



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

Ted Wheeler, Mayor
Rebecca Esau, Director
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www.portlandoregon.gov/bds

Date: May 11, 2018
To: Interested Person
From: Ethan Brown, Land Use Services
503-823-7920 / Ethan.Brown@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 17-196491 EV

GENERAL INFORMATION

Applicant/Owner: Donna L Holmes
5901 SW Garden Home Rd, Portland, OR 97219
focusonyouth@gmail.com

Site Address: [6001 SW GARDEN HOME RD](#)

Legal Description: TL 1400 0.83 ACRES, SECTION 19 1S 1E
Tax Account No.: R991191360
State ID No.: 1S1E19CD 01400
Quarter Section: 3823

Neighborhood: Ashcreek, contact Jack Klinker at 503-246-7872.
Business District: None
District Coalition: Southwest Neighborhoods Inc., contact Sylvia Bogert at 503-823-4592.

Plan District: None
Other Designations: Resource Site #128 – *Fanno Creek and Tributaries Conservation Plan*

Zoning: *Base Zone:* Residential 10,000 (R10)
Overlay Zone: Environmental Conservation (c)

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

Proposal:

The applicant requests approval of remediation for Zoning Code violations that occurred within the Environmental overlay zone (Code Compliance case #16-137554 CC). These violations include the installation of 9 feet of solid wood fence, 45 feet of fence posts, and 95 feet of electric poultry fencing, all installed within the resource area of the Environmental Conservation zone without an Environmental Review, and in violation of the general development standards for the Environmental zones. In addition, other development such as above ground planter boxes, mulch walking paths, and other development associated with the applicant's community garden were constructed in the transition area of the Conservation zone without authorization.

The purpose of this application is to address these outstanding violations in the Environmental Conservation zone. The applicant proposes to retain the fencing and garden components and mitigate for the environmental impacts. Proposed remediation includes planting a diverse

mixture of native trees, shrubs, and groundcovers throughout the Conservation zone and adjacent to the drainageway, for a total of over 1,600 native plants. In addition, the applicant has already removed invasive Himalayan blackberries across the property and proposes to continue this invasive species maintenance to support the native plantings.

A large portion of the site is within the City's Environmental Conservation overlay zone and there is a drainageway on the site. According to Zoning Code Section 33.430.405 D, environmental code violations may be processed as a Type II procedure if they do not involve the removal of trees exceeding the quantity of environmental standard of 33.430.140.J, nor have development within a wetland, stream channel, drainageway, or waterbody. No trees were removed and all development is outside of the stream channel. Therefore, this application is processed as a Type II Environmental Violation Review.

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 the subject fencing and associated disturbance in 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**

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. If all of the criteria can be met, the development can be permitted to remain.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. This application was submitted on June 30, 2017 and determined to be complete on November 21, 2017.

ANALYSIS

Site and Vicinity: The approximately .83-acre subject property is located in southwest Portland to the north of Southwest Garden Home Road. The property is developed with a single-family residence and guesthouse. The property slopes down from the road towards the north property line and to the east to an existing drainageway that crosses the property from south to north. Although most of surrounding and nearby properties are developed with single-family residences typical of the Residential 10,000 and Residential 7,000 base zoning of the area, the property directly to the north is undeveloped and contains forest and riparian habitat associated with the same stream/drainageway that crosses the subject property.

Zoning: The zoning designation on the site includes Residential 10,000 (R10) base zone, with an Environmental Conservation (c) overlay zone (see zoning on Exhibit B).

The R10 zone is intended to foster the development of single-dwelling residences on lots having a minimum area of 6,000 square feet. Newly created lots must have a minimum density of 1 lot per 10,000 square feet of site area. The regulations of this zone do not apply to this proposal; these provisions are not specifically addressed through this Environmental Review.

