

## Parsons, Susan

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**From:** Council Clerk – Testimony  
**Sent:** Thursday, July 06, 2017 10:15 AM  
**To:** Adamsick, Claire; Arguinzoni, Jennifer; Bhatt, Pooja; Chisek, Kyle; Crail, Tim; Dennis, Kristin; Duhamel, Jamey; Dunphy, Jamie; Frost, Liam; Grumm, Matt; Haium, Maja; King, Lauren; Rees, Linly; Runkel, Marshall; Schmanski, Sonia  
**Cc:** Beckman, Stephanie; Castleberry, Stacey; De Freitas, Fabio; Land Use Testimony-add Planner; Michael Robinson; Moore-Love, Karla; Parsons, Susan; Peggy Hennessy; Tunnard, Jocelyn  
**Subject:** FW: Hayhurst Testimony to Council Clerk

Testimony for LU 16-159330 LDS EN, 5920 SW 48th, Hayhurst NA appeal returning to Council on Aug. 9.

Karla Moore-Love |Council Clerk  
Office of the City Auditor |City Hall Rm 130  
503.823.4086

-----Original Message-----

From: Aletha Lincoln Foster [mailto:[alethafoster@comcast.net](mailto:alethafoster@comcast.net)]  
Sent: Thursday, July 06, 2017 6:27 AM  
To: Council Clerk – Testimony <[CCTestimony@portlandoregon.gov](mailto:CCTestimony@portlandoregon.gov)>  
Subject: Hayhurst Testimony to Council Clerk

7/5/17

Dear City Council/Council Clerk -

My Name is Aletha Foster, and I live at 5929 SW 48th Ave, Portland OR, 97221 with my Husband Lincoln, our 2 sons Colton and Flynn and my Mother-in-Law TerryLynn Tennant. We are opposed to the current plan for the proposed development directly across the street from our house (SW Pendleton & SW 48th, Everett Heights). The Hayhurst Neighborhood Association is addressing many of our concerns about the Safe Route to School and Transportation Issues, but I am mainly writing today to support the efforts of Alvin Iverson, the Engineer who has been submitting testimony and valuable information about the Stormwater Management Issue/Concerns with the current proposed plan. The Development's Current Proposed Plan for the replacement of culverts and collection area for the stormwater has flaws, as have been outlined by Mr Iverson.

As stated in the letter from Rodney (Rod) Krauter sent via email 12/22/16 at 3:13pm to Joshua (Josh) Owens, there is an expectation for our driveway to be flooded during storm events. This does not seem reasonable or fair to our family. Our property is already very wet/waterlogged - so much so that we are unable to use/walk/play on our yard for several months out of the year (of note - our yard is waterlogged, not our driveway area). When we purchased this property in 8/15, we envisioned playing Soccer, Frisbee, Badminton and many other yard games, as we are active with our children. It does not seem fair that we will have even more flooding and inability to functionally use our property, due to the inadequate planning by the proposed development. Mr Iverson has provided clear information on the flaws. He has also provided proof the current culvert under our driveway was properly permitted when it was constructed years ago - the Development Plan had put in writing that it was "Illegal." It does not seem the developer has done proper research and planning, as that document was not difficult to locate.

I was at the public hearing on 3/8/17, and listened to the summaries provided by all the city employees who are in support of the development where several policies and guidelines were admittedly not met. I was shocked, as they just seemed to brush right over them - as if they did not matter. The proposed development certainly does not "fit with the character of the neighborhood" (our neighborhood has houses that are "built into" the existing land features - this development wants to take out almost all the trees, level the land, bring in fill-dirt and put the houses on top). There was also a Seep/Spring that was identified outside of the environmental zone just days before the hearing. The Wetlands Management, Stormwater and the Interruption of the Safe Route to School are just too much for this proposal to continue in its current form. From our standpoint as a neighbor, it appears this development as currently proposed is being allowed to "cut corners,"

and that does not seem fair to us. Why are there even policies and guidelines if there is only occasional and inconsistent reinforcement for them to be followed?

I have worked as an Occupational Therapist, providing service to patients for the last 20 years. I am unfamiliar with the concept of willfully disregarding policies and guidelines, as that is not how it works in healthcare, especially when concerns have been brought forward for peer review, such as the many concerns for this proposed development, with the current appeal to city council. It also conflicts with my other "job" as a parent. If my child completed a homework project without meeting the established guidelines, I would not have an expectation that the teacher would simply give him a passing grade anyway. I would explain to him he needs to try again, by making real changes that fit within the guidelines. I know the City Of Portland is motivated for development, but it seems there are responsible ways within established guidelines that provide plans that do not demonstrate a blatant expectation that my driveway/property is going to be flooded during storms once the project is completed. If Everett Custom Homes is unable to work within the Guidelines, perhaps they just need to be told simply that their proposal does not get a Passing Grade.

Our family is begging you to look closely at and consider the expert information provided by Engineer Alvin Iverson, as these stormwater concerns are clearly outlined in his information.

