



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

FROM CONCEPT TO CONSTRUCTION

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

Date: March 23, 2012
To: Interested Person
From: Sue Donaldson, Land Use Services
503-823-7618 / Sue.Donaldson@portlandoregon.gov

NOTICE OF A TYPE II DECISION ON A PROPOSAL
IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 11-203652 EN

GENERAL INFORMATION

Applicant: Terence Chan,
Bureau of Environmental Services
1120 SW 5th Ave, Rm 1000
Portland OR 97204

Owner: Portland Parks & Recreation (James Allison)
1120 SW Fifth Ave, #1302
Portland OR 97204

Representative: Sarah Hartung,
ESA Adophson
522 SW Fifth Ave, Suite 820
Portland OR 97204

Site Address: Marquam Nature Park, near SW Edgewood Road

Legal Description: TL 800 8.73 ACRES, SECTION 09 1S 1E; TL 700 14.89 ACRES,
SECTION 09 1S 1E

Tax Account No.: R991090700, R991091440

State ID No.: 1S1E09 00800, 1S1E09 00700

Quarter Section: 3227

Neighborhood: Southwest Hills Residential League, contact Nancy Seton at 503-224-3840.

Business District: None

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

Plan District: None

Zoning: OSp Open Space with Environmental Protection (p) overlay

Case Type: EN Environmental Review

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

Proposal:

The Bureau of Environmental Services (BES) proposes to replace a failed sewer pipe that is located at the bottom of a ravine in Marquam Nature Park, east of SW Edgewood Road. A temporary bypass pipe has been installed, but a more permanent solution is needed. The 10-inch diameter replacement pipe will be approximately 273 feet long and made of PVC. It will be placed approximately 5 feet west of the existing damaged pipe, which will remain in place. The new pipe will begin at manhole ABY 199 and tie into the existing 30-inch sewer main at node ABY325, which is at the bottom of a steep ravine. Construction will involve excavating a shallow trench for the pipe using a combination of hand-held equipment and small, mechanized equipment. The trench will be approximately 2 to 3 feet wide and 3 feet deep on average. The old pipe will be decommissioned when the new pipe is installed but will remain in place because it is secured with large concrete anchors (1.5 ft³) that would have to be removed before the pipe could be taken out.

The total area of temporary disturbance for trenching and pipe installation is approximately 4,100 square feet. This includes 100 square feet of wetland. The applicant has proposed a fenced area of disturbance around the existing pipe and the new trench, but the exact alignment of the pipe will be determined in the field so that damage to the roots of existing trees can be avoided or minimized. The new pipe will be secured with metal slope anchors and covered with native fill material excavated during trenching. Existing contours will be restored along the slope. Temporary disturbance area will be restored with native species that match the existing shrub community, as shown on the amended Mitigation plan, Exhibit C.4. Invasive ivy and Himalayan blackberry will be removed within and around the disturbance area.

The work site is within the City's Environmental Protection 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 project does not meet *Standards C, D and F of 33.430.150, Standards for utility lines*. 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 relevant approval criteria are in *33.43.250.A. Approval Criteria for 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 project site is in the northwest corner of Marquam Nature Park on a steep (over 40%), south-facing slope. It supports an abundance of native tree species, such as Douglas fir, western hemlock, western red cedar, and bigleaf maple, and a variety of wildlife habitats. The park is managed as a natural area and development is limited to two trail heads and narrow, unpaved trails. The Sunnyside trail crosses through the proposed work area, approximately halfway down the slope. Single dwelling residential development surrounds the park on the north, west and south sides. The closest street is SW Edgewood Road, which is a single lane dead end Local Service Street. The sewer line is within a public utility easement from SW Edgewood Road, through two residential lots and then into the park down to the bottom of the ravine.

Infrastructure

Zoning: The proposed project site is zoned OSp (Open Space with Environmental Protection overlay). The Open Space zone is intended to preserve and enhance public and private open, natural and improved park and recreational areas identified in the Comprehensive Plan. The entire park is within the environmental protection overlay zone. This overlay zone protects the most important resources and functional values and development is approved only in unusual circumstances.

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 preserve the site's protected resources. They protect the most important environmental features and resources while allowing environmentally sensitive urban development where resources are less significant. The purpose of this land use review is to ensure compliance with the regulations of the environmental zones.

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

The project area is located in the *Southwest Hills Resource Protection Plan* inventory site number 113 (Marquam Hill Ravine). The area encompasses upland mixed coniferous and deciduous forest, upper perennial and intermittent streambeds, riparian areas with associated wetlands, as well as streets and residential development. Designated resource values include wildlife habitat, groundwater recharge, scenic, recreation, perennial and seasonal creeks, and forested wetlands. The resource site has high quality bird habitat for common songbirds such as chickadees, juncos, bush tits, and red-breasted nuthatch as well as less common ones such as downy woodpecker, spotted towhee, orange-crown warbler and varied thrush. The vegetation on the slopes and Marquam Park contributes to the overall character of the West Hills and image of the city.

