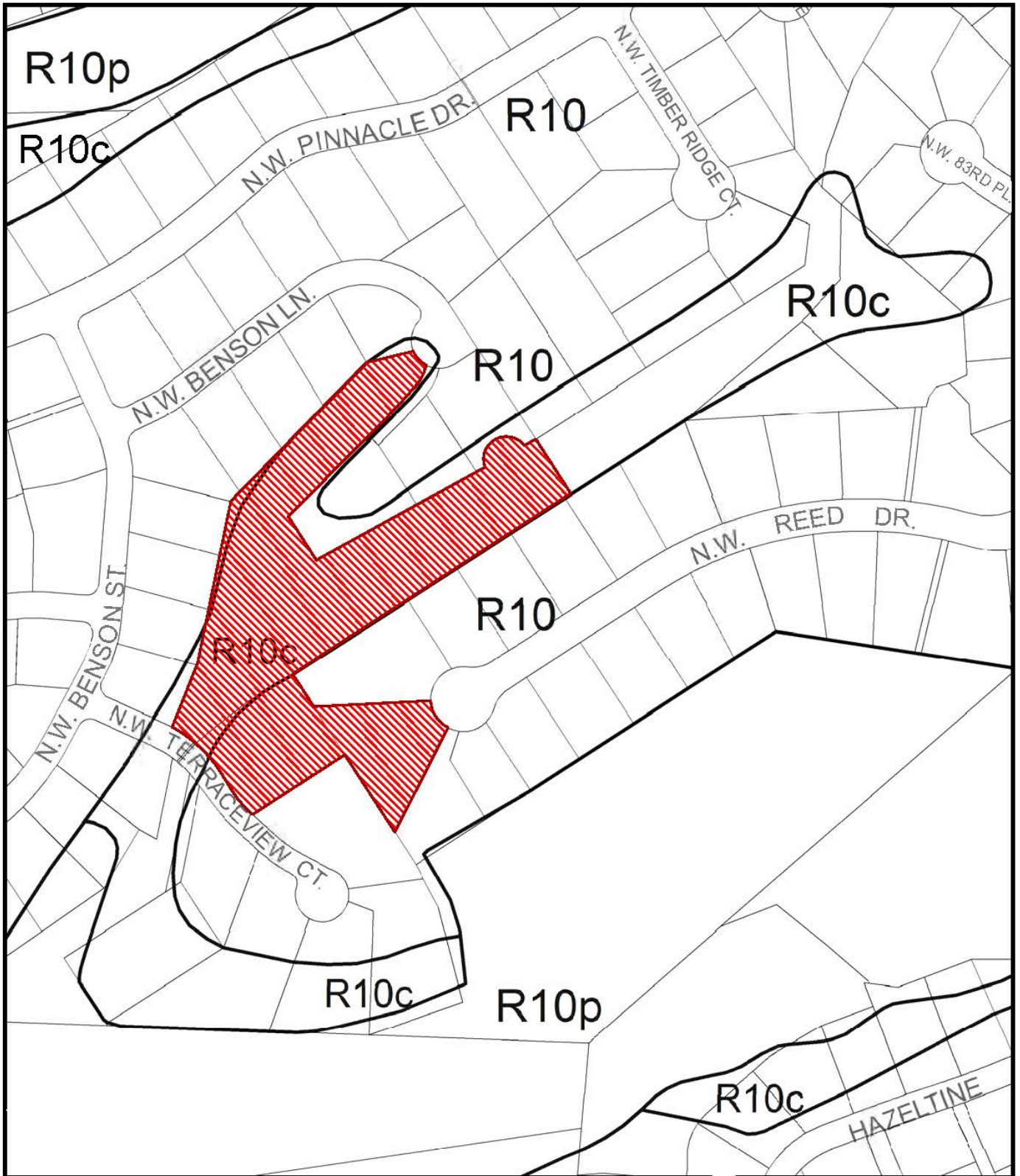
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

