

12

Agenda Item 728

TESTIMONY

2:00 PM TIME CERTAIN

**SUPPORT
APPEAL**

**APPEAL OF HAYHURST NEIGHBORHOOD ASSOCIATION
EVERETT HTS SUBDIVISION- LU 16-159330 LDS EN**

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

NAME (print)

ADDRESS AND ZIP CODE

Email

✓ AL IVERSON	6610 SW 36 th AVE 97221	alvin.iverson@gmail.com
✓ DREW BRADGURY	5911 SW 48 th AVE. 97221	DREW BRADGURY@gmail.com
✓ Randi Sachs	5911 SW 48 th Ave 97221	randisachs@gmail.com
✓ Shane Lefimer	15940 SW 72 nd Ave 97224	slatimer@scseniors.com
✓ Susan King	4712 SW Flower Ct Portland 97221	bnesta@msn.com
✓ Myrna Hurwitz	4727 SW Flower Ct 97271	vanurwitz@sj.com
✓ NATHAN HALE	5815 SW 48 th AVE 97221	HALFLAND@HOTMAIL.COM
✓ Dennis Cell	5721 SW 48 th Ave. PDX 97221	dcell1@msn.com
✓ Leslie Hammond	5907 SW 47 th Ave Portland 97221	thinkshehad@gmail.com
✓ JONATHAN J RHODES	2330 SE TAYLOR ST 97214	jjragua@spiritout.com

**SUPPORT
APPEAL**

**APPEAL OF HAYHURST NEIGHBORHOOD ASSOCIATION
EVERETT HTS SUBDIVISION- LU 16-159330 LDS EN**

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

NAME (print)	ADDRESS AND ZIP CODE	Email
✓ Peggy Hennessy	PO Box 86100 Portland OR 97219	phennessy@rke-law.com
Peggy McSorley	4500 SW Pendleton 97220	peg@aol.com
✓ Sarah Silkie	4737 SW Pendleton St Portland OR 97221	Sarahstrawberry@gmail.com
✓ Benton VanWormer	472 3330 SE Gladstone St #6 Portland, OR 97202	BentonW@gmail.com
Greg Zupan	5020 SW Sweeney St Portland OR 97221	greg.zupan@gmail.com

**OPPOSE
APPEAL**

APPEAL OF HAYHURST NEIGHBORHOOD ASSOCIATION
EVERETT HTS SUBDIVISION- LU 16-159330 LDS EN

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

NAME (print)	ADDRESS AND ZIP CODE	Email
✓ MICHAEL ROBINSON	1120 NW CUCH ST, TENTH FLOOR PORTLAND, OR 97209-4128	MROBINSON@PERKINSOIE.COM
✓ MIKE PEEBLES	208 SW Third Suite 300 Portland OR 97204	mike.peebles@otzk.com
✓ Vic Rommers	3330 NW Van Ave Suite 100 Portland OR 97210	VcEverettHomesNorcon
Greg Summers	1720 SW Macadam Portland	gs Summers@anchorage.com
✓ T. Rollman	5920 SW 48th Ave. Portland	rollman@netzero.com
XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX

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

June 22, 2017

Dear City Council Members,

We have lived in the Hayhurst neighborhood for 27 years. I have been an 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 where I started work as a Property Manager in the real estate department and I have been a Manager of Planning and Development in the marine group for over 20 years.

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.

The way the approval criteria has been applied by staff and the Hearings Officer renders the Purpose Statements, which inform how the approval criteria are applied, meaningless.

Approval Criteria pertaining to leaving existing drainage patterns intact is said to be met by staff and the Hearings Officer by filling the site 17' deep and completely reversing most of the onsite drainage patterns. The hearing officer takes 4 and a half pages to describe this and then states that the criteria to leave existing drainage patterns intact has been met. It is simply not possible to both leave existing drainage patterns intact and to reverse the drainage patterns on the site. Interpretations like this leave the city without meaningful approval criteria and leave the requirements for land division unfulfilled.

In addition on-site posting requirements have also not been met. A Type III process requires notice be posted correctly. The Hearing Officer and the Applicant's lawyer speak with the same voice on this matter, the hearing was well attended by neighborhood residents, so it seems unlikely that that no one was unaware of the hearing who wanted to attend. On-site posting requirements are requirements for posting which do not address how well hearings are attended they only address on-site posting requirements. The record is clear that on-site posting requirement were not met.

Numerous neighborhood requests have also been ignored. For example:

We have asked that the photos, notes and logs from the test pits taken for the landslide hazard study be put into the record for the public to see but this has not been done. This is important because the Landslide Hazard Study's description of the test pits indicate that hydric, or

wetland soils, are found in every test pit location on site. A darkened topsoil layer is evidence of this. The report itself describes hydric soil conditions but never mentions that hydric soils are not present in the test pit locations, however the Hearing Officer states on page 9 of his Decision, states that "hydric soils are not present on site".

Please share the photos, notes and data logs from the test pit locations with the public by entering them into the record. And where did the Hearing Officer come up with this new fact about hydric soils. Where is it in the record? I went through the entire record on June 21, 2017 and I cannot find "hydric soils are not present on site" in the record.

The neighborhood had the opportunity to provide input to staff one time in September of 2016. The city never responded to our comments. Only by digging through the record ourselves could we see that staff had been working on our concerns. Why not respond to the neighborhood's written input in writing?

In the neighborhood letter to staff on September 2016 one of many concerns raised was the safety of our unimproved, illegally paved 12' wide dead end road with a steep blind intersection that the city is requiring to make a through street. PBOT staff did not make a site visit to respond to our legitimate and real concerns raised in the September 16 letter but used Streetview from their desks (please see the email in the record) to determine that the neighborhood concerns for the safety of the intersection were their own fault. Sadly, the Hearings Officer paraphrases this web based analysis in his Decision (Safety of All Modes page 33 last paragraph) to describe actual limited sight distance of a city intersection that is going to become a through street (these concerns have been illustrated by the neighborhood and are part of the record), as "alleged limited visibility", and dismisses them. The Hearings Officer does leave out the fact that this data was collected using Streetview from a PBOT staff member's desk. No need to get up from your desk where citizen safety is concerned.

A successful proposal would 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 an 11 lot subdivision.

Sincerely,



Tim Van Wormer

Submitted
6/22/2017

Phil Healy

Transportation Planner

Education: Bachelor of Science, Geography, 1986, Portland State University

I have completed several short courses from Oregon State University for transportation, traffic engineering, access management, site circulation, and traffic calming.

Relevant Work Experience:

- Associate Planner, Washington County, 1988-1992
- Transportation Planner, Washington County, 1992-1997
- Senior Transportation Planner, Washington County, 1997-2007
- Senior Transportation Planner, Port of Portland, 2007-2017

My experience includes both the preparation and review of hundreds of land use staff reports, both rural and urban. I reviewed and am familiar with every aspect and issue associated with urban land development projects, including land divisions, commercial, industrial, institutional, and public transportation developments. I have a great deal of experience in implementing street, pedestrian, and bicycle connectivity requirements for all of the above categories of development.

LU 16-159330 Street Connectivity testimony

I am a transportation planner with more than twenty years of experience in Oregon. I reviewed and implemented street connectivity regulations for hundreds of residential land divisions during my previous employment at Washington County. My comments are limited to the proposal/requirement of a through public street for this subdivision.

The Portland Master Street Plan Map 11.11.6 Southwest District shows potential Street Connection Point and Alignment Uncertain chevrons directed southward from the "northern" SW Pendleton Street to the south, along with a Street Connection Point Certain arrow in the middle portion of the site directed to the south towards SW Iowa Street. This implies that a street connection must be carried through from SW Pendleton Street to SW Iowa Street. Because of scale of the map it is unclear if the connection to the south is intended to be made along the existing SW 48th Avenue or through the development site, or some other arrangement. The map also has a Street Connection Point Certain arrow directed from the middle portion of the site to the east. The exact meaning of these designations is unclear but what is clear is that they need to be considered in concert with the street connectivity requirements found in 33.654.110.

33.654.110.B.1.c. requires consideration of the terrain, natural resources, and trees on the site when making a determination about street connectivity.

c. Characteristics of the site, adjacent sites, and vicinity, such as:

- (1) Terrain;*
- (2) Whether adjacent sites may be further divided;*
- (3) The location of existing streets and pedestrian connections;*
- (4) Whether narrow frontages will constrain creation of a through street or pedestrian connection;*
- (5) Whether any of the following interrupt the expected path of a through street or pedestrian connection:*
 - Environmental, Pleasant Valley Natural Resource, or Greenway overlay zones;*
 - Tree groves;*
 - Streams;*
 - Special flood hazard areas; or*
 - Wetlands; and*

There have been findings made that there will be significant changes required to the terrain in order to construct the street. A pedestrian path could be constructed along the east property line with much less grading impact.

33.654.110.B.1.a requires that through streets and pedestrian connections should generally be at least 200 feet apart. The new through street will be spaced less than 200 feet from SW 48th Avenue. A pedestrian path could be constructed along the east property line that would meet the City's spacing guidelines.

Testimony has been provided that there will be minimal use of the new street for through traffic. This information diminishes the argument for the need of a through street in the first place due to its

LU 16-159330 Street Connectivity testimony

I am a transportation planner with more than twenty years of experience in Oregon. I reviewed and implemented street connectivity regulations for hundreds of residential land divisions during my previous employment at Washington County. My comments are limited to the proposal/requirement of a through public street for this subdivision.

The Portland Master Street Plan Map 11.11.6 Southwest District shows potential Street Connection Point and Alignment Uncertain chevrons directed southward from the "northern" SW Pendleton Street to the south, along with a Street Connection Point Certain arrow in the middle portion of the site directed to the south towards SW Iowa Street. This implies that a street connection must be carried through from SW Pendleton Street to SW Iowa Street. Because of scale of the map it is unclear if the connection to the south is intended to be made along the existing SW 48th Avenue or through the development site, or some other arrangement. The map also has a Street Connection Point Certain arrow directed from the middle portion of the site to the east. The exact meaning of these designations is unclear but what is clear is that they need to be considered in concert with the street connectivity requirements found in 33.654.110.

33.654.110.B.1.c. requires consideration of the terrain, natural resources, and trees on the site when making a determination about street connectivity.

c. Characteristics of the site, adjacent sites, and vicinity, such as:

- (1) Terrain;*
- (2) Whether adjacent sites may be further divided;*
- (3) The location of existing streets and pedestrian connections;*
- (4) Whether narrow frontages will constrain creation of a through street or pedestrian connection;*
- (5) Whether any of the following interrupt the expected path of a through street or pedestrian connection:*
 - Environmental, Pleasant Valley Natural Resource, or Greenway overlay zones;*
 - Tree groves;*
 - Streams;*
 - Special flood hazard areas; or*
 - Wetlands; and*

There have been findings made that there will be significant changes required to the terrain in order to construct the street. A pedestrian path could be constructed along the east property line with much less grading impact.

33.654.110.B.1.a requires that through streets and pedestrian connections should generally be at least 200 feet apart. The new through street will be spaced less than 200 feet from SW 48th Avenue. A pedestrian path could be constructed along the east property line that would meet the City's spacing guidelines.

Testimony has been provided that there will be minimal use of the new street for through traffic. This information diminishes the argument for the need of a through street in the first place due to its

minimal benefit to auto connectivity compared to the impact to terrain and other natural resources described in 33.654.110.B.1.c.

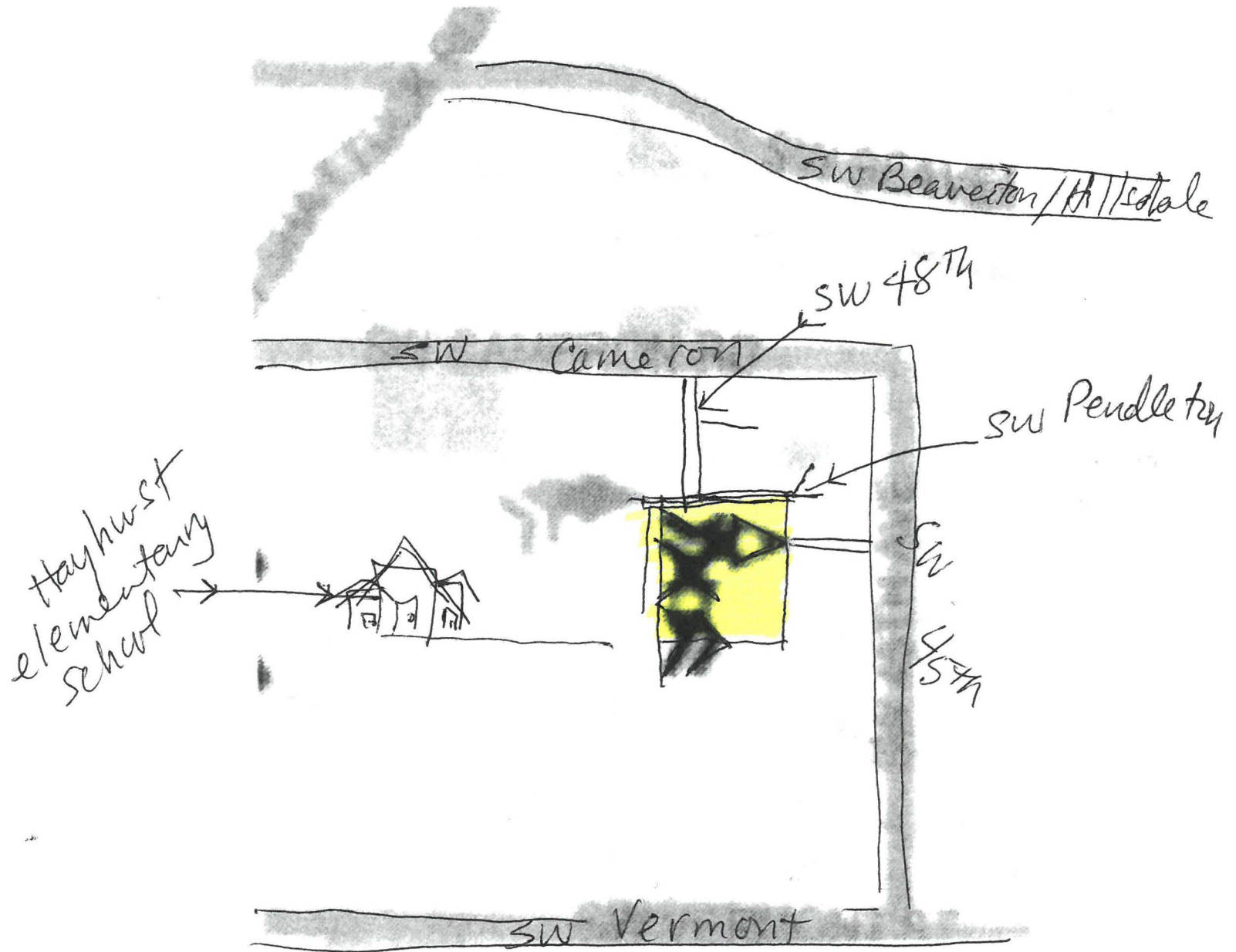
There is not a compelling need for additional connectivity for cars in this area. There is no significant reduction in vehicle miles travelled. In fact, it goes against the City's larger goals of trying to induce a mode shift from autos to active transportation.

