



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

FROM CONCEPT TO CONSTRUCTION

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

Date: November 23, 2016
To: Interested Person
From: Ethan Brown, Land Use Services
503-823-7920 / Ethan.Brown@portlandoregon.gov

NOTICE OF A TYPE II PROPOSAL IN YOUR NEIGHBORHOOD

Development has been proposed in your neighborhood. The proposed development requires a land use review. The proposal, review process, and information on how to respond to this notice are described below. A copy of the site plan and zoning map is attached. I am the staff person handling the case. Please call me if you have questions regarding this proposal. Please contact the applicant if you have questions regarding any future development on the site.

Because we must publish our decision within 28 days, **we need to receive your written comments by 5 p.m. on December 14, 2016.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 16-184947 TR, in your letter. It also is helpful to address your letter to me, Ethan Brown. You can also e-mail your comments to me at my e-mail address identified above.

CASE FILE NUMBER: LU 16-184947 TR

Applicant: Emily Roth
Portland Bureau of Parks & Recreation
1120 SW 5th Ave, Suite 1302
Portland, OR 97204
Phone: 503-823-9225

Owners: Portland Bureau of Parks & Recreation
1120 SW 5th Ave, Suite 1302
Portland, OR 97204

Metro	Oregon Dept. of Transportation
600 NE Grand Ave.	9200 SE Lawnfield Rd.
Portland, OR 97232-2736	Clackamas, OR 97015-8685

Site Address: [No address: Rocky Butte Scenic Drive Historic District](#)

Legal Description: LOT 1, PARTITION PLAT 1991-139; LOT 10, VISTA VIEW ESTATES; LOT 11, VISTA VIEW ESTATES; TL 100 24.21 ACRES, SECTION 28 1N 2E

Tax Account No.: R649718300, R868630200, R868630220, R942282070

State ID No.: 1N2E28AB 00100, 1N2E28AB 03500, 1N2E28AB 03400, 1N2E28 00100

Quarter Section: 2740

Neighborhood: Madison South, contact Kimberly Botter at mkbotter@msn.com
Business District: Parkrose Business Association, contact parkrosebusinessassociation@gmail.com

District Coalition: Central Northeast Neighbors, contact Alison Stoll at 503-823-3156.

Plan District: Rocky Butte Plan District

Other Designations: Viewpoint 19-06 – Rocky Butte Panorama, *Scenic Views, Sites, and Drives Inventory*; Resource Site 134, *East Buttes, Terraces, and Wetlands Conservation Plan*; Rocky Butte Scenic Drive Historic District; Potential Landslide Hazard Area; Wildfire Hazard Area

Zoning: *Base Zone:* Open Space (OS)
Overlay Zones: Environmental Protection (p), Environmental Conservation (c), Aircraft Landing (h)

Case Type: TR – Tree Review

Procedure: Type II, an administrative decision with appeal to the Hearings Officer.

Proposal:

The applicant is proposing to remove mature trees on Rocky Butte in order to re-establish some of the views described in the City of Portland’s *Scenic Views, Sites, and Drives Inventory*. The applicant is proposing to remove trees to create “window” views of Mt. Hood, Mt. St. Helens, and downtown Portland, rather than the more extensive clearing that would be required to re-establish the panoramic views described in the original inventory from 1988. In summary, the applicant is proposing to remove 46 trees (31 healthy trees subject this review and 15 trees exempted for being dead, dying, or a nuisance species). As mitigation for the proposed tree removal subject to this review, the applicant is proposing to plant 400 native bare-root trees in the tree removal areas and 5,200 native shrubs throughout the Rocky Butte Natural Area.

Because the proposed tree removals include healthy trees more than 6 inches in diameter, the proposal cannot meet the tree removal standards of the Rocky Butte Plan District (33.570.040.C); therefore, the proposed tree removal must be approved through a Type II Tree Review. Although the proposed tree removals will occur within environmental overlay zones, tree removals to maintain a listed viewpoint are exempt from the regulations of 33.430 Environmental Zones.

Relevant Approval Criteria:

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

- **33.853.040.A Trees in the Scenic Overlay Zone, Johnson Creek Basin plan district, or Rocky Butte plan district**

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 June 8, 2016 and determined to be complete on November 16, 2016.

DECISION MAKING PROCESS

The Bureau of Development Services will make a decision on this proposal. We will consider your comments, and

- Approve the proposal.
- Approve the proposal with conditions.
- Deny the proposal.

The neighborhood association listed on the first page of this notice may take a position on this application. They may also schedule an open meeting prior to making their recommendation to

the Bureau of Development Services. Please contact the person listed as the neighborhood contact to determine the time and date of this meeting.

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 extended at the request of the applicant.

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.