The landslide hazard potential in the Marquam Hill Ravine has been well documented. The abundance of water helps support the indigenous, northwest forest species present. These include Douglas fir (*Pseudotsuga menziesii*), big leaf maple (*Acer macrophyllum*), hemlock (*Tsuga heterophylla*), and red cedar (*Thuja plicata*) as well as a variety of shade-loving herbaceous plants and ferns. Unfortunately, Himalayan blackberry and English ivy are also abundant and in many places are choking out native plant communities. Plants growing in the wetland area at the bottom of the slope, described below, include salmonberry (*Rubus spectabilis*) red elderberry (*Sambucus racemosa*), trailing blackberry (*Rubus ursinus*), vine maple (*Acer circinatum*) and red huckleberry (*Vaccinium parvifolium*). Native herbaceous plants include sword fern (*Polystichum munitum*), lady fern (*Athyrium filix-femina*), piggyback plant (*Tolmeia menziesii*) and Cooley's hedge nettle (*Stachys cooleyae*).

Water Resources: There is an eroded gully on the steep slope that is about 75 feet long and ranges from 1 to 6 feet wide. It runs alongside the existing sewer line and appears to have been formed by eroding soil carried down to the bottom of the hill. The gully and wetland area are shown on the Existing Conditions plan, Exhibit C.5. A small wetland (approximately 400 square feet) has formed adjacent to the 30-inch sewer main. The applicant has documented wetland conditions and stated that there would be less than 50 cubic yards of fill or removal with the wetland and intermittent stream feeding it. Thus, the Army Corps of Engineers would not have to be notified and state permits would not be required. The intermittent stream flows under the 30-inch sewer main, which is partially above ground in that location. Approximately 100 square feet of the stream and wetland seep are within the disturbance area. The stream flows into a 30-inch combined sewer downstream and off-site. The applicant's consultants expect the stream to dry up during summer months.

Alternatives Analysis

33.430.250 E.2 states that the applicant must submit different alternatives demonstrating that the approach proposed causes the least impact upon the functions and values and that any unavoidable impacts can be sufficiently mitigated. In this case, an existing sewer pipe, which has been in place for 80 years or more, has failed and is leaking. For health and environmental reasons the pipe cannot remain in its current condition. A temporary bypass has already been installed in order to maintain service. One option would be to repair the pipe. However, the pipe is old and deteriorating. Another option would be to remove the existing pipe section and put a new pipe in its place. This, too, is not feasible because of the interruption in service.

Also, because of the length of time the pipe has been in place and the size of its concrete anchors, removing it would require heavy equipment and would create much more impact than digging a new trench with hand tools and small mechanized equipment. Removing the old pipe would also require removing at least 7 mature trees. For these reasons, the applicant proposes to replace the old one with a new pipe made of more durable materials. Due to the connection locations, the new pipe will lay alongside the old one, with approximately 5 feet between them.

Impact Analysis

The primary impacts related to constructing the replacement sewer segment will be from trenching, positioning the pipe and anchoring it in place. No trees greater than 6 inches in diameter will be removed, but shrubs and groundcover, both native and invasive, will be removed within the temporary disturbance area. The total disturbance area will be approximately 4,100 square feet. The trench for the new pipe will be approximately 273 feet long and between 2 and 3 feet wide (683 square feet in area). The rest of the disturbance area includes the old pipe and the space around both pipes needed to install and connect the new pipe. The pipe will be buried and replanted according to the Mitigation Plan. Included in the disturbance area will be approximately 100 square feet of the wetland that is adjacent to the 30-inch main near where the new pipe must be connected. There is an unnamed stream at the bottom of the gulch that runs underneath the 30-inch sewer main. The main is above ground at that point. Proposed work is expected to affect 5 to 10 lineal feet of the stream.

Mitigation Plan

As discussed earlier in this report, the total disturbance area for pipe construction will be 4,100 square feet. The Bureau of Environmental Services Revegetation Program (*BESRG*) has commented that the existing invasive species, particularly ivy, will make it all but impossible for herbaceous material to survive and so has proposed to plant only shrubs within the disturbance area. Shrubs, rather than trees, are preferable because their roots are less likely to damage the pipe. Planting shrubs too close together would create severe competition within a year or two of planting. Planting shrub clusters at 8' spacing, as shown in the above table, is far denser than the *BESRG* installs in any natural area restoration or mitigation situation.

Ivy extends far beyond the proposed disturbance area and it is unlikely to be controlled in the future due to PPR budget constraints. It is a problem throughout the park and, in the opinion of the *BESRG*, it is not likely that native groundcover plantings would likely not persist even for one year. In this situation, the best short term erosion control measure would be to seed exposed soils with native grasses to stabilize surface soils. However, PPR has requested BES not to seed the area. Instead BES is proposing to use biodegradable erosion control blanket to cover disturbed soil. The fabric will be cut later in order to install native shrubs. Woody plants will be installed during the dormant season.

