



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: May 27, 2016
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 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 16-144294 GW

GENERAL INFORMATION

Applicant: Anne S Lawrence
6129 SE 13th Ave
Portland, OR 97202-5329

Site Address: 6129 SE 13TH AVE

Legal Description: BLOCK 13 LOT 5 EXC S 20', P J MARTINS TR; BLOCK 13 EXC S 50', TOLMAN TR; BLOCK 13 TL 5400, TOLMAN TR

Tax Account No.: R635400890, R836600350, R836600390

State ID No.: 1S1E14CD 05100, 1S1E14CD 05500, 1S1E14CD 05400

Quarter Section: 3631

Neighborhood: Sellwood-Moreland, contact David Schoellhamer at 916-752-2208.

Business District: Sellwood-Westmoreland, contact Tom Brown at 503-381-6543.

District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010.

Plan District: None

Other Designations: None

Zoning: R5an – Residential 5000 (R5) with the Alternative Design Density (a) and Greenway River Natural (n) overlays

Case Type: Greenway (GW)

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

Proposal The applicant proposes to rejuvenate the rear yard of the property by re-setting bricks in an existing patio that is overgrown with vegetation; creating a new brick enclosure for garbage cans; constructing a new fence and footing wall along the north property line; and installing native plants around the existing lawn. Invasive blackberries will be removed below the yard renovation area. Erosion controls that include jute matting and straw wattles will be installed around the western perimeter of the yard to prevent erosion from the re-worked yard area. Approximately 117 native shrubs and 123 native forbs as well as native grass plugs will be planted in the north, south, and west areas around the non-native grass yard area as

erosion controls and mitigation for permanent impacts within the Greenway overlay zone. Although the Willamette River bank is located approximately 850 feet west of the site, an overflow channel is located approximately 160 feet west of the site at the bottom of a 90-foot, elevation drop down a steep hill below the subject property.

The site is located entirely within the resource area of the City's environmental conservation zone. Certain standards must be met to allow development to occur by right. In this case, the proposed house and associated development do not meet standards 33.430.140.A – maximum disturbance area; 33.430.140.J.1 – tree removal greater than 225 inches; and 33.430.140.O – front setbacks. Therefore, the work must be approved through a Type II Environmental Review.

Relevant Approval Criteria:

To be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria for the proposed driveway and outfalls within the Environmental Conservation overlay zone are found in:

- [Section 33.430.250 A](#). Public safety facilities, rights-of-way, driveways, walkways, outfalls, utilities, land divisions, Property Line Adjustments, Planned Developments, and Planned Unit Developments

The relevant criteria for the proposed new single-family residences within the Environmental Conservation overlay zone are found in:

- [Section 33.430.250 E](#). Other development in the Environmental Conservation zone or within the Transition Area only

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 April 1, 2016 and determined to be complete on May 12, 2016.

FACTS

Site and Vicinity: The project site is located on a bluff high above the Willamette River on the east bank. A steep slope on the west side of the site goes beyond the property boundary about 90 feet downhill to a backwater area of the river. This backwater area is created by a railroad underpass that allows the river to back up during high water events. The actual river channel is located 895 feet west of the site. The site itself is situated on a bluff overlooking the river in a fully developed neighborhood. It contains a house, garage and driveway.

Zoning: The site is zoned Residential 5000 (R5) with the Alternative Design Density (a) and Greenway River Natural (n) overlays.

The purpose of the **Alternative Design Density** overlay is to focus development on vacant sites, preserve existing housing and encourage new development compatible with, and supportive of, the positive qualities of residential neighborhoods. The current backyard renovation project is exempt from Design Review per 33.420.045.G – exterior activities.

The **Greenway overlay zones** are intended to protect, conserve, enhance, and maintain the natural, scenic, historical, economic, and recreational qualities of lands along Portland's rivers; establish criteria, standards, and procedures for the development of land, change of uses, and the intensification of uses within the greenway; and implement the City's Willamette Greenway responsibilities as required by ORS 390.310 to 390.368 and Metro's Title 3.

The **Greenway River Natural (n)** overlay is designed to protect, conserve and enhance lands of scenic quality or that have significant importance as wildlife habitat.

Greenway Resources: The greenway overlay zones protect, conserve, enhance, and maintain the natural, scenic, historical, economic, and recreational qualities of lands along

Portland's rivers. The greenway regulations implement the City's Willamette Greenway responsibilities as required by ORS 390.310 to 390.368, as well as the water quality performance standards of Metro's Title 3. The purpose of this land use review is to ensure compliance with the regulations of the greenway overlay zones.

