Ted Wheeler, Mayor
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: May 21, 2019

To: Interested Person

From: Stacey Castleberry, Land Use Services
503-823-7586 / Stacey.Castleberry@portlandoregon.gov

NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The 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 18-260682 EV

GENERAL INFORMATION

Applicant: The Bookin Group LLC | **Attn:** Chris Hagerman
1140 SW 11th Ave, Suite 500 | Portland, OR 97205
tel: 503.241.2423 | email: hagerman@bookingroup.com

Owner: Street Luke Lutheran Church
4595 SW California Street | Portland, OR 97219-1690
tel: 503.246.2325

Site Address: 4595 SW California Street
Legal Description: TL 2500 2.82 ACRES, SECTION 19 1S 1E; TL 2500 2.89 ACRES, SECTION 19 1S 1E
Tax Account No.: R991193260
State ID No.: 1S1E19AA 02500
Quarter Section: 3724
Neighborhood: Maplewood, contact contact@maplewoodna.org.
Business District: None
District Coalition: Southwest Neighborhoods Inc., contact Sylvia Bogert at 503-823-4592.
Plan District: None
Other Designations: Conditional Use for St. Luke Lutheran Church; tributary stream of Fanno Creek.
Zoning: R7p
Case Type: EV – Environmental Violation
Procedure: Type II, an administrative decision with appeal to the Hearings Officer.

Proposal: The applicant removed a multi-stemmed willow tree from the site as part of routine maintenance clearing of blackberries and other overgrown vegetation adjacent to the private drive shared between St. Luke Lutheran Church and St. John Fisher Catholic Church. Over the past few years the upper canopy limbs of the willow had been dying, breaking and either hanging up on other limbs or falling to the ground. During a winter storm some large limbs fell across the private driveway, blocking it until they could be cut and removed. St. Lukes' maintenance crew mis-identified the tree, believing it to be outside of the environmental zone

and therefore removed it to eliminate future hazards. Keeping the driveway clear was a priority for the church following a 2015 nuisance complaint reported on the site for "tall grass and weeds and shrubs and trees growing into access road" (15-212985 NU).

In 2018 St. Lukes' work crew was completing the construction of an expansion approved under LU 14-234299 CU EN AD, when the multi-stemmed willow was identified as missing. The removed tree is identified as trees #7477 and #7478 on the Tree Protection Plan for LU 14-234299 CU EN AD, within the resource area of the Environmental Protection overlay zone. Trees #7477 and #7478 are listed in the 2015 arborist report as a single Scouler's willow (*Salix scouleriana*) with two stems that were 16-inches and 12-inches dbh.

As described above, the removed tree consisted of two stems that would combine together for a total dbh of 22 inches. Table 430-3 of the Zoning Code provides a useful guide for tree replacement and would prescribe that the 22-inch tree be replaced by either 5 new trees (or) 3 new trees and 6 new shrubs. Based on this guidance, the following plantings are proposed by the applicant:

- 3 - *Salix lasiandra* (Pacific willow trees)
- 1 - *Cornus sericia* (red-osier dogwood shrub)
- 3 - *Rosa pisocarpa* (swamp rose shrub)
- 2 - *Symphoricarpos albus* (snowberry shrubs)

The site is partially within the City's Environmental Protection overlay zone. Applicable environmental standards must be met to allow work in environmental zones to occur by right. For those environmental standards that are not met, Environmental Review is required to modify them. In this case, the standard 33.430.140 J is not met by the activity, and the trees were required to be protected by Land Use Review LU 14,234299 CU EN AD; therefore, the work must be approved through an Environmental Violation Review. All other applicable environmental standards in Zoning Code Sections 33.430.140 through .195 must be met by the proposal.

Relevant Approval Criteria:
In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are found in Section:

- 33.430.250 G Corrections to Violations

ANALYSIS

Site and Vicinity: St. Luke Lutheran Church (St. Luke's) is located at the intersection of SW 46th Avenue and SW Vermont Street in southwest Portland. The site is about five miles from downtown Portland. It is located within the boundaries of the Maplewood Neighborhood Association.