Introducing additional traffic onto roadways which are not adequately surfaced and do not meet the City's engineering standards, while at the same time not requiring or assuring improvement to minimal standards, is not a benefit to the neighborhood.

The combination of the above factors builds to a determination that the construction of a through street is not only not required, but will be detrimental to the neighborhood.

Phil Healy
2003 SE 52nd Ave.
Portland, OR 97215

Mr. Healy's
testimony



Hayhurst Neighborhood Association

Testimony

Case File: LU 16-159330 LDS EN

June 22, 2017

My name is Susan King and I am one of the co-chairs of the Hayhurst Neighborhood Association. I also have lived one block down SW 48th Ave from the subject site for 37 years. I am offering the neighborhood association's statement and position today.

Hayhurst neighbors are intimately familiar with the development site in question. SW 48th Avenue borders the property and is a pedestrian walkway. It serves as a daily frequented safe route for children to and from Hayhurst Elementary and other local schools.

Neighbors are also acutely aware of the functional values of the property including canopy of trees, a creek and a wetland in an environmental zone which flows for all to see.

And related to the water flow, many neighbors have communicated the presence of water sources on the property beyond those in the environmental zone since the very beginning of this process. Adjacent neighbors experience drainage and storm water problems resulting from the site even with the approximately 200 trees that exist today.

The Hayhurst Neighborhood Association is not opposed to development on the site in question, but is strongly opposed to this proposal. We understand the desire for the property owner to achieve a return on investment in the property.

I will focus on two critical areas of concern.

First is the physical character of the site including the existence of seeps and springs outside the environmental zone?

I also emphasize Chapter 33.635.100 which requires that existing contours and draining patterns of the site must be left intact wherever practicable. The proposed development is in direct conflict with this requirement as the entire developable portion of the site is being regraded and all contours changed.

The proposed home sites together with the regrading and rerouting of runoff will have a significant negative impact on the wetland portion of the site as well as the stream system. Springs that exist on the site flow into the wetlands and water is discharged via a stream channel through a culvert into a tributary of Pendleton Creek and ultimately into Fanno Creek. As noted by previous expert testimony there are a myriad of negative effects that will result from this proposed development on a watershed that is the subject of the City's own Conservation plan including water temperature, pollution mitigation, etc.

The second issue critical to the neighborhood is the presumed requirement that two segments of SW Pendleton be connected.

There is no compelling reason for such connection to be required and in prior testimony PBOT staff suggested that the connectivity goal supersedes other considerations such as the terrain and whether traffic requirements exist. What should be compelling is the actual condition of SW 48th from SW Pendleton north to SW Cameron. For one block SW 48th is improved with curbs but no sidewalks. For the block between SW Flower Ct and SW Cameron, the street was paved by the neighbors over 40 years ago. The street is narrow and increasingly marred by potholes. The street is also a highly used pedestrian walkway at all times of the year.

And while not specifically a part of the City Code, I do want to call out the Safe Route to Schools Campaign. SW 48th is a walkway to Hayhurst Elementary used by parents and students. In reference to the Neighborhood Associations concerns about this street, PBOT claimed that the improvements that will occur along the perimeter of the subject site for approximately one block along SW 48th south of SW Pendleton will make the route safer. That pronouncement ignores the facts of the existing condition for the remainder of SW 48th. The improvements are only a very short portion of SW 48th and they will not mitigate the detrimental effect on the safety of the rest of the street. Any sidewalks that will be built are isolated as there are no sidewalks along SW 48th. Therefore small stretches of sidewalks will have no appreciable positive impact on pedestrian safety.

It is difficult for the Neighborhood Association to understand the inconsistency between the City goals for pedestrian safety, alternate transportation including walking and biking and the attempted application of the concept of connectivity without a compelling need.

Finally, Hayhurst asserts that there has been no valid attempt by the applicant to develop alternatives to the 11 home proposal. Our Neighborhood Association did so by way of example prior to the March 8 hearing and submitted those for review.

We ask that you deny this application for the reasons stated in our appeal application and in testimony presented to you today.

Testimony

June 22, 2016

Dear City Council Members,

In response to the proposed development at 5920 SW 48th 97221, **LU Case #LU 16-159330 LDS EN**, I submit the following letter.

33.654.110 B Street Connectivity

I have been a resident of the Hayhurst neighborhood since 1990 and have put up with the unimproved SW 48th Avenue for that long. The rewards of the quiet, rural-feeling neighborhood have been worth it. SW 48th has always been a popular walking street that also has a fair amount of cars travel on it.

It has no sidewalks, is filled with potholes, causing cars to swerve to avoid them, and has a blind intersection with SW Cameron. I've learned to drive extremely cautiously because I know that this street is a *Safe Route to School*. There are numerous children, families, dog walkers, and elderly using this route daily. SW 48th is a dead end road with a pedestrian path to SW Iowa. It is a heavily used path to get to Hayhurst Elementary School, the South West Community Center, and to Pendleton Park on SW Iowa. It is the only path from SW Cameron to SW Iowa, where Hayhurst Elementary school is located.

Cars are frequently parked on the street, leaving about 6 feet in the center for pedestrians and bicyclists. Last night I was turning from SW Cameron onto SW 48th and there were two people with a dog in the middle of the street. I crawled along until they could move off the mid section of the road. It was scary. And, this happens all the time.

The intersection of SW 48th and SW Cameron is nonstandard. SW 48th has a steep incline into SW Cameron, a busier road with school buses and Tri Met buses. Trying to merge onto SW Cameron is difficult because there is a rock retaining wall on the west side and a berm on the east side. Making visibility even worse is the fact that foliage grows in the right of way in front of the berm and rock wall during spring, summer and fall. Of course, with any snow or ice, the downhill path into SW Cameron is close to impossible.

The proposed development of 11 homes will open up SW Pendleton to SW 48th, making this a through street between SW 45th and SW Cameron. SW Cameron is the most direct road to reach Beaverton Hillsdale Highway, I 5 North, the closest grocery stores, Albertson's and New Seasons, the town centers of Hillsdale and Beaverton. SW Cameron is a major arterial in the Hayhurst neighborhood.* Obviously, SW 48th between SW Pendleton and SW Cameron will be heavily used by the residents of the new development: we can assume that at least 22 more cars will use SW 48th daily.

Additionally, and perhaps most importantly, the proposed through street will provide a short cut to avoid the intersection of SW 45th and SW Cameron, which is a hairpin turn for which drivers have to slow down or stop. Driving the new street from SW Pendleton to SW 48th or from SW 48th to SW Pendleton will allow drivers to avoid this blind 90 degree turn.

What is currently a *Safe Route to School* and a popular walking path for all demographics will become a dangerous road if the development is approved. The new residents' cars as well as drivers using the short cut to avoid SW 45th and SW Cameron will increase vehicular traffic on what is already well used bicycle and pedestrian path.

I fear for the safety of the children who walk this *Safe Route to School* daily, for the parents pushing strollers and for all the dog walkers and bicyclists. More traffic will only increase the potential for a serious accident. It's inevitable. I fear there will be a fatality as a result of the increased car traffic on SW 48th. The mixture of all forms of transportation could work if there were sidewalks and designated pedestrian/bike paths.

Nowhere in the proposal is there a plan to improve SW 48th between SW Pendleton and SW Cameron. This is an egregious error. It's unconscionable to propose this size development and a through street without taking into account the condition of SW 48th. SW 48th between SW Cameron and SW Pendleton will be the main route for the new home owners, for those seeking a short cut, and for those traveling to the closest grocery stores, banks, town centers, Barbur Boulevard and Interstate 5.

I urge you to reject the proposed development because of the danger it presents to our youngsters and our community. Safe Routes to Schools is a great program and important to the 'livability' of our city. A smaller development on a cul de sac will maintain this Safe Route.

Thank you,



Brynna Hurwitz

503-816-0970

4727 SW Flower Ct.

Portland, OR 97221

June 22, 2017

Land Use File Number LU 16-159330 LDS En

Site Address: 5920 SW 48th Avenue

Dear City Council Members,

I am writing you today to say I oppose the development on the above land as the developer has presently configured the property. I am an adjacent landowner to the east and north of the site.

My husband and I bought our house last fall unaware that a development was proposed. We were *delighted* with the little wood which runs across the back part of our property which is filled with pine, birch, maple, hawthorn and other species. The wood drops off steeply from our fence and we felt the trees would keep slides from happening in this potential landslide hazard area. And on the other side of the property, at the bottom of the hill was a little gravel road which we learned was a Safe Route to schools for the neighborhood kids.

We thought at some point the property might be developed with perhaps three other houses at the bottom of the hill as the main house was renovated. The city is so determined to create density everywhere that it seemed inevitable at some point. However, the idea of putting 11 houses on this little plot of land, removing most of the trees and developing a through street which will increase traffic in that part of the neighborhood is horrifying. It is disheartening.

The neighborhood supports development on vacant lots and adding ADU's where appropriate. However, I wish to ask the council to save the 50 foot Western Cedar on the corner of my property which holds that corner up and as many other trees as possible. The tree is in the right of way and its roots and trunk push into our yard. And the trees below on this steep slope protect the soil and the wetlands which are an important part of the neighborhood. It is not only feasible to save this tree but essential to holding up that corner of my property.

Secondly, none of us want a through street. We understand the city is interested in connectivity but this development and the neighborhood would be better served with a cul de sac which would not encourage traffic up Pendleton and would continue to preserve the safe route to school for children from Cameron Road to Iowa. A cul de sac would be less expensive and might bring down the overall cost of the houses. After all the city wants to see affordability in the city and the cost of this project will not produce affordable housing. It will produce large houses that have to be priced to cover the cost of the improvements. Smaller houses encourage affordable pricing.

Thirdly, the builder has proposed far too many houses for the lot. The city council should consider restricting the development to no more than 8 houses on a cul de sac. With the possibility of every house on the street adding an ADU because the lots are large, the density and the congestion between and among neighbors will double if not triple. The traffic and cars will increase which will make the neighborhood less livable from our point of view.

The neighborhood's lawyer will argue our legal points. But I would ask the council to think about the livability and perhaps the moral issues in this case.

Builders are allowed to take down every tree possible when they develop but that is not true for homeowners. There is a different set of rules for them and us. But we all know trees keep our air clean, provide a refuge for birds and animals, prevent erosion and other benefits. This project is removing the trees and the benefit of a good tree canopy in the neighborhood.

The density in this project will not benefit the neighborhood or the people living in it or coming to it because it is too big for the piece of land. And it will eradicate the support for our little wetlands which is a home to small animals and water birds.

So fourthly I would encourage the council to enlarge the environmental zone and support a few less houses in the interests of keeping the neighborhood attractive and livable. This development will do nothing to provide affordable housing or affordable rentals. And the wetlands is an important resource which cannot be replaced. A cul de sac street will help preserve this area.

Thank you for your time and consideration.

Cordially,

A handwritten signature in cursive script, appearing to read "Leslie Hammond". The signature is written in dark ink and is positioned above the printed name.

Leslie Hammond

5907 SW 47th Ave

Portland, Oregon

306 signatures!

CITY OF PORTLAND LAND USE HEARINGS OFFICER

Submitted by
Drew Bradbury
6-22-17

1. The current proposal does NOT meet the Land Division Clearing and Grading and Land Division Tree Preservation approval criteria.

Due to its location in a landslide hazard area, its slopes and topography, the environmental overlay zone and mapped wetlands on the site, and the site's location at one of the headwaters of a tributary in the Fanno Creek watershed, the city code does not require a minimum number of lots for this development. As such, 11 homes is an egregious amount of homes to propose on the site in question. The applicant claims it is not practicable to meet the Portland City Code approval criteria for tree preservation (33.630.200) or the clearing and grading standards (33.635.100), instead prioritizing their desire to maximize the lots and homes. The applicant has not provided alternative plans that would minimize disruption to the natural resources and functional values of the site, or in the surrounding area, as required per the approval criteria in the city code.

2. The proposed street connection of SW Pendleton forces an unnecessary and unacceptable amount of disruption for nominal upside.

The requirement for "street connectivity" per the city's connectivity requirement (33.654.11.10.B.1 and 33.654.130.B) is being prioritized over all other approval criteria, and will require:

- re-grading of 100% of the developable portion of the site
- construction of a wide paved/ impervious new public street (to accommodate the applicant's desire for maximum lots)
- alteration of 75% of the site's natural drainage patterns
- high and visible (6') retaining walls built on 10-15" of imported fill
- removal of almost all significant and preservable remaining trees on the site (including a 45' Western Red Cedar in the right of way)
- minimum lot sizes (as small as 4,200 square feet)
- maximization of lot coverage (resulting in large home footprints, and minimal green space, which is out of character with the neighborhood)
- building out to near maximum lot density allowed on the site

This is an extraordinary amount of disruption for an entirely non-critical street connection, and,

as such, it is entirely avoidable with alternative plans which are being proposed by the Hayhurst Neighborhood Association. The alternative plans satisfy all three parties - the applicant, the city, and the neighborhood. Instead, the applicant and city did not provide in the record alternative plans that investigated options for fewer lots or home sites, for no through street connection, or for smaller home footprints, or investigate alternatives with less of an impact on the site than as proposed.

I am calling on BDS and the City of Portland to honor the concerns and will of the neighborhood, by amending proposal LU16-159330 LDS ENM so that:

- LU 16-159330 LDS ENM is denied as currently proposed.
- The applicant is required to provide alternative plans and analyses as part of any new application, with all approval criteria balanced and met as part of any approval or approval with conditions.
- The requirement for a through street connection between the two segments of SW Pendleton be removed or modified, such that any connection allow only for right of way linkages for passage by pedestrians and bicycles, and for emergency vehicle access or turnaround (if necessary). If a connection cannot be designed to meet the requirements of NOT requiring regrading of the site, NOT changing the natural drainage of the site, NOT removing any of the remaining significant trees outside the EC zone, and NOT removing the significant Western Red Cedar located in the existing Pendleton right-of-way, it should NOT be required.

