



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

FROM CONCEPT TO CONSTRUCTION

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Date: May 29, 2012
To: Interested Person
From: Rachel Whiteside, Land Use Services
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NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

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

CASE FILE NUMBER: LU 12-105833 GW EN
UNINCORPORATED MULTNOMAH COUNTY

GENERAL INFORMATION

Applicant: Wayne Olsen
Northwest Geotech, Inc.
9120 SW Pioneer Ct., Suite B
Wilsonville, OR 97070

Owners: Suresh and Sheela Paranjpe
11150 SW Riverwood Rd
Portland, OR 97219-8444

Site Address: 11150 SW RIVERWOOD RD

Legal Description: TL 800 1.05 ACRES, SECTION 35 1S 1E
Tax Account No.: R991350150
State ID No.: 1S1E35BA 00800
Quarter Section: 4131

Neighborhood: None
Business District: None
District Coalition: None

Plan District: None
Other Designations: Unincorporated Multnomah County
Zoning: R20cgp – Single-Dwelling Residential with Environmental Conservation (c), Greenway (g), and Environmental Protection (p) Overlay Zones

Case Type: GW EN – Greenway and Environmental Reviews
Procedure: Type II, an administrative decision with appeal to the Hearings Officer.

Proposal:

The applicant proposes to construct a 3-foot tall (exposed height) retaining wall behind the existing home to stabilize the upper portion of the bank and prevent loss of ground along the foundation of the residence. The home sits at the top of a bluff that has experienced erosion and ground movement associated with a broken water line. The ground movement in the area between the home and the edge of the bluff opened up a tension crack near the foundation wall of the residence approximately 60 feet in length.

The area of permanent disturbance is limited to the area above the proposed wall, which encompasses approximately 750 square feet including the temporary disturbance area below the wall for erosion control measures during construction. A temporary tightline and outfall for the driveway trench drain will be removed and new drain line connected to the existing permanent outfalls. The area of work is currently a combination of bare earth, planters, and native and non-native vegetation. Existing vegetation consists mostly of English ivy, vine maples, and non-native ornamental plants. There are no trees larger than six inches in diameter within the proposed disturbance area.

The applicant has proposed a mitigation plan that includes replanting all of the temporary disturbance area below and above the permanent wall. All plant species are from the Portland Native Plant List.

The proposed wall is within the Environmental Conservation overlay zone and does not comply with Standards 33.430.140.D, F, and G. Therefore, a Type II Environmental Review is required. The proposed wall is also within the Greenway overlay zone. Exterior alterations to development are subject to a Type II Greenway Review.

Relevant Approval Criteria:

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

- 33.430.250.E, Other development in the environmental conservation zone
- 33.440.350, Greenway Approval Criteria
- Willamette Greenway Design Guidelines

FACTS

Description of the Site: The property is located in the Dunthorpe area of unincorporated Multnomah County, where the neighborhood is composed of single family residences. Southwest Riverwood Road fronts the property on the west side, although a rail right-of-way bisects the property between the street and the house. The east property line is bound by the Willamette River. The existing house, driveway, and a small terraced yard space on the south end of the house sit on a bluff approximately 60-75 feet above the river. The property slopes steeply down to the river roughly 12-20 feet behind the house. The riverbank contains a mix of native and non-native invasive species, such as Himalayan blackberry. There are several trees between the top of the bluff and the shoreline, including several Douglas fir. The near-shore area of the river is dominated by a mix of deciduous trees and shrubs.

Infrastructure: Southwest Riverwood Road is under the jurisdiction of Multnomah County. Water is provided by Palatine Hill Water District and the Dunthorpe-Riverdale Sewer district has an agreement with the City of Portland for sanitary sewer service.

Zoning: The zoning designation on the site includes the R20 base zone, with Environmental Conservation ("c"), Environmental Protection ("p"), and Greenway ("g") overlay zones (see zoning on Exhibit B). The R20 zone is intended to foster the development of single-dwelling residences at a maximum density of 1 lot per 20,000 square feet of site area. The provisions of this zone allow the existing use; these provisions are not specifically addressed through this review.

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 Greenway overlay zone is intended to protect, conserve, enhance, and maintain the natural, scenic, historical, economic, and recreational qualities of lands along Portland's rivers; establish criteria, standards, and procedures for the development of land, change of uses, and the intensification of uses within the greenway; and implement the City's Willamette Greenway responsibilities as required by ORS 390.310 to 390.368 and Metro's Title 3.

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 Unincorporated Multnomah County; *Inventory of Natural, Scenic and Open Space Resources for Multnomah County Unincorporated Urban Areas*, Resource Site No. 117-A, Dunthorpe. Resources in the Dunthorpe site include perennial and seasonal streams, palustrine wetlands, upland and riparian forest, fish and wildlife, special status species, groundwater, and open space. Functional values include water quality, flood attenuation/storage, fish and wildlife habitat, slope stabilization/soil anchoring, groundwater recharge and discharge, and water supply.

Impact Analysis and Mitigation Plan: A full description of the proposal was provided on pages 1-2 of this report and can be found in Exhibit A.1. 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: Other options to stabilize the slope adjacent to the house were considered by the geotechnical engineer, but were rejected due to cost and significantly more site disturbance. The selected tieback soldier pile retaining wall was originally proposed lower on the slope, further from the back of the house. Through onsite discussions, it was determined feasible to move the wall closer to the house and completely out of the greenway setback.

Construction Management Plan (CMP): A CMP was provided as Exhibit C.10. All construction access and staging is limited to the existing paved driveway. All work is to be completed by a small excavator placed in the area above the proposed retaining wall. The excavator will be hoisted over the existing wall at the end of the driveway into the permanent disturbance area between the house and the new wall.

An erosion control plan was provided as Exhibit C.11. Erosion control measures will be inspected daily and repaired as necessary. All areas of temporary disturbance will be covered with jute matting and planted immediately following construction.

Unavoidable Impacts: The applicant has identified 750 square feet of temporary and permanent disturbance within the environmental conservation overlay zone and greenway overlay zone. All work is outside of the environmental protection overlay and landward of the 25-foot greenway setback.

