



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

1900 SW 4th Avenue, Suite 5000
Portland, Oregon 97201
503-823-7300
Fax 503-823-5630
TTY 503-823-6868
www.portlandonline.com/bds

Date: April 27, 2010
To: Interested Person
From: Shawn Burgett, Land Use Services
503-823-3581 / Shawn.Burgett@ci.portland.or.us

**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 reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 10-106619 TV

GENERAL INFORMATION

Applicant: Bernie Mark
11818 SE Hannah Ln
Portland, OR 97266
971-246-2591

Kristle C Marzan
11812 SE Hannah Ln
Portland, OR 97266
503-657-2326

Site Address: 11812 & 11818 SE HANNAH LN

Legal Description: LOT 2 INC UND INT TRACT A, PARTITION PLAT 2006-161; LOT 3 INC
UND INT TRACT A, PARTITION PLAT 2006-161

Tax Account No.: R649866420, R649866430

State ID No.: 1S2E10AD 10702, 1S2E10AD 10703

Quarter Section: 3342

Neighborhood: Powellhurst-Gilbert, contact John McDonald at 503-753-4226.
Business District: Midway, contact Bill Dayton at 503-252-2017.
District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.

Plan District: Johnson Creek Basin

Zoning: R2.5a (Single Family Residential 2,500 with "a" alternative design
overlay)

Case Type: TV (Tree Violation)
Procedure: Type II, an administrative decision with appeal to the Hearings Officer.

Proposal:

This review is required due to tree violations on the site. A 3-lot land division and a private street were preliminary approved for the site on December 29, 2005 under case number LU_05_152431_LDP. As part of the preliminary approval the applicant was required to protect 35% of all non-exempt trees on the site. This resulted in the applicant protecting trees numbered 2, 3, 8, 11 and 12 for a total of 112 inches of protected tree diameter (see exhibit C-1). It was recently discovered that 61" of protected tree diameter was removed. Trees numbered 8 (24-inch Douglas Fir), tree number 11 (25-inch Douglas Fir) and tree number 12 (13-inch Douglas Fir) were all removed from parcels 2 (11812 SE Hanna Ln.) and 3 (11818 SE Hanna Ln.), in violation of the tree preservation plan approved under LU_05_152431_LDP. Parcel 2 is approximately 2,650 sq. ft. in area, while Parcel 3 measures approximately 2,899 sq. ft. in site area. Tree number 8 was located on Parcel 2, while trees numbered 11 and 12 were located on Parcel 3. In order to correct this tree violation, the applicant must meet the criteria of Zoning Code section 33.853.040.C (correction to violations).

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 34. The relevant approval criteria are:

- 33.853.040.C, Approval Criteria for Changes to an approved tree preservation plan and corrections to violations.

ANALYSIS

Site and Vicinity: Parcels 2 and 3 are located on a dead-end private street (SE Hannah Lane) that is flat with new homes located on both Parcel 2 and 3. The area surrounding the site is made up of predominantly single family homes of various sizes.

Zoning: The R2.5 designation is one of the City's single-dwelling zones which is 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.

The "a" overlay is intended to allow increased density that meets design compatibility requirements. It focuses development on vacant sites, preserves existing housing stock, and encourages new development that is compatible with the surrounding residential neighborhood.

Land Use History: The subject site was created under LU_05-152431_LDP, a land division that created 3 parcels and a private street tract.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **February 17, 2010**. The Bureaus have responded with no issues or concerns (see E Exhibits).

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on February 17, 2010. One written response has been received from the East Portland Neighborhood Association Land Use and Transportation Committee in response to the proposal.

Neighborhood Association Response: The Association first expressed concerns (exhibits F-1) about the removal of 61" of the 112" inches of tree diameter protected on the site through LU_05_152431 LDP. The Association also specified that they opposed the applicant's original mitigation proposal (exhibit A-2). The letter went onto to have several stipulations which are summarized as follows 1) Replacement trees need to be more mature and provide similar watershed value to the mature trees that were removed; 2) If the 61" of preserved tree diameter that was removed cannot be fully replaced on site, there should be a review of the situation by the City Arborist to validate that not all the replacement trees can be planted on site; 3) The applicant should be required to pay a financial penalty for the violation based upon the number

if inches it will take to replace the canopy loss. New trees should be planted close to the site in the Powellhurst-Gilbert Neighborhood area. Additionally, the Association (exhibit F-2) expressed frustration with the Zoning Code, and the amount of trees required to be planted in order to remedy the tree violation, since 61" of mature tree diameter was removed, while the Zoning Code only requires 34" of tree diameter as mitigation to remedy the tree violation.

