

Moore-Love, Karla

From: Shannon Hiller-Webb <shannonh@prosparus.com>
Sent: Wednesday, February 07, 2018 11:54 AM
To: Moore-Love, Karla
Cc: crichter@batemanseidel.com; Robert Lennox
Subject: Re: SBNA Testimony
Attachments: Enviro 1 - Letter to City Council.pdf

Here is the final testimony.

Many thanks,

Shannon

Shannon Hiller-Webb
Prosparus
CEO
shannonh@prosparus.com
503.928.9539

6327 SW Capitol Highway, Suite C PMB 117
Portland, OR 97239

From: Shannon Hiller-Webb <shannonh@prosparus.com>
Date: Wednesday, February 7, 2018 at 11:48 AM
To: "Karla.Moore-Love@portlandoregon.gov" <Karla.Moore-Love@portlandoregon.gov>
Cc: "crichter@batemanseidel.com" <crichter@batemanseidel.com>, Robert Lennox <robertlennox.pdx@gmail.com>
Subject: SBNA Testimony

Hello,

Please find attached the testimony for South Burlingame Neighbors, CASE FILE #LU 16-213734 BDS Case File: LU16-213734LDS EN M EV, appearing before City Council today at 2 pm. Please note, I forwarded a Powerpoint presentation to you via WeTransfer in a separate link as the file was too large to attach (as well as a video that we discussed was entered into evidence on October 30,2017 that I am bringing on a thumbdrive to be played). Can you please confirm you have received both of these. I will be forwarding one more testimony and bringing everything digitally to you at 1 pm today to set up the files on your system.

Please let me know if you have any questions and I look forward to seeing you shortly.

All my best,

Shannon

Shannon Hiller-Webb
Prosparus
CEO
shannonh@prosparus.com

503.928.9539

6327 SW Capitol Highway, Suite C PMB 117
Portland, OR 97239

7809 SW 4th Avenue
Portland, OR 97219

503.928.9539
capergerl20@yahoo

February 7, 2018

City Council

City of Portland
1221 SW 4th Avenue, Room 140
Portland, OR 97204

Council Clerk: Karla.Moore-Love@portlandoregon.gov

**Case File: LU 16-213734 LDS EN M EV
PC# 15-242358**

Subject: Macadam Ridge Type III Land Division - Comment for Record

Mayor and City Council Members,

My name is Shannon, I have lived in South Burlingame for 33 years and am a Portland native. I want to state my position is that I support development in our city, just not at all costs and this development harms valuable identified resources and risks the safety of my current and future neighbors.

I come to you today having carefully considered this project, I ask that you respect that 5 of 7 of your bureaus denied the Macadam Ridge application and I believe the Hearings Officer erred in his decision in applying multiple codes.

I would like to share video of the area we are discussing that I introduced to the Hearing Officer with my oral testimony on October 30, 2017. As the video plays, I would like to share how the land has been characterized demonstrating the value of this area:

The forested Southwest Hills form a backdrop to the city, helping to define Portland as a place contributing to the identity of the region...Continuation and enhancement of natural resources will add to ...the identity of the Portland region, while their destruction would result in loss of identity, and therefore uniqueness, character and value.

The mosaic of Southwest Hills forest types provides a range of habitat for a diverse population of indigenous wildlife. These interacting, interdependent elements play vital roles in protecting the balance, health and vitality of the Southwest Hills forest and watershed ecosystem.

Included in this green space are 130 plant species that include Douglas Firs, Western Red Cedars, Pacific Dogwoods as well as protected Stephens and Ruby Creeks that are critical to endangered Chinook Salmon and Steelhead Trout migration, 31 mammals and 74 nesting bird varieties including:

Northern Flying Squirrel - the only flying squirrels found in North America are found here nocturnally.

4 out of 6 woodpecker species native to the Portland area have been sited in these woods including the pileated woodpecker - the largest woodpecker native to North America.

The forest mutes the noise of highways and nearby industrial activities and absorbs some air pollutants caused by auto and industrial emissions. The forest also moderates climate extremes...acts as a natural "air conditioner".

The representative forest cover is in its mid-seral second growth stage, with a 70 percent deciduous and

30 percent coniferous composition. Red alder and bitter cherry are common associates of the maple. Several unusually large specimens of pacific dogwood and cascara are present. Understory shrub species include serviceberry, thimbleberry, Indian plum, wild rose and snowberry that provide wildlife food and cover.

There are six perennial creeks including Stephens Creek, Bird species observed include great blue heron, cedar wax wing, pileated and downy woodpeckers, Oregon junco, golden eagle, redtail hawks, flickers, owls and ducks. Mammals in the area include mule deer and foxes.

This site has important visual resources. The tree-covered condition of the site contributes to the neighborhood character. Because of the relatively high ridge elevation, broadness and tree cover, this ridge is an important feature of the West Hills and to the surrounding region. Palatine Hill provides a foreground to the Cascades Mountains when viewed from areas near Council Crest.

The entire 5 acres will be clear cut to make way for homes that will not contribute to affordable housing stock. Hundreds of trees will be sacrificed, including 478 native trees 6-54 inches in diameter. Simply put, once destroyed and built upon, we will never recover the functional value of the 4.6 acre environmental ecosystem and the habitat loss.

