



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

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**Date:** June 20, 2018  
**To:** Interested Person  
**From:** Ethan Brown, 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 mailed copy of this document is only a summary of the decision. 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 18-113365 EN**

#### **GENERAL INFORMATION**

**Applicant:** Wallace Leake  
Environmental Science and Assessment  
107 SE Washington St, #249  
Portland, OR 97214  
Phone: 503-478-0424

**Owner:** Nicole Pierce  
Portland Bureau of Transportation  
1120 SW 5th Ave Suite 800  
Portland, OR 97204  
Phone: 503-823-6186

**Site Address:** [No Address: SW Beaverton Hillsdale Highway and SW Capitol Highway](#)

**Legal Description:** BLOCK 7 N OF CAPITOL HWY LOT 6 LOT 7, BERTHA; BLOCK 7 LOT 5&8-10 TL 4200, BERTHA; BLOCK 7 LOT 4&5&8&9 TL 4201, BERTHA

**Tax Account No.:** R074301070, R074301120, X, R074301124

**State ID No.:** 1S1E16CC 04100, 1S1E16CC 04200, 1S1E16CC 04201

**Quarter Section:** 3627

**Neighborhood:** Hillsdale, contact Glenn Bridger at [gbridger@teleport.com](mailto:gbridger@teleport.com).

**Business District:** Hillsdale Bus. & Professional, contact Mike Roach at 503-246-8311.

**District Coalition:** Southwest Neighborhoods Inc., contact Sylvia Bogert at 503-823-4592.

**Plan District:** Hillsdale Plan District

**Other Designations:** Resource Site 125 – *Fanno Creek and Tributaries Conservation Plan*; Potential Landslide Hazard Area

**Zoning:** **Base Zones:** Storefront Commercial (CS), Residential 1,000 (R1), Residential 2,000 (R2), Residential 2,500 (R2.5)  
**Overlay Zones:** Design (d), Environmental Conservation (c)

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

**Proposal:**

This application addresses construction of one segment of the larger Red Electric Regional Trail, an important multi-modal link to other facilities for people walking and biking in Southwest Portland. The off-street trail will connect residential areas with the Hillsdale Town Center and other destinations, and provide a safe alternative to walking or bicycling on SW Beaverton-Hillsdale Highway and SW Capitol Highway.

The proposed project would construct an off-street 12-foot wide trail from approximately the intersection of SW Capitol Highway and SW Nebraska Street northwestward to SW Bertha Boulevard. The approximately 700-foot trail section will require construction of a bridge structure approximately 200 feet in length in order to cross a ravine. Other proposed improvements include retaining walls, guardrail work, curb ramps and crosswalk striping.

Construction of the project would result in impacts totaling 1,035 square feet of permanent disturbance and 10,919 square feet of temporary disturbance to the Environmental Conservation overlay zone. This includes 907 square feet of permanent and 6,354 square feet of temporary disturbance in the Resource Area of the Environmental Conservation overlay zone. The proposal would also result in removal of a total of 20 native trees located within the environmental zone (17 of which the project arborist determined to be dangerous or dying). An additional 7 dangerous native trees will be pruned and reduced to form snags for additional on-site habitat. Proposed remediation for this tree removal includes replacement planting of 33 native trees and 30 native shrubs in the Environmental Zone. The applicant also proposes to plant an additional 18 native trees in adjacent areas. In addition, all temporary disturbance areas will be restored to their original grade and replanted with native plant species.

The proposed trail corridor is located in unimproved right-of-way and City-owned property with a variety of trees and dispersed understory growth. A significant portion of the proposed public trail (approximately 300 linear feet) and associated construction work is proposed to occur within an Environmental Conservation overlay zone. In order for the work to be allowed by right, the standards for public recreational trails (33.430.190) must be met. Because the proposed trail width exceeds the standard (33.430.190.B) and native tree removal beyond what is allowed by the standard (33.430.190.D), environmental review is required.

**Relevant Approval Criteria:**

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

- [33.430.250.C – Public Recreational Facilities](#)

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 January 26, 2018 and determined to be complete on March 12, 2018.

## ANALYSIS

### **Description of the Site:**

The project site is located to the west of the junction of SW Beaverton Hillsdale Highway and SW Capitol Highway in Southwest Portland. Although the project site is bordered directly on three sides by these developed highways, the surrounding area is a mixture of developed commercial and multi-family residential properties. The project site itself is a combination of undeveloped right-of-way and City-owned parcels, one of which includes an existing gravel parking lot leased to a neighboring business to the south. From both SW Beaverton Hillsdale Highway and SW Capitol Highway, the project site slopes steeply down into the ravine that contains the headwaters of Fanno Creek and two wetland areas.