Proposed Mitigation: The applicant proposes to plant 23 shrubs (1-gallon each) and 23 ground cover plants (4-inch pots) in the disturbed area immediately above and below the proposed retaining wall.

Monitoring Plan for Mitigation: The applicant did not indicate a monitoring plan for the mitigation plantings.

Land Use History: City records indicate that prior land use reviews have been conducted for this site. Exhibit G.2 in the application case file provides a complete summary of all these land use reviews. None of those land use reviews have direct bearing on the current proposal.

Agency and Neighborhood Review: A Notice of Proposal in your Neighborhood was mailed on April 30, 2012.

1. Agency Review: Several Bureaus and agencies have responded to this proposal. Exhibits E contain the complete responses. The comments are addressed under the appropriate criteria for review of the proposal.

2. 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.

Findings: The approval criteria which apply to the proposed new retaining wall are found in Section 33.430.250.E. The applicant has provided 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.

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

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

Findings: The purpose of this criterion is to recognize that some form of development is allowed, consistent with the base zone standards; impacts of the proposed development are measured relative to the impacts associated with the development normally allowed by the base zone. For this 1.38-acre site, the base zone allows over 7,500 square feet to be covered by buildings, according to Table 110-4 of the Zoning Code. The combined footprint of the house, carport, deck, and landscaped yard area is below the allowed building coverage. This proposal does not include any changes to those structures and does not increase the existing disturbance area on the site.

By moving the wall closer to the house and replanting the area above and below the wall with native plants, the proposal minimizes the loss of resources and functional values, consistent with allowing those uses generally permitted or allowed in the base zone without a land use review. *Therefore, this criterion is met.*

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

Findings: 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.2, and is summarized in this report on page 3.

The proposed tieback wall requires substantially less disturbance than other design solutions and the wall location has been moved closer to the existing house in order to avoid the greenway setback. A construction management plan has been provided that documents that no construction activities will take place below the proposed wall or within the protection zone surrounding the adjacent east-west drainage. For these reasons, *this criterion is met.*

3. 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, 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 construction management plan (CMP) and erosion control plan are describe on page 3 of this report. The CMP will be effective because it provides realistic limits to disturbance while containing the necessary elements for erosion control. The applicant has worked closely with BDS staff to reduce the potential impacts of construction activities on the property. Therefore with conditions that construction plans are in substantial conformance with Exhibits C.10-11, *this criterion is met.*

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

Findings: This criterion requires the applicant to assess unavoidable impacts and propose mitigation that is proportional to the impacts, as well as sufficient in character and quantity to replace lost resource functions and values. The proposed mitigation plan is described on page 3 of this report.

The mitigation plan must compensate for the 750 square feet of permanent and temporary disturbance area on the site. As proposed, the quantity of plant materials is significantly less than the minimum site enhancement option listed in Table 430-2 that applies to alterations to existing development. Because the retaining wall could be compromised by placing trees on the uphill side, BDS supports a mitigation proposal that does not include trees. BDS recommends dense plantings to assist with soil stabilization. Therefore, staff has modified the applicant's proposed mitigation plan to consist of 3 shrubs and 7 ground cover plants per 50 square feet, for a total of 45 shrubs and 105 ground covers. All plants must be selected from the Portland Native Plant List. Additionally, because of the presence of English ivy and Himalayan blackberry adjacent to the existing disturbance areas, the applicant should remove all invasives within 10-feet of the mitigation plantings.

The staff-revised mitigation plan will compensate for impacts at the site for the following reasons:

- All disturbance areas will be planted with native vegetation.
- The proposed plantings will provide an extension of the vegetated greenway setback
- The mitigation plantings will increase species diversity to improve wildlife habitat in an areas that is currently bare ground or non-native vegetation.
- The plantings will provide assistance with pollution and nutrient retention and removal, sediment trapping and erosion control.

The proposed Mitigation Plan will be installed and maintained under the regulations outlined in Section 33.248.040.A-D (Landscaping and Screening). The applicant has not proposed a monitoring period. Section 33.248.0090.G requires a monitoring report one year after planting is completed as part of the ongoing monitoring required by the property owner. To confirm maintenance of the required plantings after the initial establishment period, the applicant will be required to have the plantings inspected two years after plantings are installed. Given the sensitive nature of the site and the extensive invasive vegetation present in the vicinity, a two-year monitoring plan is necessary to ensure the success of the mitigation plan.

With conditions to ensure that plantings required for this Environmental Review are installed during the planting season, maintained, and inspected in conformance with staff modified Exhibit C.12, *this criterion can be met.*

5. **Mitigation will occur within the same watershed as the proposed use or development and within the Portland city limits except when the purpose of the mitigation could be better provided elsewhere; and**
6. **The applicant owns the mitigation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.**

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

GREENWAY REVIEW

33.440.350 Greenway Review Approval Criteria

The approval criteria for a greenway review have been divided by location or situation. The divisions are not exclusive; a proposal must comply with all of the approval criteria that apply to the site. A greenway review application will be approved if the review body finds that the applicant has shown that all of the approval criteria are met.

- A. **For all greenway reviews.** The Willamette Greenway design guidelines must be met for all greenway reviews.

Findings: The Willamette Greenway Design Guidelines address the quality of the environment along the river and require public and private developments to complement and enhance the riverbank area. A complete description of the Design Guidelines and their applicability is provided in pages 45-81 in the Willamette Greenway Plan.

The Design Guidelines are grouped in a series of eight Issues:

Issue A. Relationship of Structures to the Greenway Setback Area: This issue “applies to all but river-dependent and river-related industrial use applications for Greenway Approval, when the Greenway Trail is shown on the property in the *Willamette Greenway Plan*.” These guidelines call for complementary design and orientation of structures so that the greenway setback area is enhanced:

Issue B. Public Access: This issue “applies to all but river-dependent and river-related industrial use applications for Greenway Approval, when the Greenway Trail is shown on the property in the *Willamette Greenway Plan*.” These guidelines call for integration of the Greenway Trail into new development, as well as the provision of features such as view points, plazas, or view corridors:

Issue F. Alignment of Greenway Trail: This issue “applies to all applications for Greenway Approval with the Greenway Trail shown on the property in the *Willamette Greenway Plan*.” These guidelines

provide direction for the proper alignment of the greenway trail, including special consideration for existing habitat protection and physical features in the area of the proposed alignment.

