



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

Chloe Eudaly, Commissioner  
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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** September 4, 2018  
**To:** Interested Person  
**From:** Morgan Steele, Land Use Services  
503-823-7731/Morgan.Steele@portlandoregon.gov

## **NOTICE OF A TYPE II PROPOSAL IN YOUR NEIGHBORHOOD**

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

Because we must publish our decision within 28 days, **we need to receive your written comments by 5 p.m. on September 25, 2018.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 17-224916 EV, in your letter. It also is helpful to address your letter to me, Morgan Steele. You can also e-mail your comments to me at my e-mail address identified above.

## **CASE FILE NUMBER: LU 17-224916 EV**

**Applicant:** Patrick Donovan | Portland General Electric  
3700 SE 17th Avenue | Portland, OR 97202  
503/314-3884 | [Patrick.donovan@pgn.com](mailto:Patrick.donovan@pgn.com)

**Owner (3131):** Shanin Andrew & David Creech  
3131 SW Fairmount Boulevard | Portland, OR 97239

**Owner (3135):** Stephen M. Andersen  
PO Box 5003 | Portland, OR 97208

**Site Address:** 3131 & 3135 SW FAIRMOUNT BOULEVARD

**Legal Description:** LOT 3 TL 2400, HESSLER HILLS; BLOCK 2 TL 2500, SLAVINS ADD & PLAT 2

**Tax Account No.:** R380800070, R774300280

**State ID No.:** 1S1E16BA 02400, 1S1E16BA 02500

**Quarter Section:** 3527

**Neighborhood:** Hillsdale, contact [contact@hna-pdx.com](mailto:contact@hna-pdx.com).

**Business District:** None

**District Coalition:** Southwest Neighborhoods Inc., contact Sylvia Bogert at 503-823-4592.

**Plan District:** None

**Other Designations:** *Southwest Hills Resource Protection Plan* – Site No. 114, Terwilliger Parkway, Central; Landslide Hazard Area

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

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

**Proposal:**

The applicant proposes to correct environmental zoning violations that occurred when 15 native trees, totaling approximately 135 inches diameter at breast height (dbh), were topped within the Environmental Conservation overlay zone on the subject sites. The tree removal activities in the Environmental Conservation overlay zone were conducted without the City's required Environmental Review.

To compensate for lost resources and to correct the violation to the Environmental Zones chapter (33.430), the applicant proposes a remediation area located along the northeastern portion of the properties. Proposed mitigation within the remediation area consists of planting 20 trees, 20 shrubs, and 75 herbaceous groundcovers. The proposed vegetation more specifically includes:

Trees:

- 5 Douglas' hawthorn (*Crataegus douglasii*)
- 5 Suxsдорf's hawthorn (*Crataegus gaylussacia*)
- 5 Bitter cherry (*Prunus emarginata*)
- 5 Pacific dogwood (*Cornus nutallii*)

Shrubs:

- 6 Redosier dogwood (*Cornus sericea*)
- 5 Red currant (*Ribes sanguineum*)
- 4 Chokecherry (*Prunus virginiana*)
- 3 Vine maple (*Acer circinatum*)
- 2 Western serviceberry (*Amelanchier alnifolia*)

Groundcover:

- 75 Sword fern (*Polystichum munitum*)

The violation site lies within the Environmental Conservation overlay zone. Certain standards must be met to allow the work to occur by right. If the standards are not met, an Environmental Review is required. In this case, because native trees (non-exempt) were cut in the Environmental Conservation overlay zone without authorization, an environmental violation was incurred on the sites. This Environmental Violation Review is required to determine the impacts caused by the activity and the actions that must be taken to remediate the unauthorized tree removal from the resource area of the Environmental Zone.

**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.A Utilities**
- **33.430.250.G Corrections to Violations**

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 August 16, 2017, and determined to be complete on February 7, 2018; however, the proposal notice was delayed allowing the applicant time to find adequate space for remediation plantings.

**Decision Making Process**

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

- Approve the proposal.

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

The neighborhood association listed on the first page of this notice may take a position on this application. They may also schedule an open meeting prior to making their recommendation to the Bureau of Development Services. Please contact the person listed as the neighborhood contact to determine the time and date of this meeting.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be extended at the request of the applicant.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.portlandonline.com](http://www.portlandonline.com).

