



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

Carmen Rubio, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7310
TTY: (503) 823-6868
www.portland.gov/bds

Date: June 2, 2023
To: Interested Person
From: Timothy Novak, Land Use Services
503-823-5395 / Timothy.Novak@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 22-147243 RR

GENERAL INFORMATION

Applicant: Tina Tippin | *Portland General Electric (PGE) Company*
121 SW Salmon St; 1WTC1302 | Portland, OR. 97204
Tina.Tippin@pgn.com | (503) 708-4386

Consultant: Brian Fletcher | *AECOM*
888 SW 5th Ave #600 | Portland, OR. 97204

Property Owners: Metro
600 NE Grand Ave | Portland, OR. 97232

Site Address: SPRINGWATER CORRIDOR, directly east of Oaks Amusement Park

Legal Description: TL 600 11.47 ACRES, SECTION 23 1S 1E
Tax Account No.: R991230730
State ID No.: 1S1E23 00600
Quarter Section: 3631, 3730, 3731, & 3830

Neighborhood: Sellwood-Moreland, contact David Schoellhamer at land-use-chair@sellwood.org

Business District: Sellwood-Westmoreland, contact at info@sellwoodwestmoreland.com
District Coalition: Southeast Uplift, contact Matchu Williams at matchu@seuplift.org

Plan District: None
Other Designations: Inventory Site WR19 - Ross Island/Oaks Bottom, [South Reach Natural Resources Protection Plan \(2020\)](#)

Zoning: Open Space (OS) base zone
River General (g*) overlay zone
River Environmental (e) overlay zone

Case Type: River Review (RR)

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

Proposal:

The purpose of this review is to retroactively approve the replacement of a decaying steel lattice tower structure with a new steel monopole along an existing electric transmission line located within the Springwater Corridor.

The project received a temporary exemption for emergency procedures (33.475.405.B) in October of 2022. The work was completed shortly thereafter. The purpose of this review is to identify and mitigate for the impacts of the work.

As part of the work, five native trees with diameter of at least 3-inches were removed, including three Oregon white oak (diameters of 6, 8, & 8 inches), one 8-inch Oregon ash, and one 3-inch bigleaf maple; two native Western serviceberry shrubs were also removed during the work. The total temporary disturbance area resulting from the work equals 2,025 square feet; total permanent disturbance is 16 square feet. Access to the site occurred from SE Oaks Park Way, accessing the Springwater Corridor and the railroad right-of-way adjacent to the project site via the multi-use pathway at the underpass that accesses the pedestrian-only pathways through the meadow that is just south of the Oaks Bottom Lake.

PGE and their consultants have coordinated with Portland Park & Recreation staff to identify mitigation areas on the site that will provide the most beneficial and long-term resource and functional values to replace those lost as a result of the work.

Certain standards must be met for development in the River Environmental (e) overlay to be allowed outright. In this case, the proposal doesn't meet development standard 33.475.440.B because the disturbance area is within 30 feet of top of bank of the waterbody at Oaks Bottom wildlife refuge and is more than 15 feet wide. Therefore, a Type II River Review is required.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are:

- **33.865.100.A.3** All other proposals in the River Environmental overlay zone.

ANALYSIS

Site and Vicinity: The work area associated with this project is on the bank of the main water body in Oaks Bottom Wildlife Refuge, just east of Oaks Amusement Park. Most of the work area is on the same taxlot as the Springwater Corridor, which runs roughly parallel to the shoreline and includes the railroad tracks. However, the extent of disturbance created by the project was not limited to the Metro-owned taxlot just described but encroached into the taxlot owned by the City of Portland that encompasses the Refuge. Aside from Oaks Amusement Park, the nearest development is over 900 feet away in the neighborhood along SE Sellwood Boulevard to the southeast and at the moorage in the Willamette to the north of the amusement park.

Zoning: *Base Zone:* Open Space (OS)
Overlay Zones: River General (g*), River Environmental (e)

Land Use History: City records indicate that there is land use review history at the Metro site, including the following:

- LU 11-173927 EN GW. Approval of the main Review for the Sellwood Bridge Replacement.
- LU 17-173788 GW. Approval of the replacement of an existing (undersized) culvert between the Willamette River and Oaks Bottom Wildlife Refuge.

