



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

FROM CONCEPT TO CONSTRUCTION

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**Date:** July 14, 2014  
**To:** Interested Person  
**From:** Stacey Castleberry, Land Use Services  
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## **NOTICE OF A TYPE Ix DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has **approved** a proposal in your neighborhood. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

### **CASE FILE NUMBER: LU 14-108452 EN**

#### **GENERAL INFORMATION**

**Applicant:** Bureau of Environmental Services  
**Attention:** Eugene Lampi  
1120 SW 4<sup>th</sup> Avenue, Suite #1000  
Portland, OR 97204

**Owners:** Bureau of Parks and Recreation  
1120 SW 5<sup>th</sup> Avenue, Suite #1302  
Portland, OR 97204-1912

Metro  
600 NE Grand Ave  
Portland, OR 97232-2736

**Site Address:** South Ash Creek Natural Area in Dickinson Woods, adjacent to, and south and east of 10710 SW 55<sup>th</sup> Avenue, and a portion of undeveloped SW 55<sup>th</sup> Avenue right-of-way

**Legal Description:** LOT 22&23&26 TL 2800, CRESTWOOD; LOT 26 TL 4601, CRESTWOOD

**Tax Account No.:** R185703270 (R142924), R185703580 (R523495)  
**State ID No.:** 1S1E30DC 02800, 1S1E30DC 04601  
**Quarter Section:** 4024  
**Neighborhood:** Crestwood, contact John Prouty at 503-246-7366.  
**Business District:** None  
**District Coalition:** Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.

**Plan District:** None  
**Zoning:** R10, OS, c, p—Residential 10,000 and Open Space base zones, with Environmental Conservation and Environmental Protection overlay zones.

**Case Type:** EN—Environmental Review—Resource Enhancement  
**Procedure:** Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

**Proposal:** The applicant, the Bureau of Environmental Services (BES) proposes to enhance South Ash Creek within the Ash Creek Natural Area, which is managed by Portland Parks and Recreation. The stream enhancement will also serve to protect an existing sanitary sewer line that crosses under the streambed.

The project will enhance approximately 280 feet of South Ash Creek by creating a new step-pool channel morphology in this reach of the stream, as well as adding roughness to the channel bed to mitigate effects of high flows. These measures are required to stabilize and reconstruct the stream, which has become deeply incised. The project will also protect and repair an existing 8-inch sanitary sewer line that crosses under the creek.

Field surveys conducted by BES identified stream channel incision and degraded stream habitat conditions in this reach of South Ash Creek, primarily caused by high stream flows. Several ODOT storm sewer outfalls conveying runoff from the Interstate-5 are located immediately upstream from the site and contribute to the current degraded stream condition. The field surveys also identified two locations where an existing 8-inch sanitary sewer line crosses the creek. At one of these locations the sewer line is exposed in the stream bed and field inspections have shown the sewer line to be leaking due to structural failures.

An initial project feasibility study was conducted and a technical memorandum prepared in 2008: *Technical Memorandum: South Ash Creek – Assessment and Conceptual Remedies*. The study assessed the existing conditions and identified several conceptual remedies including the following:

- Stabilize the stream channel and improve conditions.
- Protect the existing sanitary sewer at stream crossings.
- Repair the existing sanitary sewer at the exposed stream crossing.
- Mitigate impacts of high flows.
- Enhance adjacent riparian and upland habitat.
- Improve macroinvertebrate communities.
- Incremental improvements to downstream conditions.
- Meet goals and objectives of the Ash Creek Natural Area
- Restore all adjacent areas after construction.
- Monitor to evaluate project success.

This project also meets the goals of the Portland Watershed Management Plan (City of Portland, 2005). The Project is funded through the BES Capital Improvement Program (Watershed Investment Fund). The project is being designed and implemented in coordination with Portland Parks and Recreation.

An Environmental Review was previously approved for this project – LU 12-114030 EN– May 24, 2012. Due to changes to the proposed construction schedule and construction impacts including additional tree removal, this project is being resubmitted for review.

Certain standards must be met to allow work to occur by right within the City's Environmental Conservation and Protection overlay zones. If the standards are not met, an Environmental review is required. The applicable standards for resource enhancement are in *Section 33.430.170*. The project does not meet three of the standards because work is proposed within a water body, fill (rocks, substrate material and wood) will be placed in the channel and some native vegetation will be removed. Therefore, the project must be approved through an Environmental Review.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of *Title 33*. The relevant approval criteria are in *33.430.250.B Approval Criteria for Resource Enhancement projects*.

## ANALYSIS

**Site and Vicinity:** The project site is within the 5-acre Ash Creek Natural Area (formerly Dickinson Woods). It is east of Dickinson Park and separated from it by SW 55<sup>th</sup> Avenue and a line of private properties fronting on SW 55<sup>th</sup> Avenue. South Ash Creek originates just west of Interstate 5 near SW 52<sup>nd</sup> Avenue and drains 397 acres within Portland's jurisdiction. It flows west and exits Portland's Urban Services Boundary area north of SW Dickson Place prior to joining Fanno Creek.