Growing food on a residential site in the R10 zone is a use that is generally an Allowed Use. There are three categories of growing food:

1. Personal gardening – the growing of a limited vegetable garden for personal use.
2. Community Garden – Community Gardens involve several individuals or households that grow flowers, vegetables or other plants on a single site for personal use. Food produced can also be donated.

3. Market Garden – A Market Garden is more commercially based and intense than a Community Garden and regulated by Portland Zoning Code 33.237.100. Produce raised can be sold off site to retailers, farmers markets or sold on site.

Personal gardening and Community Gardens are allowed by right in the residential zone and small in nature, meaning no special permit or review for the use is required. Market Gardens are more intense and have a commercial component but are allowed by right, provided the standards of 33.237.100 are satisfied. Those standards set a limit on the size of the garden (20,000 square feet in the R10 zone), hours of operation, limits on what can be sold and the number of days the garden may be open to the public. Staff must review the market garden for compliance with the development standards and limitations.

Based on the discussion at a previous Early Assistance meeting, the information provided with this application, and site visits, the food production on the site is not commercial in nature, produced by an estimated 6 to 10 individuals or families and used for personal use and donations to non-profits. A special review is not necessary.

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 and remediate for unauthorized disturbance.

Environmental Resources: The application of the environmental overlay zones is based on detailed studies that have been carried out within separate areas throughout the City. Environmental resources and functional values present in environmental zones are described in environmental inventory reports for these respective study areas.

The project site is mapped within the *Fanno Creek and Tributaries Conservation Plan* as Resource Site #128. Significant resources identified within the overall resource site include palustrine habitat, coniferous and mixed coniferous upland and riparian forest, as well as urban landscape. Significant functional values of concern within the resource site include public safety, pollution control, fish habitat, wildlife habitat, scenery, education, recreation, and water supply. The project site itself contains a perennial stream drainage and associated riparian areas that were covered in invasive species prior to the restoration work of the applicant.

Land Use History: City records indicate that prior land use reviews include the following:

LU 15-267125 AD: Approval of an adjustment to Code Section 33.110.220.B, to reduce the required minimum building setback for the structure (former attached garage, converted to shed), from 10 feet to 6 feet, 9 inches from the west side property line

Agency Review: A Notice of Proposal in Your Neighborhood was mailed **December 8, 2017**. The following Bureaus have responded with no issues or concerns:

- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- Bureau of Parks-Forestry Division

The Bureau of Environmental Services responded with the following comment:

Note that there is a 30-foot wide drainage reserve over the drainageway located on this site. BES understands that encroachments within the drainage reserve area have been installed; however, detailed plans showing the drainage reserve boundary and any encroachments and mitigation plantings within the 30-foot wide drainage reserve buffer area have not been provided. Either this information must be provided prior to land use approval or at the time of permit review. Please see Exhibit E-1.

Staff note: In subsequent conversations with BES, it was concluded that additional information was not required for the approval of this land use review. A drainageway

has been applied to the project site and any further encroachments would require approval by BES.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on December 8, 2017. Written responses were received from one notified neighbor in response to the proposal. The neighbor expressed concerns with the work that has been done on the subject property and provided a detailed history of their interactions with the property owner and the City. Please see Exhibits F.1 and F.2 for their complete response and concerns.

Staff note: This review addresses only the Zoning Code violations (16-137554 CC) found on the subject property. This review does not address or evaluate work on the neighboring property to the north that is mentioned by the respondent. In addition, inspections by city staff found no tree removals from within the Environmental Resource area.

ZONING CODE APPROVAL CRITERIA

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:

Findings: The approval criteria which would have been applied to an environmental review of the installation of the various fence components and associated disturbance include those found Section 33.430.250.E. If any of the criteria from Section 33.430.250.E cannot be met, with regards to the construction in the environmental zone, then all of the criteria under Section G must be met, including the criterion which requires no permanent loss of any type of resource or functional value (33.430.250.G.2.a).

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: This approval criterion requires that the applicant demonstrate their proposed development both 1) minimizes the loss of resources and functional values on the project site, and 2) is consistent with uses generally allowed in the base zone without a land use review.

