



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

FROM CONCEPT TO CONSTRUCTION

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

Date: May 26, 2015
To: Interested Person
From: Kathy Harnden, Land Use Services
503-823-7318 / Kathy.Harnden@portlandoregon.gov

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

The Bureau of Development Services has **approved** a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, 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 15-127589 GW

GENERAL INFORMATION

Owner/Applicant: Ronnie K Wilson
PO Box 1298 / Clackamas OR 97015

Consultant: Jonathan Morse / AKS Engineering & Forestry, LLC
12965 SW Herman Rd #100 / Tualatin OR 97062

Site Address: 9990 SW RIVERSIDE DR

Legal Description: TL 500 0.23 ACRES, SECTION 26 1S 1E
Tax Account No.: R991260290
State ID No.: 1S1E26CB 00500
Quarter Section: 4031
Other Designations: 100-Year Floodplain
Zoning: R10gqs – Residential 10,000 base zone with the Scenic (s) and River General (g) and River Water Quality (q) overlays

Case Type: GW – Greenway Review
Procedure: Type II, an administrative decision with appeal to the Hearings Officer.

Proposal: **PRIVATE BOAT DOCK AND RAMP IN THE WILLAMETTE RIVER**

The applicant proposes to install a personal use, 760 square-foot boat dock with a 112-foot long ramp extending from the top of bank to the new dock along the west bank of the Willamette River.

The proposed U-shaped dock will be approximately 20 feet wide by 40 feet long along its outside edge and 35 feet along the bank-side edge. The dock itself will have an over-water coverage of about 400 square feet, with an inside moorage area of about 360 square feet, for a total over-water permanent disturbance area of 760 square feet. Six 12-inch steel piling will be installed with three supporting the landing and ramp and three at the dock. The proposed dock will extend approximately 20 feet further into the river than the two existing docks on either side of the site to ensure enough maneuvering room for mooring the boat. The 4-foot wide by 112-foot

long ramp to the dock includes a 10-foot-long upland landing on the slope below an existing house foundation. The ramp will be located about 10 feet north of the site's south property line.

The dock will have steel construction, sealed floatation units, and open deck grating. Both the ramp and dock will be constructed off-site, brought to the site via barge, and then floated into place after the support pilings have been installed. A vibratory hammer from a crane barge will be used to install the piling. An existing upland ramp and existing piling below ordinary high water fronting the site will be removed.

The applicant also proposes to remove approximately 2500 square feet of non-native invasive plant material (blackberries) and install 3 trees, 20 shrubs and approximately 2500 square feet of native ground cover plants on the slope below the house, which was approved through a 1990 Greenway review and is currently under construction.

Relevant Approval Criteria:

To be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria include:

- **33.440.350 – Greenway Approval Criteria**
- ***Willamette Greenway Design Guidelines***

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. This application was submitted on March 3, 2015 and determined to be complete on **March 27, 2015**.

FACTS

Site Description: The project is located on the bank and in the water of the Willamette River. The riverbank is quite steep with a grade of approximately 60 percent. The bank levels out approximately 38 feet upslope from the ordinary high water line, where a house foundation was installed in 1994. A house, currently under construction on the existing foundation, is not subject to this review. A railroad track bisects the site. The upland area, west of the tracks and bordered by SW Riverside Drive, is fairly flat and is used as a parking area.

South of and adjacent to the site are an existing house and residential boat dock. The vacant property adjacent to the north has a multiple-moorage boat dock belonging to Lewis & Clark College. The Powers Marine Park is approximately 600 feet north of the site.

Infrastructure: SW Riverside Drive (aka SW Macadam Avenue) borders the site to the west of the property. The site is bisected by the Southern Pacific Railroad right of way and tracks. There is an existing public 8-inch CSP sanitary gravity main in SW Riverside Drive that can serve the property, but there is no public storm sewer available at this site.

Greenway Resources: The greenway overlay zones protect, conserve, enhance, and maintain the natural, scenic, historical, economic, and recreational qualities of lands along Portland's rivers. The greenway regulations implement the City's Willamette Greenway responsibilities as required by ORS 390.310 to 390.368, as well as the water quality performance standards of Metro's Title 3. The purpose of this land use review is to ensure compliance with the regulations of the greenway overlay zones.