The ***Lower Willamette River Wildlife Habitat Inventory*** identifies resource values along the River, with values ranging from 0 to 114. This property is located east of Oaks Bottom and has a resource value of 114, which is relatively high due to the steep, natural slopes above the river which remain undeveloped.

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

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **May 18, 2016**. The following Bureaus responded with comments but no conditions of approval:

The Bureau of Environmental Services provided sanitary, storm water, site and permit information. See Exhibit E.1 for additional details.

The Water Bureau provided information regarding existing water service at the site. See Exhibit E.2 for additional details.

The Site Development Section of BDS noted that the site lies within a Potential Landslide Hazard Area and general information regarding site topography and erosion control. The applicant will be expected to comply with all erosion control requirements of Title 10. Please see Exhibit E.3 for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **May 18, 2016**. One written response was received from the Sellwood Moreland Improvement League (SMILE), which approves the rejuvenation of the site as proposed with no conditions.

ZONING CODE APPROVAL CRITERIA

GREENWAY REVIEW

33.440.350 Greenway Review Approval Criteria

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

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

Findings: The Willamette Greenway Design Guidelines address the quality of the environment along the river and require public and private developments to complement and enhance the riverbank area. A complete description of the Design Guidelines and their applicability is provided in pages 45-81 in the Willamette Greenway Plan.

The Design Guidelines are grouped in a series of eight Issues, as described below. Because some of these Issues are not applicable, staff has reorganized and grouped them with respect to their applicability, as follows:

Issue A. Relationship of Structures to the Greenway Setback Area: This issue "applies to all but river-dependent and river-related industrial use applications for Greenway Approval, when the Greenway Trail is shown on the property in the *Willamette Greenway Plan*." These guidelines call

for complementary design and orientation of structures so that the greenway setback area is enhanced; **and**

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

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

Findings: The house and existing yard area are located at the top of a bluff, approximately 115 feet above the Willamette River and about 850 linear feet east of the river. By definition, the Greenway Setback is located within either 50 feet or within 200 feet of the River’s top-of-bank. Official maps show the Greenway Trail located approximately 680 feet west of the subject site. Because the Greenway Trail symbol is not shown on this site, the above Issues are not applicable to this proposal.

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

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

Findings: As noted above, the subject property is located approximately 850 feet from the top of bank, at the top of a steep bluff east of the river and railroad tracks. The railroad parallels the river along this section of the Willamette and an open area composed of deciduous trees creates a small forest north of the Oaks-Pioneer Park area which further separates the site from the river. A small creek runs north from the park and exits through a culvert under the railroad to the Willamette River. It is this opening that allows flood waters from the Willamette into the open area below the site during high water events. The site is approximately 86 feet above the floodplain. Therefore, the site is not in contact with the River’s natural banks, nor within its associated riparian habitat. Therefore, these criteria are not applicable.

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

Although the Landscape Standards listed in Zoning Code Section 33.440 do not technically apply since this property has no direct river frontage, the applicant has proposed to rejuvenate an area below the existing lawn area, but above the steep break of the bluff, by removing blackberries and replanting it with a mix of native shrubs and forbs.

Approximately 117 native shrubs and 123 native forbs, as well as a native grass seed mix will be used to create a native plant community mainly around the north side of the house and west of the house, downslope of the existing grass lawn area. The native plant area will be almost three times the size of the existing rejuvenated lawn area, in a space where only blackberries currently grow. The proposed landscaping plan appears to create a good balance between the needs of both human and wildlife populations. Therefore, with a condition to ensure that the plants are installed as portrayed on the plans and maintained in good health for a minimum of two years, this criterion will be met.

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

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

Findings: The *Willamette Greenway Plan* identifies neither viewpoints nor view corridors on this site. Therefore, Issues G and H do not apply.

B. River frontage lots in the River Industrial zone. Because the site is not located within the River Industrial zone, this criterion is not applicable.