Sincerely,

Shannon Hiller-Webb

Annotated evidence:

BES March 20th Findings

SWHPP – p 39, 139

Riverview Natural Area Management Plan

Habitat Appendix A- C – inventory, wildlife corridor

Photos – Schott & Associates 7.26.16 & GeoConsultants NW 3.9.17

Video from Shannon's testimony 10.30.17 - YouTube Video, images scrolling, geotech

Parsons, Susan

From: Shannon Hiller-Webb <shannonh@prosparus.com>
Sent: Wednesday, February 07, 2018 11:49 AM
To: Moore-Love, Karla
Cc: crichter@batemanseidel.com; Robert Lennox
Subject: SBNA Testimony
Attachments: City Council Testimony.pdf; Enviro 2.1 - CC Letter.pdf; Enviro 3.2 - Final Signed.pdf; Enviro 4.3-- John final.pdf; Enviro 5 Testimony Robin Harman Macadam.pdf; Intro to testimonies.docx; Land 1.1 - Letter to City Council.pdf; Land 2.1 - Letter to City Council.pdf; Land 3.1 - Letter to City Council AM 2-7-18.pdf; Land 4.1 - Letter to City Council[1].pdf; Land 5.1 - Letter to City Council (FELICIA and James Hussey).pdf; Lee Cannon - Letter.pdf; Macadam Council Clerk Doc 1 Andrews 2018_0126.pdf; Macadam Council Clerk Doc 3 St trees 2018_0203.pdf; Traffic Testimony 1.pdf; Traffic Testimony 2 carol 8-18am.pdf

Hello,

Please find attached the testimony for South Burlingame Neighbors, CASE FILE #LU 16-213734 BDS Case File: LU16-213734LDS EN M EV, appearing before City Council today at 2 pm. Please note, I forwarded a Powerpoint presentation to you via WeTransfer in a separate link as the file was too large to attach (as well as a video that we discussed was entered into evidence on October 30,2017 that I am bringing on a thumbdrive to be played). Can you please confirm you have received both of these. I will be forwarding one more testimony and bringing everything digitally to you at 1 pm today to set up the files on your system.

Please let me know if you have any questions and I look forward to seeing you shortly.

All my best,

Shannon

Shannon Hiller-Webb
Prosparus
CEO
shannonh@prosparus.com
503.928.9539

6327 SW Capitol Highway, Suite C PMB 117
Portland, OR 97239

Opposition to Mr. Oden-Orr's Decision Re: Macadam Ridge
Neighbor and SBNA Member Jan Friedman
For Hearing on February 7, 2018
Page 1

For Hearing on February 7, 2018

Portland City Council
1221 SW 4th Avenue, Room 140
Portland, Oregon 97204
Karla.Moore-Love@portlandoregon.gov

Re: CASE FILE #LU 16-213734
BDS Case File: LU16-213734LDS EN M EV
Opposition to Mr. Oden-Orr's Approval of Macadam Ridge Development Application
Jan E. Friedman and with South Burlingame Neighborhood Association

Dear Mayor Wheeler and Commissioners:

My name is Jan E. Friedman. My home is located in the historic landslide zone at 7808 SW Ruby Terrace in the South Burlingame neighborhood in the City of Portland. I have lived in my home for nineteen (19) years; I am a member of the South Burlingame Neighborhood Association (SBNA) and I **strongly oppose** Hearings Officer Oden-Orr's approval of the application in the above-referenced matter. I am in support of written and oral testimony of from the SBNA's Attorney, Carrie Richter as well as from the SBNA, neighbors and citizens.

Mr. Oden-Orr failed to hold the Applicant to its burden of proof—of having substantial evidence for each and every element of the applicable codes. I request that you overturn Judge Oden-Orr's decision because to do otherwise will reap irreparable harm to our environment, to our community safety—not only for our neighborhood but for broader Portland.

I object to Mr. Oden-Orr's Decision on four (4) major bases. Briefly, the land slated to be developed is in an environmental overlay as well as a historic landslide zone. The evidence in the record does not provide sufficient mitigation for these zones. The proposed development creates serious safety/ traffic concerns that likewise were not adequately addressed. In summation, the concerns wherein Mr. Oden-Orr allowed the applicant to fall short of its burden of proof are: (1.) the environmental overlay zone; (2.) the landslide zone; and (3.) the safety/ traffic problems. Finally, in addition, (4.) our Due Process rights as citizens were violated during the course of the above-referenced proceedings.

Jan E. Friedman
7808 SW Ruby Terrace
Portland, Oregon 97219

Our Due Process rights as South Burlingame Neighborhood Association members and citizen/ neighbors have been violated during the course of this hearings process. Given that the subject matter of this hearing is development of a large tract of land with the Applicant having the burden of proving substantial compliance with relevant codes, the requisite due process is significant. As you are aware, as a party to this proceeding, the SBNA as well as the citizen/ neighbors have a right to Notice as well as to the Opportunity to be Heard. These rights emanate from our United States Constitution, specifically the Fifth and Fourteenth Amendments. The **Due Process** Clause safeguards parties from arbitrary denial of life, liberty, or property by the government outside the sanction of law.

I have itemized some of the egregious Due Process violations that we¹ have been subjected to. These violations must be weighed to support the SBNA and citizens/ neighbors position that Mr. Oden-Orr's decision should be over-turned. I have outlined four (4) basic Due Process violations below:

1. The SBNA and citizens/ neighbors' ***Due Process rights were violated*** based on being denied adequate time to respond to Mr. Koback's late entered information. During the second hearing before Mr. Oden-Orr on October 30, 2017, Mr. Koback, attorney for the Applicant, submitted over two-hundred (200) pages of new documents. Having been an attorney² for over twenty-eight (28) years, I could both determine from experience as well as viscerally that, under the circumstances, this was clearly wrong. Disallowing SBNA and the citizens/neighbors adequate time violates an opportunity to be heard. The content of the documents--including but not limited to lengthy letters by Mr. Koback as well as lengthy documentation from the Applicant's expert—needed to be carefully reviewed and responded to. This Due Process violation is further documented in the SBNA and my objection dated November 6, 2017. Originally, Mr. Oden-Orr allowed the SBNA and the neighbors/ citizens one (1) week to respond to this new information. Then, Mr. Oden-Orr on November 20, 2017 issued an Interim Order that allowed some additional time, until November 20, 2017³. However, the SBNA and the neighbors/ citizens were not given any forewarning of this additional time occurring over the Thanksgiving holiday⁴. The SBNA and neighbors/ citizens did not have adequate time to receive, review and respond to this eleventh hour submission of information. In addition, the SBNA

¹ SBNA, neighbors and citizens.

² I am not the attorney in this matter but am appearing as an SBNA member, citizen, and neighbor.