APPEAL PROCESS

If you disagree with the Bureau of Development Services administrative decision, you can appeal the decision to the Hearings Officer. This review body will hold a public hearing for the appeal. When the decision is mailed, the criteria used to make the decision and information on how to file an appeal will be included. If you do not send any comments, you can still appeal the decision. There is a 14-day deadline to file an appeal beginning on the day the decision is mailed. The reason for the appeal must be specifically defined in order for the review body to respond to the appeal. If an appeal is filed, you will be notified of the time and location of the appeal hearing.

There is a fee charged for appeals. Recognized neighborhood associations may qualify for an appeal fee waiver.

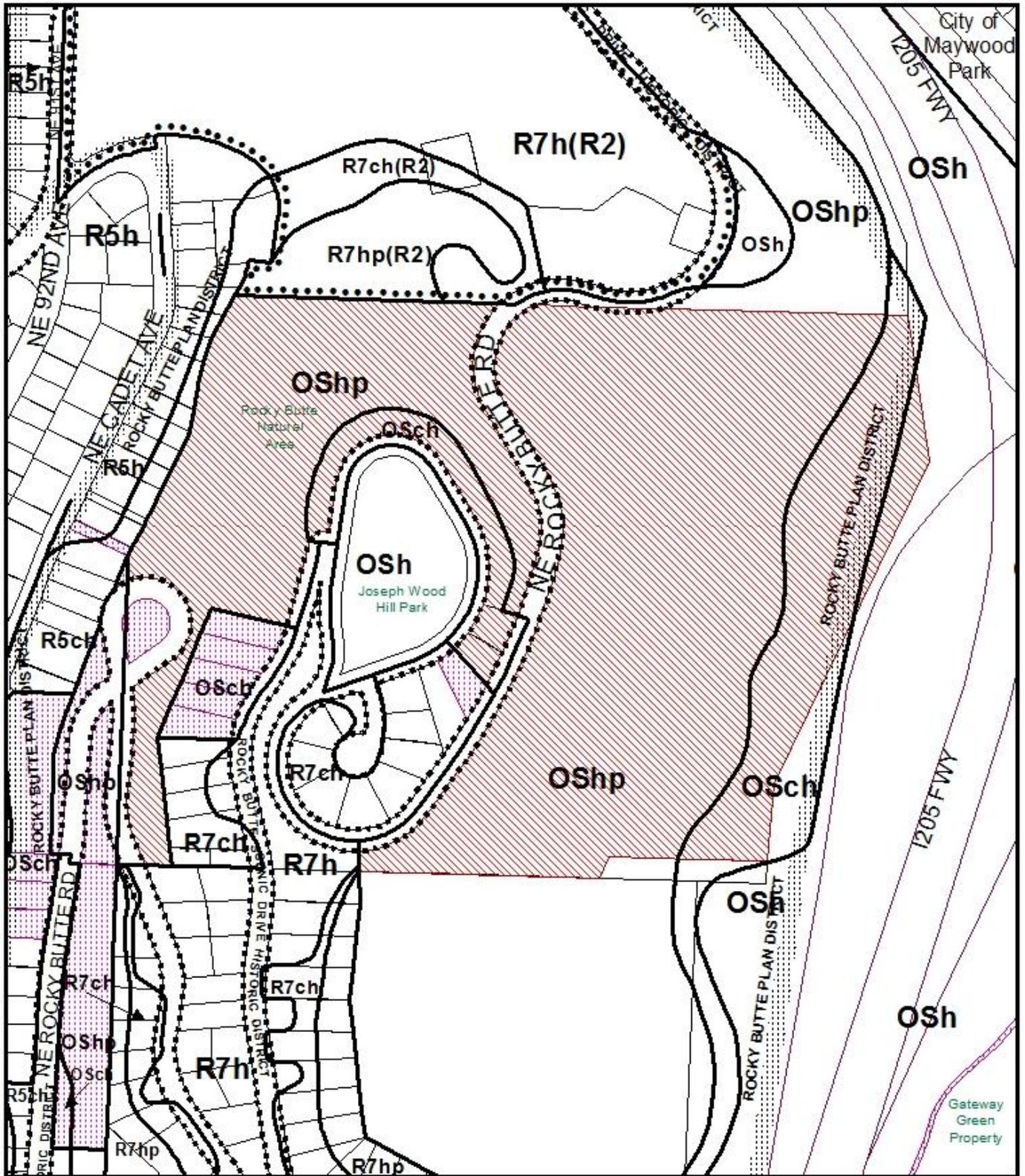
APPEAL OF THE FINAL CITY DECISION

After an appeal hearing, the review body decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283. The phone number for LUBA is 1-503-373-1265. Issues that may provide the basis for an appeal to LUBA must be raised prior to the comment deadline or prior to the conclusion of the hearing if a local appeal is requested. If you do not raise an issue with enough specificity to give the Bureau of Development Services an opportunity to respond to it, that may also preclude an appeal to LUBA on that issue.

