



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: June 17, 2014
To: Interested Person
From: Stacey Castleberry, Land Use Services
 503-823-7586 / Stacey.Castleberry@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 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 13-226112 EV (10-173854 CC)

GENERAL INFORMATION

Applicant/Owners: Duncan & Kathryn Roberts
 6421 SW Parkhill Way / Portland, OR 97239

Site Address: 6421 SW Parkhill Way

Legal Description: INC PT VAC ST LOT 153, PARKHILL & RPLT
Tax Account No.: R646301860
State ID No.: 1S1E15CC 07800
Quarter Section: 3629
Neighborhood: Hillsdale, contact Duane Hunting at 503-245-7998.
Business District: None
District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.
Plan District: None
Other Designations: Terwilliger Design District; Potential Landslide Hazard area; Adjacent to George Himes Park

Zoning: R7cd—Residential 7,000 base zone, with Environmental Conservation and Design overlay zones.

Case Type: EV—Environmental Violation Review
Procedure: Type II—an administrative decision with appeal to the Hearings Officer.

Proposal: This land use review is required to correct a violation of the environmental chapter of the Portland Zoning Code (see City Code Compliance file # 10-173854 CC). Specifically, a patio and ornamental lawn were constructed west of the approved limits of disturbance for permit # 06-158316 RS, and permit # 06-174594 ZP, in the resource area of the Environmental Conservation overlay zone.

The unpermitted paved patio area covers roughly 370 square feet, and is bordered by an area of ornamental lawn approximately equal in size. This area is depicted on approved 2006 permits as native planting areas.

Portland Zoning Code Sections 33.430.070 and 332.430.405 require a Type II Environmental Violation review to legalize the patio and lawn area within the protected resource. The area

affected within the resource area covers approximately 750 square feet as scaled from the applicant's site plans.

New development within Portland's Environmental Conservation overlay zone must be approved through a Land Use Review. Because the applicant did not obtain a Land Use Review approval prior to the development, a violation was incurred. Violations are subject to the Correction Options of 33.430.405, and, in this case, subject also to the Approval Criteria of 33.430.250.G.

Relevant Approval Criteria:

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

33.430.250 G Corrections to Violations

The criteria of Section 33.430.250 G require that the violation first be examined in light of the criteria (33.430.250 A through F) that would have normally applied to the activity if a permit had been applied for. The approval criteria which would have been applied to environmental review of construction of a new patio and ornamental lawn in the Environmental Conservation overlay zone are found in:

33.430.250 E Other Development in the Environmental Conservation zone

If any of the applicable criteria from 33.430.250 E cannot be met, then all of the criteria under Section G must be met, including G.2.a which requires no permanent loss of any type of resource or functional value (removal of the unpermitted development). If all of the criteria from Section E can be met, the development can be permitted to remain.

ANALYSIS

Site and Vicinity: The site of the patio and lawn is a developed, single dwelling residential lot fronting on and northwest of SW Parkhill Way, in Southwest Portland. The lot lies between SW Parkhill Way and George Himes Park in Hillsdale. Both George Himes Park and the northwest portion of the 6421 SW Parkhill Way lot are densely forested with mature Douglas fir forest.

The lot is 9,035 square feet in area. The 2006 permits allowed full development of approximately 3,800 square feet of the lot, only within areas adjacent to SW Parkhill Way. Neighboring lots along the northwest side of SW Parkhill way are forested within the resource area adjacent to George Himes Park. There is an existing play structure in the northern corner of the site that meets environmental Zoning Code Exemption 33.430.080 D.9.

Zoning: The site is zoned R7 (Residential 7,000) with the Environmental Conservation and Design overlay zones. The R7 zone is intended to foster the development of single-dwelling residences on lots having a minimum area of 4,200 square feet. Newly created lots must have a minimum density of 1 lot per 7,000 square feet of site area. The provisions of this zone allow this use; these provisions are not specifically addressed through this Environmental Review.

