



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

Dan Saltzman, Commissioner
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Date: July 31, 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 14-247850 EV

GENERAL INFORMATION

Applicant: Karen Karlsson
906 NW 23rd Ave / Portland OR 97210

Owner: Elise S Coury
2831 NW St Helens Rd / Portland OR 97210

Site Address: LOT 84, between 2781 and 2847 NW Sussex Avenue

Legal Description: LOT 84, BLYTHSWOOD
Tax Account No.: R084303080
State ID No.: 1N1E29BC 01802
Quarter Section: 2725
Neighborhood: Northwest District, contact John Bradley at 503-313-7574.
Business District: Northwest Industrial, contact Stephanie Kennedy at 503-823-4288.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Northwest Hills - Forest Park
Other Designations: Environmental Conservation (c) overlay zone
Zoning: R2c – Residential 2 (R2) with the Environmental Conservation (c) overlay

Case Type: (EV) – Environmental Violation
Procedure: Type II, an administrative decision with appeal to the Hearings Officer.

Proposal:

In 2007, an environmental violation occurred when 23 native trees were cut down in the Environmental Conservation zone without prior City authorization. Subsequently, the applicant submitted an application to divide and develop the site with three lots, and included a mitigation plan for the tree removal. This subdivision proposal was approved in LU 07-163715 LDS_ENM EV with conditions for replanting the entire site. However, the site was never developed and the decision expired on June 30, 2014. The site remains undeveloped and the requirements of the violation review have not been implemented.

The trees were cut on properties with different ownerships, which included the subject lot. Therefore, this application is to remediate only a portion of the 2007 tree removal on just one of the three original lots, Blythswood Lot 84. This was the middle of the three existing lots, and is not owned by the subdivision developer. Only two of the 23 trees that were cut on the proposed subdivision site were located on this lot and they included a 7-inch and a 15-inch alder on the front of the lot adjacent to the Sussex Avenue right of way. Because the land division/ environmental review has expired, the tree cutting violation for the entire site remains unresolved. This proposal will resolve only that portion of the violation that occurred on the middle of the three impacted lots.

The applicant proposes to pay \$1800 into the City's Tree Fund as reparation for the tree violation on this one lot, rather than planting additional trees on the site. Remediation for the remaining tree violation that occurred across the other two lots is not included in this review.

Relevant Approval Criteria:

To be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are found in Zoning Code Sections:

- **33.430.250.G – Correction to Violations**, and
- **33.430.250 E – Other Development in the Environmental Conservation zone**

ANALYSIS

Site and Vicinity: The site is located adjacent to the east side of Forest Park and is west of NW St Helens Road and the large industrial area that stretches all the way to the Willamette River.

The site is relatively steep, sloping downward to the northeast, and remains undeveloped after being included in a land division approval in 2007. The entire lot remains heavily forested with native trees and shrubs. Properties on the east side of NW Sussex Avenue front on NW St. Helens Road and contain a variety of small businesses including a service station, restaurant, and a bar. Forest Park abuts the property along its southwest property line, and the Forest Park Headquarters Office is located just uphill from the site to the southwest.

Zoning: 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 provisions of this zone allow this use; these provisions are not specifically addressed through this Environmental Review.

Environmental overlay zones protect environmental resources and functional values that have been identified by the City as providing benefits to the public. The environmental regulations encourage flexibility and innovation in site planning and provide for development that is carefully designed to be sensitive to the site's protected resources. They protect the most important environmental features and resources while allowing environmentally sensitive urban development where resources are less sensitive. The purpose of this land use review is to ensure compliance with the regulations of the environmental zones.

The Northwest Plan District provides for an urban level of mixed-use development including commercial, office, housing, and employment. The regulations of this chapter promote housing and mixed-use development; discourage auto-oriented developments; enhance the pedestrian experience; and encourage a mixed-use environment and transit supportive levels of development in the area near the streetcar alignment.

The Forest Park Subdistrict of the Northwest Plan District contains a prohibition on construction activity that exposes soil to direct contact with stormwater between October 1 and April 30.