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).

Enclosures:

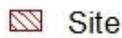
Zoning Map
Site Plan



ZONING

NORTH

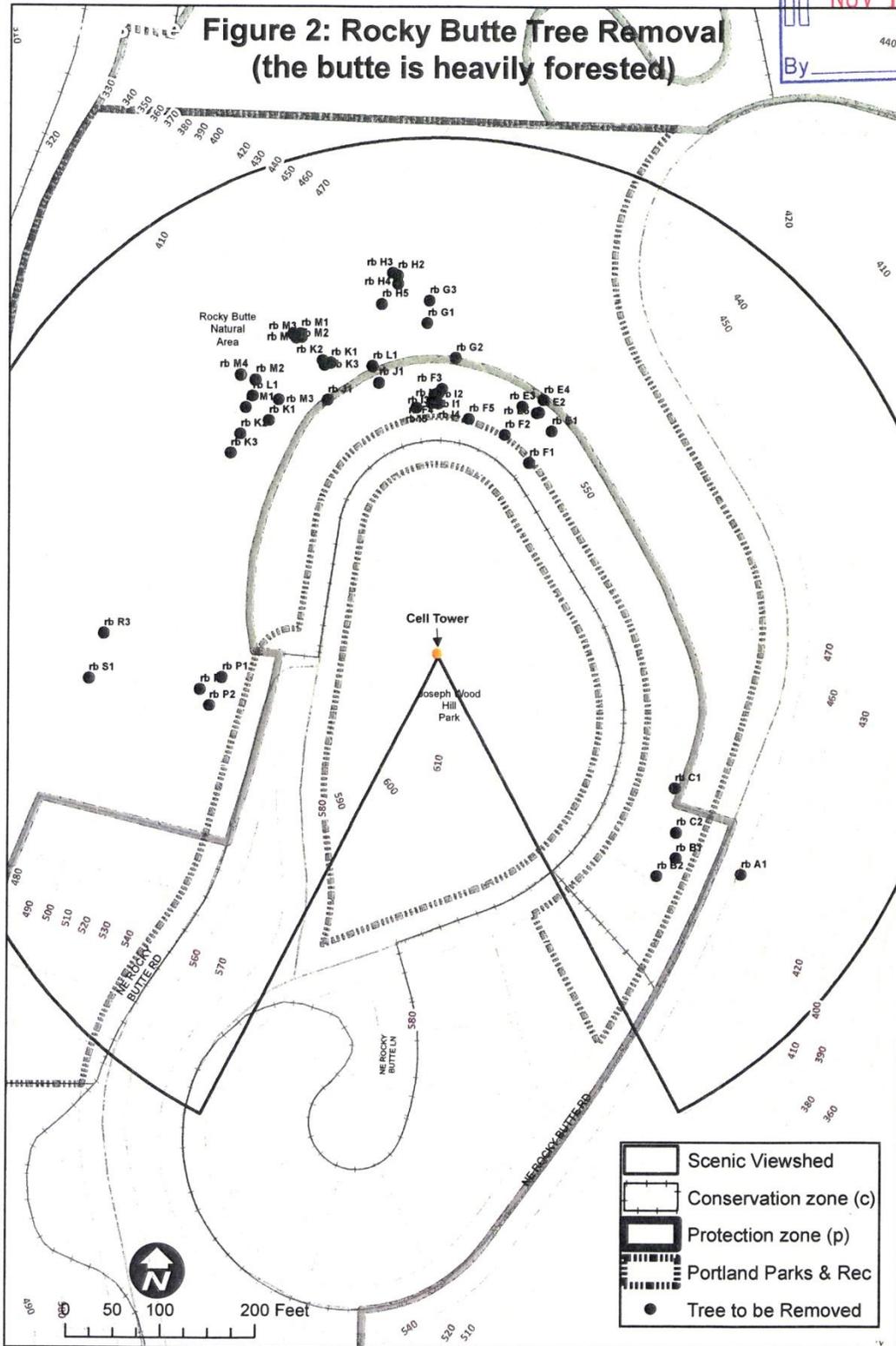
This site lies within the:
 ROCKY BUTTE PLAN DISTRICT
 ROCKY BUTTE SCENIC DRIVE HISTORIC DISTRICT

-  Site
-  Also Owned Parcels

File No.	LU 16-18497 TR
1/4 Section	2740
Scale	1 inch = 300 feet
State_Id	1N2E28AB 100
Exhibit	B (Jun 13, 2016)

RECEIVED
 NOV 16 2016
 By _____

**Figure 2: Rocky Butte Tree Removal
 (the butte is heavily forested)**



RECEIVED
NOV 16 2016
By

Figure 3: Rocky Butte Tree Mitigation
(the butte is heavily forested)