BDS Response: *Planning staff understands the Association's position and concern and passed these concerns on to the applicant. Planning staff agrees with the Association that the applicant's original mitigation proposal to plant 11 new trees on two parcels that are both less than 3,000 sq. ft. in site area would not be appropriate. The City Arborist (exhibit G-4) has concurred with this conclusion. The current proposal, allowing the applicants to plant or pay into the tree fund for a total of 34" of new tree diameter, is the maximum number of inches the Zoning Code requires (33.805.040.C.B) in order to remedy a tree violation in this situation, based on the number and size of the trees that were removed. In addition, planning staff is allowing the applicant to plant larger diameter trees on the site as part of the mitigation plan if feasible. If larger trees cannot be planted, then the applicant will be required to pay into the tree fund for the amount of inches not planted on the site, below the minimum amount of inches required in table 853-2 in Zoning Code section 33.805.040. The applicant will be required to plant a minimum of two trees on each parcel (maximum of 3). The newly planted trees will be considered protected trees. Planning staff discussed the number of trees that could be feasibly planted on each parcel with the City Forester(exhibit G-4), and the Forester indicated that 3 trees is likely the maximum amount of new trees each parcel could handle, depending on the size of the tree proposed. Overall, Planning staff understands the Association's frustration that 61" of tree diameter was removed; unfortunately, the Zoning Code does not require the same number of inches of tree diameter to be replaced or mitigated for as was removed during a tree violation.*

ZONING CODE APPROVAL CRITERIA

Tree Review

33.853.010 Purpose

The tree review process evaluates whether mitigation proposed for tree removal is both appropriate and adequate, considering the purpose of the regulations that limit removal. Tree review also evaluates whether changes to tree preservation plans are appropriate, and determines the appropriate mitigation for trees lost due to violations of tree regulations. The review allows flexibility for unusual situations and allows for the purpose of the tree regulations to be met using creative or innovative methods.

33.853.040 Approval Criteria

The approval criteria consist of three criteria (A-C). The site is not located in the Scenic Overlay Zone or Rocky Butte plan districts therefore Criterion A does not apply. The applicant is not proposing a change to the approved tree preservation plan; therefore Criterion B does not apply. Therefore only Criterion C is applicable and addressed below.

C. Corrections to violations. For corrections to violations of tree protection and tree preservation regulations of this Title, or violations of tree preservation plans or the approved method of tree preservation or mitigation, the applicant must show the review body that all of the following approval criteria are met:

1. Mitigation Plan;
 - a. The applicant's mitigation plan meets the purpose of the regulation that was violated. Where the violation is of a tree preservation plan or the approved method of tree preservation or mitigation, the mitigation plan meets the purpose of the regulation that required the preservation plan; and

- b. The mitigation plan includes replacement of trees cut, or the preservation and protection of additional trees on the site not originally proposed for preservation. If replacement of trees is proposed, the plan must at a minimum meet the requirements of Table 853-2. If additional trees on the site are proposed for preservation and protection, the total diameter of additional trees preserved must exceed the total diameter of trees cut.

Table 853-2 Tree Replacement for Violations	
Size of tree removed (inches in diameter)	Number of Trees to be Planted
6 to 12	3 trees
13 to 18	5 trees
19 to 24	7 trees
25 to 30	10 trees
over 30	15 trees

2. Replacement trees must be planted as follows:
 - a. On the site where the violation occurred;
 - b. If it is not possible to plant the trees on the site where the violation occurred, then the trees must be planted on other property owned by the applicant within the City of Portland, this includes property owned by a Homeowners' Association to which the applicant belongs;
 - c. If it is not possible to plant the trees on the site where the violation occurred, or on other property owned by the applicant within the City of Portland, then the trees must be planted in a City of Portland park, as approved by the Bureau of Parks and Recreation, or on a site approved by the Bureau of Environmental Services.
3. Replacement trees must meet the requirements of Section 33.248.030, Plant Materials.

