



# CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

## Hearings Office

1900 SW 4<sup>th</sup> Avenue, Room 3100

Portland, OR 97201

phone: (503) 823-7307 - fax: (503) 823-4347

web: [www.portlandoregon.gov/auditor/hearings](http://www.portlandoregon.gov/auditor/hearings)



### DECISION OF THE HEARINGS OFFICER IN UNCONTESTED CASE

**File No.:** LU 12-217340 EN (HO 4130012)

**Applicant:** Rick Upton  
Eastridge Park HOA  
7246 SE 141<sup>st</sup> Avenue  
Portland, OR 97236

**Owners:** William A. Zehner  
7429 SE 141<sup>st</sup> Avenue  
Portland, OR 97236

Dennis A. Schutt  
7531 SE 141<sup>st</sup> Avenue  
Portland, OR 97236

Arthur M. Bergsen  
7525 SE 141<sup>st</sup> Avenue  
Portland, OR 97236

Eastridge Park Homeowners Association  
2201 6<sup>th</sup> Avenue #1300  
Seattle, WA 98121-1832

**Hearings Officer:** Gregory J. Frank

**Bureau of Development Services (BDS) Staff Representative:** Rachel Whiteside

**Site Address:** Between 7429 and 7525 SE 141<sup>st</sup> Avenue

**Legal Description:** LOT C TL 200 SPLIT MAP R153391 (R233150040) R153393 (R233150046) & R153394 (R233150050), EASTRIDGE PARK; LOT C TL 5600 SPLIT MAP R153392 (R233150044) R153391 (R233150040) & R153394 (R233150050), EASTRIDGE PARK; BLOCK 1 LOT 45, EASTRIDGE PARK; BLOCK 1 LOT 46, EASTRIDGE PARK; BLOCK 1 LOT 47, EASTRIDGE PARK

**Tax Account No.:** R233150044, R233150046, R233151120, R233151140, R233151160

**State ID No.:** 1S2E23AD 00200, 1S2E23DA 05600, 1S2E23AD 00400, 1S2E23DA 05700, 1S2E23DA 05800

**Quarter Section:** 3744

**Neighborhood:** Pleasant Valley

**Business District:** None

**District Neighborhood Coalition:** East Portland Neighborhood Office

**Plan District:** Johnson Creek Basin – South subdistrict

**Zoning:** R10p – Single-Dwelling Residential with an Environmental Protection Overlay Zone

**Land Use Review:** Type III, EN – Environmental Review

**BDS Staff Recommendation to Hearings Officer:** Approval with conditions

**Public Hearing:** The hearing was opened at 9:01 a.m. on June 10, 2013, in the 3<sup>rd</sup> floor hearing room, 1900 SW 4<sup>th</sup> Avenue, Portland, Oregon, and was closed at 10:08 a.m. The record was closed at that time.

**Testified at the Hearing:**

Rachel Whiteside  
Rick Upton  
Don Wolsborn

**Proposal:**

The applicant proposes to restore the slope downhill of 7429 and 7525 SE 141<sup>st</sup> Avenue, as well as extend an existing storm sewer pipe and place the outfall closer to the drainage way. Some time during late December 2008 or early January 2009, a slope failure occurred on a western-facing slope on land owned by the Eastridge Park Home Owners' Association (EPHOA). The slope failure consists of a 30-foot wide mudflow that also removed a portion of a City of Portland storm sewer pipe and outfall. The slope was temporarily stabilized, but the potential for further earth movement remains. This threatens the two residents above the slope failure as well as City utilities.

The applicant proposes to reconstruct the slope with imported structural fill material. This option requires stripping and removing the soft fill and slide debris from the site. Horizontal benches would be cut into the stable soils to accommodate structural fill placement. The structural fill would consist of approximately 12 inches of compacted gravel. Because of the level of compaction

and the steep final slope grade, no soil or planting on the fill is proposed. This area of permanent impact is approximately 1,200 square feet. The riprap pad for the replacement outfall amounts to an extra 126 square feet of permanent disturbance.

An additional 9,305 square feet of temporary disturbance is necessary for equipment staging and soil stockpiling. Five trees with a total diameter of 62 inches are impacted by the construction staging. To compensate for the permanent and temporary impacts, the applicant proposes removing non-native species and planting native grasses over an area of 1.47 acres. The temporary disturbance area would be replanted with a mix of native trees (15) and shrubs (100).

**Approval Criteria:**

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

- **33.430.250.A, Outfalls**
- **33.430.250.F, Other development in the Environmental Protection Zone**

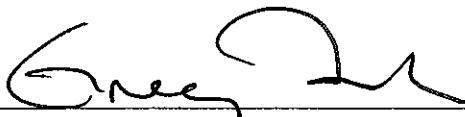
**Hearings Officer Decision:** It is the decision of the Hearings Officer to adopt and incorporate into this decision the facts, findings, and conclusions of the Bureau of Development Services in their Staff Report and Recommendation to the Hearings Officer dated May 31, 2013 ("Staff Report") except as clarified below. The Hearings Officer replaces Exhibit C.6 (which was attached to the Staff Report) with Exhibit H.5. Exhibit H.5 clearly delineates the limits of disturbance to the east of the drainage except for the placement of outfall structures. All references to Exhibit C.6 in the Approval and conditions, found in the recommended Approval and conditions of the Staff Report, have been changed to Exhibit H.5. The Hearings Officer issues the following approval with conditions:

**Approval** of an Environmental Review to remove unstable slide material, place structural fill (compacted rock), extend the public stormwater outfall closer to the drainage way, temporary construction measures, and mitigation plantings all within the Environmental Protection overlay zone, and in substantial conformance with Exhibits C.4, C.5, C.7 and H.5. Approval is subject to the following conditions:

- A. All permits: A BDS construction permit may be required.** Copies of the stamped Exhibits C.4-7 from LU 12-213885 EN and Conditions of Approval listed below, shall be included within all plan sets submitted for permits (building, grading, Site Development, erosion control, etc. See "Other Technical Requirements" listed above). 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.4, C.5, C.7 and H.5."*
- B.** Construction fencing shall be placed along the Limits of Construction Disturbance for the approved development, as depicted on Exhibit H.5, Construction Management Plan, or as required by inspection staff during the plan review and/or inspection stages.

1. Disturbance shall be limited to the area above top-of-bank on the east side of the drainage as shown in Exhibit H.5.
  2. No mechanized construction vehicles are permitted outside of the approved "Limits of Construction Disturbance" delineated by the temporary construction fence.
  3. 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 15 trees, 100 shrubs, and 1.60 acres of native seed mix, selected from the *Portland Plant List*, shall be planted, in substantial conformance with Exhibits A.3 and C.7 Mitigation Plan. Additionally, the riprap pad shall be planted with live stakes, one-half inch in diameter, at a density of 2 to 3 stakes per square yard.
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. 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 landowner shall maintain the required plantings** for two years to ensure survival and replacement. The landowner 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.

**Basis for the Decision:** BDS Staff Report in LU 12-217340 EN, Exhibits A.1 through H.6, and the hearing testimony from those listed above.