The Ash Creek Natural Area is jointly owned by the City of Portland and Metro and is managed by Portland Parks and Recreation. The Master Plan for Dickinson Park & Dickinson Woods (renamed as the Ash Creek Natural Area) (Portland Parks and Recreation, December 2000) established two primary goals for the natural area:

- *protect and restore the natural resource areas, providing access where appropriate, but ensuring that the protection of the resource values is a priority in these areas: and*
- *use the park as an educational resource for children and adults.*

In the natural area, natural resource values are to take precedence over human use.

Adjacent properties are developed as single family land uses (R10 zoning designation) with the Interstate 5 Highway and right-of-way bordering the site along the eastern boundary.

**Zoning:** The zoning designation on the site includes Open Space (OS) and Residential 10,000 (R10) base zones, with Environmental Conservation ("c"), and Environmental Protection ("p") overlay zones (see zoning on Exhibit B).

The Open Space base zone is intended to preserve public and private open and natural areas to provide opportunities for outdoor recreation and a contrast to the built environment, preserve scenic qualities and the capacity and water quality of the stormwater drainage system, and to protect sensitive or fragile environmental areas. No new uses are proposed within the OS zone and the provisions of the zone do not apply to the proposal. The OS zone regulations are therefore not addressed through this Environmental Review.

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.

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

The project area is located in the *Fanno Creek and Tributaries Conservation Plan*, Resource Site 130 (South Fork Ash Creek Tributary of Fanno Creek). The resource site encompasses upland coniferous, mixed coniferous and deciduous and deciduous forests as well as significant riparian habitats. No wetlands have been identified within the project area. The forest at the east end of Site 130 is especially important for slope stability and buffering impacts from I-5. Significant functional values present at the project site, listed for Site 130, include:

- Dissipation of erosive forces of stormwater
- Groundwater discharge

- Maintaining native forest microclimate
- Feeding, watering, hiding and dispersion areas for fish
- Rearing, feeding, migration areas for fish
- Retention of soils
- Stabilization of slopes
- Storage, conveyance and desynchronization of stormwater
- Trapping sediment from stormwater
- Anchoring shorelines and stream banks

More specifically, the Ash Creek Natural Area at this location consists of forested riparian habitat and includes the headwaters of South Ash Creek, a tributary to Fanno Creek.

The *Dickinson Park and Dickinson Woods (Ash Creek Natural Area) Master Plan* (Portland Parks and Recreation, December 2000) describes the health of the site as generally good although the stream banks were undercut and there was a lack of riparian vegetation. Plant diversity was high with native plants present, however, there were other areas dominated by non-native species, and impacted by litter, stream bank erosion, and informal trails. Findings from field investigations and such include:

#### Stream Conditions:

- The stream channel in this location is a comparatively high flow energy reach and has eroded the into the parent cohesive soils. The ordinary high water level is generally confined within the incised channel. In many locations, the stream bed has eroded to a smooth surface and lacks adequate substrate.
- In the relatively flatter reach near the existing culvert under SW 55<sup>th</sup> Avenue, sediment has accumulated and the culvert is nearly plugged by debris and a wedge of deposited sediment.
- Riparian areas lack adequate vegetation.
- Stream flows in late summer are very low to no flow in this reach.
- South Ash Creek Stream flows exhibits a "flashy" response to precipitation which is exacerbated by runoff from the I5 freeway.

BES staff conducted a Terrestrial Ecology Site Assessment for this project (BES May 2009) with results summarized below:

#### Terrestrial Ecology

- The tree community in the immediate vicinity of the proposed construction activities is dominated by big leaf maple with some red alder and Douglas-fir also present. Existing tree species, size (DBH), and locations are detailed on sheet 5 of the Environmental Review plan set.
- The shrub layer is not extensive but includes salmonberry, vine maple, Indian plum, hazelnut, red huckleberry and service berry.
- Observed herbaceous plant species included: yellow violets, piggy back, twisted stalk, trillium, waterleaf, and corn lily.
- Non-native plant species present included: holly, Himalayan blackberry, English ivy, clematis, cherry and Herb Robert.
- Fourteen species of birds were identified including special status species: Western Wood Pewee, Pacific slope Flycatcher and Downy Woodpecker.

#### Wetlands

- Field investigations by BES staff did not identify any wetland areas within the project site.

#### Aquatic Species

- Macroinvertebrate populations appear to be depressed in this reach of stream.
- Fish sampling conducted as part of the BES Portland Area Watershed Monitoring and Assessment Program (PAWMAP) monitoring program in the stream reach immediately upstream of the project site did not detect the presence of any fish.

**Land Use History:** City records indicate the following land use reviews for this site. LUR 94-00938 EN: An Environmental Review for stream bank restoration; case was voided.