The *Lower Willamette River Wildlife Habitat Inventory* identifies resource values along the River. Resource values along the Willamette River in Portland range from 0 to 114. This property is included in the evaluation for Powers Marine Park, identified as Resource Site 23.7 with a resource value of 67, which makes it a Rank III site. Rank III sites generally have "considerable value for wildlife" and could provide "significant wildlife habitat," although this site is covered in non-native invasive species.

The width of the Greenway Setback in the River Water Quality overlay is either 50 feet or 200 feet, as determined by the bank slope. Per the applicant's site maps and measurements taken from the City's air photo and contour maps, the site's slope landward of top of bank is approximately 19 percent. Therefore the Greenway Setback at this location is 50 feet wide.

Zoning: The site is zoned Residential 10 (R10) with the River General (g), River Water Quality (q) and Scenic (s) overlay zones.

The **River General (g)** overlay zone allows for uses and development which are: consistent with the base zoning, allow for public use and enjoyment of the waterfront; and enhance the river's natural and scenic qualities.

The **River Water Quality (q)** overlay zone is designed to protect the functional values of water quality resources by limiting or mitigating the impact of development in the greenway setback.

The **Scenic Resources zone (s)** is intended to:

- Protect Portland's significant scenic resources as identified in the *Scenic Resources Protection Plan*;
- Enhance the appearance of Portland to make it a better place to live and work;
- Create attractive entrance ways to Portland and its districts;
- Improve Portland's economic vitality by enhancing the City's attractiveness to its citizens and to visitors;
- Implement the scenic resource policies and objectives of Portland's Comprehensive Plan. (Note: this designation applies to the upland area only.)

Land Use History: City records indicate there are is one land use review for this site.

- GP 026-90 approval of a single dwelling with detached garage on the site.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **March 30, 2015**. The following Bureaus have responded with comments but no conditions of approval:

- The Bureau of Environmental Services – Provided sanitary, storm water, site and permit information. See Exhibit E.1 for additional details.
- Site Development Section of BDS – Requests a soils report for pile installation and a no-rise Certification at the time of Building Permit. See Exhibit E.2 for additional details.
- General Life Safety noted that a Building Permit is required for construction of the moorage facility. See Exhibit E.3 for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **March 30, 2015**. One written response was received from a notified property owner in response to the proposal, with no concerns regarding the proposed development.

ZONING CODE APPROVAL CRITERIA

GREENWAY REVIEW

33.440.350 Greenway Review Approval Criteria

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

A. For all greenway reviews. The *Willamette Greenway Design Guidelines* must be met for all greenway reviews.

Findings: The Willamette Greenway Design Guidelines address the quality of the environment along the river and require public and private developments to complement and enhance the riverbank

area. A complete description of the Design Guidelines and their applicability is provided in pages 45-81 in the Willamette Greenway Plan.

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

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

Findings: The Greenway Trail symbol is shown on the site and the proposal is not for an industrial use; therefore, this Issue is applicable.

According to Figure 440-2 of the *Portland Zoning Code*, the Greenway Setback in the Water Quality zone is either 50 feet or 200 feet wide as measured from the top of bank, depending on the degree of slope landward of the top of bank. The *Code* defines the “top of bank” as “*The first major change in the slope of the incline from the ordinary high water level of a water body. A major change is a change of ten degrees or more. If there is no major change within a distance of 50 feet from the ordinary high water level, then the top of bank will be the elevation 2 feet above the ordinary high water level.*” The riverbank slope is approximately 68 percent or 34 degrees, per the applicant’s site plans. At the foundation, approximately 35 feet from the ordinary high water mark, the first break in slope occurs and it flattens a bit to approximately 20 percent, or about 11 degrees, on either side of the foundation. This slope extends westward up to the railroad tracks. Because the change in slope is about 23 degrees, and occurs less than 50 feet from the ordinary high water mark, the Greenway Setback is 50 feet wide on this site according to Table 440-1, *Setbacks for River Water Quality Zone* in the Greenway Overlay Zones Chapter of Title 33, *Portland Zoning Code*. Therefore, staff has determined the top of bank to be the waterward edge of the house foundation constructed in 1994. The proposed ramp location is waterward of the Greenway Setback.