  
\_\_\_\_\_  
Gregory J. Frank, Hearings Officer

6-18-13

\_\_\_\_\_  
Date

<b>Application Determined Complete:</b>	April 3, 2013	
<b>Report to Hearings Officer:</b>	May 31, 2013	
<b>Decision Mailed:</b>	June 19, 2013	
<b>Last Date to Appeal:</b>	4:30 p.m., July 3, 2013	
<b>Effective Date (if no appeal):</b>	July 5, 2013	Decision may be recorded on this date.

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

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

**Appeal of the decision.** ANY APPEAL OF THE HEARINGS OFFICER'S DECISION MUST BE FILED AT 1900 SW 4<sup>TH</sup> AVENUE, PORTLAND, OR 97201 (503-823-7526). Until 3:00 p.m., Tuesday through Friday, file the appeal at the Development Services Center on the first floor. Between 3:00 p.m. and 4:30 p.m., and on Mondays, the appeal must be submitted at the Reception Desk on the 5th Floor. **An appeal fee of \$1,750 will be charged (one-half of the application fee for this case, up to a maximum of \$5,000).** Information and assistance in filing an appeal can be obtained from the Bureau of Development Services at the Development Services Center.

**Who can appeal:** You may appeal the decision only if you wrote a letter which is received before the close of the record on hearing or if you testified at the hearing, or if you are the property owner or applicant. If you or anyone else appeals the decision of the Hearings Officer, only evidence previously presented to the Hearings Officer will be considered by the City Council.

**Appeal Fee Waivers:** Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chairperson or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

**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. A building or zoning permit will be issued only after the final decision is recorded.

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

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

For further information on recording, please call the County Recorder at 503-988-3034  
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

**Expiration of this approval.** An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

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

- All conditions imposed herein;

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

**EXHIBITS**  
**NOT ATTACHED UNLESS INDICATED**

- A. Applicant's Statement
  - 1. Original Narrative
  - 2. Report from Chinook GeoServices, dated December 10, 2010
  - 3. Revised Narrative, dated March 29, 2013
  - 4. Memo from Earth Engineers Inc regarding Geotechnical Engineer of Record
  - 5. 120-day Extension
- B. Zoning Map
  - 1. Existing Zoning
  - 2. Proposed Zoning
- C. Plans and Drawings
  - 1. Cover Sheet and Vicinity Map
  - 2. Existing Topography
  - 3. Slide Repair Subgrade Preparation
  - 4. Slide Repair Subgrade Preparation with Storm Pipe Overlay
  - 5. Grading and Erosion Control Plan
  - 6. Construction Management Plan (**replaced by Exhibit H.5**)
  - 7. Mitigation Plan
  - 8. Public Storm Sewer Cover Sheet
  - 9. Public Storm Sewer Plan and Profile
  - 10. Public Storm Sewer Erosion Control
  - 11. Public Storm Sewer BES Standard Details
- D. Notification information
  - 1. Request for response
  - 2. Posting letter sent to applicant
  - 3. Notice to be posted
  - 4. Applicant's statement certifying posting
  - 5. Mailing list
  - 1. Mailed notice
- E. Agency Responses
  - 1. Bureau of Environmental Services
  - 2. Bureau of Transportation Engineering and Development Review
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Site Development Review Section of Bureau of Development Services
  - 6. Bureau of Parks, Forestry Division
- F. Letters
  - 1. Pleasant Valley Neighborhood, received May 10, 2013, letter in support
- G. Other
  - 1. Original LUR Application
  - 2. Site History Research



H. Received in the Hearings Office

1. Hearing Notice - Whiteside, Rachel
2. Staff Report - Whiteside, Rachel (**attached**)
3. Tree and Shrub Plant List - Upton, Rick
  - a. Herbaceous Seed List - Upton, Rick
4. PowerPoint Presentation Printout - Whiteside, Rachel
5. Revised Exhibit C.6 - Whiteside, Rachel (**attached**)
6. Record Closing Information Sheet - Hearings Office





**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**  
FROM CONCEPT TO CONSTRUCTION

Charlie Hales, Mayor  
Paul L. Scarlett, Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**STAFF REPORT AND RECOMMENDATION TO THE HEARINGS OFFICER**

**CASE FILE:** LU 12-217340 EN  
PC # 11-195934

**REVIEW BY:** Hearings Officer

**WHEN:** June 10, 2013 at 9:00 AM

**WHERE:** 1900 SW Fourth Ave., Suite 3000  
Portland, OR 97201

It is important to submit all evidence to the Hearings Officer. City Council will not accept additional evidence if there is an appeal of this proposal.

**BUREAU OF DEVELOPMENT SERVICES STAFF:** RACHEL WHITESIDE /  
[RACHEL.WHITESIDE@PORTLANDOREGON.GOV](mailto:RACHEL.WHITESIDE@PORTLANDOREGON.GOV)

**GENERAL INFORMATION**

**Applicant:** Rick Upton,  
Eastridge Park HOA  
7246 SE 141st Ave  
Portland, OR 97236

**Owners:** William A Zehner  
7429 SE 141st Ave  
Portland, OR 97236

Arthur M Bergsen  
7525 SE 141st Ave  
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Eastridge Park Homeowners Assn  
2201 6th Ave #1300  
Seattle, WA 98121-1832

**Site Address:** Between 7429 and 7525 SE 141st Ave

**Legal Description:** LOT C TL 200 SPLIT MAP R153391 (R233150040) R153393 (R233150046) & R153394 (R233150050), EASTRIDGE PARK; LOT C TL 5600 SPLIT MAP R153392 (R233150044) R153391 (R233150040) & R153394 (R233150050), EASTRIDGE PARK; BLOCK 1 LOT 45, EASTRIDGE PARK; BLOCK 1 LOT 46, EASTRIDGE PARK; BLOCK 1 LOT 47, EASTRIDGE PARK

**Tax Account No.:** R233150044, R233150046, R233151120, R233151140, R233151160  
**State ID No.:** 1S2E23AD 00200, 1S2E23DA 05600, 1S2E23AD 00400, 1S2E23DA 05700, 1S2E23DA 05800

**Quarter Section:** 3744

**Neighborhood:** Pleasant Valley, contact Linda Bauer at 503-761-2941.

**Business District:** None

**District Coalition:** East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.

RECEIVED

MAY 8 2013

HEARINGS OFFICE

**Plan District:** Johnson Creek Basin – South subdistrict  
**Zoning:** R10p – Single-Dwelling Residential with an Environmental Protection Overlay Zone

**Case Type:** EN – Environmental Review  
**Procedure:** Type III, with a public hearing before the Hearings Officer. The decision of the Hearings Officer can be appealed to City Council.

**Proposal:**

The applicant proposes to restore the slope downhill of 7429 and 7525 SE 141<sup>st</sup> Avenue, as well as extend an existing storm sewer pipe and place the outfall closer to the drainage way. Some time during late December 2008 or early January 2009, a slope failure occurred on a western-facing slope on land owned by the Eastridge Park Home Owners' Association (EPHOA). The slope failure consists of a 30-foot wide mud flow that also removed a portion of a City of Portland storm sewer pipe and outfall. The slope was temporarily stabilized, but the potential for further earth movement remains. This threatens the two residents above the slope failure as well as City utilities.