On the other hand, it is City policy to control invasive species and BES does have responsibility to maintain the easement area, which would include grubbing out the ivy in that area. This would allow ground cover plants to become established. Despite the *BESRG*'s experience, it is nevertheless desirable to try to reestablish this relatively small disturbance area that could give some native plants a foothold. Therefore, the follow table, which is very similar to what the applicant originally submitted, will be the approved Mitigation Plan. The main difference is in the spacing of shrubs and one change in species (from Red huckleberry to Pacific ninebark).

Table 1. Proposed Plant Species for Site Restoration

Plant Species*	Scientific Name	Condition	Density	Notes**
Forested Slopes (approximately 4,000 square feet)				
Indian plum	<i>Oemleria cerasiformis</i>	Bare root	Clusters of 3 shrubs, 8-foot spacing between clusters <i>Approximately 106</i>	Plant at least three different shrub species
Pacific ninebark	<i>Physocarpus capitatus</i>			
Red elderberry	<i>Sambucus racemosa</i>			
Vine maple	<i>Acer circinatum</i>			
Dull Oregon grape	<i>Berberis nervosa</i>	Bare root or 1-gal	4' o.c. (or about 140)	Oregon grape and sword fern are considered groundcover – plant an equal mix of these two species
Sword fern	<i>Polystichum munitum</i>	1gal; 4" pots or salvage material		
Wetland (base of hill, approximately 100 square feet)				
Lady fern	<i>Athyrium felix-femina</i>	4" pots	2' o.c. (or 25 plants)	Plant an equal mix of these three species.
Piggyback plant	<i>Tolmiea menziesii</i>			
Fringecup	<i>Tellima grandiflora</i>			

*Substitutions with similar native shrubs are acceptable. No grass seed mix to be planted.

**Re-plant where soils have been disturbed and vegetation has been removed. Cover the soils on the forested slope with a biodegradable erosion fabric.

The question of mitigation development standards cannot be fully analyzed or resolved within the context of this report.

Construction Management

Applicant has submitted a construction management plan (Exhibit C.2 and C.3). Exhibit C.3 shows the staging and storage area at the SW Broadway Drive trailhead. The Broadway trail and the Sunnyside trail will be the ingress and egress routes. The trailhead is approximately 0.32 miles from the project site. The Broadway trail ends at its intersection with the Sunnyside Trail and the Sunnyside Trail leads down 450 feet to the project site. The trails are narrow and very steep so there will be no motorized vehicle access. Exhibit C.3 2 contains construction notes which include provisions for erosion control, stockpiling at the Broadway trailhead, limits of disturbance, use of small tools, arborist supervision and the need for minor alterations in pipe alignment to avoid tree roots. The applicant does not intend to remove any trees, but rather to adjust the pipe alignment as needed and to work closely with the project arborist to ensure that trenching does not compromise the root systems of existing trees. Work will be performed during the dry summer months to minimize impacts to the wetland and intermittent stream.

The Construction Management plan shows areas of stockpiling, access to the construction site and a defined construction disturbance area. Due to steep slopes and the number of existing trees, it is not practicable to install chain link fence for tree projection along the length of the disturbance area. The applicant proposes to use a combination of brightly colored stakes and tape to mark the boundaries of the work zone. In addition, erosion control wattles will be installed along the inside edges of the disturbance area, as shown on the Construction Management plan, which will further delineate the limits of disturbance.

Proposed Monitoring

The BESRP team will be responsible for maintenance. Program goals include increasing native plant diversity and structure for wildlife, evaluating overall plant survival, mortality and vigor

as an indication of the need for additional planting and reducing non-native weedy species through mechanical, manual and chemical means. Maintenance will occur up to twice a year and will include removing non-native plants and replanting as necessary with native species. Non-native invasive species will be selectively removed in accordance with Portland Parks and Recreation's (PPR) *Integrated Pest Management Program*. Hand watering may be necessary in the early establishment period, as determined by *BESRP*. Staff from the program will monitor and record survival according to the program's *Monitoring and Documentation Protocol*. The criterion for success is 80% coverage of initial stock planting and opportunistic colonization by native species after five years. *BESRP* will submit an annual monitoring report documenting species, stocking rate and herbaceous cover.

Land Use History: There have been several land use reviews for projects in Marquam Hill Nature Park, but none of them are close to or affect the project area.

Agency and Neighborhood Review: A "Notice of Proposal in Your Neighborhood" was mailed on January 26, 2012.

Agency Review: Several Bureaus have responded to this proposal but none had any objections to the proposed development. Please see Exhibits "E" for details.

Neighborhood Review: No written responses have been 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.

Response

The approval criteria which apply to the proposed new replacement pipe are found in *Section 33.430.250.A*. The applicant has submitted findings for these approval criteria and BDS Land Use Services staff has revised these findings or added conditions, where necessary to meet the approval criteria. Findings for approval criteria that are similar are grouped together, as appropriate, below.