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

EXHIBITS
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statements
 - 1. Type II Environmental Review Application narrative
 - 2. Response to incomplete letter
 - 3. Geotechnical consultation report
 - 4. Request for extension of 120 day review period
 - 5. Response to neighborhood letter
- 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)
 - 5. Overall Site Plan
 - 6. Erosion and Sediment Control Plan from Public Works Permit
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Water Bureau
 - 3. Site Development Review Section of BDS
 - 4. Oregon Department of State Lands
- F. Correspondence:
 - 1. Linda Temple, May 28, 2014, concern for noise during construction.
 - 2. Eric Grimme, June 4, 2014, concerns regarding accuracy of description of stormwater runoff pathway, and ultimate exit path for stormwater not addressed by new design.
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter
 - 3. Skyline West Conservation Plan Site 145 description
 - 4. Site Plan for LUR 93-00223 SU (History of "Lot A" Skyline Summit No. 3)

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

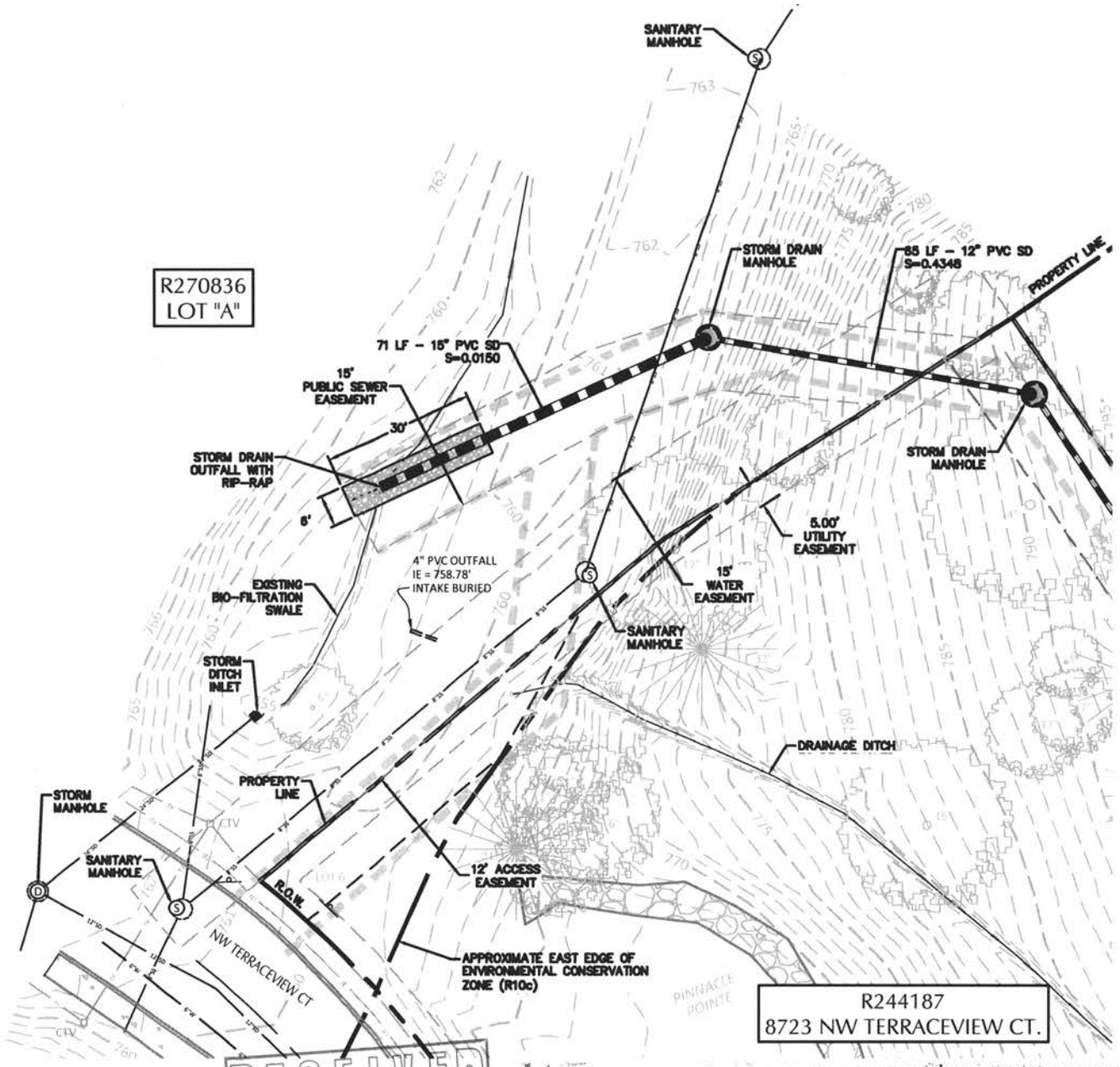
This site lies within the:
**NORTHWEST HILLS PLAN DISTRICT
 SKYLINE**