LUR 95-00285 PU SU ZC EN: A Planned Development, Subdivision, Zone Change, and Environmental Review that was approved with conditions.

LUR 98-00687 EN: An Environmental Review for stream bank restoration; case was approved with conditions.

LUR 01-00777 ZC: A proposed Zone Change; case was withdrawn.

LU 04-004937 EN: Environmental Review for construction of pedestrian trails and removal of unwanted “rogue” trails in Dickinson Park and Dickinson Woods (Ash Creek Natural Area).

LU 12-114030 EN approved restoration of 280 feet of South Ash Creek in the Ash Creek Natural area.

The current land use review effectively replaces the 2012 Environmental Review for restoration of 280 feet of South Ash Creek. The remaining listed approved land use reviews remain in effect as approved.

**Agency and Neighborhood Review:** A Notice of Proposal in your Neighborhood was mailed on April 10, 2014.

**1. Agency Review:** Two City bureaus responded to this proposal. Please see Exhibits E.1 and E.2 for details. The comments are addressed under the appropriate criteria for review of the proposal, where applicable.

**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 South Ash Creek restoration project are found in Section 33.430.250 B *Approval Criteria for Resource Enhancement projects*. The applicant has provided findings for these approval criteria and BDS Land Use Services staff has added conditions, where necessary to meet the approval criteria.

### 33.430.250. B Resource Enhancement Projects

#### 1. There will be no loss of total resource area

**Findings:** The project will have no effect on the total amount of resource area existing in the environmental zone. All of the area that will be disturbed for construction access to the project area is proposed to be restored and revegetated. No loss of resource area will occur; therefore, this criterion is met.

#### 2. There will be no significant detrimental impact on any resources and functional values;

**Findings:** This approval criterion requires the protection of natural resources and their functional values from impacts related to the proposal, such as loss of or damage to native vegetation, erosion of soils and damage to stream banks, and downstream impacts to water quality and fish habitat from pollution or erosion caused by the project. The applicant provided a graphic construction management site plan (Exhibit C.3), and a narrative description of the construction management plan in the application case file (Exhibit A.1), as follows:

The proposed project consists of the construction of step-pool channel morphology in South Ash Creek as well as adding channel roughness through the addition of rock and gravel to the stream bed to reduce erosive effects of high flows.

Construction will include excavation and fill within the existing stream channel to construct rock and wood check dams, place rock and gravel substrate in the stream bed and create the step-pool stream profile. In addition, the existing exposed 8-inch sanitary sewer pipe will be repaired prior to placing the pipe protection measures.

Primary construction access will be through a temporary 14-foot wide access drive with a gravel construction entrance installed from SW 55<sup>th</sup> Avenue. The temporary access drive was located to avoid riparian areas immediately adjacent to the stream and minimize conflicts with existing trees on the site. However, providing access to the site will require the removal of 42 native trees (28 big leaf maple and 8 red alder) as shown on the construction management plan. Additional tree protection information is provided on the tree root protection zone plan (Exhibit C.5). Two non-native sweet cherry trees located outside the construction disturbance area will also be removed.

The proposed tree protection plan does not meet the Zoning Code standard for tree protection (33.248.068). Impacts will be minimized by limiting equipment usage in or near tree protection zones and selection of appropriate equipment. Additionally, the applicant's proposed tree protection plan specifies 6 inches of wood chips to be placed in all root protection zones where tracked vehicles will be operated. This approach will avoid the need to remove additional trees on the site.

The construction activities within the existing stream channel will require dewatering through placement of a temporary sandbag dam and diverting flows to the downstream end of the project site. BES staff will perform fish salvage operations during the site isolation to confirm the absence of fish in this reach of South Ash Creek. All in-water work will be performed during the ODFW guidelines of July 15 to September 30 for tributaries to the Tualatin River.

The contractor will be required to have an approved erosion, sediment and pollutant control plan (ESPCP) prior to beginning work. The ESPCP will specify best management practices (BMPs) including requirements for monitoring and maintenance.

After construction activities are completed, South Ash Creek will be restored to its channel, the temporary construction entrance removed, and the disturbed areas restored including revegetation with native plants.

These construction activities will result in temporary impacts (20,317 square feet) to existing plant communities and stream and riparian habitat at the project site. The construction activities within the existing stream channel of South Ash Creek will result in permanent changes (1,843 square feet) which will enhance resource values.

A temporary crossing of the drainage course from SW 55<sup>th</sup> is proposed to provide the temporary access drive. This temporary engineered channel crossing design will be submitted by the contractor since the type(s) of machinery is unknown and varying from contractor to contractor.

There will be no staging or stockpiling at the Ash Creek project site. Stockpiling and staging will occur on City of Portland Parks property at Dickinson Park outside all environmental zones.

The crossing and construction drive will be restored immediately after all stream work is completed, back to existing conditions. Straw mulch will be placed over an upland/stream bank seed mixture over disturbed areas. The stockpile and equipment storage area in Dickinson Park will be mulched (with seed mixture) and restored back to existing conditions as well. This will ensure a no loss of resource area and that functional value is restored.