**Zoning:** The zoning designation on the site includes the Storefront Commercial (CS), Residential 2,500 (R2.5), Residential 2,000 (R2), and Residential 1,000 (R1) base zones, with Environmental Conservation (c), and Design (d) overlay zones (see zoning on Exhibit B). The project site is also within the Hillsdale Plan District.

The CS zone is intended to preserve and enhance older commercial areas that have a storefront character. The zone allows a full range of retail, service and business uses with a local and regional market area. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged. The regulations of this zone do not apply to this proposal; these provisions are not specifically addressed through this Environmental Review.

The R2.5 zone is intended to foster single-dwelling residences. The minimum density for new lots in this zone is 1 unit per 5,000 square feet and the maximum density is 1 unit per 2,500 square feet. Both detached and attached single-dwellings are allowed. The regulations of this zone do not apply to this proposal; these provisions are not specifically addressed through this Environmental Review.

The R2 zone allows multi-dwelling residential development up to a maximum density of one unit per 2,000 square feet of site area, and requires a minimum density of one unit per 2,500 square feet of site area. The regulations of this zone do not apply to this proposal; these provisions are not specifically addressed through this Environmental Review.

The R1 zone allows multi-dwelling residential development up to a maximum density of one unit per 1,000 square feet of site area, and requires a minimum density of one unit per 1,450 square feet of site area (and requires a minimum density of one unit per 2,000 square feet for sites less than 10,000 square feet in area). The regulations of this zone do not apply to this proposal; 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 Design overlay zone promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development must meet the Community Design Standards (Chapter 33.218) or are subject to design review. The proposed development is considered to be development associated with Parks and Open Areas uses and does not require a conditional use review; therefore, it is exempt from design review (33.420.045.I).

The Hillsdale Plan District is intended to promote compatibility between existing and new residential and commercial development and support the Hillsdale Town Center. Use

restrictions are intended to avoid conflicts between the public's investment in pedestrian, transit and bicycle improvements and the role Hillsdale plays as a Town Center. No provisions of the plan district apply to this proposal; these provisions are not specifically addressed through this Environmental Review.

**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 site is mapped within the [Fanno Creek and Tributaries Conservation Plan](#) as Site #125. Resources and functional values of concern on the project site include forested habitat and riparian areas and wetlands associated with the headwaters area of Fanno Creek. The forested habitat at the project site has significant mature trees but very limited understory. The mature native trees and the aquatic resources provide habitat value, but the lack of developed native understory limits their extent.

**Impact Analysis and Mitigation Plan:** A full description of the proposal was summarized on page two of this report. The following discusses the development alternatives that were considered by the applicant. This section concludes with a discussion of the proposed construction management plan, mitigation, and monitoring proposal.

#### Development Alternatives:

The applicant considered the following three alternative trail alignments and four bridge design alternatives, as described fully in their narrative (Exhibits A.1 and A.2):

##### *Alignment Alternatives:*

- *Alternative A1 (Proposed):* This most direct alignment fits the trail between several large fir trees located near the bottom of the ravine and results in approximately 600 feet of trail with 200 feet of bridge.
- *Alternative A2:* This alternative would incorporate a series of curves at the south end before a sweeping curve to the west to cross the ravine. This alignment would increase the trail to approximately 660 feet of trail and 185 feet of bridge.
- *Alternative A3:* This alternative would use additional, tighter curves at the south end to create a meandering pathway that shifts the trail to the east before crossing the ravine. This alignment would have about 650 feet of trail and 275 feet of bridge.

##### *Bridge Design Alternatives:*

- *Alternative A – Composite Steel Girder (Proposed):* The proposed bridge is a structural steel girder bridge supporting a cast-in-place concrete deck slab. The guardrails are expected to be 54 inches tall to accommodate bicycle traffic. The bridge will be four spans of approximately 50 feet each for a total length of approximately 200 feet. The bridge will be supported on concrete drilled shaft foundations. The end bents will consist of cast-in-place concrete abutments. The interior bents will consist of single cast-in-place concrete columns supported directly on the concrete drilled shafts.
- *Alternative B – Steel Through Truss*
- *Alternative C – Steel Through Arch*
- *Alternative D – Steel Cable Stay Bridge*

#### Construction Management Plan:

As stated in the applicant's narrative, the goal of the project is to construct a paved path and bridge with minimal impacts to existing healthy trees and prevent detrimental impacts to natural functions and values on-site. The bridge will be constructed by placing bridge sections with a crane on top of bridge piers. The crane will operate from upon existing paved streets or the existing gravel parking lot, and is not expected to impact trees on the site.