³ Mr. Oden-Orr provided the SBNA, neighbors, and citizens from November 20, 2017 until December 7, 2017.

⁴ It is challenging to mobilize neighbors over a holiday when there was no forewarning that this window would exist prior to the day of the beginning of additional time, November 20, 2017.

and the neighbors/ citizens were appearing *pro se* and should have been provided additional time so that the administrative record would be full and fair representation of the facts. Moreover, the City Bureau's review was compromised by this short time frame as they had to access, review and respond to much information that was entered into the record during the final days by the applicant.

2. The SBNA and citizens/ neighbors' ***Due Process rights were violated*** because they were denied the "Right to be Heard". Mr. Oden-Orr's decision is a testament to his not having considered any information from this group. His sole reference to the whole group of many SBNA, neighbor and citizen testimony is to have attached a document entitled "Exhibits"⁵ which list the document (Letter, Response, the date, and the author). There is no discussion of the content of the eighty-two (82) letters⁶ submitted in opposition to the Applicants proposed development of Macadam Ridge. In addition, errors exist such as my name is not included in the group of people who provided oral testimony on October 16, 2017—but I did testify orally on October 16, 2017. Moreover, this "Exhibit" states that I read my letter as testimony on October 30, 2017⁷--which likewise is inaccurate because I did not read my testimony. On this date, after Mr. Koback described his new and late information, we objected to Due Process violations⁸, with Robert Lennox making this objection on behalf of SBNA. This further supports that the SBNA and citizens/ neighbors' testimony and evidence was not considered. We were a party to this action, yet Mr. Oden-Orr did not even state that he had reviewed our information, had considered and was choosing to ignore it. In the Decision of the Hearings Officer, there was mention of the general concerns addressed by the SBNA letters according to BDS Staff. This acknowledged the receipt of letters, but Mr. Oden-Orr did not analyze what if any weight they were being accorded.⁹

3. Mr. Oden-Orr's decision on its face evidences that ***he violated the SBNA and neighbor's Due Process rights***. His decision includes quotes from the Applicant; quotes from the City Bureau; usually further quotes from the Applicant. The SBNA and citizens/ neighbors were not heard as there are no quotes,

⁵ Decision of Hearings Officer, pp.87-94.

⁶ Mr. Oden-Orr's Decision attachment entitled "Exhibit". Note, these 82 letters had 56 individual authors, including one (1) aerial video.

⁷ Decision of Hearings Officer, 91, no. 68

⁸ I approached counsel table to object based on Due Process; Robert Lennox as President of SBNA objected on this basis.

⁹

statements or text included in the decision by Mr. Oden-Orr aside from one brief synopsis by a City Bureau. Mr. Oden-Orr's decision is approximately one-hundred pages long. The SBNA and the neighbor/ citizens' voice was essentially excluded. However, we were at both hearings, we submitted written testimony and we had an expert. A review of Mr. Oden-Orr's entire decision does not convey that the SBNA and neighbors/ citizens were a party—aside from the small exceptions on page 10 and the Exhibit attachment. Mr. Oden-Orr did not even mention the substance of any of the voluminous and ample written and oral testimony from SBNA and neighbors/ citizens. Mr. Oden-Orr's decision reads as if SBNA and the neighbor/ citizens were essentially non-participants. He gave overlooked the SBNA or neighbor/ citizen's evidence. He did not explain why this evidence was not considered. Mr. Oden-Orr's does not analyze any testimony from the SBNA and neighbors/ citizens, not even to explain why he was giving it no weight. Further, Mr. Oden-Orr did not provide an explanation why after quoting the Applicant, then quoting the City Bureau, he continually found for the applicant. Mostly, he "cut and paste" quotes and put them together after which he for no given reason, chose one. The burden of proof requires more than a coin toss by the Hearings Officer. Overall, SBNA and citizens/ neighbors' evidence was merely identified as having been catalogued—that is all. The significance of all of the SBNA and neighbor/ citizen's evidence was nil—with no explanation from Mr. Oden-Orr. This lack of inclusion or consideration holds true for SBNA's expert in civil and environmental issues, named PACE.

4. Mr. Oden-Orr's decision further **violates the SBNA and the neighbor/ citizens' Due Process rights** because it gives the Applicant a pass from meeting its burden of proof and farms out many concerns to the attached conditions. SBNA and the neighbors/ citizens will not be any part of any of those permitting and subsequent discussions. These conditions can be met subject to discretion and without oversight. The conditions should be part of the present substantial evidence required by the Applicant. They are testament to the fact that the Applicant did not meet its burden of proof at the time of the hearings. Instead Mr. Oden-Orr chose to approve the application conditionally based upon future unknown and unknowable events. The practical result of Mr. Oden-Orr's decision is that the Applicant will have no notice or opportunity to be heard as to a key part of the Applicant's development plan.

Mr. Oden-Orr approved the Applicant's modified fourth alternative despite the fact that the Applicant did not meet its burden of proof and that SBNA and the neighbor/ citizens' **Due Process rights were violated**. I request that you over-turn Mr. Oden-Orr's decision as it would cause irreparable harm. The bulldozers come in, the 505 trees are

Opposition to Mr. Oden-Orr's Decision Re: Macadam Ridge
Neighbor and SBNA Member Jan Friedman
For Hearing on February 7, 2018
Page 5

felled, the 60 types of mammals and 30 types of birds are displaced, and the safety of neighbors is reduced. Mr. Oden-Orr failed to hold the Applicant to its Burden of Proof--substantial evidence that its proposal complies with the law. I request that you overturn Mr. Oden-Orr's decision based on our ***Due Process rights being violated***—this Due Process rights concern should be combined with the support on additional grounds from SBNA's attorney, SBNA and neighbors/ citizens.