City records also indicate multiple land use reviews at the City of Portland Site, including the following:

- LU 68-003206 – Approval for grading and filling;
- LU 82-005296 GW – Approval of installation of a 60-inch diameter pipe;
- LU 88-005375 GW – Approval of installation of a water control structure;
- LU 96-013061 GW – Void/Withdrawn;
- LU 96-013436 GW – Approval to construct trail for use by Llewellyn school;
- LU 06-140071 GW – Approval to create/restore 1.2 acres of wetland and 0.4 acres of upland;
- LU 12-115539 GW – Approval of renovation of Oaks Bottom Bluff Trail.
- LU 17-173788 GW. Approval of the replacement of an existing (undersized) culvert between the Willamette River and Oaks Bottom Wildlife Refuge.

The current proposal has no effect on prior land use reviews.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **August 23, 2022**. Multiple Bureaus and Sections within BDS provided responses, including:

- Bureau of Environmental Services
- Portland Bureau of Transportation
- Fire Bureau
- Site Development Section of BDS
- Bureau of Parks-Forestry Division
- Life Safety Section of BDS

The full responses from each reviewer can be found under the “E” Exhibits of this decision. No specific concerns were identified, or conditions of approval recommended.

The Oregon Department of State Lands was also notified of proposed work in the vicinity of wetlands and provided a response. See Exhibit E.7.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on August 23, 2022. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Title 33.865.100.A.3 All other proposals in the River Environmental overlay zone.

- a. Proposed development minimizes the loss of identified natural or scenic resources and functional values consistent with the uses that are generally permitted or allowed in the base zone without a land use review, or permitted or allowed by an approved conditional use review;**

Findings: The project area originally agreed upon during discussions leading to the granting of the temporary emergency exemption was much smaller than the actual area of disturbance. It does not appear that significant effort was made by the work crew to minimize the loss of resources and functional values. However, staff also recognizes that the majority of the disturbance area was dominated by nuisance species, blackberry in particular, as is evidenced by the dominant vegetation on both sides of the disturbance area. Furthermore, because the area of disturbance is within an established utility easement that is subject to occasional pruning by the utility company, the trees in the disturbance area had been or eventually would be topped or otherwise pruned in a manner that is often detrimental to the trees and to their value as wildlife habitat and for providing shade. As such, the actual amount of identified natural or scenic resources and functional values lost as the result of the project was low to moderate. In total, five trees were removed during the

project, three of those were not originally proposed or approved for removal but were removed as a result of the enlarged disturbance area. The trees range in size from 3-inches in diameter to 8-inches in diameter, their small sizes further substantiating the on-going vegetation pruning and removal that occurs in the utility easement that prevents trees from maturing; mature trees are prevalent throughout the banks of the refuge outside of the utility easement.

To compensate for the approved and unapproved tree removal, the applicant has proposed planting 30 native trees as part of the mitigation plan and as further detailed below. This is a replant:removal ratio of 6:1, which, when accounting for the fact that the new trees will be planted outside of the easement and will thus not be subject to growth suppression techniques to maintain clear utility corridors, creates an outcome that minimizes the overall impact of the project on the larger site's identified resources and functional values, and provides a net benefit in the long-term, both in terms of the quality and quantity of resources and functional values.

As such, *this criterion is met.*

b. Proposed development locations, designs, and construction methods are less detrimental to identified natural and scenic resources and functional values than other practicable and significantly different alternatives, including alternatives on the same site but outside of the River Environmental overlay zone;

Findings: The location of the existing lines and utility easement and logistics of pole spacing do not allow for the possibility of a practicable alternative outside of the River Environmental overlay zone. Of the alternatives that were available, as noted in the applicant's alternative analysis on pages 9-11 of their final narrative (Exhibit A.6), the removal of the failing steel tower after the installation of the new monopole that replaced it was the only practicable alternative design. Practicable alternatives to the preferred (as-built) alternative are instead found in the construction methods utilized. As shown in the approved plans, the applicant originally determined that a much smaller disturbance footprint could be achieved during the removal and replacement project. Unfortunately, that approach is no longer practicable as the work has already been completed and it appears that site conditions and equipment used required a much larger disturbance footprint. Fortunately, as described under the findings for criterion c below, efforts were made to avoid significant detrimental impacts to the adjacent high value resources. Additional impacts were minimized by choosing an alternative that left the footings of the steel towers in place, rather than excavating them out and causing more disturbance and potential damage to roots of nearby vegetation. Furthermore, by implementing the mitigation plan described below and detailed in Exhibits A.6 and C.2 and C.3, the applicant's preferred alternative minimizes overall detrimental impacts to the site's higher value resources and functional values in a manner that other alternative mitigation approaches to the project would not accomplish.

