



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

Chloe Eudaly, Commissioner  
Rebecca Esau, Interim Director  
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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** Wednesday, September 6, 2017  
**To:** Interested Person  
**From:** Ethan Brown, Land Use Services  
503-823-7920 / [Ethan.Brown@portlandoregon.gov](mailto:Ethan.Brown@portlandoregon.gov)

## **NOTICE OF A TYPE II PROPOSAL IN YOUR NEIGHBORHOOD**

Development has been proposed in your neighborhood. The proposed development requires a land use review. The proposal, review process, and information on how to respond to this notice are described below. A copy of the site plan and zoning map is attached. I am the staff person handling the case. Please call me if you have questions regarding this proposal. Please contact the applicant if you have questions regarding any future development on the site.

Because we must publish our decision within 28 days, **we need to receive your written comments by 5 p.m. on September 27, 2017**. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 17-228601 EN, in your letter. It also is helpful to address your letter to me, Ethan Brown. You can also e-mail your comments to me at my e-mail address identified above.

## **CASE FILE NUMBER: LU 17-228601 EN**

**Applicant:** Mark Dane | Mark Dane Planning  
14631 SW Millikan Way #6  
Beaverton, OR 97003  
Phone: 503-332-7167 | [markdaneplanning@gmail.com](mailto:markdaneplanning@gmail.com)

**Owner:** Main Street Development, Inc.  
PO Box 91096  
Portland, OR 97291  
Phone: 503-422-7707 | [eric@msdpdx.com](mailto:eric@msdpdx.com)

**Site Address:** [1320 SW HIGHLAND PKY](#)

**Legal Description:** BLOCK B LOT 20&23 TL 3200, WEST HIGHLANDS & EXTD  
**Tax Account No.:** R893103450, R893103450  
**State ID No.:** 1S1E06AC 03200, 1S1E06AC 03200  
**Quarter Section:** 3124

**Neighborhood:** Sylvan-Highlands, contact Dave Malcolm at 503-805-9587.  
Southwest Hills Residential League, contact Nancy Seton at 503-224-3840.

**Business District:** None  
**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212./Southwest Neighborhoods Inc., contact Sylvia Bogert at 503-823-4592.

**Plan District:** Northwest Hills Plan District – Skyline Subdistrict

**Zoning:** *Base Zone:* Residential 7,000 (R7)  
*Overlay Zone:* Environmental Conservation (c) overlay

**Case Type:** EN – Environmental Review  
**Procedure:** Type II, an administrative decision with appeal to the Hearings Officer.

**Proposal:** The applicant proposes to construct a new single family house and garage with associated stormwater planter, outfall via level spreader, and driveway on the currently undeveloped project site. Approximately two-thirds of the house and driveway are proposed to be located outside the resource area of the Environmental Conservation overlay zone. The total allowed disturbance area in the environmental conservation zone is calculated by subtracting all the area outside the environmental resource area from 3,500 square feet. On this site, the area outside the resource area is approximately 4,900 square feet, so no disturbance within the resource area is allowed per environmental standards. Therefore, environmental review is required for any proposed development within the resource area.

The applicant proposes approximately 750 square feet of permanent disturbance area within the resource area. The proposed construction and stormwater outfall will require approximately 909 square feet of temporary disturbance in the resource area of the Environmental Conservation zone. In addition, 9 trees are proposed for removal from the conservation zone.

As mitigation for permanent impacts in the environmental resource area, the applicant proposes to plant 25 Douglas fir and 7 Pacific dogwood trees, plus 54 shrubs consisting of 16 each of Snowberry, Salal and Oregon grape, and 6 Indian plums. In all areas proposed for mitigation plantings, invasive species will be removed prior to planting. In addition, the applicant proposes to replant all temporary disturbance areas with a total of 257 native shrubs and 676 native groundcover plants.

An environmental review is required because development standards 33.430.140.A (maximum disturbance area), and 33.430.140.J (tree removal) are not met.

This application is a resubmittal of a previous environmental review application (LU16-167103 EN) that was appealed to, and appeal upheld by, the Hearings Officer. While the narrative has been revised to address the Hearings Officer's decision, the proposed development is identical to the previous proposal.

**RELEVANT APPROVAL CRITERIA:**

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

**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 August 23, 2017 and determined to be complete on September 1, 2017.

