



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

Dan Saltzman, Commissioner
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www.portlandoregon.gov/bds

Date: October 20, 2016
To: Interested Person
From: Kathy Harnden, Land Use Services
503-823-7318 / Kathy.Harnden@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 16-107189 EV UNINCORPORATED MULTNOMAH COUNTY

GENERAL INFORMATION

Applicant: Mountain View Development, Inc.
Brandon Sauer
PO Box 212
Lake Oswego, OR 97034-0025

Owner: Tege Sauer
PO Box 212
Lake Oswego, OR 97034-0025

Site Address: North of 11930 SW Riverside Drive

Legal Description: LOT 9 TL 301 SPLIT LEVY R100223 (R001100507), ABERNETHY HTS;
LOT 9&19 TL 400, ABERNETHY HTS; LOT 10 TL 300 SPLIT LEVY
R100218 (R001100460), ABERNETHY HTS

Tax Account No.: R001100460, R001100480, R001100507

State ID No.: 1S1E35CA 00301, 1S1E35CA 00400, 1S1E35CA 00300

Quarter Section: 4231

Neighborhood: None

Business District: None

District Coalition: None

Plan District: None

Other Designations: Unincorporated Multnomah County; Steep slopes of 20 percent or more;
Regulatory Landslide Hazard Area; Potentially Rapid Moving Landslide Area
Residential 20,000 (R20) with the Environmental Conservation (c) overlay

Zoning: Environmental Violation Review (EV)

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

Procedure:

Proposal:

The applicant removed 16 Western red cedar trees from the Transition Area of the environmental zone, and graded an approximate 50-foot wide by 90-foot-long curved access road/building pad in the resource area on the site, resulting in an approximate 4,500 square-foot graded and tree removal disturbance area in the transition and resource areas of the Environmental Conservation overlay zone adjacent to SW Riverside Drive. The 16 cedars were relatively young trees, ranging in size between 8 and 12 inches for an approximate total of 160 inches of native tree removal. The graded area was being designed as a site access/driveway into the site and an apparent building pad for a future home. Neither the tree removal nor the grading was reviewed or approved prior to the occurrence.

Neither the grading nor tree removal from the environmental zone meets the standards of Ch. 33.430. Without prior review and approval, the activity is a violation of the Environmental Chapter of the Zoning Code (Ch. 33.430). Therefore, the owners applied for the environmental violation review to correct the violation. In addition, the applicants requested approval to retain and pave the graded area.

The applicant proposed a planting plan that includes installing 19 Western flowering dogwood and 21 Big leaf maple trees, as well as 40 native shrubs consisting of 8 each of vine maple, red current, snowberry, Evergreen huckleberry, and Ocean Spray in an area west and north of the unpermitted graded area. Also, 200 groundcover plants are proposed to be planted throughout the area.

Relevant Approval Criteria:

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, and**
- **33.430.250.E – Other development in the Environmental Conservation zone or within the Transition Area only**

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 January 19, 2016 and determined to be complete on July 12, 2016.

FACTS

Site and Vicinity: The site is located north of and immediately adjacent to 11930 SW Riverside Drive in the Dunthorpe area of SW Portland, in unincorporated Multnomah County approximately 500 feet northwest of, and approximately 50 to 60 feet above the Willamette River. It is comprised of three narrow, rectangular lots adjacent to the east side of SW Riverside Drive, a main thoroughfare through the area. The lots vary in width from 32 feet to 74 feet from north to south and had contained a very solid tree canopy. The site is currently vacant except for the new access drive, although a house is planned for the site in the future. The property has no frontage along the Willamette River.

Most of the adjacent lots are developed with large homes that either overlook the Willamette River or the forested area adjacent to the west side of the site, with the exception of the adjacent lots to the north and west which are owned by the Protestant Episcopal Diocese and contain Elk Rock Garden. Most of the area adjacent to the west remains undeveloped.

Zoning: The site has the R20 (residential 20,000) base zone with the Environmental Conservation (c) overlay zone.

The R20 designation is one of the City's single-dwelling zones which are intended to preserve land for housing and to promote housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing.