The applicant describes an alternative tree preservation plan that was developed and specifies the placement of 6 inches of wood chips in all areas within existing tree root zones where it is not possible to exclude all equipment due to access requirements. Where possible, the standard root zone protection areas will be fenced off with exclusion fencing.

Zoning Code section 33.248.065 C. requires an alternative tree preservation plan showing alternative means for tree protection and preservation, and including a statement by the arborist or architect that the plan provides the same level of protection as the requirements of Section 33.248.068. This plan will be required prior to any construction activity on the site.

The applicant states that there is a lack of specific construction information concerning the type(s) of machinery and subsequently the details surrounding the design and construction of the temporary creek crossing needed to construct the temporary construction access drive. In order to meet this criterion for no significant detrimental impact on resources, such crossing must be constructed well out of the stream channel and above the Zoning Code-defined top of bank. Additionally, it must be restored with native vegetation immediately following completion of the stream restoration construction work.

Similarly there is a lack of detail provided regarding the design and location of the diversion mechanism needed to temporarily dewater segments of Ash Creek during construction of the rock and log checkdams. Therefore, a Final Construction Management Plan will be required to be provided to show that the design, construction, and location details of the temporary access drive, temporary stream crossing, and the temporary stream diversion mechanism are in substantial conformance with Exhibit C.3; to depict the revegetation of the temporary access drive with native vegetation (the plan must show standard landscaping symbols and a replanting schedule); and to demonstrate effective erosion and sediment control and no staging or stockpiling in the environmental zone. This plan must include a construction schedule and a schedule for complete restoration of the construction drive and stream crossing. This plan will be required prior to any construction activity on the site. With conditions of approval for an alternative tree preservation plan and for a final construction management plan, this criterion can be met.

### **3. There will be a significant improvement of at least one functional value.**

**Findings:** The applicant's narrative (Exhibit A.1) describes how the project will improve several functional values. Restructuring the stream will dissipate the erosive forces of stormwater, retain soils and stabilize slopes. The impacts of high flows will be reduced and habitat values will be increased as a result of removing invasive plant species and replanting with native trees and shrubs.

The proposed revegetation activities will include removal of non-native vegetation and planting of 450 bare root native trees and 700 bare root, plus 600 cuttings, of shrubs, for approximately 0.2 acres of riparian stream buffer and 0.9 acres of upland area (see Exhibit C.4).

The applicant anticipates 60-70% average survival of plantings after 5 years (30-40% plant mortality). This results in an estimated 250 trees per acre. The specified shrub planting density is 800 per acre in the streambank zone and 600 per acre in the riparian zone.

While Exhibit C.4 identifies the species likely to be planted, and the quantities of trees and shrubs, it lacks information identifying the location and the proposed density of the tree and shrub plantings, and their expected survival rate. There is a significant amount of construction disturbance and tree removal identified for the construction access drive needed to install the rock and log check dams in the creek. In order to demonstrate that the revegetation efforts will offset the construction disturbance sufficiently to actually improve functional values along Ash Creek, a site specific revegetation plan is required.

Therefore, a Final Revegetation Plan will be required at permit time, to show complete replanting of the riparian areas along South Ash Creek, in addition to the proposed upland plantings within the delineated "Revegetation Area" on Exhibit C.4. The Final Revegetation Plan will be required to note the expected final density of 250 trees per acre, and at least 600 shrubs per acre. Further the Final Revegetation Plan must agree with the Construction Management plan and the Tree Protection Plan by *not* showing existing trees that are proposed for removal.

With a detailed revegetation plan as described above, this criterion can be 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.

## CONCLUSIONS

The applicant, Portland's Bureau of Environmental Services, proposes to improve the condition of approximately 280 feet of the South Ash Creek channel and surrounding riparian and upland areas. The proposed enhancement project will create temporary disturbance as a result of gaining access to the creek, diverting the creek temporarily, and then improving the channel itself with placement of rock and wood check dams, to stabilize the substrate and reduce downcutting in the stream.

The applicant submitted a narrative and site plans to address the environmental resource enhancement approval criteria. With conditions of approval for clearing of non-native plants, installing erosion control measures, replanting with native plants, submittal of a monitoring and maintenance report after five years, the applicant has demonstrated compliance with applicable approval criteria for the Environmental Review and it should be approved.

