



City of Portland, Oregon
Bureau of Development Services
Land Use Services

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
Paul L. Scarlett, Director
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www.portlandoregon.gov/bds

Date: June 13, 2016
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 15-271024 EV

GENERAL INFORMATION

Applicant/Owner: Myron Burr, Chair
Owners Association of Macleay Overlook
3223 NW Skyline Blvd
Portland, OR 97229
Phone: 503-866-5180

Representative: Patrick T Foran
Landye, Bennett, Blumstein, LLP
1300 SW 5th Ave., Suite 3500
Portland, OR 97201
Phone: 503-224-4100

Site Address: [Macleay Overlook – 3223 NW Skyline Blvd.](#)

Legal Description: LOT A, PARTITION PLAT 2005-189; A CONDOMINIUM LOT 8, MACLEAY OVERLOOK

Tax Account No.: R649857530, R522600080

State ID No.: 1N1W25BB 01200, 1N1W25BB 90008

Quarter Section: 2721

Neighborhood: Northwest Heights, contact Charles Clark at 503-297-6159.

Business District: None

District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Northwest Hills Plan District – Skyline Subdistrict

Other Designations: Skyline West Conservation Plan

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

Case Type: EV – Environmental Violation Review

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

Proposal:

Five Big Leaf Maple trees (*Acer macrophyllum*) were felled in the resource area of the Environmental Conservation overlay zone on the subject property without prior authorization from the City. The total combined diameter of the trees cut was 79 inches (a 9", 10", 10.5", 20", and one multistem with 5 stems of 8.5", 9.5", 9.5", 10.5" and 10.5" diameter at breast height). The locations of the removed trees are shown on the attached Existing Conditions Site Plan.

The removal of native trees in an environmental overlay zone requires review and approval by the City. These trees were removed without prior review and approval and thus violate the requirements of the Environmental Chapter of the Zoning Code (33.430). Therefore, the property owner has applied for an environmental violation review for the unauthorized tree cutting.

To mitigate for the unauthorized tree cutting and disturbance within the environmental resource area, the applicant proposes to plant the following:

Trees

- 6 Douglas Fir (*Pseudotsuga menziesii*)
- 8 Western Red Cedar (*Thuja plicata*)
- 6 Bigleaf Maple (*Acer macrophyllum*)
- 5 Cascara (*Rhamnus purshiana*)

Shrubs

- 5 Vine Maple (*Acer circinatum*)
- 5 Red Elderberry (*Sambucus racemosa*)

Groundcover

- 50 Sword Fern (*Polystichum munitum*)

In addition to the restoration planting, invasive non-native shrub Himalayan Blackberry (*Rubus discolor (armeniacus)*) will be removed from the planting areas and within 10 feet of the planting areas, as well as in the three invasive species removal areas shown on the attached Mitigation Site Plan. Additionally, four non-native trees (all 4" DBH) will be removed from the planting area, 3 English Hawthorn (*Crataegus monogyna*), and 1 English Holly (*Ilex aquifolium*). The layout of the plantings is displayed on the attached Mitigation Site Plan. The seedlings will be at least 1" caliper and be planted a minimum 10ft on center.

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**

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 December 1, 2015 and determined to be complete on March 30, 2016.

ANALYSIS

Site and Vicinity: The site is located in the northwest hills of Portland and is accessed from NW Skyline Boulevard (on the east side of the site). The site is divided into two tax lots. The eastern tax lot is developed with 15 houses that were approved through LU 04-023556 PD ZC LDP (described below). The western tax lot is a natural resource tract that was created through the same land use review to preserve all resource area of the Environmental Conservation zone on the overall site. This western tax lot, where the subject trees were cut, slopes steeply down to Thompson Road in the west and was heavily forested with temperate broadleaf and mixed forest at the time of the previous land use review.

The site is bordered on the north and west by RF (Residential Farm and Forest) base zoning with single-family residences, while to the east and south are lots with R10 base zoning. Most of the neighboring lots have existing single-family residences and some degree of environmental overlay zoning.

Zoning: The zoning designation on the site is the Residential 10,000 (R10) base zone, with Environmental Conservation (c) overlay zones (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 provisions of this zone are not specifically addressed through this Environmental Review.

The Northwest Hills Plan District protects sites with sensitive and highly valued resources and functional values. The portions of the plan district that include the Balch Creek Watershed and the Forest Park Subdistrict contain unique, high quality resources and functional values that require additional protection beyond that of the Environmental overlay zone. These regulations provide the higher level of protection necessary for the plan district area.