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. Since the site is not visible from SW Terwilliger Boulevard, the development is exempt from Design 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 preserve the site's protected resources. They protect the most important environmental features and resources while allowing environmentally sensitive urban development where resources are less significant. The purpose of this land use review is to ensure compliance with the regulations of the environmental zones.

Environmental Resources: The application of the environmental overlay zones is based on

detailed studies that have been carried out within separate areas throughout the City. Environmental resources and functional values present in environmental zones are described in environmental inventory reports for these respective study areas.

The project site is mapped within the *Southwest Hills Resource Protection Plan* area as Site # 115 George Himes Park. Resources and functional values of concern on the project site include wildlife habitat, forest, scenic, cultural, historical, recreation, groundwater recharge, and open space.

The upland area of Site 115 is a western hemlock forest. The forest canopy is 80 to 90 percent closed and the dominant trees are bigleaf maple and Douglas fir. The forest includes old Douglas fir (over 36 inches dbh). The shrub layer is 30 percent closed and the herbaceous layer is 90 percent closed.

Land Use History: City records indicate there are no prior land use reviews for this site.

Applicant's Statement: The application is to legalize the construction of a concrete patio that was installed in the summer of 2010. This patio consists of a landing outside of double doors as well as steps down to the patio. The house was constructed in 2008 and although we are the first to live in the house we were not owners or had any involvement of the construction and only purchased the house 2 years after the construction was complete.

When we purchased the house the double doors at the back of the house opened to a landing built of wood with stairs down to a flagstone patio area. We replaced the wood landing and flagstone with concrete after discovering the wood was of poor construction and was slippery. The new landing and new cover for the landing are within the 5 feet allowable distance from the existing foundation however the flat concrete patio is not. Since this is the main access from the living area of the house it is the natural outdoor area that would be used.

There is no outdoor area in the front of the structure as it is built as close to the road as possible. For the patio construction no trees, bushes or plants were removed or relocated. Beyond the location of the old patio which is also the location of new patio the property consisted of English Laurel, English Ivy and Holly. All of these invasive species were removed and replaced with native varieties. This is still the case with the neighboring empty lot (Property ID R591120) as an example of the invasive species that were on the property prior to removal of the invasive species.

Also to be noted the property is very steep beyond the patio. All of the invasive plants were on this grade, not on the flat area at the grade of the structure with the exception of one Holly tree that was beyond the new patio footprint but yet on the grade of the house. This Holly tree was the only tree removed on the flat grade as was not removed because of the patio but because of its species. The flat area at the grade of the structure was already being used as an outdoor living space and this is further proof that the natural outdoor use would be this area and as is also exemplified with all the neighboring houses that back to the same zoning and have patios of similar or larger size in the same location.

Agency and Neighborhood Review: A Notice of Proposal in your Neighborhood was mailed on March 17, 2014.

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

2. Neighborhood Review: One written response was received from a notified property owner in support of the proposal (Exhibit F.1).

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 corrections to environmental violations are found in Section **33.430.250 G**.

The corrections to violations approval criteria require that the violation first be examined in light of the criteria in Section **33.430.250 E** Other Development in Environmental Conservation zones. If all of the criteria from Section E can be met, the development can be permitted to remain.

The applicant has provided nominal findings for these approval criteria and BDS Land Use Services staff has supplemented the findings or added conditions, where necessary to demonstrate how the approval criteria are met.

33.430.250.E. Other development in the Environmental Conservation zone or within the Transition Area only. In Environmental Conservation zones or for development within the Transition Area only, the applicant's impact evaluation must demonstrate that all of the following are met:

- 1. Proposed development minimizes the loss of resources and functional values, consistent with allowing those uses generally permitted or allowed in the base zone without a land use review;**

Findings: Outdoor patios and ornamental landscaping are allowed in the R7 base zone, associated with residential development, without a land use review.