Because no development associated with the ramp and boat dock will occur within the Greenway Setback, this Issue is satisfied.

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

Issue F. Alignment of Greenway Trail: This issue “applies to all applications for Greenway Approval with the Greenway Trail shown on the property in the Willamette Greenway Plan.” These guidelines provide direction for the proper alignment of the greenway trail, including special consideration for existing habitat protection and physical features in the area of the proposed alignment. The *Zoning Code* requires construction of the Greenway trail when new development occurs on the site that has the public trail designation (33.440.240 and 33.272.030.D). This site includes the Greenway Trail symbol.

Findings: The *Willamette Greenway Plan* shows the Greenway Trail designation along the west side of this site, adjacent to the public right of way along SW Riverside Drive. Section 33.440.240 of the Zoning Code states that all sites with this symbol shown on the official zoning maps must comply with the requirements of Chapter 33.272, Public Recreational Trails. Further, Section 33.272.020 requires all applicants for a land use review on lands with the trail symbol to grant an easement for the recreational trail.

As determined in previous land use cases, however, the requirement for a trail must be applied in a manner consistent with constitutional principles, which means a trail can be required only when such requirement is proportional to the impacts of the proposal. The purposes of the Greenway trail

include: increasing recreational opportunities and making connections to a regional recreational trail system; increasing public access along the Willamette River; providing emergency vehicle access; supporting alternative modes of transportation; providing connections to other transportation systems; and providing consistent standards for trail development (Section 33.272.010).

Therefore, a requirement to construct an on-site trail must be based on a demonstrated public need for the improvement, and by a *showing that the requested improvement is proportional to the impacts of the proposed development*. To help make this determination, BDS considers the impacts the proposed development will generate on the existing transportation corridors; the demand that the proposed development will generate for bike and pedestrian facilities; the need for bike and pedestrian facilities at the site in general; and the trail improvements that are necessary and proportional to the impacts generated by the boat dock development.

The proposed development is for a personal use boat dock and access ramp on and adjacent to an individual's private property. These developments will not create any upland impacts that would require additional transportation facilities or generate a need for bike or pedestrian access to the site. The costs of any required trail development would be excessive in relation to the impacts generated by the personal use dock development. Therefore there is no nexus between the personal use residential boat dock and the requirement for a public trail connection. Guidelines B and F are therefore not applicable.

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

Finding: The site is not in a “natural state” primarily because of existing railroad tracks that bisect the property, and due to the house foundation that was laid in 1994. The foundation covers about half of the area between the railroad tracks and the River's ordinary high water mark. The steep bank area below the foundation contains mostly blackberries and English ivy, although there is a small cluster of vine maples in the northeast corner, adjacent to the river bank. The site, therefore, does not provide significant wildlife habitat.

The site is identified as a Rank III site in the *Lower Willamette River Wildlife Habitat Inventory*, which is also the Rank assigned to Powers Marine Park north of the site. The *Inventory* does not distinguish between the Park and this site. Rank III sites are “...sites which have been greatly altered, or are surrounded by areas with conflicting land uses which make use of the site by a variety of wildlife less likely.”

The site is heavily impacted by the railroad tracks that bisect it and by the adjacent SW Macadam Avenue. The remaining portion of the site consists of the very steep bank with its approximate 68 percent slope, which is covered in invasive blackberry shrubs and English ivy.

Therefore, the site is not in a fully natural state, does not contain “significant wildlife habitat” and therefore, this Issue is not applicable on this site.

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

Issue E. Landscape Treatments: This Issue “applies to all applications for Greenway Approval which are subject to the landscape requirements of the Greenway chapter of Title 33 Planning and Zoning of the Portland Municipal Code.” This Issue calls for landscaping treatments that create a balance between the needs of both human and wildlife populations in the Greenway Setback area or riverward of the Greenway Setback. The *Willamette Greenway Design Guidelines* also recommend that planting plans incorporate groupings of native vegetation in order to “allow for human use.”

Findings: This site has approximately 73 feet of river frontage which appears to be fairly stable. However, as described above, a house is under construction and the bank below the Setback does not provide the typical riparian habitat that is essential to wildlife using the River. Instead, the slope below the foundation is quite steep and is covered with blackberries and English ivy. These non-native invasive species provide little to no habitat value, although there is one small clump of vine maples in the northeast corner of the site adjacent to the River. The bank could be greatly improved for wildlife habitat if invasive species were removed and additional native trees and shrubs were installed.