Findings: There is no Greenway Trail designation on this property in the *Willamette Greenway Plan*. These criteria are not applicable.

Issue C. Natural Riverbank and Riparian Habitat: This issue “applies to situations where the river bank is in a natural state, or has significant wildlife habitat, as determined by the wildlife habitat inventory.” These guidelines call for the preservation and enhancement of natural banks and areas with riparian habitat.

Issue D. Riverbank Stabilization Treatments: This Issue “applies to all applications for Greenway Approval.” This guideline promotes bank treatments for upland developments that enhance the appearance of the riverbank, promote public access to the river, and incorporate the use of vegetation where possible:

Findings: This site lies outside the boundary of the *Willamette Greenway Wildlife Habitat Inventory*. However, the project site is included in Resource Site 117 A-Dunthorpe, in the *Inventory of Natural, Scenic and Open Space Resources for Multnomah County Unincorporated Urban Areas*. A complete list of significant resources within Site 117-A is found on page 3 of this report. Riparian forest is included as a significant resource that promotes slope stabilization/soil anchoring as well as providing fish and wildlife habitat. Due to the steep topography of the bluff, the riverbank is largely in a natural state at this location.

The applicant intends to stabilize the bluff just west of the 25-foot greenway setback with a tieback soldier pile wall. Only three feet of the wall will be visible above grade from the river side of the wall. With the proposed native plantings and the dense existing vegetation, it is expected that the stabilization measures will not be visible from the river located roughly 60 feet below. There is no public or private access to the river, existing or proposed.

For these reasons, *these guidelines are satisfied*.

Issue E. Landscape Treatments: This Issue “applies to all applications for Greenway Approval which are subject to the landscape requirements of the Greenway chapter of Title 33 Planning and Zoning of the Portland Municipal Code.” This Issue calls for landscaping treatments that create a balance between the needs of both human and wildlife populations in the Greenway Setback area or riverward of the Greenway Setback.

Findings: The Greenway Code requires landscaping be provided to conserve or re-establish the vegetative cover within or riverward of the Greenway Setback. The standard requires one tree for every 20 feet of shoreline and a minimum of one shrub every 25 square feet within the Greenway. The remaining areas within the Greenway Setback should have living ground cover.

An existing conditions plan of the greenway plantings was not included in the land use submittal, however a site visit conducted during the course of the review showed that the existing greenway setback was densely populated with native plants and trees. The new native plantings proposed above the wall and at the base of the wall will complement the existing vegetation. The owner should remove the invasive ivy and blackberry from the area within 10 feet of all mitigation plantings to help ensure their establishment. The mitigation plantings must be in place prior to the final erosion control inspection of this permit. With a condition for the timing of the mitigation plantings, *Issue E is met*.

Issue G. Viewpoints: This issue “applies to all applications for Greenway Approval with a public viewpoint shown on the property in the *Willamette Greenway Plan* and for all applications proposing

to locate a viewpoint on the property”. These guidelines provide direction about the features and design of viewpoints, as required at specific locations.

Issue H. View Corridors: This issue “applies to all applications for Greenway Approval with a view corridor shown on the property in the *Willamette Greenway Plan*”. These guidelines provide guidance in protecting view corridors to the river and adjacent neighborhoods.

Findings: The *Willamette Greenway Plan* does not identify any viewpoints, or view corridors on this site. These guidelines do not apply.

Summary of Issue Findings: The design guidelines in Issues A, B and F-H are not applicable. Issues C-E are met. *Therefore, this criterion is met.*

B. River frontage lots in the River Industrial zone. In the River Industrial Zone, uses that are not river-dependent or river-related may locate on river frontage lots when the site is found to be unsuitable for river-dependent or river-related uses. Considerations include such constraints as the size or dimensions of the site, distance or isolation from other river-dependent or river-related uses, and inadequate river access for river dependent uses.

Findings: The project site does not have a River Industrial designation. This criterion is not applicable.

C. Development within the River Natural zone.

D. Development on land within 50 feet of the River Natural zone.

Findings: The site does not have a River Natural designation and is not within 50 feet a River Natural designation. Criterion C and Criterion D do not apply.

E. Development within the greenway setback. The applicant must show that the proposed development or fill within the greenway setback will not have a significant detrimental environmental impact on Rank I and II wildlife habitat areas on the riverbank. Habitat rankings are found in the Lower Willamette River Wildlife Habitat Inventory.

Findings: The only work to occur within the greenway setback is the removal of a temporary tightline and outfall coming from the driveway trench drain. The tightline was installed as part of emergency measures following the earth movement that severed the existing connection between the driveway trench drain and the existing outfall at the corner of the house. As part of this project, the trench drain will be reconnected to an existing permanent tightline outside of the greenway setback.

As discussed above in Issue C of Criterion A, this site lies outside the boundary of the *Wildlife Habitat Inventory*, so there are no identified Rank I or II wildlife habitat areas on the riverbank. However, as also noted above, the project site is included in Resource Site 117 A-Dunthorpe, in the *Inventory of Natural, Scenic and Open Space Resources for Multnomah County Unincorporated Urban Areas*. Significant resources identified in Site 117-A and also found on this site are the Willamette River, fish habitat, and special status species. Functional values on this site include water quality, flood attenuation/storage, fish habitat and water supply.

Reducing the number of outfalls on the steep hillside will contribute towards slope stabilization at this site. Increased slope stabilization should lead to less soil erosion into the Willamette River, thus improved water quality and fish habitat. For these reasons, *this criterion is met.*

F. Development riverward of the greenway setback. The applicant must show that the proposed development or fill riverward of the greenway setback will comply with all of the following criteria:

Findings: The proposal does not include development or fill riverward of the greenway setback, so this criterion does not apply.

G. Development within the River Water Quality overlay zone setback. If the proposal includes development, exterior alterations, excavations, or fills in the River Water Quality overlay zone setback the following approval criteria must be met:

Findings: The site does not have a River Water Quality designation. This criterion is not applicable.