There will be minimal excavation of soil during the construction of the bridge piers. A tracked drill rig will access six pier locations to drill pier footings using the same temporary access that was required for geotechnical borings conducted prior to construction. The drill rig will drill 48" diameter holes straight down in six locations for the concrete piers. Root

zone disturbances will be minimal, and will encroach no closer than 15 feet from trees to be preserved (Exhibits C.4 and C.5)

Orange, plastic four-foot tall fencing on six-foot steel stakes driven into the ground away from large tree roots will serve as tree protection fencing. The fence will not be at the standard distance of one-foot radius for every inch of tree diameter for all trees. Therefore, a tree protection plan has been developed as required (see Exhibits C.5 and A.1c).

Unavoidable Impacts:

The construction of this project is expected to result in approximately 1,035 square feet of permanent disturbance and 10,919 square feet of temporary disturbance in the Environmental Conservation overlay zone. Of those totals, approximately 907 square feet of permanent and 6,354 square feet of temporary disturbance are anticipated within the resource area of the Conservation zone. In addition, PBOT proposes to remove 20 native trees from the Conservation zone. However, 17 of these trees were found to be in a dangerous condition by Urban Forestry's Tree Inspector (see Exhibit A.1c). In addition, PBOT proposes to prune and reduce an additional 7 dangerous trees to create snags in the Conservation zone.

Proposed Mitigation:

To compensate for the expected impacts to the Conservation zone, PBOT proposes to plant the following native species:

<b>Species</b>	<b>Botanical name</b>	<b>Number</b>
<b>Trees</b>		
Big leaf maple	<i>Acer macrophyllum</i>	1
Red alder	<i>Alnus Rubra</i>	16
Western flowering dogwood	<i>Cornus nuttalli</i>	5
Cascara	<i>Rhamnus purshiana</i>	3
Douglas-fir	<i>Pseudotsuga menziesii</i>	4
Western Red Cedar	<i>Thuja plicata</i>	5
<b>Total Trees</b>		<b>33</b>
<b>Shrubs</b>		
Vine Maple	<i>Acer circinatum</i>	5
Cascade Oregon grape	<i>Mahonia nervosa</i>	10
Salal	<i>Gaultheria shallon</i>	10
Indian plum	<i>Oemleria cerasiformis</i>	5
<b>Total Shrubs</b>		<b>30</b>

All temporary disturbance areas will also be replanted with the restoration planting mix and seeded with native ground cover species, as shown on Exhibit C.6, Planting Plan. In addition, the portion of the existing gravel parking lot in the resource area of the Conservation zone will be replanted with native vegetation (the restoration planting mix shown on Exhibit C.6) following the completion of construction. Native low shrubs and groundcover plants will also be planted outside of the environmental zone with additional native tree plantings.

**Land Use History:** City records indicate the following prior land use review was conducted for this site:

- **LU13-234507 EN:** Approval of an Environmental Review for the replacement of the existing 12-inch stormwater pipe in SW Beaverton-Hillsdale Highway and SW 21<sup>st</sup> Avenue with a new 18-inch diameter pipe; and construction of a new rip rap outfall energy dissipation pad at the south end of the new pipe, into Fanno Creek.

**Agency Review:** A Notice of Proposal in your Neighborhood was mailed on **March 16, 2018**. The following Bureaus have responded with no issues or concerns about the proposal:

- Bureau of Transportation Engineering
- Water Bureau
- Fire Bureau
- Bureau of Parks-Forestry Division
- Site Development Review Section of BDS
- Life Safety Review Section of BDS

The Bureau of Environmental Services initially responded with the following comment: *BES does not recommend approval of the environmental review. Although there are no BES-specific approval criteria, the applicant should submit a plan that shows approvable stormwater management facilities and disturbance limits. Because required stormwater facilities can affect the design and layout of the site, the applicant must account for them in their application.*

BES then provided an addendum stating the following: *Based on this additional information, BES has determined that sufficient information has been provided to demonstrate a feasible stormwater management plan for this project. BES has no further objections to approval of the land use application.* Please see Exhibit E-1 for additional details.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **March 16, 2018**. One written response has been received from a neighboring business expressing concerns with the use of the existing parking area for temporary construction staging (see Exhibit F.1).

*Applicant's Response: The parking lot will be the prime staging area for the contractor. The design team anticipates that the large crane needed to install the bridge will be located on the lot...The project design team discussed that proposal [The area under the east end of the Bertha bridge was suggested] and concluded that it would not be possible without adding significant costs to the project. Requiring the contractor to stage somewhere other than the parking lot would also result in additional traffic impacts to SW Beaverton-Hillsdale Highway and SW Capitol Highway. (see Exhibit A.6)*

## **ZONING CODE APPROVAL CRITERIA**

### **33.430.250 Approval Criteria for Environmental Review**

**An environmental review application will be approved if the review body finds that the applicant has shown that all of the applicable approval criteria are met. When environmental review is required because a proposal does not meet one or more of the development standards of Section 33.430.140 through .190, then the approval criteria will only be applied to the aspect of the proposal that does not meet the development standard or standards.**

**Findings:** The approval criteria which apply to the proposed new public recreational trail segment are found in Section 33.430.250.C. The applicant has provided findings for these approval criteria and BDS Land Use Services staff have revised these findings or added conditions, where necessary to meet the approval criteria.