**DECISION MAKING PROCESS**

The Bureau of Development Services will make a decision on this proposal. We will consider your comments, and

- Approve the proposal.
- Approve the proposal with conditions.
- Deny the proposal.

The neighborhood association listed on the first page of this notice may take a position on this application. They may also schedule an open meeting prior to making their recommendation to the Bureau of Development Services. Please contact the person listed as the neighborhood contact to determine the time and date of this meeting.

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 extended at the request of the applicant.

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](http://www.portlandonline.com).

#### **APPEAL PROCESS**

If you disagree with the Bureau of Development Services administrative decision, you can appeal the decision to the Hearings Officer. This review body will hold a public hearing for the appeal. When the decision is mailed, the criteria used to make the decision and information on how to file an appeal will be included. If you do not send any comments, you can still appeal the decision. There is a 14-day deadline to file an appeal beginning on the day the decision is mailed. The reason for the appeal must be specifically defined in order for the review body to respond to the appeal. If an appeal is filed, you will be notified of the time and location of the appeal hearing.

There is a fee charged for appeals. Recognized neighborhood associations may qualify for an appeal fee waiver.

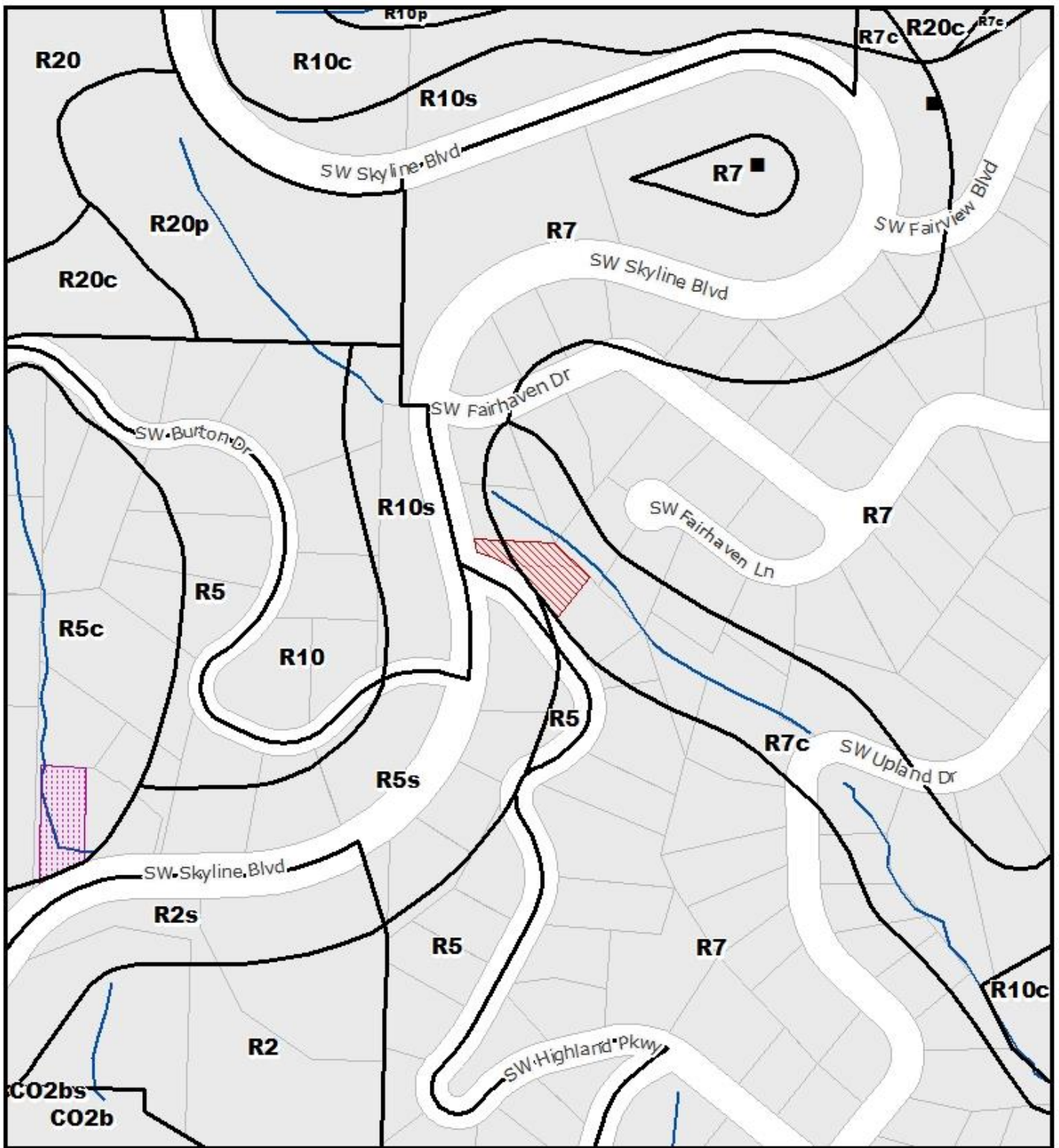
#### **APPEAL OF THE FINAL CITY DECISION**