File No.	<u>LU 14-117165 EN</u>
1/4 Section	<u>2820,2821</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N1W26DA 7100</u>
Exhibit	<u>B (Jun 24,2014)</u>

R270836
LOT "A"

R244187
8723 NW TERRACEVIEW CT.



RECEIVED
 JUN 19 2014
 By _____

* Approved*
 City of Portland - Bureau of Development Services
 LU # 14-117165 EN
 Planner Stacy M... 7/2/14
 Date _____
 * Approval for Environmental Review only. Not a building permit.
 Additional zoning requirements may apply.

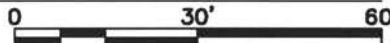
LU-14-117165EN



PROPOSED DEVELOPMENT PLAN NW REED DRIVE

SCALE: 1"=30'

JANUARY 2014

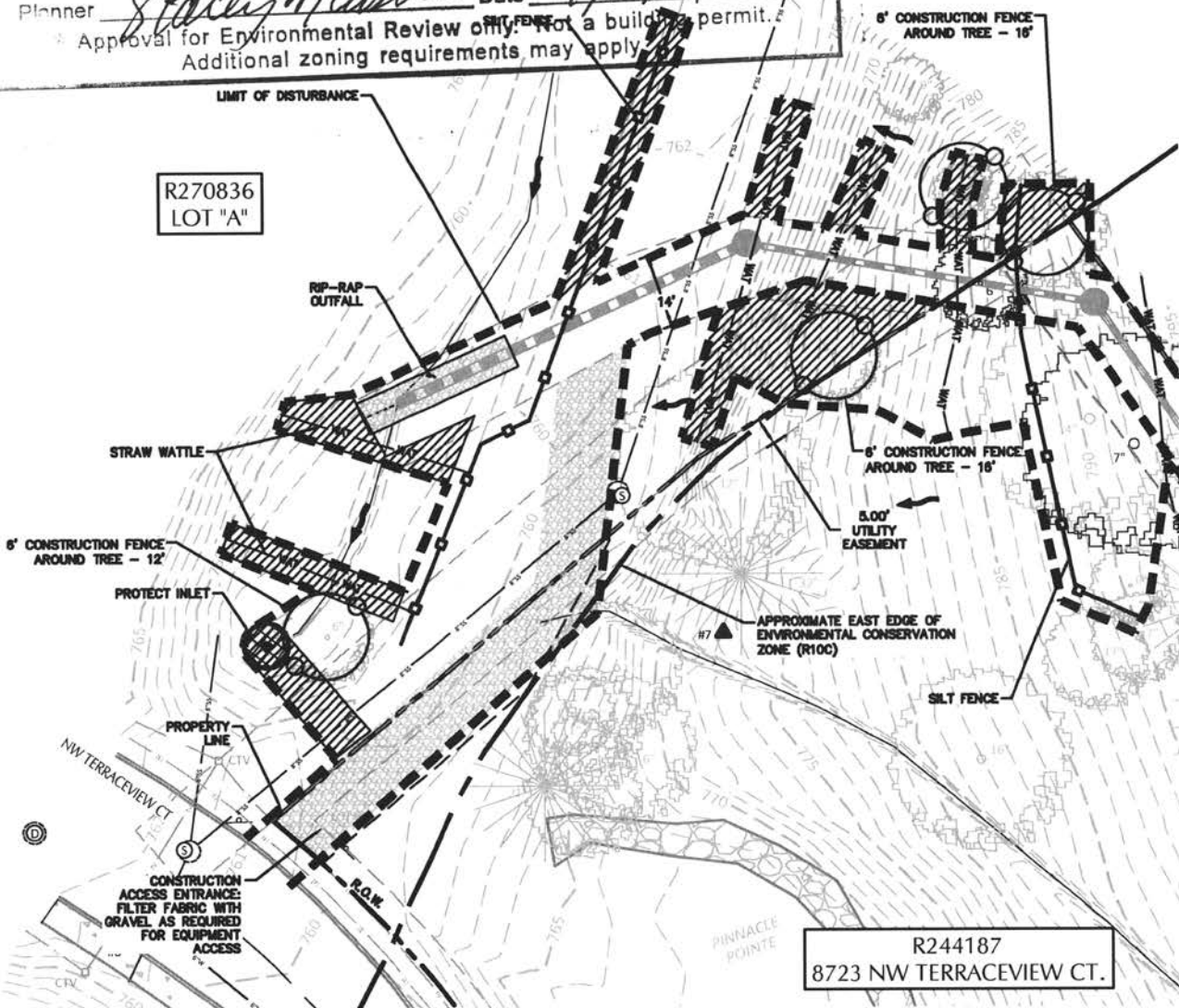


SHEET NO.

EXH-2

LU 14-117165 EN C.2

Approved
 City of Portland - Bureau of Development Services
 LU # 14-117165 EN
 Planner Stacy M. Law Date 7/2/14
 Approval for Environmental Review only. Not a building permit.
 Additional zoning requirements may apply.



R270836
LOT "A"

R244187
8723 NW TERRACEVIEW CT.

NOTES:

1. EQUIPMENT TO BE USED IN THE CONSERVATION ZONE (R10C) SHALL FIT WITHIN THE DISTURBANCE BOUNDARIES.
2. TOTAL AREA OF DISTURBANCE IN CONSERVATION ZONE (SQ FT) = 5755 SQ FT
3. ONLY EROSION CONTROL MEASURE INSTALLATION & REMOVAL IN THIS AREA

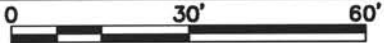
RECEIVED
 JUN 19 2014
 By _____

LU-14-117165EN

**CONSTRUCTION MANAGEMENT SITE PLAN
 NW REED DRIVE**

SCALE: 1" = 30'