The applicant proposes to reconstruct the slope with imported structural fill material. This option requires stripping and removing the soft fill and slide debris from the site. Horizontal benches would be cut into the stable soils to accommodate structural fill placement. The structural fill would consist of approximately 12 inches of compacted gravel. Because of the level of compaction and the steep final slope grade, no soil or planting on the fill is proposed. This area of permanent impact is approximately 1,200 square feet. The riprap pad for the replacement outfall amounts to an extra 126 square feet of permanent disturbance.

An additional 9,305 square feet of temporary disturbance is necessary for equipment staging and soil stockpiling. Five trees with a total diameter of 62 inches are impacted by the construction staging. To compensate for the permanent and temporary impacts, the applicant proposes removing non-native species and planting native grasses over an area of 1.47 acres. The temporary disturbance area would be replanted with a mix of native trees (15) and shrubs (100).

**Approval Criteria:**

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

- **33.430.250.A, Outfalls**
- **33.430.250.F, Other development in the Environmental Protection Zone**

**FACTS**

**Description of the Site:** The project site is a moderately steep, west- and northwest-facing slope. The slope in this area ranges from 60% to 20%. The dominate vegetation in the vicinity of the work area is invasive Himalayan blackberries and non-native grasses, interspersed with native trees. To the east are single-family residences built between 1989 and 1999. To the west is a young deciduous forest with red alder, big leaf maple, and Oregon ash. A natural drainage runs along the bottom of the project area and conveys stormwater to the northwest.

**Infrastructure:** The site is accessed from SE 141<sup>st</sup> Avenue, which is a fully improved right-of-way with curbs and sidewalks. Public water and sanitary lines are located in the SE 141<sup>st</sup> Avenue right-of-way. There is a 10-inch CSP public storm-only sewer located in a public easement within the project area. This public storm sewer is being extended by the City and will outfall to the drainageway in the protection zone.

**Zoning:** The R10 zone is intended to foster the development of single-dwelling residences on lots having a minimum area of 6,000 square feet. Newly created lots must have a minimum density of 1 lot per 10,000 square feet of site area. The provisions of this zone allow this use; these provisions are not specifically addressed through this Environmental 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 Johnson Creek Basin plan district provides for the safe, orderly, and efficient development of lands which are subject to a number of physical constraints, including significant natural resources, steep and hazardous slopes, flood plains, wetlands, and the lack of streets, sewers, and water services.

**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 Boring *Lava Domes: Supplement to the Johnson Creek Basin Plan* as Site #30h (Clatsop Butte) and 30g (Deardorf Creek). Resources and functional values of concern on the project site include wildlife habitat, slope/soil stabilization, water purification, groundwater recharge and discharge, storm drainage, recreation, aesthetic, and buffering land uses.

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

#### Development Alternatives:

*(Slide repair alternatives considered by the applicant in Exhibit A.3.)*

- **Alternative 1 (Mass Grading and extend storm sewer to new outfall) – Preferred Alternative:** The Mass Grading alternative calls for reconstructing the entire slope with imported structural fill material. Reconstruction will involve stripping and removal of the soft fill and slide debris from the site. Horizontal benches will be cut into the medium stiff native soils to accommodate structural fill placement. The structural fill will consist of crushed rock, compacted to 95% of the maximum dry density. The existing City of Portland storm sewer pipe will be extended to the bottom of the slope and a new 126 square foot outfall pad installed. The impacts to the site will consist of 1,200 square feet of permanent disturbance where the fill material is compacted and removal of five trees whose DBH are six inches or more.
- **Alternative 2 (Gabion Wall):** This alternative is to construct a Gabion type retaining wall located mid-slope of the landslide. The wall would likely be nine feet tall. Imported structural fill material would be placed and compacted behind the Gabion wall.

The Gabion wall alternative is a viable alternative. It has the same factors of safety as Alternative 1 and there is not a significant cost difference. The same number of trees are impacted under Alternative 2, but the permanent disturbance area would be less than Alternative 1 because the slide debris below the wall would be left in place and vegetated to protect from erosion.

- Alternative 3 (Mass Grading with Alternative Materials): The applicant examined restoring the slope with natural materials, such as fiber-wrapped soil bundles, but this alternative was deemed not practicable as the applicant's geotechnical engineer has determined that fiber-wrapped soil bundles are not suitable for this slope.
- Alternative 4 (Re-vegetation of the Structural Fill): According to the applicant's geotechnical engineer, revegetating the structural fill area (i.e., permanent disturbance area) after completion is not recommended. In the geotechnical engineer's experience, loose topsoil or an erosion control blanket over the compacted face of the slope is unstable and will fail. Live stakes into the rock are also unlikely to survive because of the required 95 percent compaction needed to maintain slope stability.

*(Storm sewer alternatives considered by the applicant in Exhibit A.3.)*

- Alternative 5 (Leave it as is): It is not practicable to leave the storm sewer pipe in its current location as it is essential to discharge storm water beyond the slope in order to avoid more erosion and another slope failure.
- Alternative 6 (Connect to another pipe): The existing storm sewer pipe carries all surface drainage from approximately the intersection of SE 141<sup>st</sup> Avenue and SE 140<sup>th</sup> Avenue and halfway to the northern end of the street. The closest storm sewer pipe is located at the extreme northern end of the SE 141<sup>st</sup> Avenue (which carries all surface drainage for the remaining northern section of SE 141<sup>st</sup>). Therefore, the volume of storm water discharging out that closest storm sewer pipe would be doubled. That additional storm water volume would overwhelm the system during periods of heavy precipitation causing flooding and potential damage to the storm sewer outfall. Therefore, this alternative was determined to be not practicable by the applicant.

Construction Management Plan (CMP): The CMP is attached as Exhibit C.6. The entire work site will be enclosed with a temporary six-foot tall chainlink security fence and reinforced wire silt fence. Additional silt fencing and hay bales will be placed on the downhill end of the project area and between the grading areas and temporary stockpiles. Silt fencing will remain in place until all construction activities are completed and the entire disturbance area has been planted or seeded.

Access to the project area will be within the existing BES storm sewer easement from SE 141<sup>st</sup> Avenue. Stockpiled materials will occur within the open space tract to the north and south of the work area. Equipment will be staged inside the disturbance area on an existing access roadway.

Unavoidable Impacts:

The attached site plans identify 1,200 square feet of permanent disturbance for the structural fill area, plus another 126 square feet for the rip-rap pad at the base of the storm water outfall. Approximately 9,305 square feet of temporary disturbance is necessary for construction staging. Five trees whose DBH are six inches or more (and 10 trees that are smaller than six-inch DBH) will be removed in order to complete the project. The total diameter removed is 62 inches.