	Name	From	Comments
1.	Randi Sachs	Portlnd, OR	
2.	Drew Bradbury	Portland, OR	
3.	Lisa Puma	Portland, OR	Save trees
4.	clint Schrader	portland, OR	
5.	Gary Baldwin	Portland, OR	Number 1 it is a wetland Number 2 the roads there will not handle the traffic number 3 there is no place to park and it will be very congested. I'm against any new multi family building with no off street parking.
6.	Gregory Bernards	Portland, OR	Walkability, safety, neighborhood feel
7.	Bethany Hale	Portland, OR	
8.	teresa mcgrath	portland, OR	
9.	Suzanne Sherman	Portland, OR	It concerns me that so many trees and natural habitat will be lost and replaced by a ridiculous number of homes...but this is what Vic Remmers and Everett Custom Homes does every time. He thinks only about his profits and <i>(continues on next page)</i>

	Name	From	Comments
9.	Suzanne Sherman	Portland, OR	<i>(continued from previous page)</i> maximizing them with little concern for how he disrupts and destroys the livability of a neighborhood or it's surrounding environment and natural habitat. Please do not let him do this to the Hayhurst Neighborhood.
10.	Jamison Holcombe	portland, OR	
11.	Ruth Miller	portland, OR	I love living in a neighborhood where we have a little bit of woods, where children can walk through the gravel road to school, where I can pick blackberries in the summer as I walk by.
12.	Lucy Bloedon	Portland, OR	
13.	Kathy Monaghan	Portland, OR	Infrastructure cannot support proposal. Water lines already need flushing very often and deadends in neighborhood. Streets are already not maintained well and need resurfacing. Hayhurst Grade School was in need of upgrading 45 years ago when my son attended. Sewer was upgraded never since development in the '50s. Maybe maybe maybe four, but certainly not 11 homes. The area's development agreement, which we signed, envisioned a neighborhood, not a congested labyrinth in this area. That was the original agreement and I would expect that original agreement and vision would be upheld. Vote no for 11 homes in this area, please.
14.	Heather Strong	Portland, OR	
15.	Peggy Chamberlain	Portland, OR	Where are the children of 11 new homes going to go to school? PPS is severely impacted on the west side. The city is so quick to approve these large housing developments and does nothing to ensure the school system can handle the increased load. This is as troubling as the environment impact described in this petition.
16.	Sandra Joos	Portland, OR	
17.	Melanie Evans-Jenkins	Merthyr Tydfil, United Kingdom	
18.	Marie Gouz	Portland, OR	
19.	Paula Seid	Portland, OR	It concerns me that so many trees and natural habitat will be lost and replaced by a ridiculous number of homes that are not going to be easily sustained.
20.	Sally Anne Giedrys	Portland, OR	
21.	Leslie Gordon	Portland, OR	
22.	Kim Doty-Harris	Portland, OR	I'm very concerned about the excess traffic this will produce on 48th and Pendleton. Many school children, cyclists, dog walkers, and hikers use these roads. Opening up Pendleton will create a thoroughfare for anyone that <i>(continues on next page)</i>

	Name	From	Comments
22.	Kim Doty-Harris	Portland, OR	<i>(continued from previous page)</i> wants to cut through the neighborhood. Speeding will no doubt become an issue, as well as parking. Who will be monitoring the traffic, and making sure that those on foot will be safe?? I'm also concerned with the preservation of the creek and the wetlands. Lastly, we already have an flooding issue on the path on 48th. Removing all the trees adjacent to it will cause even more flooding. As it is now, the water is seeping in to neighbors yards, and saturating everything. I believe more traffic surveys, and land surveys need to be conducted before considering developing the Hayhurst neighborhood.
23.	Amy Robertson	Portland, OR	We love our neighborhood and hate to see someone cut down a bunch of beautiful trees for a bunch of homes that are not needed in our neighborhood. Not to mention the problems we will have with traffic.
24.	Adelbert Hartwell	Portland, OR	The wetlands are a vital component to the areas surrounding ecosystem. Any kind of infill will severely disrupt the creek running through and push out all remaining wildlife. I strongly oppose the development.
25.	Patricia Vazquez	Mexico City, Mexico	
26.	Brian Smith	Portland, OR	Pendleton creek runs through my backyard. With this very rainy winter, it's been a record highs. In looking at the plans for the new development, I am seriously concerned they have not taken adequate measures to mitigate flooding and drainage concerns. The alternate proposal outlined in this letter makes commonsense for those of us who have to live in the neighborhood long after the developer has taken his profits and left.
27.	Beverly Wallin	Portland, OR	We need more trees, green space and wetland space - rather than more houses and traffic. I am so tired of seeing Vic Remmers destroy our neighborhood, the Johns Landing neighborhood, and other neighborhoods with his monstrosities. We lost our beloved wild blackberries with the two huge (3 story) homes he built near our house not to mention the lost of our privacy and less direct sunlight. We love our neighborhood but it is becoming "not our neighborhood" anymore. The traffic is insane. No more houses please.
28.	Laura Geisel	Portland, OR	I care both about the natural habitat destruction and the increased through traffic on my street and in our neighborhood. Our schools are also over crowded and adding more houses will increase age children in the neighborhood.
29.	Aletha Foster	Portland, OR	We oppose the loss of trees, are very concerned about the drainage, don't want more traffic to make our Adar Route to School less safe

	Name	From	Comments
30.	P Warren	Portland, OR	This neighborhood wasn't planned to accommodate that many new homes. The local school is already ove-crowded.
31.	Val Tennent	portland, OR	
32.	Jobe Franck	Portland, OR	
33.	Kelly Love	Portland, OR	
34.	Rahul kumar	hyderabad, India	
35.	Tabatha Pinkston	Brush Prairie, WA	This is our home and these places are extremely important to the ecosystem!
36.	Margaret Williams	Portland, OR	
37.	Shalini Leon Guerrero	Portland, OR	We love this neighborhood, but this home development will add to the rash of new too big houses for their lot sizes that ignore our natural habitat and clog our streets. Our schools are also over crowded and adding more houses could add to this.
38.	Alan Laster	Portland, OR	This neighborhood cannot absorb this much more housing.
39.	Carrie Hopkins	Portland, OR	I'm not against the building of new homes. It's the amount and size.
40.	Brynn Anderson	portland, OR	
41.	Camber Strom	Portland, OR	These homes need to be more affordable
42.	Amy Sexton	Portland, OR	Because these woods and quiet spaces are part of what makes our neighborhood special and wonderful! More houses, less trees and more traffic will not improve our neighborhood, but will detract from it!
43.	Paul Weber	Portland, OR	It's over development/ too much density at the expense of natural area, student and traffic safety
44.	Angela Read	Portland, OR	
45.	Jane Harold	Portland, OR	
46.	Aurelia Hidalgo	Portland, OR	
47.	Sandra Penna	Armação dos Búzios - Rio de Janeiro, Brazil	
48.	greg downey	Phoenix, AZ	its my home town and you are killing it
49.	Mafalda Fonseca	Vila Nova de Milfontes, Portugal	
50.	Ingrid Gordon	Portland, OR	
51.	Stephanie Faddis	Portland, OR	
52.	Tara Bloom	Carlton, OR	City - there's code for a reason. Protecting individual homeowners and entire neighborhoods from landslides and protecting waterways and our amazing Portland water are two good reasons for those codes. I know infill is needed for Portland to accommodate all its new and future <i>(continues on next page)</i>

	Name	From	Comments
52.	Tara Bloom	Carlton, OR	<i>(continued from previous page)</i> new residents. But it must be done safely and with respect to our water or it will backfire. Signed respectfully by a former Portland homeowner and likely returning Portland homeowner.
53.	tina montag	portland, OR	traffic, traffic, traffic
54.	David Steele	Portland, OR	Preserving green space
55.	Sean Samples	portland, OR	Beyond any environmental concerns, this development does not fit in with the neighborhood style. These houses will be twice the value of the neighboring houses and will be a stark contrast to the mid-century daylight ranches in the neighborhood.
56.	Lincoln Foster	Portland, OR	
57.	Katie Miranda	Portland, OR	we need to stop destroying the environment
58.	Kaitlin Park	Portland, OR	This will be destroying a natural habitat, wetlands and trees that deserve a home. I'm also not interested in the continued gentrification of the sw. Driving families out of their homes because the cost of living continues to rise is wrong. Gentrification is a plague.
59.	Angelica W	Portland, OR	this will destroy the character of the neighborhood - and bring extra traffic into residential area w narrow roads
60.	Sally Gillette	Portland, OR	I spend a lot of time in that neighborhood. My church is on 52nd; my vet and hairdresser are both in that neighborhood, and I often take the short cut from Beaverton Hillsdale past Alpenrose to get there. Furthermore, I care about the environment and habitat. I don't want trees in the area cut down, don't want the habitat destroyed, don't want mudslides and don't want to see any more of those big ugly homes that are out of place in that area. And I don't want the traffic to increase in that area.
61.	D. B.	Portland, OR	A great neighborhood contains a mix of developed and natural areas. Please don't take away our natural areas. This is my favorite road for a walk in Vermont Hills.
62.	Mariana Lukacova	Moldava Nad Bodvou, Slovakia	
63.	Cathy Botha	Johannesburg, South Africa	
64.	Judith Lienhard	portland, OR	
65.	Betty Merrill	Portland, OR	
66.	Gary Szolnoki	Portland, OR	These new custom homes are ruining the character of existing neighborhood.

	Name	From	Comments
67.	Chris Michaud	Portland, OR	The applicant requests a number of variances from the development rules in order to cram 11 homes onto this property. I ask the bureau of planning to follow the rules and keep the lot sizes as they should be and the frontage as it should be. Changing the zoning rules to allow the developer to shoehorn a home into every last inch of this plot is improper.
68.	Elaine Soljaga	Portland, OR	There are better, more sustainable ways to develop that area, keep trees and minimize environmental impacts. We must demand and protect livable, and affordable neighborhoods across Portland WHILE WE STILL HAVE THEM.
69.	Linda Barkus	Portland, OR	Because this is a safe walk to Hayhurst School and it appears to be an important natural/wetland area. Building 11 homes here will seriously impact the quiet neighborhood!
70.	Jasmine Patel	PORTLAND, OR	This proposal is ridiculous. There are better ways to develop that land that allow for preservation of the trees, flora and fauna. I love in the neighborhood and do not support this development.
71.	Jennifer Sergeant	Portland, OR	We need to control density and preserve natural areas.
72.	Brynna Hurwitz	Portland, OR	
73.	Paul Carnevale	Portland, OR	
74.	Teresa McFarland	Portland, OR	Preserving the trees and ecosystem is far more important than cramming in 11 new homes.
75.	Rita Snodgrass	Portland, OR	These homes are out of character for the neighborhood and do not help with the affordable housing crisis.
76.	Steve Riley	Portland, OR	As a concerned neighbor and Portland taxpayer, I believe the proposed development seeks to raze the property , encroach upon a known wetlands and otherwise destroy the character of the neighborhood. The proposal put forth by the Hayhurst Neighborhood association is far more reasonable and in keeping with spirit of responsible development and maintain the neighborhood character.
77.	Luna Basheve-Singer	Corvallis, OR	
78.	Mike Hughey	VISTA, CA	
79.	Christiana Cupp	Portland, OR	I hope to preserve this natural wonder for the many of us who value it and use the space as a way to connect with nature, with our roots. Please build elsewhere. All the love and magic in thr universe to you and yours.
80.	Carolyn Rundorff	Portland, OR	This area of SW Portland has many serious water run off issues. This is NOT a good project for the site

	Name	From	Comments
81.	Laura Bernards	Portland, OR	This is a green space worth saving. 11 homes on this property is WAY too many. I'm worried about the lack of safety from a street connection, especially given the connection makes no practical sense here on this road. Almost all of the natural resources on this site are going to be decimated for no good reason, given that alternative design options allow for a win-win between all parties.
82.	Maryann Staron	EVERGREEN PARK, IL	
83.	Margaret McSorley	Portland, OR	The safety and the character of the neighborhood are compromised by these plans.
84.	Shauna Smith	Portland, OR	
85.	Hilary Conway	Portland, OR	The plan does not seem environmentally responsibly. Nor does it sound like it will look good or sell well for that matter. The houses will be too close together.
86.	Morgan Steele	Portland, OR	
87.	Julie Kapp	Portland, OR	
88.	Mike Hoderman	Portland, OR	
89.	Tamara Jenkins	Gresham, OR	I lived in that area in the past. We need to preserve the green spaces we have. With this year's amount of rain and the flooding, would seem obvious to leave it be.
90.	Nicola Carter	Portland, OR	I am concerned that about the impact of the development on groundwater management for my street. We and some of my neighbors have had to deal with flooding on our property due to developments in our neighborhood. We were disappointed in the city's lack of oversight in this matter. We were forced to spend several thousand dollars to deal with water issues on our property as a result of this.
91.	Miranda Geller	Corvallis, OR	
92.	Madalyn Dixon	Canyonville, OR	
93.	Sarah Silkie	Portland, OR	Making Pendleton a through street will make it so that 48th is no longer a safe route to school for all of the neighborhood kids coming from that side.
94.	Christina Yildirimer	Portland, OR	It is important to keep wild spaces mixed in together with residential neighborhoods. Animals, birds, native plants and insects need crucial habitat to be prioritized. Please say no to developments that destroy crucial habitat!
95.	Jane Ewert	Portland, OR	I support the preservation of the trees and the habitats that exist in the proposed area.
96.	Judy Biller	Hillsboro, OR	We need our wetlands!
97.	Nola Dauenhauer	Molalla, OR	
98.	Loretta Callahan	Portland, OR	We need more wetlands; not less.
99.	Jessica Dubach	Beaverton, OR	

	Name	From	Comments
100.	Danielle Horn	Portland, OR	I am concerned that the desire to develop houses on this piece of land is prioritized over the health of the wetland. We need to care for our environment, not destroy it. The Portland area is full of important water systems, but that doesn't mean this particular piece is expendable. It can't be replaced once it's gone. We owe it to our children to keep Portland's natural environment safe and healthy for them to enjoy and benefit from.
101.	Connie Johnson	Portland, OR	the planned development is too aggressive for the slope and amount of water that moves through that site. I also think the home sizes are inappropriate and hate to lose natural habitat areas. they are so important for many reasons.
102.	Majida Nelson	Portland, OR	The few remaining habitats for native plants and pollinators need to be preserved for bird migration and endangered amphibian health. Without this feeder stream into lower wetlands and Fanno Creek, the entire system is weakened. In the southwest hills heavy rains without natural drainage systems like this creek create conditions for landslides. The loss of trees and native root structures that run several feet deep, holding the soil in place, leads to weakened trees that fall and whole hillsides that collapse. We have seen the destruction this winter with heavy snows leading to the closure of Cornell Rd and others. Stop giving permission to destroy natural drainage for the hills and creating destruction of homes,highways and wildlife.
103.	Adrianna Freeman	Beaverton, OR	It is important that we keep Oregon green.
104.	Matt Boyd	Springfield, OR	
105.	Christine La Chance	Portland, OR	
106.	Huck Koester	Portland, OR	Fanno Creek is an important wetland area and as a native Oregonian I'm sick and tired of developers destroying our fragile environment just for their own profit. The homes they build will probably be just as cheap as a DR Horton house and fall apart within 5 years.
107.	Victoria Wilkinson	Portland, OR	We must protect the environment and existing species. So much has been lost already. Wetlands are a unique and specialized ecosystem; home to native species that have evolved over thousands of years to be adapted to the unique set of conditions in that one place. 'Developing' the area will destroy the ecosystem and the species that live there. We must value and protect the natural world. It cannot be replaced.
108.	Clay Dumke	Portland, OR	