H. Mitigation or remediation plans. Where a mitigation or remediation plan is required by the approval criteria of this chapter, the applicant's mitigation or remediation plan must demonstrate that the mitigation will occur on-site or as close to it as possible; that the applicant owns the mitigation site; and that the mitigation plan contains a construction timetable as well as monitoring and maintenance plans

Findings: There are no applicable approval criteria that require a mitigation or remediation plan, so 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 tieback soldier pile retaining wall behind the existing home to stabilize the upper portion of the bank and prevent loss of ground along the foundation of the residence within the environmental conservation and greenway overlay zones. The applicant has selected a design and construction approach that minimizes the disturbance in the environmental zone and completely avoids the greenway setback and environmental protection zone. With the staff-revised mitigation plan and conditions for conformance with the plans, planting, and monitoring, the above findings have shown that the proposal meets the applicable approval criteria. Therefore, this proposal should be approved, subject to the following conditions.

ADMINISTRATIVE DECISION

Approval of an Environmental Review and Greenway Review for construction of a tieback soldier pile wall located within the environmental conservation overlay zone and the greenway overlay zone (outside of the greenway setback), per the approved site plans, Exhibits C.1 through C.4, as modified, signed, and dated by the City of Portland Bureau of Development Services on **May 25, 2012**. Approval is subject to the following conditions:

- A. All permits:** Copies of the stamped Exhibits C.6 and C.10 through C.12 from LU 12-105833 EN GW and Conditions of Approval listed below, shall be included within all plan sets submitted for permits (building, grading, Site Development, erosion control, etc.). These exhibits shall be included on a sheet that is the same size as the plans submitted for the permit and shall include the following statement, ***"Any field changes shall be in substantial conformance with approved Exhibits C.6 and C.10 through C.12."***
- B.** Erosion control measures shall be installed, as depicted on Exhibits C.10 Construction Management Plan and C.11 Erosion Control Plan, or as required by inspection staff during the plan review and/or inspection stages.
 1. No mechanized construction vehicles are permitted outside of the approved "Limits of Construction Disturbance" delineated by the temporary construction fence. All planting

work, invasive vegetation removal, and other work to be done outside the Limits of Construction Disturbance, shall be conducted using hand held equipment.

- C.** A total of 45 shrubs and 105 square feet of native ground covers, selected from the Portland Plant List, shall be planted, in substantial conformance with Exhibits C.12 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 for easy identification by the City Inspector.
 4. After installing the required mitigation plantings, the applicant shall request inspection of Permanent Erosion Control Measures (IVR 210) by the Bureau of Development Services, who will confirm that all required mitigation plantings have been installed. A letter of certification from the landscape professional or designer of record may be requested by the Bureau of Development Services to document that the plantings have been installed according to the approved plans.
- D. An inspection of Permanent Erosion Control Measures shall be required** to document installation of the required mitigation plantings.
1. The **Permanent Erosion Control Measures** inspection (IVR 210) shall not be approved until the required mitigation plantings have been installed (as described in Condition C above);
- OR--
2. If the **Permanent Erosion Control Measures** inspection (IVR 210) occurs outside the planting season (as described in Condition C above), then the Permanent Erosion Control Measures inspection may be approved prior to installation of the required mitigation plantings – if the applicant obtains a separate **Zoning Permit** for the purpose of ensuring an inspection of the required mitigation plantings by March 31 of the following year.
- E. The land owner shall maintain the required plantings** for two years to ensure survival and replacement. The land owner is responsible for ongoing survival of required plantings during and beyond the designated two-year monitoring period. The landowner shall:
1. Obtain a Zoning Permit for a final inspection at the end of the 2-year maintenance and monitoring period. The permit must be finalized no later than 2 years from the final inspection for the installation of mitigation planting, for the purpose of ensuring that the required plantings remain. Any required plantings that have not survived must be replaced.
- F.** Failure to comply with any of these conditions may result in the City's reconsideration of this land use approval pursuant to Portland Zoning Code Section 33.700.040 and /or enforcement of these conditions in any manner authorized by law.

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: Rachel Whiteside

Decision rendered by: Michael Nayak **on May 25, 2012**
By authority of the Director of the Bureau of Development Services

Decision mailed: May 29, 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 January 24, 2012, and was determined to be complete on April 26, 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 January 24, 2012.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: August 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 June 12, 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.

Appeal fee waivers. Multnomah County may cover the appeal fees for their recognized associations. An appeal filed by a recognized association must be submitted to the City with either the appropriate fee or the attached form signed by the County. Contact Multnomah County at 503-988-3043, 1600 SE 190th, Portland, OR 97233.

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 **June 13, 2012 (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:

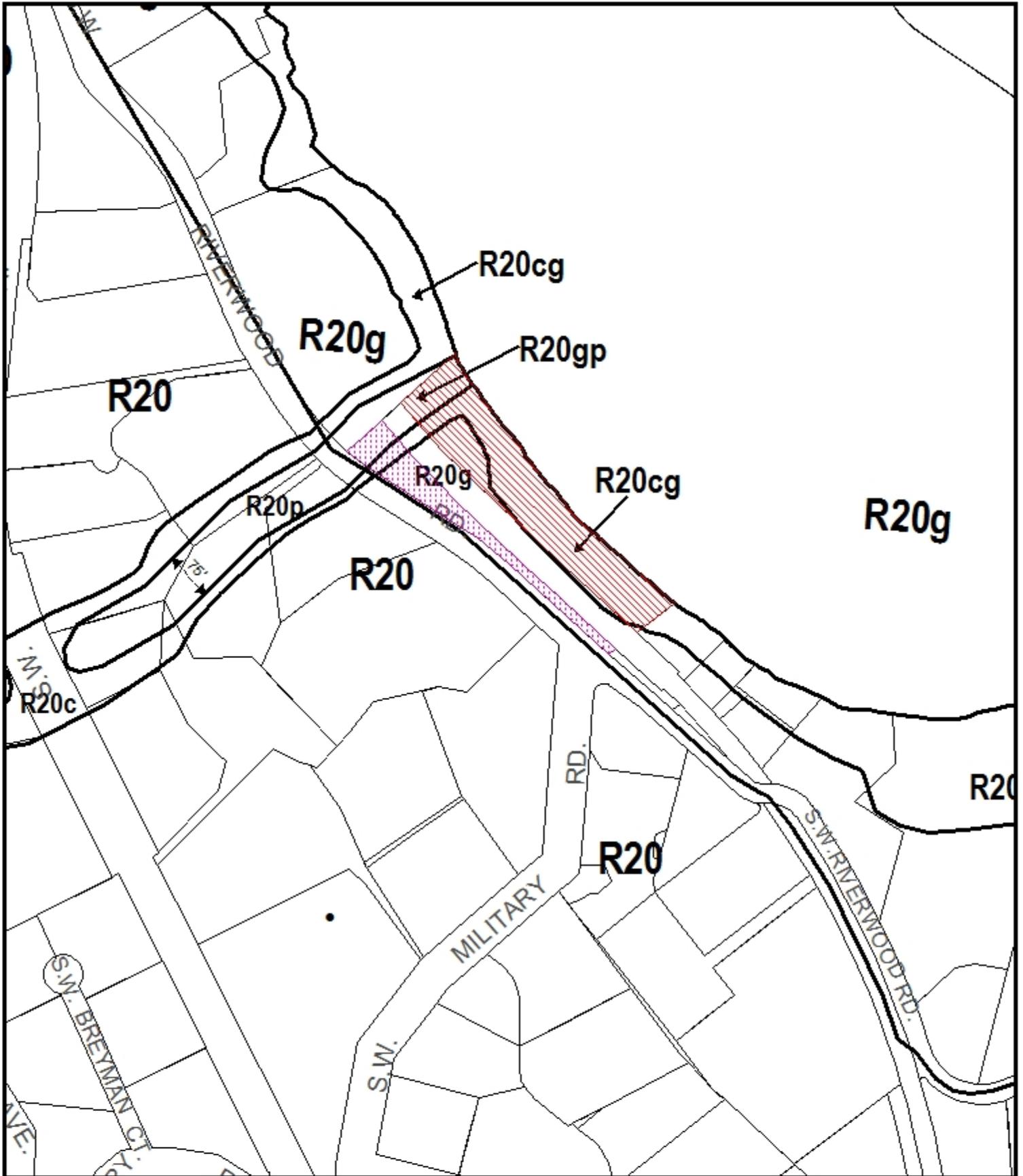
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
 - 1. Original application and geotechnical investigation
 - 2. Response to incomplete letter, dated April 6, 2012
 - 3. Site Photos
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Vicinity Map
 - 2. Overall Site Plan
 - 3. Existing Conditions Detail Plan
 - 4. Geologic Cross-Section A-A
 - 5. Geologic Cross-Section B-B
 - 6. Wall Layout Plan (attached)
 - 7. Wall Cross-Section A-A
 - 8. Wall Cross-Section B-B
 - 9. Structural Details
 - 10. Construction Management Plan (attached)
 - 11. Grading and Erosion Control Plan (attached)
 - 12. Mitigation Plan (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Site Development Review Section of BDS
 - 5. Life Safety Review Section of BDS
- F. Correspondence: None received
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. Incomplete Letter, sent February 14, 2012

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).



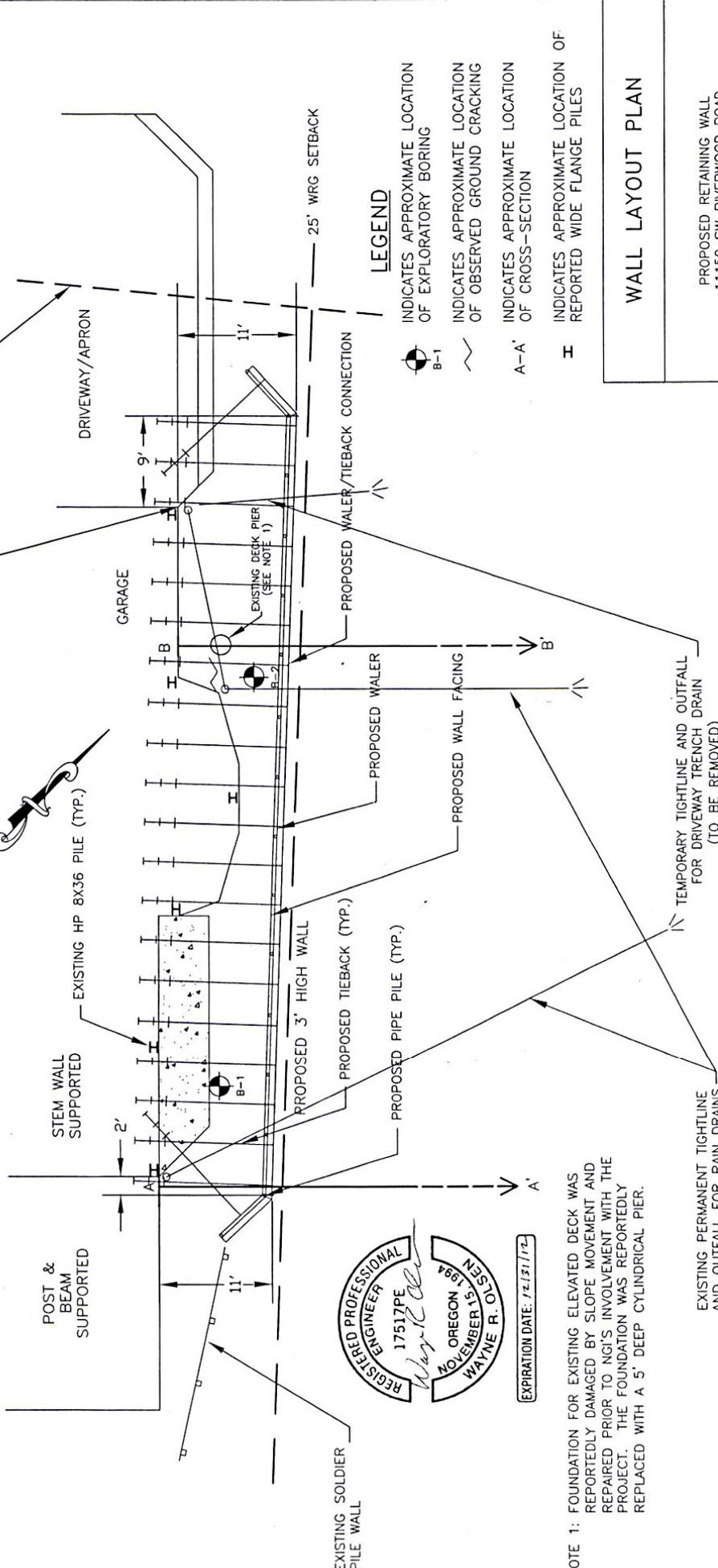
ZONING

-  Site
-  Also Owned
-  Historic Landmark



File No.	<u>LU 12-105833 GW,EN</u>
1/4 Section	<u>4131</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S1E35BA 800</u>
Exhibit	<u>B</u> (Feb 06,2012)

Approved
 City of Portland - Bureau of Development Services
 LU # 12-105833 EU 640
 Planner R. W. K. S. J. S. J. Date 5/25/12
 * Approval for Environmental Review only. Not a building permit.
 Additional zoning requirements may apply.