This criterion is met by this proposal because the footprint of the concrete patio is 370 square feet in area and is in the same location as the flagstone patio described as pre-existing by the applicant.

The proposal therefore minimizes the loss of resources and functional values, consistent with allowing those uses generally permitted or allowed in the base zone without a land use review. *Therefore, this criterion is met.*

- 2. Proposed development locations, designs, and construction methods are less detrimental to identified resources and functional values than other practicable and significantly different alternatives; and**
- 3. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed; and**
- 4. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;**

Findings: These criterion require the applicant to demonstrate that alternatives were considered during the design process, and that there are no practicable alternatives that would be less detrimental to the identified resources and functional values. They also require the applicant to use construction techniques to contain disturbance in the approved disturbance area, and to mitigate all unavoidable impacts.

The applicant provided a description of the physical layout of the house and patio, above ("Applicant's Statement") on page 3 of this report. The natural outdoor access from the house is via the double doors originally included in the building design. The applicant's description demonstrates that there are no alternative locations for outdoor living space that are accessible from the structure. Additionally, the location of the concrete patio is the same as the previously constructed flagstone patio.

Construction impacts were minimized by pumping concrete from the front of the house, rather than any motorized access in the review area.

Given that the patio has already been constructed, the only aspect of the proposal that is subject to alternative scenarios is the site design. Although the applicant provides no discussion of alternative site designs, two alternative designs are evident in City records: 1) that set forth by the applicant which proposes no additional plantings; and 2) that approved in 2006 by the City during review of the building and zoning permits for this site.

Residential building and Zoning permits from 2006 limited the disturbance area for the house to approximately 3,800 square feet of the lot. The applicant, however, developed approximately 4,500 square feet of the lot. The approved 2006 site plan required the planting of 3 western hemlock, 7 red alder, 11 western flowering dogwood trees, and 26 native shrubs within the "Review Area" depicted on the attached site plan (Exhibit C.2). In addition, the 2006 approved permit plans show 7 existing mature Douglas fir trees (ranging in diameter from 14 inches to 40 inches), and 3 existing "deciduous" trees (7 to 12 inches) within the "Review Area." Additional native plantings were required within the front and side yard areas for the house, but these areas are not included in the current violation review. Similarly, additional native vegetation exists northwest of the review area, but those areas are not part of the 2006 required planting areas.

In order to provide natural resource function equivalent to the approved permit plans, the "Review Area" must contain the same quality and amount of native vegetation. However, the current site plans only show 5 of the 10 mature trees remaining in the "Review Area".

Therefore, in order to ensure that the current plan is less detrimental to forest habitat on the site, and its associated functions, and to mitigate impacts of the reduced forested area behind the house, the applicant will be required to plant replacement trees to replace the missing mature fir trees (14 and 16 inches), and the missing mature deciduous trees (2 7-inch trees, and 1 12-inch tree). Further, the applicant will be required to demonstrate that the 21 trees and 26 shrubs, required to be planted in 2006, have been installed and are surviving within the Review Area.

A two-year monitoring plan is needed to ensure survival of mitigation plantings. To confirm maintenance and survival of the required plantings, the applicant will be required to have the plantings inspected two years after plantings are installed.

A Zoning Permit will be required to confirm the planting of 6 deciduous trees, 2 coniferous trees and 6 native shrubs, to replace the missing trees; and to confirm the presence of 21 native trees and 26 native shrubs, all within the Review Area, as required on the 2006 permit plans (application case file Exhibit G.4).

With conditions for additional plantings and inspections to confirm both planting of the vegetation and its survival, *these criteria can be met.*

5. **Mitigation will occur within the same watershed as the proposed use or development and within the Portland city limits except when the purpose of the mitigation could be better provided elsewhere; and**
6. **The applicant owns the mitigation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.**

Findings: Mitigation plantings will be conducted on the same site as the violation, and the applicant owns the proposed on-site mitigation area. *These criteria are met.*

33.430.250 G. Corrections to Violations. For corrections to violations of this Chapter the application must meet all applicable approval criteria stated in subsections A through F above, and paragraphs 1, 2.b and 2.c, below. If these criteria cannot be met, then the applicant's remediation plan must demonstrate that all of the following are met:

The application meets the applicable approval criteria in subsection E, as demonstrated in findings provided above, and does not have to meet paragraph 2.a.