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 correct a violation of the regulations of the environmental zones.

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 [Skyline West Conservation Plan](#) as Resource Site 145. Resources of concern on the violation site include forest, wildlife habitat, sensitive fauna, intermittent and perennial creeks and creek headwaters, palustrine wetlands, groundwater, and open space. Functional values of concern include food, water, cover and territory for wildlife; groundwater recharge and discharge; slope stabilization, sediment and erosion control; microclimate amelioration; air and water quality protection; and scenic, recreational and educational values.

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

LU 04-023556 PD ZC LDP – Approval of a Zoning Map Amendment from RF to R10 in Conformance with the Comprehensive Plan map designation; Approval of a Preliminary Plan for a one-lot Partition; Approval of a Planned Development; and, Approval of the following Planned Development Modifications for Parcel 1: Increase the maximum allowed lot area from 17,000 to 108,422 square feet. Increase the maximum allowed building coverage from 11,131 square feet to 23,024 square feet.

- Conditions of approval relevant to this review included the following:
 - **Condition B.2.e:** *The 30-foot wide area in Tract A as shown on Exhibit C.2 shall be planted with 22 trees and 21 shrubs. Species shall be selected from the Portland Plant List and indicated on the plan.*
 - **Conditions A.1:** *Tract A shall be shown and labeled as an Environmental Resource Tract and contain the resource area of the environmental conservation zone as shown on Exhibit C.1.*
 - **Condition A.2:** *Tract B shall be shown and labeled as Private Stream Preservation Tract. The Supplemental Plan required under condition B, below, shall show the top-of-bank of the drainageway on Parcel 1 as shown on Exhibit*

C.2. The location of Tract B shall cover the drainageway up to 15 feet from the surveyed top-of-bank.

Agency and Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed April 4, 2016.

The following Bureaus have responded with no issues or concerns:

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

The Bureau of Environmental Services responded with the following comment (Exhibit E.1):

“A detailed, more specific mitigation plan should be reviewed by BES to ensure that the existing drainage reserve and public facility and easement areas on this site are not negatively impacted. Future development of this site will be subject to BES standards and requirements.”

No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

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 environmental review of tree removals are found in **33.430.250 E, Other development in the Environmental Conservation zone or within the Transition Area only**. If any of the six 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 removal of the unpermitted development.

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;**
- 2. Proposed development locations, designs, and construction methods are less detrimental to identified resources and functional values than other practicable and significantly different alternatives;**
- 3. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;**
- 4. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;**
- 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: The applicant's written findings did not specifically address each of the above approval criteria. Since the criteria from Section 33.430.250 E are not shown to be met, then all of the criteria under Section G must be met, including the criterion which requires removal of the unpermitted development.

33.430.250 G. Corrections to Violations (continued)

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

Findings: Remediation will occur within the same area where the tree removals occurred in violation of the Zoning Code.

The applicant's replanting plan (Exhibits C.2) is intended to correct the violation and comply with the Portland Zoning Code (Chapter 33.430.250). The goal of the applicant's remediation plan is to restore the disturbed area within the environmental zones and replace the cut trees by planting 25 native trees, 10 native shrubs, and 50 native groundcover plants, as described above.

Remediation is proposed within the same physical area as the violation, in the direct vicinity to the cut trees.

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;

Findings: This criterion requires that activities in the area of the violation of the Portland Zoning Code environmental regulations be returned to a natural state, and that all resources and functional values formerly present in the violation area be restored by the remediation plan. The applicant proposes to meet this criterion because the area surrounding the tree removals will be restored and vegetation will be replanted. No development that would require removal is part of this environmental violation review.

It is difficult to quantify the impact the physical removal of the five trees had on the surrounding area because vegetation (mostly invasive) has already re-grown in the area. However, five established maple trees would have positively contributed to functional values of concern on the site, such as cover for wildlife, slope stabilization, sediment and erosion control, microclimate amelioration, and air and water quality protection. The applicant proposes to replace the 5 Big Leaf Maples that were removed by planting 6 Douglas Fir, 8 Western Red Cedar, 6 Bigleaf Maple, and 5 Cascara, as well as 5 Vine Maple, 5 Red Elderberry, and 50 Sword Fern (Exhibit C.2). Furthermore, in order to ensure that no permanent loss of any of these functional values or other resources occurs, the proposed remediation includes invasive species removal from within the planting areas and within 10 feet of these areas. Additionally, the applicant proposes to remove 4 nuisance trees on site to improve the resource function of the site.