The St. Luke's campus contains 4.09 acres comprised of three tax lots. St. Luke's campus is roughly L-shaped, with the Vermont House (TL 200) and Shalom Center (Tax Lot 203) comprising the property on the east side of vacated SW 46th Avenue. The majority of the site is contained in TL 2500 on the west side of vacated-SW 46th Avenue where the main church facility is located. The remainder of TL 2500 provides on-site surface parking and related interior and perimeter parking lot landscaping for the church. The property slopes form a bowl, with a 330' elevation at its north driveway entrance and south property line, and a 310' elevation in the center. There is a large unnamed drainageway that bisects the northern edge of TL 2500 and the southern portion of the Vermont House property (TL 200). This is the portion of the site that is the subject of this review.

St. Luke's is located in a multi-use neighborhood featuring a mix of single- and multi-family housing, neighborhood commercial, churches and open space. St. Luke's campus is primarily zoned R7, as is the 5.8-acre site directly to the southwest owned by St. John Fisher Catholic Church. The two churches share a common property line and a driveway located on St. John's property. The northern parcel, the Vermont House, is zoned CM1 as are the properties

immediately to the east (7-11 Store on the southwest corner of the intersection of SW 45th Avenue and SW Vermont Street) and west, the commercial property at 4606-4616 SW Vermont Street that the church owns and manages as a rental property. The Southwest Community Center, a Portland Parks & Recreation (PPR) facility, occupies the corner of the park at SW Vermont Street.

The Environmental Protection overlay is located over the un-named drainageway. It is a tributary of the Vermont Tributary of Fanno Creek, beginning on the neighboring properties to the east where stormwater facilities outfall into an incised stream channel. The channel is open across most of Tax Lot 200 (Vermont House) until it enters a culvert at the eastern edge of vacated-SW 46th Avenue. The 24" pipe then conveys the tributary across much of the church property, trending west by southwest before out-falling to an open channel approximately 130' from the western edge of Tax Lot 2500. The tributary re-enters a culvert approximately 20' east of the property line to pass underneath the private driveway owned by St. John Fisher Catholic Church to the west (which is shared with St. Luke's).

An overflow riser is adjacent to the roadway and the multi-stemmed tree that was removed. It was located approximately 10 feet away from the riser on the slope below it.

Zoning: The portion of the site that is the subject of this review is within the Residential 7,000 (R7) base zone, and the Environmental Protection (p) overlay zone (see Exhibit B Zoning Map).

The R7 zoning designation is a single-dwelling residential zone. Religious Institutions are allowed as Conditional Uses in this zone. St Luke's continues to be permitted in the R7 zone by LU 14-234299 CU EN AD. The activity under review by this report is not related to the regulations in the R7 base zone and are not specifically addressed here.

Environmental overlay zones protect environmental resources and functional values that have been identified by the City as providing benefits to the public. The "p" Overlay provides the highest level of protection to the most important resources and functional values. These resources and functional values are identified and assigned value in the inventory and economic, social, environmental, and energy (ESEE) analysis for each specific study area. Development will be approved in the environmental protection zone only in rare and unusual circumstances. The purpose of this environmental review is to ensure that the environmental zoning regulations are met.

The environmentally-zoned portions of the site are mapped within the *Fanno Creek and Tributaries Conservation Plan* as Site #127. This plan states that the following functional values are found in site #127: upper perennial streams, public safety (stabilizing slopes and banks, and flood control); deciduous forest, pollution control (cleansing of air and water by vegetation); fish habitat; wildlife habitat; scenery; education; recreation; water supply (groundwater recharge). Resources and functional values of concern on the project site include upper perennial stream, remnant deciduous forest, and pollution control.

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

- LUR 00-415 CU EN AD. Approval of a Conditional Use review to 1) reconfigure the existing parking area to the west of the church to allow a total of 116 spaces; 2) concurrent Type II Adjustment to waive the 5' landscaped buffer required adjacent to the proposed parking lot on the north, west and south perimeters; and 3) concurrent Type II Environmental Review to approve a new stormwater outfall from the reconfigured parking lot into the unnamed drainageway on the north edge of TL 2500.

- LU 14-234299 CU EN AD. Approval of a Conditional Use review to: 1) refine the campus boundary to remove a commercial property on Vermont and add property acquired through approved vacations of SW 46th Avenue and SW Florida Street; 2) construct additions to the church building; 3) site improvements and paving of a gravel driveway in the Environmental Zone; 4) construct two conveyance facilities and outfalls for stormwater disposal. The review

did not approve the removal of any trees in the Environmental Protection overlay zone. Remaining conditions of approval continue to apply.

