

**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	Amherst	peter@Finleyfry.com
✓ Peter F 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.

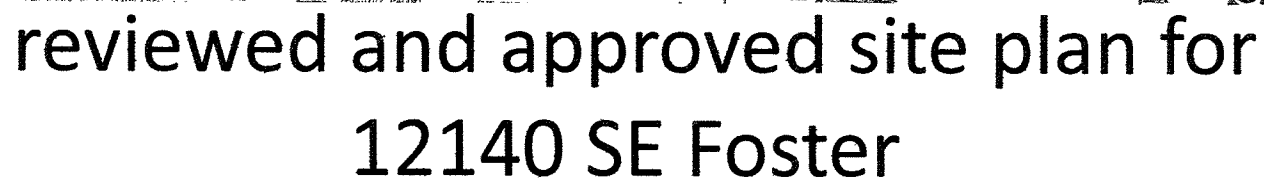
On behalf of Gunderson,



Peter Finley Fry

Cc David Harvey, Gunderson

# Site Plan for 12140 SE Foster



# Letter from commissioner

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

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 quite egregious.

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!

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.

Thanks again for your diligence, its always impressive.

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

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

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

Linda Bauer

[illegible]

# Reviewed and approved enlarged index

**BUILDING AREAS**

PROPOSED AREA:	7,583 SF.
NO. OF LIVING UNITS:	19 (20 BEDS TOTAL)
EXISTING AREA:	1,220 SF. MAIN LEVEL 1,223 SF. BASEMENT 344 SF. GARAGE 2,887 SF. TOTAL EXISTING AREA
TOTAL AREA (NEW + EXIST)	10,270 SF.
LANDSCAPE OUTDOOR AREA:	12,200 SQ. FT.
LANDSCAPE AREA:	10,500 SQ. FT. (4,500)
LOT AREA:	10,500 SQ. FT.
BUILDING COVERAGE:	9,224 SQ. FT. (40%)
OFF-STREET PARKING:	2 SPOTS, 1 HANDICAP SPOT
REQD. OFF-STREET PARKING:	0 (BUS STATION ON PETER RD. @ 1/2 MI. INTERVALS WITHIN 1/2 MI. OF PROPOSED SITE. BUS #71, #70

**Special Requirements/Restrictions on Use:**

FOR THE PROPOSED USE OF THE SITE:

☐ **REQUIREMENT:** ☒ **REQUIREMENT:**

☐ **REQUIREMENT:** ☒ **REQUIREMENT:**

☐ **REQUIREMENT:** ☒ **REQUIREMENT:**

[illegible]

- Stated "Building Coverage  
9,224 sq. ft."