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:

1. General criteria:

- 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;*
- b. *There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;*
- c. *The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;*

- 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. *The applicant owns the mitigation site; possesses a legal instrument that is approved by the City sufficient to carry out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.*

Findings: As described above (pages 2 through 5), above, the proposed alternative will have the least impact of the other available options. The proposed construction management plan ensures that construction impacts are controlled and limited to the proposed disturbance area and that areas outside the work zone will not be disturbed. The existing trails in the park will be used for access to the project site. The plan will be implemented and plants maintained under the regulations outlined in *Zoning Code Section 33.248.040.A-D*.

As discussed above, the mitigation plan (Exhibit C.4) varies slightly from the standards, due to the problem of invasive species in Marquam Park. It is so serious that *BESRG* believes that herbaceous ground cover plants will not survive if planted in the disturbance area and around the proposed shrub plantings. PPR owns the site, but the sewer lines in the park are within public utility easements. BES is responsible for maintaining the pipes and ensuring that the easement area at least is cleared of ivy. Even though there is dense ivy growing outside of the easement area, the photographs that the applicant submitted do show some native ferns growing in the area. The applicant's mitigation plan includes planting ferns in the areas where the ivy will be grubbed out. These should survive if the pipe easement area is monitored and maintained. Once construction is complete, the existing utility easement will be widened to include the new pipe. Therefore, the mitigation and restoration plan proposed by BES, with modifications discussed earlier in this report, can be approved.

The applicant has proposed a five-year monitoring program, as described on page 5 that will 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 five years after plantings are installed. This will be required as a condition of approval.

The proposed mitigation will occur on the site and around the proposed disturbance area. The site is within a public park, owned by Portland Parks and Recreation (PPR). The sewer line is within a public sewer easement and the BES is responsible for maintenance and ensuring that the mitigation plantings are maintained. The two bureaus are coordinating on the project.

In summary, proposed development minimizes the loss of resources and functional values and the proposed development location, design, and construction methods are less detrimental to identified resources and functional values than other practicable and significantly different alternatives. The impact evaluation shows that the proposed new pipe will be within an alignment that will allow connections to the existing system and will be as close as possible to the old pipe that will remain. Impacts beyond the disturbance area will be offset by installing a new pipe made of more durable materials, effective construction management during construction and stormwater management after the project is complete. These criteria are met with conditions requiring that the proposed work is carried out in accordance with the approved Development Plan (Exhibit C.1), Construction Management Plans (Exhibit C.2 and C.3) and the amended Mitigation Plan (Exhibit C4).

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

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

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

Findings: As discussed earlier in the report, the existing sewer pipe in a steep ravine has failed and will be replaced with a new pipe. The location of the pipe is determined by the existing system and available connection points. It will be approximately 5 feet away from and more or less parallel to the existing one. There is no alternative location and implementation of the approved construction management plan will result in the fewest detrimental impacts. Over time, trees have grown over and around the failed pipe, so that excavating to remove it and the anchors would cause more damage than leaving it in place, as discussed earlier in this report.

The nearby water bodies are not fish-bearing streams. No stream crossings are proposed, but there is an intermittent stream that appears to dry up during dry periods. The stream is near the connection point to the 30-inch main, and so approximately 5 to 10 lineal feet will likely be within the disturbance area. The existing channel will remain and be restored to pre-construction conditions.

This criterion is met with conditions requiring that the proposed project is carried out in accordance with the approved Development Plan (Exhibit C.1), Construction Management Plans (Exhibits C.2 and C.3) and the modified Mitigation Plan (Exhibit C.4).

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 within a total temporary disturbance area of 4,100 square feet, in the Environmental Protection overlay zone. The proposed impacts are unavoidable because a leaking sewer pipe needs to be replaced. The applicant will minimize impacts on environmental resources by aligning the new pipe to avoid removing trees and limiting access to a narrow corridor around the pipe replacement area. Impacts will be mitigated by the removing invasive species and planting of native shrubs and groundcover plants within the temporary disturbance area.

The applicant has shown that the proposal meets the applicable approval criteria and that impacts will be mitigated. Therefore, this proposal should be approved, subject to the conditions stated below.

ADMINISTRATIVE DECISION

- **Approval** of an Environmental Review to replace a failed sewer pipe in a ravine in Marquam Nature Park within the Environmental Protection overlay zone, and in substantial conformance with Exhibits C.1, C.2, C.3, and C.4, as modified, signed, and dated by the City of Portland Bureau of Development Services on **March 20, 2012**. Approval is subject to the following conditions:
 - A. All permits: Copies of the stamped Exhibits C.1 through C.4-from LU 11-202652EN and Conditions of Approval listed below, shall be included *within all plan sets submitted for required permits*. These exhibits shall be included on a sheet that is the same size as the plans submitted for the permit and shall include the following statement, "*Any field changes shall be in substantial conformance with approved Exhibits C.1, C.2, C.3, and C.4.*"
 - B. Temporary construction markings shall be placed along the Limits of Construction Disturbance for the approved development, as depicted on Exhibit C.2 Construction

