

METRO TITLE 13 - NATURE IN NEIGHBORHOODS

IF YOU WISH TO SPEAK TO CITY COUNCIL, PRINT YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)

ADDRESS AND ZIP CODE

Email

✓ Linda Bauer		
✓ Bob Sallinger	Auburn	peter@Finleyfry.com
✓ Peter Fry		

November 28, 2012

Mayor Sam Adams
Commission Nick Fish
Commissioner Amanda Fritz
Commissioner Randy Leonard
Commissioner Dan Saltzman
Portland City Hall
1220 SW Fourth
Portland, Oregon 97204

ATTN: Report on Title 13, Nature in Neighborhoods.

On behalf of Gunderson LLC, we provide the following comments.

Gunderson is an Oregon based company that manufactures products on Portland's waterfront to export to world-wide markets. Our diverse workforce earns family wage jobs through the trades and expertise that they have developed.

Gunderson is supportive of Portland's effort to conform to Metro Title 13; Nature in neighborhoods.

We are concerned about specifically listing documents and plans in the ordinance; specifically the North Reach – River Plan that was found legally deficient.

Portland has been a leader in this area and exceeds any regional standard so outlining efforts and goals as opposed to specifically listing plans would be a more appropriate approach, especially as plans will change and evolve.

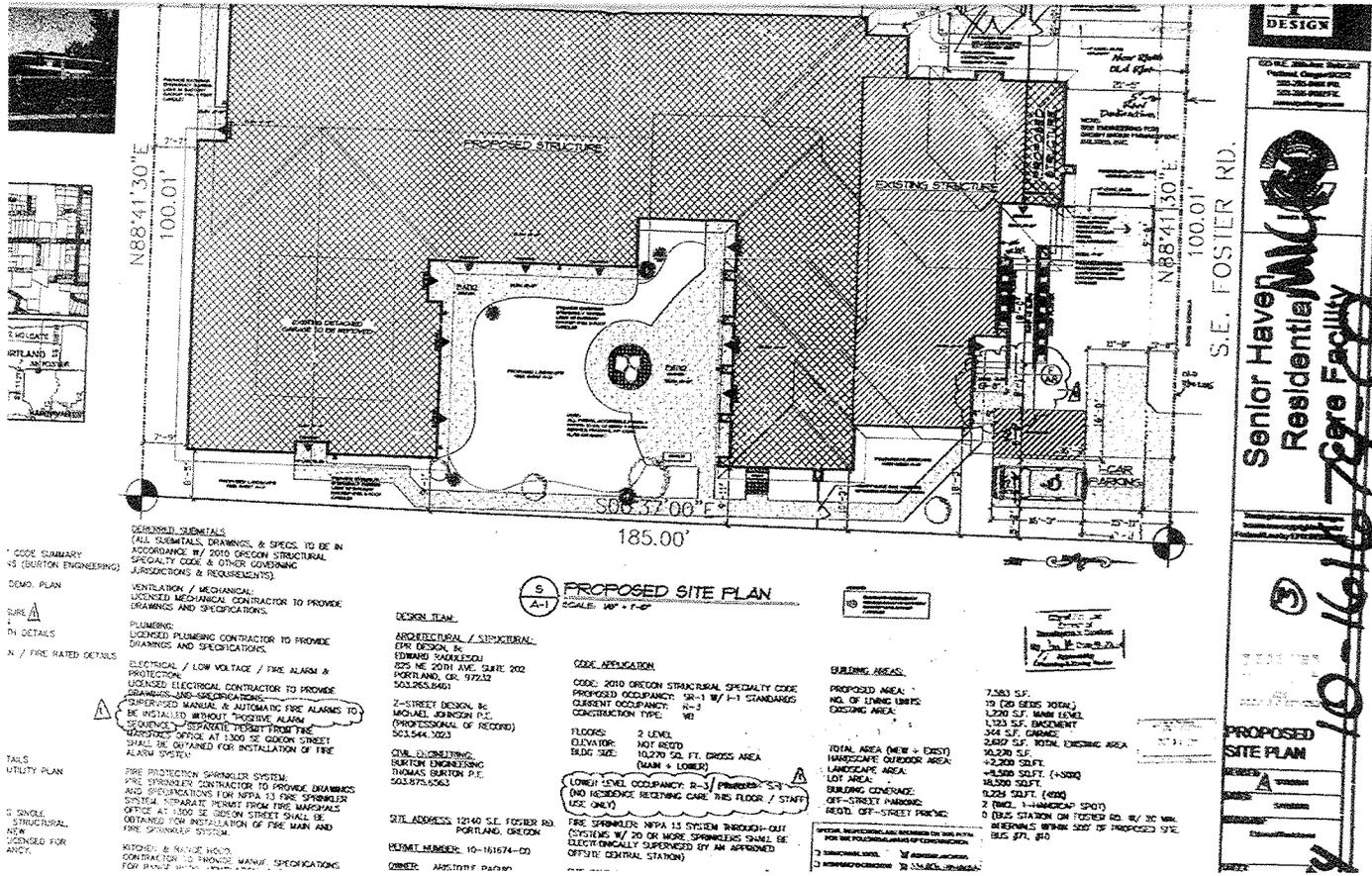
On behalf of Gunderson,



Peter Finley Fry

Cc David Harvey, Gunderson

Site Plan for 12140 SE Foster



reviewed and approved site plan for
12140 SE Foster

Letter from commissioner

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From: Matt.Grumm@portlandoregon.gov
To: lbauerpvna@aol.com
CC: Dan.Saltzman@portlandoregon.gov, Paul.Scarlett@portlandoregon.gov, Rebecca.Esau@portlandoregon.gov