### **Appeal Process**

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

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

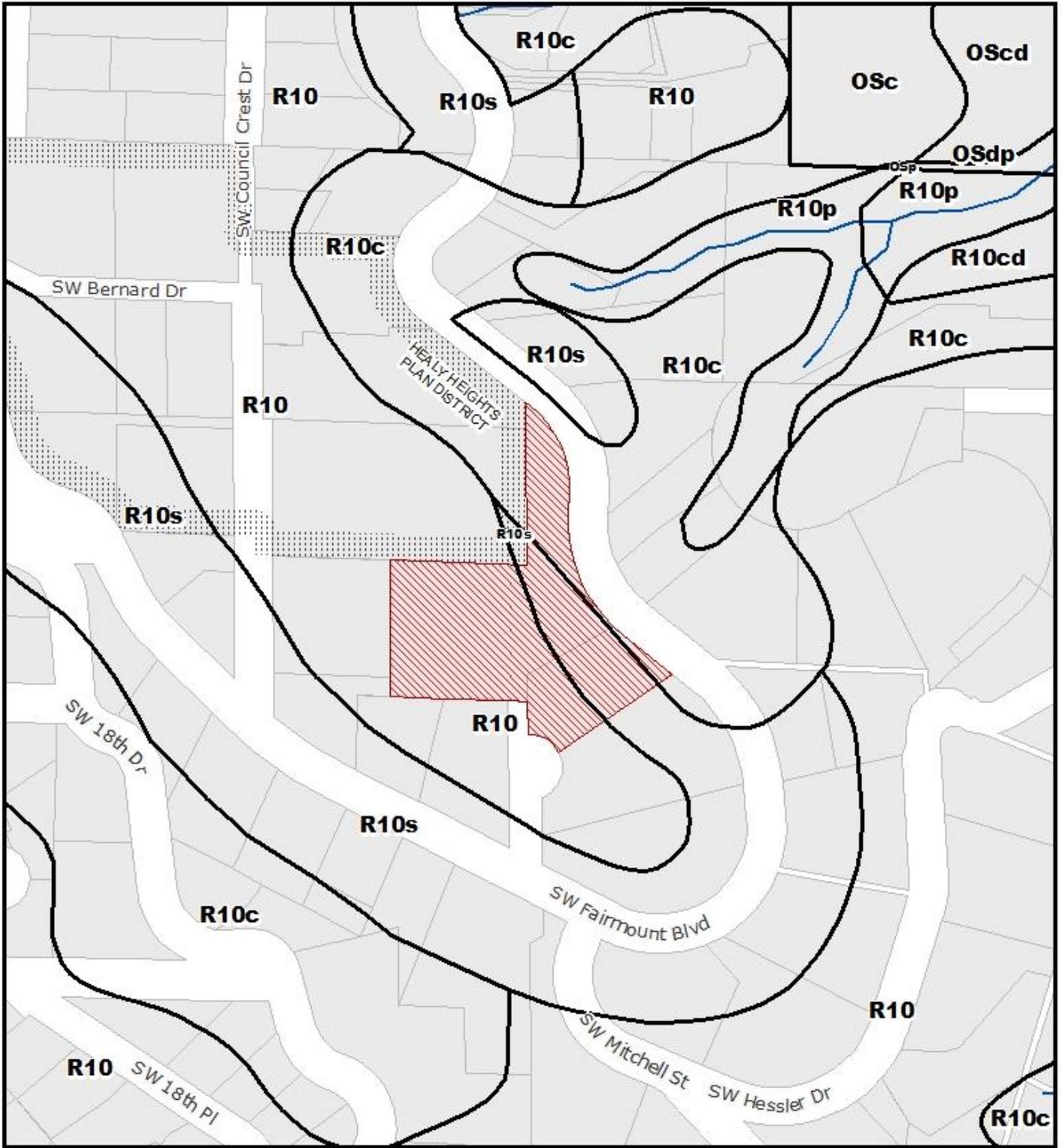
### **Appeal of the Final City Decision**