Environmental Resources: The application of the environmental overlay zones is based on detailed studies that have been carried out within ten separate areas of the City.

Environmental resources and functional values present in environmental zones are described in environmental inventory reports for these study areas. Functional values are the benefits provided by resources. The values for each resource site are described in the inventory section of these reports. This property is included in Site No. 86, located in the *Northwest Hills Natural Areas Protection Plan*.

The Northwest Hills Natural Area is a protected area valued for its watersheds and forest resources. The forest vegetation can provide protection from winds and storms, stabilize slopes from releasing sediment into streams, prevent downstream development from having flooding issues, and provide habitat for wildlife. This area is valued not only for its environmental characteristics, but also its educational opportunities, recreational activities, and intrinsic elements important to the surrounding community.

The *Plan* identifies seasonal creeks, wildlife habitat, rare plants, forests, open space and groundwater resources for Inventory Site 86. This subarea also provides scenic, recreational and historic resources. Of the identified resources and functional values, the subject site includes a creek segment and forest and wildlife habitat, which the *Plan* rated “high” for the area.

Land Use History: City records indicate the following reviews have occurred on this site:

LUR 93-00721 ZC – Zone Map Amendment

LUR 07-163715 LD ENM/EV – Land Division Subdivision with Environmental Modification and Violation reviews. (The Land Division and Environmental Modification proposal was not implemented, and this combined review has expired.)

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **May 11, 2015**.

The Bureau of Environmental Services responded that should the applicant be interested in exploring conservation and/or restoration options, to contact the City of Portland’s Natural Area Acquisition Program and the Forest Park Conservancy. Please see Exhibit E. for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on May 11, 2015. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

33.430.250 Approval Criteria for Environmental Review

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

Findings: In 2007, the developers of the proposed land division removed two trees at the front of the subject site, which is located within the resource area of the Environmental Conservation overlay zone. These trees were to be preserved according to LU 07-163715 LDS ENM, and the trees were removed without prior Zoning Code review and approval, which incurred an environmental violation.

The Zoning Code approval criteria which must be addressed to correct violations of this chapter are found in Section **33.430.250. G, Corrections to violations**. This section requires that the unpermitted activities first be reviewed according to the applicable Environmental Review criteria that would have been assessed in the City’s standard (pre-development) land use review process. Removal of trees from the Environmental Conservation overlay zone must be assessed against the approval criteria listed in **Section 33.430.250.E. - Other Development in**

Environmental Conservation zones. If these criteria cannot be met by the violation activities, then all of the criteria in **33.430.250 G** (G.1 through G.2.c.) must be shown to be met.

The applicant has provided findings for the approval criteria listed above and BDS Land Use Review staff has amended the findings and added conditions where necessary to meet the approval criteria.

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: The purpose of this approval criterion is to recognize that some form of development is allowed, consistent with the base zone standards. Impacts of the development are measured relative to the impacts associated with the development normally allowed by the base zone.

The two trees included a 7-inch and a 15-inch alder, or 22 total diameter inches of native trees. Not only trees were removed, but any existing native shrubs and forbs that existed in the cutting area were likely impacted by the cutting activity. The applicant made an argument that if a house were to be developed on the site, as was proposed in 2007, that more than 22 inches of trees would have been removed and that the two removed trees would have been within 10 feet of any proposed structure. This premise may be correct, but the fact is, houses have not been constructed on the site, nor has an application been submitted for house development on this site, so ultimately there was no reason to have removed the two trees in 2007 without authorization. Therefore, this criterion is not 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;**

Findings: Because the trees were removed approximately eight years ago, it is difficult to determine what impact their removal had on other resources and functional values on the site, than not removing them would have had. Tree removal, even within a generally well-forested area, can create openings in the forest canopy that impacts other vegetation and can lead to increased growth of invasive species. Because the cut trees were on the edge of the forest canopy on the site, their removal may not have had a significant impact on other native vegetation on the site, although additional light and air may have allowed more noxious weed species to proliferate in the vicinity. Alternatives were not addressed. Therefore, this criterion is not met.