	Name	From	Comments
109.	Stephanie Langenfeld	Portland, OR	
110.	Brittany Biro	Portland, OR	This development sounds like a bad idea.
111.	Carol Malnati	Portland, OR	
112.	Rob Malnati	Portland, OR	this is valuable wetlands and will destroy this ecosystem. There is no place for these animals to go.
113.	Cory Pinckard	Tigard, OR	We don't need more houses! Houses built today are almost always of shoddy workmanship, cheap materials and boring, trite blueprints. The well being of the people must begin to be prioritized above the financial interests of an already exceptionally privileged (usually by birth) few in America if we're to have any future other than a catastrophic ending. White flight happened, and with it, urban sprawl...The cat's out of the bag; we simply can't fit everyone back into and immediately around cities now that the suburbs have grown for so many decades. We need better public transportation and mass transit so people can get to where they need to be in a timely manner without living down the block. There are some great books on urban planning and community development!! Let's read some of the many of them without political slant!! Destroying our cities, what's left of our charming countryside (which we need to earnestly guard as the rare treasure that it indeed is) and desultory "planning" (that's conjured up with only immediate profits in mind) is not what builds a respectable nation. There are so many un-occupied houses and yet they keep on churning out more and more low quality units at the expense of destroying wildlife and natural habitats, communities, culture, historicity, civic heirlooms, beautiful architecture, unique places of notable interest, neighborhoods, neighborhood character etc. It's pathetic. Quit allowing crap to be built as if our future depends on it when: It doesn't, the crap won't last that long to remain in the future and it doesn't fit in with a truly sustainable, green and logically thought out future (the only kind we can be opting for if we wish to avoid tragedy). Enough with the nightmare of myopic, stupid greed.
114.	P combs	portland, OR	Once this is developed we can never get it back. We must have wetlands to absorb the heavy rain we get in the area. Where does the water go if this is developed? These houses are big and expensive not helping with our housing problems. This is a lose-lose.
115.	Marcia Truman	Portland, OR	
116.	Kirsten Solberg	West Linn, OR	

	Name	From	Comments
117.	Karen Peters	Portland, OR	I am opposed to development in any fragile ecosystem in our area. This is being done for profit only with no regard for our greater environment including wildlife. Please stop. We do not need more houses, apartments or shopping.
118.	Ingrid van Gent	Portland, OR	
119.	Theresa Huang	Beaverton, OR	
120.	Bill Dubey	Beaverton, OR	
121.	Linda Hansen	Portland, OR	There are plenty of other places to build. How about some of the deserted manufacturing lots?
122.	Deborah Wolfson	Mcminnville, OR	
123.	Ashley Harvey	Beaverton, OR	I'm invested in our local community and ecosystem, and demolishing a tributary to a wetland will cause irreparable damage to our local ecosystem.
124.	Reggie Frumkin	Beaverton, OR	Everett Custom Homes has repeatedly acted against the Portland public's best interest and this is yet another example. Eleven houses are not worth the permanent loss of habitat and its cascading effects on the ecosystem downstream.
125.	Aarisa Smith	Milwaukie, OR	We need to continually prioritize irreplaceable ecosystems over profit for a select few, especially now. Our community has an opportunity not only to safeguard our waters and lands but to set an important example for the whole nation in local ecological leadership.
126.	Rochelle Baker	Portland, OR	Too much of this city is becoming dense housing. I fear we will become like so many cities without open areas and places for single family dwellings with yards for children and pets. We need to maintain the livability standards of our lovely city.
127.	Joannr Tweet	Vancouver, WA	
128.	Lisa Laakso	Portland, OR	This builder specializes in ripping out charming old cottages and mature trees to build ugly oversized overpriced Dutch colonial monstrosities. Not good for PDX environment OR housing.
129.	Leslie Hart	Medford, OR	Wild lands and natural habitats are an important element and can add value to communities. These areas need to be protected and preserved especially in urban/suburban areas.
130.	alison derum	RAINIER, OR	
131.	Aileen Parker	Portland, OR	
132.	Selena Rowan	Portland, OR	We need to protect wetlands from development.
133.	Traci Friedl	Portland, OR	
134.	Stella bikaki	athens, Greece	
135.	Jill Martini	Portland, OR	

	Name	From	Comments
136.	AR Qcitizen	Portland, OR	Not only is this plan bad for the fragile local ecosystem, it's bad for the neighborhood. 48th links several green space wetlands with the future Red Electric bike trail and 48th ends at a difficult intersection. Everyone will pay a high price , wildlife, habitat, children going to school, motodiets. There is no public benefit when we privatize and develop such a fragile resource .
137.	Lori Schoen	Central Point, OR	
138.	Helen Goncalves	Portland, OR	This has to stop!
139.	Jay Cosnett	Portland, OR	
140.	Amy Sutten-schattenkerk	Winston, OR	
141.	Kim Lakin	Portland, OR	Out of control development is causing large loss of our natural areas located in urban Portland. Save this lovely natural area.
142.	Trish Raffel	RALEIGH, NC	
143.	Stephanie Speros	Portland, OR	We really want to save historical homes.
144.	Kathy Weeks	Portland, OR	Enough of destroying green spaces to make room for huge homes that dwarf everything around them. I understand there's change, but it doesn't need to be on this kind of scale. I wouldn't oppose a development of fewer, more modest-sized homes that fit with scale of the neighborhood.
145.	Sheila Barnhart	Portland, OR	We are approaching the point of no return. Wetlands are critical in habitat restoration.
146.	misha ashton	portland, OR	
147.	MARY Wheeler	BEDFORD, TX	
148.	Amanda Ryan	Portland, OR	One of the things I love about this neighborhood is the sense of community and commitment to wild spaces. Please don't compromise this.
149.	Jim Miller	Portland, OR	
150.	Lee Ratcliffe	PORTLAND, OR	
151.	Buzz smith	Portland, OR	The beauty of our area is the diversity of home & lot size, age & architecture of buildings. We don't need a development of giant homes that all look alike, sitting on tiny lots without yards.
152.	Lowell Stuck	Portland, OR	Overdevelopment threatens the ecology of the area and the character of the neighborhood. People moved here for reasons we need to protect. Huge homes at huge prices do nothing but change the area. Developers need to fit into and enhance instead of deciding to change our neighborhoods to fit their profit motivated business. Portland is supposedly stressing affordable housing...not this.

	Name	From	Comments
153.	Alex B	Milwaukie, OR	Keep the PNW Green
154.	Brendan Stamper	Portland, OR	
155.	DAVID SEXTON	Portland, OR	This proposed development does nothing for affordable housing, reduces greenspace, and is environmentally adverse.
156.	Sharon Cowley	Portland, OR	The development is much too large for the area to absorb.
157.	Kelly Carnevale	Portland, OR	
158.	Sigrid K Shafer	Aurora, OR	
159.	Thomas Mccarley	Portland, OR	This neighborhood is not ready or capable of handling that many new residents. infrastructure will not handle the increase.
160.	Alfonso Perez	Portland, OR	
161.	Gregory Zupan	Portland, OR	Are the majority of local residents in favor of the development? How will removing this natural wetland impact the ecosystem? What wildlife resides there? Where will it go? What effects will this development have down stream, i.e., flooding? Can the PPS take on the increase of potential students? Are the City of Portland code policies understood considering this development? Economically, what influence will this have on the Hayhurst and Portland-wide real estate market? Let's not rush into making this significant decision.
162.	Valeurie Friedman	Portland, OR	Infill should be responsible and well-thought out.
163.	Eileen Koehler	Beaverton, OR	Wrong development, wrong place. Developers certainly have the right to develop, but also have a responsibility to the community to scale development to the surrounding. Certainly wetlands should be sustained.
164.	Shannon Folden	Portland, OR	
165.	Virginia Miller	Portland, OR	Portland is rich in history and does not need any additional development.
166.	malik griffin	Knightdale, NC	
167.	Dana Sexton	Portland Oregon, OR	
168.	Miriam Margulies	Portland, OR	
169.	Robert Miller	Portland, OR	Further erodes a fragile ecosystem and encourages additional development without scrutiny.
170.	Heather Finch-Wheaton	Portland, OR	
171.	Deborah Ohlsen	Portland, OR	Infill in this neighborhood must be done with in scale homes in price range of 400-500k if at all.
172.	Brian Boshes	Portland, OR	I support density and infill, but taking one lot and turning it into 11 is extreme and careless to the integrity of the existing neighborhood. Let's find a plan where everyone can be (more) happy.

	Name	From	Comments
173.	Joane Pi	Portland, OR	
174.	Margaret Weigert	Portland, OR	I think this is a poorly thought out to let the developers build in this area as it compromises the watershed to Fanno Creek and this development might further impact run off,natural habitat and possibly flooding
175.	Matthew Shirley	Portland, OR	Its a wetland you idiots, the last thing we need to doing is fill more wetlands. Duh!
176.	Allison Miller	Portland, OR	We need more affordable homes, not giant single family homes.
177.	susan thomson	portland, OR	
178.	Elyse Shoop	Portland, OR	
179.	steve levy	Portland, OR	An entirely inappropriate development on the site by a developer with a poor track record in considering community concerns
180.	Jean Morgan	Portland, OR	We don't need large homes added, nor more congestion on school routes..NOR the cutting of 90 or so trees for construction!
181.	Jessica LeBron	Beaverton, OR	
182.	Sheila Redman	Portland, OR	
183.	Sandra Green	Portland, OR	
184.	Sue Van Loon	Portland, OR	
185.	Amanda Luell	Portland, OR	It will increase traffic, reduce the wildlife habitat and decrease livability in our neighborhood. It will also affect runoff and decrease safety in our neighborhood.
186.	Claire Coleman-Evans	Portland, OR	Because this is not a good place for development. Wetlands and using infill is not going to fix the problem. Developers need build for substantial homes that will last for the future. In to realize how this is going to affect the whole neighborhood
187.	Liz Rigger	Saint Marys, GA	
189.	Dawn Smallman	portlans, OR	
190.	Jane Beyer	Salem, OR	Save the wetland for environmental health and homes to wildlife.
191.	Jan and Anne Bender	Portland, OR	I can only agree with Amanda L. It will increase traffic, reduce the wildlife habitat and decrease livability in our neighborhood. It is an impossible location 11 homes.
192.	Krystal Reynolds	Portland, OR	
193.	Graham McConnell	Portland, OR	I live here and have children
194.	Kathryn Thomason	Portland, OR	

	Name	From	Comments
195.	Maureen Berrie-Lawson	Portland, OR	Too many houses being built on too small lots in our neighborhood. We were lied to by the developer of a lot adjacent to us about the size of the home being built and we trusted them until it was too late. Our property value significantly decreased because of it. And the young family that moved in has no idea why no one wants to talk to them. This HAS to STOP!!!
196.	Wendy M Garbart	Portland, OR	
197.	Wendy Reiersen	Portland, OR	
198.	Elizabeth Draper	Portland, OR	Southwest Portland's greenways for wildlife are quickly being eliminated. It is a wetland! We need wetlands not just for wildlife but as a filter system for our groundwater.
199.	Jody Giffin	Portland, OR	
200.	Betsy Jones	Portland, OR	
201.	Travis Arnzen	Portland, OR	Too often, developers are being allowed to develop the land with little regard for environmental and infrastructural impacts. We need to protect our wetlands.
202.	Anne Rogness	Portland, OR	
203.	Lisa Hyde	Portland, OR	
204.	Frances Orona	Portland, OR	
205.	Lynn Joyce	Portland, OR	The homes are not in scale, developers reputation of not paying contractors and other shady issues and threatening wildlife as well as impacting kids safe route to school.
206.	Rebecca Hughes	Portland, OR	This is a well established neighborhood. This development would be a safety hazard to children/families at Hayhurst Elementary, parking issues, as well as environmental hazards.
207.	Stacey Atwell	Portland, OR	Trees are extremely important to keep air clean. On top of the serious issues stating in the petition, cutting down all those trees will have a negative impact on the air quality of our city. It's already an issue, why make it worse?
208.	Julie Yocom	Portland, OR	
209.	Helen Nolen-Balduchi	Happy Valley, OR	
210.	Zoe Rolly-Keef	Eugen, OR	
211.	Pamela Hepper	Portland, OR	Natural watersheds are crucial preventing landslides an water polution and flooding. It's also nourishment for the soul.
212.	Kathleen McCulloch	Portland, OR	This is my neighborhood! This will destroy it.
213.	DENNIS & MARQUITA CALL	PORTLAND, OR	Wetlands are very important to our ecosystem. The drainage in our area is very poor to start with and we need all the help for drainage we can get. The street we live on <i>(continues on next page)</i>

	Name	From	Comments
213.	DENNIS & MARQUITA CALL	PORTLAND, OR	<i>(continued from previous page)</i> is maintained by us the homeowners not the City. The damage from the construction trucks and equipment going up and down our street would be horrendous. The home builder would have to be responsible for all damages to 48th Street. Putting 11 houses in such a small and beautiful area would be a travesty. We are very much opposed to this building development.
214.	Brian Cleys	Washougal, WA	I grew up in this neighborhood and it's a wonderful place, I have many friends still there. Over development destroys the quality of life for those that have been there for so long.
215.	Laura Haggi	Beaverton, OR	Leave Hayhurst alone.....
216.	Linda McCulloch	Portland, OR	I've lived in the neighborhood for 75 years and that's the only property left to remind me of what that whole area used to be like when I was a child.
217.	Leah Phillips	Monument, CO	
218.	Linda Kimbrough	Portland, OR	This is rare and prime wetlands and open space that is far more important to our community, city, and the environment than more 'out of sync' designed homes.
219.	Darvel Lloyd	PDX, OR	Large shade trees are far more important for our city than large, expensive homes!!
220.	Lycia Shaffner	Portland, OR	
221.	jen Featheringill	Portland, OR	
222.	Libby Rankin	Portland, OR	I would rather have woods than more humans
223.	Emma Darden	Portland, OR	
224.	Lara Jones	Portland, OR	
225.	Kimberly Vickery	Poulsbo, WA	I grew up here. It's developed enough!
226.	Corinna Andrews	Portland, OR	
227.	Christopher Silkie	Portland, OR	48th has no crossing at Cameron and is a Safe Route to school -- adding a thru street makes this dangerous. There are inadequate rules for demolition: the existing house (1920s) is no doubt full of lead paint, asbestos. Making water quality worse for the sake of \$600k+ homes and developer profit is not a Portland value The proposed site is THE source of Pendleton Creek
228.	Jen Singer	Portland, OR	
229.	Wendy Sample	Portland, OR	I think this is a poorly thought out to let the developers build in this area as it compromises the watershed to Fanno Creek and this development might further impact run off, natural habitat and create possibly flooding.
230.	michele dickson	portland, OR	
231.	Sharon Birrel	Portland, OR	This natural wetland is a precious resource that contributes to the livability of this established Portland neighborhood.
232.	John Peterson	Portland, OR	

	Name	From	Comments
233.	David Grasvik	Portland, OR	
234.	Melissa Thompson	Portland, OR	
235.	Osha Roller	Portland, OR	My children use the safe route to school. I do not want to see it opened up as a through street to cars. There are very few safe ways to walk to school.
236.	Linnea Osterberg	Portland, OR	
237.	Rose Alford	Portland, OR	Wetlands are necessary for drainage and flood prevention, let alone wildlife.
238.	Nadya Burchette	Portland, OR	
239.	Alyssa Welty	Sherwood, OR	
240.	Amanda Edwards	Portland, OR	
241.	Micheline Craw	Portland, OR	
242.	Alyson Broberg	Portland, OR	We live near the proposed area, and our kids use that pathway to walk to school and to Pendleton park. We feel that neighborhoods, especially those with children, need nature spaces that kids can pass as they walk to school or around their neighborhoods. I am speaking not only of cultivated parks with clipped lawns, but of natural wooded walkways where kids can hear the sounds of birds and feel that when their parents tell them to be outside more, there's something to be outside for. These areas help the quality of our air, water, and our lives. There are many houses for sale that could be renovated in this neighborhood. Please do not sacrifice the character of this lovely area in order to satisfy the monetary desires of a few.
243.	Julie Newman	Portland, OR	This is important to the children and families of my neighborhood.
244.	Laura Taylor	portland, OR	This is one of the last areas of natural wetland left in our area and a rare quiet street for the kids to get to school. Adding homes and through roadways would be a travesty for our neighborhood.
245.	Beth Conti	Portland, OR	
246.	Senia Newman	Portland, OR	
247.	Lorna Schilling	Portland, OR	This proposal does not follow the R7 zoning. All the lots are less than 7,000 square feet. These homes also have very little front, back or side yards.
248.	Tamara Simmons	Beaverton, OR	We really need more trees and fewer people. More forests and fields, fewer subdivisions, strip mall's and pavement deserts.
249.	jim anderson	Portland, OR	
250.	Mary Potter	Beaverton, OR	This is the neighborhood I grew up in. There is plenty of land you can destroy elsewhere. Stay out of the wetlands.