Based on the foregoing and with conditions to ensure the mitigation plan is carried out, *this criterion can be met by the proposal.*

c. There will be no significant detrimental impact on areas of the site reserved for mitigation, areas within the River Environmental overlay zone not proposed for development at this time, downstream river habitat, or other sites where environmental restoration is in progress or complete;

Findings: The disturbance area that resulted from the work was isolated from the adjacent water body using silt fencing; a strip of vegetation was preserved between the silt fencing and the water body and remains intact. After the work was completed, straw was laid over all exposed soils; vegetation has already re-established itself throughout the disturbance area, providing permanent erosion control. By implementing the aforementioned measures, the project avoided impacts to areas beyond the limits of disturbance, including detrimental impacts to water quality in the adjacent waterbody, thus preventing significant detrimental

impacts on downstream river habitat or other sites where environmental restoration is in progress or complete, including areas within Oaks Bottom Wildlife Refuge where restoration efforts have been and continue to be substantial. Mitigation will occur at the site away from the limits of disturbance.

Therefore, *this criterion is met.*

d. Mitigation:

- (1) The mitigation plan demonstrates that all significant detrimental impacts on identified scenic and natural resources and functional values, and the interim loss of functional value will be compensated for. In addition, for proposed development within the riparian buffer area that is not river-dependent or river-related, the mitigation plan must result in a significant improvement of at least one of the following functional values: channel complexity, floodplain connectivity, or floodplain complexity;**
- (2) The amount of natural resource mitigation due as compensation is based on the amount and relative condition of the resources and functional values impacted by the proposal. The amount of natural resource mitigation required will be at a ratio of no less than 1.5:1 (mitigation area to project disturbance area) for on-site mitigation or mitigation bank credits and no less than 3:1 for offsite mitigation but may be more to address the following:**
 - **The uniqueness of the resources and functional values impacted;**
 - **The relative condition of the mitigation area;**
 - **The distance between the impact area and mitigation area; and**
 - **The time lag between when the resources and functional values are lost due to the impacts and the point when the mitigation site will achieve full functions;**
- (3) To the extent practicable, the natural and scenic resources and functional values restored or enhanced as mitigation must be the same kind of resource, performing the same functions as the lost resource. In addition, the mitigation plan must demonstrate that mitigation for tree removal in the 100-year floodplain or 1996 Flood Inundation Area must meet or exceed the replacement requirements of Table 475-2 and occur within the 100-year floodplain and or 1996 Flood Inundation Area;**
- (4) Mitigation must occur on-site in the River Environmental overlay zone, or an area that is contiguous to the River Environmental overlay zone, when practicable and ecologically beneficial. Factors to be considered when evaluating this criterion include:**
 - **The potential for the long-term success of the restored resources and functional values in the mitigation area;**
 - **The amount, size, shape, and connectivity potential of on-site mitigation areas;**
 - **The location of the mitigation area in relation to existing, proposed or future development on the site, and the impact development may have on the mitigation area;**
 - **Contamination; and**
 - **Any other site-specific issue or constraint;**
- (7) The operation and long-term maintenance plan ensures the ongoing maintenance and protection of the mitigation or remediation areas and associated resources and functional values. Plants that die must be replaced in kind. Ongoing monitoring and evaluation of the mitigation or remediation area must occur and monitoring reports must be submitted to the Bureau of Development Services annually for up to 5 years based on scope and size of the mitigation or remediation area.**

Findings: The total disturbance area, temporary and permanent, is 2,041 square feet. None occurring in the mapped Riparian Buffer Area. The disturbance area has been reseeded with a native grass mix.

In discussions with Laura Guderyahn, Botanical Specialist with Portland Parks & Recreation (Parks), and with PGE staff and their environmental consultant, it was agreed that beyond the reseeded for erosion control, mitigating in the location of the disturbance would provide little long-term benefit to the site as a whole. There are a number of reasons for this, including:

- The railroad company regularly sprays herbicides throughout and along the perimeter of the rail prism;
- The disturbance area is surrounded by invasive species on both sides that, without consistent, frequent, and indefinite efforts, would inevitably overtake any mitigation plantings;
- The clearance requirements around the lines limit the size and diversity of plantings such that replacing the lost values of the trees removed is pre-empted to a great extent.

As such, Parks staff identified an alternative mitigation area on the site on the nearby south shore of Oaks Bottom that has past disturbance and a relatively low diversity of species and canopy types compared to the more fully restored and/or protected areas of the refuge.