Applicant's Statement: The multi-stemmed willow tree was removed from the site as part of routine maintenance clearing of blackberries and other overgrown vegetation adjacent to the private road shared between St. Luke's and St. John's. Over the past few years the upper canopy limbs of the willow had been dying, breaking and either hanging up on other limbs or falling to the ground. During a winter storm some large limbs fell across the private road, blocking it until they could be cut and removed. St. Luke's maintenance crew mis-identified the tree, believing it to be outside of the environmental zone and therefore removed it to eliminate future hazards. Keeping the road clear had become a priority for the church following a 2015 nuisance complaint reported on the site for "tall grass and weeds and shrubs and trees growing into access road" (15-212985 NU).

In 2018 St. Luke's was completing the construction of the work approved under LU 14-234299, when the multi-stemmed tree was identified as missing as part of a zoning permit inspection of the required mitigation planting. The removed tree is identified as trees #7477 and #7478 on the Tree Protection Plan for LU 14-234299 and is shown within the resource area of the Environmental Protection overlay zone. Trees #7477 and #7478 are listed in the 2015 arborist report (approved as part of LU 14-234299) as a single Scouler's willow (*Salix scouleriana*) with two codominant stems that were 16-inches and 12-inches dbh. Identification of this multi-stemmed tree as two separate trees was an error since according to Zoning Code a multi-stemmed tree is considered a single tree with a dbh calculated according to Section 33.930.130(A)(4): For multi-stemmed trees, the size is determined by measuring all the trunks and adding the total diameter of the largest trunk and one-half the diameter of each additional trunk; see Figure 930-23. A multi-stemmed tree has trunks that are connected above the ground and does not include individual trees growing close together or from a common root stock that do not have trunks connected above the ground.

In this case, the 16-inch and 12-inch co-dominate stems identified by the arborist were connected above ground and combined they resulted in a dbh of 22-inches for the tree (16 + ½ x 12 = 22).

The multi-stemmed tree was located on the property line shared between St. Luke's and St. John's. Just west of the property line is the private driveway that both of the churches use for vehicle access from SW Vermont Avenue. The paved driveway passes through the Environmental Protection overlay, and the area directly adjacent to the drive is maintained lawn and compacted gravel. St. Luke's maintains all of the landscaping on the east side of the drive since it is primarily on their property and St. John's takes care of the landscaping on the west side of the drive.

The location where the tree was removed is close to an active paved driveway and storm drain, so although it is in the middle of the mapped resource area, the tree was actually on the outside edge of the existing natural area on the site. Additionally, the area affected by the tree removal has very recently undergone disturbance through the removal of invasive and non-native vegetation and the planting of new mitigation plantings associated with LU 14-234299. These newly planted trees and shrubs have not had the opportunity to mature enough to provide significant habitat or functional value for things like erosion and bank stabilization. Finally, the tree was removed by hand, leaving the stump in place, therefore no ground disturbance was associated with the tree removal. The stump from the tree has begun to sprout new stocks, evidencing that the root system remains alive and intact.

The disturbance area associated with this violation was minimal and located on the outside edge of the natural area on site, along the driveway, minimizing the impacts of the tree removal.

A Mitigation Plan has been submitted with this review and shows new native plantings proposed in the area where the original multi-stemmed tree had been located. As described above, the removed tree consisted of two co-dominate stems that would combine together for a

total dbh of 22-inches. Table 430-3 of the Zoning Code would prescribe that the 22-inch tree be replaced by either 5 new trees (or) 3 new trees and 6 new shrubs.

The western edge of the stream was recently fully planted as mitigation for LU 14-234299 which added a thick understory and several trees. Planting several new trees in this area would create interference with the existing trees which are now trying to grow and mature. Additionally, the existing stump of the removed tree is growing new sprouts that once mature, will add to the tree canopy in the area. Therefore, based on the guidance of Table 430-3, the mitigation proposed focuses on more shrubs than trees. The following plantings are proposed:

- 3 - Pacific willow trees
- 1 - Red-Osier Dogwood shrub
- 3 - Swamp Rose shrub
- 2 - Snowberry shrubs

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **April 19, 2019**. The following Bureaus have responded with no concerns:

- Bureau of Environmental Services
- Fire Bureau
- Site Development Section of BDS
- Parks Bureau – Urban Forestry

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on April 19, 2019. No written responses were 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: The approval criteria which apply violations of the Environmental Zoning Code are found in Section 33.430.250 G. The applicant has provided findings for these approval criteria as presented below.