- 3. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;**

Findings: Two trees were removed from the front/bottom of the hill on this site, adjacent to NW Sussex Avenue in anticipation of future development of the site in 2007 after receiving approval for development of a 12-lot land division with attached housing. That approved proposal was never initiated and has since expired. The 15 inch alder was located on the front property line and the 7-inch alder was located about 8 feet into the site from this line. The loss of two trees at the front/bottom of the site did not impact any other area of the site. This criterion is met.

- 4. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;**

Findings: The applicant proposed to pay an \$1800 fee into the City's Tree Fund rather than replant native vegetation on the site. As noted above however, the cutting area located within the resource area on the site should be restored to its pre-disturbance character to ensure that the detrimental impacts to this area's resources and functional values will be appropriately mitigated. When trees are cut in the Environmental Zone, replacement trees must meet the standards in Table 430-3. For removal of 22 inches of trees, the Tree Table requires that either a minimum of 5 trees be replanted on the site, or a combination of 3 trees and 3 shrubs be planted on the site. However, because native trees were removed without obtaining land use reviews or City permits, additional trees and shrubs should be planted on the site. The forest over-story remains fairly dense across this site. Therefore, three native trees and six native shrubs should adequately compensate the removal of 22 inches of native trees from the site as shown on the approved Mitigation Site Plan. A native grass/forb seed mix must also be seeded across the cleared planting area, and this area must be maintained for a few years to ensure the success of the replacement plants.

Because a plant preference was not included in the application, staff determined that one each of Big Leaf Maple, Red Alder, and Douglas fir trees, as well as two each of Ocean Spray, Indian Plum and Red Current shrubs should be planted in the disturbance area. The trees should be planted on 30-foot centers across the front of the site, with the shrubs planted in cleared areas between them.

To ensure that these plants are installed and maintained as described in the conditions of approval, a Zoning Permit is required. The applicant must obtain a Zoning Permit so that the required plants may be installed and inspected by October 1, 2015.

With conditions to obtain a Zoning Permit for installing the mitigation plantings, to clear invasive species from an approximate 1200 square-foot area as shown on the approved mitigation site plan using hand-held equipment, plant the 3 native trees and 6 native shrubs as described above, to seed the planting area with a native groundcover mix within this cleared area, and to maintain all plants for 3 years, this criterion will be met.

Monitoring and Maintenance:

The Zoning Code requires that shrubs and trees to be planted will survive until maturity. Monitoring and maintenance of the plantings for a period of three years will ensure survival during the most critical period of establishment of new plantings. One hundred percent of the planted trees and shrubs must survive the two-year monitoring period, or be replaced. Limiting intrusion into planted areas by invasive species, as well as providing water during the dry summer months, for the first few years, will also help to ensure survival of the mitigation plantings.

With conditions as described above, this criterion is 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: The mitigation will occur on the same site as the violation occurred, and therefore, within the same watershed, which is located within City limits. The applicant represents the property owner who owns the mitigation site. Therefore, *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.

- 1. The remediation is done in the same area as the violation; and**
- 2. The remediation plan demonstrates that after its implementation there will be:**
 - a. No permanent loss of any type of resource or functional value;**
 - b. A significant improvement of at least one functional value; and**

Findings: This criterion requires a remediation plan that not only compensates for the detrimental impacts of the unpermitted work, i.e., tree removal, but which 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.

As described and conditioned above in Section 33.430.250.E.2 – E.6, the applicant proposed a payment to the City’s Tree Fund as remediation for the tree removal. However staff determined that payment into the Fund would not result in any improvement to resources or functional values in or around the violation site or meet Criterion 1, above. Therefore, the applicant will be required to plant three trees and six shrubs as remediation for the removal of 22 inches of trees, and these plants must be installed on the same site and in the same area of the site where the violation activity occurred.

Because the violation area of the site will be replanted with a mix of native trees, shrubs and groundcovers, where the site was previously dominated by alders, the results of the remediation should produce a more varied, and therefore ecologically diverse vegetated area on the site. This remediation plan minimizes the loss of resources and functional values on the site and improves vegetative diversity on the site. Therefore, the conditioned planting plan ensures that no permanent loss of resources or functional values will occur on this site and that the enhanced vegetative diversity will significantly improve the violation area’s functional values.