**C. Public recreational facilities. In resource areas of environmental zones, public recreational trails, rest points, view points, and interpretive facilities will be approved if the applicant's impact evaluation demonstrates that all of the following are met:**

**C.1. Proposed development locations, designs, and construction methods are less detrimental to identified resources and functional values than other practicable and significantly different alternatives;**

**Findings:** This criterion requires the applicant to demonstrate that alternatives were considered during the design of the proposal, and that there are no practicable alternatives that would be less detrimental to the identified resources and functional values.

The applicant provided a detailed alternatives analysis that can be found in the application case file in Exhibit A.1 and A.2, as well as shown graphically in Exhibit A.1b. As described above, PBOT considered three alternative alignments for the trail and four alternative bridge designs before concluding that the proposed alignment and structural steel girder bridge supporting a cast-in-place concrete deck slab would have the least detrimental impact to resources on-site.

All alignment alternatives were found to provide similar levels of access, connectivity, speed of travel, and encouragement of trail use. Every alignment considered would result in some level of tree removal and other impacts to the resource area of the Conservation zone. However, the proposed alignment requires significantly less tree removal and less overall disturbance in the environmental zone. It avoids the large mature trees on site and provides the best sight lines for trail users.

All bridge design alternatives would also require some level of disturbance in the environmental zone. The proposed design was chosen because over the other alternatives due to the advantages that it offers on aesthetics, sight lines, constructability, and durability. In addition, the proposed bridge will be supported on drilled shaft foundations, which eliminates the need for pile caps in the canyon, and which will minimize disturbance to the Conservation zone.

*This criterion is met.*

**C.2. The public benefits of the proposal outweigh all significant detrimental impacts;**

**Findings:** This criterion requires assessment of the public need for the proposed project, and weighing that need against potential impacts to environmental resources at the site. The Red Electric Trail, of which this project is an integral section, will provide an important multi-modal link to address a significant gap in the active transportation system for people on bikes and walking in Southwest Portland. The area currently has limited options for people on bikes and walking. Most streets are without sidewalks or bicycle lanes and have unimproved shoulders. The area between Bertha Boulevard and 30th Avenue lacks adequate facilities, and motor vehicle traffic volumes present barriers to pedestrians and cyclists.

Although the project will result in approximately 907 square feet of permanent and 6,354 square feet of temporary disturbance in the resource area, the project will provide significant mobility options for pedestrians and cyclists in Southwest Portland where opportunities are limited. Many streets throughout Southwest Portland lack sidewalks, and bicycle lanes and off-street trail connections are valuable parts of the transportation system that address some of these connectivity issues. The relatively minor impacts to the resource area are far outweighed by the improvements to safe and active mobility in Southwest Portland.

With conditions for the installation and maintenance of mitigation plantings, the anticipated impacts will be mitigated, and the improved mobility benefits provided to the public will outweigh those impacts, and *this criterion is met.*

**C.3. Areas disturbed during construction, that do not contain permanent development, will be restored with native vegetation that is similar to the vegetation existing on the site and found on the *Portland Plant List*; and**

**Findings:** This criterion requires the applicant to replant temporary construction areas with suitable native vegetation. The applicant's proposed mitigation plan is described on page 5 of this report and shown graphically on Exhibit C.6. It will restore over 10,919 square feet of temporary disturbance surrounding and under the new bridge, including temporary disturbance areas for grading and access. Remediation for removal of 20 native trees (all but three of which have been determined to be dangerous and therefore exempt) includes planting with 33 native trees, 30 shrubs and ground cover. An additional seven native dangerous trees will also be pruned and reduced to form snags for habitat improvements on the project site.

In order to confirm appropriate and timely placement, and adequate coverage of mitigation plantings, a Zoning Permit will be required for on-site inspection of the mitigation planting, at installation. At the time of the permit, the applicant must indicate whether the mitigation plantings will be tagged for inspection or if the applicant will accompany the BDS Zoning Permit inspector to the site to indicate where mitigation planting has occurred.

Removal of trees from the site will result in a loss of organic input, a loss of slope stabilization functions, a loss of wildlife habitat functions and of forest structure. To offset these additional impacts, the applicant will be required to retain all sections of tree trunks greater than 12 inches in diameter, on the site in order to replace some of these lost functions.

The proposed Mitigation Plan will be installed and maintained under the regulations outlined in Section 33.248.040.A-D (Landscaping and Screening). Two years of monitoring and maintenance will ensure survival of 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, by applying for a Zoning Permit two years after plantings are installed.