The amount of mitigation proposed is based on 1.5 times the 2,025 square feet of temporary disturbance and the replanting requirements for small trees in Table 475-3 and the Development Standards for mitigation in 33.475.440.L, which calls for one tree and three shrubs per 100 square feet of disturbance. The result is that for the removal of five trees with diameters between three and five inches and for the temporary disturbance area impacts, the applicant will be planting 30 trees from two different native species, which is a six-fold increase. The applicant documented the removal of two serviceberry shrubs during the work; the mitigation proposes planting 90 native shrubs from 6 different species, or a 45-fold increase.

Rather than concentrate the plantings in a small area, the applicant is proposing to infill the existing vegetation in the mitigation area and spread out the clusters of plantings, based on where the largest gaps of existing vegetation occur. Doing so will provide the best long-term viability of the plantings by minimizing crowding with existing plants and overshadowing.

While staff acknowledges that the functional values of established vegetation are not fully restored by new plantings, the greatly increased quantity of the proposed mitigation and the approach to spread the plantings out in a more natural manner of clusters and infill will provide a notable enhancement to the overall quality and quantity of the site's resources and functional values over the course of the monitoring period and beyond.

To this point, the applicant has chosen different plantings to suit the different soil conditions in the mitigation area, that range from wetland soils at the water's edge to upland soils. In taking this approach, the plans optimize the diversity potential of the resources and functional values that the plan intends to mitigate for and enhance on the site and ensures that those lost during the project, particularly in the 100-year floodplain and 1996 flood inundation zone, will be replaced in-kind.

The whole of the disturbance area and the mitigation area are in the 100-year floodplain and 1996 flood inundation zone. Trees removed will be replaced in excess of what is required by Table 475-2, which would require 9 replacement trees; again, 30 replacement trees are proposed.

The site crosses property owned by both Metro and City of Portland. The mitigation is proposed on City-owned property within the River Environmental overlay zone that is open to the public. In order to ensure the long-term success of the mitigation, PGE and its contractors

must be able to carry out the mitigation plan, monitoring, and maintenance to its completion. As such, a condition of approval will be included with this decision requiring that prior to the issuance of a Zoning Permit to document the installation of mitigation plantings, the applicant shall obtain a legal instrument (such as a written agreement with Portland Parks & Recreation) that grants them access to the mitigation planting areas for the initial installation of the mitigation plantings. Based on the location, context, and scope of the mitigation work, a two-year monitoring period will be required, also by a condition of approval. So, the agreement must allow access for a minimum of two years after initial installation in order to monitor, maintain, and replace as needed, all required plantings.

With the above-noted conditions, *these criteria are 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. Furthermore, this review is retroactive, and no more development is proposed in relation to the project.

CONCLUSIONS

The applicant carried out work to remove a failing steel utility tower and install a replacement monopole in the River Environmental overlay utilizing 33.475.405.B, which provides a temporary exemption for emergency procedures. Since completion of the work, as detailed above, the applicant has demonstrated that the work protected the site's highest value resource(s) and that the proposed mitigation will off-set and enhance the resources and functional values at the site. Therefore, the applicant has shown that the project meets all the applicable approval criteria and, as such, this case should be approved subject to the conditions state below.

ADMINISTRATIVE DECISION

Retroactive approval of a River Review to install a new monopole and remove a failing steel tower within the River Environmental Overlay, per the approved site plans, Exhibits C.1 through C.3, signed and dated May 30, 2023, subject to the following conditions:

- A. A BDS Zoning Permit is required to document, inspect, and monitor required mitigation. The Conditions of Approval listed below, shall be noted on a plan sheet within the plan set submitted for the zoning permit. All sheets in the plan set shall include the following statement, "Any field changes shall be in substantial conformance with approved LU 22-147243 RR, Exhibits C.1 through C.3."
 1. Prior to issuance of the Zoning Permit, the applicant must provide a written agreement with Portland Parks & Recreation that documents and affirms that permission is granted to the applicant to enter the site and carry out the initial plantings and any subsequent maintenance and replanting during the two-year monitoring period, as detailed below.
- B. The Zoning Permit review shall include approval and inspection of a Mitigation Plan, in accordance with Exhibit C.3, for:
 - The planting of 30 native trees and 90 native shrubs;

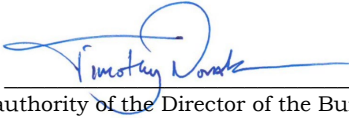
Any plant substitutions shall be selected from the Portland Plant List and shall be substantially equivalent in size to the original plant. Species that provide food for

wildlife or that are attractive to pollinators must be substituted with other species that are also documented as providing food for wildlife or are also attractive to pollinators. Species diversity may not be reduced below that shown in the planting schedule on Exhibit C.3.

