



February 20, 2018

Riverview Abbey Mausoleum Company
Attn: Steve Griffith
0319 SW Taylors Ferry Road
Portland OR 97219-4668

RE: LU 16-213734 LDS ENM EV


Appeal of the South Burlingame Neighborhood Association against the Hearings Officer's decision to approve with conditions, Macadam Ridge, a 21-lot subdivision, Environmental Review with Modifications and Environmental Violation Review for vacant property west of and adjacent to 0319 SW Taylors Ferry Road (Hearing; LU 16-213734 LDS ENM EV)

To Whom It May Concern:

Enclosed is a copy of the Order of Council on LU 16-213734 LDS ENM EV. This Order must be recorded with the Multnomah County Recorder. **Please send a check for \$51.00 made payable to the Multnomah County Recorder, indicating the file number on your check and SEND TO: The City of Portland, Office of the City Auditor, 1221 SW 4th Ave. Room 130, Portland, OR 97204-1900**

City Council's decision is the final review process available through the City. You may appeal this decision to the Oregon Land Use Board of Appeals (LUBA) by filing a Notice of Intent to Appeal with LUBA within 21 days of the date of decision, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have appeared orally or in writing during the City's proceedings on this land review. LUBA's address is: DSL Building, 775 Summer Street NE, Suite 330, Salem, OR 97301-1283. You may call LUBA at 1-503-373-1265 or visit LUBA's website (www.oregon.gov/LUBA) for further information on filing an appeal.

Yours sincerely,
Mary Hull Caballero
Auditor of the City of Portland

By: 

Karla Moore-Love, Council Clerk

Encl.

Cc: Christopher Koback/Hathaway Larson LLP
AnneMarie Skinner/Emerio Design





NOTICE OF FINAL DECISION

TO: All Interested Persons
DATE: February 20, 2018
RE: LU 16-213734 LDS ENM EV

Appeal of the South Burlingame Neighborhood Association against the Hearings Officer's decision to approve with conditions, Macadam Ridge, a 21-lot subdivision, Environmental Review with Modifications and Environmental Violation Review for vacant property west of and adjacent to 0319 SW Taylors Ferry Road (Hearing; LU 16-213734 LDS ENM EV)

Enclosed is a copy of the Order of Council on LU 16-213734 LDS ENM EV to grant the appeal in part and deny the application for Land Division, Environmental Review and Modifications, except that Council grants approval of Environmental Violation Review with conditions. If you wish to obtain a copy of the City Council's findings and decision, please contact Karla Moore-Love, Council Clerk by email at: Karla.Moore-Love@portlandoregon.gov or at (503) 823-4086.

City Council's decision is the final review process available through the City. You may appeal this decision to the Oregon Land Use Board of Appeals (LUBA) by filing a Notice of Intent to Appeal with LUBA within 21 days of the date of decision, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have appeared orally or in writing during the City's proceedings on this land review. LUBA's address is: DSL Building, 775 Summer Street NE, Suite 330, Salem, OR 97301-1283. You may call LUBA at 1-503-373-1265 or visit LUBA's website (www.oregon.gov/LUBA) for further information on filing an appeal.

Yours sincerely,
Mary Hull Caballero
Auditor of the City of Portland

By:

Karla Moore-Love, Council Clerk

Encl.



APPEAL OF THE SOUTH BURLINGAME NEIGHBORHOOD ASSOCIATION AGAINST THE HEARINGS OFFICER'S DECISION TO APPROVE WITH CONDITIONS, MACADAM RIDGE, A 21-LOT SUBDIVISION, ENVIRONMENTAL REVIEW WITH MODIFICATIONS AND ENVIRONMENTAL VIOLATION REVIEW FOR VACANT PROPERTY WEST OF AND ADJACENT TO 0319 SW TAYLORS FERRY ROAD (LAND USE CASE NO.: 16-213734 LDS ENM EV)

- Appellant:** South Burlingame Neighborhood Association
7688 SW Capitol Highway
Portland OR 97219
503-209-0558; sbna-president@swni.org
- Applicant/Owner:** Riverview Abbey Mausoleum Company / contact: Steve Griffith
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Portland OR 97219-4668
503-360-2598; swgrif@hotmail.com
- Representative:** Christopher Koback / Hathway Larson LLP
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Portland OR 97209
503-303-3107; chris@hathawaylarson.com
- Emerio Design / contact: AnneMarie Skinner
8285 SW Nimbus Avenue, Suite 180
Beaverton OR 97008
Representative Name
971-330-1129; annemarie@emeriodesign.com
- Site Address:** multiple undeveloped properties adjacent to SW Taylors Ferry Road, SW Canby Street, SW Hume Street (*subject property is adjacent to 0319 SW Taylors Ferry Road/Riverview Abbey Mausoleum*)
- Legal Description:** W 100' OF BLOCK 39 EXC PT IN ST, CARSON HTS; BLOCK 39 EXC W 100' & EXC PT IN ST, CARSON HTS; TL 1300 12.04 ACRES, SECTION 22 1S 1E
- Zoning:** Single Dwelling Residential 10,000 (R10)
Environmental Protection (p) overlay
Environmental Conservation (c) overlay
- Case Type:** Land Division Subdivision (LDS)
Environmental Review (EN) with Modifications (M)
Environmental Violation Review (EV)
- Procedure:** Type III, with a public hearing before the Hearings Officer. The decision of the Hearings Officer can be appealed to City Council.
- Proposal:**
Modified Proposal: The applicants made some changes to their proposal between the issuance of the Staff Recommendation (Exhibit H.1) and the initial public hearing. These changes are noted in the *italics* below:

The applicants modified their **Land Division-Subdivision** proposal to divide a 14.17-acre site into *21 lots* for detached single-dwelling residential homes, *instead of the 23 lot initially proposed*. The applicants *redesignated the site area originally identified as Lots 1 and 2 into a tract (Tract C)*, which is described in more detail below. The lot sizes are proposed to range from 5,000 to 7,924 square feet in area.