## ADMINISTRATIVE DECISION

**Approval** of an Environmental Review to restore South Ash Creek between SW 55<sup>th</sup> Avenue and SW 53<sup>rd</sup> Avenue within the Environmental Conservation and Environmental Protection overlay zones, and in substantial conformance with Exhibits C.2, C.3, C.4, and C.5, as approved by the City of Portland Bureau of Development Services on **July 10, 2014**. Approval is subject to the following conditions:

**A. A BDS zoning permit is required for approval of the Final Construction Management Plan and for inspection of approved restoration plantings:** Copies of the stamped Exhibits C.2, C.3, C.4 and C.5 from LU 14-108452 EN and Conditions of Approval listed below, shall be included with all plan sets submitted for permits (building, Zoning, grading, Site Development, erosion control, etc.) These exhibits shall be included on a sheet that is the same size as the plans submitted for the permit and shall include the following statement, "**Any field changes shall be in substantial conformance with approved LU 14-108452 EN Exhibits C.2 through C.5.**"

Permit applications shall include the following:

1. A Final Construction Management Plan shall be provided with any permit application, and prior to any construction activity on the site, to show that:
  - a. the temporary stream crossing shall be constructed above the Zoning Code defined top of bank;
  - b. the design, construction, and location details of the temporary access drive, temporary stream crossing, and the temporary stream diversion mechanism are in substantial conformance with Exhibit C.3, and occur entirely within the delineated Temporary Disturbance Area;
  - c. the temporary access drive shall be completely restored and revegetated with native vegetation (the plan must show standard landscaping symbols and a replanting schedule);
  - d. erosion and sediment control mechanisms shall be installed prior to construction;
  - e. there shall be no construction staging or stockpiling in the environmental zones; and
  - f. to demonstrate that the restoration will occur immediately following



construction. This plan must include a construction schedule and a schedule for complete restoration of the access drive and stream crossing.

2. An Alternative Tree Preservation Plan shall be included with any permit application, and prior to any construction activity on the site, showing alternative means for tree protection and preservation in substantial conformance with Exhibits C.3 and C.5, and including a statement by the arborist or Urban Forester that the plan provides the same level of protection as the requirements of Section 33.248.068.
3. A Final Revegetation Plan shall be included with any permit application, and prior to any construction activity on the site, showing complete replanting of the riparian areas along South Ash Creek, in addition to the proposed upland plantings within the delineated "Revegetation Area" on Exhibit C.4. This plan shall include standard, individual, landscape graphic symbols, and a planting legend that clearly identifies the location, species, quantity, size, and spacing of all plantings approved on Exhibit C.4.

The Final Revegetation Plan shall show a final density of 250 trees per acre, and at least 600 shrubs per acre. The Final Revegetation Plan shall agree with the Construction Management plan and the Tree Protection Plan, by *not* showing existing trees proposed for removal on Exhibits C.3 and C.5.

- B.** Temporary construction fencing shall be installed according to Section 33.248.065 or 33.248.068 (Tree Preservation Plans/Tree Protection Requirements), except as required in A.2 above, and as specified below. Temporary, 4-foot high, construction fencing shall be placed along the "Temporary Disturbance Area" line, as depicted on Exhibit C.3 Construction Management Plan, or as required by Urban Forestry or City 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 450 trees, 700 shrubs, and 600 shrub cuttings, selected from the *Portland Plant List*, shall be planted, in substantial conformance with Exhibits C.4 Revegetation Plan.
  1. Plantings shall be installed between October 1 and March 31 (the planting season).
  2. Prior to installing required mitigation plantings, non-native invasive plants shall be removed from all areas within 10 feet of mitigation plantings, using handheld equipment.
  3. All mitigation and remediation shrubs and trees shall be marked in the field by a tag attached to the top of the plant for easy identification by the City Inspector. All tape shall be a contrasting color that is easily seen and identified.
  4. After installing the required mitigation plantings, the applicant shall request inspection of mitigation plantings and final the BDS Zoning Permit.
- D. The land owner shall maintain the required plantings** for two years to ensure survival and replacement of at least 250 trees per acre, and at least 600 shrubs per acre. The land owner is responsible for ongoing survival of 250 trees per acre, and 600 shrubs per acre 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 250 trees per acre, and 600 shrubs per acre remain. Any required plantings that have not survived must be replaced.
- E.** Failure to comply with any of these conditions may result in the City's reconsideration of this land use approval pursuant to Portland Zoning Code Section 33.700.040 and /or enforcement of these conditions in any manner authorized by law.

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

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

**Staff Planner: Stacey Castleberry**

**Decision rendered by:**  **on July 10, 2014.**

By authority of the Director of the Bureau of Development Services

**Decision mailed July 14, 2014.**

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

**Procedural Information.** The application for this land use review was submitted on January 22, 2014, and was determined to be complete on March 20, 2014.

*Zoning Code Section 33.700.080* states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on January 22, 2014.

*ORS 227.178* states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: July 18, 2014.**

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

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

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

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

**This decision, and any conditions associated with it, is final.** It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS

197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further information.

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

**Recording the final decision.** If this Land Use Review is approved, the final decision must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. The final decision may be recorded on or after **July 14, 2014**.