C. Development within the River Natural zone. The applicant must show that the proposed development, excavation, or fill within the River Natural zone will not have significant detrimental environmental impacts on the wildlife, wildlife habitat, and scenic qualities of the lands zoned River Natural. The criteria apply to the construction and long-range impacts of the proposal, and to any proposed mitigation measures. Excavations and fills are prohibited except in conjunction with approved development or for the purpose of wildlife habitat enhancement, riverbank enhancement, or mitigating significant riverbank erosion.

and

D. Development on land within 50 feet of the River Natural zone. The applicant must show that the proposed development or fill on land within 50 feet of the River Natural zone will not have a significant detrimental environmental impact on the land in the River Natural zone.

Findings: Most of the existing backyard area, including the existing lawn, is located in the River Natural overlay zone and therefore both Criteria C and D are applicable. The backyard contains existing development, including a 60-year old brick patio, existing deck, fence, a portion of the concrete parking pad, a non-native grass lawn and a London Plane tree. These features will all remain on-site.

The site has the River Natural designation because of the very steep, and highly vegetated slopes along the west side of the lot. However, the proposed planting area has been fully invaded by blackberry shrubs. The blackberries will be removed, bricks from the existing patio will be re-set using both existing and new bricks, and a garbage can enclosure will be built next to the existing driveway. In addition, a new fence and footing wall will be constructed along the north property line and native plants will be installed in the backyard/greenway area. Because the property is over 900 linear feet from the river, and is approximately 115 feet above it, at the top of a well-vegetated slope, the development will be neither visible from the river nor have any impacts that could reach the actual riverine environment. The proposed redevelopment of the back yard and

installation of native shrubs and forbs to create a “natural” setting below the existing yard will enhance and stabilize the site and slope below it.

The applicant’s planting plan for areas within the Greenway contains species not found on the *Portland Plant List*, including *Ceanothus thrysiflorus* and *Physocarpus opulifolius*. These non-native species must be replaced. *Ceanothus cuneatus* or *Ceanothus velutinus v.laevigatus* and *Physocarpus capitatus* would be good substitutes, or any other native species selected from the Portland Plant List would be acceptable.

With the required native species, the applicant’s revegetation plan for the sloped area of the backyard in the River Natural zone will not only not have any detrimental environment impacts, but instead, will significantly enhance wildlife habitat and scenic qualities. With a condition to replace the *Ceanothus thrysiflorus* and *Physocarpus opulifolius* with species found on the Portland Plant List, these criteria will be met.

- E. Development within the greenway setback.** The applicant must show that the proposed development or fill within the greenway setback will not have a significant detrimental environmental impact on Rank I and II wildlife habitat areas on the riverbank. Habitat rankings are found in the Lower Willamette River Wildlife Habitat Inventory; and
- F. Development riverward of the greenway setback.** The applicant must show that the proposed development or fill riverward of the greenway setback will comply with all of the following criteria; and
- G. Development within the River Water Quality overlay zone setback.** If the proposal includes development, exterior alterations, excavations, or fills in the River Water Quality overlay zone setback, the approval criteria below must be met. River-dependent development, exterior alterations, excavations, and fills in the River Water Quality zone are exempt from the approval criteria of this subsection.

Findings: The site is not located within or riverward of the greenway setback, nor is it located within the River Water Quality overlay. Therefore, the above Criteria E, F and G are not applicable.

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

The approval criteria listed above do not require a mitigation or remediation plan. However, the applicant’s objective with this proposal is to stop or slow erosion, enhance wildlife habitat and beautify the property. The proposed planting plan includes planting approximately 117 native shrubs, 123 native forbs as well as native grass plugs. With the minor changes to the planting plan discussed in Criterion D above, regarding planting native species, this planting plan appears able to accomplish this goal.

The mitigation will be installed on the subject property owned by the applicant. The plants should be installed in the late fall or early spring to achieve the best survival rates. Because the spring planting season is over, plants should be installed in the fall, when cooler temperatures and fall rains will help them become established.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The applicant has proposed renovating an existing backyard by replanting the area closest to the house with non-native grass that can be mowed, re-setting an existing brick patio, creating a new brick enclosure for a garbage can and constructing a new fence and footing wall along the north property line. As mitigation, the applicant proposes to remove invasive blackberries and install 117 native shrubs and 123 native forbs in the back third of the backyard, creating an approximate 1200 square-foot native plant garden.