Management Plan A, and as required by inspection staff during the plan review and/or inspection stages. It is not possible to install chain link fence per *Section 33.248.068* because of the steep terrain and the density of mature trees close to the work area, so alternative methods will be used as noted below:

1. No mechanized construction vehicles are permitted outside of the approved "Limits of Construction Disturbance" delineated by the temporary construction fence. All planting work, invasive vegetation removal, and other work to be done outside the Limits of Construction Disturbance, shall be conducted using hand held equipment.
 2. Tree protection shall be provided as described in the applicant's Construction Management Plan, Exhibit C.2. This will include brightly colored tape attached to metal stakes and rows of wattles that also serve erosion control purposes.
- C.** A total of 106 shrubs, and 165 ground covers and perennials shall be planted throughout the 4,100 square-foot temporary construction disturbance area. Quantities may be reduced by 5 plants, if site conditions dictate. All plants shall be selected from the *Portland Plant List*, and shall be planted in substantial conformance with Exhibit C.4 Mitigation Site Plan, including modifications added and initialed by BDS staff.
1. Prior to installing required mitigation plantings, non-native invasive plants shall be removed from all areas within 10 feet of mitigation plantings, using handheld equipment.
 2. After installing the required mitigation plantings, the applicant shall request a Zoning Permit by the Bureau of Development Services, who will confirm that all required mitigation plantings have been installed.
- D.** The BES Revegetation Program shall be responsible for monitoring the required plantings for five years to ensure survival and replacement and shall obtain a Zoning Permit for a final inspection at the end of the monitoring period. The permit must be finalized no later than 5 years from the final inspection for the installation of mitigation planting, for the purpose of ensuring that the required plantings remain. This work shall be carried out according to the program's *Monitoring and Documentation Protocol* and in accordance with Portland Parks and Recreation's *Integrated Pest Management Program*. BES shall be responsible for ongoing survival of required plantings beyond the designated monitoring period. Any required plantings that have not survived must be replaced.
- 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: Sue Donaldson



Decision rendered by: _____ **on March 20, 2012.**

By authority of the Director of the Bureau of Development Services

Decision mailed: March 23, 2012.

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on December 22, 2011, and was determined to be complete on January 23, 2012.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on **December 22, 2011**.

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 May 24, 2012**.

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on April 6, 2012** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. **After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at

550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

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

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **April 9, 2012**.
- A 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 Statement

1. Narrative

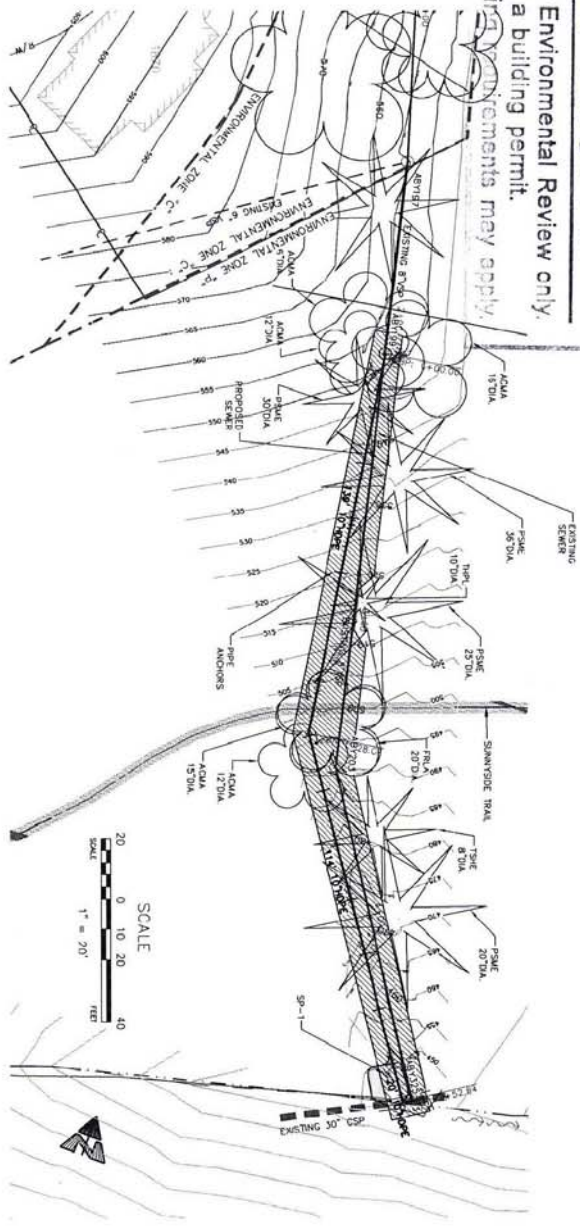
2. Photographs
 - i. Proposed alignment looking north
 - ii. Proposed alignment from Sunnyside Trail
 - iii. Proposed alignment and eroded gully
 - iv. Wetland at base of gully
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Proposed Development Site Plan (attached)
 2. Construction Management Plan A
 3. Construction Management Plan B
 4. Mitigation Site Plan
 5. Existing Conditions Plan
 6. Project Area and vicinity
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Bureau of Environmental Services
 2. Portland Bureau of Transportation
 3. Water Bureau
 4. Site Development
- F. Correspondence: None
- G. Other:
 1. Original LU Application
 2. Site History Research