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 criteria are met.

Findings: The approval criteria which would have been applied to the remove a tree within the resource area of the Environmental Protection zone are those found Section 33.430.250.F. If any of the criteria from Section 33.430.250.F cannot be met, then all of the criteria under Section G must be met. These criteria are described below.

F. Other development in the Environmental Protection zone. In Environmental Protection zones the applicant's impact evaluation must demonstrate that all of the following are met:

1. All sites within the Portland city limits, in which the proposed use or development is possible, are also in the resource areas of Environmental Protection zones;

2. Of these sites, development on the proposed site would have the least significant detrimental environmental impact;

3. There is a public need for the proposed use or development;

4. The public benefits of the proposed use or development outweigh all significant detrimental impacts;

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

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

7. 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

8. 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 approval criteria of this section cannot be met. The removal of the multi-stemmed tree within the environmental protection zone did not represent a public need nor could it be found that the public benefit of removing the tree (to clear the private drive) outweighed the detrimental impacts. Therefore, as stated in Approval Criteria G, the proposed remediation plan must meet all of the criteria found paragraphs G 1, 2.b and 2.c. These criteria are addressed below.

G. Corrections to Violations. (continued) For corrections to violations, 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;

Findings: The Mitigation Plan shows the proposed remediation to mitigate for removing the tree. As shown on that plan, all of the new plantings will occur on the west side of the paved driveway surrounding the area where the tree was removed. This criterion is met.

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 a least one functional value; and

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

Findings: The Mitigation Plan proposes to replace the single removed tree with a total of three new trees and six new shrubs on the stream bank adjacent to where the original tree was growing. As described earlier in this report, this location is adjacent to an active paved driveway, a storm drain and a rocky outfall. Additionally, the area has very recently undergone mitigation plantings and these new plants have not had the opportunity to mature enough to provide significant habitat or functional value. Therefore, the removal of a single tree in this area did not create any permanent loss of functional value or resources since the immediate area of the violation had already been compromised by previous development activities.

Improvement of the resource value is measured against the resources that existed around the violation area prior to the violation. The end result must be an improvement to a resource or functional value that will exceed functional values present before the violation. The new plantings proposed, along with the stump from the original tree which has begun to sprout new

stocks, will provide a significant improvement over the existing conditions in the area. The soil surrounding the tree is compacted and rocky, which is why mitigation plantings were not originally proposed in this area with the previous LU review. Recently, significant amounts of blackberries vines were removed from this area, creating an open area that provides a new opportunity for planting. If these new mitigation plantings were not proposed for this area, it is likely that the blackberries would eventually overtake this area again. Therefore, by adding natives to this area around the tree stump and caring for these plants over time to assure their survival, the functional value of this area will increase beyond what was there to begin with.

The new plantings proposed with this review will join the recently planted mitigation plantings that will surround them, and together they will eventually grow into a fully-realized habitat. Installation of densely planted native landscaping, including trees and shrubs, will produce berries, cover, seeds, and flowers favored by native birds, wildlife and pollinators. Native plants will also help to stabilize the soil, reduce the need for irrigation, and promote stormwater infiltration. Of the categories listed in the Fanno Creek Tributaries Conservation Plan it is anticipated that once mature, these plantings will contribute to the following categories:

- Maintaining native forest microclimate – All of the proposed plants are natives and once mature, the proposed trees will provide a very small microclimate.
- Anchoring of shoreline and stream-banks – The roots of the trees and shrubs will help to anchor the stream bank as they grow and mature.
- Stabilization of slopes – the stream bank slopes will be stabilized as described above
- Dissipation of the erosive forces of stormwater – the plantings will help to reduce bank erosion by keeping soils in place.
- Retention of soils – minimizing bank erosion will help to retain soils.

During the installation of the proposed mitigation plantings, the work will be done using effective construction management practices that will protect the existing plants in the resource area. St Luke's plans to plant the mitigation plantings by hand in the next available planting cycle after LU approval and will assure that the plants are well-established and maintained using a program of watering, invasive species removal, and replacement of dying plants.