This criterion is met.

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.

Functional values of concern on and around the site include food, water, cover and territory for wildlife; groundwater recharge and discharge; slope stabilization, sediment, and erosion control; microclimate amelioration; air and water quality protection; and scenic values. Although the proposed mitigation plan exceeds the number of replacement trees that would have been required if tree removal had been authorized and prevents the permanent loss of functional values and resources over the long term, it will not result in a significant improvement of at least one functional value because the project site has extensive invasive species proliferation and negatively impacted forest canopy due to prior tree removals. Additionally, BDS staff conducted site visits and concluded that the majority of the mitigation plantings required by the conditions of a previous land use review (LU 04-023556 PD ZC LDP), described above, have not survived in the 30-foot wide planting area shown on Exhibit C.3. BDS staff instead found the entire area to be choked with Himalayan blackberry and could only find five remaining bitter cherry trees. Therefore, in order for there to be a significant improvement of at least one functional value, the applicant must replant the previously required mitigation plantings and remove all invasive species within the 30-foot wide planting area. This condition will significantly improve stormwater retention by native plant species and improve sediment and erosion control on the site. This is critical for not only habitat improvement but also slope stability directly downslope from the existing retaining wall and condominium development.

With conditions for additional invasive species removal and replanting of mitigation plantings required by the previous land use decision, *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 through a zoning permit.

Because the applicant proposes to remove invasive vegetation and replant by hand, there is only the potential for a very minimal loss of resources and functional values during remediation. The proposed, with conditions, plantings will result in an improvement to functional values, as described above. A Zoning Permit will be required to document installation of plantings.

With conditions for all work to be conducted by hand, and for monitoring and 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.

OTHER TECHNICAL REQUIREMENTS

Technical decisions have been made as part of this review process, based on other City Titles, as administered by other City service agencies. These related technical decisions are not considered land use actions. If future technical decisions result in changes that bring the project out of conformance with this land use decision, a new land use review may be required. The following is a summary of technical requirements applicable to this proposal. This list is not final, and is subject to change when final permit plans are provided for City review.

Bureau	Code Authority and Topic	Contact Information
Water Bureau	Title 21 - Water availability	503-823-7404 www.portlandonline.com/water
Environmental Services	Title 17; 2008 Stormwater Manual	503-823-7740 www.portlandonline.com/bes
Fire Bureau	Title 31 Policy B-1 - Emergency Access	503-823-3700 www.portlandonline.com/fire
Transportation	Title 17 - Transportation System Plan	503-823-5185 www.portlandonline.com/transportation
Development Services	Title 24 - Building Code, Flood Plain, Site Development; Title 10 - Erosion and Sediment Control	503-823-7300 www.portlandonline.com/bds
Urban Forestry	Title 11 - Trees	503-823-8733 http://www.portlandoregon.gov/trees/

CONCLUSIONS

Through this Environmental Review, the applicant requests approval of remediation for a Zoning Code violation which occurred within the Environmental overlay zone. At least five trees were removed from the resource area of the Environmental Conservation overlay zone. The applicant proposes to plant 25 native trees, 10 native shrubs, and at least 50 native groundcover plants and to remove invasive vegetation around those plantings in the resource area of the environmental conservation zone. The applicants and the findings, above, 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 to correct unpermitted removal of at least 5 native trees from within the Environmental Conservation overlay zone, in substantial conformance with Exhibits C.2 and C.3, as approved by the City of Portland Bureau of Development Services on **June 8, 2016**. Approval is subject to the following conditions:

A. A BDS Zoning Permit is required for inspection and approval of remediation plantings. The permit must be issued by October 1, 2016 and finalized by April 1, 2017. Copies of the stamped Exhibits C.2 and C.3 from LU 15-271024 EV and Conditions of Approval listed below, shall be included within all plan sets submitted for permits (Zoning Permits). These exhibits shall be included on a sheet that is the same size as the plans submitted for the permit and shall include the following statement, **"Any field changes shall be in substantial conformance with approved Exhibits C.2 and C.3."**

1. All planting work, invasive vegetation removal, and other work to be done as approved in this Decision, shall be conducted using hand held equipment.

B. A total of 25 trees, 10 shrubs, and 50 native ferns selected from the *Portland Plant List*, shall be planted in the resource area, in substantial conformance with Exhibit C.2. In addition, a total of 17 trees and 21 shrubs shall be planted in the 30-foot wide planting area, in substantial conformance with Exhibit C.3.