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

Permit # _____
 Planner Julia Morrison
 Date Nov 20, 2012

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



LEGEND

- INTERMITTENT STREAM CENTERLINE
- ACMA ACER MACROPHYLLUM
- FRIL FRAXINUS LAIFOLIA
- PSME PSEUDOTSUGA MENZIESII
- TSHE TSUGA HETEROPHYLLA
- THPL THUJA PLICATA
- WETLAND SEEP
- SP-1 CHARACTERISTICS WETLAND CONDITIONS
- ~ DIRECTION OF STREAM FLOW
- TEMPORARY DISTURBANCE AREA TOTAL AREA APPROX. 4100 S.F.

CITY OF PORTLAND
ENVIRONMENTAL SERVICES



S.W. EDGEWOOD ROAD
 COMBINATION SEWER REPLACEMENT
 PROJECT

PROPOSED DEVELOPMENT SITE PLAN

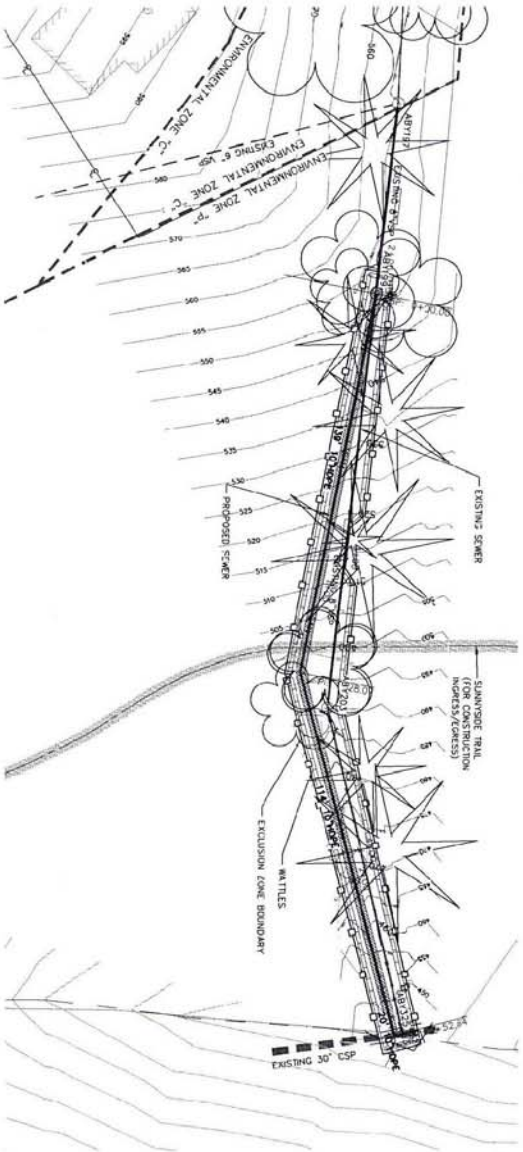
CASE NO. 11-203652 EX
 EXHIBIT C.1

CASE NO. 11-203652EN
EXHIBIT C.2

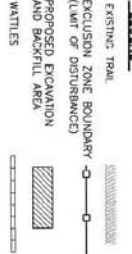
GENERAL NOTES

1. EROSION, SEDIMENT AND POLLUTANT CONTROL IS REQUIRED FOR THIS PROJECT.
2. PREPARE AN EROSION, SEDIMENT AND POLLUTANT CONTROL PLAN (ESPC) BEFORE BEGINNING WORK. KEEP A COPY OF THE ESPC AND SEDIMENT CONTROL MANUAL (MARCH 2008) ON SITE AT ALL TIMES DURING THE PROJECT.
3. THE EROSION AND SEDIMENT CONTROL FACILITIES SHOWN ON THIS PLAN ARE THE MINIMUM REQUIREMENTS FOR THE ANTICIPATED SITE AND STAGING CONDITIONS. THE PROJECT OWNER MAY REQUIRE ADDITIONAL WORK OR WEATHER CONDITIONS.
4. SELECT BEST MANAGEMENT PRACTICES (BMPs) FROM THE FOLLOWING DOCUMENTS: 1) THE CITY OF PORTLAND EROSION AND SEDIMENT CONTROL MANUAL; 2) THE STANDARD CONSTRUCTION SPECIFICATIONS AND 3) THE PROJECT SPECIAL PROVISIONS.
5. INSTALL, MONITOR, REPAIR AND UPGRADE ALL FACILITIES AND MEASURES. PERFORM MAINTENANCE TO ENSURE THEIR CONTINUED FUNCTIONING.
6. REPAIR AND MAINTAIN ALL FACILITIES AND MEASURES UNTIL WORK AREAS ARE RESTORATED OR STABILIZED.
7. COMPLETE AN EROSION CONTROL MONITORING FORM AFTER EACH INSPECTION. INCLUDE THE INSPECTION DATE AND TIME. RETAIN THESE COMPLETED FORMS ON SITE AND PROVIDE THEM UPON REQUEST.