Regarding 1), the applicant requests to keep the existing fences and fence posts (please note this review does not anticipate or consider additional fencing between the existing posts) in place. Although these elements were installed without authorization, they were installed in an area that had been previously disturbed, in a beneficial way, by the removal of extensive Himalayan blackberry and other invasive cover. In addition, the fence elements were installed mostly in the transition area of the C-zone and sections of the poultry fencing was moved further away from the resource area following the notification of a zoning violation. Given the condition of the area prior to the unauthorized work, no resources or functional values will be lost from the installation and retention of the fences and fence posts in the transition area and a small portion of the resource area of the C-zone.

Regarding 2), the lot is used as a single-family residence. The base zone is low density Single Family Residential (R-10) and allows single-family residential as an outright permitted use, including fencing installed on the project site if it were outside of the Conservation overlay zone. However, the installed electrified poultry fencing would not be allowed by right and requires building code electrical appeal to modify the electrical regulations that prohibit electrical fences in all uses except Industrial uses (26.03.110.A). The applicant has applied for a building code appeal and the decision is on hold pending the result of this Environmental Violation Review decision (see Exhibit G.7). The property

will remain one single-family residence and allowing the improvements to remain will not change the intensity of the use as one residential dwelling unit.

The applicant currently uses, and will continue to use, her backyard garden as a learning experience for the disadvantaged and homeless youth she works with through her non-profit organization, Focus on Youth. A few students come to her house at a time and work with her in the garden to produce and donate over 1,300 pounds of produce and have planted all the native plantings across her property, allowing her to get Backyard Wildlife Habitat certification and recognition from the Columbia Land Trust (see Exhibit A.6) and the Audubon Society (see Exhibit A.1).

Overall, proposal 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;

Findings: This criterion requires the applicant to demonstrate that alternatives were considered and that there are no practicable alternatives that would be less detrimental to the identified resources and functional values. In this case, the applicant considered removing the unpermitted development, retaining the existing improvements, or other types of fencing to protect from the coyotes living nearby. Under each alternative, the applicant proposes to remove any non-native plants and replace them with native plantings, as well as increase the total quantity and diversity of native plantings on the site. In addition, prior to constructing any new fences, the applicant removed approximately 225 feet of old barbed wire fence across their northern property boundary, in conjunction with the blackberry removals.

Although the removal of the unpermitted fences would result in a minor increase in area available for mitigation plantings, this narrow linear area would not substantially increase the quantity or quality of mitigation plantings. Also, removing the poultry fencing would remove the protection it provides from wild coyotes, the reason the applicant wishes to have a fence around the garden area/yard. The applicant did, however, consider installing a wooden fence around the edge of her property to protect from coyotes. This option was too expensive and would result in more permanent impacts than the easily installed and movable poultry fencing. In addition, the poultry fencing is shorter and blends into surroundings better than a seven-foot tall wood fence would. While the applicant did consider plastic fencing that would not be electrified, they determined such an option would do little or nothing to prevent coyotes from entering the garden area and threatening people or pets.

This criterion is met.

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

Findings: This approval criterion requires the protection of resources outside of the proposed disturbance area from impacts related to the proposal, such as damage to vegetation, erosion of soils off the site, and downstream impacts to water quality and fish habitat from increased stormwater runoff and erosion off the site.

Because this is a violation case, it is already the case that there was some unauthorized disturbance in the resource area of the C-zone caused by the installation of the unauthorized fences. The Notice of Zoning Violation (16-137554 CC) notes that approximately 3,000 square feet of area was disturbed in the resource area. However, a significant portion of the disturbance was most likely caused by the extensive invasive species removal and barbed-wire fence removal conducted prior to installation of the fences, which would have been allowed without prior authorization or other zoning requirements. Especially when considering the condition of the project site prior to the unauthorized work,

the improvements proposed for retention are expected to have no significant detrimental impact on resources or functional values at or adjacent to the project site.