Thank you so much for your time and consideration, Aletha Foster Lincoln Foster Colton Foster TerryLynn Tennant

## Parsons, Susan

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**From:** Grabolandstein <grabolandstein@gmail.com>  
**Sent:** Thursday, July 06, 2017 12:14 PM  
**To:** Council Clerk – Testimony  
**Subject:** RE: LU 16-159330 LDS EN

I am writing as a mom of two Hayhurst kids to express my hope that the city will work for a better development plan for the proposal in Hayhurst. We appreciate that Portland is encouraging infill building and higher density, and we are not opposed to more homes in the open space. In fact I look forward to new neighbors in this wonderful family area. However, there are precious few routes that are safe for my children to walk and ride their bikes in their free time. I find it ironic that I felt much safer walking with my kids along 4-lane Rosa Parks Way in N Portland than I do along Cameron or 45th.

Until the day comes when sidewalks fully connect our pedestrian corridors, we need the city to protect our kids by maintaining the few loops that are safe for kids because they are not convenient for cars. This is critical to helping us enjoy our way of life in Portland.

I am confident Portland can work with the developers to ensure a compromise is unearthed. As the proud daughter of a builder, I know there are many ways to build a house and still make a reasonable profit. Please ensure the voices of neighbors and families are given as much weight as those of our entrepreneurs, and we will see Hayhurst thrive for generations to come.

Thank you for your time,  
Casey and Joel Grabenstein  
4901 SW Iowa St.

## RECENT LANDSLIDES IN HAYHURST NEIGHBORHOOD *DANGERS OF BUILDING IN A LANDSLIDE HAZARD ZONE*

Dear City Council Members,

AUDITOR 07/06/17 PM 3:02

632.100 Landslide Hazard Area Approval Criteria  
LU Case #LU 16-159330 LDS EN

Very important when considering building on a Landslide Hazard Zone is knowing the history of recent landslides and the Traits of the SW Watershed Unique to SouthWest Portland.

### Hayhurst Neighborhood has a history of landslides

- On November 24, 2016, in Hayhurst neighborhood at 4304 SW Hillsdale Ct. a storage unit was being built when a landslide occurred.
  - The apartment building behind this, at 4344 Fairvale Drive was evacuated and incurred damage from the landslide.
  - On Dec. 2, 2016 the apartment received "General Dangerous Building" status.
  - On March 4 a permit was issued for demolishing the apartment building. All of this was the result of a landslide.
- In 1996 a landslide just west of SW 42<sup>nd</sup> on SW Cullen closed that street, again in the Hayhurst neighborhood. It remains closed. These two landslides are within approximately half a mile of the proposed development.

### Some of the traits unique to the watershed of SW Portland are due to its ancient history

- The west side of Portland has a higher density and proportion of open creek channel on residential land than other quadrants of the city. There are many seeps and springs that are not necessarily stationary.

### An Outdated Map is Used by the City:

The Bureau of Development and Sustainability is required to use the City's Stormwater Manual, which does not include details about the watershed issues peculiar to SW Portland. The Stormwater Manual is the only tool used and it paints the entire city with one brush.

SW 48<sup>th</sup> was originally called Wells street because of the wetland and wells on the site in question.

In this Potential Landslide Zone the applicant's proposal to build 11 homes will create extensive impervious surfaces where water will not be absorbed but passed on to the existing lots down hill creating significant landslides and flooding issues.

**Please reject the proposed development as it is in a vulnerable Landslide Hazard Area.**

Thank you for your time-

B. Hurwitz, MAT  
503-816-0979  
4727 SW Flower Ct.  
Portland, OR 97221

**Parsons, Susan**

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**From:** Alvin Iverson <alvin.iverson@gmail.com>  
**Sent:** Thursday, July 06, 2017 11:36 AM  
**To:** Council Clerk – Testimony  
**Subject:** : LU 16-159330 LDS EN, Everett Homes development in Hayhurst Neighborhood  
**Attachments:** City Council appeal2.pdf; Hayhurst neighborhood housing development2.pdf; Hayhurst neighborhood housing development.pdf

My comments concerning the proposed housing development in the Hayhurst neighborhood are attached to this email in the “City Council appeal2” document. I have been brief, as requested by Commissioner Fish so I didn’t go into the stormwater issues as completely as I had in my statements to the Hearings Officer. I am also attaching the two statements I made to the Hearings Officer but only to clarify any statements I made in the “City Council appeal2” document and only if clarification is requested. Thank you.

Al Iverson

July 6, 2017

Mayor Ted Wheeler and Portland City Council

Re: LU 16-159330 LDS EN, Everett Homes development in Hayhurst Neighborhood

My name is Al Iverson I am a professional engineer licensed in civil and environmental engineering. I am representing Aletha and Lincoln Foster who live at 5929 SW 48<sup>th</sup> Ave, and whose property will sustain stormwater damage if this project is constructed as presently planned.

Damage will occur because the project increased the size of the culvert on SW 48<sup>th</sup> Ave. The capacity of the culvert will be increased from 7 cubic feet per second to 31 cubic feet per second according to a memorandum from the developer's engineer, dated April 4, 2017. This will overwhelm the culvert under the Foster's driveway. Stormwater will then undercut and overtop their driveway, damaging it. Their property should receive protection by the "flow rate of stormwater leaving the site" requirement of the following City Code:

**17.38.035 Drainage Management Policies and Standards**

**C.** The quantity and flow rate of stormwater leaving the site after development shall be equal to or less than the quantity and flow rate of stormwater leaving the site before development, as much as is practicable, based on the following criteria:

- 4.** Site drainage facilities shall be designed to safely convey the less frequent, higher flows through or around stormwater management facilities and to an approved drainage system with adequate capacity without damage to the receiving drainage system, whether natural or manmade.