With conditions to ensure that at least the minimum number of replacement plantings are planted on the site, that all cut trees with trunks greater than 12 inches in diameter are retained on site, and that plantings required for this Environmental Review are maintained and inspected as described above, *this criterion can be met.*

**C.4. 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 applicant provided a detailed description of the proposed stormwater management plan and the construction management plan in the application case file (Exhibits A.1, A.2, and A.5), in addition to a graphic Construction Management site plan (Exhibit C.4). The Construction Management Plan is described on pages 4-5 of this report.

Construction management techniques have been proposed by the applicant to minimize impacts to identified resources and functional values designated to be left undisturbed. The construction techniques proposed include temporary construction fencing, multiple rows of straw wattles adjacent to the wetland on-site, construction staging and stockpile areas on existing paved right-of-way or gravel parking lot, drilling and installation of bridge piers using the same skid road as was utilized for geotechnical borings, steel plates on a 6-inch layer of wood chips under all equipment to distribute the weight of the drill rig, and construction during dry weather on dry soils.

*This criterion is met by the proposal.*



## 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 11 can be met, and those 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. Trees specifically approved for removal by the land use review are exempt from Title 11 Section 11.50.040 Tree Preservation Standards (11.50.040 B.5).

## 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.

Bureau	Code Authority and Topic	Contact Information
Environmental Services	Title 17; 2014 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>
Development Services	Title 24 - Building Code, Flood Plain, Site Development; Title 10 - Erosion and Sediment Control	503-823-7300 <a href="http://www.portlandonline.com/bds">www.portlandonline.com/bds</a>
Urban Forestry	Title 11 – Trees	503-823-8733 <a href="http://www.portlandoregon.gov/trees/">http://www.portlandoregon.gov/trees/</a>

## CONCLUSIONS

The applicant proposes to construct an off-street public trail, including a 200-foot long structural steel girder bridge supporting a cast-in-place concrete deck slab. The trail alignment and bridge structure have been designed to avoid impacts to the environmental zone and reduce the amount of tree removals necessary for construction and installation of the trail. The applicants and the above findings have shown that the proposal meets the applicable approval criteria with conditions. Therefore, this proposal should be approved, subject to the following conditions.

## ADMINISTRATIVE DECISION

**Approval** of an Environmental Review for:

- Construction of an off-street public trail, including a structural steel girder bridge;
- Removal of 20 native trees (17 dangerous and 3 healthy); and,
- Creation of 7 snags by pruning dangerous native trees;

all within the Environmental Conservation overlay zone, and in substantial conformance with Exhibits C.3, C.4, C.5, and C.6, as approved by the City of Portland Bureau of Development Services on **June 18, 2018**. Approval is subject to the following conditions:

**A. A BDS Zoning Permit is required for inspection of required mitigation plantings.**

The Conditions of Approval listed below, shall be noted on appropriate plan sheets submitted for permits (building, Zoning, grading, Site Development, erosion control, etc.). Plans shall include the following statement, "***Any field changes shall be in substantial conformance with approved LU 18-113365 EN Exhibits C.3 through C.6.***"

**Work shall not be commenced until a BDS Zoning Permit is obtained, and the BDS Zoning Permit for inspection of mitigation plantings required in Condition C below may not be finalized until all work is completed and the City Engineers permitting process has been finalized.**

**B. Temporary construction fencing shall be installed according to tree protection measures in Title 11 Tree Code, chapter 11.60, except as otherwise specified below. Temporary, 4-foot high, construction fencing shall be placed along the Limits of Construction Disturbance for the approved development, as depicted on Exhibit C.4, Construction Management Plan**

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. The applicant shall obtain a BDS Zoning Permit for approval and inspection of a mitigation plan for a total of 33 trees, 30 shrubs, and restoration plantings (in areas shown on Exhibit C.6) at a rate of 3 shrubs and 8 groundcover plants per 10 square feet, in substantial conformance with Exhibit C.6, Planting Plan. Any plant substitutions shall be selected from the *Portland Plant List*, and shall be substantially equivalent in size to the original plant.**

1. Permit plans shall show:
  - a. The location of the trees, shrubs and ground covers required by this condition to be planted in the mitigation area and labeled as "new required landscaping". The plans shall be to scale, and shall illustrate a naturalistic arrangement of plants and should include the location, species, quantity and size of plants to be planted.
  - b. The applicant shall indicate on the plans selection of either tagging plants for identification or accompanying the BDS inspector for an on-site inspection.
2. Plantings shall be installed between October 1 and March 31 (the planting season).
3. 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.
4. All trees removed for construction of this project, with trunks greater than 12 inches in diameter, shall be retained on the site and within the resource area of the Environmental zone.
5. If plantings are installed prior to completion of construction, a temporary bright orange, 4-foot high construction fence shall be placed to protect plantings from construction activities.
6. After installing the required mitigation plantings, the applicant shall request inspection of mitigation plantings and final the BDS Zoning Permit.
7. 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; or the applicant shall arrange to accompany the BDS inspector to the site to locate mitigation plantings for inspection. If tape is used it shall be a contrasting color that is easily seen and identified.