LEGEND

- INDICATES APPROXIMATE LOCATION OF EXPLORATORY BORING
- INDICATES APPROXIMATE LOCATION OF OBSERVED GROUND CRACKING
- INDICATES APPROXIMATE LOCATION OF CROSS-SECTION
- INDICATES APPROXIMATE LOCATION OF REPORTED WIDE FLANGE PILES

WALL LAYOUT PLAN

PROPOSED RETAINING WALL
 11150 SW RIVERWOOD ROAD
 PORTLAND, OREGON

PROJECT NO. 2466.1.1 FIGURE NO. SD-1



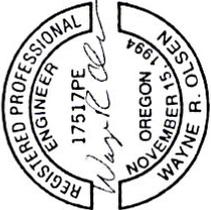
Northwest Geotech, Inc.

CASE NO. 12-105833 EU 640
 EXHIBIT C-6

DATE PREPARED: 1-4-12
 REVISED: 4-25-12



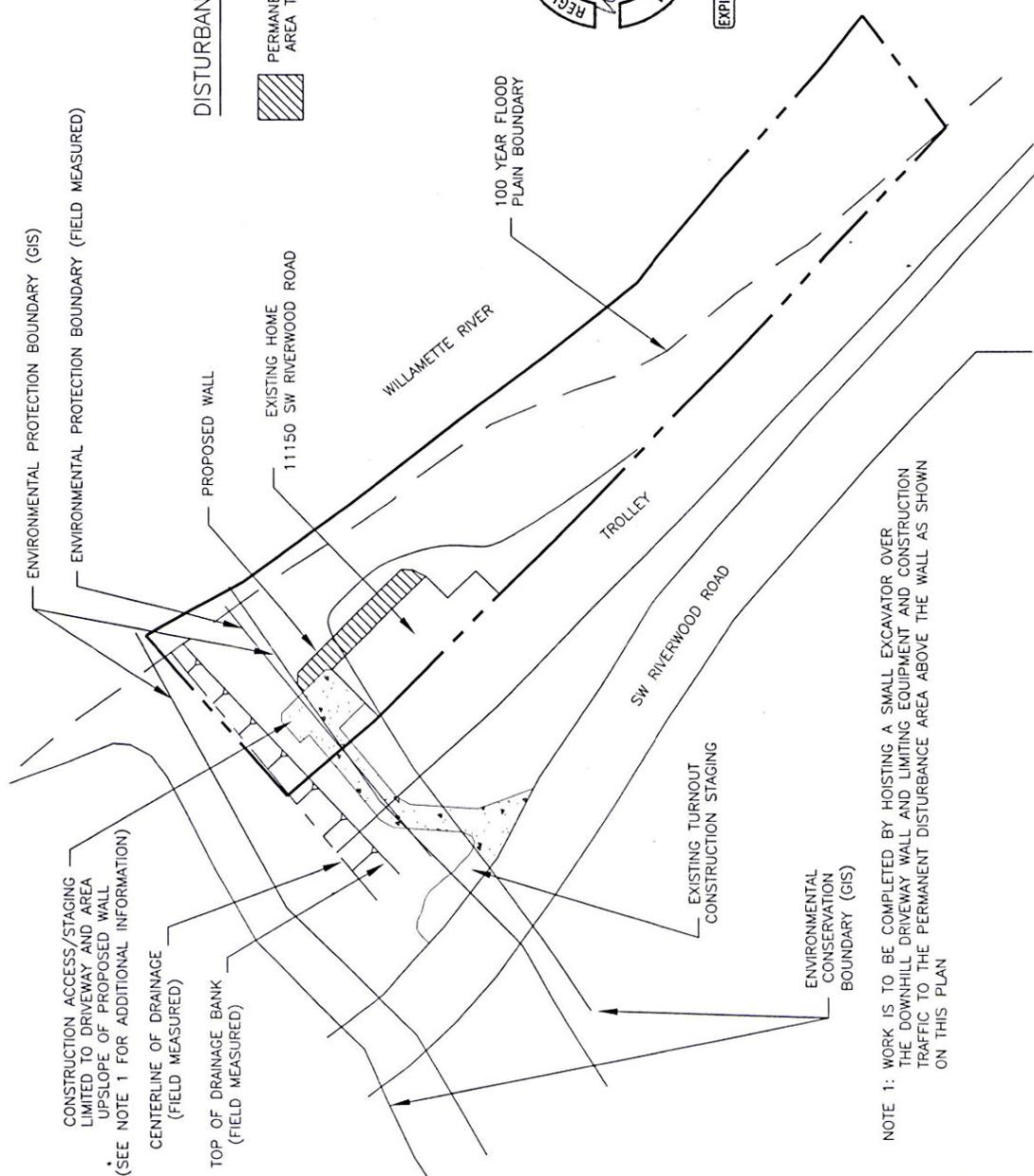
NOTE 1: FOUNDATION FOR EXISTING ELEVATED DECK WAS REPORTEDLY DAMAGED BY SLOPE MOVEMENT AND REPAIRED PRIOR TO NGI'S INVOLVEMENT WITH THE PROJECT. THE FOUNDATION WAS REPORTEDLY REPLACED WITH A 5' DEEP CYLINDRICAL PIER.