Findings: As previously indicated, this review is required due to tree violations on the site. A 3-lot land division and a private street were preliminary approved for the site on December 29, 2005 under case number LU_05_152431_LDP. As part of the preliminary approval the applicant was required to protect 35% of all non-exempt trees on the site. This resulted in the applicant protecting trees numbered 2, 3, 8, 11 and 12 for a total of 112 inches of protected tree diameter (see exhibit G-3). It was discovered that 61" of protected tree diameter was removed. Trees numbered 8 (24-inch Douglas Fir), tree number 11 (25-inch Douglas Fir) and tree number 12 (13-inch Douglas Fir) were all removed from parcels 2 and 3, in violation of the tree preservation plan approved under LU_05_152431_LDP. Parcel 2 is approximately 2,650 sq. ft. in area, while Parcel 3 measures approximately 2,899 sq. ft. in site area. Tree number 8 was located on Parcel 2, while trees numbered 11 and 12 were located on Parcel 3. There are no other existing trees identified on the site that could be protected to replace the trees that were removed.

The applicant proposed to correct this tree violation by planting 4 new trees on Parcel 2 (three 3" diameter trees and one 1.5" diameter tree) and seven new trees on Parcel 3 (seven 3" diameter trees) (exhibit A-2). Due to the size limitations of the lots, the amount of trees proposed by the applicant is not feasible. Planning staff felt that due to small size of these lots (under 3,000 sq. ft.) planting 11 new trees on both parcels as proposed by the applicant would not provide adequate site area for the proposed trees to grow and mature into healthy tree

canopy in the future. Planning staff was able to confer with the City Forester (exhibit G-4) who indicated that 3 trees are likely the maximum number of trees that would fit onto a Parcel that size. In addition, the Zoning Code (33.248.020.H) require 3" of new tree diameter on lots less than 3,000 sq. ft. in site area at the time of building permit, which justifies the notion that at a minimum, two 1.5" tree should be planted on each lot.

In conversations with the applicant, the applicant indicated they would prefer to mitigate for the tree violation onsite if possible or offsite if the cost was less than the \$300 an inch as required by the City Tree Fund (exhibit A-3) which is used if the applicant want to plant trees in a City of Portland Park. As indicated in Zoning Code section 33.853.040.B & C, if it is not possible to plant the trees on a site where the violation occurred, the applicant can propose to plant the trees on another property owned by the applicant, or a site approved by the Bureau of Portland Park or the Bureau of Environmental Services (BES). Planning staff contacted BES (exhibit G-5) regarding the possibility of planting trees on a site approved by BES, but was told the cost was the same amount that was required with payment into the City Tree fund (\$300 an inch).

Based on Zoning Code section 33.853.040.C.b, since replacement trees are proposed they must meet the requirements found in Table 853-2. Since there is currently different ownership on Parcel 1 and 2, planning staff split the mitigation requirement up to address each parcel separately. Based on the size and number of trees removed, the applicant must mitigate for the following:

Parcel 2: A protected 24" Douglas Fir was removed. Table 853-2 requires 7 replacement trees at 1.5" each.

Parcel 3: A protected 25" Douglas Fir was removed, Table 853-2 requires 10-1.5" replacement trees. In addition, a protected 13" Douglas Fir was removed, the code requires 5-1.5" replacement trees.

Zoning Code section 33..853.040.C.2.D requires that replacement trees meet the requirements of code section 33.248.030, which requires the following:

Trees may be broadleaf or conifers. Broadleaf trees at the time of planting must be fully branched. Broadleaf trees planted in residential zones must be a minimum of 1.5 inches in diameter. Broadleaf trees planted in all other zones must be a minimum of 2 inches in diameter. Conifer trees at the time of planting must be fully branched and a minimum of 5 feet in height. Specific planting size requirements related to the mitigation, remediation, or restoration of landscaped areas in overlay zones and plan districts supersede the minimums of this paragraph. These minimum requirements do not apply to trees approved through an Environmental Review, or Pleasant Valley Resource Review to be used for mitigation, remediation, or restoration.