Thank you for your courtesy in considering my testimony. If you have any questions or concerns, please contact me at 503-545-8347 (phone) or jan97219@gmail.com

Very truly yours,

Jan E. Friedman

Jan E. Friedman
7808 SW Ruby Terrace
Portland, Oregon 97219

DAVID HENINGTON

0509 SW Taylors Ferry Rd
Portland, OR 97219

Phone: 541-520-5887
david.henington@gmail.com

February 7, 2018

City Council

City of Portland
1221 SW 4th Avenue, Room 140
Portland, OR 97204
Council Clerk: Karla.Moore-Love@portlandoregon.gov

Case File: LU 16-213734 LDS EN M EV
PC# 15-242358

Subject: Macadam Ridge Type III Land Division - Comment for Record

Dear Mayor and City Council Members,

- **Perspective: Personal and Professional**

I'm here to talk to you today to present my perspective as both a human and as an individual educated and trained in Environmental Sciences and Land Use Planning. My hope is that this will help convince you to reject the approval issued by Mr. Oden-Orr.

As a human, I have lived immediately adjacent to this impressive, intact temperate rain forest for nearly eight years. I have seen and heard dozens of wild animals; bald eagles, osprey, red tail hawks, sharp-shinned hawks, herons and more. I have seen and heard the terrestrial mammals that face the daily struggle of navigating the increasingly rigid and dangerous confines of our man-made landscape, such as deer and coyotes. Hiking nearby at night, aided by a headlamp, I have seen the watchful, glowing eyes of multiple coyotes, wary of my presence. There is no doubt that this is a truly wild place – and as a human I am compelled to speak up in defense of it.

As an individual whose education focused in large part on Urban Forestry and whose professional experience includes reviewing residential and commercial tree plans, I see a large, intact urban forest composed of hundreds of significant native specimens, some of which can clearly be classified as old-growth and the remainder as second growth. Looking at the plans, I see an outdated approach that assumes a clean slate is best practice and disregards the functional values of the trees it so callously disposes of.

- **Facts in Opposition:**

- 478 native mature trees between 6-54" in diameter are to be clear-cut.
- 59 native 21-25" trees.
- 19 native 26-30" trees.
- **53 native 31"+ trees (all trees that could potentially be 100 years old or more).**
 - 1 native 54" Doug Fir estimated to be 270 years old.
- **As shown in supporting documentation, this site is a critical link as part of an established wildlife corridor.**
- **BDS Staff have determined that the most recent version of the submitted application did not adequately address a lengthy list of critical Environmental Review approval criteria.**
- **Quote (BDS Response dated 11/6/2017): "Due to insufficient information about the**

scope of the revised land use proposal, and the level of uncertainty about the configuration of the lots, streets and utilities, based on the evaluation by city staff, the applicant has not met the burden to demonstrate how the Environmental and Land Division Criteria will be met.”

With these facts and with the obvious criticality of this mature temperate rainforest habitat in mind, I am shocked that this proposal could have, so casually, been approved.

I call on you, as passionate leaders of our community, to defend the laws, policies and plans of our community. I call on you to defend the processes and labor of the professionals within your bureaus. I call on you to right this wrong and overturn Mr. Oden-Orr’s approval.

Here are but a few sources found in evidence and City Council accepted ordinances that were easily found and help define the functional value of the site that was not considered or mitigated for by the Hearing Officer.

Sincerely,

David Henington

Natural resources at this site were identified in the [City of Portland's Natural Resource Inventory](#), an inventory of locally significant riparian corridors and wildlife habitat. Specified resources and functions include the following:

- a. *Regionally Significant Riparian Corridors*: Vegetated riparian corridors provide important natural watershed functions. Tree canopy shades streams, helping to keep streams cool. Riparian vegetation helps to stabilize stream banks, capture sediment in stormwater runoff, support the water cycle and the cycling of nutrients, and provide a source of woody materials to the streams.
 - 1) *Microclimate and Shade*: Riparian vegetation helps lower soil, air, and stream temperatures. Stream temperature influences in-stream processes and can be a critical factor for the health and survival of aquatic organisms.
 - 2) *Streamflow Moderation and Flood Storage*: Stormwater runoff can cause erosion and sedimentation in rivers and streams. Vegetation intercepts, absorbs and stores rainfall before it reaches the stream channel. These areas can also help provide cool groundwater to streams during the dry season.
 - 3) *Water Quality*: Riparian vegetation can filter, trap and store excess nutrients such as nitrogen and phosphorus found in fertilizers, and pollutants such herbicides and industrial chemicals that are carried in surface water.
 - 4) *Large Wood and Channel Dynamics*: Riparian areas contribute woody debris that help to form channel features and provide in-stream cover for fish. Large in-channel wood also controls the routing of water and sediment, dissipates stream energy, protects stream banks, stabilizes streambeds, helps retain organic matter, and acts as a surface for biological activity.
 - 5) *Organic Inputs and Food Web*: Forest ecosystems adjacent to stream corridors provide over 99 percent of the energy and carbon sources in aquatic food cycles.
 - 6) *Wildlife Movement Corridor*: Riparian vegetation provides wildlife movement corridors and migration routes, food and forage, nesting and breeding sites, and cover.
- b. *Regionally Significant Wildlife Habitat*: These resources provide important feeding, breeding, and rearing habitat for native wildlife. The wildlife resources on this site provide the following functions and values:
 - 1) *Habitat patch size*: Larger patches of undisturbed land provide critical habitat for aquatic and terrestrial species. These large patches provide greater opportunity for foraging, breeding, and rearing to a larger number and greater diversity of species. Small patches of land that are well-connected to other patches also provide important functions for wildlife.
 - 2) *Interior habitat area*: Large areas of habitat protect wildlife from excessive disturbance, while the edge effect of residential development negatively affects at-risk wildlife.

6. **Mature Trees:** Pursuant to the Environmental Zones chapter of PCC (33.430.250), the applicant must show that the proposed development will have the least possible detrimental impact on resources and/or functional values. The applicant proposes to remove 527 mature trees from an area that is currently contiguous forest. The site contains mature trees which are beneficial because they intercept at least 30% of precipitation that falls on the canopy, filter stormwater, help prevent erosion, and provide shade which cools the air and stormwater runoff. Trees also increase property values and help support Portland's adaptation to climate change. It is difficult to mitigate for the removal of mature trees as it can take decades for new trees to provide equivalent benefits.