	Name	From	Comments
251.	Lauren Booth	Beaverton, OR	
252.	Nathan Hale	Portland, OR	As a parent of a young child and a homeowner who lives across the street from this proposed development it is clear the developers have disregarded the character of the neighborhood, the safety of our children, and the environmental impact to our streams placing profits first. It is horrific to think that over 100 mature trees will be removed and replaced with less than 20 small trees.
253.	Valerie Clappison	Portland, OR	Why is the city forcing small homeowner building projects to preserve trees when a developer like this can cut down 100? If there are alternatives which preserve more trees, more wetlands, and the sanity of the neighbors, why are they not being considered?
254.	Matthew Poole	Portland, OR	
255.	Leslie Hammong	Portland, OR	The developer is trying to put too many houses on this site. 8 should be the maximum to ensure some livable space between houses and to preserve the nature of the neighborhood which has large and open lots. Cutting down all the trees and regrading the natural drainage with fill is going to affect the slope and the effectiveness of the drainage now. Removing the big cedar isn't he right of way is completely unnecessary. That tree provides better air quality and a home for birds than any of the trees that will be planted. And it keeps that corner of my property from eroding. * houses, retaining the tree or trees and regrading as little as possible will meet the city's criterion and enable the neighborhood to embrace new neighbors.
256.	Robert Horenstein	Portland, OR	
257.	robin Rodrigues	Portland, OR	The fragile and vital area needs to be protected!
258.	Hennifer Pezzimenti	Portland, OR	Because I use this walk through everyday to walk my dog and I live across the street where SW 48th ends onto Iowa Street. I want to keep SW 48th a walk Street and not a through Street.
259.	Marilyn Ellis	Tuslatin, OR	These green spaces are part of Portland's legacy and unique charm as well as important habitats for wildlife.
260.	Melissa Mills	Portland, OR	
261.	Catherine Band	Portland, OR	I want more thought put into school development, water run off, road impact, and eco friendly development.
262.	Stephen Reynolds	Hillsboro, OR	
263.	Jill Riebesehl	Portland, OR	Too dense for the neighborhood. We have already allowed too many trees to be cut down.
264.	Lisa Palmer	Portland, OR	Developers are destroying our neighborhoods and natural spaces!
265.	Jon Wood	Portland, OR	
266.	Stephen Bush	Portland, OR	My kids and I walk this route weekly to and from school.

	Name	From	Comments
267.	Caitlin Fackrell	Portland, OR	
268.	Deanna Larkin	Portland, OR	Developers are destroying our green spaces and cutting down our trees with no concern for the neighborhoods.
269.	Andrew Beasley	Oregon City, OR	
270.	Lisa Anglim	Tualatin, OR	
271.	Carol Greer	Portland, OR	
272.	Dorice horenstein	Portland, OR	it is my neighborhood!
273.	Kimberly Hennessy	Portland, OR	I would like to keep as many green spaces as possible. There is a small sweet trail weaving through the neighborhood and that feels right.
274.	Nathan Taylor	Portland, OR	
275.	Debra Hornbecker	Portland, OR	This is my neighborhood and it is already jam packed.
276.	Caitlin Everett	Portland, OR	
277.	Tricia Knoll	Portland, OR	In SW we need green spaces and this looks to be way to packed tight!
278.	Justin Roller	Portland, OR	
279.	Aleksandra Snyder	Portland, OR	Destroys integrity of the Hayhurst neighborhood!
280.	Lauren Peck	Portland, OR	
281.	Anna M	Portland, OR	The Hayhurst area has experienced tremendous growth through the last decade, and cannot withstand additional housing units as it will impact traffic, safety, and the quality of life. There are no sidewalks in the neighborhood, and those walking or running on SW 48th will undoubtedly be injured.
282.	Elissa Morris	Portland, OR	Cities need green spaces. The traffic in this area has already spiked in the past 2 years. Portland had one of the worst commute times in the Nation, let:s not make it worse. Developers want to cram in as many houses as possible for greed, IE to maximize their profit. What happened to the days of building beautiful unique houses with nice yards for kids to run and play in? The city needs to increase lot sizes to keep the vibe of Portland. We are so tired of these huge cookie cutter homes being squeezed into this area and being built so close to each other families living in them can hear each other sneeze and peer into their windows. With hardly any backyard (after all, developers want to max out sqft for Max profit), kids have nowhere to run around, except in the streets with no sidewalks and increased traffic if these houses are crammed in. A recipe for accidents. Please don't approve this development. Green spaces equals fresher air, less congestion on small roads and overall happier people living in these areas. Please keep Portland the way it was. <i>(continues on next page)</i>

	Name	From	Comments
282.	Elissa Morris	Portland, OR	<i>(continued from previous page)</i> Remember how Tom McCall did this and the benefits generations have enjoyed from more open spaces.
283.	Jeannette Taylor	Portland, OR	This development is near me and it's important we protect the natural environment unwelcome development!
284.	Francine Goteiner	portland, OR	
285.	Elizabeth Redman	Portland, OR	
286.	Emilie Benn	Portland, OR	Fannie creek runs through our property and in the last 3 years, the amount of water have increased - forcing us to buy flood insurance, if those houses are build, we are scared that the creek size will not be able to absorb the run off creating an issue not only on our property but our neighbors
287.	Patrick Redman	Portland, OR	
288.	Aesha Lorenz Al-Saeed	Portland, OR	Safety of children walking to school, crowding of schools, improper density, aesthetics
289.	Lucia Flood	Portland, OR	Our sw neighborhoods are already dense, traffic increase is huge just in the past year. 11 homes is unreasonable, 4-6 is plenty.
290.	David Wise	Portland, OR	The area is already experiencing flooding from the rain this year getting back to 'normal' measurement like I remember from the 70's & 80's.
291.	Linda Capacio	Portland, OR	
292.	Cynthia Pfeiffer	Portland, OR	This my neighborhood and a well used peaceful walking path for all of us.
293.	Tom Nelson	portland, OR	
294.	Wendy morgan	Portland, OR	I am concerned about the damage it will do to the wetlands and the animals that live in this habitat. I am also concerned about the quality of life for the people that live in this neighborhood. This is a safe route to Hayhurst school and for other children that have to catch the bus at Hayhurst school to get to Robert Gray Middle School. The amount of dirt that will have to be brought in to enable building on this property will damage roads that are already in need of repair. Neighborhoods need greenspaces!
295.	Chris Hale	Portland, OR	
296.	martie sucec	portland, OR	Because these developers and others like them are changing our neighborhoods and destroying habitat and environmentally sensitive areas that have the hallmarks of these quiet places
297.	Al Iverson	Portland, OR	All of the stormwater issues concerning the project have not been addressed and this area already has difficulties related to stormwater management.

	Name	From	Comments
298.	Connie Crabtree	Portland, OR	Our neighborhood and surrounding neighborhoods have been forever changed by developers who are destroying our hood by building to the max here. It is shocking to see what's happened in the last year and knowing that more is to come in the place that's been my home for 40 years.
299.	Susan Cohen	Portland, OR	I'm distressed by the prospect of wetlands destruction, and by the fact that this lovely, quiet neighborhood where my husband and I love to walk would no longer be quiet and peaceful.
300.	James Peterson	Portland, OR	The storm water and wetland issues have not been addressed in what is a very environmentally sensitive area. The proposed project will destroy the character of the neighborhood.
301.	Lynne Bartenstein	Portland, OR	The number of homes proposed is way too many for the area and resources.
302.	Jennifer LeTourneau	Portland, OR	My family and I frequently walk through this area. The evidence presented here demonstrates lack of reasonable consideration for impact to the neighborhood including environmental, traffic routes, and density. We oppose the building plans as currently written.
303.	Tassia Owen	Portland, OR	The storm water issuea are not nearly adequately addressed. With turning this wetland into a development you add more impervious surfaces, change the storm water distribution and inadvertently cause new storm water issues in an area already plagued by storm water problema created by new developments "treating their atorm water onsite. The ground here is mostly impervious soil. Water doea not infiltrate it stands. Without a wetland to divert water to, existing homes will bear the brunt of this unintended consequence and increase costs with home ownership of existing homes. The development has chosen a poor site for building with lasting implications for the neighborhood.
304.	Ilan Goodman	Ramat Beit Shemesh, Israel	I grew up on that street. Some of my happiest childhood memeries are playing in that little forest. It was magical to have so much wildness so close to home. that area has already seen the effects of too many homes so close together.
305.	Michael Singer	Portland, OR	
306.	Sherri White	Portland, OR	Adding too many cars and the homes being added will decrease the value of the existing homes around them.

Portland Master Street Plan - Map 11.11.6 Southwest District

- »»»»» Pedestrian/Bicycle Connection Points & Alignment Uncertain
- »»»»» Street Connection Points & Alignment Uncertain
- — — — Pedestrian/Bicycle Connection Points & Alignment Certain
- — — — Street Connection Points & Alignment Certain
- ⬇ Pedestrian/Bicycle Connection Points Certain & Alignment Uncertain
- ⬇ Street Connection Points Certain & Alignment Uncertain
- - - - Existing Pedestrian Trails

Meets Street Spacing Standard

— · — · — · City of Portland Boundary

⬇ Transportation District Boundary

/// /// /// Unincorporated Areas within the
Portland Urban Services Boundary

Note: I-5 Barbur Corridor and Marquam Hill are excluded

Effective November 12, 2004

Submitted
by
Randi Sachs
6/22/2017
For Mr. Healy

Moore-Love, Karla

From: Irene Jarrett <forelivinglife@yahoo.com>
Sent: Thursday, June 22, 2017 3:37 PM
To: Council Clerk – Testimony; Moore-Love, Karla
Cc: Irene Jarrett; vanwitz@q.com
Subject: Case File: 16-159330 LDS EN SW Pendleton & SW 48th

Greetings,

Regarding the proposed development noted above. I'm a home owner living very close to this proposal and I have the following concerns & comments:

- Portland public employees disregard for Portland Public codes.
- Portland public employees lack of getting facts from other sources than applicants/owners with self agendas .
- Portland public employees ignoring an entire neighborhood including statements, documentation, alternatives, other officials, etc.
- Portland public employees allowing the "jamming" of a high volume of homes in a small footprint that is so out of character for the entire neighborhood.
- Increased traffic - cars, foot traffic.
- Decreased property values.
- Increased vandalism. In the last 2 weeks my outside garage lights (facing 48th), have been broken and my car dented by grade school students throwing rocks. Yes, I witnessed them, however due to surgeries I was not able stop or approach them.

An objective 3rd party would help solve the issues and those of Hayhurst Neighborhood Associations detailed appeal notification.

As a tax payer and a long time resident of Portland it greatly concerns me that this lack of attention by our Portland publicly paid employees allow this kind of activity or lack of activity to happen.

Irene Jarrett
4809 SW Iowa
Portland, OR 97221

June 21, 2017

Michael C. Robinson
MRobinson@perkinscoie.com
D. +1.503.727.2264
F. +1.503.346.2264

Mayor Ted Wheeler
Portland City Council
Portland City Hall
1221 SW Fourth Avenue
Portland, OR 97204

**Re: City of Portland Case # LU 16-159330 LDS EN; Letter on Behalf of the Applicant
Against Appeal of Hearings Officer's Decision**

Dear Mayor Wheeler and Members of the Portland City Council:

This office represents Everett Custom Homes, Inc. ("Everett"), the Applicant for the proposed eleven (11) lot subdivision in the R-7c zoning district. The Applicant is the principal opponent of the appeal.

This letter responds to the issues raised in the appeal of the Hearings Officer's approval of the application by the Hayhurst Neighborhood Association (the "Neighborhood Association") filed on May 12, 2017 and scheduled for hearing before the Portland City Council on June 22, 2017.

1. Procedural Status.

The hearing before the City Council is *de novo*. The Applicant has waived the 120-day period in ORS 227.178(1). Where the Applicant waives the 120-day period, an appeal before the City Council is *de novo*.

The standard of review before the City Council is whether the Applicant has met its burden of proof for approval criteria in effect on the date that the Applicant submitted the application. The Applicant is required to show by substantial evidence that it has satisfied each approval criterion. The approval criteria are those in effect on the date that the application was submitted. ORS 227.178(3). At the end of the City Council hearing, the City Council can find that the Applicant has carried its burden of proof by substantial evidence in the whole record.

This application is subject to the provisions of the needed housing statutes in ORS 197.303(1) and 197.307(4). To the extent subjective criteria conditions or procedures are contrary to the requirements of the needed housing statutes, the Applicant requests that the City Council apply only clear and objective procedures, conditions, and criteria to this application.

Mayor Ted Wheeler

June 21, 2017

Page 2

2. Response to Issues Raised in the Neighborhood Association's Appeal.

A. The Hearings Officer, Staff and the Applicant considered the Neighborhood Association's testimony and evidence.

The Applicant appreciates the Neighborhood Association's testimony and concern with how this application will affect their neighborhood. Nevertheless, this application is for property that has been long-zoned R-7c, the Applicant did not ask for an adjustment to deviate from any standard, and the Applicant is bound by the approval criteria for land division applications.

The sole issue in this appeal is whether the Applicant has carried its burden of proof by substantial evidence in the whole record. The Neighborhood Association appeal alleges, in general, that the Hearings Officer "rubber-stamped" the staff report, and made only "perfunctory comments" on the Neighborhood Association's testimony and evidence. A review of the Hearings Officer's decision, however, shows that this is not the case.

The City of Portland Hearings Officer is a member of the Oregon Bar Association and an experienced land use lawyer. In addition to the City of Portland, he serves as a Hearings Officer for a number of other local governments. The Hearings Officer is not biased and reviews the record to determine, as the City Council is required to do, whether the application should be approved or denied. His decision approving this application contains pages 6 through 14, which cited each issue raised by the Neighborhood Association and explained his response to each issue. This is in addition to the other 54 pages of his decision that expressly explained why each relevant approval criteria was satisfied, and imposed 24 conditions of approval. While the Hearings Officer did not agree with the Neighborhood Association, it is clear from his decision that he properly addressed the Neighborhood Association's issues and gave their evidence the weight that it was due. The fact that he ultimately disagreed with the Neighborhood Association does not mean that he failed to properly perform his function as an unbiased decision maker.