In addition, the applicant and their volunteers have sought to minimize further disturbance by using only hand-held tools when removing invasive species and replanting native trees, shrubs, and groundcovers.

For these reasons, this *criterion is met by the proposal*.

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

Findings: This criterion requires the applicant to assess unavoidable impacts and propose mitigation that is proportional to the impacts, as well as sufficient in character and quantity to replace lost resource functions and values. The proposed mitigation will offset approximately 3,000 square feet of temporary disturbance area and 149 linear feet of permanent disturbance for the unpermitted development.

The applicant has provided a landscaping planting plan that shows that the undeveloped portions of the property will be planted with native plants (Exhibit C.1). During the course of this review, the applicant installed approximately 1,600 native plants as part of this proposed mitigation. The applicant provided documentation of these plantings and BDS staff verified that these plantings have been installed while on a site visit. In addition, the applicant is continuing to plant additional native plantings with the help of the youth they work with through Focus on Youth. Therefore, no initial Zoning Permit is necessary to verify the plantings have been installed. However, a two-year monitoring period will be required to ensure survival of all proposed mitigation plantings. To confirm maintenance of the required plantings for the initial establishment period, the applicant will be required to have the plantings inspected two years after plantings are installed.

The mitigation plan will compensate for impacts at the site for the following reasons:

- Non-native and invasive species were removed, and this removal will be maintained, from the C-zone.
- The mitigation/remediation area (approximately the entire 12,000 square feet of C-zone on the subject property) is about four times the size of the temporary disturbance caused by the unpermitted activities.
- All available area on the subject property will be planted with native vegetation.
- The mitigation plantings will increase species diversity to improve wildlife habitat in areas that have minimal native vegetation.
- The plantings will provide assistance with pollution and nutrient retention and removal, sediment trapping and erosion control.

With conditions to ensure that plantings required for this Environmental Review are maintained and inspected, *this criterion 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 has been conducted on the same site as the environmental violation, and the applicant owns the on-site mitigation area.

These criteria are met.

33.430.250 G. Corrections to Violations (continued)

For corrections to violations, the applicant must meet all the applicable approval criteria stated in 33.430.250.A-F above (only E applies to this proposal) and paragraphs 1, 2.b, and 2.c. below.

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

Findings: The applicant notes that remediation is occurring on the same site as the environmental violation, adjacent to the area that was disturbed by the installation of fence components.

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, 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's mitigation plan will replant and enhance approximately 5,000 square feet of the resource area on the subject property. Installation of densely planted native landscaping areas, including trees, shrubs, and ground covers that produce barriers, cover, seeds, and flowers favored by native birds, wildlife and pollinators will create backyard habitat (as exemplified by the applicant's certification of Backyard Wildlife Habitat by the Portland Audubon Society and the Columbia Land Trust). Native plants will help to stabilize the soil, reduce the need for irrigation, and promote stormwater infiltration.

With conditions for maintenance of the required plantings, *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 verify the establishment of the full remediation plan following the maintenance period.

To demonstrate that the full remediation program does become established in a timely manner, the applicant must verify success of the remediation plan approved in this review. To document the success of the required plantings, the applicant will be required to conduct maintenance in the form of watering, invasive species removal, and replacement of dying plants, as well as to obtain a Zoning Permit for inspection of the required plantings following a 2-year establishment period.

The applicant began an extensive remediation planting plan, described above, prior to completion of this land use review. During a site visit, BDS staff were able to verify that invasive species had been removed and these plantings were installed.

With the conditions to obtain a Zoning Permit, and for maintenance of required plantings; loss of resource functions and values will be minimized during remediation, and *this criterion can be met.*

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 proposes to correct the environmental violation that occurred by the unauthorized installation of a section of wood fence, fence posts, and electric poultry fencing, as well as above ground planter boxes, mulch walking paths, and other development associated

with the applicant's community garden, all within the Environmental Conservation overlay zone. The applicant proposes to retain all development and has proposed (and planted) mitigation sufficient to compensate for the permanent disturbance resulting from the development. The applicants and the above findings have shown that the proposal meets the applicable approval criteria with conditions. Therefore, this proposal should be approved, subject to the following conditions.