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:

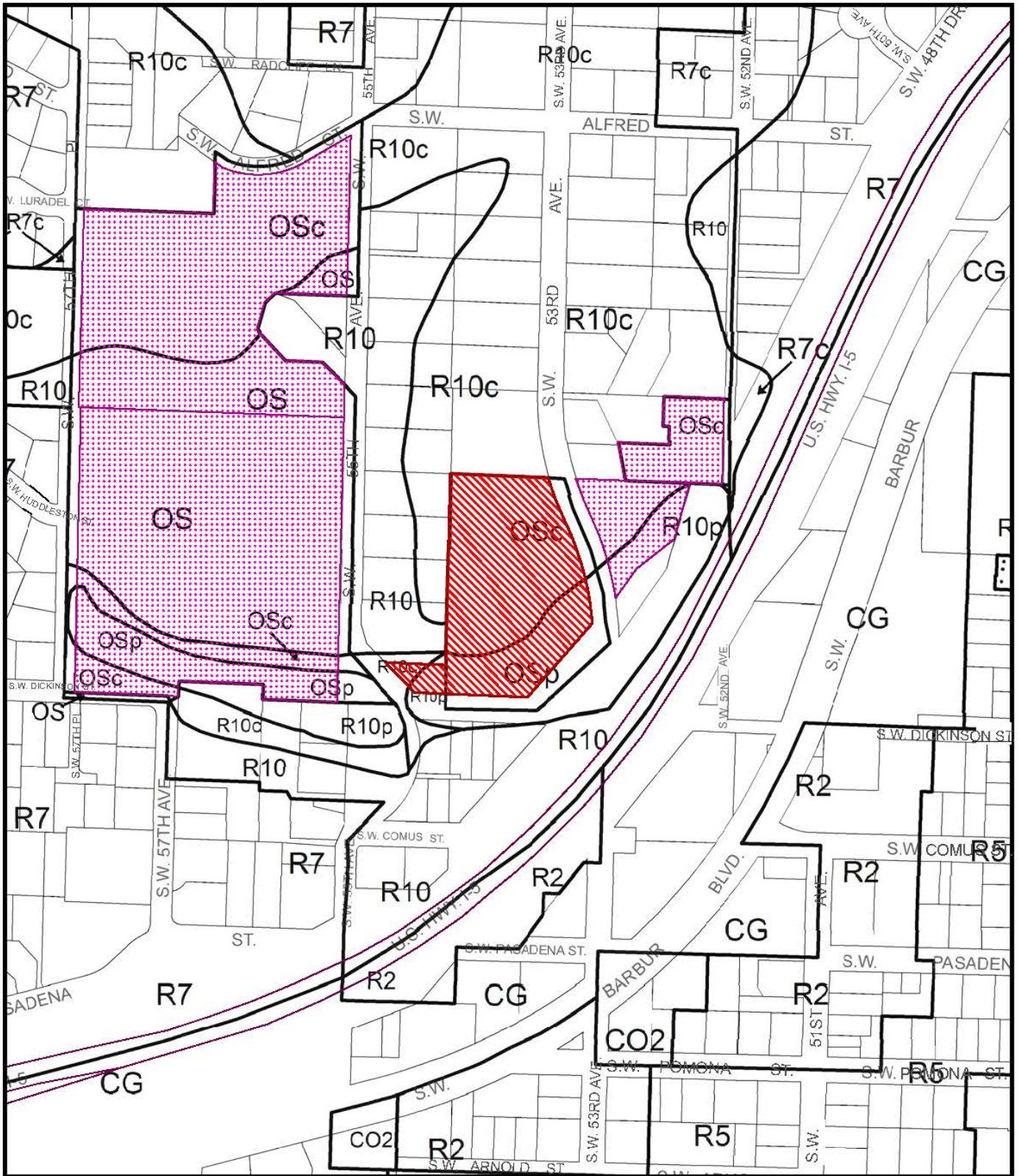
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. South Ash Creek Stream Enhancement and Sewer Protection Project Narrative
  - 2. LU 12-114030 EN Decision
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Existing Conditions Site Plan
  - 2. Proposed Development Site Plan
  - 3. Construction Management Site Plan (attached)
  - 4. Revegetation Plan (attached)
  - 5. Tree Protection Plan
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Site Development Review Section of BDS
- F. Correspondence: None received
- G. Other:
  - 1. Original LU Application
  - 2. Incomplete Letter

**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).**

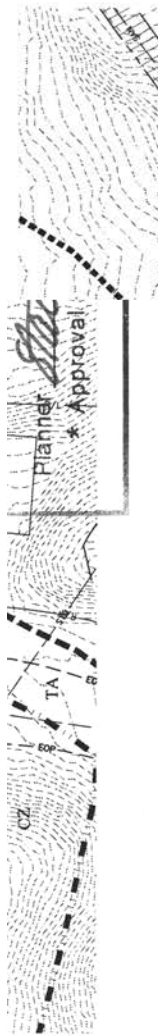


# ZONING

-  Site
-  Also Owned



File No. LU 14-108452 EN  
 1/4 Section 4024  
 Scale 1 inch = 300 feet  
 State\_Id 1S1E30DC 2800  
 Exhibit B (Jan 29, 2014)



