



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

Ted Wheeler, Mayor
Rebecca Esau, Director
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www.portlandoregon.gov/bds

Date: October 12, 2018
To: Interested Person
From: Morgan Steele, Land Use Services
503-823-7731/ Morgan.Steele@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 November 2, 2018.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 18-208727 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. Please note that all correspondence received will become part of the public record.

CASE FILE NUMBER: LU 18-208727 EN

Applicant: Laura Haunreiter
Harper Houf Peterson Righellis Inc.
205 SE Spokane Street, Suite 200
Portland, OR 97202
Phone: 503-221-1131

Owners: Alexis and Andrew Rosengarten
1248 SW Upland Drive
Portland, OR 97221-2654

Site Address: [1248 SW UPLAND DRIVE](#)

Legal Description: BLOCK C LOT 15, WEST HIGHLANDS & EXTD
Tax Account No.: R893104090
State ID No.: 1S1E06AD 06400
Quarter Section: 3124

Neighborhood: Sylvan-Highlands, contact Dave Malcolm at 503-805-9587. Southwest Hills Residential League, contact at contact@swhrl.org.

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

Plan District: Northwest Hills Plan District – Skyline Subdistrict

Other Designations: Resource Site 111 – Canyon Headwaters, *Southwest Hills Resource Protection Plan*; Potential Landslide Hazard Area, Wildfire Hazard Area

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

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

Proposal:

Following heavy rains in the fall and winter of 2015, the slope behind the applicant's house became unstable and started to slide. The applicants hired a geotechnical engineer to address the erosion and slope instability. A plan was developed to stabilize the slope using terraced soldier pile retaining walls and new stormwater piping for roof drains to reduce water on the slope. The applicant applied for a construction permit in July 2016. During the permit review BDS found the proposal would exceed standards for the Environmental Conservation overlay zone and requested the applicant provide an alternatives analysis and mitigation plan for the proposed work so that the permit could be issued and work conducted prior to approval of an Environmental Review. BDS reviewed the alternatives considered and agreed that the proposed stabilization approach would have the least detrimental impacts on environmental resources given the available alternatives. BDS then issued the permit so work could occur as soon as possible to prevent further slope instability and danger to the applicants and their home. A mitigation plan was also prepared and the hillside was replanted with native shrubs and groundcovers following construction.

The slope stabilization and terraced soldier pile work conducted at the project site occurred entirely within the resource area of the Environmental Conservation overlay zone; therefore, certain standards must be met to allow the work to occur by right. In this case, the work required disturbance area that exceeded the standards of 33.430.140.D and the work were required to be closer to the stream than allowed by 33.430.140.F; as a result, environmental review is required to both retroactively evaluate the slope stabilization work and ensure adequate mitigation was, or will be, conducted to compensate for all detrimental impacts.

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.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 July 25, 2018 and determined to be complete on October 9, 2018.

DECISION MAKING PROCESS

The Bureau of Development Services will make a decision on this proposal. After we consider your comments we will do one of the following:

- Approve the proposal;
- Approve the proposal with conditions; or
- 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 by making a request online or contacting me.

- Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. Copies of all information in the file can be obtained for the cost of making copies during the appointment.
- If you would like to request a copy of the file online, please visit <https://www.portlandoregon.gov/bds/54732>. The fee for this service varies based on the size of the case file and how long it would take to scan or copy documents.
- I can provide some information over the phone or through email.

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.portlandoregon.gov.

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.