1. Plantings shall be installed between October 1 and March 31 (the planting season).

2. Trees shall be a minimum 1-inch diameter and shrubs and ferns shall be a minimum 1 gallon size.
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. 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. All tape shall be a contrasting color that is easily seen and identified.
5. The number of trees (17) and shrubs (21) required to be planted in the 30-foot wide planting area may be reduced if the land owner can identify and tag (with a color distinct from new plantings) surviving plantings required by Condition B.2.E of the previous land use decision (LU 04-023556 PD ZC LDP). Alternate species from the *Portland Plant List* may be substituted for the species required by the previous land use decision if the size requirements of Condition B.2, above, are met. An updated existing conditions site plan showing surviving plants and any species substitutions must be submitted at the time of Zoning Permit application for them to be considered.

C. The land owner shall maintain the required plantings for two years to ensure survival and replacement. The land owner is responsible for ongoing survival of required plantings during and beyond the designated two-year monitoring period. The landowner shall:

1. Obtain a second (final) Zoning Permit for a final inspection at the end of the 2-year maintenance and monitoring period. The permit must be finalized no later than 2 years from the final inspection for the installation of mitigation planting, for the purpose of ensuring that the required plantings remain. Any required plantings that have not survived must be replaced.

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: Ethan Brown



Decision rendered by: _____ on June 8, 2016
By authority of the Director of the Bureau of Development Services

Decision mailed: June 13, 2016

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

Procedural Information. The application for this land use review was submitted on December 1, 2015, and was determined to be complete on March 30, 2016.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on December 1, 2015.

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 30 days. Unless further extended by the applicant, **the 120 days will expire on: August 27, 2016.**

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

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

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

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

Appealing this decision. This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on June 27, 2016** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

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

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

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

Recording the final decision.

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

- *Unless appealed*, The final decision may be recorded on or after **June 28, 2016 – (the day following the last day to appeal)**.
- A building or zoning permit will be issued only after the final decision is recorded.

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

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

For further information on recording, please call the County Recorder at 503-988-3034
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

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

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

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

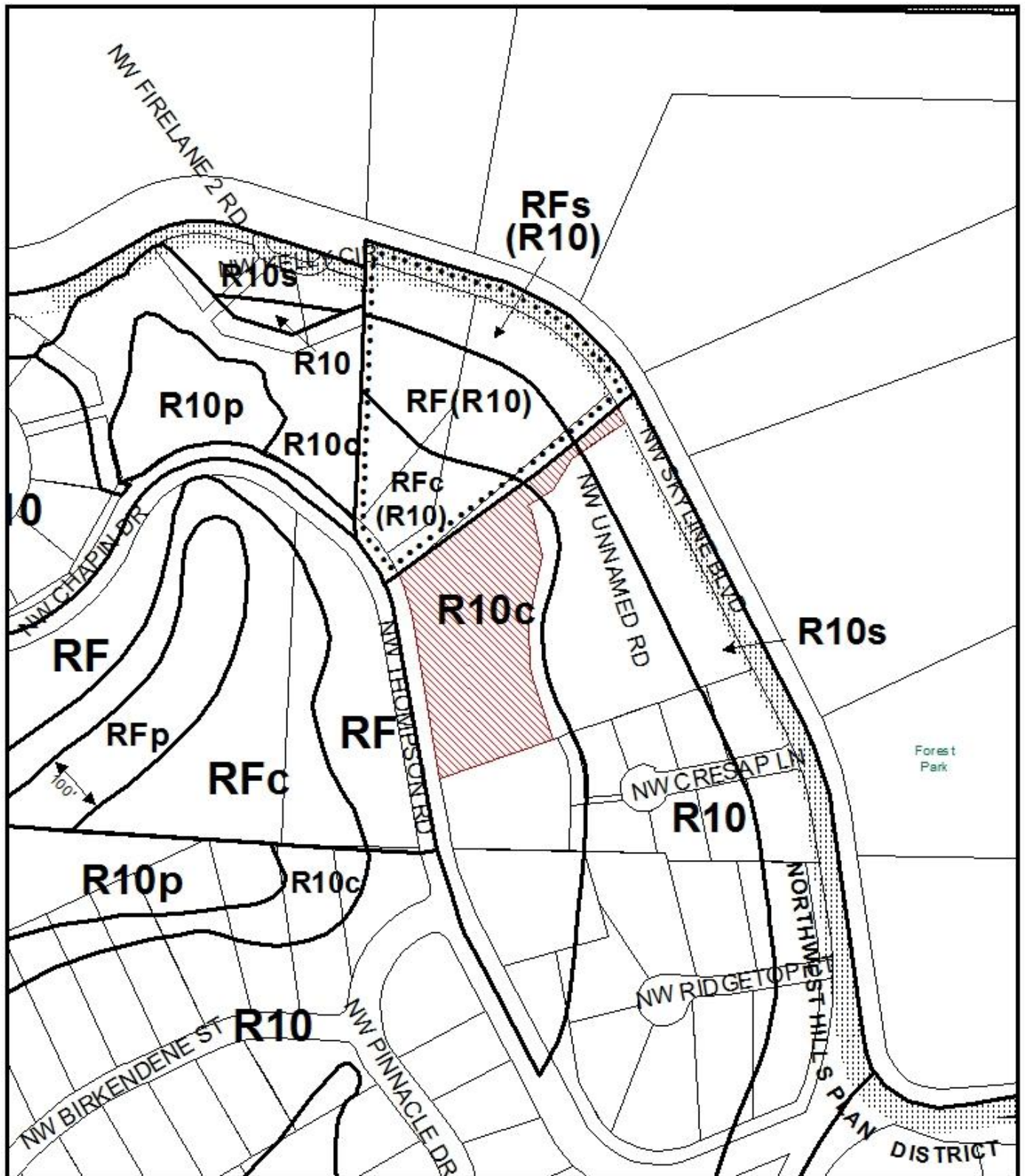
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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. Narrative
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Existing Conditions Site Plan (attached)
 - 2. Mitigation Site Plan (attached)
 - 3. Planting Plan from LU 04-023556 PD ZC LDP (attached)
 - 4. Original Existing Conditions Site Plan
 - 5. Original Mitigation Site Plan
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Site Development Review Section of BDS
 - 3. Bureau of Parks, Forestry Division
- 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