To ensure that this plan is implemented, a Zoning Permit is required. The applicant must apply for the Zoning Permit, install the native plants required in this review, and receive final inspection of the plants before October 1, 2015.

With the conditions described above, these criteria will be met.

Northwest Hills Plan District and Forest Park Subdistrict.

33.563.200 Prohibition

Within environmental zones in the Forest Park Subdistrict, activities which expose soil to direct contact with stormwater between October 1 and April 30 are prohibited. An exception to this prohibition is planting of native plants with hand-held equipment, and emergency repair of existing structures.

Findings: This standard is implemented at the time of permit application.

33.563.210 Additional Approval Criteria

In addition to the applicable approval criteria of Section 33.430.250, an environmental review application will be approved if the review body finds that all of the following approval criteria are met:

- A. Wildlife. The location, quantity, quality and structural characteristics of forest vegetation will be sufficient to provide habitat and maintain travel corridors for the following indicator species: pileated woodpecker, sharp-shinned hawk, Roosevelt elk, white-footed vole, and red-legged frog.**

Findings: Standards to meet these criteria are in the applicable Habitat Evaluation Procedure developed by the United States Fish and Wildlife Service. This site, as part of a larger resource area, provides habitat for many small wildlife and bird species, although by itself, it is unlikely that it provides the necessary habitat for all of the listed species.

The location of the removed trees was at the edge of the forest resource that continues onto the site from Forest Park. However, across the NW Sussex right of way to the east of the site, is a highly developed commercial area.

As stated above, the applicant proposed paying \$1800 into the City's Tree Fund as mitigation for the tree removal that occurred in 2007. However, staff determined that a payment into the Tree Fund would probably not result in any new native vegetation being planted either on the site or in the vicinity, and that mitigation should be implemented on the site where the two 7 and 15-inch alder trees were removed, especially because the site remains undeveloped and there are no current plans to develop it.

Staff has revised the mitigation plan to require removal of invasive and/or noxious weeds along a 20 square foot area adjacent to the southwest side of the front property line in the vicinity of the removed trees, using hand tools only, and planting one each of Big Leaf Maple, Red Alder, and Douglas fir trees, as well as three each of Ocean Spray, Indian Plum and Red Current shrubs in the disturbance area.

The planting plan discussed above ensures that the replanted disturbance area will provide additional forest vegetation on the site, creating more cover and food habitat areas for wildlife. The remediation plants must be installed before October 1, 2015 to mitigate for the environmental violation. With this condition, *this criterion will be met.*

B. Parks and Open Space. Overall scenic, recreational, educational and open space values of Forest Park will not be diminished as a result of development activities.

The required remediation plants installed in the resource area downslope of the Park will enhance the buffer between the Park and the residences and businesses across NW Sussex Avenue.

Findings: Therefore, *this criterion is met.*

C. Miller Creek Subarea. Within the Miller Creek Subarea, development activities will not degrade natural water quality, quantity, and seasonal flow conditions, and will not increase water temperatures above 68 degrees F. In addition, development activities will not decrease opportunities for fish and amphibian passage.

Findings: The project site does not lie within the Miller Creek Subarea of Forest Park. *This criterion does not apply.*

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 removed two trees on this site in 2007 in preparation for what was to be a new subdivision. The proposed subdivision was never built, so the tree removal was never mitigated. This proposal rectifies that error. Although the applicant's proposal was to make an \$1800 payment into the City's Tree Fund, it was determined that replanting the area where the

trees were removed would have a more positive impact for this site because and is required to meet the criteria for planting in the same areas as the violation.

With conditions of approval, the tree removal site will be replanted with appropriate levels of remediation plants. Therefore, this proposal should be approved, subject to the conditions described below.