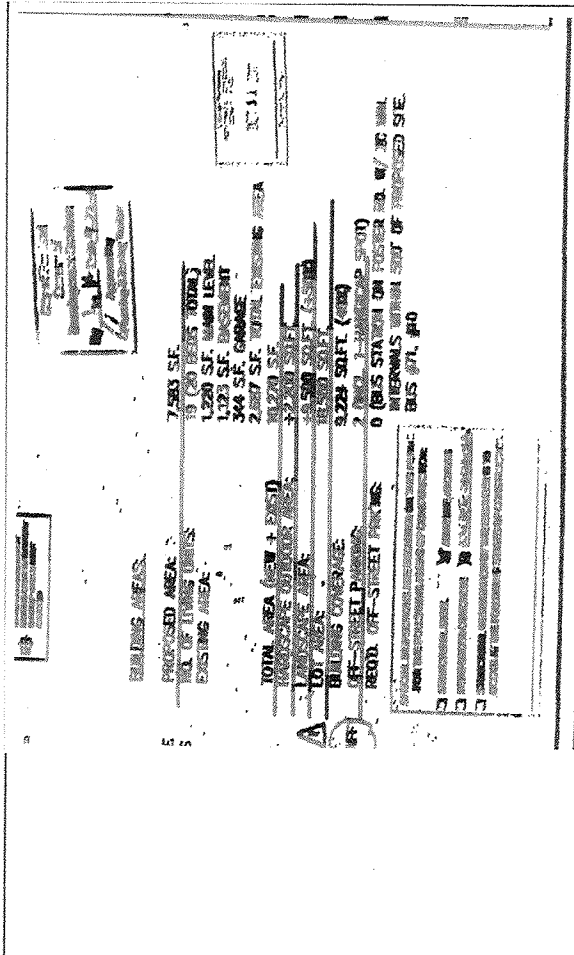
# Stated lot area

BUILDING AREAS	
PROPOSED AREA	7,583 SF
REL OF TYPING UNITS	19,120 BBS TOTAL
EXISTING AREA	1,220 SF. MAIN LEVEL
	1,123 SF. BASEMENT
	344 SF. GARAGE
	2,837 SF. TOTAL EXISTING AREA
TOTAL AREA (NEW + EXIST)	10,220 SF
IMPROVEMENTS OTHER AREA	2,280 SF
LOT AREA	12,940 SF
BUILDING COVERAGE	2,224 SQ. FT. (48%)
OFF-STREET PARKING	2,000 1-1/2 HOUR SP. 5,000
RECD. OFF-STREET PARKING	0 BUS STATION ON TOWER RD. W/ 30 MIN. INTERVALS WITHIN 500' OF PROPOSED SITE
	BUS #71, #80
<input type="checkbox"/> CONSTRUCTION SHALL BE ACCORDING TO THE CITY OF CHICAGO DEPARTMENT OF PUBLIC WORKS SPECIFICATIONS AND STANDARDS. <input type="checkbox"/> CONSTRUCTION SHALL BE ACCORDING TO THE CITY OF CHICAGO DEPARTMENT OF PUBLIC WORKS SPECIFICATIONS AND STANDARDS. <input type="checkbox"/> CONSTRUCTION SHALL BE ACCORDING TO THE CITY OF CHICAGO DEPARTMENT OF PUBLIC WORKS SPECIFICATIONS AND STANDARDS.	

- “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

Subj: 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 Grunert [mailto:rebecca.grunert@portlandoregon.gov]; Matt Grunert [mailto:matt.grunert@portlandoregon.gov]  
Subject: RE: 12140 SE Foster Road

I will

From: Esau, Rebecca  
Sent: Wednesday, May 23, 2012 9:09 AM  
To: Bauer, Linda; Grunert, 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: lbauerpvn@aol.com [mailto:lbauerpvn@aol.com]  
Sent: Wednesday, May 23, 2012 8:39 AM  
To: Grunert, 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: lbauerpvn

- 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

Permit/Cover Report

12140 SE FOSTER RD

Permit/Cover Number: 2010-161574-000-00 CD

Permit Number: 2570116

Permit/Cover Type: Commercial Building Permit

Special Inspection: Addition

Work/Case Description: CHANGE OF OCCUPANCY RESIDENCE TO C-3 GARAGE/WORK FACILITY AND ADD 5,240 SQ FT FOR WORKROOM, BATH, GROUND AREA, MECHANICAL ROOM, LAUNDRY FACILITY, OFFICE, CORP. REC ROOM, KITCHEN UPGRADE, CONVERT ATTACHED GARAGE TO OFFICE, 2. Basement have been added. 3rd floor is under review.