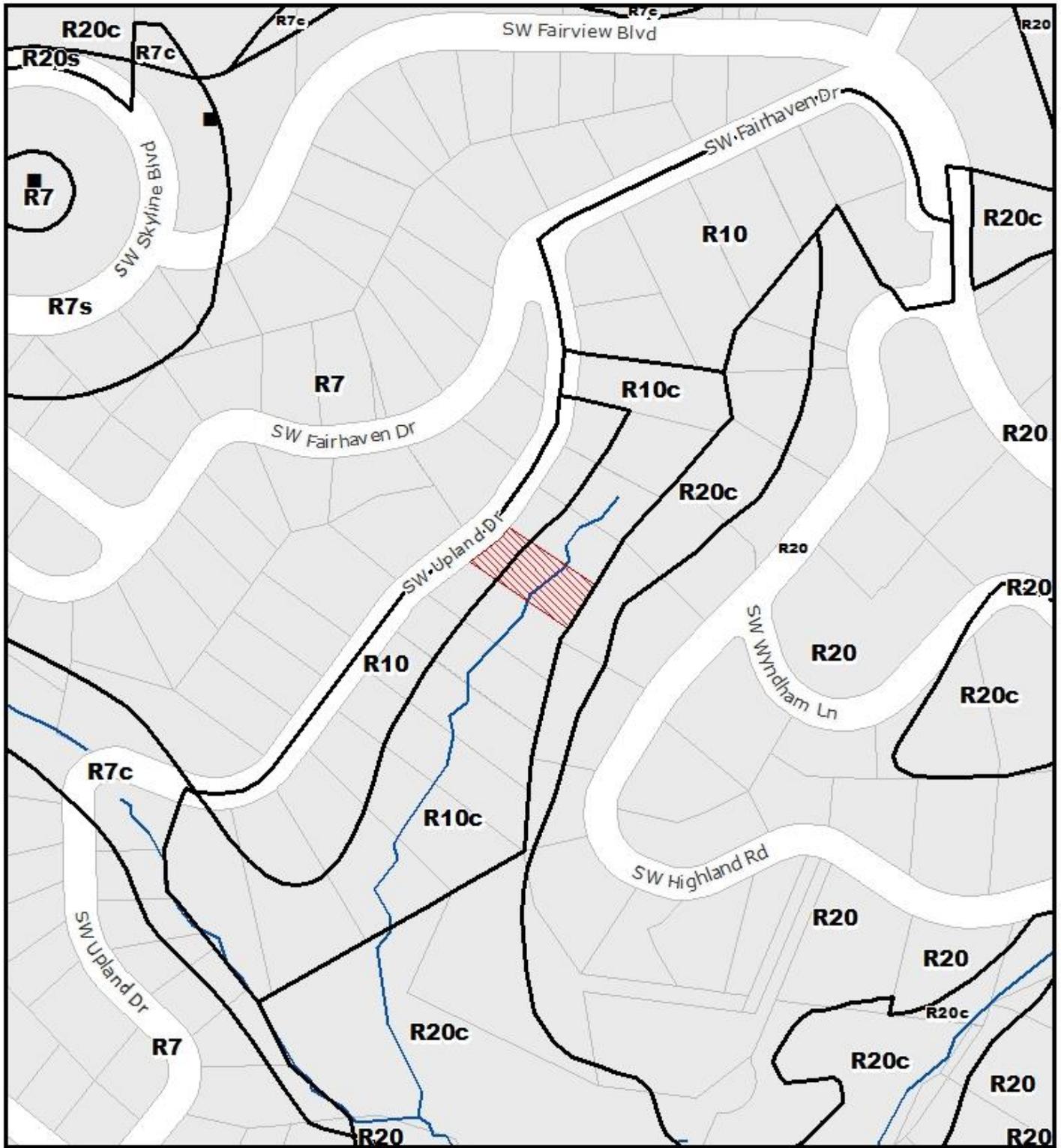
APPEAL OF THE FINAL CITY DECISION

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



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



Site



Stream



Historic Landmark

File No.	LU 18-208727 EN
1/4 Section	3124
Scale	1 inch = 200 feet
State ID	1S1E06AD 6400
Exhibit	B Jul 30, 2018



PLANTING SCHEDULE

SHRUBS

12	MAHONIA REPENS - LONGLEAF MAHONIA T GAL. CONT. WELL BRANCHED, 24" O.C.
14	RIBES SPECIOSUM - SALMONBERRY T GAL. CONT. WELL BRANCHED, SPICE AS SHOWN
5	HOLODOPSIS DISCOLOR - OCEAN SPRAY T GAL. CONT. WELL BRANCHED, SPICE AS SHOWN
2	PHALANOPSIS LEOPARD - MOON ORANGE T GAL. CONT. WELL BRANCHED, SPICE AS SHOWN
2	RIBES SAMOANUM - RED FLOWERING CASCADIAN T GAL. CONT. WELL BRANCHED, SPICE AS SHOWN
4	ROSA WYANDAN - WOODLAND ROSE T GAL. CONT. WELL BRANCHED, SPICE AS SHOWN
10	VACUOLAR PARNETIUM - RED HOLLIGERSBY T GAL. CONT. WELL BRANCHED, SPICE AS SHOWN

GROUND COVER

14	IMPATIENS BARRINGERI - REDD GUT FLOWER 4" POTS FULL PLANTS, 12" O.C.
60	POLYSTICHUM MUNITUM - SWAMP FERNS 4" POTS FULL PLANTS, 24" O.C.
14	TRILLIUM GEMMIGLEI - FINEST CUP 4" POTS FULL PLANTS, 12" O.C.
17	OSPREYIA SPECTABILIS - BEEBEE HEART 4" POTS FULL PLANTS, 12" O.C.