The landscaping standards of Chapter 33.440.230 require a minimum of 1 tree for each 20 feet of river frontage and a minimum of one shrub for every two feet of river frontage when improvements are made to a site. Remaining unpaved surfaces must have living ground cover. The site contains approximately 76 feet of river frontage. Therefore, 4 trees and 38 shrubs are required to be installed along the bank and the area upslope of the bank.

The applicant's Planting Plan in Table 1 of the written proposal states that 4 trees and 40 shrubs will be planted on the hillslope, along with 8 pounds per acre of Tall manna grass seed and 20 sword ferns. Four native trees and 40 native shrubs with additional groundcovers meet the number and species requirement for replacement plants on the site. The proposed 2 big leaf maple and 2 Douglas fir trees, as well as 10 vine maple, 15 salal, 15 red elderberry, and the proposed manna grass meet the planting requirements.

Conditions are required to ensure that the above landscape plan is implemented between October 1, 2015 and March 31, 2016, the planting season, and that the applicant obtains a Zoning Permit to ensure the plants are installed in a timely manner.

With conditions to this effect, Issues D and E will be met.

Issue G. Viewpoints: This issue “applies to all applications for Greenway Approval with a public viewpoint shown on the property in the *Willamette Greenway Plan* and for all applications proposing to locate a viewpoint on the property”. These guidelines provide direction about the features and design of viewpoints, as required at specific locations; and

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

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

Summary of Issue Findings: The design guideline in Issue A is satisfied. Issues B, C and F-H are not applicable. With conditions of approval as described above, Issues D & E will be met. *Therefore, these criteria are met.*

C. Development within the River Natural zone, and

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

Findings: The site does not have the River Natural designation and is not within 50 feet of a River Natural designation. Therefore, Criteria C and D are not applicable.

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

Findings: The ramp and dock are not within the greenway setback. Therefore, this criterion is not applicable.

F. Development riverward of the greenway setback. The applicant must show that the

proposed development or fill riverward of the greenway setback will comply with all of the following criteria:

1. The proposal will not result in the significant loss of biological productivity in the river;
2. The riverbank will be protected from wave and wake damage;
3. The proposal will not:
 - a. Restrict boat access to adjacent properties;
 - b. Interfere with the commercial navigational use of the river, including transiting, turning, passing, and berthing movements;
 - c. Interfere with fishing use of the river;
 - d. Significantly add to recreational boating congestion; and
4. The request will not significantly interfere with beaches that are open to the public.

Findings: The proposed ramp will be elevated above the ground surface and will connect to the proposed dock in the River. Because the ramp will be only 4 feet wide and the decking for both it and the dock will be light penetrating, they will not provide significant shade on the upland or in the water where predatory fish could lurk. The same is true for the design of the dock. It has been designed to meet Oregon Department of Fish and Wildlife's, as well as the Army Corps of Engineers' requirements for overwater structures. It will be U-shaped with two 4-foot wide decks on either side of the boat, and an 8-foot wide deck at the closed end of the dock. The dock and ramp will be manufactured off-site and floated into place. The ramp will be attached at one corner of the dock and be secured in place with steel piling at the dock, at the shore, and at the top in the upland area.

The dock's proposed location has been carefully designed to not interfere with boating access to either of the two adjacent properties. Further, the dock's alignment between the two neighboring docks will provide riverbank protection by interrupting waves from other passing boats. The proposed dock and ramp are located well away from any commercial navigation area and about 50 feet from the bank. Therefore they will not interfere with any fishing use of the river. One new, personal use dock for one boat will not add to recreational boating congestion in any significant way. The river bank at this location is privately owned and there are no public beaches in the vicinity.

Therefore, this Criterion is met.

- G. Development within the River Water Quality overlay zone setback.** If the proposal includes development, exterior alterations, excavations, or fills in the River Water Quality overlay zone setback the approval criteria below must be met. River-dependent development, exterior alterations, excavations, and fills in the River Water Quality zone are exempt from the approval criteria of this subsection.