Sent: 8/22/2012 3:01:05 P.M. Pacific Standard Time
Subj: RE: 12140 SE Foster Road

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Thank you Linda and I have connected with Rebecca and Paul in BDS on this. On this specific site, I believe they have filed an appeal but staff don't believe it will be approved as the violation is quiet egregious.

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As to the larger issue of "is this a trend and does staff need to do a better job of watching this and follow up on developers?", which is what I believe the neighborhood's overriding concern is, we're on it!

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As you know better than most, Dan takes this stuff very seriously and has been working for over a decade to improve how we manage stormwater and recharge our aquifers. He's already asked Paul about this and will follow up with him again on how BDS will improve this oversight.

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Thanks again for your diligence, its always impressive.

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Matthew Grumm
Office of Commissioner Dan Saltzman
1221 SW 4th Ave. # 230
Portland, OR 97204
503-823-4151
Matt.Grumm@portlandoregon.gov

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From: lbauerpvna@aol.com [mailto:lbauerpvna@aol.com]
Sent: Wednesday, August 22, 2012 2:34 PM
To: Saltzman, Dan; Grumm, Matt
Subject: 12140 SE Foster Road

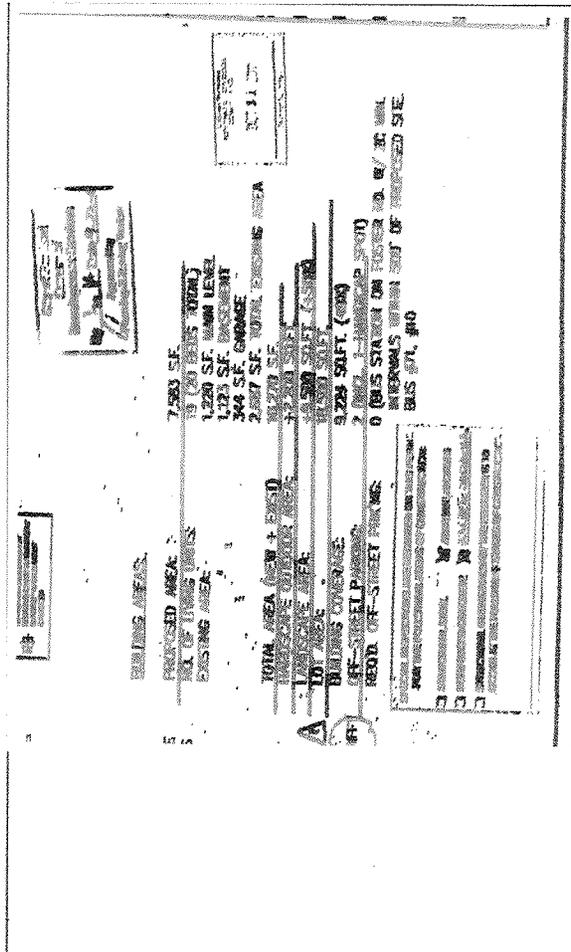
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Attached are materials that relate to 12140 SE Foster Road and the problems with it that have not been addressed .