The disturbance area associated with this violation was very minimal and located on the very edge of the natural area on site, therefore it can be concluded that removing the single tree did not create any permanent loss to the resource or functional value of the area. The new plantings proposed represent a significant improvement to the immediate area where the violation occurred and they will be planted and maintained in a way that will not cause any further disturbance in the resource area. These criteria are met.

CONCLUSIONS

The applicant inadvertently removed a multi-stemmed willow tree from the site as part of routine maintenance clearing of blackberries and other overgrown vegetation adjacent to the private drive shared between St. Luke Lutheran Church and St. John Fisher Catholic Church. The disturbance area associated with this violation was minimal and located on the edge of the driveway serving two churches, and removing the single tree did not create a significant loss of resource or functional value of the area. The new plantings proposed represent a significant improvement to the immediate area where the violation occurred, and they will be planted and maintained in a way that will not cause any further disturbance in the resource area. The approval criteria are met and this proposal should be approved.

ADMINISTRATIVE DECISION

Approval of an Environmental Violation Review for:

Remediation of removal of a multi-stemmed willow tree from the environmental protection overlay zone in substantial conformance with Exhibit C.1 as approved by the City of Portland Bureau of Development Services on May 16, 2019. Approval is subject to the following conditions:

A. A BDS Zoning Permit is required for inspection of required mitigation plantings. The Conditions of Approval listed below, shall be noted on appropriate plan sheets submitted for permits (building, Zoning, grading, Site Development, erosion control, etc.). Plans shall include the following statement, ***"Any field changes shall be in substantial conformance with approved LU 18-260682 EV Exhibit C.1"***

B. The applicant shall obtain a BDS Zoning Permit for approval and inspection of a mitigation plan for a total of 3 trees and 6 shrubs, in substantial conformance with Exhibit C.1 Mitigation Plan. Any plant substitutions shall be selected from the *Portland Plant List*, and shall be substantially equivalent in size to the original plant.

1. Permit plans shall show:
   a. The location of the trees, shrubs and ground covers required by this condition to be planted in the mitigation area and labeled as "new required landscaping". The plans shall be to scale, and shall illustrate a naturalistic arrangement of plants and should include the location, species, quantity and size of plants to be planted.
   b. The applicant shall indicate on the plans selection of either tagging plants for identification or accompanying the BDS inspector for an on-site inspection.
2. Plantings shall be installed between October 1 and March 31 (the planting season).
3. Prior to installing required mitigation plantings, non-native invasive plants shall be removed from all areas within 10 feet of mitigation plantings, using handheld equipment.
4. After installing the required mitigation plantings, the applicant shall request inspection of mitigation plantings and final the BDS Zoning Permit.
5. All mitigation and remediation shrubs and trees shall be marked in the field by a tag attached to the top of the plant for easy identification by the City Inspector; or the applicant shall arrange to accompany the BDS inspector to the site to locate mitigation plantings for inspection. If tape is used it shall be a contrasting color that is easily seen and identified.

C. 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 finaled 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.
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.

D. Failure to comply with any of these conditions may result in the City's reconsideration of this land use approval pursuant to Portland Zoning Code Section 33.700.040 and /or enforcement of these conditions in any manner authorized by law.

Staff Planner: Stacey Castleberry

Decision rendered by: Stacey M Castleberry **on May 16, 2019**
By authority of the Director of the Bureau of Development Services

Decision mailed: May 21, 2017

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 October 31, 2018, and was determined to be complete on April 15, 2019.

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 October 31, 2018.

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 did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: August 23, 2109.**

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 June 4, 2019** 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 **June 5, 2019** 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.