Findings: The proposed dock and ramp are both river dependent development to be located within the River Water Quality overlay zone. However, neither will be located within the Greenway Setback. Therefore, this Criterion is not applicable.

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

Findings: Mitigation is not required by other criteria. Therefore, this criterion is not applicable.

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 has proposed locating private boat facilities across the lower half of the property and in the Willamette River. The private U-shaped dock will have an over-water coverage of about 400 square feet. The 112-foot long ramp will cross above 41 feet of upland and 71 feet of River area. Six 12-inch steel piling will be installed with three supporting the landing and ramp and three at the dock. The above findings have determined that few upland impacts will be associated with this proposal, and therefore, only moderate mitigation including 4 native trees, 8 native shrubs and a native grass/forb seed mix is required.

ADMINISTRATIVE DECISION

Approval of a **Greenway Review** for development of a ramp and boat dock within the Greenway and Water Quality overlay zones as shown on Exhibits C.2 and C.3, subject to the following conditions:

- A. All permits:** Copies of the stamped Exhibits C.2- C.4 from LU 15-127589 GW and Conditions of Approval listed below, shall be included within all plan sets submitted for permits (building, grading, Site Development, erosion control, etc.). These exhibits shall be included on a sheet that is the same size as the plans submitted for the permit and shall include the following statement, ***"Any field changes shall be in substantial conformance with approved Exhibits C.2- C.4 from LU 15-127589 GW"***.
- B. Temporary construction fencing** shall be installed according to Section 33.248.068 (Tree Protection Requirements), except as noted below. Construction fencing shall be placed along the Limits of Construction Disturbance for the approved development, as depicted on Exhibit C.2 Construction Management Plan, or as required by inspection staff during the plan review and/or inspection stages.
 - 1. No mechanized construction vehicles are permitted outside of the approved "Limits of Construction Disturbance" delineated by the temporary construction fence. All planting work, invasive vegetation removal, and other work to be done outside the Limits of Construction Disturbance, shall be conducted using hand held equipment.
- C. A minimum of 4 native trees, 40 native shrubs, and 2,200 square feet of native ground covers**, selected from the Portland Plant List shall be planted in substantial conformance with Exhibit C.4, Mitigation Plan and the following requirements:
 - 1. Plantings shall be installed between October 1, 2015 and March 31, 2016 (the planting season).
 - 2. Prior to installing required plantings, non-native invasive plants shall be removed from the entire site waterward of the house foundation.
 - 3. After installing the required greenway 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 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. 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.

- 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 33.440 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: Kathy Harnden

Decision rendered by:  on May 21, 2015
By authority of the Director of the Bureau of Development Services

Decision mailed: May 26, 2015

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 March 3, 2015, and was determined to be complete on **March 27, 2015**.

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 March 3, 2015.

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 waived the 120-day review period, as stated with Exhibit A.2.

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

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

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

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

Appealing this decision. This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on June 9, 2015** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

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

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

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

Recording the final decision.

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

- *Unless appealed*, The final decision may be recorded on or after **June 10, 2015 – (the day following the last day to appeal)**.
- A building or zoning permit will be issued only after the final decision is recorded.

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

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

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

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

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

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:

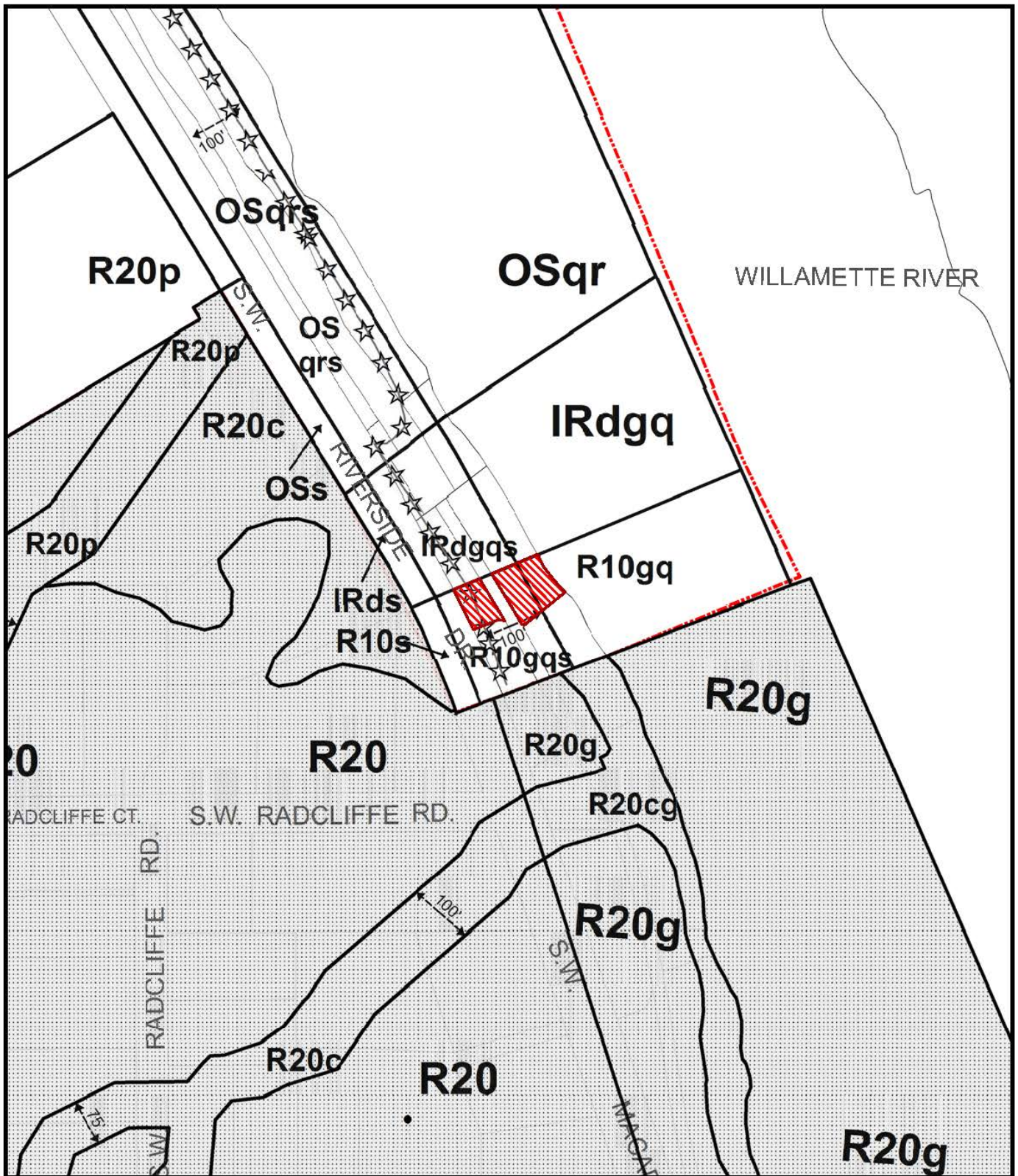
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. 1. Applicant's Statement
- 2. 120-Day Waiver
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Existing Condition Site Plan
 - 2. Proposed Development Site Plan (attached)
 - 3. Construction Management Site Plan (attached)
 - 4. Mitigation Plan (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Site Development Review Section of BDS
 - 3. Life Safety
- F. Correspondence:
 - 1. Rod Ramsaur
- G. Other:
 - 1. Original LU Application
 - 2. Site Photos