B. The application Satisfies PCC 633.630.200.A, "Tree Preservation."

This standard requires the application to demonstrate how the proposed tree plan will meet tree preservation criteria. PCC 633.630.200.A provides, in relevant part:

"To the extent practicable, trees proposed for preservation provide the greatest benefits as identified in the purpose of this chapter. In general, healthy, native or non-nuisance trees that are 20 or more inches in diameter and tree groves, are the highest priority for preservation. However, specific characteristics of the trees, site and surrounding areas should be considered and may call for different priorities, such as

native tree growth rates and priority tree sizes as described in the Portland Plant List, buffering natural resources, preventing erosion or slope destabilization and limiting impacts on adjacent sites.”

The Hearings Officer decision at pages 16 and 17 found that the application met this standard. First, this standard does not apply to trees within an Environmental Conservation (“EC”) zone. The Applicant proposes to remove no trees in the EC zone, except for two (2) non-nuisance trees because of proposed street improvements on SW 48th Avenue and other trees located in the existing SW 48th right-of-way. The Neighborhood Association argues that there has been “no attempt to preserve trees.” This is not the case based on substantial evidence in the whole record. The Hearings Officer’s decision at page 18 notes that the application proposed to remove 17 non-exempt trees but preserve 92 trees on the site. This is clearly an attempt to preserve trees, as opposed to not considering tree preservation.

PCC 33.630.200.C provides that tree preservation is maximized “to the extent practicable” while allowing for reasonable development of the site. The first standard in C.1 is that “the extent practicable” standard is considered based on **“the specific development proposed.”** Thus, the standard is evaluated based on the eleven (11) lot subdivision proposal.

The Neighborhood Association fails to note the requirement under PCC 33.630.200.C.1 that “extent practicable” is considered by reviewing “the specific development proposed.” The Hearings Officer’s decision at page 17 notes that “Many of the trees proposed for removal are located within or near the proposed street alignment. Other trees are located near the center of the proposed lots.” In other words, trees may be removed based on the specific development proposed in order to connect the streets as required by the PCC and to provide for buildable lots.

The Hearings Officer also noted that “preservation of the environmental zone site concentrates development on smaller lots in the upland portion of the site, which reduces the Applicant’s ability to preserve trees in the upland areas.” PCC 33.630.200.C.3 expressly provides that the “extent practicable” standard is considered by analyzing, **“Requirements to provide services to the site under Chapters 33.651 through 33.654, including street connectivity and street plan requirements.** Options to limit impacts on trees while meeting these service requirements must be evaluated;” (emphasis added).

The Hearings Officer correctly considered the requirements for services including street connectivity and street plan requirements. He also considered the Applicant’s evidence that evaluated options to limit impacts on trees while meeting the service requirements.

The Neighborhood Association asserts that the application must consider a reduction in the number of lots. However, that option is not required to be evaluated under PCC 33.630.200.C.1,

which requires consideration of tree preservation based on “the specific development proposed.” The Applicant is only required to consider options to limit impacts on trees while meeting the service requirements in PCC 33.630.200.C.3.

The Hearings Officer also noted the Applicant’s proposed tree mitigation. The Applicant proposes to mitigate for the removal of trees with a combination of tree planting within Tract “A” outside of the EC zone and a payment into the City’s Tree Preservation and Planting Fund.

The City Council can find that substantial evidence in the whole record demonstrates that the Applicant has satisfied the relevant tree preservation approval criteria in PCC 33.630.200.

C. The application satisfies PCC 33.635.100, “Clearing and Grading Approval Criteria”, is satisfied.

The Hearings Officer’s decision at pages 21-25 addresses this criterion and concludes that the application meets the criterion. The decision at pages 21 and 22 relies on the definition of “practicable” in PCC 33.910 to find that it is not practicable to leave the existing site contours and drainage pattern in place. Further, the decision explains at page 23 that adjacent properties will not be adversely impacted; in fact, current runoff and flooding issues will be mitigated. Finally, the wetlands in the EC tract are not an “adjacent property”, so the issue of impact to wetlands is not relevant to this criterion.

The City Council can find that substantial evidence in the whole record demonstrates that the Applicant has satisfied the relevant approval criteria in PCC 33.635.100.

D. PCC 33.640, “Streams, Springs and Seeps”, is satisfied.

The Hearings Officer’s decision at pages 27 and 28 found that the application satisfied this standard because no aquifer is located on this site (**Exhibits 1 and 2**), which the Appellant concedes at page 5 of its appeal statement is correct (“ . . . aquifers do not exist in SW Portland . . .”). Based on the definition of “seep or spring” in PCC 33.910, a seep or spring may not exist without an aquifer, and because no aquifer exists on this site, no seep or spring exists on the site.

The Staff Memorandum dated March 7, 2017 recommended denial of the application because it found that PCC 33.640, “Streams, Springs and Seeps,” was not satisfied. However, the Applicant submitted a memorandum from Mr. Matt Kuziinsky dated March 7, 2017 that analyzed the water discharge points outside of the proposed Environmental Zone tract and concluded that the definition in PCC 33.910 of “Seep and Spring” was not satisfied for two (2) reasons.

First, no one identified an aquifer that intersects with the ground surface at the location of the water discharge, and Mr. Kuziinsky’s first memorandum and a second memorandum dated

Mayor Ted Wheeler
June 21, 2017
Page 5

March 22, 2017 expressly determined that there is no aquifer that intersects with the ground surface. This conclusion is supported by a memorandum from Scott L. Hardman, P.E. dated March 22, 2017.

Second, the water discharge points identified by Mr. Kuziinsky and Bureau of Environmental Services (“BES”) staff do not show that the discharge is into a stream channel. Therefore, the water discharge points identified by BES and Mr. Kuziinsky outside of the environment zones tract do not meet the definition of “Seep or Spring.”

Further, because the definition in PCC 33.910 is not met, PCC 33.640.100, “Where These Standards Apply,” cannot be satisfied because PCC 33.640 applies only where a “stream, spring, or seep” on a site is outside of an Environmental Zones. If the water discharge points identified by Mr. Kuziinsky and BES staff do not meet the definition of seep or stream, then PCC 33.640 does not apply to them and, consequently, a tract is not required to preserve the water discharge points because they are not seeps or springs.

Finally the BDS memorandum dated April 5, 2017 agreed with the Applicant that PCC 33.640 was satisfied (“ . . . BDS staff concludes that the features identified do not meet the definition of “seep or spring” and therefore the regulations of Chapter 33.640 do not apply.”)

The City Council can find that substantial evidence in the whole record demonstrates that the Applicant has satisfied the relevant approval criteria in PCC 33.640.

E. PCC 33.653.020, “Stormwater Management”, is satisfied.

The Hearings Officer’s decision at pages 36 and 37 concluded that the Applicant had satisfied this approval criteria. PCC 33.653.020.B is satisfied because the Applicant’s substantial evidence demonstrates that a stormwater management system is designed that will provide adequate capacity for the expected amount of stormwater. Mr. Peebles of OTAK testified to this fact at the March 8, 2017 hearing. Further, the Staff Report at page 23 concluded that “. . . the Applicant has demonstrated that the proposed stormwater system is adequate for the expected amount of stormwater from the proposed development.”

Additionally, PCC 33.653.030.A requires that the Bureau of Environmental Services (“BES”) have “preliminarily approved the capacity, type, location, feasibility and land area required of the proposed stormwater management system” The Staff Report at page 22 found:

“The Applicant has initiated the public works permit for the public stormwater improvements and the [BES] has provided conceptual approval of the Concept Development plans (i.e., 30% design), thereby demonstrating that the proposed design

is feasible and has capacity for the expected amount of stormwater generated by the proposed development.”

The City Council can find that substantial evidence in the whole record demonstrates that the Applicant has satisfied the relevant approval criteria in PCC 33.653.020.

F. PCC 33.641.020, “Transportation Impacts”, is satisfied.

The Hearings Officer found at pages 28-35 that the application satisfied this standard. There is no substantial evidence contrary to the Applicant’s traffic study conducted by Kittelson & Associates. Further, PBOT submitted a memorandum (**Exhibit 3**) explaining why the application will result in a safe transportation system.

The City Council can find that substantial evidence in the whole record demonstrates that the Applicant has satisfied the relevant tree preservation approval criteria in PCC 33.641.020.

G. PCC 33.654.110, “Through Streets and Pedestrian Connections”, is satisfied.

This standard requires through streets “where appropriate and practicable” (**Exhibit 4**). The Hearings Officer’s decision at pages 37-39 explained why the factors in PCC 33.654.110.B.1.a-e are met. The Master Street Plan is just one factor to be considered and the Hearings Officer concluded that the street connection is identified in the Master Street Plan.

The City Council can find that substantial evidence in the whole record demonstrates that the Applicant has satisfied the relevant approval criteria in PCC 33.654.110.

H. PCC 33.654.120.B. and C., “Width and Elements of the Right-of-Way”, are satisfied.

The Hearings Officer’s decision addressed this criterion at decision pages 39-40 and found it satisfied. The appeal asks that sidewalks and on-street parking to be eliminated, which is not permitted by the criterion.

The City Council can find that substantial evidence in the whole record demonstrates that the Applicant has satisfied the relevant approval criteria in PCC 33.654.120.B. and C.

I. Wetlands.

The Hearings Officer’s decision at pages 41-49 found that the EC zone standards are met by the application. The only identified and delineated wetlands on the site are within the EC zone (**Exhibit 5**).

Mayor Ted Wheeler
June 21, 2017
Page 7

3. Conclusion.

The Hearings Officer's decision is correct and the application should be affirmed. The application fully complies with the applicable approval standards by substantial evidence in the whole record. The appeal is not persuasive as to why the application should be denied. The main concern identified by the Neighborhood Association-the connection of the two (2) dead-end streets-is contrary to the City's goal of connecting neighborhoods so that walking and bicycling are encouraged. PCC 33.654.110.A. In this case, there is no basis to prohibit the connection of the streets.

The Applicant requests that the City Council reject the appeal, approve the application and adopt a decision that includes the conditions of approval contained in the Hearings Officer decision.

Very truly yours,



Michael C. Robinson

MCR:rsr
Enclosures

cc: Mr. Vic Remmers (via email) (w/ encls.)
Mr. Mike Peebles (via email) (w/ encls.)
Ms. Li Alligood (via email) (w/ encls.)
Mr. Keith Busiman (via email) (w/ encls.)
Mr. Greg Summers (via email) (w/ encls.)
Ms. Stephanie Beckman (via email) (w/ encls.)

Mayor Ted Wheeler
June 21, 2017
Page 8

EXHIBITS

1. PCC 33.640
2. PCC 33.910
3. PBOT March 22, 2017 Memorandum
4. PCC 33.654.110
5. Greg Summers June 20, 2017 Memorandum

CHAPTER 33.640
STREAMS, SPRINGS, AND SEEPS

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02.)

Sections:

- 33.640.010 Purpose
- 33.640.100 Where These Standards Apply
- 33.640.200 Stream, Spring, and Seep Standards

33.640.010 Purpose

The standards in this chapter ensure that important streams, seeps and springs that are not already protected by the Environmental Overlay Zones, are maintained in their natural state.

33.640.100 Where These Standards Apply

The standards of this chapter apply to all land divisions where a stream, spring, or seep on the site is outside of an Environmental Overlay Zone.

33.640.200 Stream, Spring, and Seep Standards

A. Preservation in a tract. Streams, springs, and seeps must be preserved in a tract as follows:

1. The edges of the tract must be at least 15 feet from the edges of the stream, spring, or seep. The edges of a seep or spring are determined through a wetland delineation, performed by an environmental scientist, and approved by BDS. If one or more wetland characteristics are absent from the resource, the delineation will be based on the wetland characteristics present. The edges of a stream are defined as the top-of-bank. Where the edge of the stream, spring, or seep is less than 15 feet from the edge of the site, the tract boundary will be located along the edge of the site;
2. Existing structures within the area described in Paragraph A.1 may be excluded from the tract;
3. Exception. Where the tract required by Paragraph A.1 would preclude compliance with the front lot line requirements of Chapters 33.610 through .615, the stream, seep, or stream may be in an easement that meets the other requirements of Paragraph A.1.

B. Development allowed in the tract or easement. The following development, improvements, and activities are allowed in the tract or easement:

1. Disturbance associated with discharging stormwater to the stream channel, if BES has determined that the site's storm water cannot discharge to a storm sewer and BDS has determined that on-site infiltration is not an option;
2. Removal of non-native invasive species with hand held equipment;
3. Planting of native vegetation listed on the Portland Plant List when planted with hand held equipment;

4. Erosion control measures allowed by Title 10 of Portland City Code;
 5. Construction of required driveway connections or required connections to services when there is no practicable alternative to locating the driveways or service connections within the tract or easement; and
 6. Maintenance and repair of existing utilities, services, and driveways;
- C. When tract or easement may be crossed by a right-of-way.** Public or private rights of way may cross the seep, spring, or stream tract or easement if the following approval criteria are met:
1. There is no reasonable alternative location for the right-of-way;
 2. The applicant has demonstrated that it is possible to construct street improvements within the right-of-way that will meet all of the following:
 - a. The street improvements will not impede the flow of the stream, spring, or seep;
 - b. The street improvements will impact the slope, width, and depth of the stream channel, spring, or seep to the minimum extent practicable; and
 - c. The street improvements will not impede fish passage in a stream, spring, or seep has been identified by the Oregon Department of Fish and Wildlife as fish-bearing.
- D. Minimum density.** Minimum density is waived in order to better meet these standards.

Robinson, Michael C. (POR)

From: Beckman, Stephanie <Stephanie.Beckman@portlandoregon.gov>
Sent: Wednesday, June 21, 2017 10:28 AM
To: Robinson, Michael C. (POR)
Subject: seep/spring definition

Seep or Spring. The point where an aquifer intersects with the ground surface and discharges water into a stream channel that flows into a wetland or other water body.

Stephanie Beckman
Interim Manager, Land Division/Environmental Team
Land Use Services Division
City of Portland - Bureau of Development Services
503-823-6979
stephanie.beckman@portlandoregon.gov

Work Hours: Monday – Friday, 9 am – 5:30 pm

PBOT

PORTLAND BUREAU OF TRANSPORTATION

1900 SW Fourth Avenue, Suite 5000, Portland, OR 97201 503.823.5185
Fax 503.823.7576 TTY 503.823.6868 www.portlandoregon.gov/transportation

Dan Saltzman Commissioner Leah Treat Director

MAR 23 2017

MEMO

03-22-17PCB:54 RCVD

TO: Hearings Officer
FROM: Fabio de Freitas, Senior Planner, PBOT Development Review Section
DATE: March 22, 2017
RE: LU 16-159330 LDS EN, EVERETT HEIGHTS SUBDIVISION

The hearing for this land use case was held on Wednesday, March 8, 2017 where verbal and written testimony was received by the Hearings Officer. The record was held open for new information until March 22, 2017. In this memo, staff intends to respond to issues raised in verbal or written testimony at the hearing, focusing on topics that need additional explanation or discussion beyond what is included in the staff report. In many cases, staff has not responded to issues raised because the topic has been adequately addressed in the staff report and PBOT's formal response.

In summary, the transportation-specific comments received were primarily related to the creation of a public street connection through the subject site. Those who voiced objections to the proposed street connection cited existing less-than-standard road/intersection conditions in the area, additional traffic and therefore an increase in safety issues throughout the neighborhood and issues related to the construction of the proposed public street.