BDS determined that the Foster's property will be impacted during a storm event but BDS also believed that the culvert had been put in privately without the necessary permit, and therefore not protected by the City Code.

This turned out not to be true and a permit was later found which was issued in 1993, after the drainage way was established but before these permits were recorded electronically. Since the downstream culvert on private property was properly permitted when it was installed, it and the driveway crossing over it are protected by the above City Code.

The PerkinsCoie response to City Council dated June 21, 2017 states that stormwater management criteria have been satisfied, but this statement is only partially true. While the project may satisfy the Stormwater Management Manual for the land occupied by the eleven new homes, it severely changes the characteristics of the stormwater runoff from 75 homes and a mile of city streets that flows in a ditch through the southwest part of the property. It does this by increasing the capacity of the culvert in SW 48<sup>th</sup> Ave and eliminating stormwater detention on the east side of SW 48<sup>th</sup> Ave. The stormwater

management issues I brought up about this change in the stormwater runoff characteristics have not received an adequate response.

There is a solution that will go a long way in satisfying all parties, but it requires a more proactive role by BES. It also requires acknowledging that a portion of the property that is to be developed has significant environmental value. It contains a stormwater detention and treatment area for the runoff from 75 homes and a mile of city streets, as well as a wetland, seasonal seeps and springs, and an environmental zone. This is private property that is currently being used informally by BES for stormwater detention and treatment, without compensation to the property owner.

BES has been actively seeking suitable properties in southwest Portland for stormwater detention and treatment and this property meets those requirements. This property could be divided and the environmental portion purchased by BES. BES would have a stormwater treatment facility where one is needed; the developer could purchase just the buildable portion of the lot as well as avoiding street improvements on SW 48<sup>th</sup>; and the current property owner would be able to get full value for his land. This would also satisfy many of the neighborhood's concern by making it a smaller project.

I feel compelled to propose the above solution as difficult as it may be to achieve. It requires BES to shift, more than it already has, its emphasis from enforcing the Stormwater Manual to proactively solving stormwater management issues in southwest Portland. I believe it is worth the effort since BES is committed to solving stormwater problems in southwest Portland and having available land for treatment and detention has been the biggest limitation.

In summary, please deny the permit based on the project violating City Code 17.38.035 and if possible, facilitate the solution I have outlined above.

Al Iverson P.E.



March 16, 2017

My name is Al Iverson, I live at 6610 SW 36<sup>th</sup> Ave, Portland, OR, 97221, in the Hayhurst neighborhood and have lived here for the last thirty years. I would like to comment on some of the stormwater aspects of the Everett Heights project, LU\_16159330\_LDS\_EN. I am a professional engineer licensed in civil and environmental engineering. I also represent Southwest Neighborhoods Inc. (SWNI) in stormwater issues to DEQ concerning Portland's MS4 stormwater permit however in these comments I am representing myself and not SWNI.

From a stormwater point of view there are positive and negative aspects of the project as well as others that need a better explanation. A significant benefit comes from regrading SW 48<sup>th</sup> so the entire street drains towards the east. This can alleviate many of the stormwater problems for properties on the west side of SW 48<sup>th</sup> as well as providing a water source for the environmental zone, through the LID planters.

On the other hand, replacing the existing 18-inch diameter culvert with a 36-diameter culvert is problematic. The January 13, 2017 Conceptual Stormwater Management Report for the project states that a 36-inch diameter pipe is needed because a 25-year storm will overtop SW 48<sup>th</sup> Ave.

This has never happened, including during the 1996 flood, according to residents on SW 48<sup>th</sup>. The most likely reason for this is that the computer model for the project underestimates the existing stormwater storage capacity in the area immediately to the east of SW 48<sup>th</sup>. This area is a heavily vegetated area and it would be difficult to accurately estimate its stormwater storage capacity based on LiDAR data alone. The stormwater storage capacity of the proposed development can be assumed to be more accurate since it is based on the grading plans for the project. This would explain the requirement for a 36-inch diameter culvert.

The next issue concerns the increased flow rate that the 36-inch diameter culvert can deliver. The 36-inch diameter has four times the cross-sectional area and will convey stormwater more quickly than the existing 18-inch diameter pipe. The January 13, 2017 Conceptual Stormwater Management Report for the project mentions the private 18-inch diameter culvert, 15 feet downstream from the new culvert but it doesn't say how it will be impacted. An email from BES Development Services states "There are two 18" private culverts and the undersized 24" culvert in SW Fairvale Ct. The project is not responsible for upsizing the private culverts, however the homeowner should be notified that the culvert in SW 48<sup>th</sup> will be upsized and this will cause their driveway will (sic) be impacted during storm events." Any negative impact caused by upsizing the culvert to 36 inches violates the following City Code;

### **17.38.035 Drainage Management Policies and Standards**

**C.** The quantity and flow rate of stormwater leaving the site after development shall be equal to or less than the quantity and flow rate of stormwater leaving the site before development, as much as is practicable, based on the following criteria:

- 4.** Site drainage facilities shall be designed to safely convey the less frequent, higher flows through or around stormwater management facilities and to an approved drainage system with adequate capacity without damage to the receiving drainage system, whether natural or manmade.