1. **The remediation is done in the same area as the violation; and**

Findings: The applicant notes that remediation will occur on the same site, and near where the patio was constructed.

The mitigation plan (Exhibit C.2) is intended to offset the violation and comply with the Portland Zoning Code (Chapter 33.430.250). The goal of the remediation plan is to restore the disturbed area within the environmental zones by planting native vegetation as originally required in 2006 building and zoning permits.

Remediation is proposed within the same physical site as the violation, and *this criterion is met.*

2. The remediation plan demonstrates that after its implementation there will be:

b. A significant improvement of a least one functional value; and

Findings: This criterion requires a remediation plan that not only compensates for the detrimental impact of the unpermitted work, as described above in findings for criterion 33.140.250 E.4, but also leads to significant improvement of at least one functional value. This improvement is measured against the resource values that existed around the violation area prior to the violation. Essentially, with a correction to a violation, the end result must be an improvement to a resource or functional value that will exceed functional values present before the violation, rather than simply compensating for the functional values lost due to the violation.

The applicant describes the remediation as follows:

The invasive species removal work was conducted in 2010 and was to remove all ivy, laurel that had overgrown the area. The native variety of ground cover, bushes and trees was installed because of the steep terrain without the use of any machines but by human labor. There is added functional value of the new patio over the dirt and bark mulch that was in the location before. This remediation is thriving and has proven that the choice of species of native plants was correct, and *this criterion is met.*

c. There will be minimal loss of resources and functional values during remediation until the full remediation program is established.

Findings: This criterion requires the applicant to protect remaining resources during construction through effective construction management; to install remediation plantings in a timely manner; and to document the establishment of the full remediation plan through inspection by City inspectors.

This criterion also requires minimal loss of resources and functional values during the time between the disturbance to the resource, and full restoration of remediation areas. To minimize the impacts of lost resources within the violation area, the remediation must occur as soon as practicable. Therefore, the applicant will be required to apply for a Zoning Permit within six weeks of the final day of the appeal period of this decision.

To demonstrate that the full remediation program does become established in a timely manner, the applicant must document success of the remediation plan approved in this review. To document the success of the required plantings, the applicant will be required to demonstrate maintenance and survival of the required plantings for a minimum of two years; followed by a City inspection.

With conditions for demonstrated maintenance and survival of required plantings through City inspections; minimal loss of resource functions and values will be confirmed during remediation, and *this criterion can be met.*

CONCLUSIONS

Through this Environmental Review, the applicant requests approval of remediation for a Zoning Code violation which occurred within the Environmental Conservation overlay zone.

Overall the applicant's proposal to retain the unpermitted patio, will be able to meet the criteria

for remediation of violations and, with conditions for additional plantings and inspection requirements, and can be approved.

ADMINISTRATIVE DECISION

Approval of an Environmental Review for approval of a patio and ornamental lawn area and correction of a Zoning Code violation, in the Environmental Conservation overlay zone, in conformance with staff-modified Exhibit C.2, as approved by the City of Portland Bureau of Development Services on **June 12, 2014**.

[Note that the existing play structure meets Environmental Zoning Code Exemption 33.430.080 D.9.]

Approval is subject to the following conditions:

A. Within six weeks of the final day of the appeal period of this decision, the applicant shall:

- Record this decision with the Multnomah County Recorder; and
- Apply for a Zoning Permit to have required plantings, described below, inspected.