 Site

This site lies within the:
 NORTHWEST HILLS PLAN DISTRICT
 SKYLINE SUBDISTRICT

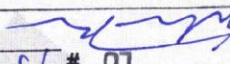


File No.	LU 15-271024 EV
1/4 Section	2721
Scale	1 inch = 200 feet
State Id	1N1W25BB 1200
Exhibit	B (Dec 04, 2015)

Existing Conditions

-  Transition Area
-  Drainage Reserve
-  Topped Trees
-  Himalayan Blackberry
-  Invasive Trees
-  Existing Tree Cover

NW Thompson Rd











Approved
 City of Portland - Bureau of Development Services
 LU # 15-271024 EV
 Planner 
 Date 6/8/16
 * Approval for Environmental Review only. Not a building permit.
 Additional zoning requirements may apply.

8317

CASE NO. 15-271024 EV
 EXHIBIT C.1

0 15 30 60ft

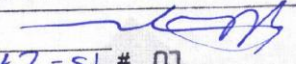
Mitigation Site Plan

-  Transition Area (25ft)
-  Drainage Reserve (15ft)
-  Invasive Species Removal
-  8 Western Red Cedar (*Thuja plicata*)
-  5 & 8 Cascara (*Rhamnus purshiana*)
-  6 Douglas Fir (*Pseudotsuga menziesii*)
-  6 Bigleaf Maple (*Acer Macrophyllum*)
-  5 Vine Maple (*Acer circinatum*)
-  5 Red Elderberry (*Sambucus racemosa*)
-  50 Sword Fern - groups of 10 (*Polystichum munitum*)

0 15 30 60ft



CASE NO. 15-271024 EV
EXHIBIT 6.2

Approved
City of Portland - Bureau of Development Services
LU # 15-271024 EV
Planner  Date 6/8/16
* Approval for Environmental Review only. Not a building permit.
Additional zoning requirements may apply.

6317

EXHIBIT 'B-1'

PLANT LEGEND



- * Refer to condition B.2 for planting requirements
- * all trees must be a least 1" dia
- * all shrubs must be at least 1g1

LU # 04-023556
EXHIBIT C.2

CASE NO. 15-271024
EXHIBIT C.3

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

Date 6/8/16

City of Portland - Bureau of Development Services

LU # 15-271024 EV

CASE NO. _____
EXHIBIT _____

PLANNED DEVELOPMENT SITE PLAN
A-2.1