After an appeal hearing, the review body decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283. The phone number for LUBA is 1-503-373-1265. Issues that may provide the basis for an appeal to LUBA must be raised prior to the comment deadline or prior to the conclusion of the hearing if a local appeal is requested. If you do not raise an issue with enough specificity to give the Bureau of Development Services an opportunity to respond to it, that may also preclude an appeal to LUBA on that issue.

**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).**

#### **Enclosures:**

Zoning Map  
Site Plans



**ZONING**   
 NORTH  
 THIS SITE LIES WITHIN THE:  
 NORTHWEST HILLS PLAN DISTRICT  
 SKYLINE SUBDISTRICT

-  Site
-  Also Owned Parcels
-  Stream
-  Historic Landmark

File No.	LU 17-228601 EN
1/4 Section	3124
Scale	1 inch = 200 feet
State ID	1S1E06AC 3200
Exhibit	B Aug 25, 2017



**SYMONS ENGINEERING  
CONSULTANTS, INC.**

12605 s.e. fauler road  
portland, oregon 97206  
phone 503 760 1833  
facsimile 503 762 1962

**CLIENT**

MAN STREET DEVELOPMENT  
380 SW MACLEOD AVE. STE. 288  
PORTLAND, OR 97209  
503-422-7707

**PROJECT**

**RYSTADT  
HIGHLAND  
RESIDENCE**

SITE ADDRESS  
18, 1E, 6AC, TL 32000  
PORTLAND, OR 97221

**SHEET NAME**

**CONSTRUCTION  
MANAGEMENT PLAN**

**REVISION**

- △ 4/29/16 ISSUED FOR ENV. REVIEW
- △ 6/16/16 REVISED FOR COMPLETENESS
- △ 7/29/16 REVISED FOR COMPLETENESS
- △ 2/21/17 REVISED DUTIAL CORPORATION