ADMINISTRATIVE DECISION

Approval of an Environmental Violation Review for:

- Retention of the previously installed sections of wood fence, fence posts, electric poultry fencing, above ground planter boxes, and mulch walking paths;
- Native mitigation plantings,

all within the Environmental Conservation overlay zone, and in substantial conformance with Exhibit C.1 and Exhibit A.4, as approved by the City of Portland Bureau of Development Services on **May 8, 2018**. Approval is subject to the following conditions:

- A. The land owner shall maintain the required plantings** to ensure survival and replacement. The land owner is responsible for ongoing survival of required plantings during and beyond the designated two-year monitoring period. After the 2-year initial establishment period, the landowner shall:
1. Obtain a Zoning Permit for a final inspection at the end of the 2-year maintenance and monitoring period. The applicant shall arrange to accompany the BDS inspector to the site to locate mitigation plantings for inspection. The permit must be finalized no later than 2 years from the date of this approved land use decision, for the purpose of ensuring that the required plantings remain. Any required plantings that have not survived must be replaced.
 2. All required landscaping shall be continuously maintained, by the land owner in a healthy manner, with no more than 15% cover by invasive species. Required plants that die shall be replaced in kind.
- B.** No additional fencing or development beyond what is shown on the approved Exhibit C.1 shall be installed in the Conservation overlay zone.
- 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: Ethan Brown

Decision rendered by:  **on May 8, 2018**

By authority of the Director of the Bureau of Development Services

Decision mailed: May 11, 2018

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

Procedural Information. The application for this land use review was submitted on June 30, 2017, and was determined to be complete on December 4, 2017.

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 June 30, 2017.

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 by 135 days, as shown with Exhibits G.3,4,5, and 10. Unless further extended by the applicant, **the 120 days will expire on: August 3, 2018.**

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

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 May 25, 2018** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **May 25, 2018** by the Bureau of Development Services.