This site is part of the [Westside Wildlife Corridor](#), an area that has been identified by City and Metro inventories as an important forested migratory corridor connecting Forest Park to the north to Tryon Creek State Natural Area to the south. The forest and woodlands provide food and shelter for a variety of birds, mammals, and other species. **The removal of this contiguous forest habitat will have a significant detrimental impact on the species currently utilizing this site.** The *River View Forest Observed and Potential Wildlife Species and Habitat Associations* spreadsheet (previously provided) lists the wildlife species observed at nearby River View Natural Area, a forested natural area with perennial stream channels located approximately half a mile south of the subject site. Many of the species found on this list are expected to utilize the subject site. In addition, the Northern Flying Squirrel *Glaucomys sabrinus*, has been observed on the subject site.

7. **Nesting Birds:** BES noted the applicant included a section in Appendix I stating that the applicant will make an effort to avoid tree removal during the primary nesting season, which is appreciated. The early nesting season is February 1 - April 14th and given the number of trees removed for this project it would be ideal to remove the trees during the non-breeding season of August 1 – January 31st. Early-nesting species that may be present on site include owls, hawks and hummingbirds. If the applicant is not able to remove trees during the non-breeding season, it is recommended that the applicant survey the trees slated for removal for signs of nesting. If an active nest is found (one with eggs or young), it is recommended that the applicant avoid removing it until the young have fledged. Information on avoiding impacts on nesting birds can be found in [BES's Terrestrial Ecology Enhancement Strategy](#) guidance document. Additional information can be found in the City's [Resource Guide for Bird-friendly Building Design](#).

- From memo Scott & Associates 11/3/17 (page 29) trees to be removed

Wildlife Corridor - <https://www.portlandoregon.gov/parks/62001>

Demonstrative exhibit of evidence in record

Uplands – tree plan from 3rd and 8th of November & Mitigation plan (not used, need doc)

3326 trees 13" source

Forest vegetation, wetlands, creeks and drainageways act as filters, cleansing water and maintaining water quality within the watershed. Soils, humus and organic matter on the forest floor filter and absorb surface water runoff, which recharges groundwater reservoirs and reduces erosion caused by surface runoff. Groundwater discharge, in the form of springs and seeps, supplies water to creeks and wetlands and helps sustain surface waters during low flow periods. Wetlands, water bodies and adjacent flood plains provide flood storage and desynchronization, reducing overall flood levels. Vegetation traps sediment from surface runoff, provides soil anchoring, and absorbs certain hazardous chemicals and heavy metals, thereby reducing water pollution and turbidity. Vegetation also dissipates erosive forces of surface runoff, allowing deposition of suspended solids and increasing bank stabilization, which both increase water quality. Protection of these resources maintains the physical, chemical and biological integrity of the Southwest Hills forest and watershed ecosystem.

The construction of buildings and impervious surfaces and other human activities which disturb or remove natural resources such as forest vegetation and soils can affect watershed resources in the following ways:

The unstable soils and steep slopes of the Southwest Hills become highly susceptible to erosion, slumping and failure when forest cover is removed and when cuts and fills are made for roads and buildings; these

activities can result in public safety hazards and can degrade wildlife habitat and increase sediment transport, creek bed siltation and degradation or loss of fish spawning grounds.

ROBERT LENNOX

7847 SW Ruby Terrace
Portland, OR 97219

503-209-0558
robertlennox.pdx@gmail.com

February 7, 2018

City Council

City of Portland
1221 SW 4th Avenue, Room 140
Portland, OR 97204

Council Clerk: Karla.Moore-Love@portlandoregon.gov

Case File: LU 16-213734 LDS EN M EV

PC# 15-242358

Subject: Macadam Ridge Type III Land Division - Comment for Record

Mayor and City Council Members,

I am here because I am convinced that the Hearing Officer did not apply the codes in 33.430 correctly in his decision to approve the application to proceed with this Macadam Ridge Type III Land Division. I want to discuss the lack of innovation in the Applicant's Alternatives. The Purpose of the Environmental Code 33.430.101 states "encourage flexibility and innovation in site planning." The applicant states they have submitted 12 plans and that the sheer number of them should be considered innovative. Innovation requires "sensitivity to the site's protected resources." It is not the quantity of designs but rather designs that constitute innovation where true theoretical alternatives prove preservation quantities and qualities and a good-faith effort to creatively approach the designs for this specific site.

Only four alternatives were presented for review throughout the application process. As pointed out by city staff, these were devoid of most of the required criteria for **significantly different but practicable** alternatives. These alternative could include different housing types and reduction of units or lots, but each of the four alternatives consists of the same lot and block design. The only "significant" change was one had greater impact by extending the road over Ruby Creek and its environmental protection zone. During the open-record process, eight more "alternatives" were proposed to try to fill the obvious shortcomings of their application and analysis. Most were merely conceptual ideas, some are rough sketches, none offered serious design concepts, and all provided a basic level of analysis from which the city could make a judgement. By the Applicants' own submitted narrative, several were never viable options with one being the 1890 original plot map that was photocopied and submitted. This 1890 alternative gave no regard the the identified resources like the creeks, nor the topology of the land. It is not a design concept and should not of been offered as such. Of the remaining ten submitted, none identified the functional values or resources of the environment in regard to the upland portion of the site being impacted, such as the ancient landslide nor the grove or large fir trees on the southerly portion of the site. Not one evaluated different housing types, except by making the lots smaller and adding duplexes in one option which offered more impacts than the single family lot options.

In addition, the proposed alternatives failed to give any analytics of construction methods required, cost of construction, market analysis, nor the impacts to resources and functional values. This is the type of analysis one would expect from a developer looking at alternates in order to find the best alternative that is practicable while offering the least impacts.