**D. The land owner shall maintain the required plantings** 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. After the 2-year initial establishment 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 applicant shall arrange to accompany the BDS inspector to the site to locate mitigation plantings for inspection. 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.
2. All required landscaping shall be continuously maintained, by the land owner in a healthy manner, with no more than 15% cover by invasive species. Required plants that die shall be replaced in kind.

**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.

**Staff Planner: Ethan Brown**



**Decision rendered by:** \_\_\_\_\_ **on June 18, 2018.**

By authority of the Director of the Bureau of Development Services

**Decision mailed: June 20, 2018**

**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 26, 2018, and was determined to be complete on March 12, 2018.

*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 26, 2018.

*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 10, 2018.**

**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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **June 20, 2018** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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.

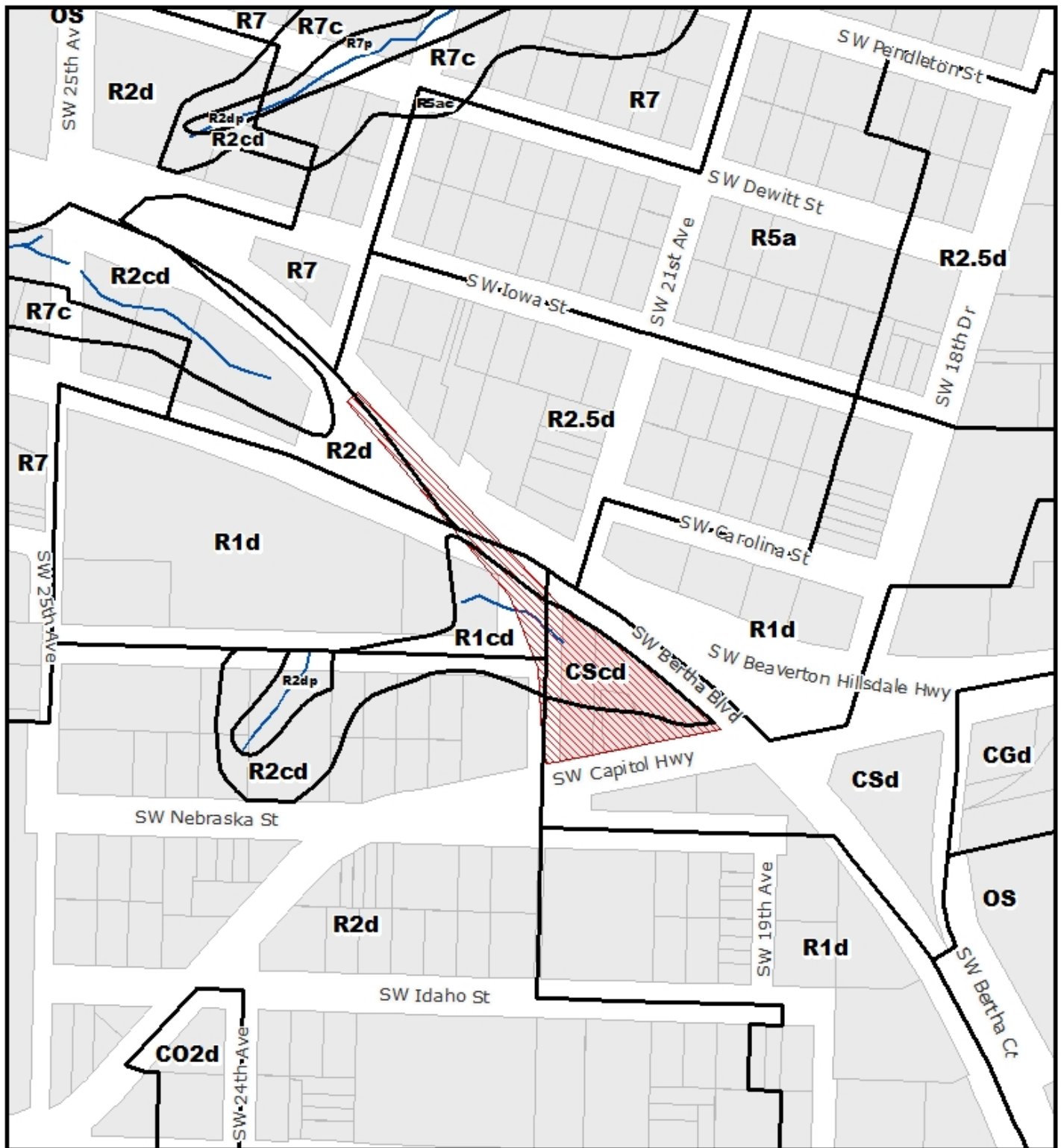
**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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. Original Narrative
    - a. Appendix A: Design Drawings
    - b. Appendix B: Alternatives Considered
    - c. Appendix C: Arborist Report
    - d. Appendix D: Natural Resource Assessment
    - e. Appendix E: Stormwater Management Plan
    - f. Appendix F: Boring Work Plan
  - 2. Revised Narrative (3/12/18)
  - 3. Preliminary Geotechnical Explorations and Foundation Recommendations
  - 4. Response to Comments Memorandum (5/20/18)
  - 5. Stormwater Drainage Report
  - 6. Response to Alex Beard
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Cover Sheet
  - 2. Existing Conditions Site Plan
  - 3. Proposed Development Site Plan (attached)
  - 4. Construction Management Site Plan (attached)
  - 5. Tree Removal and Protection Plan
  - 6. Planting Plan (attached)
  - 7. Trail Plan and Profile
  - 8. Trail Plan and Profile
  - 9. Stormwater Overview
  - 10. Stormwater Plan
  - 11. Stormwater Details
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Bureau of Transportation Engineering and Development Review
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Site Development Review Section of BDS
  - 6. Bureau of Parks, Forestry Division
  - 7. Life Safety Review Section of BDS
  - 8. Oregon Department of State Lands
- F. Correspondence:
  - 1. Alex Beard, 3/21/18: Sasquatch Brewing Company is concerned with the use of the existing parking lot for construction staging and suggested using an alternative location.
- 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