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



Unincorporated Multnomah County



Recreational Trail



City of Portland Boundary



NORTH

File No. LU 15-127589 GW

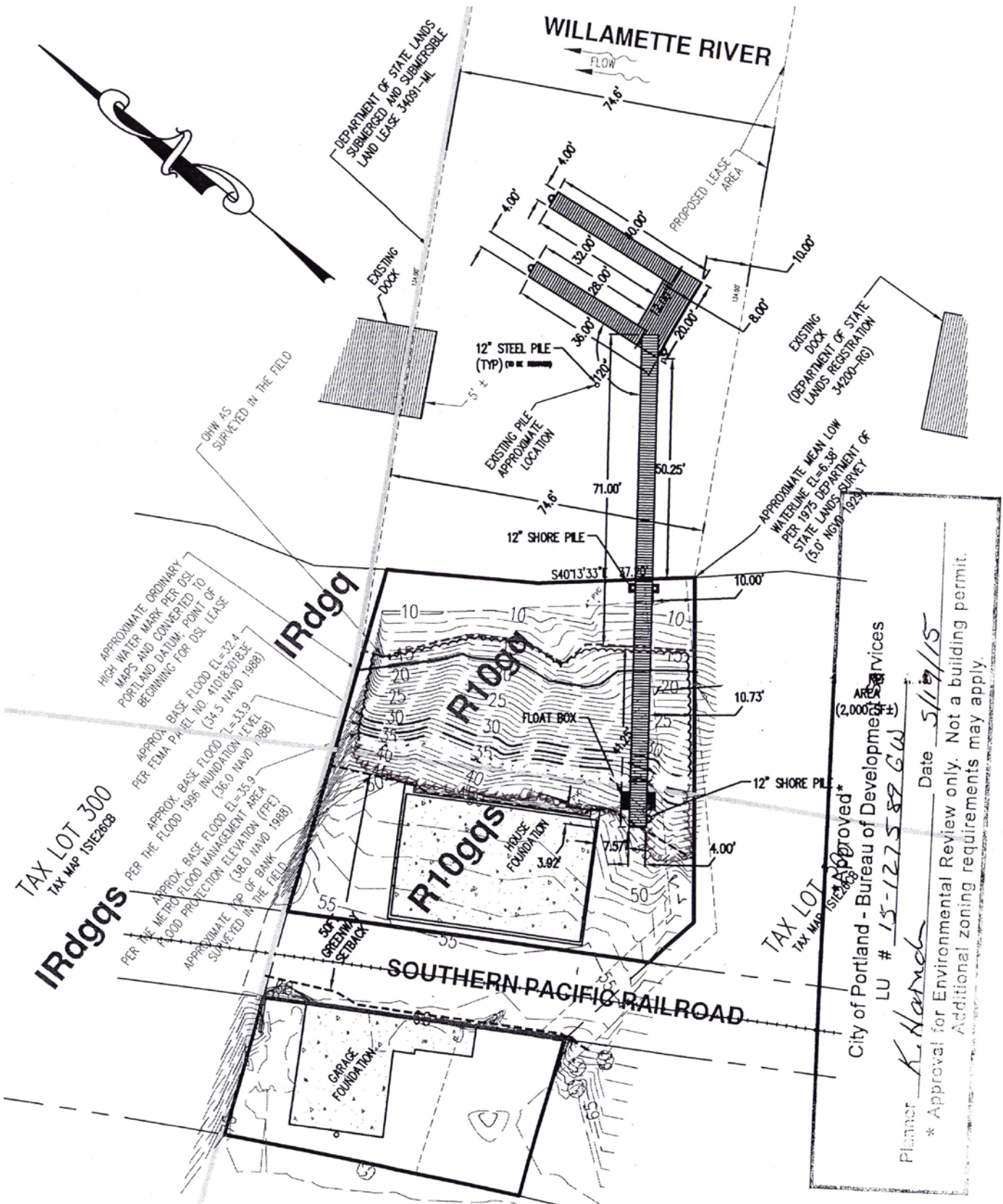
1/4 Section 4031

Scale 1 inch = 200 feet

State_Id 1S1E26CB 500

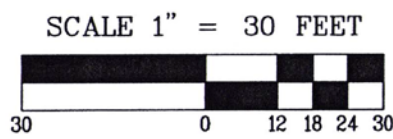
Exhibit B (Mar 09, 2015)

Proposed Development



City of Portland - Bureau of Development Services
 LU # 15-127589 GW
 Planner *K. Harnd* Date *5/17/15*
 * Approval for Environmental Review only. Not a building permit.
 Additional zoning requirements may apply.

DATE: 5/18/2015



9990 SW RIVERSIDE DRIVE - SITE PLAN			FIGURE
DRAWN BY:	CHECKED BY:	DWG: 4257 SITE PLAN 8.5X11	
AKS ENGINEERING & FORESTRY, LLC			
12965 SW HERMAN ROAD SUITE 100			
TUALATIN, OR 97062 www.aks-eng.com			
PHONE: 503.563.6151			



LU 15-127589 GW

Exhibit C.2

Exhibit C.3