ADMINISTRATIVE DECISION

Approval of a Greenway Review for reconstruction of a backyard by re-setting bricks in an existing patio that is overgrown with vegetation; creating a new brick enclosure for garbage cans; and constructing a new fence and footing wall along the north property line. Approximately 117 native shrubs, 123 native forbs, and native grass plugs will be planted in the north, south and west areas around the yard area as erosion controls, mitigation, and enhancement within the Greenway overlay zone, per the approved site plans, Exhibits C.2 and C.3, signed and dated June 23, 2016, subject to the following conditions:

- **All permits:** Copies of the stamped Exhibits C.2- C.4 from LU 15-127589 GW and Conditions of Approval listed below, shall be included within all plan sets submitted for permits (building, grading, Site Development, erosion control, etc.). These exhibits shall be included on a sheet that is the same size as the plans submitted for the permit and shall include the following statement, "**Any field changes shall be in substantial conformance with approved Exhibits C.2- C.4 from LU 16-144294 GW**".
- **Temporary construction fencing** shall be installed according to Section 33.248.068 (Tree Protection Requirements), except as noted below. Construction fencing shall be placed along the Limits of Construction Disturbance for the approved development, as depicted on Exhibit C. Construction Management Plan, or as required by inspection staff during the plan review and/or inspection stages.

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.

Only native species selected from the Portland Plant List may be planted within the Greenway overlay and they shall be planted in substantial conformance with Exhibit C.4, Mitigation Plan, and the following requirements:

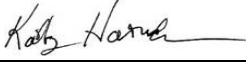
- The *Ceanothus thrysiflorus* and *Physocarpus opulifolius* species may only be planted outside the Greenway areas on this site.
- Proposed native plantings shall be installed between October 1 and March 31 (the

- planting season). Plantings installed prior to October 1 must be irrigated.
- 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.
 - All proposed plants shall be marked in the field by a tag attached to the top of the plant for easy identification by the City Inspector. All tape shall be a contrasting color that is easily seen and identified.
 - After installing required plantings, the applicant shall request inspection of Permanent Erosion Control Measures (IVR 210) by the Bureau of Development Services, who will confirm that all required mitigation plantings have been installed.
- **An inspection of Permanent Erosion Control Measures shall be required** to document installation of the required mitigation plantings.
 1. The **Permanent Erosion Control Measures** inspection (IVR 210) shall not be approved until the required mitigation plantings have been installed (as described in Condition C above);
 - OR--
 2. If the **Permanent Erosion Control Measures** inspection (IVR 210) occurs outside the planting season (as described in Condition C above), then the Permanent Erosion Control Measures inspection may be approved prior to installation of the required mitigation plantings – if the applicant obtains a separate **Zoning Permit** for the purpose of ensuring an inspection of the required mitigation plantings by March 31 of the following year.
 - **The land owner shall maintain the required plantings** for two years to ensure survival and replacement. The land owner is responsible for ongoing survival of required plantings during and beyond the designated two-year monitoring period. The landowner shall:
 - Obtain a Zoning Permit for a final inspection at the end of the 2-year maintenance and monitoring period. The permit must be finalized no later than 2 years from the final inspection for the installation of mitigation planting, for the purpose of ensuring that the required plantings remain. Any required plantings that have not survived must be replaced.
 - Failure to comply with any of these conditions may result in the City's reconsideration of this land use approval pursuant to Portland Zoning Code Section 33.700.040 and /or enforcement of these conditions in any manner authorized by law.

Note: In addition to the requirements of the Zoning Code, all uses and development must comply with other applicable City, regional, state and federal regulations.

This decision applies to only the City's Greenway regulations. Activities which the City regulates through PCC 33.440 may also be regulated by other agencies. In cases of overlapping City, Special District, Regional, State, or Federal regulations, the more stringent regulations will control. City approval does not imply approval by other agencies.

Staff Planner: Kathy Harnden

Decision rendered by:  on June 23, 2016
By authority of the Director of the Bureau of Development Services

Decision mailed: June 27, 2016

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 April 1, 2016, and was determined to be complete on May 12, 2016.

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 April 1, 2016.

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 requested that the 120-day review period be extended for a period of two weeks. Unless further extended by the applicant, **the 120 days will expire on: June 23, 2016.**

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, who will hold a public hearing. Appeals must be filed **by 4:30 PM on July 13, 2016** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all

information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

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

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

Recording the final decision.

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

- *Unless appealed*, The final decision may be recorded on or after **July 14, 2016 – (the day following the last day to appeal)**.
- A building or zoning permit will be issued only after the final decision is recorded.