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Linda Bauer

Reviewed and approved enlarged index

BUILDING AREAS:	
PROPOSED AREA:	7,583 SF
NO. OF LIVING UNITS:	13 (20 BEDS TOTAL)
EXISTING AREA:	1,220 SF. MAIN LEVEL 1,323 SF. BASEMENT 344 SF. GARAGE 2,887 SF. TOTAL EXISTING AREA
TOTAL AREA (NEW + EXIST)	10,270 SF
LANDSCAPE/OUTDOOR AREA:	22,300 SQ.FT.
LANDSCAPE AREA:	20,500 SQ.FT. (90%)
LOT AREA:	10,300 SQ.FT.
BUILDING COVERAGE:	9,224 SQ.FT. (89%)
OFF-STREET PARKING:	2 SPOTS, 1 HANDICAP SPOT
REQD. OFF-STREET PARKING:	0 (BUS STATION ON PETER RD. @ 1/2 MILE INTERVALS WITHIN 1/2 MILE OF PROPOSED SITE. BUS #71, #80)

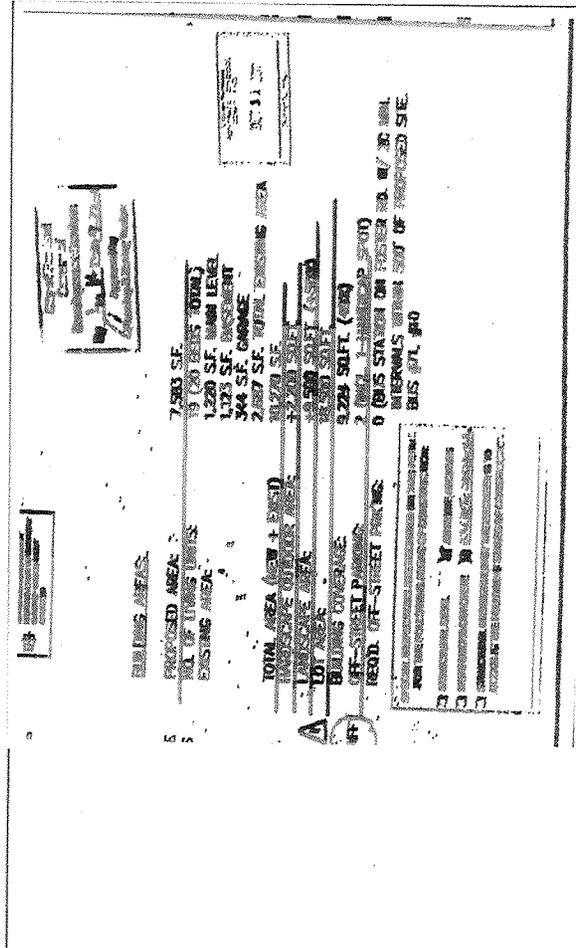
Reviewed and approved



- “Total area (new and existing) 10,270 S.F.”

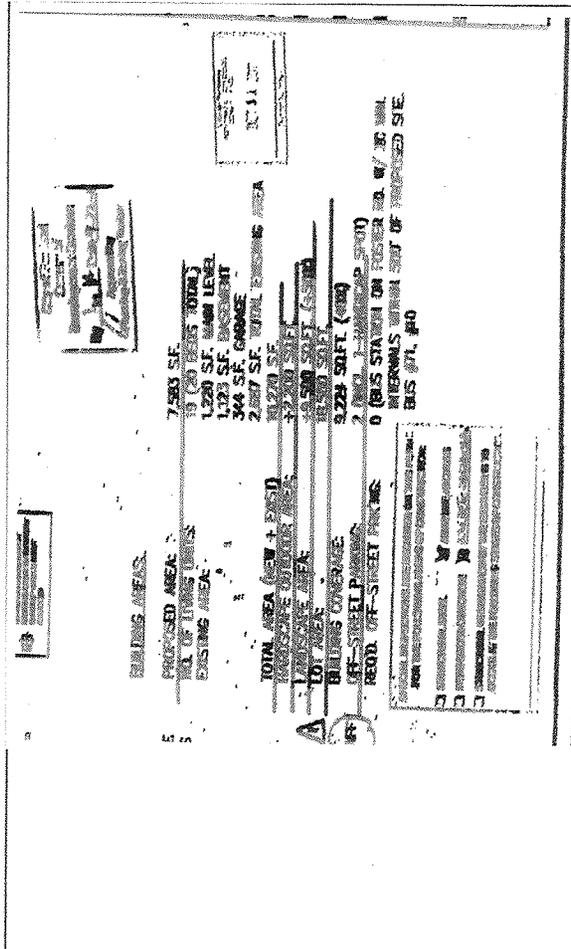
Stated “Building Coverage 9,224 sq. ft.”