8. NO VISIBLE AND MEASURABLE SEDIMENT OR POLLUTANT SHALL EXIT THE SITE. ENTER A PUBLIC RIGHT-OF-WAY OR BE DEPOSITED INTO ANY WATER BODY OR STORM DRAINAGE SYSTEM.
9. FOLLOWING A STORM EVENT, INSPECT AND ADJUST, REPAIR, UPGRADE OR REPLACE ALL DEFLECTOR OR RAISING FACILITIES AND MEASURES.
10. PROTECT ALL FUNCTIONING STORM WATER INLETS AND CATCH BASINS FROM RECEIVING UNFILTERED SEDIMENT - LOOSEN RAINOFF.
11. REMOVE SEDIMENT AND DEBRIS FROM INLETS AND CATCH BASINS BEFORE PAVING. DO NOT FLUSH SEDIMENT-LOOSEN WATER INTO THE DOWNSTREAM SYSTEM.
12. STABILIZE ALL EXPOSED SOIL IMMEDIATELY FOLLOWING GRADING DISTURBING ACTIVITY.
13. STABILIZE AND PROTECT STOCKPILED SOIL WITH APPROVED MEASURES.
14. REMOVE EROSION AND SEDIMENT CONTROL FACILITIES AFTER THE PROJECT IS COMPLETED AND ACCEPTED.
15. AREAS OUTSIDE OF EXCLUSION ZONE BOUNDARY WILL REMAIN UNDISTURBED. THE LIMIT OF EXCLUSION ZONE WILL BE SUBJECT TO TEMPORARY DISTURBANCE BUT THERE WILL BE NO PERMANENT DISTURBANCE.
16. ALL EXISTING TREES WILL REMAIN. THE TREES WILL BE EXCAVATED USING SMALL TOOLS AND EQUIPMENT. MINOR REPAIRS MAY BE MADE TO AVOID THE TREES OR ANY OBSTACLES. ARGUMENTS WILL BE INFORMED AND CONSULTED PRIOR TO CUTTING ANY ROOTS LARGER THAN 2".
17. STAGING AND STOCKPILING AREA WILL BE LOCATED AT THE BROADWAY TRAIL ENTRANCE ON SW BROADWAY DR. (SEE SHEET 2).



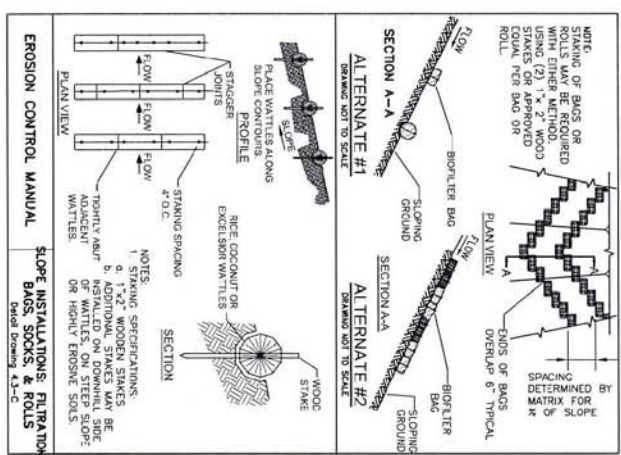
LEGEND



NOTE

1. APPROXIMATE VOLUME OF EXCAVATION IS 76 C.Y. AND APPROXIMATE VOLUME OF BACKFILL IS 70 C.Y.

CITY OF PORTLAND
ENVIRONMENTAL SERVICES



WATLES
NOT TO SCALE



Approved
City of Development Services
Bureau of Development Services

Permit #
Planner
Date Mar 20, 2012

Approval for Environmental Review only.
Not a building permit.
Zoning requirements may apply.

S.W. EDGEWOOD ROAD
COMBINED SEWER REPLACEMENT
PROJECT
CONSTRUCTION MANAGEMENT PLAN



LEGEND

- ENVIRONMENTAL "C" ZONE
- ENVIRONMENTAL "P" ZONE
- STAGING AND STORAGE AREA

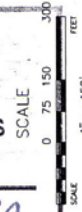
Approved
City of Portland
Bureau of Development Services

Permit # _____

Planner *Mike Donaldson*

Date *Mar 20, 2012*

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



1/4" SECTION 3327 JOB NO. E08813 SHEET NO. 3B	S.W. EDGEWOOD ROAD COMBINED SEWER REPLACEMENT PROJECT	 CITY OF PORTLAND ENVIRONMENTAL SERVICES	CONSTRUCTION MANAGEMENT PLAN
--	---	--	------------------------------