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

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

For further information on recording, please call the County Recorder at 503-988-3034

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

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

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

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

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;

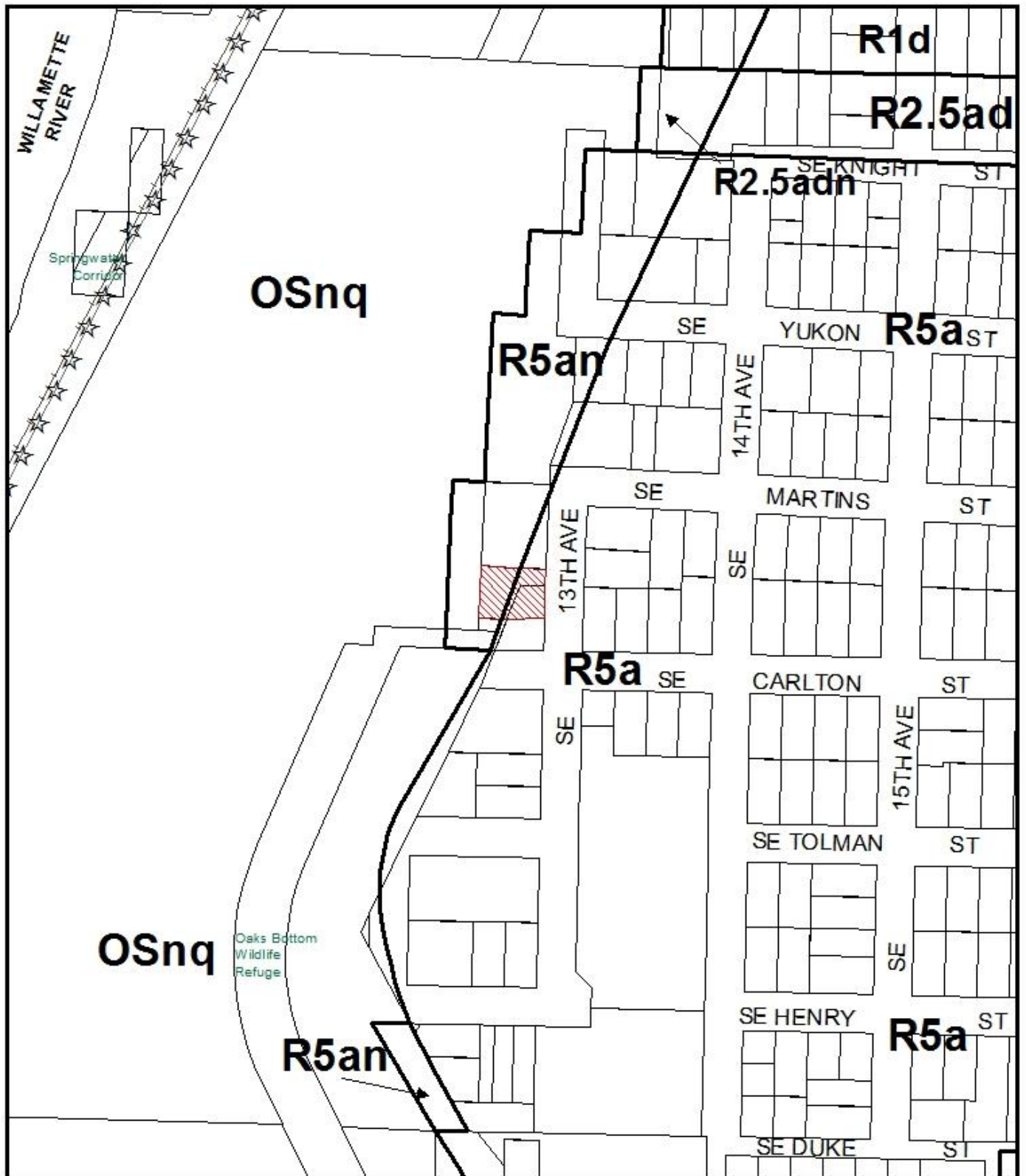
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Applicant's Landscape Project Description
 2. Applicant's Landscape Plant List
 3. Applicant's Narrative (5/12/16)
 4. Applicant's Construction Management Narrative (5/17/16)
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1.a. Existing Conditions Site Plan
 - 1.b. Existing Site Contours
 2. Proposed Landscape Plan (attached)
 3. Construction Management Plan (attached)
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Bureau of Environmental Services
 2. Water Bureau
 3. Site Development Review Section of BDS
 4. Life/Safety
- F. Correspondence:
 1. Renate Powell, SMILE Land Use Committee, 6/8/16, appreciated the thoughtful revegetation plan and had no objections to the proposal
- 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).