ADMINISTRATIVE DECISION

Approval of an Environmental Review to correct the unpermitted cutting and removal of two native trees within the Environmental Conservation zone, and in substantial conformance with Exhibits C.1 and C.2 as approved by the City of Portland Bureau of Development Services on **July 29, 2015**. Approval is subject to the following conditions:

A. Prior to October 1, 2015, the applicant shall:

- Record this decision with the Multnomah County Recorder; and
- Apply for a Zoning Permit to install required plantings and receive final inspection.

B. A BDS Zoning Permit is required to demonstrate the installation of mitigation plants.

Copies of the stamped Exhibits C.1 and C.2 from LU 14-247850 EV and Conditions of Approval listed below, shall be included within all plan sets submitted for permits (building, grading, Site Development, Zoning Permits, etc. These exhibits shall be included on a sheet that is the same size as the plans submitted for the permit and shall include the following statement, ***"Any field changes shall be in substantial conformance with approved LU_14-247850_EV, Exhibits C.1 and C2."***

1. No disturbance activity in the Resource Area is permitted outside of the Planting Area, as delineated by the required surveyor's flagging tape placed around the planting area.
2. All planting work and invasive vegetation removal shall be conducted using hand held equipment; provided that invasive species may be removed from resource areas outside the planting area when removal is done using only hand held, non-motorized equipment. Native species beyond those required by this review may be planted anywhere on the site, using only hand-held, non-motorized equipment. Herbicides are prohibited.
3. A minimum of 3 native trees and 9 native shrubs including one each of Big Leaf Maple, Red Alder, Douglas Fir; and three each of Ocean Spray, Indian Plum and Red Current, and a native grass/forb seed mix seeded at a rate of 1 pound per 5,000 square feet of planting area, shall be planted in substantial conformance with Exhibit C.2, Approved Remediation Plan.
4. Plantings shall be installed prior to October 1, 2015.
5. Prior to installing required mitigation plantings, the following shall occur:
 - non-native invasive plants shall be removed from all areas within the designated planting area, using handheld equipment only;

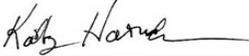
C. The land owner shall demonstrate maintenance and survival of native plantings in the mitigation planting area for two years to ensure. The land owner is also responsible for ongoing survival of required plantings beyond the designated two-year monitoring period.

The landowner shall:

Zoning Permit. 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. If plantings described in Condition B have not survived, then the area must be replanted to accomplish plantings as described. **As part of the zoning permit application submittal**, the required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibit

C.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-247850 EV. No field changes allowed."

Staff Planner: Kathy Harnden

Decision rendered by:  **on July 29, 2015**
By authority of the Director of the Bureau of Development Services

Decision mailed: July 31, 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 December 10, 2014, and was determined to be complete on **May 8, 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 December 10, 2014.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant waived the 120-day review period with a signed 120-Day Waiver, as stated with Exhibit G.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 August 14, 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 .

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 **August 17 – (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, 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:

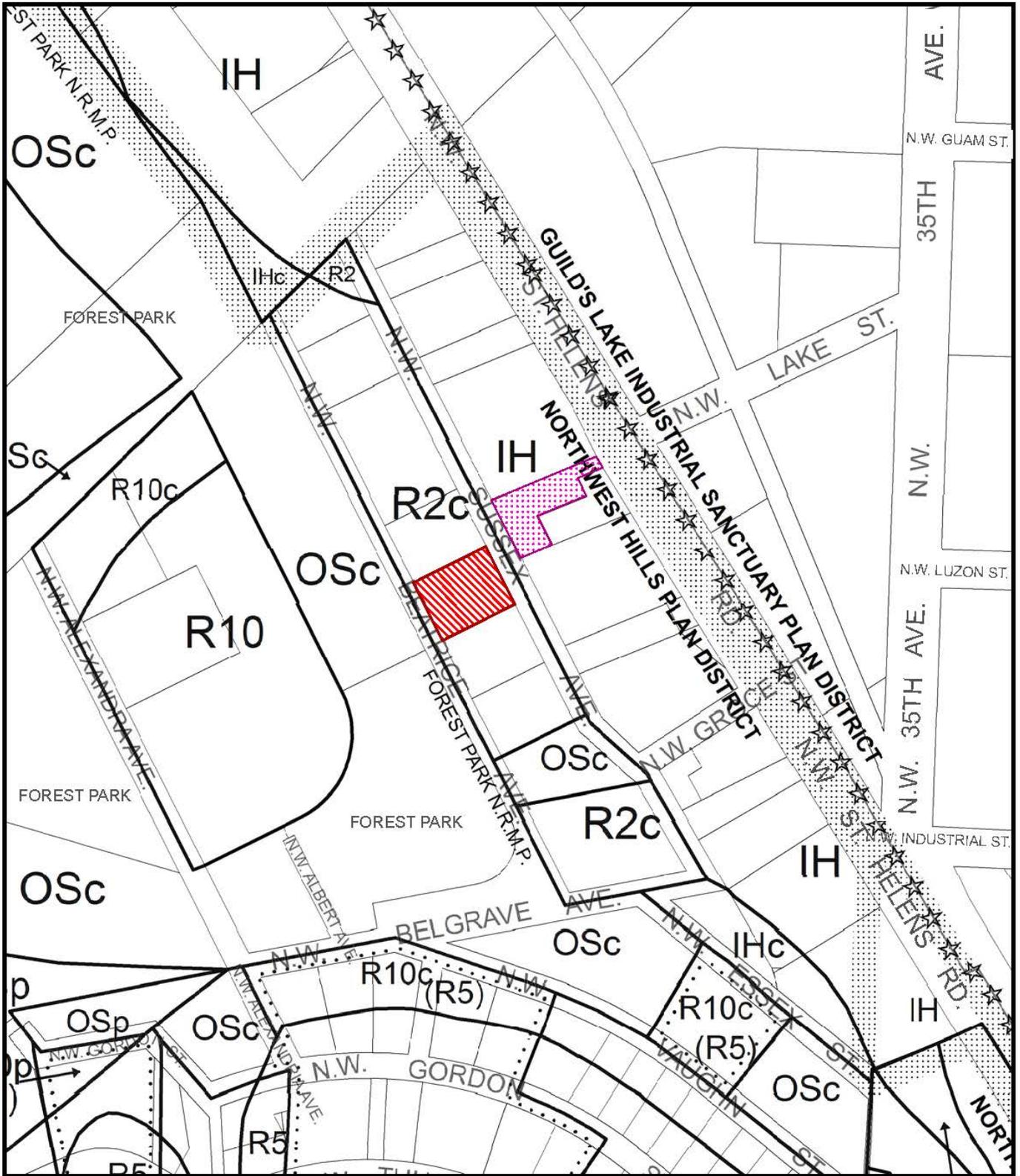
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. November 28, 2014 Submittal
 - 2. April 29, 2015 Submittal
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Existing Conditions Site Plan
 - 2. Remediation Planting Site Plan (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
- F. Correspondence:
 - None
- G. Other:
 - 1. Original LU Application
 - 2. 120-Day Waiver
 - 3. Incomplete Letter