The drainage analysis should have explained why, even though the proposed development reduces the stormwater runoff quantity going to the culvert, and with no new factors that increase the rate of flow to it, the culvert needs to be increased in size, especially since it is being increased by a factor of four.

There is one additional point to be made about the proposed 36-inch diameter culvert. The Conceptual Stormwater Management Report for the project correctly states that "Lowering the upstream invert for the proposed 36-inch pipes (sic) may result in additional upstream erosion." Another result of lowering the invert, not mentioned in the report, is the likelihood of partially dewatering the environmental zone immediately to the north of the culvert inlet. This impact should be addressed before the project can move forward.

BES itself is also partially culpable for the difficulty in coming up with a workable stormwater management plan for this property. This project has significant stormwater management problems, not because of the project itself, but because there is a significant drainage way crossing the southwest corner of the property that drains twenty-six acres of residential property in the Hayhurst neighborhood. During a stormwater event, runoff from the ditch and pipe stormwater system that drains the twenty-six acres, floods a significant portion of the private property that is being developed. The stormwater then discharges through the existing 18-inch diameter culvert which controls the downstream flow rate.

BES has been using this private property for stormwater detention on an informal basis, with no agreement in place. This has been acceptable until now when someone wants to develop the property. One solution more in keeping with its present usage is to divide the property into two parcels, one for the development and one, purchased by BES to manage stormwater from the twenty-six acres. The stormwater management parcel should be sized so the existing 18-inch diameter culvert under SW 48<sup>th</sup> Ave can remain in place and continue to control the rate of flow downstream as it has for all these years.

Al Iverson P.E.

April 5, 2017

SUBJECT: Stormwater comments for LU 16-159330 LDS EN (Everett Heights)

I would like to support the comments I had made earlier and to respond the PerkinCoie stormwater comments in regard to LU 16-159330 LDS EN submitted on March 22, 2016.

If observations contradict calculations, the calculations warrant a second look. The stormwater report for this project calculates that a 10-year storm will overtop SW 48<sup>th</sup> Ave but observations contradict this statement. Michael and Frances Barth have lived at 6020 SW 48<sup>th</sup> since 1993 when they built the house they are living in. This house is at the south end of SW 48<sup>th</sup> and its only vehicle access is through the section of road that would be flooded so this would be more than an incidental observation. Mr. Barth has stated to me that he is willing to testify that this section of road has never been flooded in the more than twenty years they have lived there, including 1996 when flooding was widespread.

The flooding problems presently being experienced on the west side of SW 48<sup>th</sup> are not caused by stormwater runoff from the property proposed for developed. Instead it is runoff that bypasses stormwater inlet AQR225 at the intersection of SW 48<sup>th</sup> and SW Pendleton. Drew Bradbury, who lives on the west side of SW 48<sup>th</sup> at 5911 SW 48<sup>th</sup>, shows this flow path coming southward down SW 48<sup>th</sup> and flowing through his property from the front yard to the back. His video also shows standing stormwater being detained on the upstream side of the culvert crossing SW 48<sup>th</sup> but not in the roadway. On the day the video was shot more than two inches of rain fell in a twelve hours period and there had been more than five inches of rainfall in the previous week.

One explanation for why the stormwater did not overtop the road is that the wetland and environmental zone on the property are larger than is presently mapped, and are capable of detaining more stormwater than assumed. This detained stormwater is discharged through the existing 18-inch diameter concrete culvert which acts as a flow control structure. As a flow control structure, it is allowable for the inlet to be submerged.

The PerkinCoie comments quotes from the staff report that "... the proposed design is feasible and has capacity for the expected amount of stormwater generated by the proposed project." My concern however is not the stormwater generated by the project, but stormwater from the upper basin that passes through the project area. The stormwater detention capacity on the east side of SW 48 will be decreased if the development's grading plan encroaches on these areas that currently act as short term stormwater detention. I therefore suggest that it is quite important that the stormwater detention characteristics on the property be better determined before the project moves forward.

Even though properties are being developed according to the City Codes and the Stormwater Manual they can still cause flooding problems for properties that are downstream. This is an emerging problem in southwest Portland; in individual watershed subbasins, development in the subbasin cause flooding problems lower in the subbasin. In one subbasin in the Multnomah Neighborhood nine properties were developed over a period of about ten years. These properties were developed according to City Code and the Stormwater manual but since these homes were constructed, conditions downstream continually deteriorated until now when about a half dozen homes are adversely affected by stormwater runoff.

Even though the proposed development may comply with the Stormwater Manual and cited City Code, as in my previous comments I don't believe it yet complies with City Code 17.38.035 "Drainage Management Policies and Standards" and this subject needs to be more critically addressed before the project moves forward.

Al Iverson P.E.

## Parsons, Susan

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**From:** Randi Sachs <randisachs@gmail.com>  
**Sent:** Thursday, July 06, 2017 4:12 PM  
**To:** Council Clerk – Testimony  
**Subject:** Re: LU 16-159330 LDS EN  
**Attachments:** Hayhurst neighbors worry new development will compromise safety \_ KATU.pdf

The attached article is being submitted into the record on behalf of the Hayhurst Neighborhood Association for LU 16-1509930 LDS EN.