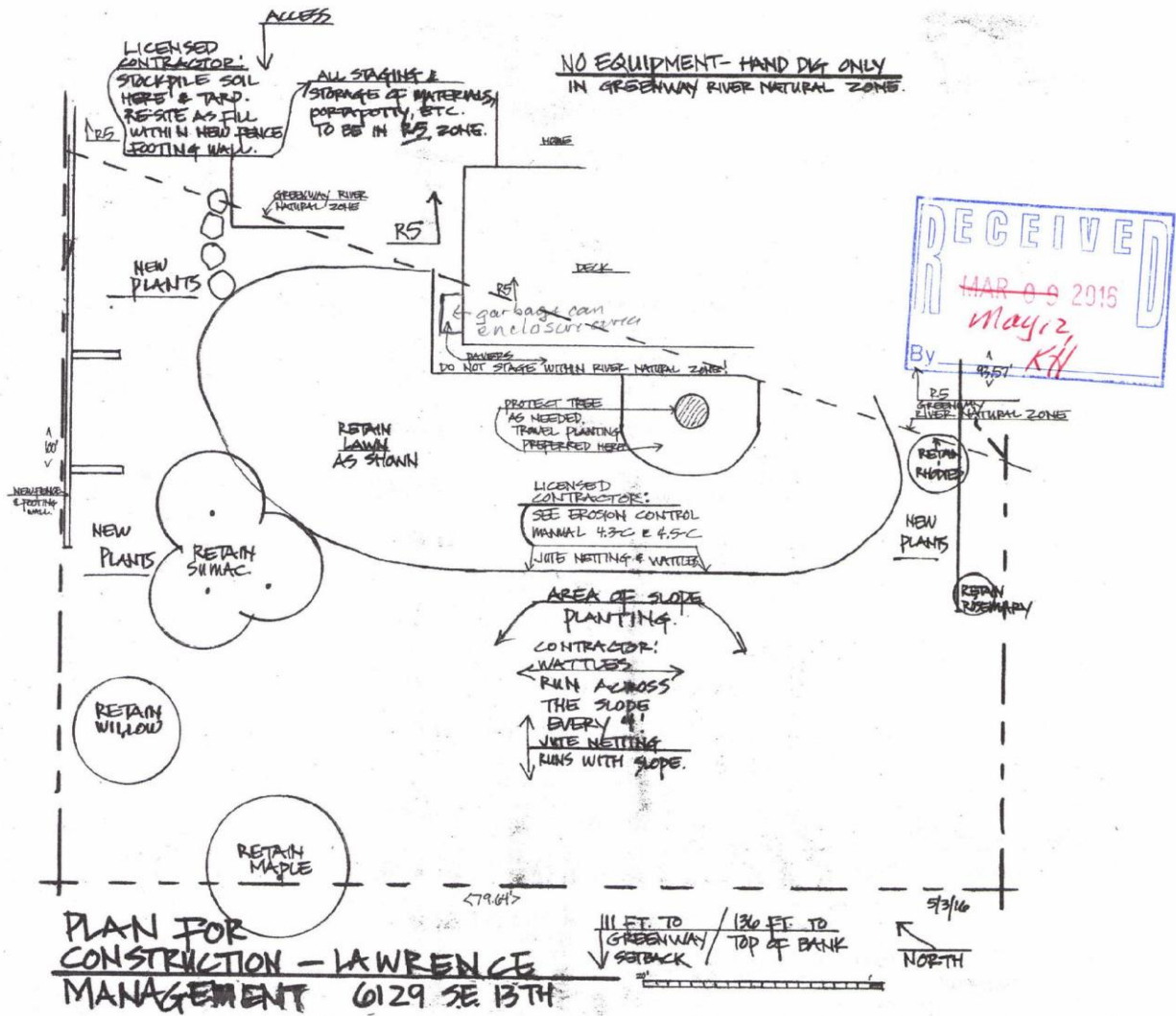


ZONING

-  Site
-  Recreational Trails



File No. LU 16-144294 GW
 1/4 Section 3631
 Scale 1 inch = 200 feet
 State_Id 1S1E14CD 5500
 Exhibit B (Apr 05, 2016)



SCALE
1" = 15'-0"

Construction Management Plan
Exhibit C.3