EXPIRATION DATE: 12/31/14

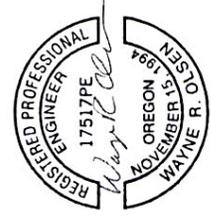
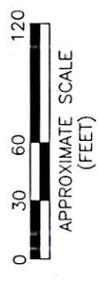
NOTE: DRAWING BASED ON FIELD MEASUREMENTS. ALL DIMENSIONS AND LOCATIONS ARE APPROXIMATE.

Approved
 City of Portland - Bureau of Development Services
 LU # 12-165853 EU 60
 Planner R. W. K. 12/12/12 Date 5/25/12
 * Approval for Environmental Review only. Not a building permit.
 Additional zoning requirements may apply.



DISTURBANCE LEGEND

PERMANENT DISTURBANCE AREA TO BE MITIGATED



EXPIRATION DATE: 12/31/12

CONSTRUCTION ACCESS/STAGING AND AREAS OF DISTURBANCE

PROPOSED RETAINING WALL
 11150 SW RIVERWOOD ROAD
 PORTLAND, OREGON

PROJECT NO. 2466.1.1 FIGURE NO. CM-1



CASE NO. 12-165853 EU 60
 EXHIBIT C-19

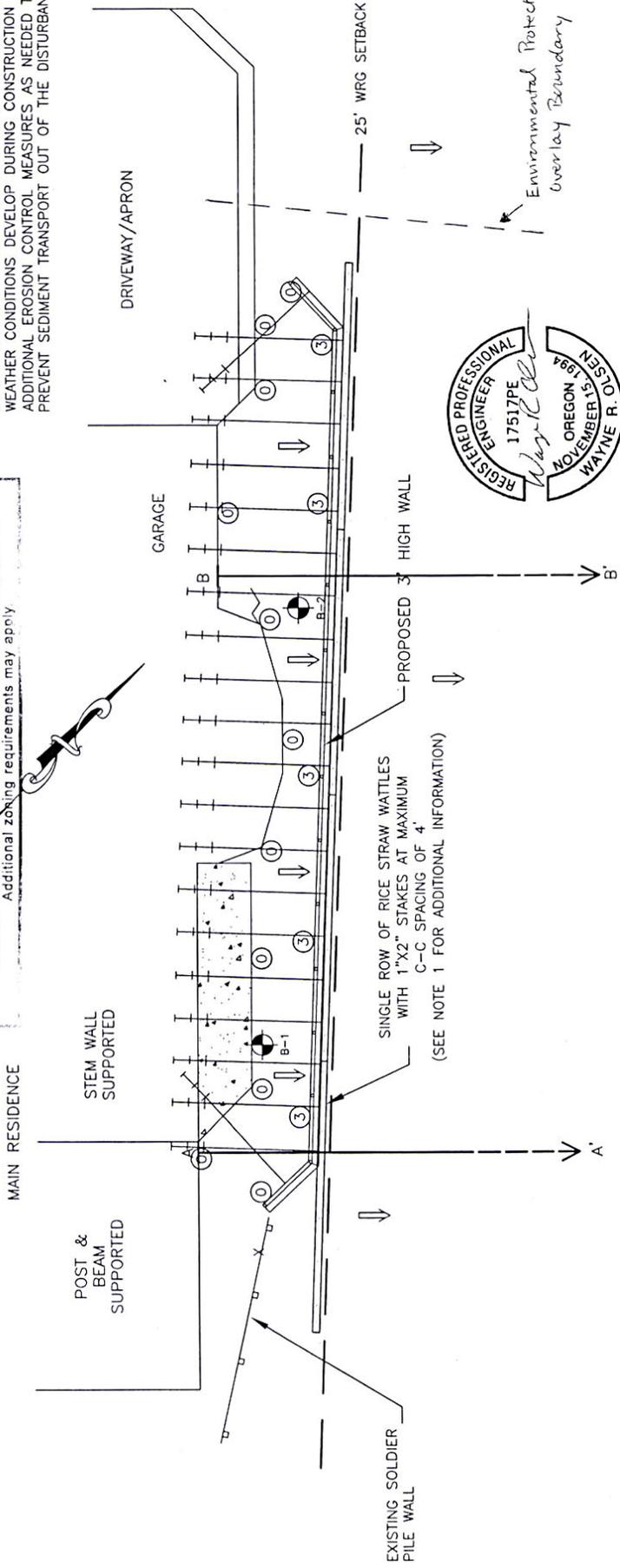
DATE PREPARED: 1-4-12
 REVISED: 4-25-12

NOTE 1: WORK IS TO BE COMPLETED BY HOISTING A SMALL EXCAVATOR OVER THE DOWNHILL DRIVEWAY WALL AND LIMITING EQUIPMENT AND CONSTRUCTION TRAFFIC TO THE PERMANENT DISTURBANCE AREA ABOVE THE WALL AS SHOWN ON THIS PLAN

NOTES: PROPERTY BOUNDARIES AND HOME FOOTPRINT BASED ON PORTLANDMAPS.COM
 ENVIRONMENTAL OVERLAY BOUNDARIES AND 100 YEAR FLOOD PLAIN BOUNDARY BASED ON METROMAP

Approved
 City of Portland - Bureau of Development Services
 LU # 12-105833 EA 600
 Planner R. W. Hester Date 5/23/12
 * Approval for Environmental Review only. Not a building permit.
 Additional zoning requirements may apply.

NOTE 1: EROSION CONTROL MEASURES ARE TO BE INSPECTED DAILY AND REPAIRED AS NECESSARY. WORK IS TO BE PERFORMED DURING FAVORABLE WEATHER CONDITIONS. IF INCIDENT WEATHER CONDITIONS DEVELOP DURING CONSTRUCTION APPLY ADDITIONAL EROSION CONTROL MEASURES AS NEEDED TO PREVENT SEDIMENT TRANSPORT OUT OF THE DISTURBANCE AREA.