Proposed Mitigation:

A total of 15 trees and 100 shrubs are proposed as mitigation for the tree removal. This number is consistent with Table 430-2, Tree Replacement, in Chapter 33.430. These trees and shrubs will be planted within the temporary disturbance area and is identified as "deciduous forest" on Exhibit C.7. Non-native plants will be removed within the disturbance area and an additional 1.60 acres outside the disturbance area. This area will be reseeded with a native grass mix following removal of invasive species.

**Monitoring Plan for Mitigation:**

The Architectural Control Committee (ACC) of the EPHOA (property owners) will be responsible for the monitoring and maintenance of the Mitigation Plan. The ACC will inspect the plantings at six months and at one year after the initial planting, to check for the survival and vigor of the plantings. Any dead or dying plants will be replaced in kind. Any dead or dying plants will be replaced in kind. A Monitoring and Maintenance Report will be submitted following each of the inspections.

**Land Use History:** City records indicate that prior land use reviews have been conducted for this site. CU 64-79 approved the Eastridge Park Subdivision and existing open spaces. That land use review has no direct bearing on the current proposal.

**Agency and Neighborhood Review:** A Notice of Proposal in your Neighborhood was mailed on May 17, 2013.

**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:** One written response has been received from the Pleasant Valley Neighborhood Association in support of 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:** In this case, Standards 33.430.140.E, F, and J are not met because there is permanent disturbance associated with the slide repair proposed within the environmental protection zone and within 50 feet of a water body and trees are proposed for removal further than 10 feet from a structure. The approval criteria which apply to the proposed landslide repair are found in Section 33.430.250.F. Additionally, BES proposes to extend the existing stormwater outfall further down the slope. The approval criteria which apply to the outfall are found in Section 33.430.250.A. 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.F. Other development in the Environmental Protection zone. In Environmental Protection zones the applicant's impact evaluation must demonstrate that all of the following are met:**

**F.1. All sites within the Portland city limits, in which the proposed use or development is possible, are also in the resource areas of Environmental Protection zones;**

**Findings:** The landslide occurred within the Environmental Protection zone. It is not possible to repair the landslide anywhere but where the landslide has occurred. *Therefore, this criterion is met.*

**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:**

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

**A1.a. Proposed development locations, designs, and construction methods have the least significant detrimental impact to identified resources and functional values of other practicable and significantly different alternatives including alternatives outside the resource area of the environmental zone;**

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

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

**F.2. Of these sites, development on the proposed site would have the least significant detrimental environmental impact;**

**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.3, and is summarized in this report on pages 3 and 4.

The applicant considered four alternatives for the landslide repair and three alternatives for the storm sewer repair. Of the four slide repair alternatives, two are not practicable. Alternatives 1 and 2 are both viable, similar in cost, have the same construction management area, and impact the same number of trees. When presented with the two alternatives, the Bureau of Environmental Services preferred the mass grading option over the Gabion wall solution due to the presence of the storm sewer pipe and the need to access for maintenance.

While Alternative 2 has slightly less compacted fill in the environmental protection zone, the area where the fill is to occur is already disturbed and free of vegetation due to the presence of the slide debris. Together with the mitigation plan discussed in Exhibit A.3 and shown on Exhibit C.7, Alternative 1 does not have any more detrimental impacts than Alternative 2.

For the storm sewer repair, the preferred alternative (#1) does have the least amount of environmental impact. Alternatives 5 and 6 were rejected as not practicable specifically because they could lead to significantly greater impact. Either from doing nothing and risking further erosion and damage to the City's storm system or from overloading the nearby system and causing flooding.

A Site Development permit will be required for the proposed landslide repair work. The Site Development review section of BDS has commented that it may be determined that additional geotechnical or erosion control information is required at the time of permit review. With a condition that construction is carried out in conformance with Exhibits C.4 through C.6, *this criterion is met.*

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



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

**Findings:** There is a small open drainage at the bottom of the project area. While it is not fish-bearing, the channel flows offsite and eventually into Johnson Creek. By removing loose slide debris and extending the outfall to the bottom of the slope, risk of erosion into this drainage is significantly reduced. This serves as an improvement over the existing conditions.

No water bodies will be crossed by the proposed landslide repair or stormwater outfall extension, however the current erosion control and construction management plans (Exhibits C.5-6) show the limits of disturbance across the drainage from the work area. There is no explanation within the applicant's narrative as to why the work area must extend west of the drainage and erosion control measures would keep construction activities on the east side of the drainage. For these reasons, BDS recommends a condition of approval to keep the limits of disturbance and all construction activities above top-of-bank on the east side of the drainage.

Finally, to the extent that approval criterion A.1.b. is met, this criterion is also met. With a condition of approval to limit disturbance to the east side of the drainage, these criteria can be met.

**F.3. There is a public need for the proposed use or development;**

**Findings:** The Bureau of Environmental Services originally notified the homeowners in January 2009 that the landslide area must be stabilized and the slope restored. If left unrestored, the existing sanitary sewer and remaining storm sewer lines are at risk. Further damage to the City of Portland infrastructure would have significant damage to the public. Therefore, there is a public need for the proposed landslide repair and this criterion is met.

**F.4. The public benefits of the proposed use or development outweigh all significant detrimental impacts;**

**Findings:** The significant detrimental impacts of the proposal are the removal of five trees and the addition of 1,200 square feet of compacted structural fill. The public benefits of the proposal include repairing and protecting the public storm sewer system, removal of loose slide material that is threatening the adjacent drainage as well as downstream waterbodies, and the revegetation plan adds significant value by eliminating invasive species and increasing the diversity of native shrubs and grasses.

The protection of the City of Portland infrastructure, existing development above the landslide area, and City waterways significantly outweighs the loss of natural resources resulting from the permanent disturbance area. *This criterion is met.*

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

**F.5. 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 mitigation plan are describe on page 4 of this report. The CMP will be effective because it provides realistic limits to disturbance while containing the necessary elements (e.g., highly visible construction fencing, a workable erosion control plan, and tree protection) and it is apparent that the applicant has carefully thought through the potential impacts of construction activities on the property. The proposed CMP will provide protection for the resources and values in areas designated to be left undisturbed for these reasons. Therefore, this criterion is met.

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

**F.6. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;**

**Findings:** This criterion requires the applicant to assess unavoidable impacts and propose mitigation that is proportional to the impacts, as well as sufficient in character and quantity to replace lost resource functions and values. The proposed mitigation plan is described on page 4 of this report and in Exhibit A.3. It will offset 1,200 square feet of permanent disturbance area and 9,300 square feet of temporary disturbance area, and mitigate the removal of 5 trees.

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

- The mitigation area (approximately 1.60 acres) is significantly larger than the area of permanent disturbance.
- The temporary disturbance area will be planted with native vegetation.
- The rip-rap pad planted with live stakes will slow storm water and assist with erosion control.
- The removal of invasives and new mitigation plantings will increase species diversity to improve wildlife habitat in areas that have minimal native vegetation.
- The plantings will provide assistance with pollution and nutrient retention and removal, sediment trapping and erosion control.