**ISSUE DATE**

FEBRUARY 21, 2017

**DRAWING FILE**

16-05c-DWG

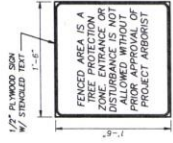
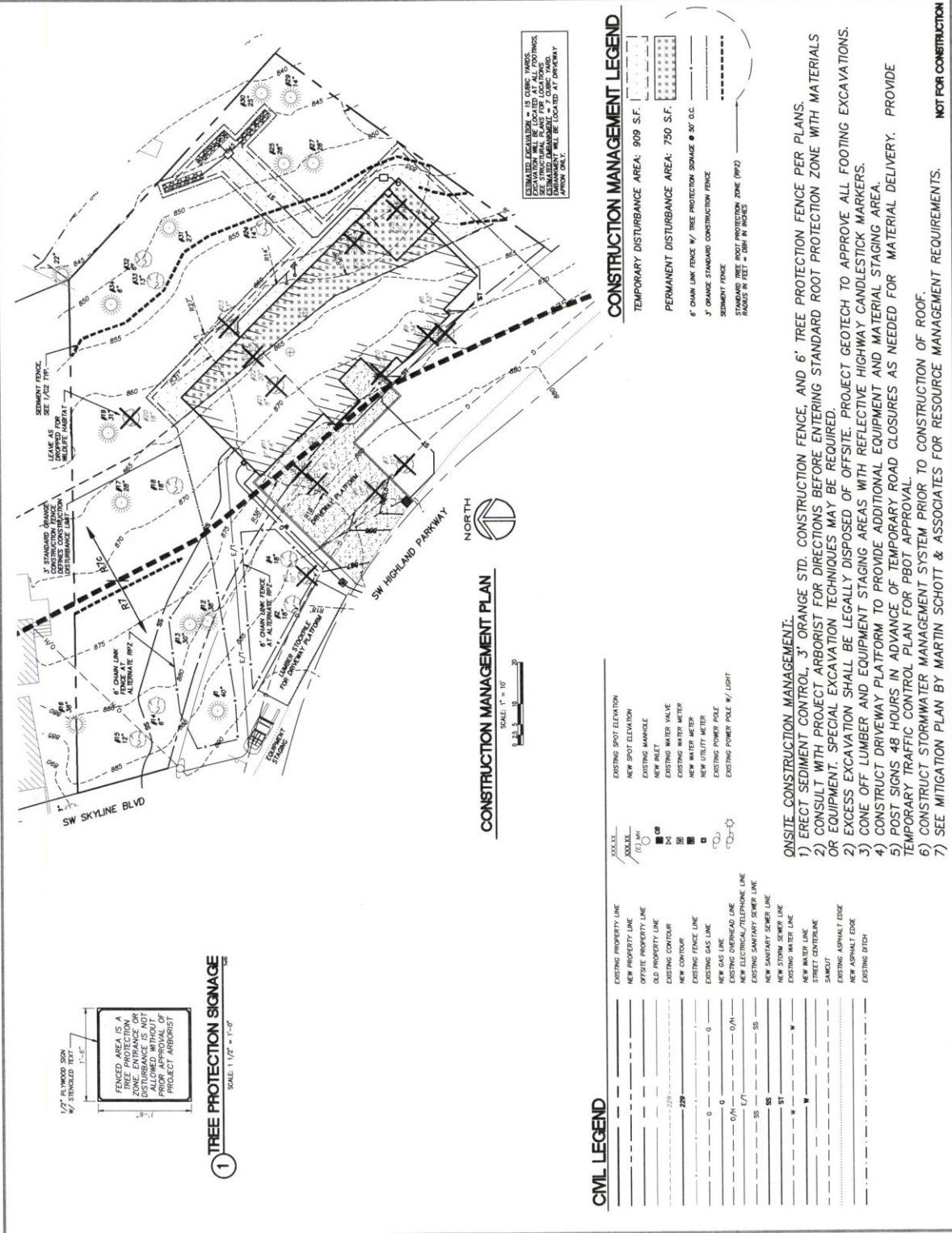
**PROJECT NUMBER**

16-05

**SHEET 3**



OF 4 SHEETS



**1 TREE PROTECTION SIGNAGE**  
SCALE: 1/16" = 1'-0"

**CONSTRUCTION MANAGEMENT PLAN**  
SCALE: 1" = 10'

CEMETERY  
LUMBER STOCKPILE FOR SITEWORK FOR FENCE  
SW HIGHLAND PARKWAY  
SW SKYLINE BLVD

SEMI-CIRCULAR PERIMETER OF 15' ORANGE STD. CONSTRUCTION FENCE, AND 6' TREE PROTECTION FENCE PER PLANS.  
SEE 3" STRUCTURAL PLANS FOR LOCATIONS.  
PERMANENT TREE PROTECTION FENCE  
W/ 3" CHAIN LINK FENCE WILL BE LOCATED AT DRIVEWAY  
ANYWAY ONLY.

**CIVIL LEGEND**

- EXISTING PROPERTY LINE
- NEW PROPERTY LINE
- OFFSITE PROPERTY LINE
- OLD PROPERTY LINE
- EXISTING CONTOUR
- NEW CONTOUR
- EXISTING FENCE LINE
- EXISTING GAS LINE
- NEW GAS LINE
- EXISTING OVERHEAD LINE
- NEW ELECTRICAL/TELEPHONE LINE
- EXISTING SANITARY SEWER LINE
- NEW SANITARY SEWER LINE
- EXISTING WATER LINE
- NEW WATER LINE
- STREET CENTERLINE
- SANICUT
- EXISTING ASPHALT EDGE
- NEW ASPHALT EDGE
- EXISTING BITCH