Environmental overlay zones protect environmental resources and functional values that have been identified by the City as providing benefits to the public. The environmental regulations encourage

flexibility and innovation in site planning and provide for development that is carefully designed to be sensitive to the site's protected resources. They protect the most important environmental features and resources while allowing environmentally sensitive urban development where resources are less sensitive. The purpose of this land use review is to ensure compliance with the regulations of the environmental zones.

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 *Inventory of natural, Scenic and Open Space Resources for Multnomah County Unincorporated Urban Areas* as site number 117-A Dunthorpe. Resources and functional values of concern on the site include forests, wildlife habitat, steep slopes, and slope stabilization.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **August 1, 2016**. The following Bureaus have responded with no issues or concerns:

The Bureau of Environmental Services responded that the requirements of the Stormwater Management Manual will apply for any future development of the site, but had no concerns or requirements pertaining to this violation case. Please see Exhibit E.1 for additional details.

The Site Development Section of BDS responded that the erosion prevention and sediment control requirements of Title 10 will apply to any site preparation work or development. They have no concerns if the driveway is not retained or paved. However, if it is to be retained and approved by this review, additional information would be required. Please see Exhibit E. 2 for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on August 1, 2016. A total of six written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal. All but one of the responses voiced concerns about the removal of mature native trees from the site and several noted the visual and perhaps physical impacts the tree removal has and will have on Elk Rock Garden adjacent to the site to the northeast.

One neighbor responded that the tree removal opened up the area, admitting morning light to their property and opening views to the Willamette River, and over-all has positively benefitted the area.

ZONING CODE APPROVAL CRITERIA

33.430.250. G. Corrections to violations. For corrections to violations of this Chapter the application must meet all applicable approval criteria stated in subsections A through F above, and paragraphs 1, 2.b and 2.c, below. If these criteria cannot be met, then the applicant's plan must demonstrate that all of the following are met:

Findings: The approval criteria which would have been applied to environmental review of tree removal and grading activity 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 regard to construction activity 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 plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;**
5. **will occur within the same watershed as the proposed use or development and within the Portland city limits except when the purpose of the could be better provided elsewhere; and**
6. **The applicant owns the 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 program; or can demonstrate legal authority to acquire property through eminent domain.**

Findings: The applicant's written findings did not address each of the above approval criteria with enough specificity to identify how they were, or would be met by the grading activity. Therefore, because 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 unpermitted development.

33.430.250 G. Corrections to Violations

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

Findings: Although the proposed remediation is in the vicinity of the violation area, it is not located in the violation area itself. Instead, the proposed planting area is located north of the tree removal and graded area. The applicant had requested that the graded area be allowed to remain and to be paved. The plan includes a request to install plants north of the graded access (Exhibit C.4) in order to move forward with a proposed house to be constructed on the site in the future after undergoing permit approval. However, an access is not allowed on undeveloped property until a primary use/residence has been proposed and approved. Therefore, the proposed planting area must be located in the violation area, which includes the graded and graveled driveway entrance and the area immediately adjacent to it. With a condition to this effect, this criterion will be met.

2. **The plan demonstrates that after its implementation there will be:**

- a. **No permanent loss of any type of resource or functional value;**

Findings: The goal of the applicant's plan was to preserve the approximately 4,500 square-foot graded and graveled access/development area where native trees were removed, and to enhance a different area on the site to the north of the graded area. As discussed above, however, the request to retain the graded area as a driveway and potential building area on the site is not approvable without an accompanying proposal to place a structure on the site. Therefore, the graded area must be replanted.

The applicant's proposed planting plan includes 21 big leaf maple and 19 Western flowering dogwood trees, as well as 8 each of red current, vine maple, snowberry, Evergreen huckleberry and Ocean spray shrubs. Altogether, 40 native trees and 40 native shrubs and 200 native groundcover plants are proposed to be planted in an area north of the graded area and outside the disturbance area. Groundcover plants were not included in the proposal.

The proposed 40 tree and 40 shrub mitigation plan exceeds the required tree replacement by 8 trees and 40 shrubs. Because the 16 removed trees were all 12 inches or less in diameter, 32 trees, but no shrubs, would have been required to replace them had an application been submitted and approved prior to their removal.

However, the proposed location of the remediation plants is problematic. The area is already densely covered with trees and other vegetation, and it is unlikely that so many new trees would survive being planted in such an already densely forested area.