The disturbance areas for the stormwater pipes and outfall have not been specifically addressed in the mitigation plan. Disturbance area for the pipe extension is covered by the existing proposal, but the rip-rap pad should also be planted, consistent with Section 33.430.180.G. Specifically, live stakes of native plant stock, one-half inch in diameter must be installed at a density of 2 to 3 stakes per square yard. Detailed specifications for installing live stakes are found in the *Erosion Control Manual*.

Exhibits A.3 and C.7 fail to identify what seed mix will be used for the 1.60 acres of mitigation area where invasive species removal will occur and native grass/shrub mix will be replanted. Per Standard 33.430.140.M, all vegetation planted in a resource area must be native and listed on the *Portland Plan List*. The BDS permit for the landslide repair and mitigation plantings must identify all plant species to be used on site.

Often, grading and construction of infrastructure are completed during the summer months. This time of the year is not appropriate to install mitigation plantings because of the heat and dry soil conditions. It is typically best to install mitigation plants between October 1 and March 31, when the weather is cooler and soil is moist. Mitigation plantings must be included as part of the Site Development Permit for the slide repair. In the event that inspection of improvements occurs outside of the planting season, the applicant can obtain a Zoning Permit for the purpose of inspection of the mitigation plantings.

The proposed Mitigation Plan will be installed and maintained under the regulations outlined in Section 33.248.040.A-D (Landscaping and Screening). A two-year monitoring plan is described above and 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 two years after plantings are installed.

With conditions to ensure that plantings required for this Environmental Review are installed in substantial conformance with Exhibits A.3 and C.7 and then maintained and inspected, *this criterion can be met.*

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

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

**F.7. 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**

**F.8. 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 landslide repair. The applicant is the President of the Eastridge Park Homeowners Association (EPHOA). EPHOA owns the proposed on-site mitigation area. *These criteria are met.*

### **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.

### **OTHER TECHNICAL REQUIREMENTS**

Technical decisions have been made as part of this review process, based on other City Titles, as administered by other City service agencies. These related technical decisions are not considered land use actions. If future technical decisions result in changes that bring the project out of conformance with this land use decision, a new land use review may be required. The following is a summary of technical requirements applicable to this proposal. This list is not final, and is subject to change when final permit plans are provided for City review.

<b>Bureau</b>	<b>Code Authority and Topic</b>	<b>Contact Information</b>
Water Bureau	Title 21 - Water availability	503-823-7404 <a href="http://www.portlandonline.com/water">www.portlandonline.com/water</a>
Environmental Services	Title 17; 2008 Stormwater Manual	503-823-7740 <a href="http://www.portlandonline.com/bes">www.portlandonline.com/bes</a>
Fire Bureau	Title 31 Policy B-1 - Emergency Access	503-823-3700 <a href="http://www.portlandonline.com/fire">www.portlandonline.com/fire</a>
Transportation	Title 17 - Transportation System Plan	503-823-5185 <a href="http://www.portlandonline.com/transportation">www.portlandonline.com/transportation</a>

Bureau	Code Authority and Topic	Contact Information
Development Services	Titles 24 - Building Code, Erosion Control, Flood plain, Site Development	503-823-7300 <a href="http://www.portlandonline.com/bds">www.portlandonline.com/bds</a>

## CONCLUSIONS

The applicant proposes to remove loose slide materials, place structural fill (compacted rock) and coordinate with BES to extend the existing stormwater outfall. The area of the permanent slide repair is limited to the extent of the slide, but additional area is required for temporary construction staging. By revegetating all temporary disturbance areas and mitigating for new permanent impacts by conducting extensive invasive species removal, the proposal will increase species diversity to improve wildlife habitat and provide assistance with pollution and nutrient retention and removal, sediment trapping and erosion control.

The applicant and the above findings have shown that the proposal meets the applicable approval criteria with conditions that construction is carried out in conformance with the submitted plans and limited to the east side of the drainage, that plantings are consistent with the mitigation plan, and that monitoring of mitigation plantings is conducted. Therefore, this proposal should be approved, subject to the aforementioned conditions.

## TENTATIVE STAFF RECOMMENDATION

(May be revised upon receipt of new information at any time prior to the Hearings Officer decision)

**Approval** of an Environmental Review to remove unstable slide material, place structural fill (compacted rock), extend the public stormwater outfall closer to the drainage way, temporary construction measures, and mitigation plantings all within the Environmental Protection overlay zone, and in substantial conformance with Exhibits C.4 through C.7. Approval is subject to the following conditions:

- A. All permits: A BDS construction permit may be required.** Copies of the stamped Exhibits C.4-7 from LU 12-213885 EN and Conditions of Approval listed below, shall be included within all plan sets submitted for permits (building, grading, Site Development, erosion control, etc. See "Other Technical Requirements" listed above). 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.4 through C.7."***
- B.** Construction fencing shall be placed along the Limits of Construction Disturbance for the approved development, as depicted on Exhibit C.6, Construction Management Plan, or as required by inspection staff during the plan review and/or inspection stages.
  1. Disturbance shall be limited to the area above top-of-bank on the east side of the drainage.
  2. No mechanized construction vehicles are permitted outside of the approved "Limits of Construction Disturbance" delineated by the temporary construction fence.
  3. 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 15 trees, 100 shrubs, and 1.60 acres of native seed mix, selected from the *Portland Plant List*, shall be planted, in substantial conformance with Exhibits A.3 and C.7 Mitigation Plan. Additionally, the rip-rap pad shall be planted with live stakes, one-half inch in diameter, at a density of 2 to 3 stakes per square yard.
  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. 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.**

**Procedural Information.** The application for this land use review was submitted on December 19, 2012, and was determined to be complete on Apr 3, 2013.

*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 19, 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 requested that the 120-day review period be extended by 21 days (Exhibit A.5). Unless further extended by the applicant, **the 120 days will expire on: August 22, 2013.**

**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

recommendation 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.

**This report is not a decision. The review body for this proposal is the Hearings Officer who will make the decision on this case.** This report is a recommendation to the Hearings Officer by the Bureau of Development Services. The review body may adopt, modify, or reject this recommendation. The Hearings Officer will make a decision about this proposal within 17 days of the close of the record. Your comments to the Hearings Officer can be mailed c/o the Hearings Officer, 1900 SW Fourth Ave., Suite 3100, Portland, OR 97201 or faxed to 503-823-4347.

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. This Staff Report will be posted on the Bureau of Development Services website. Look at [www.portlandonline.com](http://www.portlandonline.com). On the left side of the page use the search box to find Development Services, then click on the Zoning/Land Use section, select Notices and Hearings. Land use review notices are listed by the District Coalition shown at the beginning of this document. You may review the file on this case at the Development Services Building at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201.

**Appeal of the decision.** The decision of the Hearings Officer may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the Hearings Officer, only evidence previously presented to the Hearings Officer will be considered by the City Council.

**Who can appeal:** You may appeal the decision only if you write a letter which is received before the close of the record for the hearing, if you testify at the hearing, or if you are the property owner/applicant. Appeals must be filed within 14 days of the decision. **Appeals must be filed within 14 days of the decision. An appeal fee of \$1,750.00 will be charged.**

**Appeal Fee Waivers:** Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chair person or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

**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. A building or zoning permit will be issued only after the final decision is recorded.