On June 26th KATU ran a news story about the proposed development. They reached out to the applicant and received a statement from Vic Remmers, that is highlighted in the attached article version of the news story.

The statement reads:

*"We're working hand in hand with the City of Portland and the Hayhurst Neighborhood Association, and look forward to determining the best path forward come August."*

To date, the Hayhurst Neighborhood Association has not been contacted by Mr. Remmers, and would like City Council to know that there has been no effort by the applicant to work with the neighborhood.

Thank you,  
Randi Sachs on behalf of the Hayhurst NA

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## Hayhurst neighbors worry new development will compromise safety

by Catherine Van, KATU News  
Monday, June 26th 2017



*Hayhurst neighbors in Southwest Portland are worried an 11-home development and through street will bring unwanted traffic and endanger school children walking to Hayhurst Elementary.*

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PORTLAND, Ore. — There’s nothing quite like the sound of chirping birds and watching raccoons and rabbits run across your yard.

It's the life Nathan Hale and his neighbors want to preserve in their Hayhurst neighborhood.

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"On a day like this when there's no traffic coming down the street, it's part of the reason why we moved to the area," said Hale. "It's got quiet streets, it's got great neighbors, it's got people really invested in the neighborhood."

The space is a designated safe route to Hayhurst Elementary School. Hale says his two daughters along with hundreds of other school kids use the route. However, those routes lie in what's to become a major housing development.

"It's the difference between having my child walk to school alone and having to hold their hand as I go to school with them," said Hale.

Developer [Vic Remmers wants to build 11 homes right on top of the routes](http://savependletoncreekwoods.weebly.com/uploads/8/4/0/5/84052900/plat_existing_conditions_and_tree_plan.pdf)

([http://savependletoncreekwoods.weebly.com/uploads/8/4/0/5/84052900/plat\\_existing\\_conditions\\_and\\_tree\\_plan.pdf](http://savependletoncreekwoods.weebly.com/uploads/8/4/0/5/84052900/plat_existing_conditions_and_tree_plan.pdf)), along with a through street to connect both parts of Southwest Pendleton and bring the area back up to code. Some neighbors say it's not an improvement, and claim it will compromise their safety.

"There will be more traffic with more potholes, more problems, and the citizens who live here on unimproved roads are the ones who will pay for that," said Brynna Hurwitz, the Hayhurst Neighborhood Association co-land use chair.

The construction site is a 2.3-acre privately owned lot that's shared with a wooded wetland. During testimony to the neighbors' appeal last week, Remmers' staff says the development will remove more than 100 trees.

"That concerns us. That's what Portland's livability is all about: a safe green space and a space for children to walk safely," Hurwitz said. "We're not anti-development, but let's work together."

Neighbors of the <sup>f</sup>Save Pendleton Creek Woods <sup>tw</sup>(<http://savependletoncreekwoods.weebly.com/>) group <sup>en</sup>want an alternative plan with a pedestrian and cyclist route along with fewer homes, but say the developer connected with them to talk about a compromise.

"Every time we ratchet down the number of units or make it harder to develop, the people who suffer are the home buyers," said Mike Robinson, Remmers' attorney said.

Remmers sent KATU News a statement saying, "Our team is incredibly excited to have the opportunity to build in such a great neighborhood in Southwest Portland. We're working hand-in-hand with the City of Portland and the Hayhurst Neighborhood Association, and look forward to determining the best path forward come August."



## Parsons, Susan

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**From:** Christopher Silkie <christopher.silkie@gmail.com>  
**Sent:** Thursday, July 06, 2017 3:25 PM  
**To:** Council Clerk – Testimony  
**Subject:** RE: LU 16-159330 LDS EN

Dear City Council:

Thank you for taking time to listen to the Hayhurst Neighborhood Association for this land use appeal. I am writing as a neighbor to the proposed development. The appeal hearing was really the first time the concerns of the neighborhood regarding PBOT's requirement to make a new through street have been truly heard. Since the first early assistance meeting, PBOT has been insisting that a new through road be constructed, despite that not being a hard/fast requirement, despite the vagueness of the 15 year-old plan, despite the objections of the neighborhood, despite the impacted Safe Route To School, and despite a goal of Vision Zero -- Do No Harm. Furthermore, as the city grapples with growth, preserving livability through better bike and pedestrian connectivity should be prioritized -- not compromised for the convenience of cars. Even OTAK, the developer's representative, said in a letter to Neighborhood Association that they were "ambivalent" to the road going through or being capped to allow bike/pedestrian passage only. They are only proposing it because the City/PBOT is making them and has every step of the way channeled the proposal with that in-mind. Finally, I'd like to echo one suggestion that the RoW improvements required on that gravel road segment of 48th be waived. They unnecessarily impact the environmental zone.

No RoW improvements on 48th, no through street, and the adverse environmental, health, and safety impacts of the proposed development are lessened. Now you have an opportunity to meritoriously adjust the trajectory of the proposed development.