GENERAL PLANTING NOTES

1. ALL CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH CURRENT CITY OF PORTLAND STANDARDS.
2. INSTALL AND/OR MAINTAIN EROSION CONTROL SYSTEMS IN ACCORDANCE WITH CITY OF PORTLAND STANDARDS PRIOR TO SITE WORK AND LANDSCAPE INSTALLATION.
3. ALL DECIDUOUS AREAS SHALL BE MULCHED WITH ORGANIC COMPOST MULCH, 3 INCH DEPTH.
4. STABILIZE COMPOST MULCH WITH WIRE NETTING, INSTALLED PER DETAIL 1/110 OVER ENTIRE PLANTING AREA PRIOR TO PLANTING.
5. CONTRACTOR SHALL MARK AND PROTECT ALL UTILITIES, SITE FEATURES, AND VEGETATION TO REMAIN IN PLACE PRIOR TO COMMENCING CONSTRUCTION.
6. CONTRACTOR SHALL REMOVE ALL WEEDS AND INVASIVE SPECIES PRIOR TO PLANTING.
7. PRIOR TO PLANTING, CONTRACTOR SHALL TEST SOIL, SITE SPECIFIC FOR SOIL FERTILITY BY A CERTIFIED TESTING LAB. IF NECESSARY, ADJUST SOIL pH, PHOSPHORUS AND POTASSIUM LEVELS. ALL TESTS SHALL BE REVIEWED BY THE SOIL FERTILITY SPECIALIST.
8. CONTRACTOR SHALL REMOVE ALL WEEDS AND INVASIVE SPECIES FROM WORK AREA PRIOR TO PLANTING PERMITS (PER LANDSCAPE ARCHITECT'S RECOMMENDATION) TO SUSTAIN LANDSCAPE PLANTINGS. CONTRACTOR SHALL REMOVE ALL WEEDS AND INVASIVE SPECIES FROM WORK AREA PRIOR TO PLANTING PERMITS (PER LANDSCAPE ARCHITECT'S RECOMMENDATION) TO SUSTAIN LANDSCAPE PLANTINGS.
9. PLANT MATERIAL INSTALLED SHALL COMPLY IN SIZE AND GRADE TO THE AMERICAN STANDARD FOR WOODS' STOCK COMBUSTION.
10. THE QUANTITIES OF PLANT MATERIALS SHALL BE SO ORDERED BY THE CONTRACTOR IN ACCORDANCE WITH THE SPECIFIED SPACING OR PLANTING DENSITY. CONTRACTOR SHALL MAINTAIN THE RELAXED WATER WADGLES OR WATER RETENTION POLYMERS FOR THE DURATION OF THE CONSTRUCTION PERIOD AFTER INSTALLATION AND GUARANTEE ALL PLANTINGS TO BE ALIVE AND IN SATISFACTORY HEALTH.
11. LANDSCAPE CONTRACTOR SHALL MAINTAIN THE RELAXED WATER WADGLES OR WATER RETENTION POLYMERS FOR THE DURATION OF THE CONSTRUCTION PERIOD AFTER INSTALLATION AND GUARANTEE ALL PLANTINGS TO BE ALIVE AND IN SATISFACTORY HEALTH.
12. ALL TREES AND SHRUBS SHALL RECEIVE 3" DIAMETER MULCH BINS 3" DEEP UNLESS SPECIFIED OTHERWISE.
13. ALL TREES SHALL BE STAKED IN ACCORDANCE WITH DETAILS.
14. PLANTINGS SHALL BE INSTALLED BETWEEN OCTOBER 1ST AND MARCH 31ST.
15. PRIOR TO INSTALLATION OF PLANT MATERIALS, REMOVE NON-WANTING INVASIVE PLANTS WITHIN 10 FEET OF IMPLANTATION PLANTINGS.
16. AFTER INSTALLATION OF REQUIRED LANDSCAPING, CONTRACTOR SHALL COMBINE BBS SPECTRUM WITH OWNER'S REPRESENTATIVE.
17. TREE REMOVAL TO BE DONE AFTER JULY 31ST AND BEFORE APRIL 15TH (BIRD NESTING SEASON).

AS BUILT

NO. 110
MCP-02

NO.	DATE	DESCRIPTION
1	11-11-2016	CHECK SHEET
2	11-22-2016	CHECK SHEET
3	12-06-2016	CHECK SHEET

DESIGNED: HHPR
DRAWN: DKC
CHECKED: KI
DATE: APRIL 2018

REGISTERED
788
LANDSCAPE ARCHITECT

HHPR Harper Houf Peterson Righellis Inc.
205 SW Spokane Street, Suite 200, Portland, OR 97202
phone: 503.221.1131 www.hhp.com fax: 503.221.1171

MITIGATION PLANTING PLAN
1248 SW UPLAND DRIVE RESIDENCE
PORTLAND, OREGON