A. A Zoning Permit is required to demonstrate the planting of mitigation plantings.

Copies of the approved Exhibit C.2 from LU 13-226112 EV and Conditions of Approval listed below, shall be included with site plans submitted for permits (zoning, building, etc.) These exhibits shall be included on a sheet that is the same size as the plans submitted for the permit and shall include the following statement, "**Any field changes shall be in substantial conformance with approved LU 13-226112 EV Exhibit C.2.**"

1. Within "Review Area" depicted on Exhibit C.2, the applicant shall install the following mitigation plantings, or document that they were already planted in the delineated "Review Area," as follows:
 - a) Plant 6 (six) ½-inch caliper deciduous native trees
Plant 2 (two) 5-foot tall coniferous native trees
Plant 6 (six) 2-gallon native shrubs
 - b) Demonstrate (or plant ½-inch caliper) 21 native trees were installed as required on 2006 permits:
3 western hemlock
7 red alder
11 western flowering dogwood
 - c) Demonstrate (or plant 2-gallon) 26 native shrubs were planted as required on 2006 permits:

All plantings shall be native and selected from the *Portland Plant List*

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.

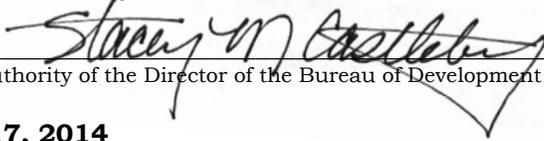
B. The land owner shall demonstrate maintenance and survival of native plantings in the mitigation area for two years to ensure survival of at least 80% cover by native plant species, or replacement to accomplish 80% native cover. The land owner is also responsible for ongoing survival of required plantings 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 shall be finalized no later than 2 years from the final date of this Administrative Decision, for the purpose of ensuring that the required plantings remain. The "Review Area" depicted on Exhibit C.2 shall be vegetated as described in

Condition A.1, above, with native species listed on the *Portland Plant List*. If plantings described in Condition A.1, above, have not survived, then the area must be replanted to accomplish plantings as described.

- C. 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: Stacey Castleberry

Decision rendered by:  **on June 12, 2014**
By authority of the Director of the Bureau of Development Services

Decision mailed: June 17, 2014

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

Procedural Information. The application for this land use review was submitted on November 8, 2013, and was determined to be complete on **March 12, 2014**.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on November 8, 2013.

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 (Exhibit A.2). Unless further extended by the applicant, **the 120 days will expire on: March 12, 2015**.

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 July 1, 2014** 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 2:00 pm. After

3:00 pm Monday through Wednesday and Fridays, and after 2:00 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 **July 2, 2014 – (the first business 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, Zoning 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:

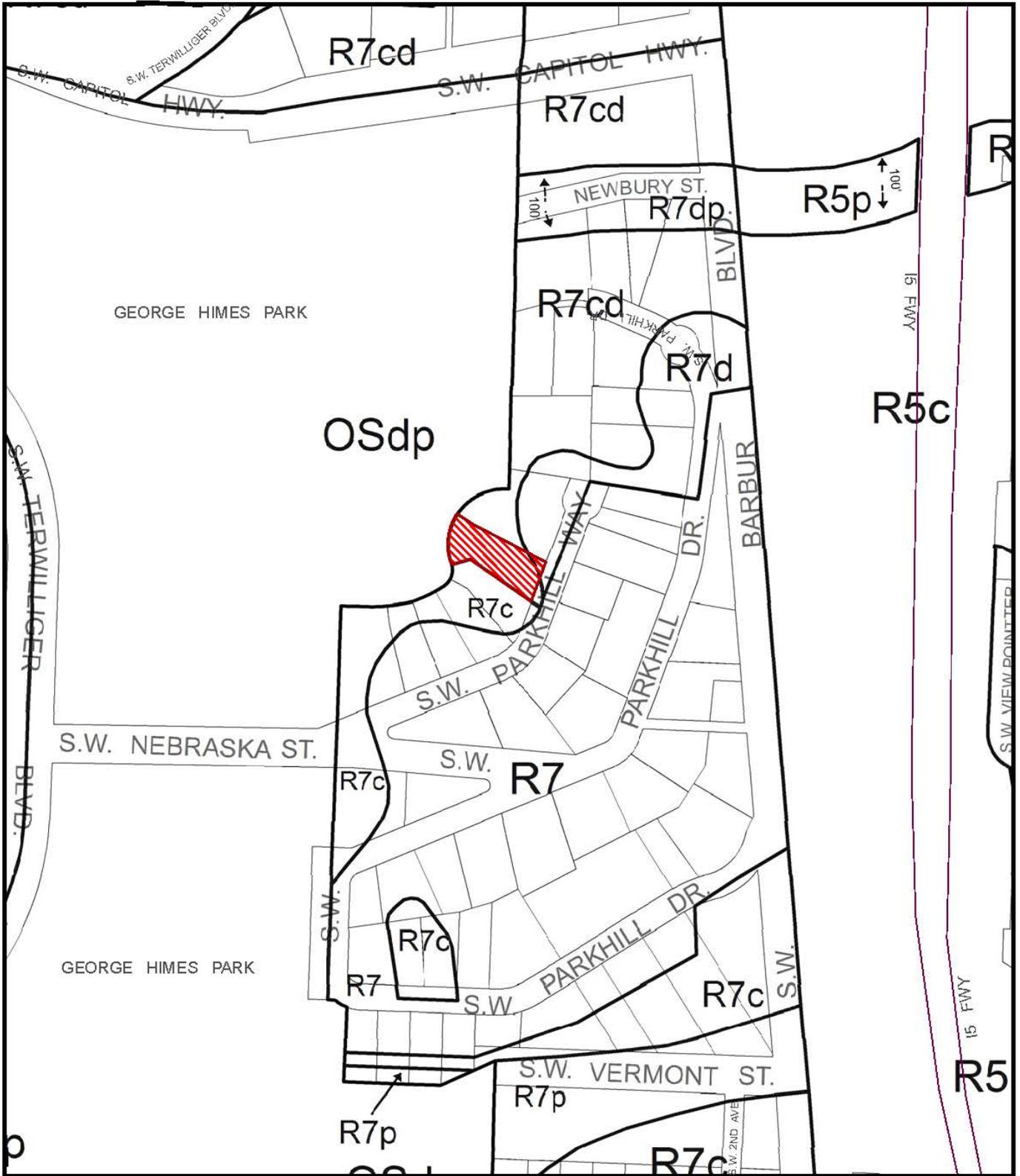
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations 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. Applicant's Existing Conditions Plan
 - 2. 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
- F. Correspondence:
 - 1. Louis & Melissa Peng, in support of applicant's proposal
- G. Other:
 - 1. Original LU Application
 - 2. Notice of Violation (CC 10-173854)
 - 3. Incomplete Letter
 - 4. 2006 RS and ZP Permit Site Plan from microfiche

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).