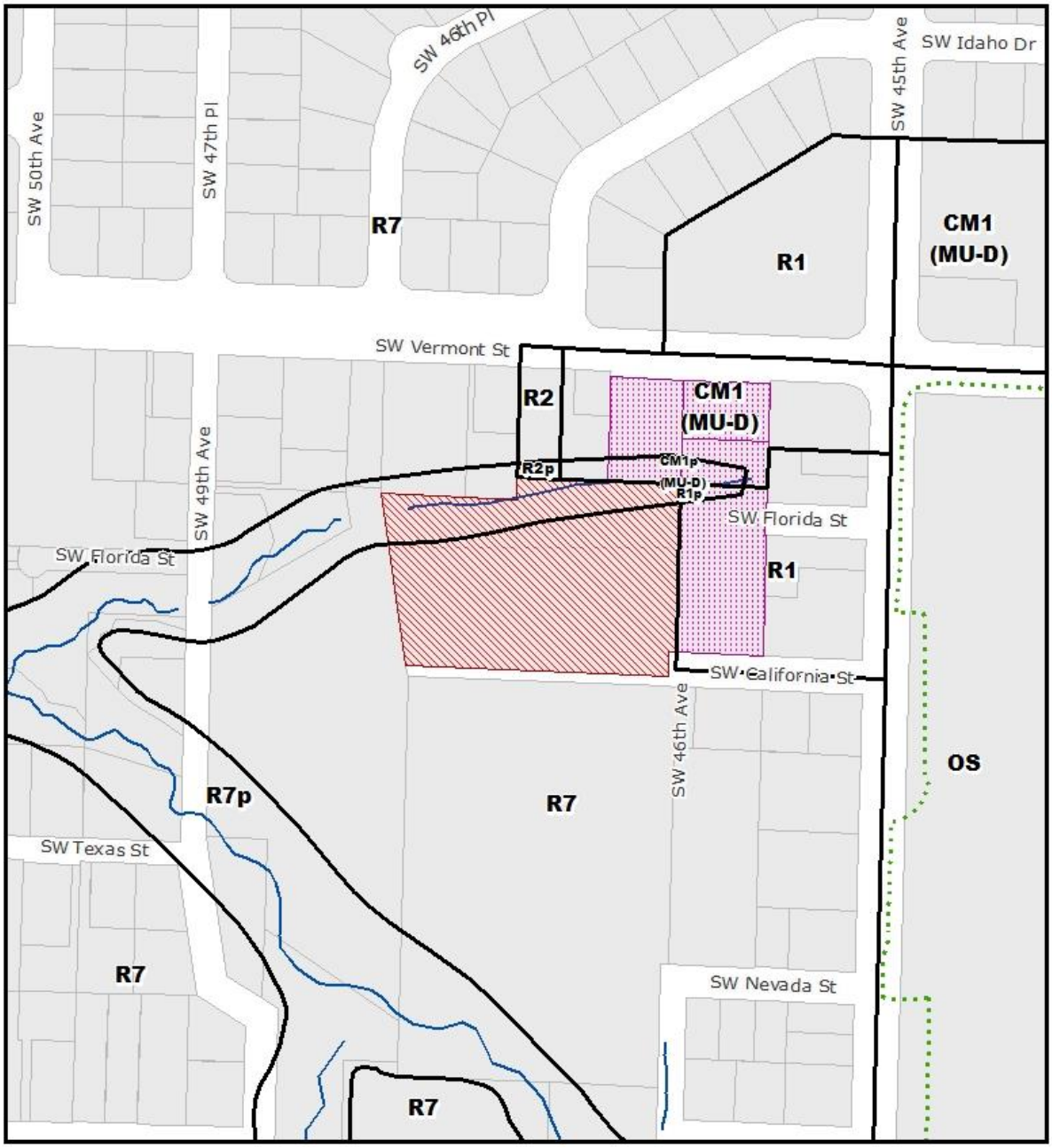
Applying for your permits. A zoning permit, building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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 Statements
B. Zoning Map (attached)
C. Plans/Drawings:
   1. Proposed Mitigation plan (attached)
   2. Overall site plan (existing conditions) (attached)
D. Notification information:
   1. Mailing list
   2. Mailed notice
E. Agency Responses: Tracs summary of all responses
F. Correspondence: (none received)
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 ↑ NORTH

Site
Also Owned Parcels
Stream
Recreational Trails

File No.	LU 18-260682 EV
1/4 Section	3724
Scale	1 inch = 200 feet
State ID	1S1E19AA 2500
Exhibit	B Nov 02, 2018