In this case, the applicant has indicated that they would like to meet the mitigation requirements of table 853-2 by planting larger size diameter trees on the site that would still meet the number of inches required by table 853-2 instead of planting 22, 1.5" trees. Based on documentation Planning staff received from the City Forester (exhibit G-4) large diameter trees are often hard to find and require a contactor with a crane to lift the tree into place along with its large rootball. Planning staff has no objections to the applicants proposal to plant larger diameter trees as mitigation, assuming the trees are planted in collaboration with a certified arborist, and documentation is received that the trees, once planted, are healthy and outside of any utility or easement areas on each parcel as shown on exhibit G-6. Planting larger trees that reach maturity more quickly will add to the City' tree canopy more quickly in the same location the mature trees were removed.

Since Planning staff did not have documentation from the applicant/arborist that larger diameter trees could be feasibly planted on this site at the time this land use decision was rendered, planning staff felt it was necessary to build in some flexibility into the decision.

Based on Zoning Code 33.248.030, planning staff considered each new tree required in Table 853-3 (Tree replacement table) to be 1.5" in diameter for the purpose of determining the total number of inches of tree diameter the owners of Parcel 2 and 3 will be responsible for as part of their mitigation requirement.

Parcel 2: A protected 24" Douglas Fir was removed. The code requires 7 replacement trees at 1.5" each. In order to determine total inches, planning staff multiplied 7 times 1.5 which equals 10.5 inches of tree diameter, which per the code (section 33.930.020.A.1), is rounded up to 11", which Parcel 2 will be responsible for due to the violation.

Parcel 3: A protected 25" Douglas Fir was removed, the code requires 10-1.5" replacement trees. In addition, a protected 13" Douglas Fir was removed, the code requires 5-1.5" replacement trees. Overall, Parcel 3 will need to mitigate for 15-1.5" trees. Planning staff multiplied 15 times 1.5 which equals 22.5", which per code (section 33.930.020.A.1) is rounded up to 23" that the owner of Parcel 3 will be responsible for with his violation.

As indicated above, the applicant would like to mitigate for the tree diameter by possibly planting trees larger than the minimum diameter the Zoning Code requires 1.5".

Planning staff has determined the following mitigation requirements, which the applicant has indicated are acceptable:

Parcel 2: The owner of Parcel 2 is required to plant a minimum of 2 new trees (maximum of 3) at a minimum size of 1.5" in diameter selected from the Portland Plant List. The owner of Parcel 2 is responsible for 11" of total tree diameter. The applicant will be required to final a Zoning Permit to meet this requirement. Prior to the final of the zoning permit and after the new trees have been planted, the owner of Parcel 2 shall provide planning staff with a letter from a certified arborist stating the type of tree planted, the size in diameter, and the condition of the tree when it was planted. Each tree that is planted, as specified in the arborist report, will be considered a protected tree. The owner of Parcel 2 is responsible for 11" of new tree diameter. If less than 11" of new tree diameter is planted on the site as specified by the arborist, the difference is required to be made up with payment into the tree fund for every inch of total tree diameter planted below 11" prior to the final of the zoning permit.

Parcel 3: The owner of Parcel 3 is required to plant a minimum of 2 new trees (maximum of 3) at a minimum size of 1.5" in diameter selected from the Portland Plant List. The owner of Parcel 3 is responsible for 23" of total tree diameter. The applicant will be required to final a Zoning Permit to meet this requirement. Prior to the final of the zoning permit and after the new trees have been planted, the owner of Parcel 3 shall provide planning staff with a letter from a certified arborist stating the type of tree planted, the size in diameter, and the condition of the tree when it was planted. Each tree that is planted, as specified in the arborist report, will be considered a protected tree. The owner is responsible for 23" of new tree diameter. If less than 23" of new tree diameter is planted on the site as specified by the arborist, the difference is required to be made up with payment into the tree fund for every inch of trees planted below 23" prior to the final of the zoning permit.

Based on the discussion above, the applicant has met criterion C.1.a and b above, the purpose of the regulation that was violated, which was Zoning Code section 33.630.010.