Stated lot area



- “Lot area 18,500 sq. ft.”
- There is a five foot right-of-way dedication that was not subtracted.
- True lot area 18,000 sq. ft.

Landscape Area



- Stated “landscaped area 9,500 sq. ft.”
- If you add the “landscaped area” of 9,500 sq. ft. And “total area” 10.270 sq. ft. Equals 19,770 sq. ft BUT lot area is 18,000 sq. ft.

Impervious Surface

- Title # 33
- Chapter 537
- Johnson Creek Basin Plan District
- 33.537.140 D.
- “No more than 50% of any site may be developed in impervious surface. Building eaves are included in calculation of impervious surface.”
- “Total Area” 10,270 sf
- “hardscape” 2,200 sf
- “off-street parking” ?
- covered garbage ?
- at least 12,470 sf
- of impervious
- surface on this
- 18,000 Sq. Ft. lot
- Or more than 2/3 of the lot is impervious

Emails to and from City

Page 1 of 1

Sub: RE: 12140 SE Foster Road
Date: 5/23/2012 9:24:59 A.M. Pacific Daylight Time
From: Mike Hayakawa [mailto:mike.hayakawa@portlandoregon.gov]
To: Rebecca Esau [mailto:reesau@portlandoregon.gov]; Matt Grunen [mailto:matt.grunen@portlandoregon.gov];
Linda Bauer [mailto:lbauer@portlandoregon.gov]

I will

From: Esau, Rebecca
Sent: Wednesday, May 23, 2012 9:09 AM
To: Bauer, Linda; Grunen, Matt; paul.scarlet@portlandoregon.gov; Hayakawa, Mike
Subject: RE: 12140 SE Foster Road

Mike
Would you look into this, and Reply to All?
Thanks,
Rebecca

From: lbauer@portlandoregon.gov [mailto:lbauer@portlandoregon.gov]
Sent: Wednesday, May 23, 2012 8:39 AM
To: Grunen, Matt; paul.scarlet@portlandoregon.gov; Esau, Rebecca; Hayakawa, Mike
Subject: 12140 SE Foster Road

According to my maps, 12140 SE Foster Road is in the Johnson Creek Basin
Plan District. 33.537.140 (D) limits impervious surfaces to 50% on any site. Driving by it
looks like there is more like 80% or more is covered.
Could you check and get back to me.

Linda Bauer

Wednesday, August 22, 2012 AOL: lbauer@portlandoregon.gov

- Reported to the Planning and Sustainability Commission on June 28, 2012. BDS staff told Commission that she would be reporting to Director first thing in the morning. She was given copies.

City signs off

PortlandMaps

12140 SE FOSTER RD - PLEASANT VALLEY - PORTLAND

12140 SE FOSTER RD

Permit/Cover Type: Commercial Building Permit - Special Inspection

Work/Case Description: CHANGE OF OCCUPANCY RECOGNITION FOR 3 CARETAKER DWELLING UNITS AND ADD 5,240 SF FOR BEDROOMS, BATHS, GYMNASIUM, MECHANICAL ROOM, LAUNDRY FACILITY, OFFICES, GYMNASIUM, REC ROOM, KITCHEN UPGRADE, CONVERT ATTACHED GARAGE TO OFFICE. 2 Reservoirs have been installed. 3rd Reservoir is under review.