--- EXCLUSION ZONE

**C.3**

**CITY OF PORTLAND  
ENVIRONMENTAL SERVICES**

DESIGNED BY	DATE APPR.	DATE
CHECKED BY	DATE	
PROJECT NO.		
CONTRACTOR		
APPROVED BY		
DATE		

- NOTES:**
1. PRIMARY ACCESS AND STOCKPILE AREA WAS SELECTED TO PROVIDE THE LEAST AMOUNT OF DISTURBANCE TO VEGETATION AND CUTTING OF TREES. SEE REVEGETATION PLAN FOR RESTORATION WORK WITHIN ACCESS AND STOCKPILE AREAS.
  2. HEAVY EQUIPMENT AND ADDITIONAL STOCKPILING SHALL BE LIMITED TO THE SOUTHWEST CORNER OF JOHNSON PARK FIELD TO THE SATISFACTION OF C.O.P. PARKS AND RECREATION.
  3. TOTAL TEMPORARY DISTURBANCE AREA: 22181 SF  
TOTAL PERMANENT DISTURBANCE AREA: 1843 SF  
ORDINARY HIGH WATER LINE - OHWL: 1843 SF
  4. REFER TO MITIGATION PLAN FOR EXISTING TREES TO REMAIN.
  5. EXCLUSION FENCING SHALL ADOPT THE BOUNDARIES OF THE TEMPORARY DISTURBANCE AREA.

**ESTIMATED CUT AND FILL VOLUME REFERENCED TO ORDINARY HIGH WATER**

LOCATION	LOG		ROCK	
	CUT	FILL	CUT	FILL
ABOVE OHW	0	0	0	0
BELOW OHW	2	2	65	79
TOTAL VOLUME	2	2	65	79
NET	0	0	14	14

- LEGEND:**
- PRIMARY ACCESS
  - EXIST. SEWER EASEMENT
  - DRAINAGE RESERVE
  - TEMPORARY DISTURBANCE AREA
  - ENVIRONMENTAL PROTECTION ZONE
  - ENVIRONMENTAL CONSERVATION ZONE
  - TRANSITION AREA
  - REVEGETATION AREA (SEE SHEET LU05)
  - X TREE REMOVAL
  - SEDIMENT FENCE



NAD 1983-91  
 4624/412  
 E081105  
 LU003  
 3 of 5

**K STREAM ENHANCEMENT  
PROTECTION PROJECT**

CITY OF PORTLAND  
ENVIRONMENTAL SERVICES



**Native Tree and Shrub Installation**

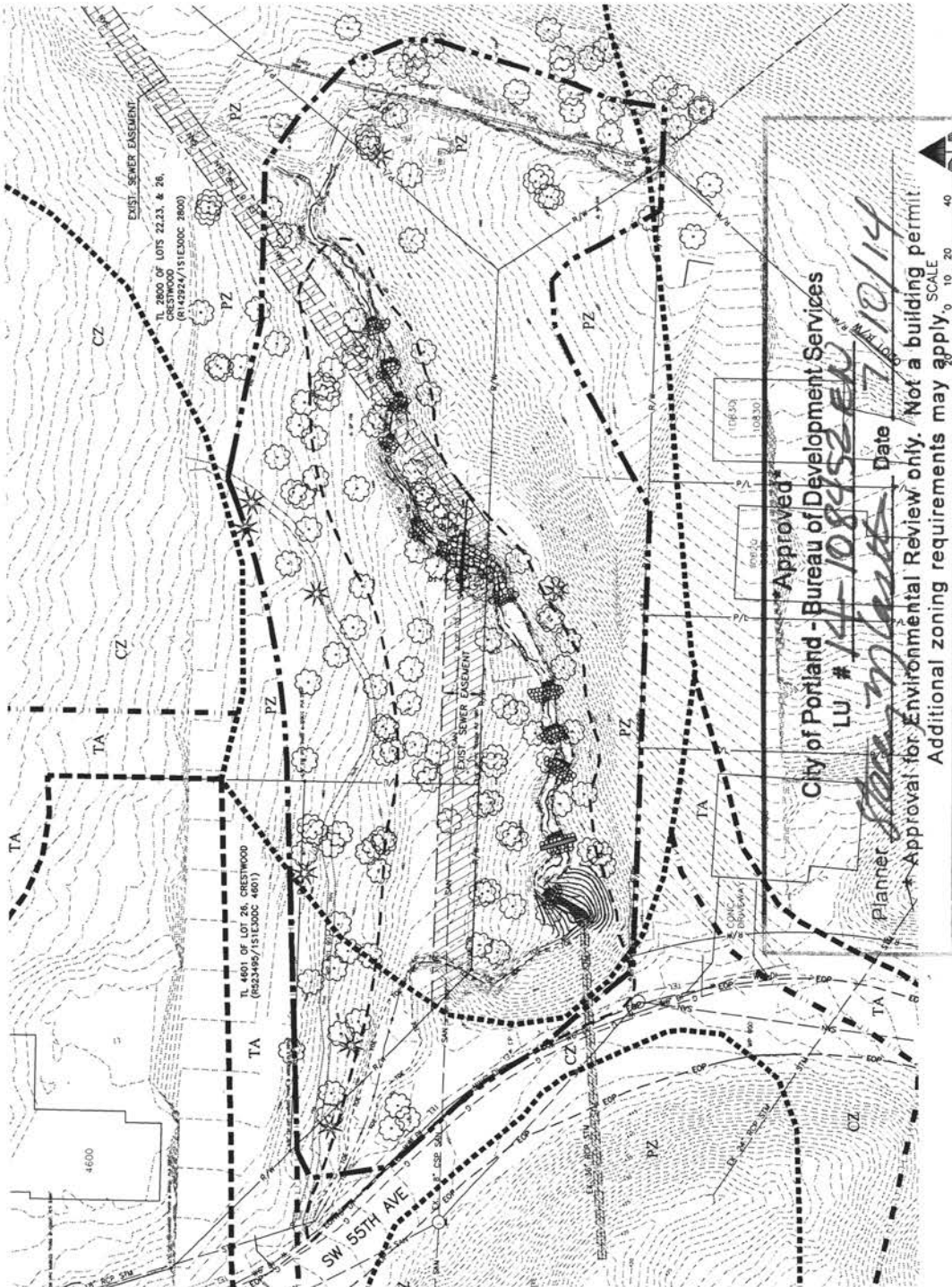
WEP will provide and install all native woody plant materials, including both bareroot seedlings and live pole cuttings. All plant materials will be collected and/or propagated from Portland-neets area seed sources to preserve local genetics and improve establishment success. Species composition is described in Table 2. Plants are installed on a 10' x 10' grid. Precut plant installation details assume that the site will not receive supplemental irrigation during the plant establishment phase.