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

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

### **Enclosures:**

Zoning Map  
Remediation Plan



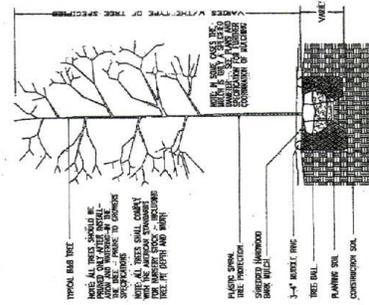
**ZONING**  NORTH

 Site  
 Stream

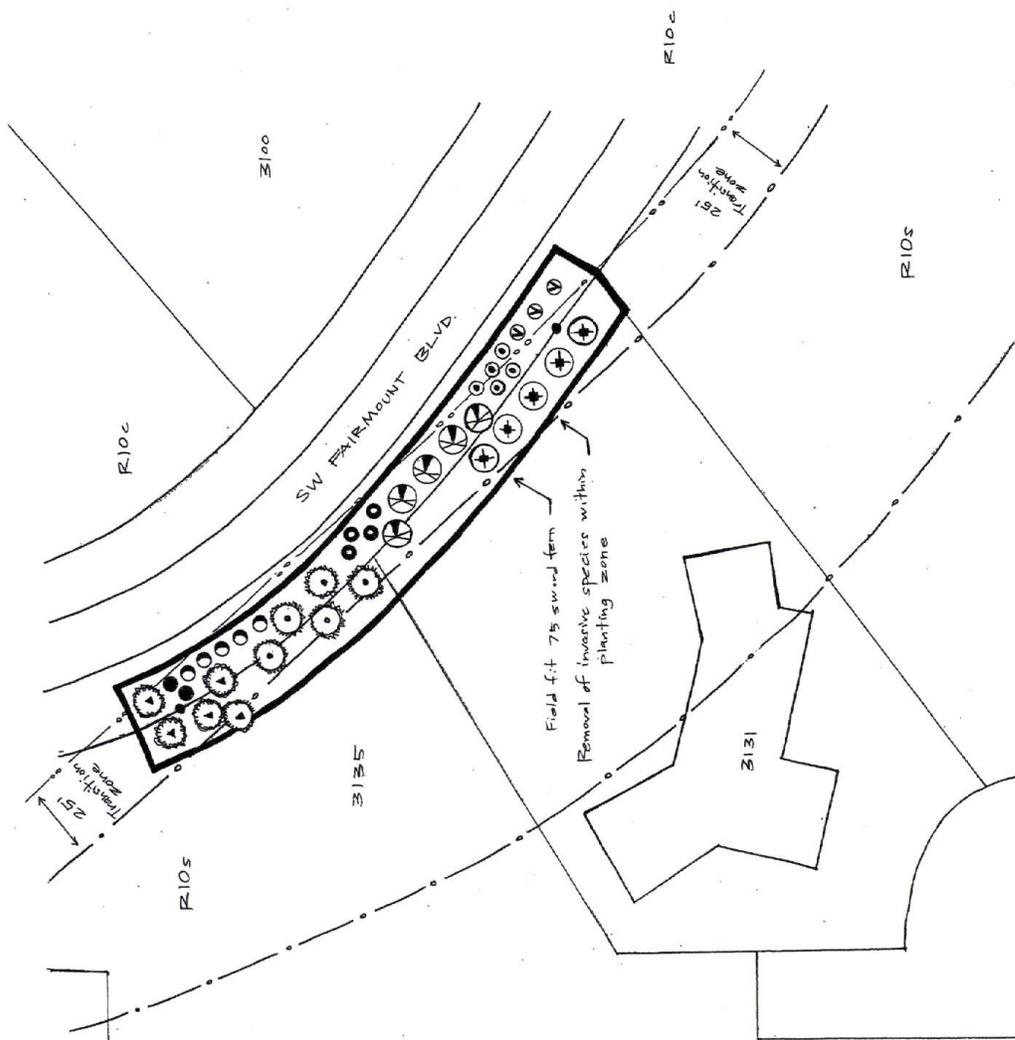
File No.	LU 17-224916 EV
1/4 Section	3527
Scale	1 inch = 200 feet
State ID	1S1E16BA 2500
Exhibit	B Sep 05, 2017

Proposed tree and shrub planting schedule

Common name	Scientific name	Size	Spacing	Total
Black hawthorn	<i>Crataegus douglasii</i>	6-8'	36" o.c.	5
Suksdorf hawthorn	<i>Crataegus suksdorfii</i>	6-8'	36" o.c.	5
Western flowering dogwood	<i>Cornus nuttallii</i>	6-8'	36" o.c.	5
Bitter cherry	<i>Prunus emarginata</i>	6-8'	36" o.c.	5
Vine maple	<i>Acer glabrum</i>	4-6'	24" o.c.	3
Western serviceberry	<i>Amelanchier alnifolia</i>	5 gal.	24" o.c.	2
Redosier dogwood	<i>Cornus sericea</i>	5 gal.	24" o.c.	6
Chokecherry	<i>Prunus virginiana</i>	5 gal.	24" o.c.	4
Red currant	<i>Ribes rubrum</i>	5 gal.	24" o.c.	5
Sword fern	<i>Polystichum munitum</i>	3.5" pot	field fit	75



- Trees to be planted (proposed)**
- Black hawthorn
  - Suksdorf hawthorn
  - Western flowering dogwood
  - Bitter cherry
- Shrubs to be planted (proposed)**
- Vine Maple
  - Western Serviceberry
  - Redosier Dogwood
  - Chokecherry
  - Red Currant



3131 SW Fairmount Blvd.  
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Portland, Oregon

Proposed Mitigation Plan

LU 17-224916 EV

Sheet 2/2

LU 17-224916 EV