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

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

For further information on recording, please call the County Recorder at 503-988-3034  
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

**Expiration of this approval.** An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

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

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

Planner's Name: Rachel Whiteside  
Date: May 31, 2013

#### **EXHIBITS**

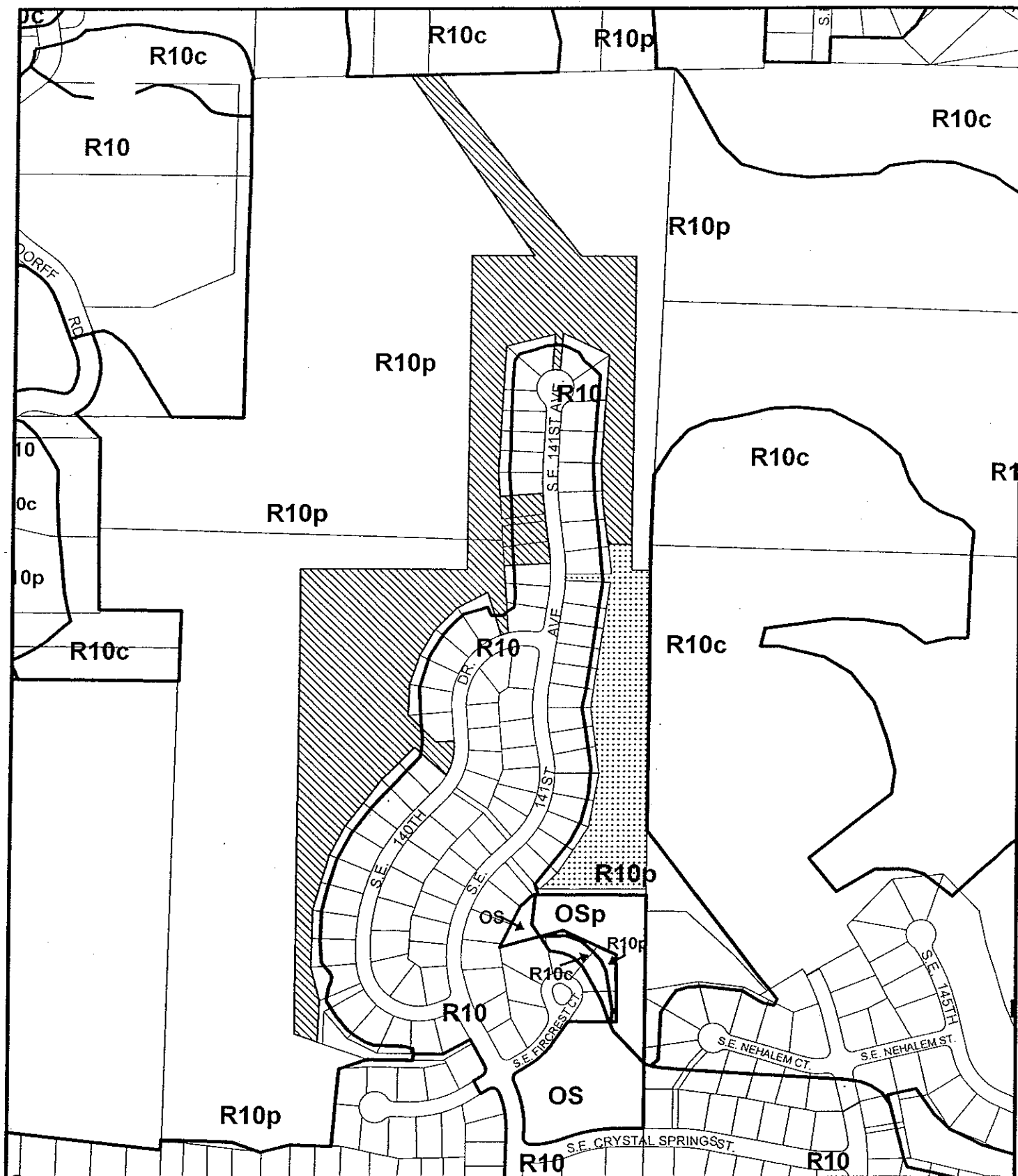
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
  - 1. Original Narrative
  - 2. Report from Chinook GeoServices, dated December 10, 2010
  - 3. Revised Narrative, dated March 29, 2013
  - 4. Memo from Earth Engineers Inc regarding Geotechnical Engineer of Record
  - 5. 120-day Extension
- B. Zoning Map (attached):
  - 1. Existing Zoning
  - 2. Proposed Zoning

- C. Plans & Drawings:
  - 1. Cover Sheet and Vicinity Map
  - 2. Existing Topography
  - 3. Slide Repair Subgrade Preparation
  - 4. Slide Repair Subgrade Preparation with Storm Pipe Overlay (attached)
  - 5. Grading and Erosion Control Plan (attached)
  - 6. Construction Management Plan (attached)
  - 7. Mitigation Plan (attached)
  - 8. Public Storm Sewer Cover Sheet
  - 9. Public Storm Sewer Plan and Profile
  - 10. Public Storm Sewer Erosion Control
  - 11. Public Storm Sewer BES Standard Details
- D. Notification information:
  - 1. Request for response
  - 2. Posting letter sent to applicant
  - 3. Notice to be posted
  - 4. Applicant's statement certifying posting
  - 5. Mailing list
  - 1. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Bureau of Transportation Engineering and Development Review
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Site Development Review Section of Bureau of Development Services
  - 6. Bureau of Parks, Forestry Division
- F. Letters:
  - 1. Pleasant Valley Neighborhood, received May 10, 2013, letter in support
- G. Other:
  - 1. Original LUR 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).**





# ZONING



Site

Also Owned



This site lies within the:  
JOHNSON CREEK BASIN PLAN DISTRICT

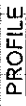
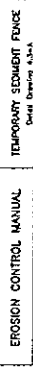
File No. LU 12-217340 EN

1/4 Section 3744,3844

Scale 1 inch = 350 feet

State\_Id 1S2E23DA 5600

Exhibit B (Dec 20,2012)