Planting new trees on the site and possible payment into the tree fund for the number of inches required as mitigation by Zoning Code section 33.853 (table 853-2) will help protect public health through the absorption of air pollutants and contamination; provide buffering from noise, wind, and storms; provide visual screening and summer cooling; reduce urban heat island impacts; help maintain property values; maintain wildlife habitat; and maintain the beauty of the City and its natural heritage. The planting of new trees on this site will also help erosion, siltation, and flooding; filter stormwater and reduce stormwater runoff.

Based on the discussion, the required mitigation plan has shown that criterion C.2.a-d has been met.

Overall, the approval criterion has been met. All other conditions related to the approved tree preservation plan for LU_05_152431_LDP continue to apply.

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.

CONCLUSIONS

Planning staff is requiring the applicant to mitigate for the removal of the three protected trees on Parcels 2 and 3 by either planting or paying into the tree fund for the total number of inches of tree diameter that would be required under Zoning Code section 33.853.040 (table 853-2) subject to the conditions of approval described below.

ADMINISTRATIVE DECISION

Approval of a Tree Violation Review for Parcels 2 and 3 for the tree preservation plan approved under LU_05_152431_LDP. All other conditions related to the approved tree preservation for LU_05_152431_LDP continue to apply.

Subject to the following conditions:

1. **Parcel 2 (11812 SE Hanna Ln):** The owner of Parcel 2 is required to plant a minimum of 2 new trees (maximum of 3) at a minimum size of 1.5" in diameter selected from the Portland Plant List. The owner of Parcel 2 is responsible for 11" of total tree diameter. The applicant will be required to final a Zoning Permit to meet this requirement. Prior to the finaling of the zoning permit and after the new trees have been planted, the owner of Parcel 2 shall provide planning staff with a letter from a certified arborist stating the type of tree planted, the size in diameter, and the condition of the tree when it was planted. Each tree that is planted, as specified in the arborist report, will be considered a protected tree. If less than 11" of new tree diameter is planted on the site as specified by the arborist, the difference is required to be made up with payment into the tree fund for every inch of total tree diameter planted below 11" prior to the final of the zoning permit.
2. **Parcel 3 (11818 SE Hanna Ln):** The owner of Parcel 3 is required to plant a minimum of 2 new trees (maximum of 3) at a minimum size of 1.5" in diameter selected from the Portland Plant List. The owner of Parcel 3 is responsible for 23" of total tree diameter. The applicant will be required to final a Zoning Permit to meet this requirement. Prior to the final of the zoning permit and after the new trees have been planted, the owner of Parcel 3 shall provide planning staff with a letter from a certified arborist stating the type of tree planted, the size in diameter, and the condition of the tree when it was planted. Each tree that is planted, as specified in the arborist report, will be considered a protected tree. If less than 23" of new tree diameter is planted on the site as specified by the arborist, the difference is required to be made up with payment into the tree fund for every inch of trees planted below 23" prior to the final of the zoning permit.

Staff Planner: Shawn Burgett



Decision rendered by: _____ **on April 22, 2010**

By authority of the Director of the Bureau of Development Services

Decision mailed: April 27, 2009

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 28, 2010, and was determined to be complete on February 11, 2010.

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 28, 2010.

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 (exhibit A-5).

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 May 11, 2010** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth 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. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. 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 contact the receptionist at 503-823-7967 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 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, 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 **May 12, 2009 – (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.

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:

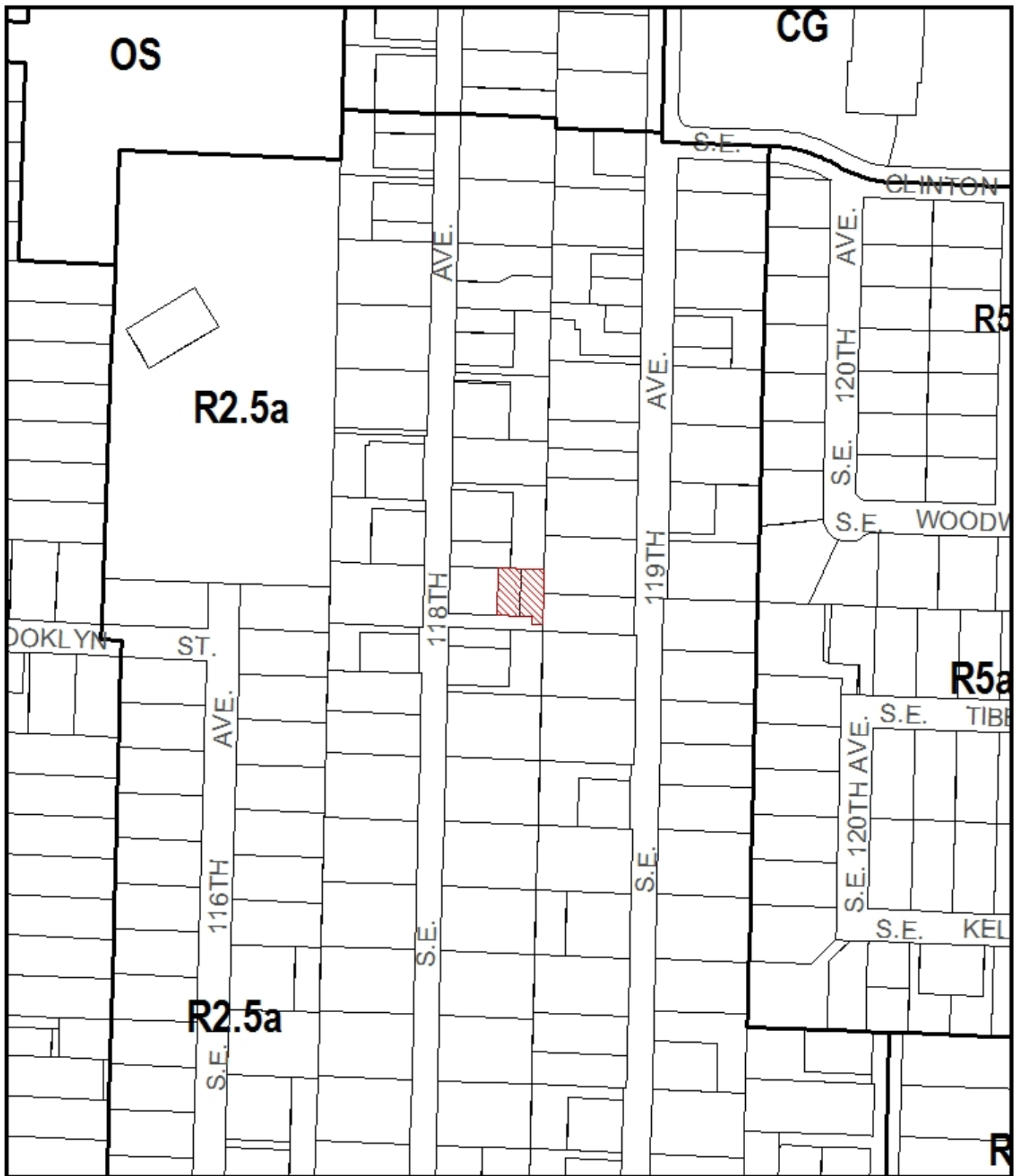
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Narrative
 - 2. Mitigation Proposal from Arborist
 - 3. Revised mitigation proposal from applicant
 - 4. E-mail from applicant to East Portland Neighborhood Association Land Use Chair
 - 5. Applicants full extension to 120 day clock
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (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. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
 - 7. Life Safety Plans examiner
- F. Correspondence:
 - 1. Linda Bauer, Land Use Chair, East Portland Neighborhood Association, Dated 3/4/10
 - 2. Linda Bauer, Land Use Chair, East Portland Neighborhood Association, Dated 4/20/10
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. LU_05_152431_LDP
 - 4. E-mail correspondence between Planning staff and the City Forester
 - 5. E-mail correspondence between Planning staff and BES
 - 6. Final Plat approval
 - 7. Copy of Tree Preservation Plan/Arborist Report from LU_05_152431_LDS

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-7300 (TTY 503-823-6868).