**CONSTRUCTION MANAGEMENT LEGEND**

- TEMPORARY DISTURBANCE AREA: 909 S.F.
- PERMANENT DISTURBANCE AREA: 750 S.F.
- 6" CHAIN LINK FENCE W/ TREE PROTECTION SIGNAGE @ 36" O.C.
- 3" CHAIN LINK STANDARD CONSTRUCTION FENCE
- SEMI-CIRCULAR PERIMETER OF 15' ORANGE STD. CONSTRUCTION FENCE
- STANDARD TREE ROOT PROTECTION ZONE (RPZ)  
RADIUS IN FEET = DBH IN INCHES

**ONSITE CONSTRUCTION MANAGEMENT:**

- 1) ERECT SEDIMENT CONTROL, 3' ORANGE STD. CONSTRUCTION FENCE, AND 6' TREE PROTECTION FENCE PER PLANS.
- 2) CONSULT WITH PROJECT ARBORIST FOR DIRECTIONS BEFORE ENTERING STANDARD ROOT PROTECTION ZONE WITH MATERIALS OR EQUIPMENT. SPECIAL EXCAVATION TECHNIQUES MAY BE REQUIRED.
- 3) EXCESS EXCAVATION SHALL BE LEGALLY DISPOSED OF OFFSITE. PROJECT GEOTECH TO APPROVE ALL FOOTING EXCAVATIONS.
- 4) CONE OFF LUMBER AND EQUIPMENT STAGING AREAS WITH REFLECTIVE HIGHWAY CANDLESTICK MARKERS.
- 5) CONSTRUCT DRIVEWAY PLATFORM TO PROVIDE ADDITIONAL EQUIPMENT AND MATERIAL STAGING AREA.
- 6) POST SIGNS 48 HOURS IN ADVANCE OF TEMPORARY ROAD CLOSURES AS NEEDED FOR MATERIAL DELIVERY. PROVIDE TEMPORARY TRAFFIC CONTROL PLAN FOR PBOT APPROVAL.
- 7) CONSTRUCT STORMWATER MANAGEMENT SYSTEM PRIOR TO CONSTRUCTION OF ROOF.
- 8) SEE MITIGATION PLAN BY MARTIN SCHOITZ & ASSOCIATES FOR RESOURCE MANAGEMENT REQUIREMENTS. NOT FOR CONSTRUCTION



SYMONS ENGINEERING CONSULTANTS, INC.

12805 s.e. toiler road  
portland, oregon 97296  
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facsimile 503 762 1962

CLIENT

MAIN STREET DEVELOPMENT  
5881 SW MACADAM AVE. BTE. 268  
PORTLAND, OR 97239  
503-422-7707

PROJECT

RYSTADT  
HIGHLAND  
RESIDENCE

SITE ADDRESS

18, 1E, 8AC, TL, 3200  
PORTLAND, OR 97221

SHEET NAME

MITIGATION PLAN

REVISION

- △ 7/20/16 REVISED FOR COMPETENCIES
- △ 2/21/17 REVISED DETAILED CONSTRUCTION
- △
- △
- △
- △
- △

ISSUE DATE FEBRUARY 21, 2017

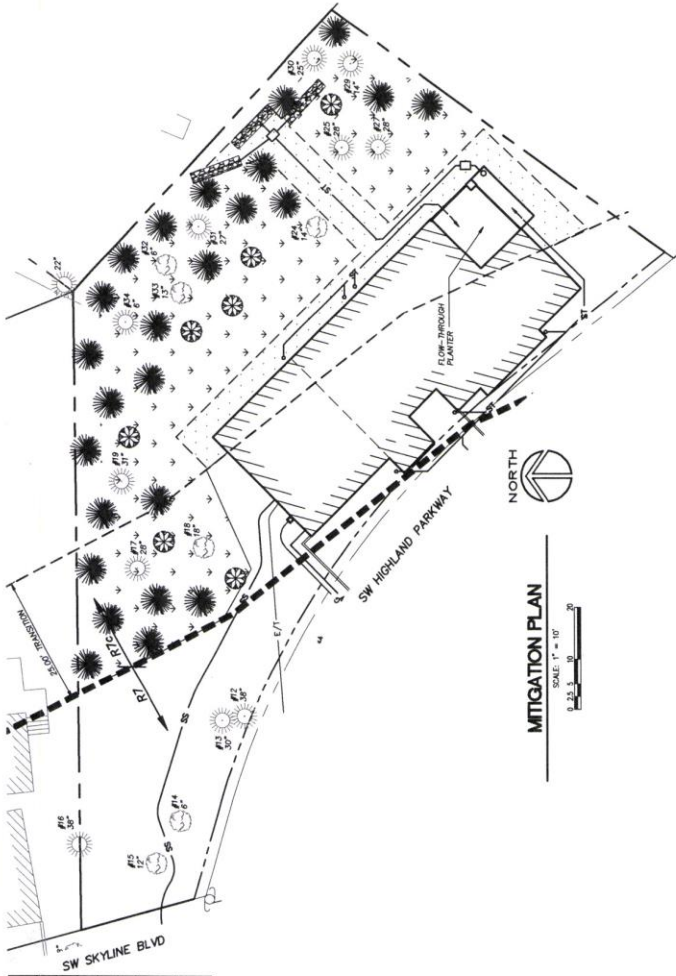
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PROJECT NUMBER 16-05