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING

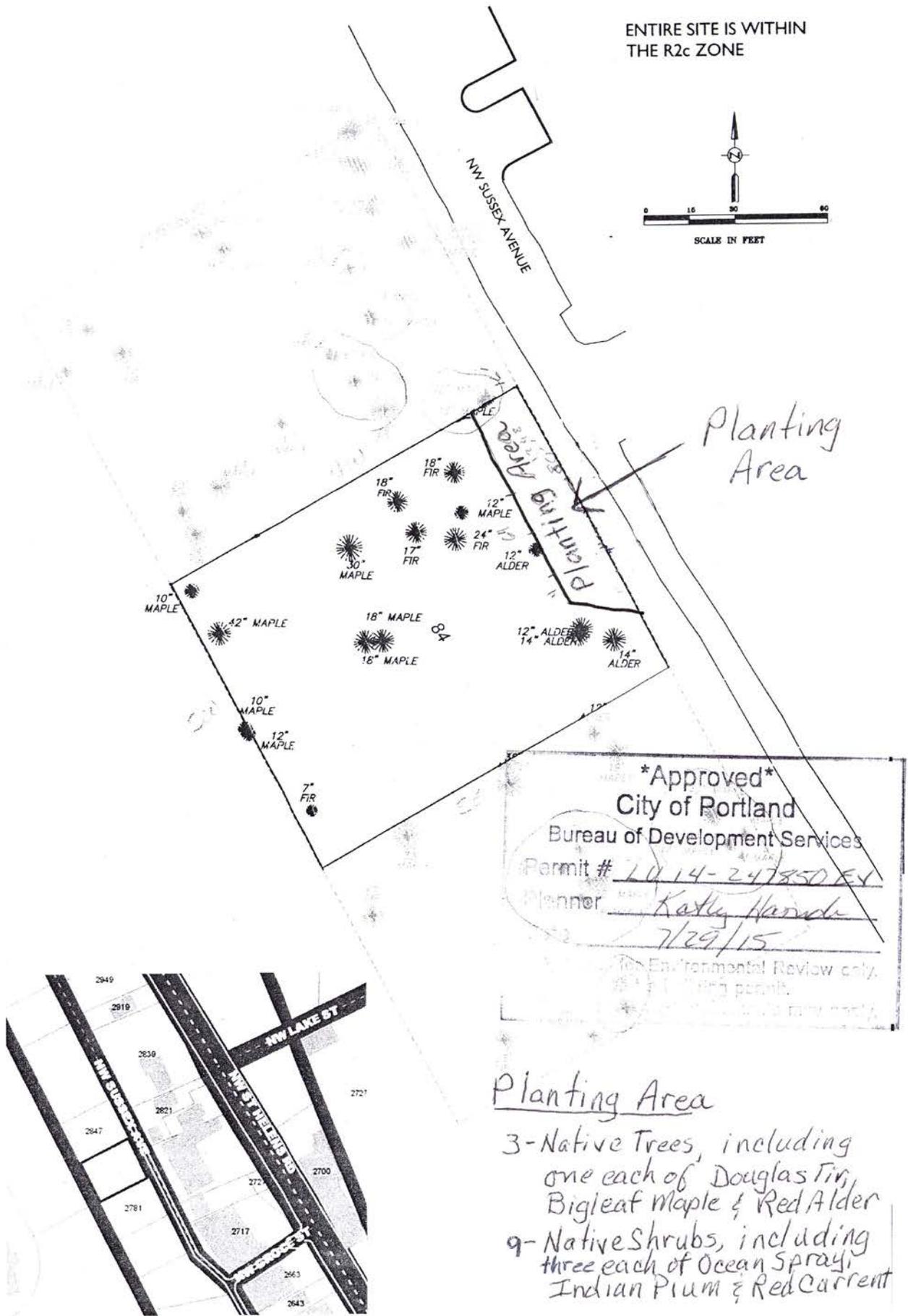
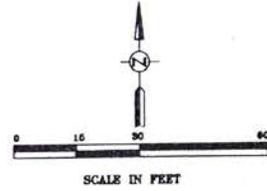
-  Site
-  Also Owned
-  Historic Landmark
-  Recreational Trail



This site lies within the:
NORTHWEST HILLS PLAN DISTRICT
FOREST PARK SUBDISTRICT

File No.	<u>LU 14-247850 EV</u>
1/4 Section	<u>2725</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N1E29BC 1802</u>
Exhibit	<u>B (Dec 12, 2014)</u>

ENTIRE SITE IS WITHIN
THE R2c ZONE



Approved
City of Portland
Bureau of Development Services
Permit # LU 14-247850 EV
Planner Kathy Harvick
7/29/15
For Environmental Review only.
Issuing permit.
This permit is valid for 90 days.



Planting Area

- 3-Native Trees, including one each of Douglas Fir, Bigleaf Maple & Red Alder
- 9-Native Shrubs, including three each of Ocean Spray, Indian Plum & Red Currant

SITE PLAN

Exhibit C.2
LU 14-247850 EV