CASE NO. *11-203652*
 EXHIBIT *C.3*

Table 1. Proposed Plant Species for Site Restoration

Plant Species	Scientific Name	Condition	Density	Notes**
Forested Slopes (approximately 4,000 square feet)				
Indian plum	<i>Oemleria cerasiformis</i>	Bare root	Clusters of 3 shrubs, 8-foot spacing between clusters	Plant at least three different shrub species
Pacific huckleberry	<i>Physocarpus capitatus</i>		Approximately 106	
Red elderberry	<i>Sambucus racemosa</i>			
Vine maple	<i>Acer circinnatum</i>			
Dull Oregon grape	<i>Barberry nervosa</i>	Bare root or 1-gal	4" o.c. (or about 140)	Oregon grape and sword fern are considered groundcover - plant an equal mix of these two species
Sword fern	<i>Polystichum munitum</i>	1gal, 4" pots or salvage material		
Wetland (base of hill, approximately 100 square feet)				
Lady fern	<i>Athyrium filix-femina</i>	4" pots	2" o.c. (or 25 plants)	Plant an equal mix of these three species.
Playback plant	<i>Toxaria menziesii</i>			
Fringecup	<i>Tellima grandiflora</i>			

*Substitutions with similar native shrubs are acceptable. No grass seed mix to be planted.

**Re-plant where soils have been disturbed and vegetation has been removed. Cover the soils on the forested slope with a biodegradable erosion fabric.

The question of mitigation development standards cannot be fully analyzed or resolved within the context of this report.

Amended
S.A.D. →

Approved

City of Portland

Bureau of Development Services

Permit #

Planner

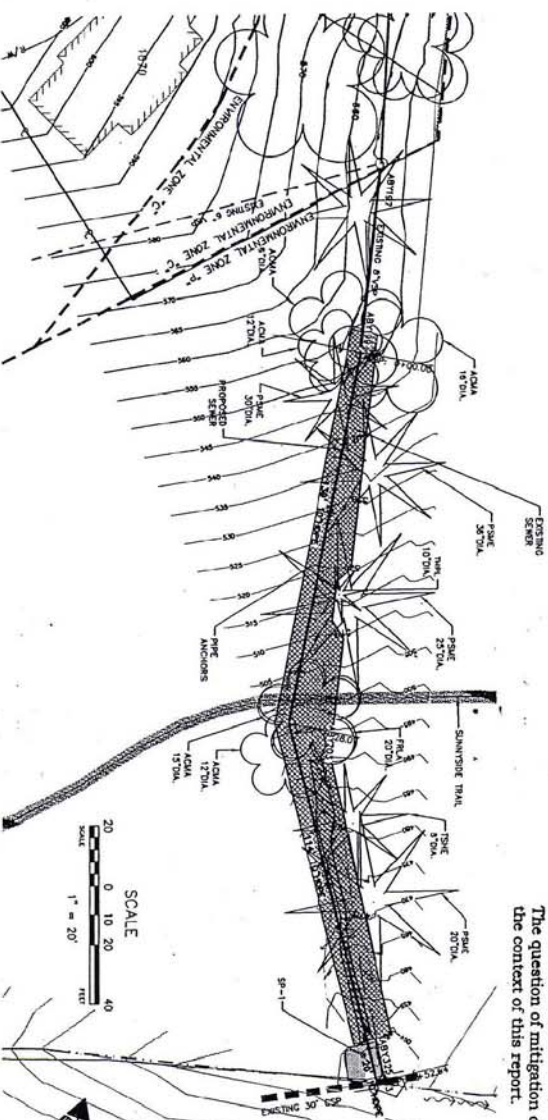
Date

* Approval for Environmental Review only.
Not a building permit.

Additional zoning requirements may apply.

NOTE

1. THE CONTRACTOR SHALL INSTALL BIODEGRADABLE EROSION CONTROL MATERIAL AND MAINTAIN IT THROUGH THE CONTRACT WARRANTY PERIOD.



- LEGEND**
- INTERMITTENT STREAM CENTRELINE
 - ACUA ACER MACROPHYLLUM
 - TRUA FRAXINUS LATIFOLIA
 - PSME PSEUDOTSUGA MENZIESII
 - TSME TSUGA HETEROPHYLLA
 - THPL THUJA PLICATA
 - WETLAND SEED TO BE REPLANTED PER TABLE 1
 - SP-1 CHARACTERIZES WETLAND CONDITIONS
 - ~ DIRECTION OF STREAM FLOW
 - EROSION DITCH
 - EXTENT OF BIODEGRADABLE EROSION CONTROL MATERIAL AND REPLANTING AREA PER TABLE 1

CITY OF PORTLAND
ENVIRONMENTAL SERVICES



S.W. EDGEWOOD ROAD
COMBINATION SEWER REPLACEMENT
PROJECT
MITIGATION SITE PLAN

CASE NO. 11-203652 EN
EXHIBIT C.4