SHEET 4

L1

OF 4 SHEETS



MITIGATION PLANTING - 3,272 SF

SYMBOL	COMMON NAME	SCIENTIFIC NAME	PLANT TYPE	SIZE	SPACING O.C.	PLANTS
○	SHRUBERY	"Symphoricarpos albus"	SHRUB	1 GAL CLUSTERS	16'	16
○	INDIAN PLUM	"Oenothera parviflora"	SHRUB	1 GAL SCATTERED	6'	6
○	SALAL	"Toxicaria arborescens"	SHRUB	3"	16'	16
○	OREGON GRAPE	"Berberis nervosa"	GROUND COVER	1 GAL SCATTERED	16'	16
○	DOUGLAS FIR	"Pseudotsuga menziesii"	TREE	1/2"	10'	25
○	PACIFIC DOGWOOD	"Cornus nuttallii"	TREE	1/2"	10'	7

TEMPORARY DISTURBANCE AREA PLANTING - 845 SF

SYMBOL	COMMON NAME	SCIENTIFIC NAME	PLANT TYPE	SIZE	PLANTS
○	SHRUBERY	"Symphoricarpos albus"	SHRUB	1 GAL OR BASE ROOT	154
○	INDIAN PLUM	"Oenothera parviflora"	SHRUB	1 GAL OR BASE ROOT	29
○	SALAL	"Toxicaria arborescens"	SHRUB	1 GAL OR BASE ROOT	20
○	RED CURRANT	"Ribes sanguineum"	SHRUB	1 GAL OR BASE ROOT	60
○	SKOFOBERN	"Polytrichum commune"	GROUND COVER	4" POTS MIN.	330
○	OREGON GRAPE	"Berberis nervosa"	GROUND COVER	4" POTS MIN.	246
○	MALLOW*	"Sida lasiocarpa"	SHRUB	LIVE STAKES	3

\*REMAINING AREA TO BE PLANTED W/ A SHADE TOLERANT GRASS MIX OF COLUMBIA BROOME (Removal required)  
\* BLUE WOLFGRASS (Elymus glaucus)  
\* TO BE PLANTED IN 16" x 16" PADS AS DESCRIBED BELOW

SHRUBS SHALL BE PLANTED AT A DENSITY OF 3 PER 100 SF AND GROUND COVER TO BE PLANTED AT A DENSITY OF 8 PER 100 SF. THE REMAINING AREA WILL BE SEEDED WITH A GRASS SEED MIX AS INDICATED ABOVE.

16" x 16" PADS FOR THE OUTFALL SHALL BE PLANTED WITH LIVE STAKES OF NATIVE WILLOW (SCALE 50'). STAKES WILL BE ONE HALF INCH IN DIAMETER AND INSTALLED AT A DENSITY OF 2-3 STAKES PER SQUARE FOOT. STAKES SHALL BE PLANTED IN THE SPACES BETWEEN STAKES AND THE AREA AROUND EACH STAKE COVER WITHIN 1 YEAR AS REQUIRED BY 33.300.004.

**REFERENCE DOCUMENTS**  
 ENVIRONMENTAL ZONES REVIEW

NOT FOR CONSTRUCTION