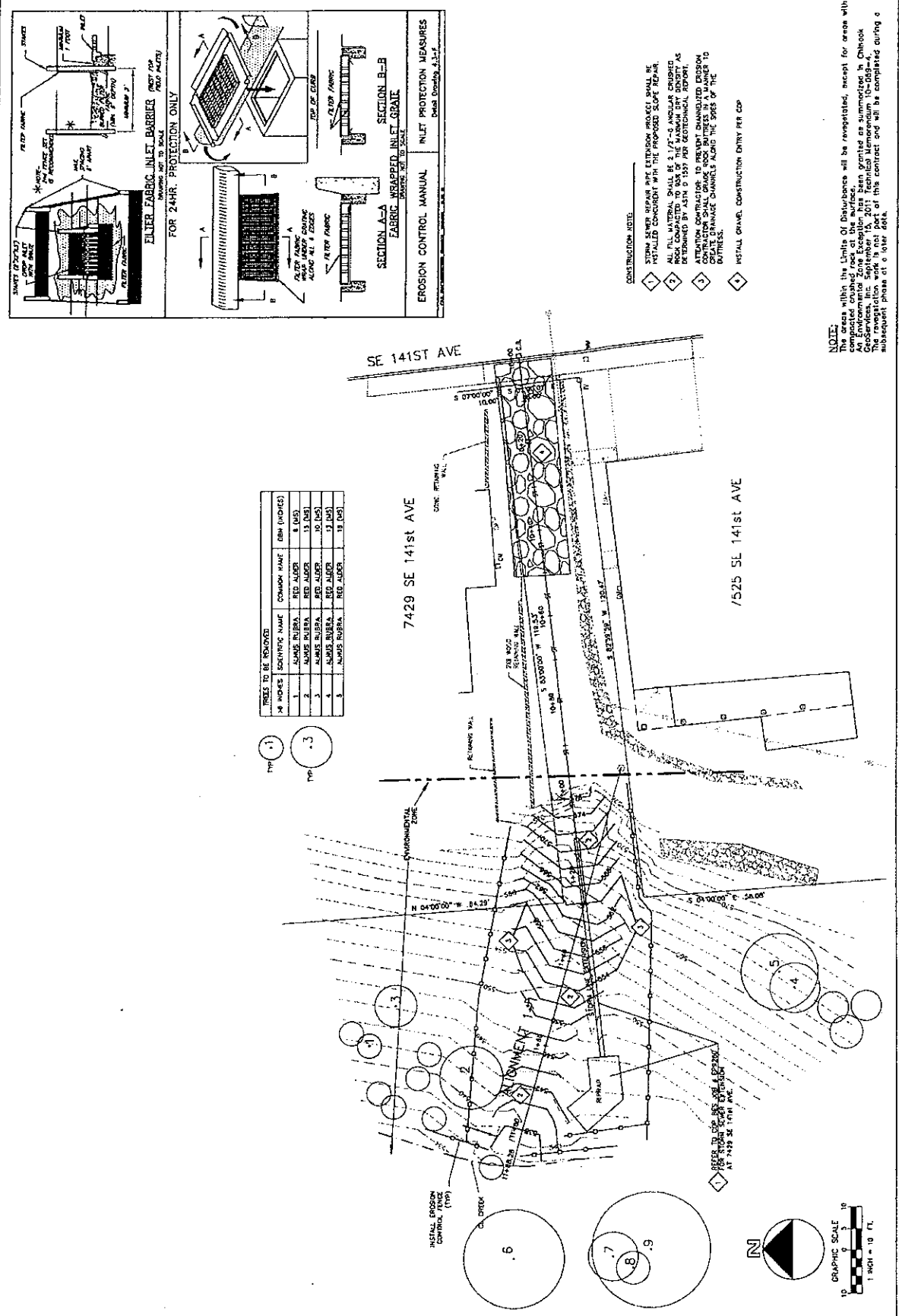
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CONSTRUCTION NOTE: STORM SEWER REPAIR PIPE EXTENSION PROJECT SHALL BE INSTALLED CONCURRENT WITH THE PROPOSED SLOPE REPAIR.

**NOTE:** The areas within the Limited Risk of Disturbance will be revegetated, except for areas with compacted crushed rock at the surface.

An Environmental Zone Exemption has been granted as summarized in Chinook GeoServices Inc. September 15, 2011 Technical Memorandum 10-069-4.

The revegetation work is not part of this contract and will be completed during subsequent phases of a later date.



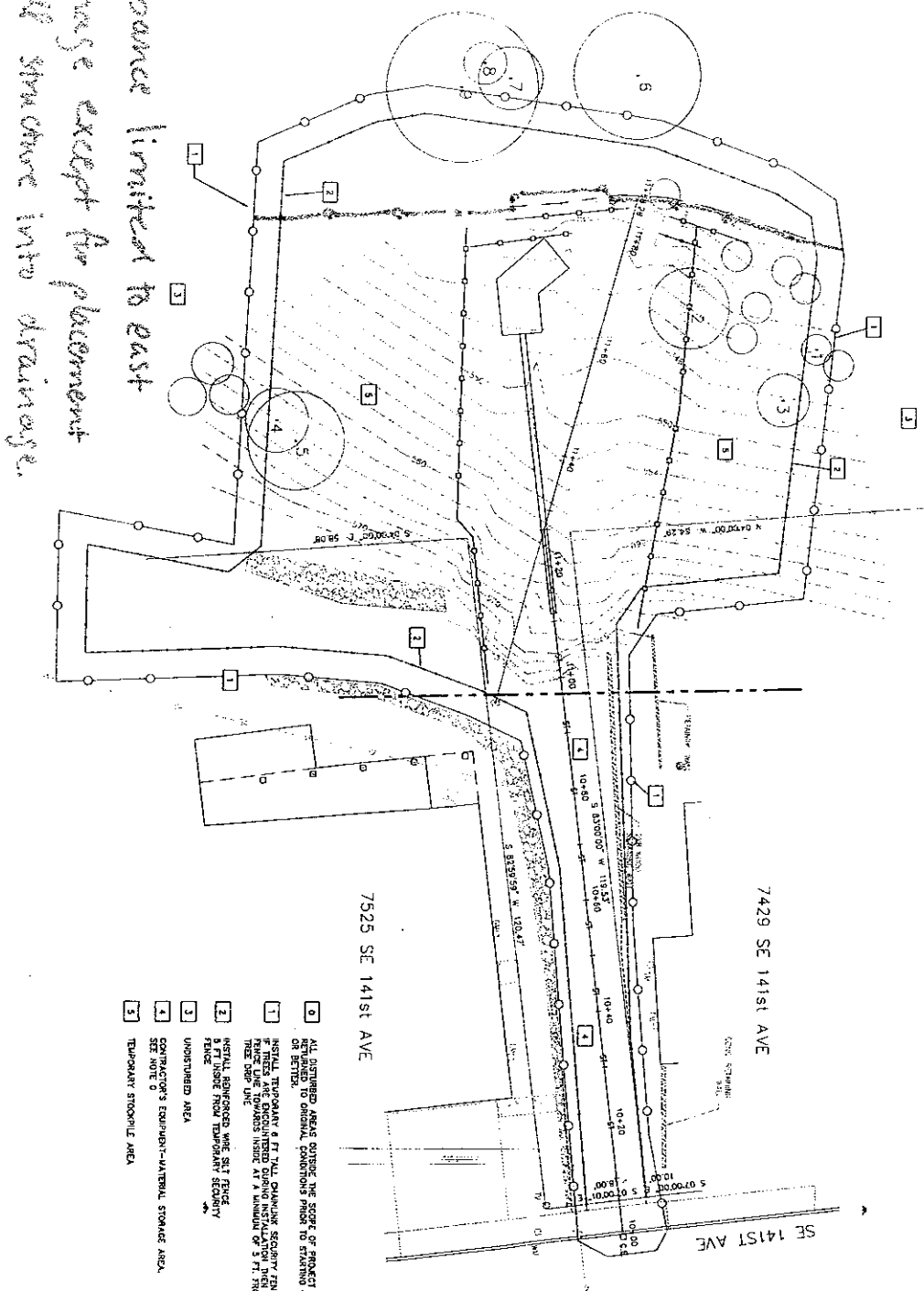
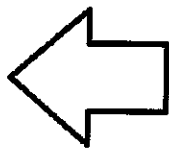
**NOTE:**

The area within the limits of disturbance will be revegetated, except for areas with existing trees. The revegetation plan shall be submitted to the City of Portland for review and approval. An Environmental Impact Statement (EIS) has been prepared for this project. The EIS includes a detailed description of the project and its potential impacts on the environment. The EIS also includes a list of measures to be taken to avoid, minimize, and compensate for the impacts of the project. The revegetation plan is a part of the EIS. The revegetation plan shall be completed during the subsequent phase of the project.