**Table 1. Revegetation Trees and Shrubs**

Species*	Common Name	Quantity**	Stock Type	Planting Zone**
<i>Acer glabrum</i>	Green Fir	25	bareroot	riparian area
<i>Acer macrophyllum</i>	Bigleaf Maple	75	bareroot	streambanks & riparian area
<i>Fraxinus latifolia</i>	Oregon Ash	25	bareroot	streambanks & riparian area
<i>Prunella serotina</i>	Douglas-fir	125	bareroot	riparian area
<i>Rosa pratincola</i>	Cowhage	50	bareroot	streambanks & riparian area
<i>Rubus parviflorus</i>	Western Rubus	150	bareroot	streambanks & riparian area
<b>Total Trees</b>		<b>450</b>	<b>bareroot</b>	
<i>Arctostaphylos</i>	Vine Maple	50	bareroot	streambanks & riparian area
<i>Cornus sericea</i>	Red-osier	50 + 300	bareroot and cutting	streambanks & riparian area
<i>Lonicera involucrata</i>	Black Twilberry	25	bareroot	riparian area
<i>Malvastrum coccineum</i>	Red Currant	175	bareroot	riparian area
<i>Opuntia missouriensis</i>	Indian Plum	125	bareroot	riparian area
<i>Physocarpus opulifolius</i>	Nine-bark	25 + 150	bareroot and cutting	riparian area
<i>Rubus parviflorus</i>	Huckleberry	125	bareroot	riparian area
<i>Rubus spectabilis</i>	Salmonberry	50	bareroot	streambanks
<i>Silva siliqua</i>	Silva willow	150	cutting	streambanks
<i>Sambucus racemosa</i>	Red Elderberry	50	bareroot	streambanks & riparian area
<i>Symphoricarpos albus</i>	Snowberry	100	bareroot	riparian area
<b>Total Shrubs</b>		<b>700</b>	<b>bareroot + 600</b>	<b>cuttings</b>

\* Stock composition based on seed source. \*\* Quantity based on seed source. \*\*\* Streambanks - stream bank; Riparian - riparian area; Streambank & Riparian - streambank and riparian area.

**C.4**



Approved by: *[Signature]* Date: *7/10/14*  
 City of Portland - Bureau of Development Services  
 LU # *14-108452-EU*  
 Planner: *[Signature]*  
 Approval for Environmental Review only. Not a building permit.  
 Additional zoning requirements may apply. SCALE 1" = 20'

NAD 1983-91

S. ASH CREEK STREAM ENHANCEMENT & SEWER PROTECTION PROJECT

REVEGETATION PLAN

CITY OF PORTLAND  
ENVIRONMENTAL SERVICES

ENVIRONMENTAL REVIEW

DATE: 07/10/14  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 PROJECT COMPLETED BY: [Name]  
 DATE: 07/10/14

DATE APPLICANT: 07/10/14  
 REVIEW DATE: 07/10/14  
 CONTRACT NO.: 07020007  
 PROJECT COMPLETED BY: [Name]  
 DATE: 07/10/14

DATE: 07/10/14  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
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