Further, although replacement trees generally should be installed in the violation area, the applicants intend to put a home on this site in the near future, and any mitigation plants required to be installed in the graded area would have to be removed and replanted elsewhere on the site once the permits are issued for house construction. Therefore, the graded area should be planted only with native grass seed to limit erosion on the site prior to future development. The required mitigation trees and shrubs, however, should be installed around the graded area. This required planting area must be cleared of invasive species prior to installing the required mitigation trees and shrubs. Staff has modified the Mitigation Site Plan to reflect both the planting area and required plantings.

Resources and functional values at the site include forests, wildlife habitat, steep slopes and slope stabilization. To not incur a permanent loss of these resources, the planting area should be located east of the disturbance area where there appears to be less vegetation, and would provide a buffer along Elk Rock Garden and would help protect steep slopes. The proposed planting area north of the graded area appears already sufficiently covered with vegetation so that additional plantings would not have further improved slope stabilization at the site.

The modified mitigation plan requires the driveway to be reseeded with a native grass/forb seed mix and the area north of the graded area to be planted with 16 native trees and 20 native shrubs. Because the area to be planted is different from the applicant's proposed planting area, conditions are required to ensure that mitigation plants are installed in the required areas and in the required amounts. Further, prior to native plant installation, non-native, invasive species must be removed. With these conditions, the modified Plan will ensure that there will be no permanent loss of any type of resource or functional value on this site, and this criterion will be met.

b. A significant improvement of at least one functional value; and

Findings: This criterion requires a plan that not only compensates for the detrimental impacts of the unpermitted work, but also leads to significant improvement of at least one functional value.

Functional values are the benefits provided by the site's resources, which may be physical, such as intercepting rain and retaining runoff during storm events, or providing food and habitat for wildlife; or aesthetic, such as forested areas and streams that provide views and view corridors. Functional values on and around the site include wildlife habitat, slope stabilization, sediment and erosion control, air and water quality protection, and scenic values.

Typical tree replacement for removal of 16 immature cedar trees that ranged in size between 8 and 12 inches would require 2 replacement trees per cut tree, or a total of 32 replacement trees, with no shrub requirement. Although the applicant's plan included planting 40 native trees and 40 native shrubs, there is insufficient room in the area to install so many trees and have them be able to survive and thrive, and the proposed number of trees and shrubs exceeds the required replacement. Therefore, a combination of actions is required, including invasive species removal from the planting area, native grass and forb seeding the graded surface, and planting 16 native trees and 20 native shrubs in the area north and west of the graded area, which should restore the site, while taking into consideration the potential for its future development. Gravel must be removed from the graded area prior to seeding it, and invasive species, including blackberry and ivy, must be removed from all planting areas and from trees within 30 feet of the disturbance area.

Over time, the mitigation plants will provide a significant improvement to wildlife habitat and will intercept rain which will help reduce runoff from the area during storm events. The plants will also ensure that erosion will not occur from the graded area which, in turn, will help protect water quality from site runoff. The invasive species removal and native species plantings will further improve the scenic quality of the site by returning it to a more natural state.

Therefore, with approval of the staff-revised mitigation plan shown on Exhibit C.4 which includes invasive species removal, grass-seeding the graded disturbance area, and planting 16 native trees and 20 native shrubs north and west of the graded area, this Criterion will be met.

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

Findings: This criterion requires the applicant to protect remaining site resources during construction through effective construction management; to install plantings in a timely manner; and to verify the establishment of the full plan through a zoning permit.

In order to restore the violation site, the applicant must first remove the gravel from the graded surface area prior to restoring it with the native plants. Further, because the violation area has a slight grade towards the Willamette River, there is potential for stormwater to erode the regraded and replanted slope over the winter months. Therefore, the planted area should be covered with loose, sterile straw or other effective erosion control mechanisms until the plants have matured enough to help retain the soil. Also, sediment control fencing should be installed along the northwest property boundary to ensure that any possible erosion will not damage the site, as well as to ensure that no loose soils migrate off-site onto neighboring property.

A Zoning Permit is required to document the installation of the erosion control fencing and plantings.