Mr. Oden-Orr erred when he failed to address the alternatives to the location or narrative provided by the applicant who had proposed the development directly on a landslide hazard, which hazards are resource risks identified in the Southwest Hills Resource Protection Plan. Determination of whether the proposed alternative layouts accounted for the identified landslide as part of the environmental zone was an error by the applicant as landslides are expressly referenced in the guiding SHRPP policy for these environmental zones. The SHRPP identifies the relationship of trees and landslides, specifically to the

geological conditions specific to the hills in the southwest. To this, Mr. Oden-Orr erred in his acceptance of these alternatives as analysis as outlined in the code.

Specifically, the applicant's alternative analysis consisted of eleven layouts, if you discount the 1890's layout, of which the Hearing Officer acknowledged only five were developed to any usable degree. More detailed analysis of the alternatives include nothing more than a calculation of the number of lots and the percentage of ground disturbance. Only one of the alternatives considered a housing configuration other than a single-family residential development—an 8 single-family lots and 42 duplex proposal. Although the disturbance area for this multi-unit proposal is not provided, it was the preferred alternative for the previous application and has a larger area of disturbance than the current preferred alternative. None of the alternatives considered a disturbance area that did not include the same southerly four acre portion of the site. All of them included access provided primarily by a single road in approximately the same location terminating around the edge of the Ruby Creek riparian corridor hillside. The minimum number of units was never below 21, as currently proposed. None proposed multiunit condo buildings with parking below the units to reduce impact area. None proposed cluster homes accessing off a common green space tract as the city suggested in their pre-application conference.

No analysis was provided of which alternative retained the most trees, the biggest trees, or the highest-quality upland resources. None of the alternatives analyzed multi-family options that could have a significantly less disturbance area with protection to a greater number of trees. No large lot alternatives were provided that could similarly reduce the disturbance area and allow for mitigation on the upland site. No alternative infrastructure designs or construction methods were proposed. For example, presumably there are construction methods that could reduce the risk of landslide, but those alternatives were never considered. No design alternatives were considered to protect identified significant natural resources, such as the 54-inch Douglas fir tree that will be cut down as part of this proposal.¹

While I believe the applicant has the right to develop this site, they are bound by the codes. This code specifically calls for the applicant to produce alternatives as described above. Without this process, the city has no way to tell that the developer has taken care to evaluate the identified resources into consideration to reduce impacts where practicable. I believe this has substantially shown this code was not correctly or adequately applied in the decision to approve, and therefore I maintain, as do four of bureaus, that this application should not have been approve. The Hearings Officer erred in accepting these alternatives met the burden of proof required for approval.

Sincerely,



Robert Lennox
South Burlingame Neighborhood Association President

¹ The applicant's consultant explained that the challenge of preserving this tree as follows:

“I don't see any possibility of retaining this tree without a major redesign of the entire project as SW Hume cannot be located where it is currently if this tree were to be retained, even if the sidewalk and the planter on the south side of SW Hume was eliminated.” Ex H-1000d, pages 2-3.

Not extending SW Hume Street was never considered as an alternative.

JOHN HOLDERNESS

8023 SW Ruby Terrace
Portland, OR 97219

Your Phone: 503-750-0539
Your E-mail:
holdern@gmail.com

February 7, 2018

City Council

City of Portland
1221 SW 4th Avenue, Room 140
Portland, OR 97204

Council Clerk: Karla.Moore-Love@portlandoregon.gov

**Case File: LU 16-213734 LDS EN M EV
PC# 15-242358**

Subject: Macadam Ridge Type III Land Division - Comment for Record

Mayor and City Council Members,

My name is John Holderness. My wife and I, and currently my daughter and son-in-law and infant, live on Ruby Terrace in South Burlingame. I am retired from a career principally of Technical Writing for a number of Portland power and telecom companies. We particularly value Portland's green spaces. I hike on the city's trails regularly.

I am here to state my view that Hearings Officer Oden-Orr neglected to correctly apply City Codes 33.430.250 and 33.630, as most of his findings directly counter the expertise and code requirements outlined by BES. I will be focusing on two valuable resources: Stephens Creek and the 54" Douglas Fir.

"The City has invested over \$1 million to improve stream conditions on the main stream of Stephens Creek by repairing a failing sanitary sewer line that follows the course of the creek, reconstructing and enhancing portions of the streambed and banks, removing non-native, invasive plants, and restoring native vegetation. (BES 3/20/17 pg 9). Stephens Creek is one of the few remaining open stream channels in Portland, and the confluence of Stephens Creek and the Willamette River provides critical off-channel rearing and refuge habitat for native Endangered Species Act-listed Chinook & Coho Salmon and Steelhead Trout. (BES 3/20/17 pg 9). We find that groundwater mitigation is absent in the plan for this development, and therefore Stephens Creek and the City's investment are at risk.

On the proposed site, there is a 54-inch diameter Douglas Fir tree that the applicants failed to bring to the attention of staff early on. Due to the oversight on the applicant's part, the City didn't note this high-functional-value tree at first. It is estimated to be over 200 years old, with some sources estimating a tree of this size to be close to 300 years old. It lived prior to Lewis and Clark and the formation of Portland. The Applicants claimed the tree could not be saved because the City's comments came late in the review process, essentially blaming the City for the Applicant's error in failing to document and protect this tree. The applicants said it had to be destroyed because to save the 54" tree they would need to redesign the sub-division and this would be inconvenient and costly for them.

Let's evaluate this thoroughly. This land division is in an Environmental Conservation Zone. This site required an Environmental Review, where environmental resources were to be accounted for by an environmental scientist, hired by the applicant. The applicant has the responsibility, not the City.

The City noted in the Staff Report that the applicant failed to identify this tree's value as required by Code 33.630, which states that "trees [are] to be considered early in the design process with the goal of

preserving high value trees...". Code 33.430.A.1.a. includes, "proposed development locations, designs, and construction methods have the least significant detrimental impact to identified resources and functional values of other practicable and significantly different alternatives."

The duty of their environmental specialist was to identify this asset early in the design process and direct their team to consider its value and to design the development with its protection as a high priority. This required thorough analysis and cannot be supplanted by convenience and cost explanations by the applicant.