Thank you for the consideration,  
Christopher Silkie

Tim Van Wormer 4727 SW Flower Court Portland OR 97221  
LU 159330 LDS EN

July 6, 2017

Dear City Council Members,

We have lived in the Hayhurst neighborhood for 27 years. I have been a State of Oregon Registered Landscape Architect since 1991. I served on the Oregon State Landscape Architect Board from 2006 to 2012 and was the board chair for 5 years. I have a Masters in Urban and Regional Planning and a Masters Certificate in Real Estate Development from Portland State University and a Bachelor of Landscape Architecture from the University of Washington. I have worked at the Port of Portland since 1992. I have a 30 year career in property development and for the last 25 years I have specialized in heavy industrial development. I am clearly not opposed to development. However, the proposed 11 lot land division fails to meet the land division approval criteria.

In the applicant's Landslide Hazard Study, water is planned to be collected in two locations. Water will be collected in a drain pipe at the toe of the 17' of fill and in a drain pipe at the base of the 6' tall 220' long wall. See attached Figure 3 of HGSI report. The applicant plans to dispose of this un-estimated amount of water into the environmental zone without treatment. Please see the Hearings Officer Decision last paragraph Page 20 on this:

If necessary based on the final grading plans, the applicant will install drains in the fill areas to prevent the accumulation of groundwater that could impact the stability of filled areas. The applicant will also install drains behind the proposed retaining wall to collect and direct groundwater around the wall. These drains will likely discharge overland to the on-site wetland, which will help maintain the existing wetland hydrology.

The applicant did not estimate the amount of water that will be drain from the fill area and the amount of water that will drain from behind the 6' tall 220' long retaining wall and be collected into pipes that will drain into the environmental zone.

Code section 33.653.020 B. states that:

**PCC 33.653.020, Stormwater management must meet the following approval criteria:**

- A. If a stormwater tract is proposed or required, an adequate amount of land and an appropriate location must be designated on the Preliminary Plan; and**
- B. The application must show that a stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater.**

The top of page 37 of the Hearings Officer's Decision summarizes the applicant's stormwater management methods for Public Street Improvements and for Lots. However, the applicant's Conceptual Stormwater Management Report does not include the drain pipes at the base of the wall and at the toe of the filled area. No facilities have been designed to collect or treat water collected from these areas. No facilities to collect or treat water collected from these areas are shown on the

subdivision plans or are included in the applicant's Conceptual Stormwater Management Report. Therefore the applicant has not shown that a stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater because nothing has been designed for the water from the drain pipes at the base of the wall and at the toe of the filled area. Therefor the standards and criteria of 33.653.020 B. has not been met.

And code section 33.653.030 states that

**PCC 33.653.030, Stormwater management facilities must meet the following standards.**

- A. The Bureau of Environmental Services has preliminarily approved the capacity, type, location, feasibility and land area required of the proposed stormwater management system and stormwater disposal facilities as well as any connection to off-site facilities. The approval is based on the Sewer Design Manual and the Stormwater Management Manual;**
- B. The Bureau of Development Services has preliminarily approved the capacity, type, location, feasibility, and land area required of any proposed private on-site stormwater disposal facilities; and**

The applicant's Conceptual Stormwater Management Report does not include the drain pipes at the base of the wall and at the toe of the filled area. No facilities to collect or treat water collected from these areas are shown on the subdivision plans or are included in the applicant's Conceptual Stormwater Management Report. Therefore the Bureau of Environmental Services has not reviewed nor has the applicant looked into the capacity, type, location, feasibility and land area required of the proposed stormwater management system and stormwater disposal facilities as well as any connection to off-site facilities from the filled area and from the base of the wall. Therefor the standards and criteria of 33.653.030 has not been met.

A successful proposal would identify and treat all stormwater, minimize changes to existing drainage patterns and site contours, preserve existing trees, and protect the transportation modes of the neighborhood. This proposal leverages the neighborhood's assets to create individual wealth for the applicant at great cost to the neighborhood and to the prospective homeowners of this proposed land division.

Please reverse the decision of approval by the Hearings Officer and deny this application for subdivision.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tim Van Wormer', with a long horizontal flourish extending to the right.