Issue Date: 11/27/2012

Final Date: 08/15/2012

Letter Authority: 08/15/2012

Status: Final Inspection Approved

Activities	Must Check	Activity Status	Last Activity	Completed	Staff Contact
Applications					
Full Review App Set 50	Y	Approved	10/26/2011 07:30:2011	Richard/Blake	
PA 2 - Prequal Check	Y	Approved	07/30/2010 07:30:2010	Grant, Tracy 503-623-3833	
Life Safety - Finalization Check	Y	Approved	07/30/2010 07:30:2010	Justin, Bob 503-241-7333	
Inspection/Enforce					
Issue - CO	Y	Issue	07/26/2010 07:30:2010	Justin, Bob 503-241-7333	
Process Management					
Construction Received - CO	N	Completed	12/03/2011 12:03:2011	Thomas, John 503-623-3833	
Construction Received - CO	N	Completed	07/06/2011 07:06:2011	Chris, Alex 503-623-3833	
Construction Received - CO	N	Completed	07/12/2011 07:12:2011	Thomas, John 503-623-3833	
Construction Received - CO	N	Completed	06/28/2011 06:28:2011	Thomas, John 503-623-3833	
Construction Received - CO	N	Completed	07/06/2011 07:06:2011	Thomas, John 503-623-3833	
Construction Received - CO	N	Completed	07/12/2011 07:12:2011	Thomas, John 503-623-3833	
Construction Received - CO	N	Completed	06/15/2011 06:15:2011	Richard, Blake 503-623-3833	
Inspection Manager					
Plant of Contact	N	Completed	10/11/2011 10:11:2011	Staff Contact	
Planning and Zoning					
Planning and Zoning Review	Y	Approved	10/26/2011 10:26:2011	Thomas, John 503-623-3833	
Planning and Zoning Review	Y	Approved	04/26/2011 04:26:2011	Richard, Blake 503-623-3833	
Planning and Zoning Review	Y	Approved	04/26/2011 04:26:2011	Richard, Blake 503-623-3833	
Environ Control					
Environ Control High Review	Y	Approved	12/18/2011 12:18:2011	Justin, Bob 503-241-7333	
Site Development					
Site Development Review	Y	Approved	04/15/2011 04:15:2011	Richard, Blake 503-623-3833	
Site Safety					
Site Safety Review	Y	Approved	06/14/2011 06:14:2011	Justin, Bob 503-241-7333	
Site Safety Review	Y	Approved	06/14/2011 06:14:2011	Justin, Bob 503-241-7333	
Energy Code Review	Y	Approved	01/11/2011 01:11:2011	Justin, Bob 503-241-7333	
Mechanical/Required					
Mechanical/Required	Y	Not Required	01/11/2011 01:11:2011	Justin, Bob 503-241-7333	
Structural					
Structural Review	Y	Approved	01/10/2011 01:10:2011	Richard, Blake 503-623-3833	

4/4

- On August 15, 2012, BDS said that everything was fine and granted Final Inspection Approval .
- No action was ever taken to correct any errors or Code Violations.

This is not an isolated incident

- Here is a copy of the non-compliance case for the house next door.

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12122 SE FOSTER RD - PLEASANT VALLEY - PORTLAND [Register](#) | [Property](#) | [Maps](#) | [Projects](#) | [Crime](#) | [Census](#) | [Environmental](#) | [Transportation](#)

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Permit/Case Report [Understand this Report](#)

12122 SE FOSTER RD

Permit/Case Number	2012-145698-000-00-CC				
IVR Number	3184081				
Permit/Case Type	Code Compliance	Zoning	Plan District		
Work/Case Description	Complaint Received: paved areas and buildings on this site exceed the allowed 50% impervious surface area allowed in Johnson Creek Plan District, South Subdistrict as shown on building permits 99-52976 REV-01-RS, 00-142665 RS, and 00-142673 RS.				
Issue Date					
Final Date					
Latest Activity	6/06/2012				
Status	Notified				

Activities	Must Check	Activity Status	Last Activity	Completed	Staff Contact
Request					
Inspection - CC	N	Completed	06/05/2012	06/04/2012	Kaneshipa, Jonnie 503-823-7331
Close - CC	Y	Open	05/31/2012		Staff Contact
Under Inspection					
Mailed Notices - CC	Y	Completed	06/26/2012		Kaneshipa, Jonnie 503-823-7331
Reinspection - CC	Y	Open	08/16/2012		Kaneshipa, Jonnie 503-823-7331
Code Compliance					
Extension of Time Granted	N	In Progress	08/16/2012		Kaneshipa, Jonnie 503-823-7331

Please note: Permitted Cases created since January 1, 2010. Data updated twice daily. [View Database](#)

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City of Portland, Corporate GIS 6/22/2012

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Information Management: PortlandMaps and the associated GIS 6/22/2012 11:59:16 AM EDT

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Jortner, Roberta (Planning)

From: L Robinson [lrobinspdx@comcast.net]
Sent: Wednesday, November 28, 2012 2:06 PM
To: Adams, Mayor; Commissioner Fritz; Commissioner Fish; Commissioner Saltzman; Leonard, Randy
Cc: Moore-Love, Karla; Jortner, Roberta (Planning)
Subject: IGA Confirming Ongoing Efforts Following Title 13 Compliance
Mayor and City Commissioners --

I am not able to attend this afternoon's Council session to testify about this matter, but wanted to express my support for the proposed IGA between the City of Portland and Metro to continue work on Title 13 Compliance.