This 54 inch Douglas Fir should not be sacrificed for lack of due diligence on the part of the applicant. There is no way to put a price on this 54" Doug Fir—the largest, and therefore of highest functional value for habitat, of all the trees on this site.

The applicant failed to identify the 54-inch Fir or to acknowledge its resource and functional values. The Applicant did not take responsibility for the error on their part, instead blamed staff, and ended by stating that the tree had to be removed because the cost of redesign was too high. The code requires that this site, with its protective environmental overlays, be developed first and foremost with sensitivity given to the high functional value of all the assets within the conservation zone. The code further states that **"trees that are healthy, native and non-nuisance species, 20" or more in diameter in tree groves are the highest priority for preservation."** The hearings officer failed to apply 33.430.A.1.a correctly in his decision to approve the application.

The Hearings Officer failed to protect valuable resources. This was an egregious error on his part. We ask the Council choose to protect the Stephens Creek watershed and preserve this heritage tree. This application should be denied for many reasons, but the pathway taken by the applicant that will lead to the destruction of this heritage tree is reason enough. I request that you overturn the Hearings Officer's approval on behalf of this this watershed, this tree, and we citizens.

Sincerely,

John Holderness

Annotated evidence:

Land Use Response, 3/20/17, page 9.

Stephens Creek is within site 117 with "c" and "p" overlayed through by the SWHRPP in 1992 City Ordinance that adopted this is 165002 (find in back of SWHRPP) 1/23/92

February 7, 2018

City Council

City of Portland
1221 SW 4th Avenue, Room 140
Portland, OR 97204

Council Clerk: Karla.Moore-Love@portlandoregon.gov

Case File: LU 16-213734 LDS EN M EV

PC# 15-242358

Subject: Macadam Ridge Type III Land Division - Comment for Record

Mayor and City Commissioners,

My name is Robin Harman. My husband and I have lived in this neighborhood for 14 years. I have been deeply involved in the Residential Infill Project, so am aware of the competing concerns of preservation, property owners and the needs of current and future residents.

I am here today because this property has unique and irreplaceable value. Allowing this sub division would endanger both current and future residents, and destroy the precious natural resources and tree canopy that is vital to all of our well being.

Our neighborhood recognizes the need to keep pace with the growth of our city and we welcome new neighbors. As we grow, we also want to ensure that safety is a major consideration, as well as protection of our dwindling natural resources. City codes were established to protect the qualities that make our neighborhoods desirable, and our city great. We ask that you adhere to those codes. These ordinances are for the collective good of our city. We are united in our defense of protecting valuable resources and the safety of our neighbors.

We have spent our time, our expertise and our resources in this cause because we believe that we have a responsibility to stand up for what is right. The Hearings Officer's decision is flawed and it is not right. He made a decision "with conditions" which implies that Burden of Proof has not been met by the applicant. After four years, a consensus has not been reached and the HO has deferred to the bureaus again who have maintained they lack the necessary information from the applicant to make a determination. Oden-Orr's decision lacked analysis and provides no clear definition of why he gave approval which leaves the precedent muddy for others to interpret.

Page 9 of HO Decision references "Neighborhood Review" in which "Nine written responses have been received in support of the proposal." The next sentence reads "Letters were also received from the South Burlingame Neighborhood Association and the Collins View Neighborhood Association." After spending 4 years dedicated in our effort, it was offensive to us that he made no mention of our opposition and no reference to the 56 letters received, nor the experts hired to offer their opinions.

To that end, we are in support of 10 accepted principles that define smart and balanced growth;

- 1 Mix land uses
- 2 Take advantage of compact building design
- 3 Create a range of housing opportunities and choices
- 4 Create walkable neighborhoods
- 5 Foster distinctive, attractive communities with a strong sense of place
- 6 Preserve open space, farmland, natural beauty, and critical environmental areas**

- 7 Strengthen and direct development towards existing communities
- 8 Provide a variety of transportation choices
- 9 Make development decisions predictable, fair, and cost effective
- 10 Encourage community and stakeholder collaboration in development decisions**

My husband and I strongly recommend that the City Council deny the application.

Sincerely,

Robin Harman

Email: robinettehar@comcast.net

Mayor and City Council Members,

My name is Matthew and I am a resident of South Burlingame.

Thank you for taking the time to hear our Neighborhood Associations appeal. SBNA has been working as an engaged group to positively influence this land division for many years without success. We have serious concerns we will share with you today but the most grave is in regards to the landslide and traffic safety. The devastation to the habitat and wildlife in the proposed land sub-division and the value of it's unique resources will be articulated today.

Out of respect to you and your time, we have prepared and organized our testimonies to be as succinct as possible. We have asked people to allow a few of use to express all of our concerns as a collective and many more are showing their solidarity behind us today.

While we are not opposed to developing this property, we feel the current application has too many risks. Our goal is to share with you evidence and testimony that should compel you to deny the Macadam Ridge Application as Riverview Abbey did not meet the burden of proof required for Mr. Oden-Orr to approve the application.

MICHELLE LENNOX

7847 SW Ruby Terrace
Portland, OR 97219

Your Phone: 503-245-5624
Your E-mail:
michellelennox@comcast.net

February 07, 2018

City Council

City of Portland
1221 SW 4th Avenue, Room 140
Portland, OR 97204

Council Clerk: Karla.Moore-Love@portlandoregon.gov

Case File: LU 16-213734 LDS EN M EV

PC# 15-242358

Subject: Macadam Ridge Type III Land Division - Comment for Record

Mayor and City Council Members,

As a 23 resident of Ruby Terrace. I hold a BS in biology and anthropology. My property is adjacent to the ravine that supports Ruby Creek. That is to say I have a grand view of the forested land that today I am here to defend.

I support SBNA's assertion that the Hearings Officer errored in approval for this development because he failed to include the forest ecology as one of the key functional resources for this particular tract of land that must be preserved..... Environmental Conservation code 33.430.250.A.1 and code 33.632.100 require this project be "suitable for development in a manner that reasonably limits the risk of a landslide affecting the site [and] adjacent sites." The Hearings Officer errored by not requiring the applicant to identify the upland forest, (the primary area of disturbance) as functional resources and value.