NORTH

THIS SITE LIES WITHIN THE:  
HILLSDALE PLAN DISTRICT



Site

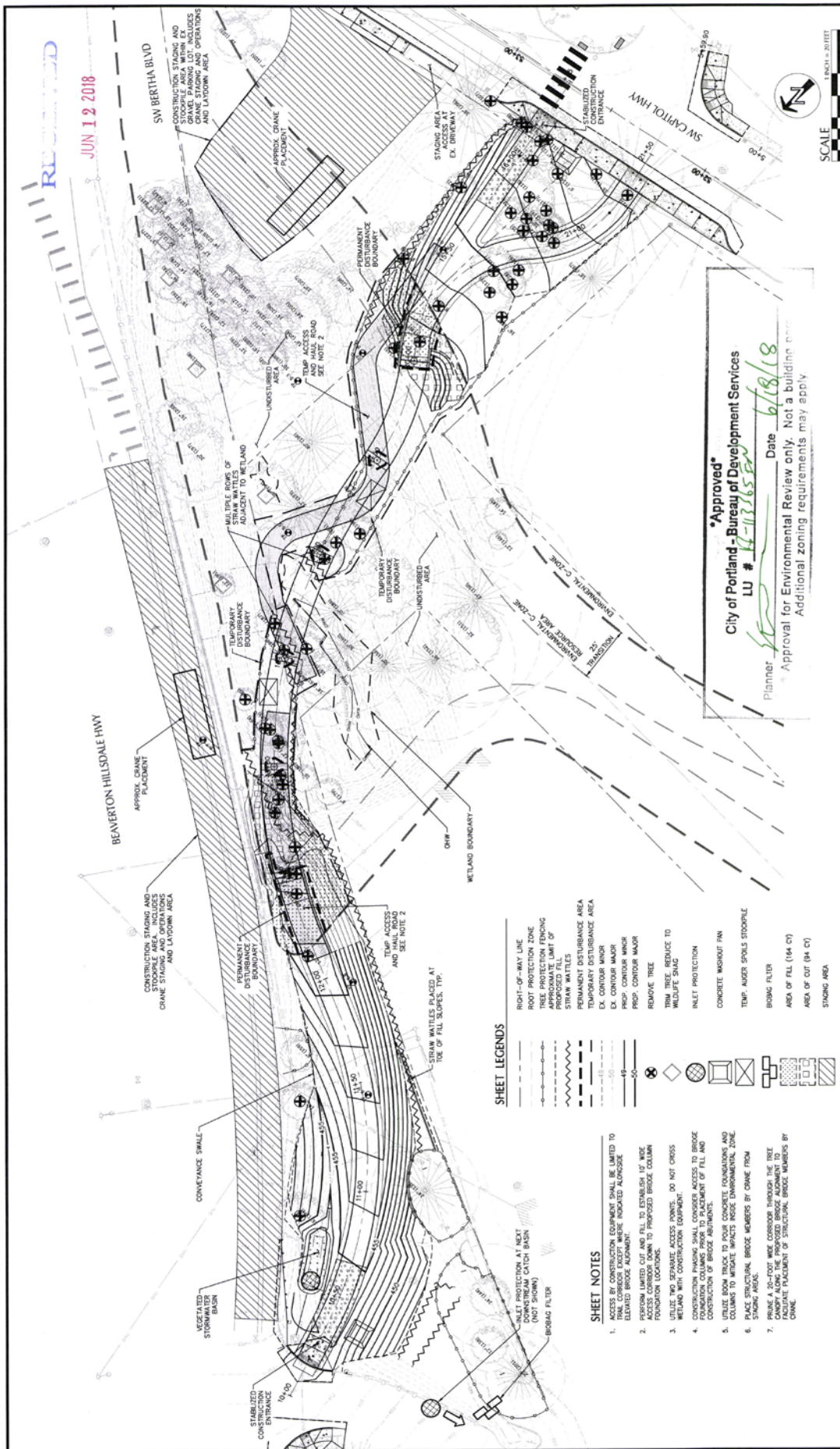


Stream

File No.	LU 18-113365 EN
1/4 Section	3627
Scale	1 inch = 200 feet
State ID	1S1E16CC 4100
Exhibit	B Feb 07, 2018







**SHEET LEGENDS**

- RIGHT-OF-WAY LINE
- ROOT PROTECTION ZONE
- TREE PROTECTION FENCING
- APPROXIMATE LIMIT OF
- STRAIN MATS
- PERMANENT DISTURBANCE AREA
- TEMPORARY DISTURBANCE AREA
- EX. CONTOUR MAJOR
- PROP. CONTOUR MAJOR
- PROP. CONTOUR MAJOR
- REMOVE TREE
- TRIM TREE, REDUCE TO WILDLIFE SHADE
- WILDLIFE PROTECTION
- CONCRETE WASHOUT PAN
- TEMP AUGER SPOOLS STORAGE
- BUSING FILTER
- AREA OF FILL (164 CY)
- AREA OF CUT (84 CY)
- STAGING AREA

**SHEET NOTES**

1. ALL CONSTRUCTION ACTIVITIES SHALL BE LIMITED TO THE EXISTING RIGHT-OF-WAY. EXISTING MAJOR ROAD CORRIDOR EXCEPT WHERE INDICATED ALONGSIDE.
2. PERSONNEL LIMITED CUT AND FILL TO ESTABLISH 15' WIDE ELEVATED BRIDGE ALIGNMENT.
3. PERSONNEL LIMITED CUT AND FILL TO ESTABLISH 15' WIDE ELEVATED BRIDGE ALIGNMENT TO PROPOSED BRIDGE COLUMNA FOUNDATION LOCATION.
4. UTILIZE TWO SEPARATE ACCESS POINTS. DO NOT CROSS WETLAND WITH CONSTRUCTION EQUIPMENT.