With the above conditions for plant protection and erosion controls, this criterion will 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

Bureau	Code Authority and Topic	Contact Information
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 requested approval of a remediation plan for a Zoning Code violation that occurred within the Environmental Conservation overlay zone. An approximate 4,500 square-foot vehicle access area was graded into the site from SW Riverside Drive in the resource area of the Conservation zone without prior land use or permitting approvals. At least 16 native trees with 8 to 12-inch diameters were removed. The applicant proposed a remediation plan that includes planting 40 native trees, 40 native shrubs, and 200 native groundcover plants as mitigation for the tree removal. Staff altered the mitigation plan by reducing the number of trees to be replanted and by requiring removal of the gravel and invasive vegetation from the disturbance area and replanting the graded area with a native grass/forb seed mix, as well as planting 16 native trees and 20 native shrubs in the area north and west of, and adjacent to the graded area. The findings above, along with the required mitigation, show that the proposal meets the applicable approval criteria with conditions. Therefore, the mitigation plan should be approved, subject to the conditions below.

NOTE: The driveway, paved or otherwise, is not approved by this review as the approval criteria for that development was not addressed by the applicant, and the City cannot approve a driveway without first approving a primary dwelling unit on the site.

ADMINISTRATIVE DECISION

Approval of an Environmental Violation Review to correct unpermitted removal of 16 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 **October 18, 2016**. Approval is subject to the following conditions:

A. A BDS Zoning Permit is required for inspection and approval of plantings. The permit must be issued by December 1, 2016 and finalized by April 1, 2017. Copies of the stamped Exhibits C.2, C.3 and C.4 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 through C.4."***

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 16 native trees, 20 native shrubs and a native grass/forb seed-mix shall be planted in the resource area, in substantial conformance with modified Exhibit C.4, Mitigation Site Plan.
 1. A landscape plan shall be provided as part of the required Zoning Permit showing a naturalistic arrangement of trees and shrubs and location. Plans shall be to scale and show the location, species, quantity and size of all plants to be installed.
 2. Plantings shall be installed between October 1 and March 31 (the planting season) following publication of this review.
 3. Gravel shall be removed from all graveled and graded areas prior to installing remediation plants.
 4. Upon completion of the gravel removal, all former gravel areas shall be seeded with a native

grass/forb seed mix.

5. Prior to installing required remediation plantings, non-native invasive species shall be removed from the remediation planting area and from within 15 feet of required remediation plants, using handheld equipment.
6. Required trees shall have a minimum 1-inch diameter, and shrubs shall be a minimum 1-gallon size.
7. The planted area shall be covered with loose, sterile straw or other effective erosion control device until the plants have matured enough to help retain the soil.
8. Sediment control fencing shall be installed and maintained along the northeast property boundary until the plants have matured enough to help retain the soil.
9. All mitigation and 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.
10. After installing the required plantings, the applicant shall request inspection of mitigation plantings and shall final the BDS zoning permit.

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: Kathy Harnden

Decision rendered by: Kathy Harnden on October 18, 2016
By authority of the Director of the Bureau of Development Services

Decision mailed: October 20, 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 January 19, 2016, and was determined to be complete on July 12, 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 January 19, 2016.

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 waived the 120-day review period, as stated with Exhibit G.2, 120-Day Waiver. Unless further extended by the applicant, **the 120 days will expire on: July 11, 2017.**

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, who will hold a public hearing. Appeals must be filed **by 4:30 PM on November 3, 2016** 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.

Appeal fee waivers. Multnomah County may cover the appeal fees for their recognized associations. An appeal filed by a recognized association must be submitted to the City with either the appropriate fee or the attached form signed by the County. Contact Multnomah County at 503-988-3043, 1600 SE 190th, Portland, OR 97233.

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 **November 4, 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.

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.