ZONING



Site



NORTH

This site lies within the:
JOHNSON CREEK BASIN PLAN DISTRICT

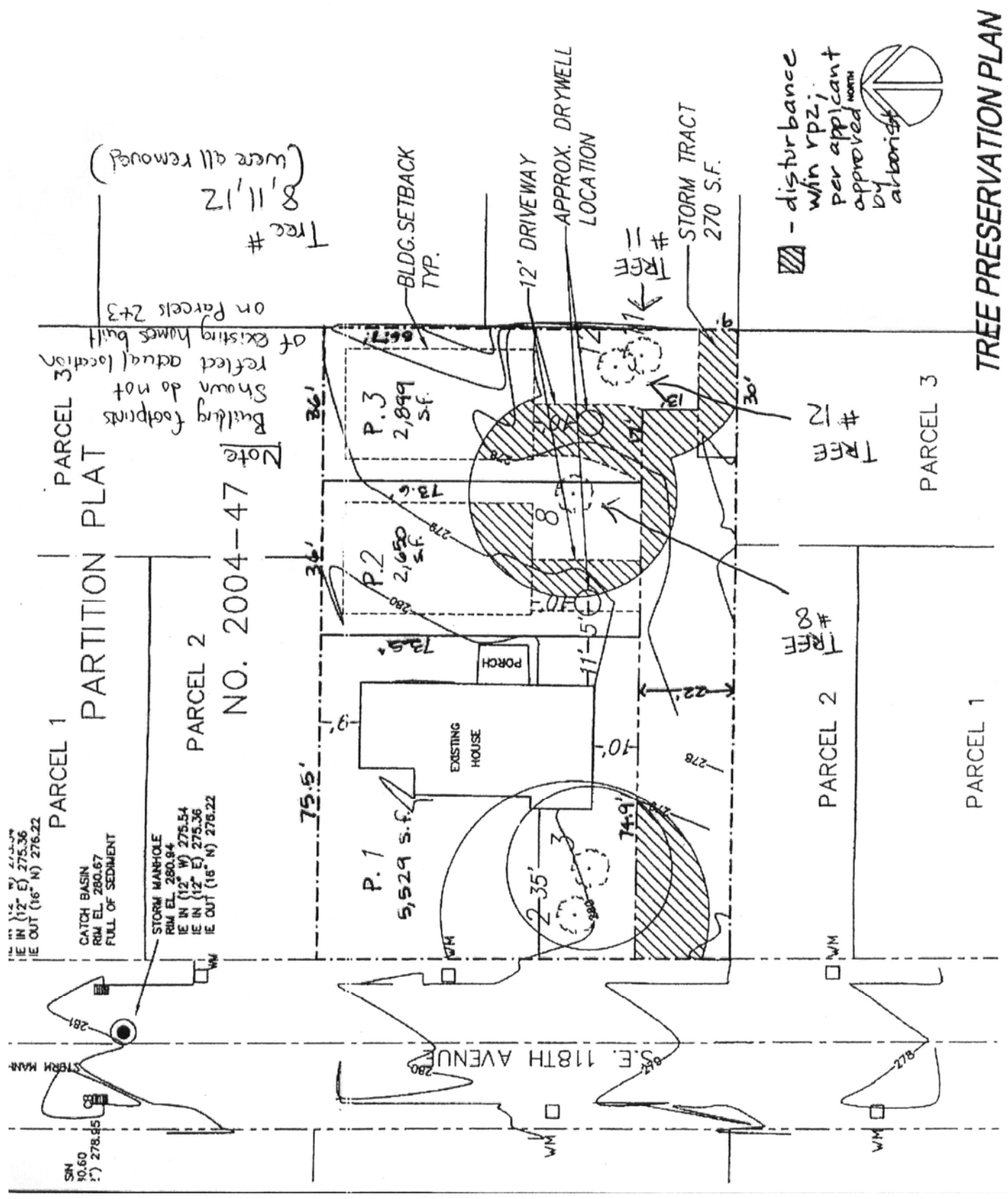
File No. LU 10-106619 TV
1/4 Section 3342
Scale 1 inch = 200 feet
State_Id 1S2E10AD 10702
Exhibit B (Feb 01,2010)

CASE NO. 10-106619 JV
 EXHIBIT C-1

R2.5 3-LOT PARTITION
 2940 SE 118TH

PROJECT #05-BE1-136
 DATE: 12-21-05
 SCALE 1" = 30'

planningResource inc.
 land use and site planning
 503 842-7735
 503 842-7735
 503 842-7735
 503 842-7735



TREE PRESERVATION PLAN