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

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

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

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

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

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

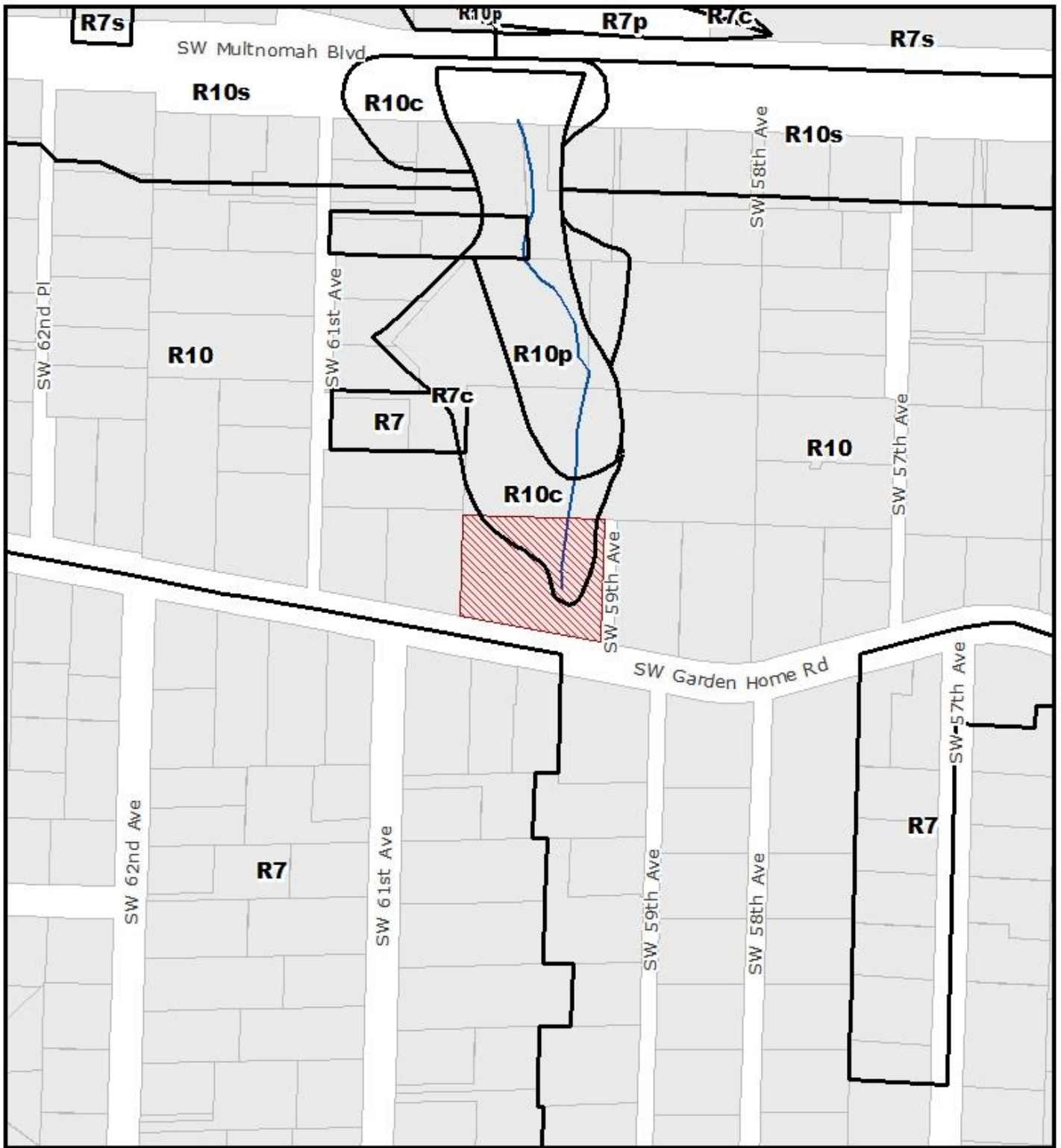
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Original Narrative
 - 2. Response to Completeness 11/21/17
 - 3. Mitigation Plan 11/21/17
 - 4. Mitigation Planting Plan 11/21/17
 - 5. Site Photos
 - 6. Columbia Land Trust – Fieldbrook Magazine article
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Aerial Site Plan
 - 3. Existing Zoning Areas
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Water Bureau
 - 3. Fire Bureau
 - 4. Site Development Review Section of BDS
 - 5. Bureau of Parks, Forestry Division
 - 6. Life Safety Review Section of BDS
- F. Correspondence:
 - 1. Norman Ellison, 12/28/17: Overall concerns with applicant and the work that has been done in the Environmental Zone on the subject property, as well as references to the property to the north.
 - 2. Norman Ellison, 12/24/17: Other correspondence with the City from Mr. Ellison in regard to the subject property.

G. Other:

1. Original LU Application
2. Incomplete Letter
3. 120-Day Extension Request
4. 120-Day Extension Request
5. 120-Day Extension Request
6. Notice of Zoning Violation
7. Electrical Appeal Summary
8. Income-based Waiver to Code Enforcement Fees
9. Early Assistance Summary Memo and Notes
10. 120-Day Extension Request

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



ZONING 
NORTH

 Site
 Stream

File No.	LU 17-196491 EV
1/4 Section	3823
Scale	1 inch = 200 feet
State ID	1S1E19CD 1400
Exhibit	B Jul 03, 2017