1. Permit plans shall show the general 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 include a “typical,” scalable planting layout for each planting zone, and shall illustrate a naturalistic arrangement of plants and should include a planting table listing the species, quantity, spacing and sizes of plants to be planted.
 2. Plantings shall be installed between October 1 and March 31 (the planting season).
- C. The landowner shall monitor the required plantings for two years to ensure survival and replacement as described below. The landowner is responsible for ongoing survival of required plantings beyond the designated two-year monitoring period. The landowner shall:
1. Prior to issuance of the Zoning Permit, the applicant must submit and pay fees for review of the Landscape Monitoring Reports required below.
 2. After installation and inspection of the initial remediation plantings, the land owner must submit two annual monitoring and maintenance reports for review and approval to the Land Use Services Division of the Bureau of Development Services containing the monitoring information described below. Submit the first report within 12 months following the final inspection approval of the initial permit required under Condition A. Submit a second report 12 months following the date of the first monitoring report. Monitoring reports shall contain the following information:
 - a. A count of the number of planted trees that have died. One replacement tree must be planted for each dead tree (replacement must occur within one planting season).
 - b. A count of the number of planted shrubs that have died. One replacement shrub must be planted for each dead shrub (replacement must occur within one planting season).
 - c. A list of replacement plants that were installed. As noted above, any plant substitutions shall be selected from the Portland Plant List and shall be substantially equivalent in size to the original plant. Species that provide food for wildlife or that are attractive to pollinators must be substituted with other species that are also documented as providing food for wildlife or are also attractive to pollinators. Species diversity may not be reduced below that shown in the planting schedule on Exhibit C.3.
 - d. Photographs of the Mitigation area and a site plan, in conformance with approved Exhibit C.3, Mitigation Plan, showing the location and direction of photos.
 - e. An estimate of percent cover of nuisance species (e.g., ivy, blackberry) within 10 feet of all plantings. Invasive species must not exceed 15 percent cover during the monitoring period.

- 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: Timothy Novak

Decision rendered by:  **on May 30, 2023**
By authority of the Director of the Bureau of Development Services

Decision mailed: June 2, 2023

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 May 26, 2022, and was determined to be complete on August 17, 2022.

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 May 26, 2022.

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 245 days, as stated with Exhibit A.4. Unless further extended by the applicant, **the 120 days will expire on: August 17, 2023.**

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, and if appealed a hearing will be held. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. Appeals must be received **by 4:30 PM on June 16, 2023. The completed appeal application form must be emailed to LandUseIntake@portlandoregon.gov and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. **An appeal fee of \$250 will be**

charged. Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for Office of Community and Civic Life recognized organizations for the appeal of Type II and IIX decisions on property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

If you are interested in viewing information in this file, please contact the planner listed on the front of this notice. The planner can email you documents from the file. A fee would be required for all requests for paper copies of file documents. Additional information about the City of Portland, and city bureaus is available online at <https://www.portland.gov>. A digital copy of the Portland Zoning Code is available online at <https://www.portlandoregon.gov/zoningcode>.

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 16, 2023** 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 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 Submittals
 - a. Narrative
 - b. Drawings
 - 2. 8/17/2022 Submittals
 - a. Response to Incomplete Letter
 - b. Narrative and Drawings, rev1
 - 3. 9/06/2022 Submittals, Narrative and Drawings, rev2
 - 4. 120-day extension request form
 - 5. 4/27/2023 Submittals
 - a. Narrative, rev3
 - b. Drawings, rev3
 - c. Zoning Permit docs
 - 6. 5/10/2023 Submittals, Narrative and Drawings, rev4
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. As-Built Site Plan (attached)
 - 2. Mitigation Plan, area of disturbance
 - 3. Mitigation Plan, area of mitigation plantings (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Fire Bureau
 - 4. Site Development Review Section of BDS
 - 5. Bureau of Parks, Forestry Division
 - 6. Life Safety Review Section of BDS
 - 7. DSL Wetland Land Use Notice Response
- F. Correspondence: NONE
- G. Other:
 - 1. Original LUR Application
 - 2. Incomplete Letter
 - 3. Request for Emergency Declaration

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).