5. CONSTRUCTION PHASING SHALL CONSIDER ACCESS TO BRIDGE FOUNDATION COLUMNS PRIOR TO PLACEMENT OF FILL AND CONSTRUCTION OF BRIDGE ABUTMENTS.
6. PERSONNEL SHALL BE LIMITED TO THE EXISTING MAJOR ROAD CORRIDOR EXCEPT WHERE INDICATED ALONGSIDE.
7. PLACE STRUCTURAL BRIDGE MEMBERS BY CRANE FROM STAGING AREA.
8. PRIME A 20-FOOT WIDE CORRIDOR THROUGH THE TREE CANOPY ALONG THE PROPOSED BRIDGE ALIGNMENT TO MAINTAIN THE FOOTING OF STRUCTURAL BRIDGE MEMBERS BY CRANE.

**\*Approved\***  
 City of Portland - Bureau of Development Services  
 LU # 12-113165-EN Date 6/18/18  
 Planner [Signature]  
 \*Approval for Environmental Review only. Not a building permit. Additional zoning requirements may apply.

SHEET NO. <b>ENV-3</b> SHEET NO. <b>X</b> OF <b>XX</b>		PROJECT NO. <b>TO0274</b> SHEET NO. <b>ENV-3</b> SHEET NO. <b>X</b> OF <b>XX</b>	
PRELIMINARY NOT FOR CONSTRUCTION		RED ELECTRIC TRAIL SW BEAVERTON HILLSDALE HWY CONSTRUCTION MANAGEMENT SITE PLAN	
APPROVALS: PROJECT PRINCIPAL ENGINEER PROJECT CITY ENGINEER PROJECT ENVIRONMENTAL ENGINEER PROJECT CIVIL ENGINEER		PORTLAND BUREAU OF TRANSPORTATION COMMISSIONER DAN SALTMAN CITY ENGINEER STEVE TOWNSEN, P.E.	
DESIGNED BY CHECKED BY DATE		FINAL MAP DATA DATE	

CASE NO. 12-113165-EN