REG. PROFESSIONAL ENGINEER
 17517PE
 WAYNE R. OUSEN
 OREGON NOVEMBER 15, 1994

EXPIRATION DATE: 12/31/12

LEGEND

- INDICATES APPROXIMATE LOCATION OF EXPLORATORY BORING
- INDICATES APPROXIMATE LOCATION OF OBSERVED GROUND CRACKING
- INDICATES APPROXIMATE LOCATION OF CROSS-SECTION
- INDICATES PROPOSED DEPTH OF FILL (FEET)
- INDICATES DIRECTION OF SURFACE DRAINAGE

EARTHWORK QUANTITIES*

- 12 C.Y. IMPORTED SAND FILL
- 17 C.Y. IMPORTED DRAIN ROCK
- 7 C.Y. EXPORTED SPOILS
- * IN-PLACE VOLUME

NOTE: DRAWING BASED ON FIELD MEASUREMENTS. ALL DIMENSIONS AND LOCATIONS ARE APPROXIMATE.

GRADING AND EROSION CONTROL PLAN

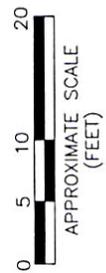
PROPOSED RETAINING WALL
 11150 SW RIVERWOOD ROAD
 PORTLAND, OREGON

PROJECT NO. 2466.1.1 FIGURE NO. CM-2

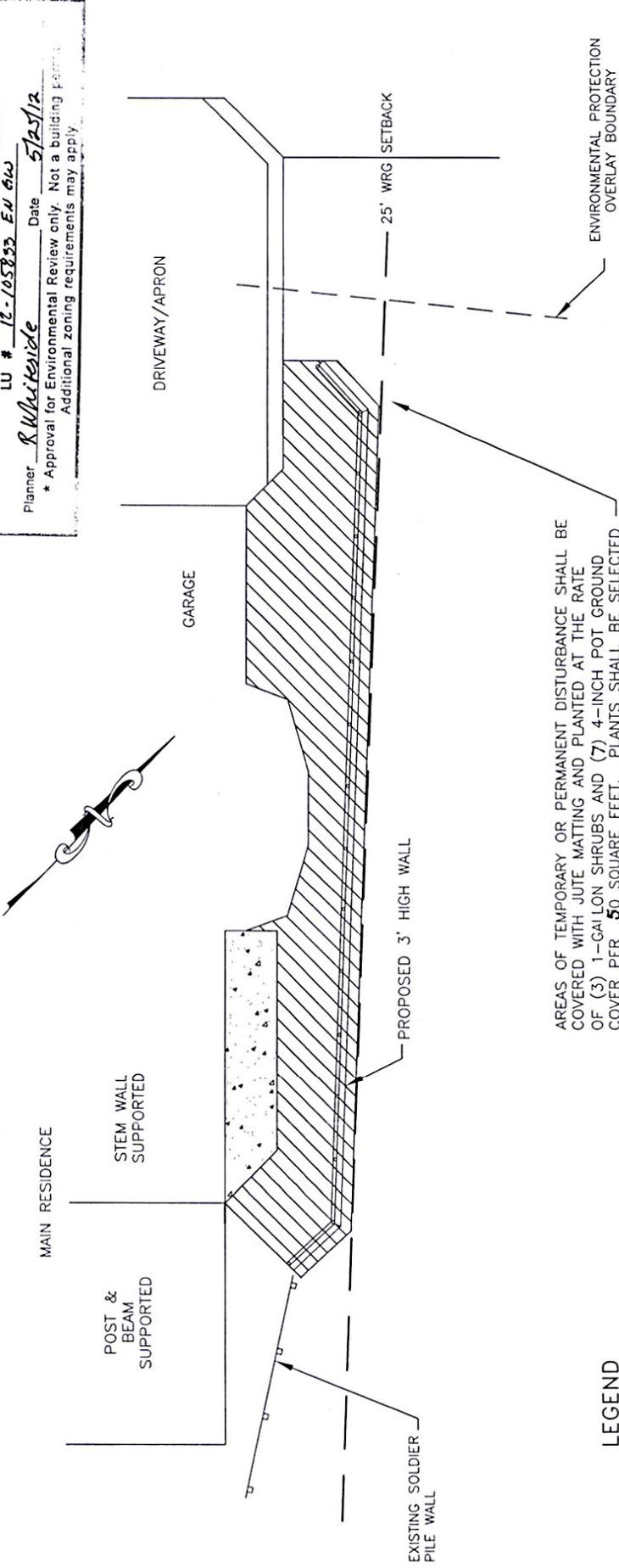


CASE NO. 12-105833 EA 600
 EXHIBIT C-11

DATE PREPARED: 1-4-12
 REVISED: 4-25-12



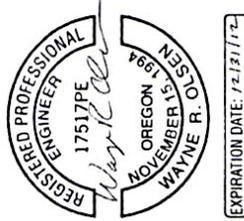
Approved*
 City of Portland - Bureau of Development Services
 LU # 12-105833 EU 6W
 Planner R. White Date 5/25/12
 * Approval for Environmental Review only. Not a building permit.
 Additional zoning requirements may apply.



AREAS OF TEMPORARY OR PERMANENT DISTURBANCE SHALL BE COVERED WITH JUTE MATTING AND PLANTED AT THE RATE OF (3) 1-GALLON SHRUBS AND (7) 4-INCH POT GROUND COVER PER .50 SQUARE FEET. PLANTS SHALL BE SELECTED FROM THE FOLLOWING LIST:

- PLANT LIST
 Nutkana Rose
 Red Osier Dogwood
 Snowberry
 Serviceberry
 Blue Elderberry
 Common Nine Bark
 Ocean Spray

45 shrubs total
 105 ground cover plants
 from Portland Native Plant List



EXPIRATION DATE: 12/31/12

LEGEND

INDICATES APPROXIMATE AREA OF TEMPORARY OR PERMANENT DISTURBANCE TO BE RE-PLANTED (750 SQUARE FEET TOTAL)



MITIGATION - REMEDIATION PLAN

PROPOSED RETAINING WALL
 11150 SW RIVERWOOD ROAD
 PORTLAND, OREGON

PROJECT NO. 2466.1.1 FIGURE NO. MR-1



CASE NO. 12-105833 EU 6W
 EXHIBIT C-12

DATE PREPARED: 1-4-12
 REVISED: 4-25-12

NOTE: DRAWING BASED ON FIELD MEASUREMENTS.
 ALL DIMENSIONS AND LOCATIONS ARE APPROXIMATE.