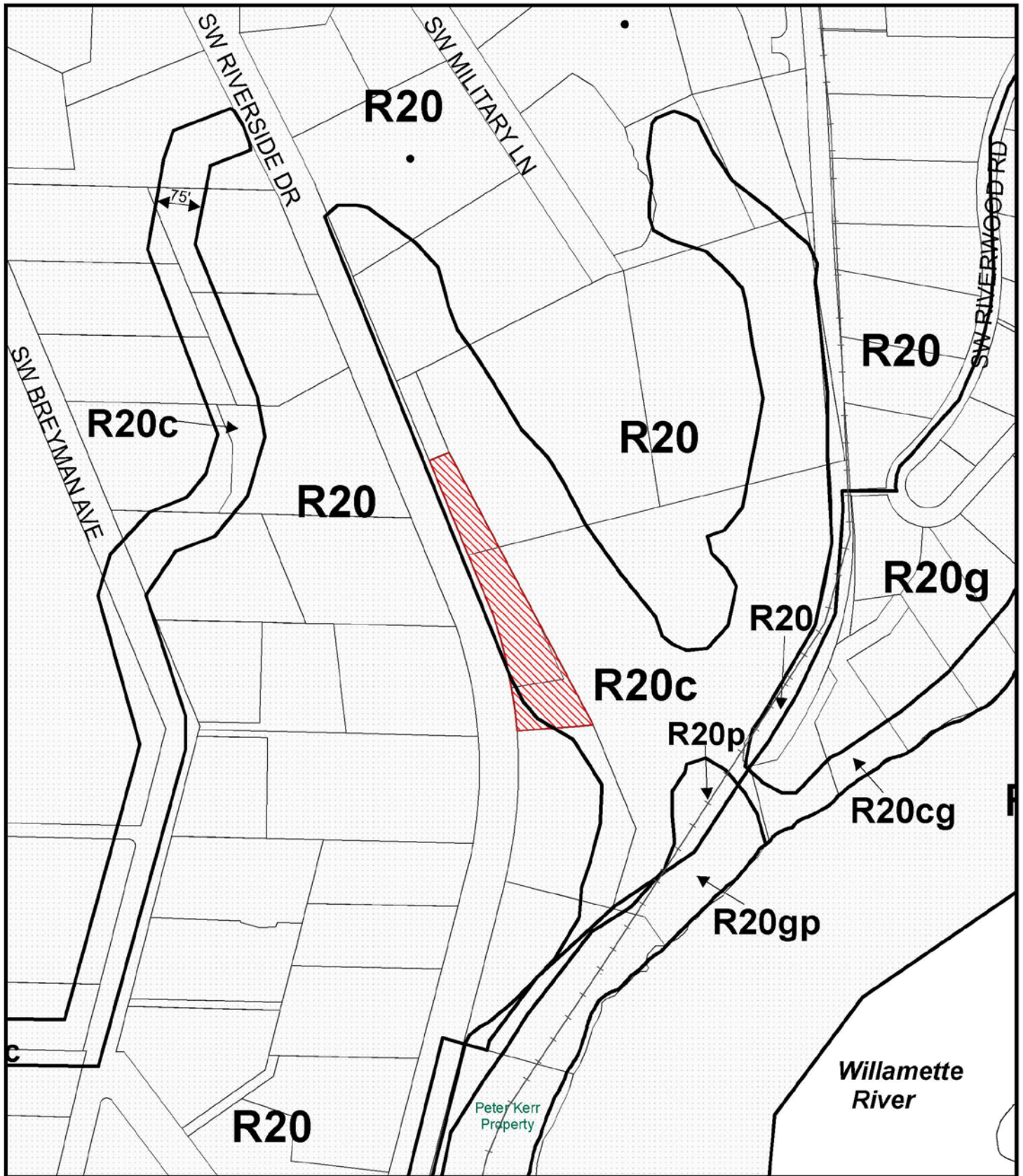
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Narrative
 - 2. Proposed Planting Plan
 - 3. Revised Narrative (5/19/16)
 - 4. Revised Narrative (7/12/16)
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Existing Conditions Site Plan (attached)
 - 2. Proposed Development Site Plan
 - 3. Construction Management Site Plan
 - 4. Remediation Site Plan, amended by staff (attached)
- 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. General Life Safety
- F. Correspondence:
 - 1. John K. and Amanda Hedges, 8/8/16, noted that the tree removal had a positive effect on their living area, opening up the view and removing invasive ground cover species.