Issue Date: 4/17/2012

Final Date: 8/15/2012

Latest Activity: 8/15/2012

Status: Final Inspection Approved

Activities

Application	Must Check Activity Status	Last Activity	Completed	Staff Contact
Final Review App Set	Y	Approved: 10/26/2011 10/26/2011 Richard Chan		
PA 2 - Permit Check	Y	Approved: 07/26/2010 07/26/2010 Chris Chan 503-623-7028		
Life Safety - Application Check	Y	Approved: 07/26/2010 07/26/2010 Chris Chan 503-623-7028		
Insurance/Title	Y	Issue: 07/26/2010 07/26/2010 Chris Chan 503-623-7028		
Process Management				
Construction Received - CO	N	Completed: 12/03/2010 12/03/2010 Richard Chan 503-623-7028		
Construction Received - CO	N	Completed: 01/06/2011 01/06/2011 Chris Chan 503-623-7028		
Construction Received - CO	N	Completed: 01/12/2011 01/12/2011 Richard Chan 503-623-7028		
Construction Received - CO	N	Completed: 06/08/2011 06/08/2011 Richard Chan 503-623-7028		
Construction Received - CO	N	Completed: 06/24/2011 06/24/2011 Richard Chan 503-623-7028		
Construction Received - CO	N	Completed: 07/06/2011 07/06/2011 Richard Chan 503-623-7028		
Construction Received - CO	N	Completed: 07/20/2011 07/20/2011 Richard Chan 503-623-7028		
Construction Received - CO	N	Completed: 08/15/2011 08/15/2011 Richard Chan 503-623-7028		
Process Management	N	Completed: 10/21/2011 10/21/2011 Richard Chan 503-623-7028		
Final Review	N	Completed: 10/21/2011 10/21/2011 Richard Chan 503-623-7028		
Planning and Zoning				
Planning and Zoning Review	Y	Approved: 10/26/2011 10/26/2011 Richard Chan 503-623-7028		
Planning and Zoning Review	Y	Approved: 04/26/2011 04/26/2011 Richard Chan 503-623-7028		
Planning and Zoning Review	Y	Approved: 04/26/2011 04/26/2011 Richard Chan 503-623-7028		
Erosion Control				
Erosion Control Plan Review	Y	Approved: 12/13/2010 12/13/2010 Richard Chan 503-623-7028		
Site Development				
Site Development Review	Y	Approved: 04/26/2011 04/26/2011 Richard Chan 503-623-7028		
Life Safety				
Life Safety Review	Y	Approved: 09/16/2011 09/16/2011 Richard Chan 503-623-7028		
Life Safety Review	Y	Approved: 09/16/2011 09/16/2011 Richard Chan 503-623-7028		
Energy Code Review	Y	Approved: 01/21/2011 01/21/2011 Richard Chan 503-623-7028		
Mechanical Required	Y	Not Required: 01/21/2011 01/21/2011 Richard Chan 503-623-7028		
Structural				
Structural Review	Y	Approved: 01/21/2011 01/21/2011 Richard Chan 503-623-7028		

8/15

- 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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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
<b>Request</b>					
Inspection - CC	N	Completed	06/05/2012	06/04/2012	Kaneshige, Jonnie 503-823-7331
Close - CC	Y	Open	05/31/2012		Staff Contact
<b>Under Inspection</b>					
Mailed Notices - CC	Y	Completed	06/26/2012		Kaneshige, Jonnie 503-823-7331
Reinspection - CC	Y	Open	08/16/2012		Kaneshige, Jonnie 503-823-7331
<b>Code Compliance</b>					
Extension of Time Granted	N	In Progress	08/16/2012		Kaneshige, Jonnie 503-823-7331

Please note: PortlandMaps accessed since January 1, 2000. Data updated twice daily. [View Database](#)

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City of Portland, Corporate GIS 6/22/2012

PortlandMaps is a web-based application that provides a visual representation of the City of Portland's geographic information system (GIS) data. It is designed to provide a user-friendly interface for viewing and analyzing spatial data. The application is accessible via a web browser and can be used by anyone with an internet connection. It provides a variety of tools and features that allow users to explore the City's GIS data in a variety of ways. For example, users can view maps of the City, zoom in and out, and search for specific locations. They can also view data layers, such as land use, zoning, and transportation, and can interact with the data in a variety of ways. The application is a valuable tool for the City and its residents, and it is constantly being updated to provide the most current and accurate information available.

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Information Management: PortlandMaps and the underlying GIS data are managed by the City of Portland, Oregon. The application is a valuable tool for the City and its residents, and it is constantly being updated to provide the most current and accurate information available.

&w&b

**Jortner, Roberta (Planning)**

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**From:** L Robinson [lrobinspx@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

11/28/2012

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 140<sup>th</sup>  
Portland, OR 97230  
bonnymck@comcast.net