It's my understanding that Metro has found the City in compliance with Title 13. However, that status does not mean the City has completed its work on projects identified as part of its efforts to meet Title 13 goals. Work will also need to be done to keep the City in compliance.

As a founding member of the Columbia Slough Watershed Council, and as someone who participated in lengthy process to develop both the Citywide Tree Project and the Portland Watershed Management Plan, I'm aware of the importance of on-going efforts needed to protect our watersheds.

Finally, while I am adamantly opposed to annexation and development on West Hayden Island, IF the ultimate decision is to move forward with that proposal, it's critical that the City be very proactive in guiding the way that development occurs with the least disruption possible of the valuable habitat and flood plain functions on the island.

-- Linda

Linda Robinson
1115 NE 135th Ave
Portland, OR 97230
503-261-9566

November 22, 2012

Re: Title 13 Substantial Compliance Action Testimony
Bonny McKnight

Mayor Adams and City Council

My experience participating in the recent process of creating Title 11 (the Citywide Tree Code) has made me better understand the importance of implementation for even the best plans. The ongoing process of partial steps toward full funding of the new Tree Code is an example of the potential gap between a plan and its implementation. I am hopeful that the first stage of Tree Code implementation funding will finally be completed during the next budget year but I also know that it is likely to require strong, continued participation in pressing for that funding to be transformed into continuing public good.

In my opinion a plan is only the first phase of actions with real public benefit. Implementation is the other necessary phase. My testimony on this Title 13 proposal is primarily guided by what we need to do to achieve full Title 13 compliance and reach its livability goals for our city.

In his transmittal letter for this Title 13 proposal, Portland Planning and Sustainability Commission Chair Andre' Baugh notes that "Several members of the public" testified at the July 24, 2012 hearing on this proposal. I was one of those people and I am very pleased to see that my public testimony was heard and to a great extent has been integrated into the proposal you are considering for adoption.

My comments center on four things:

1. Compliance with Title 13 is not a legal exercise – it is a basic quality of life commitment that we have avoided recognizing for too long and now requires timely implementation.
2. Compliance does not tie our hands from creating jobs or finding large tracts of yet undeveloped land due to environmental concerns. Rather it points out our future and should result in an innovative and effective approach to preserving the natural resources of our city in areas where environmental concerns and industrial zoning currently seem to compete.
3. The timing to focus our efforts on Compliance with Title 13 is perfect since some of the long-delayed issues are facing us right now and further delay in dealing with them is no longer an option.
4. Real Compliance with Title 13 requires that we not only promise to comply in some undetermined future time, but clearly means we must stipulate immediate actions for which we will be held accountable – not only by METRO but by the people who live in this city.

Economic development and the natural environment are not enemies. When considered together they offer opportunities for using our unique natural assets to create pleasant places to work at well-paying jobs in the “idea economy” while developing a uniquely trained and competitive workforce difficult to find elsewhere.

Exhibit B (IGA Confirming Ongoing Efforts Following Title 13 Compliance) describes several City Obligations and I want to emphasize one that needs priority attention - (b. iv.) “Update existing plans and regulations for the Columbia Corridor (status: not started; projected initiation: post completion of the Willamette Greenway Plan update)

Further delay in doing a first plan along the Columbia River boundary of the City of Portland is not acceptable. The area in question has been annexed for nearly 30 years without any plan being developed. Too much of the area has already been filled with huge concrete warehouses, new parking lots and streets, curbs, and sidewalks, causing permanent loss of environmental values.

The initial Columbia Corridor Plan work should not wait for completion of an update for the existing Willamette Greenway Plan. The Columbia River boundary of the City has no comprehensive plan for its protection. The Willamette River area at least has some guidance.

As a long time resident of East Portland and community activist in land use issues I can observe how we are losing resources in the Columbia Corridor area because of site by site decision making. Much of the area is zoned both Environmental and Industrial and we have no guidance for how those often competing interests can be made supportive of each other in complying with the intent of Title 13.

Work on developing the long-delayed Columbia Corridor Plan needs to become a first priority for funding. We are in danger of losing the unique value still present in this area because there is no comprehensive method to address how to balance the natural and regulatory complexities found in the area. Funding for completion of the Columbia Corridor plan should be provided during the 2013 – 2014 budget cycle.

I urge you to support this Title 13 Substantial Compliance proposal and – as importantly – the IGA which provides for implementation of specific actions to be taken in the near future.

Thank you,

Bonny McKnight

1617 NE 140th
Portland, OR 97230
bonnymck@comcast.net