2. Barbara Wagner, 8/8/16 felt that tree removal had negative effects on the Elk Rock Garden area immediately adjacent to the west side of the site.
 3. The Rt. Rev. Michael J. Hanley of the Episcopal Church in Western Oregon, 8/12/16, expressed concern regarding the exposure of the steep slope on the Church property caused by the tree cutting.
 4. Friends of Elk Rock, 8/12/16, expressed concerns regarding the proposed planting plan (Note: the applicant revised the planting plan, as approved in this review.)
 5. Sally Behel, 8/21/16, expressed concern about the violation and stated that only native species should be allowed to be planted on the site.
 6. Tom Scrugham, 8/21/16, expressed concern regarding the tree removal and provided several ideas for requirements.
- G. Other:
1. Original LU Application
 2. Email correspondence with applicant
 3. 120-Day Waiver

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
-  Historic Landmark
-  Unincorporated Pockets

File No. LU 16-107189 EV
 1/4 Section 4231
 Scale 1 inch = 200 feet
 State_Id 1S1E35CA 400
 Exhibit B (Feb 4, 2016)



This site lies within
Unincorporated Multnomah County



Scale: 1" = 40'

Legend

⊗ = Existing deciduous tree

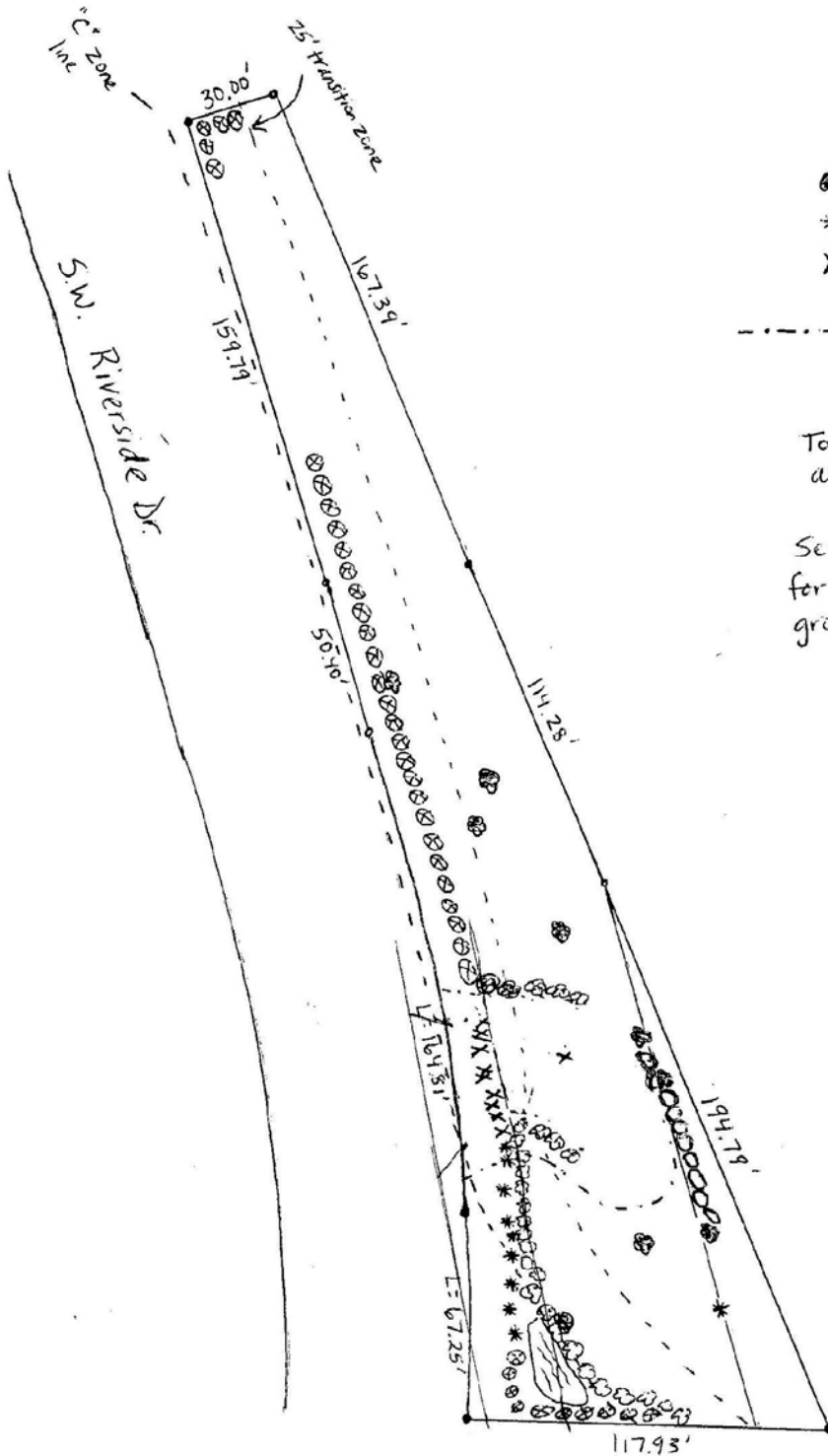
* = Existing cedar tree

X = Cedar tree removed
(8-12" dbh)

----- = Area disturbed

Total disturbance
area = 2,042 #

See attached table
for tree, shrub, and
ground cover planting.