There is no disputing that streets surrounding the subject site, especially those west and north of the site, are currently improved to less-than-standard conditions. The applicant will be required to construct the public street through the site, as well as the northern leg of SW Pendleton and the site's frontage along SW 48th Ave, to current City standards. The City only has the ability to require r.o.w. improvements that are roughly proportionate to the impacts resulting from a proposed development. The only typical off-site improvements that may be required as mitigation to the impacts resulting from a proposed development are those associated with the operations of an intersection (in the form of the installation of a new/upgraded traffic control device). As evidenced by the analysis contained in the submitted Transportation Impact Study (TIS), none of the numerous study intersections will be impacted to the extent that mitigation is warranted. The less-than-standard conditions along SW Pendleton (northern leg) and SW 48th Ave will be greatly improved by the requirement to construct partial street and sidewalk corridor improvements along the site's frontages. Existing right-of-way conditions north of the site, along SW 48th Ave, other east-west streets and the intersection with SW Cameron are not the responsibility of the applicant to improve.

The TIS accurately identified the number of total daily and peak hour vehicle trips expected to be generated by the proposed development. The TIS also included a conservative estimate of the potential for "cut through" traffic through the proposed division to circumvent the existing circulation pattern in the area. There is no corresponding evidence that has been submitted by those making the claim that the proposed street connection will result in a "significant increase in vehicular traffic". A significant increase in vehicular traffic is not an approval criterion (or evaluation factor) that must be considered in association



The Portland Bureau of Transportation fully complies with Title II of the Civil Rights Act of 1954, the ADA Title II, and related statutes and regulations, in all programs and activities. For accommodations, complaints and information, call (503) 823-5135, City TTY (503) 222-6868, or use Oregon Relay Service: 711.

EXHIBIT 3
Page 1 of 2

CITY OF PORTLAND
HEARINGS OFFICE
Exhibit #H-54
Case # 4160024
Bureau Case # 16-159330 LDS

with the proposed subdivision. The City's only performance measure relative to the relevant intersection capacity evaluation factor found in PZC Section 33.641.020 is level of service (LOS) which measures the performance of area intersections. As adequately calculated in the TIS, all of the study intersections are currently operating at acceptable LOS levels, and will continue to do so with the expected vehicle trips that will be generated by the proposed development. Irrespective of the substantial evidence that is in the record to demonstrate that all transportation-related approval criteria have been satisfied in relation to the proposed subdivision, the suggestion that a significant amount of traffic will utilize the new public street through the subject site as a short cut to connect to the broader transportation system or specific designations is difficult to accept from an anecdotal perspective. For this to be realized, drivers would leave either SW Cameron or SW 45th Ave, two arterial roadways with higher allowed speeds and with direct access to other arterial streets (and destinations), to navigate through a single-family residential neighborhood via a circuitous route along local service streets at lower speeds with street grades and less-than-standard improvements to contend with. If the suggestion of significant cut-through traffic through the subject site has been made with the assumption that drivers would save time by doing so, under normal driving conditions, driving along SW Cameron and SW 45th Ave would be a quicker option.

As for the assertion that traffic related to the proposed subdivision will result in greater safety issues for pedestrians and bicyclists, while these modes of travel will be exposed to a greater number of vehicles than are currently found throughout the neighborhood, less-than-standard improved Local Service classified streets (such as SW Pendleton, SW 48th and the new street through the subject site) can serve all modes of travel. This is evident throughout the city and especially in the south-west Portland area where standard sidewalk corridors do not exist and are difficult to construct given topographic conditions – pedestrians and bicyclists are expected to share the roadway with vehicles. As mentioned previously, the City cannot require the applicant to construct standard r.o.w. improvements, including new sidewalks throughout the broader neighborhood area. Further, as evidenced in the TIS, there is not a record of crashes in the area that warrant any safety mitigation measures.

An emphasis has been made with respect to the constructability of the proposed street connection through the site. Appropriateness and practicability have been questioned by those in opposition to the proposed subdivision. One of the primary functions (and requirements) of the Public Works Permitting process is to ensure that new (or partial) public streets can be constructed to current City standards. In a project as proposed, with site limitations resulting from Environmental Overlay Zoning, it is even more critical that the City perform an initial review of the concept engineering plans to ensure appropriate location and design of the public r.o.w. improvements to limit any potential conflict/impacts to the site's more sensitive areas. As was mentioned in the previously prepared staff report and echoed during the public hearing, the applicant did prepare engineering plans and has received approval from Public Works Permitting staff, for the Concept Plan phase of the permit review process. The applicant has demonstrated to the City's satisfaction, that the proposed r.o.w. improvements can be constructed to current City standards (including street grades, horizontal/vertical alignments, curvatures, intersections, sight distance, etc). This critical review and concept approval adds to the substantial evidence in the record to reflect that all transportation-specific approval criteria are satisfied with respect to the proposed subdivision.

33.654 Rights-of-Way

654

Sections:

- 33.654.010 Purpose
- 33.654.020 Where These Regulations Apply
- 33.654.110 Connectivity and Location of Rights-of-Way
- 33.654.120 Design of Rights-of-Way
- 33.654.130 Additional Approval Criteria for Rights-of-Way
- 33.654.150 Ownership, Maintenance, and Public Use of Rights-of-Way
- 33.654.160 Street Classification

33.654.010 Purpose

Rights-of-way provide for movement and access to, within, and through a land division site by pedestrians, bicycles, and motor vehicles. These regulations ensure that the right-of-way system will serve each lot in the land division. Where possible, the system will extend through the land division to reach adjacent sites. Constraints, such as steep slopes or environmental zones on or near the site may influence the location or preclude connected rights-of-way. These regulations protect the public health and safety by ensuring safe movement and access for emergency and service vehicles.

33.654.020 Where These Regulations Apply

The regulations of this chapter apply to all land divisions.

33.654.110 Connectivity and Location of Rights-of-Way

- A. **Purpose.** The regulations of this section ensure provision of efficient access to as many lots as possible, and enhance direct movement by pedestrians, bicycles, and motor vehicles between destinations. Direct routes for bicycles and pedestrians from residential areas to neighborhood facilities, such as schools and parks, are particularly important to increase the convenience of travelling by foot or bicycle. The specific location of rights-of-way is influenced by a variety of conditions, including existing development, streets and lot patterns, and environmental features.
- B. **Approval criteria.**
 - 1. Through streets and pedestrian connections in OS, R, C, and E Zones. In OS, R, C, and E zones, through streets and pedestrian connections are required where appropriate and practicable, taking the following into consideration:
 - a. Through streets should generally be provided no more than 530 feet apart, and pedestrian connections should generally be provided no more than 330 feet apart. Through street and pedestrian connections should generally be at least 200 feet apart;

- b. Where the street pattern in the area immediately surrounding the site meets the spacing of subparagraph a., above, the existing street pattern should be extended onto the site;
 - c. Characteristics of the site, adjacent sites, and vicinity, such as:
 - (1) Terrain;
 - (2) Whether adjacent sites may be further divided;
 - (3) The location of existing streets and pedestrian connections;
 - (4) Whether narrow frontages will constrain creation of a through street or pedestrian connection;
 - (5) Whether any of the following interrupt the expected path of a through street or pedestrian connection:
 - Environmental, Pleasant Valley Natural Resource, or Greenway overlay zones;
 - Tree groves;
 - Streams;
 - Special flood hazard areas; or
 - Wetlands; and
 - (6) Whether existing dwelling units on- or off-site obstruct the expected path of a through street or pedestrian connection. Alternative locations or designs of rights-of-way should be considered that avoid existing dwelling units. However, provision of through streets or pedestrian connections should take precedence over protection of existing dwelling units where the surrounding transportation system will be significantly affected if a new through street or pedestrian connection is not created;
 - d. Master street plans for the area identified in Goal 11B of the Comprehensive Plan;
 - e. Pedestrian connections should take the most direct route practicable. Users should be able to see the ending of the connection from the entrance point, if possible.
2. ~~Dead-end streets in OS, R, C, and E zones. In OS, R, C, and E zones, dead-end streets may be provided where through streets are not required. Dead-end streets should generally not exceed 200 feet in length, and should generally not serve more than 18 dwelling units. Public dead-end streets should generally be at least 200 feet apart.~~
 3. ~~Pedestrian connections in I Zones. In I zones, pedestrian connections to all Regional Transitways, Major Transit Priority Streets, Transit Access Streets, Community Transit Streets, Off-Street Paths, and recreational trails within 1,300 feet of the site are required where appropriate and practicable. The connections should take the most direct route practicable. Users should be able to see the ending of the connection from the entrance point, if possible. Only the portion of the pedestrian connection that is on the land division site is required.~~

DRAFT

6720 SW Macadam Avenue, Suite 125
Portland, Oregon 97219
503.670.1108



Memorandum

June 20, 2017

To: Mike Peebles, Otak, Inc.
From: Greg Summers, Anchor QEA, LLC
cc: Michael Robinson, Perkins Coie LLP

Re: Natural Resources Present on the Everett Heights Development Property

Several concerns about the proposed Everett Heights development site have been raised by the Hayhurst Neighborhood Association regarding wetlands, drainages, seeps, and springs. We have taken those concerns seriously and visited the site on multiple occasions to address these concerns and ensure that these resources have been properly identified. The following information is provided to the City of Portland (City) as background and context for the proposed development site regarding these concerns.

Wetlands

For an area to be considered a wetland, it must exhibit all three of following features: 1) hydrophytic vegetation; 2) hydric soils; and 3) wetland hydrology. If any one of these three criteria are absent, the area is not considered a wetland per the wetland delineation methodology required by the U.S. Army Corps of Engineers (USACE) and the Oregon Department of State Lands (DSL), the federal and state agencies that regulate activities in wetlands in the state of Oregon.

A wetland delineation is conducted by visiting a site and collecting data on vegetation, soils, and hydrology. The data are recorded on wetland delineation forms. These forms document the vegetation, soils, and hydrology observed at specific points of the site, called plots. At each plot, the species and percent cover of the dominant vegetation is determined and a pit is dug to observe the soil and hydrology. When one of the three criteria are absent, the area is considered upland and the wetland boundary is determined.

The development site was visited on June 12 and 15, 2015, and October 31, 2016, to gather information for the wetland delineation report. June is an optimal time to collect data because most vegetation is advanced enough to identify at the species level, reliable hydrology is typically still present, and soils are easily observed because the ground is usually not rock hard and a pit can be easily dug. The October site visit was to document wetter conditions to ensure a complete assessment was conducted.

Hydrology

Wetland hydrology is sometimes easily observed (e.g., standing water, saturated soils, water flowing into the dug pit), but often less obvious hydrologic indicators must be relied upon. In our climate, it is typical to have excessive hydrology from November to April, so other hydrologic indicators like drainage patterns and oxidized rhizospheres (coatings on waterlogged roots) are important to ensure it is wetland hydrology being observed and not simply seasonal inundation or saturation due to an event during the wetter months in the region. Therefore, it is important to determine if climatic conditions are considered normal before assessing the presence or absence of wetland hydrology.

June 2015 was just below average for rainfall, with the 2015 water year (October through September) being 90% of normal (Table 1). Therefore, conditions for data collection during the June site visit were determined to be within the normal range and reliable for evaluating the hydrologic conditions of the site. That is, hydrology observed during this time would be wetland hydrology and not overestimated due to a wet year or underestimated due to a dry year.

Table 1
Percent of Normal Rainfall for the Water Year for Each Site Visit

Date of Site Visit	Actual Precipitation Since October 1 (inches)	Normal Value for Water Year (inches)	Percent of Normal
6/12/2015	29.47	32.41	91%
6/15/2015	29.47	32.59	90%
10/31/2016	8.31	3.00	277%

The site was again visited in late October 2016 to ensure conditions had not changed since the previous site visits in June. This is often done to observe the site at a different time of year and verify that the data previously collected is typical and not skewed by abnormal conditions during the site visit. At the time of the October site visit, precipitation was almost three times the normal level at 277% (Table 1).

Vegetation

Vegetation is the most obvious wetland criteria because it can be observed without the need to dig a pit. Wetland vegetation is called hydrophytic vegetation and is categorized into "wetland indicator status" categories. Those categories are as follows:

- Obligate wetland; almost always occurs in wetlands (estimated probability >99%) under natural conditions
- Facultative wetland; usually occurs in wetlands (estimated probability 67% to 99%) but is occasionally found in non-wetlands

- Facultative; equally likely to occur in wetlands (estimated probability 34% to 66%) or non-wetlands
- Facultative upland; usually occurs in non-wetlands (estimated probability 67% to 99%) but is occasionally found in wetlands (estimated probability 1% to 33%)
- Obligate upland (UPL); almost always occurs (estimated probability >99%) in non-wetlands under natural conditions

No obligate wetland species were observed on the site. Obligate wetland species are those that often grow in areas of ponded water for long periods of time. Common obligate wetland plants include cattails (*Typha latifolia*) or lily pads (*Nuphar* spp.). The fact that no obligate wetland plants were noted on site and ponded water was observed on the latest site visit on Monday, June 19, 2017, indicates that hydrology observed on the site is abnormally high. That is, if the site is typically ponded well into June, one would expect to see some obligate wetland species.

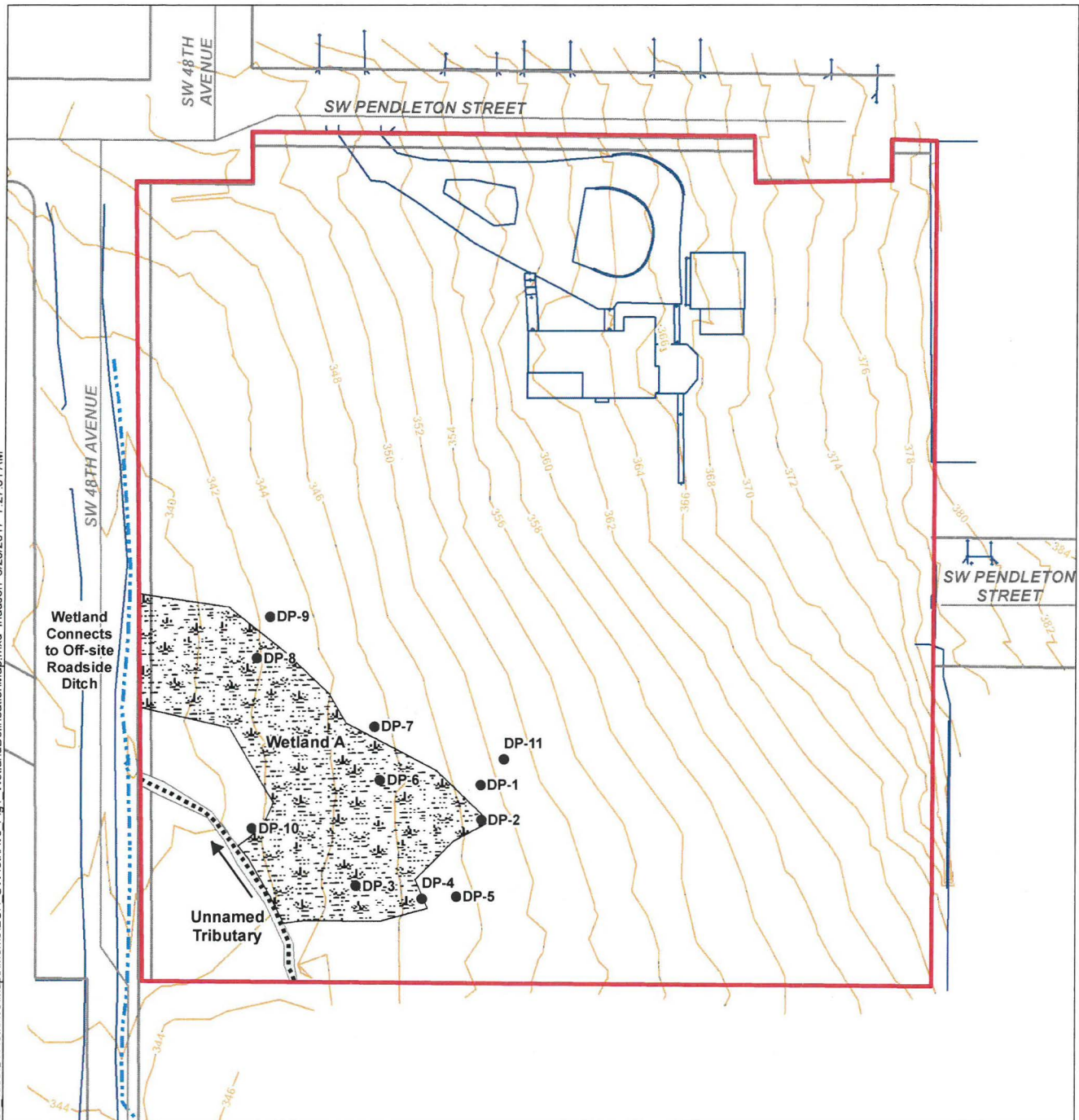
It was noted in previous Appellant comments that reed canarygrass (*Phalaris arundinacea*) was present on site and that reed canarygrass is an obligate wetland plant. No reed canarygrass was observed during any of the site visits. It was specifically targeted but not found. Regardless, reed canarygrass is considered a facultative wetland plant in the Pacific Northwest and not an obligate wetland species.