Tim Van Wormer  
Landscape Architect

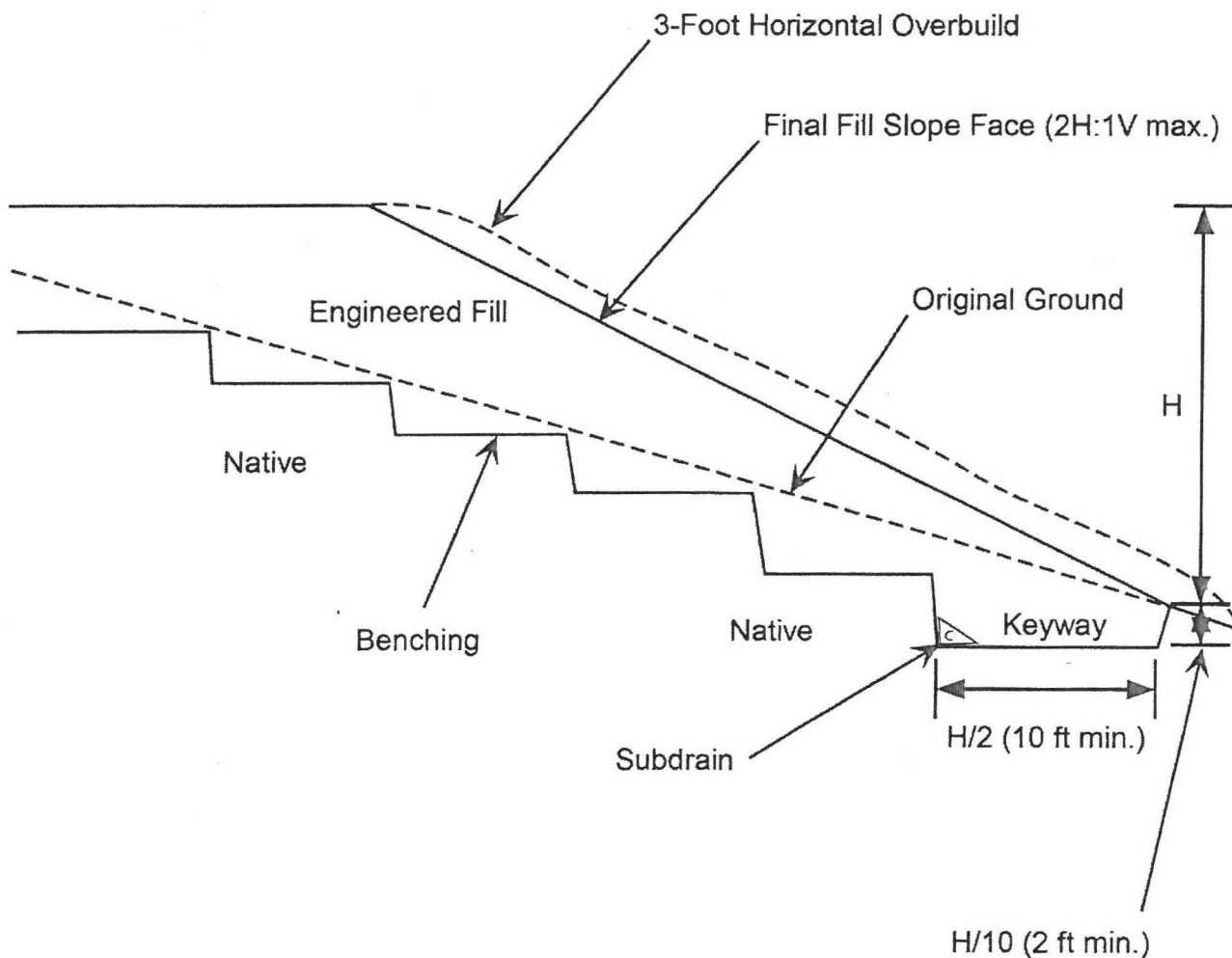


**HARDMAN  
GEOTECHNICAL  
SERVICES INC.**

Practical, Cost-Effective Geotechnical Solutions

## FILL SLOPE DETAIL

### TYPICAL KEYWAY, BENCHING & FILL SLOPE DESIGN



Recommended subdrain is minimum 3-inch-diameter ADS Heavy Duty grade (or equivalent), perforated plastic pipe enveloped in a minimum of 3 cubic feet per lineal foot of 2" to 1/2" open-graded gravel drain rock wrapped with geotextile filter fabric (Mirafi 140N or equivalent).

Project: 5920 SW 48th Ave  
Portland, Oregon

Project No. 16-1957

FIGURE 3

**Parsons, Susan**

---

**From:** Ian Frantz <ianfrantz@gmail.com>  
**Sent:** Sunday, July 02, 2017 6:05 PM  
**To:** Council Clerk – Testimony  
**Subject:** Pendleton Creek Woods - Evidence of Wetland  
**Attachments:** 20170601\_210004.jpg; 20170415\_143036.jpg

Hello,

Case File: LU 16-159330 LDS EN

My family is opposed to the development of the natural wetland area in dispute.

I've attached dated photographs of two ducks and above ground water that was pooling and feeding the creek that flows nearby.

-Ian Frantz & Kelly Frantz

6124 SW 50th Ave  
Portland OR, 97221







[illegible]

FOR FURTHER INFORMATION, CONTACT  
BUREAU OF DEVELOPMENT SERVICES  
DEVELOPMENT SERVICES CENTER, SUITE 1500,  
1900 S.W. 4th AVENUE, 97201  
TELEPHONE: 503-823-7526 TDD. 503-823-6868



## Parsons, Susan

---

**From:** Sylvia Bogert <sylvia@swni.org>  
**Sent:** Thursday, June 29, 2017 3:03 PM  
**To:** Wheeler, Mayor; Commissioner Fritz; Commissioner Saltzman; Fish, Nick; Commissioner Eudaly; Council Clerk – Testimony  
**Cc:** Gibbon, John; Jan Wilson; Janet C Hawkins; Hurwitz Brynna; Randi Sachs  
**Subject:** LU 16-159330 LDS EN  
**Attachments:** SWNI Ltr Re LU 16-159330 LDS EN.pdf

Dear Mayor Ted Mayor Wheeler and members of the Portland City Council:

Southwest Neighborhoods, Inc (SWNI), voted at its June 28, 2017, Board of Directors meeting to support the Hayhurst Neighborhood Association appeal of the Hearings Officer's decision to modify the 11-home subdivision at 5920 SW Pendleton Street. Please consider our position in this matter when you vote.