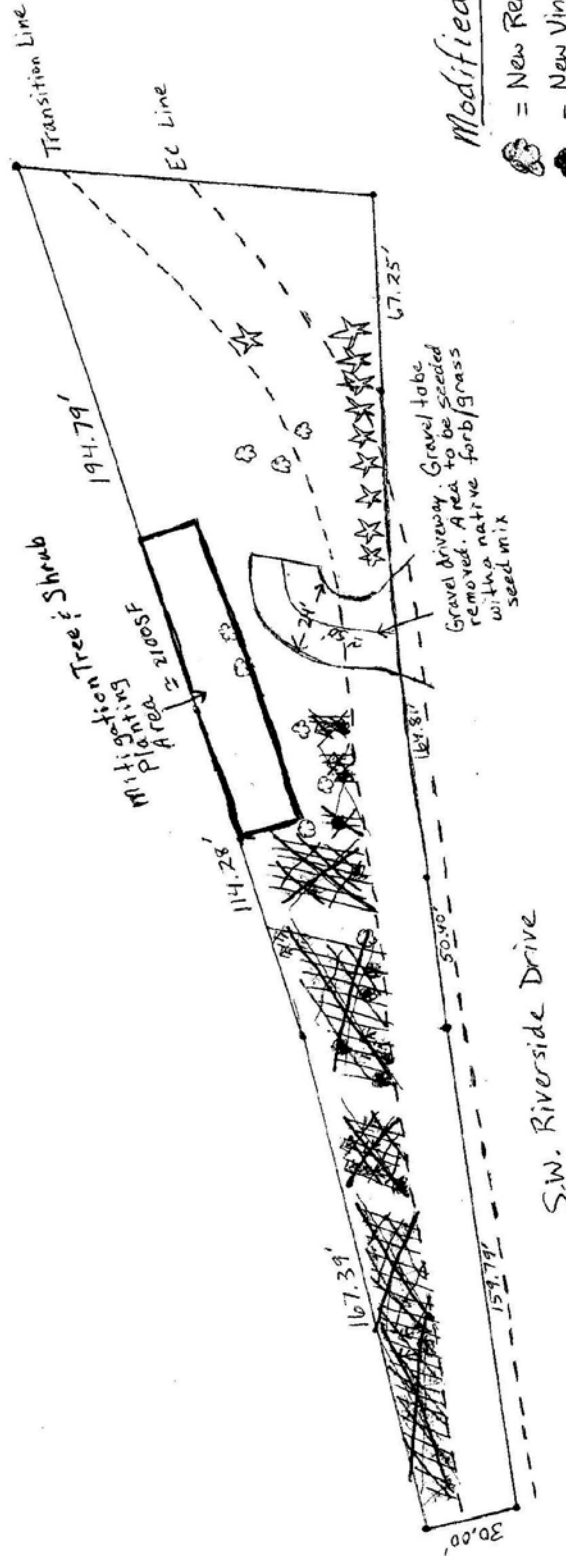


Existing Conditions

Exhibit C.1

LU 16-107189 TV

Mitigation Site Plan



CASE NO. LU-16-107189
EXHIBIT C.4

Modified by Staff

- = New Red Currant Shrub (4)
- = New Vine Maple (4)
- = New Snowberry (4)
- = New Evergreen Huckleberry (4)
- = New Ocean Spray (4)
- = New Shrubs (20)
- = Planting Area

= Existing Cedar tree

= Existing deciduous tree

= New Western Red Cedars - 8

= New ~~River Birch~~ Maple

= New Western Flowering Dogwood - 8
16 New Trees

N ←
Scale: 1" = 40'-0"
40'

LU16-107189 EV
Remediation Plan
Exhibit C.4