The proposal includes a new public dead-end street (Street A) and a new public pedestrian connection to serve the proposed lots, as well as the extension of and the widening of existing rights-of-way (SW Hume Street and SW Taylor's Ferry Road) abutting the site.

Public water and sanitary sewer services will be extended to serve the proposed lots. Stormwater facilities are proposed throughout the site with final disposal to the onsite streams (Ruby Creek and Stephens Creek). Public and private easements are also proposed for utilities and a drainage reserve.

A total of 3 tracts are identified in the modified proposal: Tract A, an approximately 9.69-acre open space/environmental resource tract; an approximately 4,018 square foot Tract B, an open space/landscape buffer tract; and an approximately 13,987 square foot Tract C, identified as scenic resource tract (originally designated as Lots 1 and 2).

An **Environmental Review** was requested to allow the proposed lots, streets, utilities, and related development within the resource area of the Environmental Conservation zone; and to allow storm sewer and sanitary sewer construction within the Environmental Conservation and Environmental Protections zones.

Environmental Modifications were requested to allow for reductions to the minimum lot area in the R10 zone from 6,000 square feet to 5,000 square feet (*Lot 23 was added to the lot size modification request*); to reduce the minimum side building setback for each lot from 10 feet to 5 feet; and *the request to increase the percentage of paving on Lots 22 and 23 was withdrawn*.

Environmental Violation Review was requested to correct violations due to tree and shrub cutting and ground disturbance in the environmental zone.

The City Council appeal hearing was opened in the Council Chambers, 1221 SW 4th Avenue on February 7, 2018 at approximately 2:00 p.m. After hearing public testimony and considering the evidence in the record, Council voted 5-0 to tentatively grant the appeal in part and overturn the Hearings Officer's decision: deny the application with exception of approval of the Environmental Violation Review with conditions and ordered findings be prepared for February 14, 2018 at 11:00 a.m. On February 14, 2018 at approximately 11:00 a.m., Council voted 5-0 to grant the Appeal in part and deny the Application for Land Division, Environmental Review and Modifications, except that Council approved Environmental Violation Review with conditions.

DECISION

Based on evidence in the record and adoption of the Council's Findings and Decision in **Case File LU 16-213734 LDS ENM EV** and by this reference made a part of this Order, **it is the decision of Council to GRANT the Appeal in part and DENY the Application for Land Division, Environmental Review and Modifications, except that Council GRANTS approval of Environmental Violation Review with conditions.**

Therefore, the City Council:

Denies the application for Land Division, Environmental Review and Environmental Modifications;

Approves Environmental Violation Review, subject to the following conditions:

- A. A BDS Zoning Permit is required to be finalized by March 31, 2019 for inspection and approval of remediation plantings. Copies of Exhibit C.13 from LU 16-213734 and conditions limits below shall be included within all plan sets submitted for permits (Zoning Permits). These exhibits shall include the following statement, "Any field changes must be in substantial conformance with approved Exhibit C.13 from LU 16-213734". To obtain the permit, the applicant must submit a Remediation Planting Plan which provides the following:
- removal of all non-native nuisance vegetation from the "upland and riparian remediation areas" shown on Exhibit C.13,
 - installation of native species within the 12,727 square foot "upland remediation area" at the following rate: 1 tree, 1 shrub, and 5 groundcover plants for every 50 square feet of planting area.
 - installation of native species within the 10,000 square foot "riparian remediation area" at the following rate: 1 tree, 1 shrub, and 5 groundcover plants for every 50 square feet of planting area.
 - Plants must be native and selected from the *Portland Plant List*. A minimum of 3 different tree species, 5 different shrub species; and 5 different groundcover species must be provided in each remediation area.
 - All nuisance plant removal and plant installation work must be conducted with hand-held equipment.
 - All remediation trees and shrubs 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.
- B. The land owner shall maintain the required planting for two years to ensure survival and replacement. The land owner is responsible for the ongoing survival of the required plantings during and beyond the designated 2-year monitoring period. At the end of the 2-year maintenance and monitoring period, the land owner shall obtain a second (final) Zoning Permit for a final inspection of the remediation plantings for the purpose of ensuring the required plantings remain. The permit must be finalized no later than 2 years from the final inspection of the initial installation of the remediation plantings. Any required plantings that have not survived must be replaced.

Conditions of Approval. 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.

IT IS SO ORDERED:

FEB 20 2018

Date



Mayor Ted Wheeler
Presiding Officer at Hearing of
February 14, 2018
9:30 a.m. Session

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LU 16-213734 LDS ENM EV
Order mailed: FEB 20 2018