Wetland Verification

The data that was collected during all the site visits were packaged into a wetland delineation report and submitted to DSL for verification. DSL visited the site on February 9, 2017, to verify the wetland delineation boundaries. During this site visit, the wetland boundaries were verified by DSL based on the report and data collected during the site visit. Additional data were collected during this site visit, including data collected by digging additional test pits, and the wetland boundary was revised to connect to the stream. Several pits were also dug at the upslope wetland boundary to verify that boundary, and no changes were made.

Based on information collected during normal and above-normal precipitation, multiple site visits to ensure raised concerns were addressed, and a site visit by DSL, the wetland boundaries have been verified and are accurate (Figure 1).

\\orca\gis\jobs\everett_custom_homes_1305\SW48thAve\Maps\Memo\IECH_SW48thAve_Fig1_WetlandDelineationMap.mxd Ihudson 6/20/2017 7:27:31 AM



- Study Area Boundary
- Road
- 2-ft Contour
- Stream
- Ditch
- Existing Structures
- Wetland Data Plot
- Unnamed Tributary
- Wetland A

NOTE:
 1. Wetland boundary flagged and field surveyed by Northwest Surveying to 0.1-meter accuracy.



Figure 1
 Wetland Delineation Map
 Natural Resource Memorandum
 Everett Heights: Hayhurst Neighborhood Association Appeal
 Everett Heights
 Page 4 of 12

Springs

Previous information was provided to the City regarding the fact that there are no areas on the site that qualify as springs per the City’s definition of “springs.” The Appellant agrees with this fact, so the following information is provided to address concerns regarding hydrology observed on the site.

The winter of 2017 was one of the wettest ever recorded for the Portland metropolitan region. Several rainfall records were broken, and the Portland area experienced complete saturation of soils by January 2017. The monthly rainfall for 2017 is included in Table 2.

Table 2
Percent of Normal Rainfall for the Water Year for January 2017 to June 18, 2017

Month	Actual Precipitation Since October 1 (inches) ¹	Normal Value for Water Year (inches) ¹	Departure from Normal (inches)	Percent of Normal
January 2017	23.88	19.00	4.88	126
February 2017	34.24	22.66	11.58	151
March 2017	41.50	26.34	15.16	158
April 2017	46.01	29.07	16.94	158
May 2017	47.93	31.54	16.39	152
June 2017 ²	49.01	32.76	16.25	150

Note:

1. Data obtained from the National Weather Service’s Portland, Oregon, weather station.
2. Data included through June 18, 2017.

It is common during years with this type of precipitation so see excessive water in areas not normally inundated, or even saturated, with water. The fact that areas exhibiting a high water table near the wetland boundary were observed this spring is not surprising during such a year. Conversely, areas that exhibit this type of hydrology on an annual basis typically exhibit certain characteristics, which are discussed in the following text.

Areas that annually intersect with groundwater discharge typically exhibit some, or all, of the following characteristics after flow is no longer present:

- Algae or algal mats
- Obligate wetland plants
- Depressional topography with ponded water
- Evidence of channelized flow (e.g., channels, debris lines, drainage patterns) from the discharge point into a receiving wetland or stream

None of these characteristics were observed in any of the areas identified as “potential springs” by the City. Flow has not been observed in these areas since April, even though the areas have been at

or above 150% precipitation levels since January. Currently, these areas are no wetter than adjacent upland areas.

During a site visit with the Appellant's experts on June 16, 2017, a site identified as "BES Spring 4" was investigated. Like the other sites identified by the City, none of the characteristics typical for an area that has annual surface hydrology were observed. Additionally, the area is fully vegetated with no standing water or obligate plants. The most common plants in the immediate area of the flag identifying this area are willow herb (*Epilobium ciliatum*; Facultative Wetland) and English ivy (*Hedera helix*; Facultative Upland) (Photograph 1). English ivy is a vine that cannot grow in areas that are annually wet near the surface or have a high water table. Willow herb is more ubiquitous in that it can increase or decrease in an area on a site depending on annual site conditions. The presence of the perennial English ivy indicates that this area does not typically exhibit a high water table.

Additionally, upland vegetation surrounds this area, and there is no linkage to any other wetlands or streams (Photographs 2, 3, and 4). Consequently, this area also does not fit the definition of a seep or exhibit characteristics of areas that have a high water table annually.

Drainages

Several comments about drainages being present on the site were submitted. To address these concerns, Anchor QEA, LLC, staff visited the site on several occasions throughout this past winter to verify if any channelized flow occurs on the site. This included a site visit on February 10, 2017, a day after almost an inch of rain fell in a 24-hour period. One area of focus was the eastern segment of SW Pendleton Street where it dead-ends onto the subject property. Reports of water flowing off the pavement and onto the property were investigated, but no channelized flow was ever observed, including in gravel areas immediately adjacent to the dead end.

Concerns have been raised about existing channels on site being filled with brush. No evidence of this was ever observed. There is no evidence of channels anywhere on the site, including above and below trees that have been blown down and in any areas of accumulated woody material that could be considered piles of brush. If channels exist on the site, they would have been observed at some point by Anchor QEA staff during the numerous site visits to address this concern. However, no evidence of channelized flow, outside of the stream in the southwest corner of the property, was observed even during the record-setting rainfall received during the early part of this year.

Summary

The site has been thoroughly investigated by multiple people to address concerns raised by the Hayhurst Neighborhood Association and others. Regarding wetlands:

- A formal wetland delineation was conducted following the protocol required and approved by the USACE and DSL. This delineation was field-verified by qualified DSL personnel during one of the wettest winters on record.
- The entire site was investigated for wetlands over a period greater than a year and included six site visits in June 2015, October and November 2016, and January and February 2017
- The multiple site visits were conducted to determine if features (e.g., drainages, springs) were missed, based on comments received.
- Alleged springs were simply areas where an abnormally high water table was intersecting with the ground at the low point on the property and are associated with the wetland.
- The absence of springs was verified by DSL, along with the wetland boundary.

Regarding alleged springs:

- No flow was observed in the areas identified by the Bureau of Environmental Sciences in March, April, or June 2017.
- No evidence of prolonged flow was observed.
- No channelized flow was observed.
- No hydrologic indicators (e.g., flow patterns, algal mats, drift lines) were observed.
- No vegetation typical of seeps or springs (e.g., algae, obligate wetland plants, succulent plant species) are present.
- All of this was observed during a record wet year during which there is still standing water in the wetland.

Regarding channels:

- No evidence of any channelized flow, either above or below any brush, was observed.
- No evidence of channelized flow from Pendleton Street was observed.
- No evidence of channelized flow was observed anywhere.

Photographs









Moore-Love, Karla

From: kelly carnevale <kellycarnevale@gmail.com>
Sent: Wednesday, June 21, 2017 3:03 PM
To: Council Clerk – Testimony
Subject: Neighborhood Letter Regarding LU 16-159330 LDS EN

June 21, 2017

Land Use Hearings Officer
1900 SW Fourth Avenue
Suite 3100
Portland, OR 97201

RE: LU 16-159330 LDS EN

To Land Use Hearings Officer:

I would like to submit my following comments into the formal record for file LU 16-159330 LDS EN.

I write this letter to the city to address my concerns for the proposed application for 5920 SW 48th Ave.

I am most concerned with the proposed application's proposal to make SW Pendleton St. a through street between SW 45th and SW 48th Sts. This proposed through street would impact a Safe Route to School along SW 48th St., which itself is a narrow, sidewalk-free side street with a blind hill. Many families, including my own, ride bikes and walk to school along this route. I am one car leaving in the morning, and I have to be vigilant in watching for kids on foot, bikes, and in strollers and wagons as I slowly proceed from SW Pendleton to SW Cameron. To potentially make this route a through street, with more cars, would make it the opposite of a safe route to school. In addition to compromising the safety of the school route, a through road would bring about unnecessary costs to existing natural resources.

The destruction of the existing trees and the potential strain on the wetland that feeds into both Fanno and Pendleton Creeks is also of concern. The Hayhurst Neighborhood Association has submitted alternative design plans that propose 8 lots to be developed (as opposed to 11). Has the city required the applicant to provide alternatives? A smaller number of lots would dramatically reduce the impact on the natural resources (including a protected wetlands) on the property.

The current application needs to be modified, to reflect the alternatives proposed by the neighborhood association. The alternative of up to 8 homes and no through street is a fair compromise, showing regard for the natural resources that would be decimated for no practical reason.

Respectfully,

Kelly Carnevale
4711 SW Pendleton St.
Portland, OR 97221

Parsons, Susan

From: David Pykonen <dpie84@gmail.com>
Sent: Monday, June 19, 2017 10:06 PM
To: Moore-Love, Karla
Subject: Case File# 16-159330 LDS EN

I have also submitted the following via mail.

June 19, 2018
Council Clerk
1221 SW 4th Ave.
Room #130
Portland, Oregon 97204

Re: Case File# 16-159330 LDS EN

I wish to provide testimony regarding the proposed development.

I live at 5925 SW 47th Avenue which borders part of the eastern edge of the property to be developed.

The purpose of my testimony is to ensure that you are aware that there is standing water on this property at times. Our house is uphill slightly from the property and for several months during the winter of 2016-2017, I was able to see standing water in the area that is, from what I can tell, Lot 8 of the development. It was enough water to be clearly visible from our living room window.

Sincerely,

David Pykonen
5925 SW 47th Ave.
Portland, OR 97221
dpie84@gmail.com

June 15, 2017

To: Portland City Council
1221 SW 4th. Avenue
Portland, OR 97204

Re: Case File: LU 16-159330 LDS EN
Everett Heights Subdivision for: 5920 SW 48th. Avenue

From: Ed & Sharon Castro
1729 Toyon Road
Lafayette, CA 94549

We have owned our home at 6044 SW 48th. Avenue for 12 years, & during that time have prized the safety and overall solitude of this special neighborhood.

We have followed this proposed subdivision remotely & have read the lengthy & detailed formal appeal submitted by the Hayhurst Neighborhood Association. Clearly, there is a need for the City Council to seriously dedicate the time to address the inconsistencies as outlined. We are strongly opposed to this subdivision in the current proposal, particularly in regard to the tree removal, grading/drainage, & the increased traffic & potential danger to pedestrians & school children if on-street parking is allowed. SW 48th. Avenue is currently a safe, convenient walkway to the elementary school & adjacent neighborhood park. If this safe route is jeopardized, parents will be forced to use their cars to take their children to school.

There must be a way to develop this property which avoids or at least mitigates negative impact & risks, & yet still satisfies the applicant & the city. We cannot imagine 17' fills & re-grading which requires a 6' high retaining wall.

Please follow the Portland City Code & investigate smarter alternatives.

Thanking You in Advance,
Ed & Sharon Castro
1729 Toyon Road
Lafayette, CA 94549

E. Castro
Sharon Castro

Moore-Love, Karla

From: Laura Bernards <laurabernards@outlook.com>
Sent: Tuesday, June 13, 2017 8:21 PM
To: Council Clerk – Testimony
Subject: Comments from a concerned neighbor regarding LU 16-159330 LDS EN

5411 SW 54th Ave.
Portland, OR 97221

1221 SW 4th Ave, Room 130
Portland, OR 97204

June 13, 2017

Dear Council Clerk, and Members of the Portland City Council,

I am writing to express my concern with the decision to approve the development proposal of 5920 SW 48th Avenue (LU 16-159330 LDS EN) and ask that you take action to stop it from continuing as proposed.

The site in question, and SW 48th Ave, for that matter, are an important Safe Route to School for children who attend Hayhurst Elementary School. The proposed development will over develop this land, opening up a street that is currently closed to vehicular traffic. Many neighbors (including those with school children like mine) use this route as a safe passage from points north of Cameron down to Iowa Street where the elementary school is.

The proposed development is clearly trying to build the property to the maximum profit they can get from it. It will allow minimum lot sizes (as small as 4,200 square feet), resulting in large home footprints and minimal green space, which really does not fit this neighborhood, where houses are farther apart, and dare I say most have yards and people enjoy gardening, being outside, walking their dogs, etc. The development in question will eliminate most of the tree cover on the site, and likely destroy the known wetland on the site, despite it being in an environmental zone that feeds Fanno Creek. The developer seems to have no concern for the impact of the project on neighbors.

The position of the Hayhurst Neighborhood Association is not necessarily against development on this property altogether, it's understandable that Portland is changing, growing and many people want to live here. But this particular proposal destroys a wetland, removes 100 % of significant old growth trees, destroys wildlife habitat, and destroys a Safe Route to School for Hayhurst families.

Please, preserve the neighborhood's Safe Route to School by either eliminating the through street or request an alternate that would not allow vehicular traffic. Please, review the environmental studies to preserve this wetland and make sure the applicant's storm water management plan is sufficient. The City of Portland said neighbors should expect flooding as a result of this development in the initial hearing, and yet nothing has been done to mitigate this potential risk. Please, insist that they reduce the number of homes to be built on one site, and reduce the number of trees that are removed.

Don't let one greedy homeowner, realtor and developer profit to the degradation on an entire neighborhood. Keep SW Portland beautiful and green, for my kids and for generations to come.

Thank you for your attention!

Sincerely,

Laura Bernards
Hayhurst neighbor
laurabernards@outlook.com