Thank you,

John Gibbon  
President  
Southwest Neighborhoods, Inc

Sylvia Bogert  
Executive Director  
Southwest Neighborhoods, Inc.  
7688 SW Capitol Hwy., Room 5  
Portland, OR 97219  
503-823-4592  
[sylvia@swni.org](mailto:sylvia@swni.org)





**Southwest Neighborhoods, Inc.**

7688 SW Capitol Highway, Portland, OR 97219 (503) 823-4592

[www.swni.org](http://www.swni.org)

June 29, 2017

Mayor Ted Wheeler and members of the Portland City Council  
City of Portland  
1221 SW 4<sup>th</sup> Avenue  
Portland, OR 97204

RE: LU 16-159330 LDS EN

Dear Mayor Ted Mayor Wheeler and members of the Portland City Council

Southwest Neighborhoods, Inc (SJNI), voted at its June 28, 2017, Board of Directors meeting to support the Hayhurst Neighborhood Association appeal of the Hearings Officer's decision to modify the 11-home subdivision at 5920 SW Pendleton Street. Please consider our position in this matter when you vote.

Thank you,

John Gibbon

President

Southwest Neighborhoods, Inc

## Moore-Love, Karla

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**From:** Robinson, Michael C. (Perkins Coie) <MRobinson@perkinscoie.com>  
**Sent:** Monday, June 26, 2017 11:27 AM  
**To:** Council Clerk – Testimony  
**Cc:** rollman@netzero.net; 'Vic Remmers'; Mike Peebles; 'Li.Alligood@otak.com'; Keith Buisman; 'Greg Summers'; 'Wade Scarbrough'; 'Julia Kuhn'; Chris Brehmer  
**Subject:** City of Portland Case # 16-59330 LDS EN

Please place the following email supporting the application and opposing the appeal before the Portland City Council.

Portland City Council:

My wife, children and I live at 4707 SW Pendleton Street. One side of my property is along side Mr. Rollman's property. My wife and I purchased our home in June of 2016. We moved back to Portland with our three children after owning a home in Troutdale for 10 years. I am a science teacher at Wilson High School and my wife, Alicia, is a laboratory systems analyst at OHSU. I have a BS in Biology and Chemistry from PSU and a Master's in Science Education. I taught biology and ecology last year, and this coming school year I am piloting new chemistry course for Wilson and continuing to teach ecology. I feel that my science background is relevant in this matter. When we first looked at our house, I took notice of the property along side mine. I noticed it was full of invasive species and was severely overgrown and ivy was taking over all the trees along the fence line. I noticed blackberries, bamboo, holly, and ivy to name a few invasive plants. I met Mr. Rollman in the summer of 2016 and he told me about his desire to sell the property to a developer who was planning on building homes there. I thought it was a good idea. This property really needs to be relieved of the invasive plants and I know how dire the housing shortage is. We spent three months searching for a house, put in 5 offers and finally got our house. I absolutely love our neighborhood. Our children attend Hayhurst and Robert Gray. Here are my thoughts about this:

- This property belongs to Mr. Rollman and he should have the right to sell his property to whomever he chooses
- This isn't a pristine city park that is being sold and developed, it is private property. I have heard people in the area state that we are losing a green-space... this was never a "green space" it has always been Mr. Rollman's private property that he was allowing people to use
- I am not concerned about the through street. Connecting Pendleton is fine with me, and I cannot see it making a lot more traffic. I am aware that there will be 11 homes being built, and therefore 11 families will be using the street... but, I believe there will be little increase in traffic because there are more accessible and faster routes around the neighborhood.
- I am a member of Nextdoor, there was a petition to retain a lawyer to stop this development. I commented on the page and said what I am saying here, there were dozens of people who "liked" my comment and agreed with my comment
- There are huge misconceptions about the sale and development of this property. Many people believe it is public property, that it is a community green space, that they have a right to it... most people I have personally talked to didn't even realize that the property was owned by Mr. Rollman. Nor did they realize the thoughtful way he has gone about the process. I have had several interactions with Mr. Rollman and all of them have been positive. When I tell neighbors all of this, coupled with the extensive invasive species living in the space... most people have told me "whoa, I didn't know all that... I see where you are coming from"

I am writing this letter to you to say I feel that this property belongs to Mr. Rollman and he should be able to sell the property to whomever he chooses. I will be happy to welcome new families into our neighborhood and have all the invasive species gone. I will also be thankful to not have to worry about trees falling on my

property in the winter. I realize the development will be inconvenient for a while, but think the new street and new homes will be a nice addition to our neighborhood.

Sincerely,  
Julianne Quigley  
4707 SW Pendleton Street  
Portland, OR 97221  
503-799-3177

**Michael C. Robinson | Perkins Coie LLP**

PARTNER

1120 N.W. Couch Street Tenth Floor

Portland, OR 97209-4128

D. +1.503.727.2264

C. +1.503.407.2578

F. +1.503.346.2264

E. [MRobinson@perkinscoie.com](mailto:MRobinson@perkinscoie.com)



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NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.