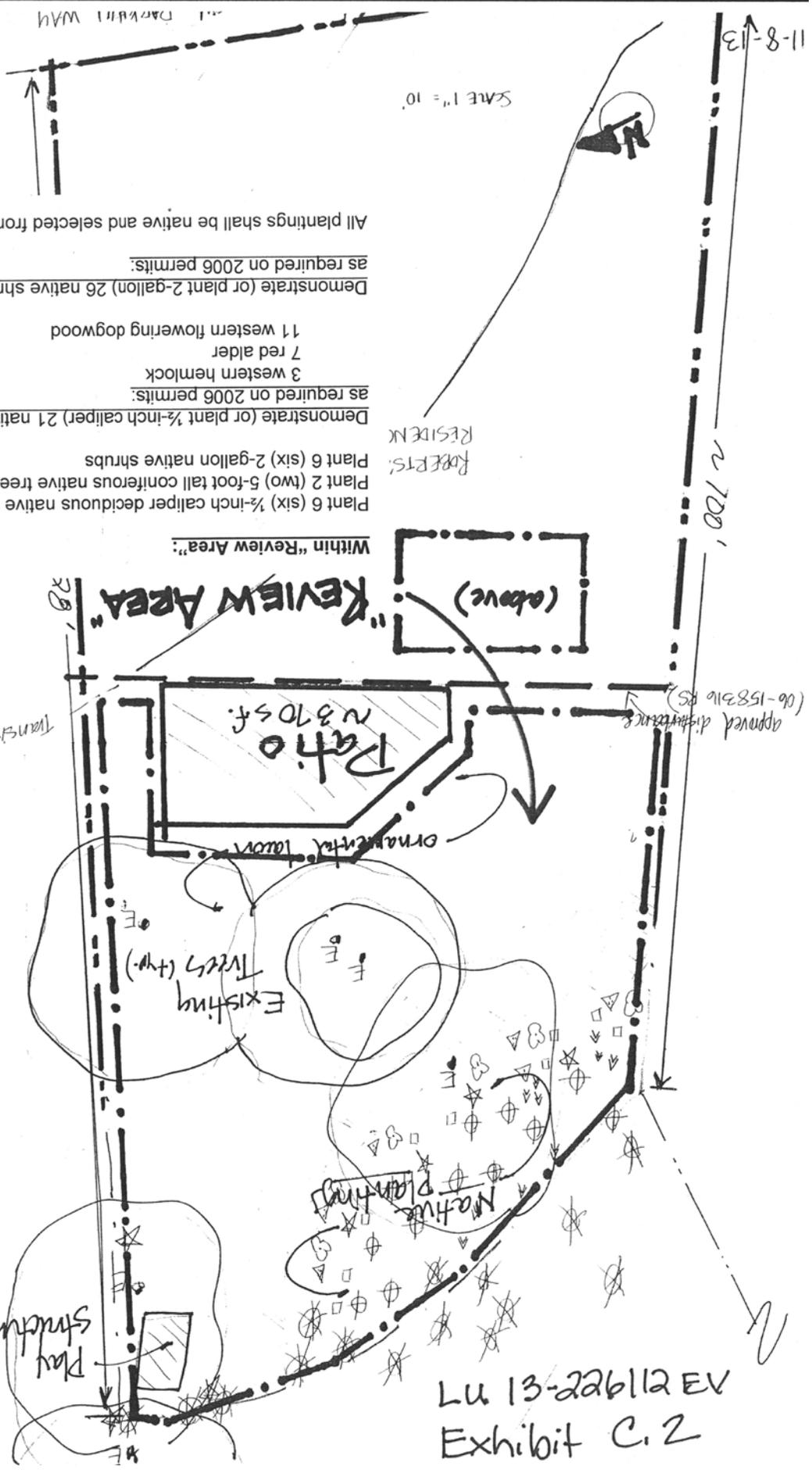


ZONING

 Site



File No. LU 13-226112 EV
 1/4 Section 3629
 Scale 1 inch = 200 feet
 State_Id 1S1E15CC 7800
 Exhibit B (Nov 13, 2013)



LU 13-226112 EV
Exhibit C.2

- Plant 6 (six) 1/2-inch caliper deciduous native trees
 Plant 2 (two) 5-foot tall coniferous native trees
 Plant 6 (six) 2-gallon native shrubs
 Demonstrate (or plant 1/2-inch caliper) 21 native trees
 as required on 2006 permits:
 3 western hemlock
 7 red alder
 11 western flowering dogwood
 Demonstrate (or plant 2-gallon) 26 native shrubs
 as required on 2006 permits:

All plantings shall be native and selected from the Portland Plant List

Approved
 City of Portland - Bureau of Development Services
 LU # 13-226112 EV
 Planner *[Signature]* Date June 12, 2014
 * Approval for Environmental Review only. Not a building permit.
 Additional zoning requirements may apply.