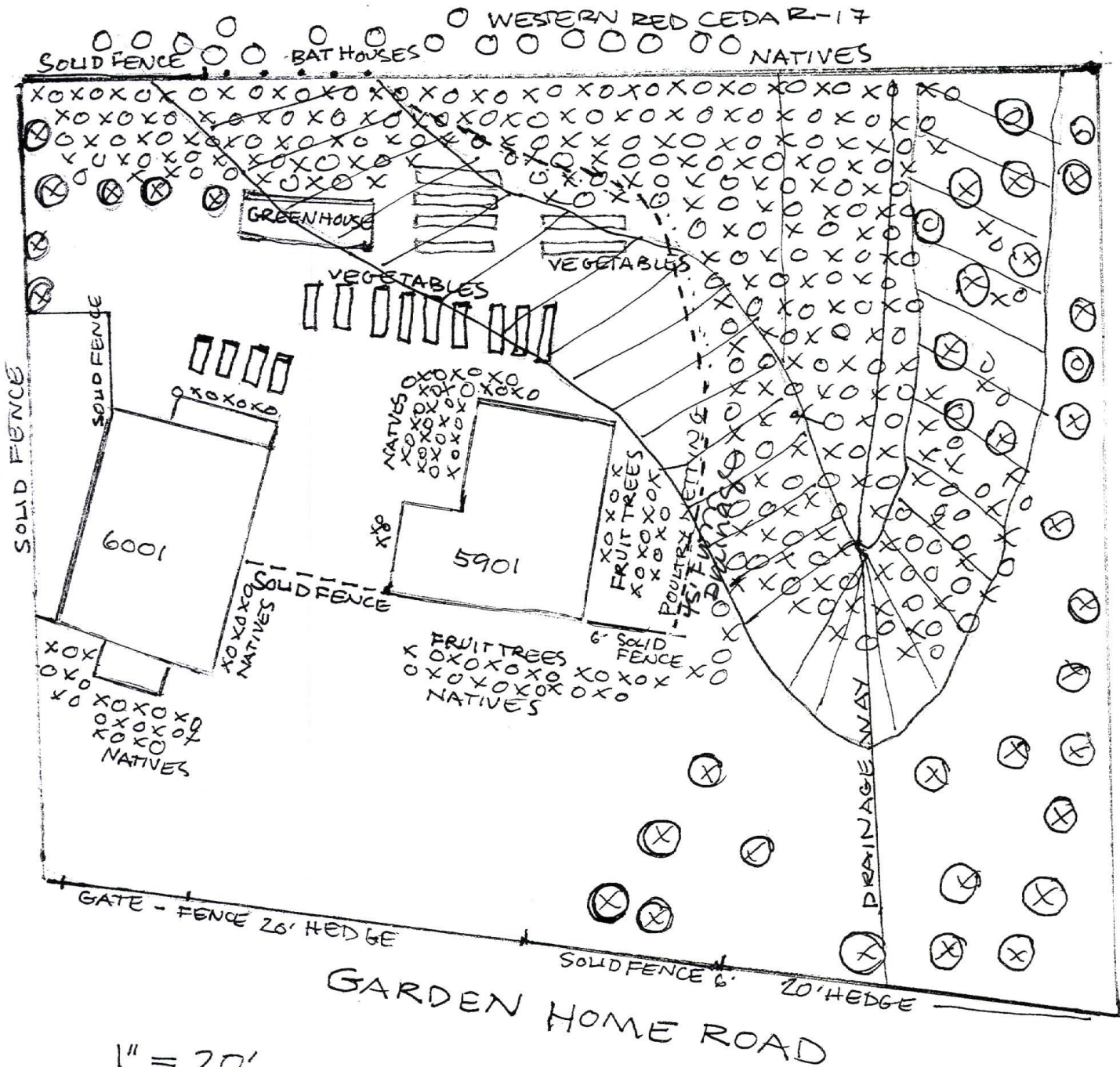
Approved

City of Portland - Bureau of Development Services

LU # 17-196491 EV

Planner [Signature] Date 5/9/19

* Approval for Environmental Review only. Not a building permit.
Additional zoning requirements may apply.



1" = 20'

 25'
TRANSITION AREA

Exhibit C.1
LU 17-196491 EV