7525 SE 141st AVE

7429 SE 141st AVE

**[Highlight by  
Hearings Officer]**



- 0 ALL ATTACHED AREAS OUTSIDE THE SCOPE OF PRODUCT SHALL BE LEFT IN ORIGINAL CONDITION PRIOR TO STARTING CONSTRUCTION
- 1 INSTALLED PERMANENT 6 FT. TALL CHAINLINK SECURITY FENCE. FENCE SHALL BE SETBACK FROM EXISTING DRIVEWAY AND DRIVEWAY DRIVE LANE TOWARDS INSIDE AT A MINIMUM OF 3 FT. FROM DRIVE DOW LANE
- 2 INSTALL REINFORCED WIRE SET FENCE 3 FT. INSIDE FROM TEMPORARY SECURITY FENCE
- 3 UNDISTURBED AREA
- 4 CONTRACTOR'S EQUIPMENT-44TRAILER STOKAGE AREA. SEE NOTE 0
- 5 TEMPORARY STOCKPILE AREA

7525 SE 141st AVE

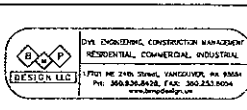
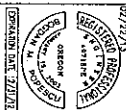
7429 SE 141st AVE

SE 141ST AVE

CITY OF PORTLAND  
HEARINGS OFFICE  
Exhibit #H-5  
Case # 4130012  
Bureau Case # 12-217340 EN

# CONSTRUCTION MANAGEMENT PLAN

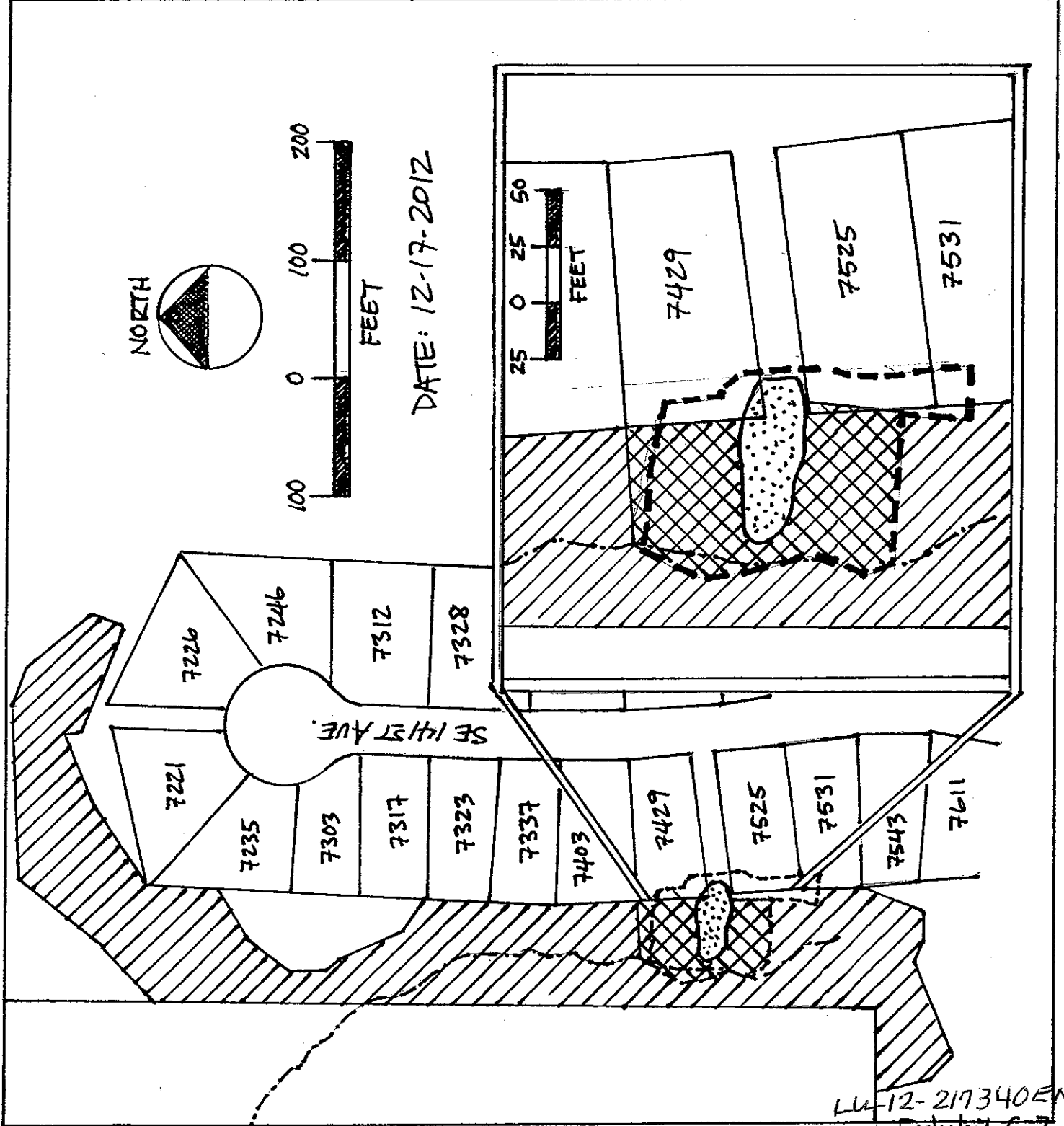
LOCATION: 7429 AND 7525 SE 141ST AVE, PORTLAND OR 97236



<b>C 3.0</b>	SHEET	11/0/2011
		09/15/2011
	REVISION/DATE DESCRIPTION	

CASE NO. 12-217346 EN  
EXHIBIT C-6

EASTRIDGE PARK HOA	RICK UPTON 7246 SE 141ST AVE. PORTLAND, OR 97236	LANDSLIDE REPAIR	MITIGATION PLAN	<div> <div></div> TAXLOTS <div></div> STREAM <div></div> DISTURBANCE AREA (APPROX.) <div></div> ROCK FILL AREA 1200 SQ. FT. </div> <div> <div></div> DECIDUOUS FOREST 0.13 ACRE <div></div> NATIVE GRASS 1.60 ACRE </div>
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LU-12-217340EN  
Exhibit C-7