JANUARY 2014



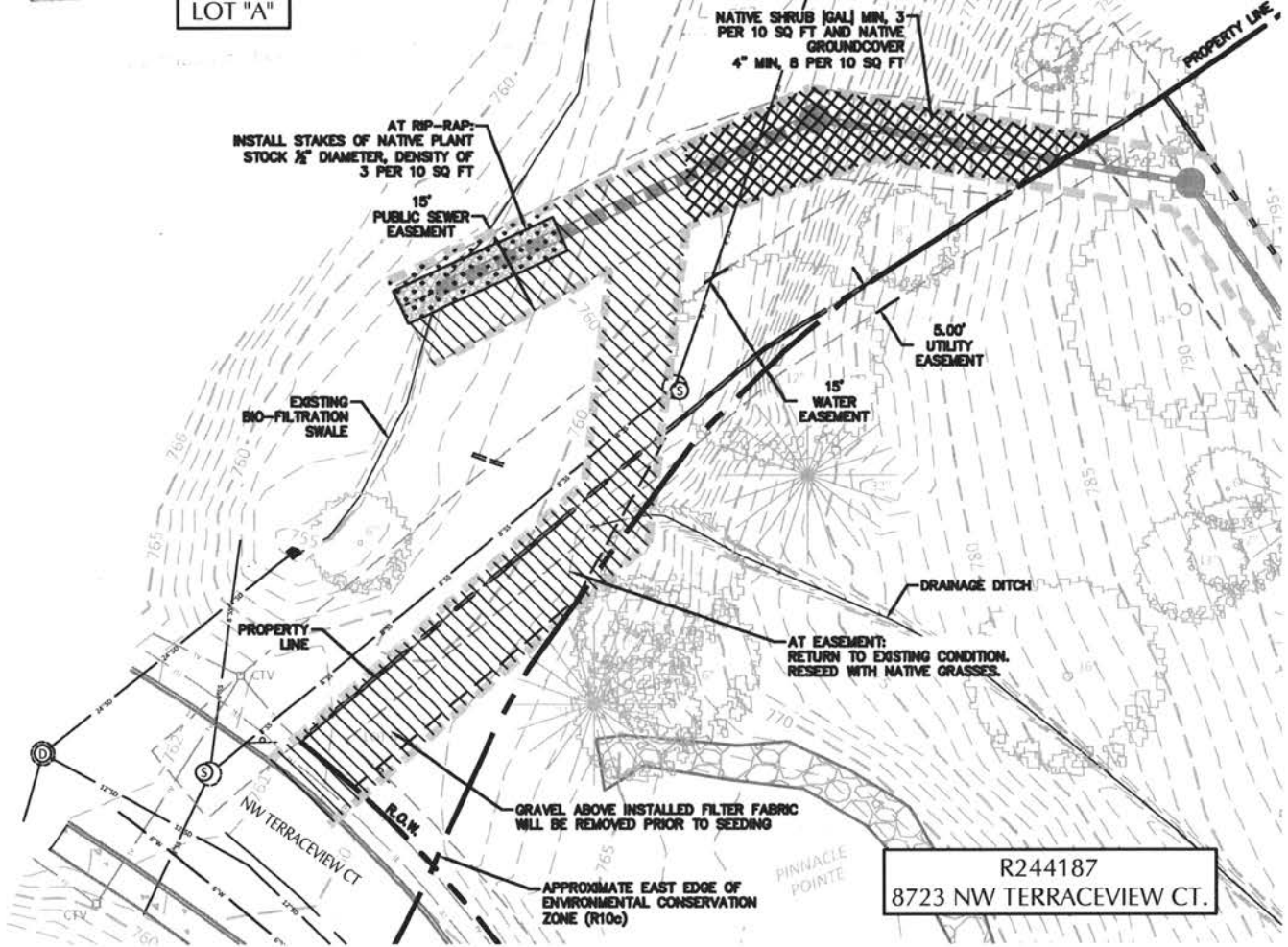
SHEET NO.

EXH-3

LU 14-117165 EN C.3

Approved
 City of Portland - Bureau of Development Services
 LU # 14-117165EN
 Planner Spencer M... Date 7/2/14
 Approval for Environmental Review only. Not a building permit.
 Additional zoning requirements may apply.




R270836
 LOT "A"



R244187
 8723 NW TERRACEVIEW CT.

LEGEND

RECEIVED
 JUN 19 2014
 By _____

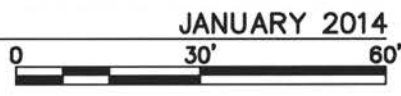
-  INDICATES LIVE STAKES OF NATIVE PLANTS
-  INDICATES NATIVE GRASSES FROM SEED - WESTERN FESCUE
-  INDICATES NATIVE SHRUB (RED CURRANT, VINE MAPLE, SNOWBERRY) AND NATIVE GROUND COVER (SWORD FERN)



SHEET NO

LU-14-117165EN


MITIGATION PLAN
NW REED DRIVE
 SCALE: 1"=30'



JANUARY 2014
 EXH-4

LU 14-117165 EN C.4