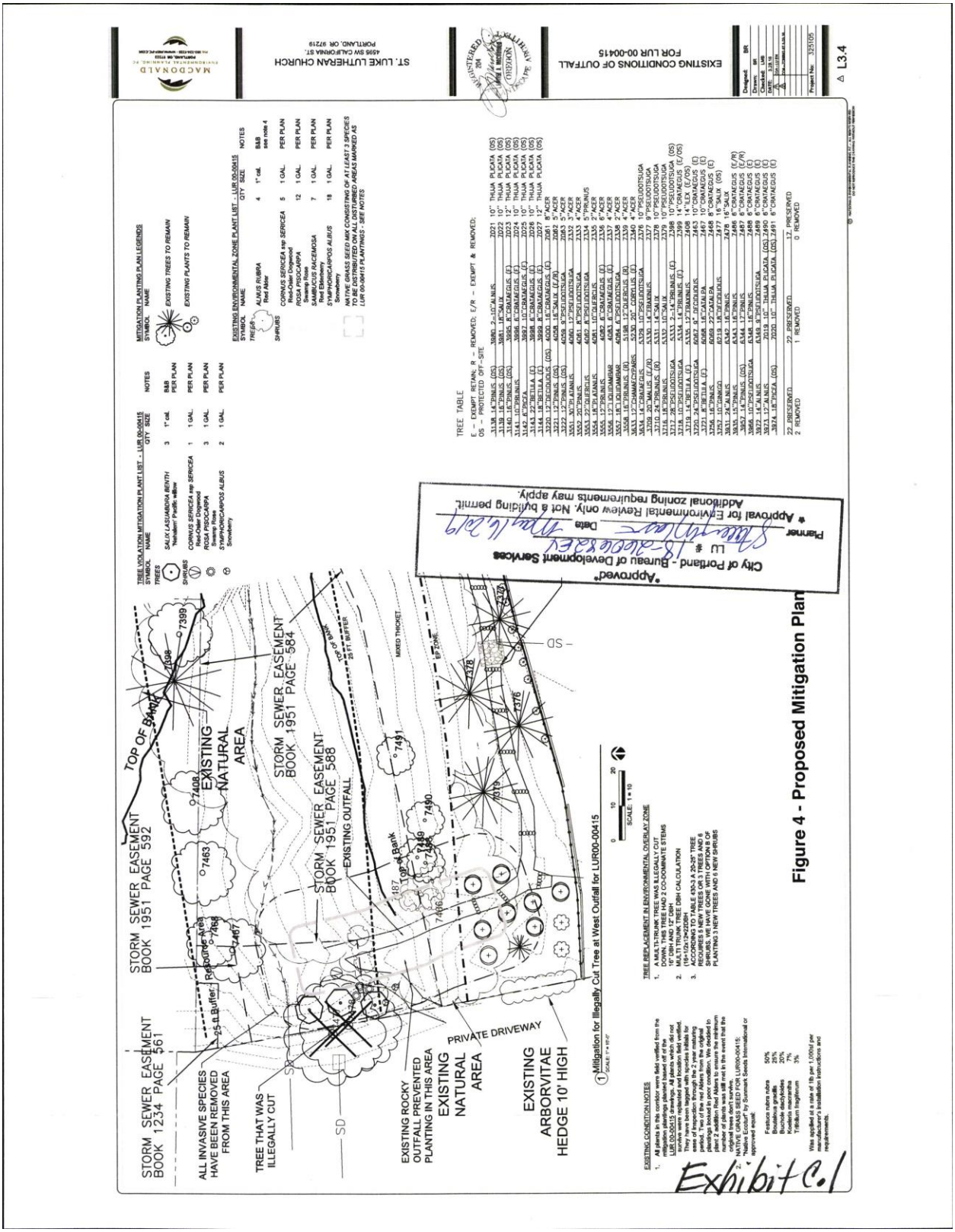


Figure 4 - Proposed Mitigation Plan

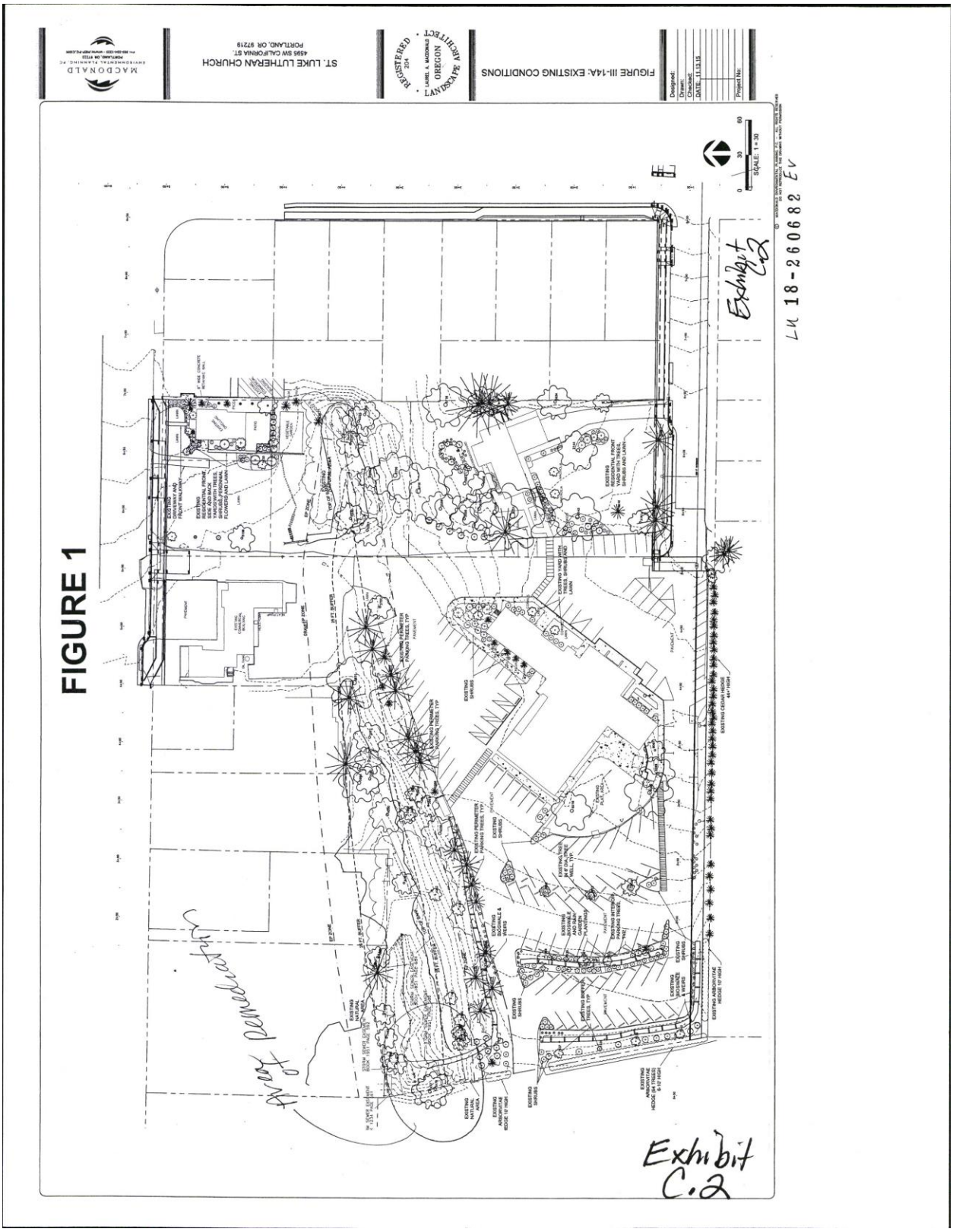


FIGURE 1
MACDONALD ENVIRONMENTAL PLANNING, PC
ST. LUKE LUTHERAN CHURCH
4595 SW CALIFORNIA ST
PORTLAND, OR 97219
REGISTERED LANDSCAPE ARCHITECT
LAUREL A. MCDONALD
OREGON
FIGURE III-14A: EXISTING CONDITIONS
Designed:
Drawn:
Checked:
DATE: 11.13.18
Project No:
SCALE: 1 = 30
EXISTING RESIDENTIAL FENCE, SEE AND NOR SHRUBS, FUNCTIONAL SHRUBS, FUNCTIONAL STANDARD TREES
EXISTING RESIDENTIAL FRONT WALKWAY
EXISTING RESIDENTIAL FRONT YARD WITH TREES, SHRUBS AND LAWN
EXISTING PERIMETER SHRUBS
EXISTING SHRUBS
EXISTING CEDAR HEDGE 44' HIGH
EXISTING ARBORVITAE HEDGE 10' HIGH
EXISTING SHRUBS
EXISTING SHRUBS
EXISTING SHRUBS
EXISTING ARBORVITAE HEDGE 10' HIGH
EXISTING SHRUBS
EXISTING ARBORVITAE HEDGE 6-10' HIGH
EXISTING SHRUBS
EXISTING SHRUBS
EXISTING SHRUBS