The functional value of the established trees in the upland forest is significant. The South West Hills Resource Protection Plan clearly states "the balanced relationship between the area's geologic formations, soils and groundwater features is protected by the extensive canopy cover and root system of the forest which shelters and stabilizes the hillside slopes. Activities which disturb this fragile relationship can substantially degrade resource values by causing landslides, flooding, erosion and sedimentation." "by stabilizing the soil and reducing runoff and erosion, the forest protects the community from landslides...resources should be understood as interconnected strands of a complex ecological web." The interconnectedness of the trees and the role they play in absorbing water cannot be overstated in our rainy climate. The Pineapple Express of 1996 caused 700 landslides within the Portland area. A landslide cannot be engineered to never slide again. This development is proposed over an existing mapped landslide thus it is not IF, it is WHEN it will slide again. I feel that the Hearings Officer neglected to adequately weigh the critical role these established trees play in preventing the landslide from reactivating and causing serious harm to our resources. Seventeen families already live inside this landslide uphill of the proposed area of disturbance. Now add 21 more families within this proposed development, who all would be at risk should Macadam Ridge Development come to be built.

To further, the Hearings Officer did not apply ordinance 165002 Comprehensive Plan adoption of the SWHRPP, where it is stated "a framework of Comprehensive Plan policy [should] PROTECT and ENHANCE significant [resources]." Contrary to the ordinance the clear cut of the trees does not protect them as a resource or enhance it, it destroys this resource. The ecological impact of this is magnified because the

forest also provides functional value for the wildlife that live within it but its destruction now increases the risk from the Landslide Hazard and habitat loss.

Portland's Comprehensive Plan is required to adhere to State Planning Goals. Goal 7 requires protection of life and property from natural disasters and hazards. Resource protection measures are designed to meet this goal by guiding residential development away from sensitive resource areas subject to landslides. The SWHRPP policy on Natural Hazards is consistent with the intent of this goal because it encourages development away from hazard prone areas. The Hearing Officer erred by approving this application because the development as proposed does not meet State Planning Goal 7 requirements, nor does it meet the SWHRPP policy.

In conclusion, I ask you overturn the Hearings Officer decision. I also ask that you uphold adopted ordinances when reviewing this application.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mitchell Lewis".

Annotated evidence
P2/11 Ordinance 165002
P 3/11 Ordinance 165002

SWHRPP

CAROL HAZZARD

3232 SE Raymond
Portland, OR 97202

Your Phone: 503 349 8498
Your E-mail:
carolhazard@aol.com

February 7, 2018

Karla.Moore-Love@portlandoregon.gov

Case File: LU 16-213734 LDS EN M EV

PC# 15-242358

Subject: Macadam Ridge Type III Land Division - Comment for Record

Mayor and City Council Members,

I've been a citizen in Portland since 1966. My family and I have lived on the east side of Portland, 40 years in the Alameda neighborhood and for 12 years we've lived in the Reed neighborhood. As a concerned citizen, I recognize the need for new development in our City, but my greatest concern is that development should be safe and in the best interest of all citizens. It is my opinion that this development will put hundreds of people and their homes at risk.

Hearings Officer Oden-Orr failed to apply code 33.632.100 that states the development *site must be suitable for development in a manner that reasonably limits the risk of a landslide affecting the site and adjacent sites*. He did not give nearly enough credence to the known factors that reactivate landslides. This Decision clearly puts families at risk.

The State of Oregon's "Guide to Landslide" mitigation, introduced into evidence through Linda Meier's testimony, notes the "presence of a previous landslide is one of the biggest and most obvious risk factors [for recurrent landslide]." This is a translational slide which is commonly triggered by heavy rain, rapid snow melt, earthquakes, grading/removing material from bottom of slope, adding loads to the top of the slope, concentrating water onto a slope as with landscape irrigation, roof downspouts, or broken water/sewer lines. Essentially, 5 of the 7 points to **avoid** reactivating a landslide will occur with the development plan outlined by Riverview Abbey.

- Upland forest that stabilizes the ground overlying the landslide will be clear cut, and will be replaced with impervious surfaces that will concentrate water on the slope
- Land will be graded and cut from the bottom
- 25,750 cubic yards of infill will be added as a load to the slope
- Tons of building material will add to the load and will create impervious surfaces which will concentrate water on the slope
- Since there is no mitigation for uphill ground water, water will be concentrated even more on the slope

The Applicant has chosen to place this 4 acre development on the most unstable ground they own—an ancient landslide. And to add insult to injury, their plan completely removes any existing stabilization from the 505 trees that will be clear cut. There are nearly 15 acres on the site and the Applicant never considered an Alternative that would have completely avoided this large high risk hazard. The Hearings Officer should have weighed the considerable risks thoroughly before approving this development because the environmental codes for type III land divisions require the least significant detrimental impacts are to be used for the development. Therefore I believe, the sub-division application should be denied.

Sincerely,

Carol Hazzard

Annotated evidence

OR Landslide Guide

Fill, "plan set, Application, 7/13/16"

Building Material tonnage Exhibit H 57

[Oregon Geology Fact Sheet: Landslide Hazards in Oregon - landslide-factsheet.pdf](#)

Linda Meier

7817 SW Ruby Terrace
Portland, OR 97219

Your Phone: 503 777 0043
Your E-mail: lmeier@hevanet.com

February 7, 2018

City Council

City of Portland
1221 SW 4th Avenue, Room 140
Portland, OR 97204

Council Clerk: Karla.Moore-Love@portlandoregon.gov

Case File: LU 16-213734 LDS EN M EV

PC# 15-242358

Subject: Macadam Ridge Type III Land Division - Comment for Record

Mayor and City Council Members,

I live on this landslide and I am concerned for the lives of all the future citizens who will live on this land.

The Hearings Officer decision did not apply analysis to addressing the governing Code 33.632 where sites are considered in Potential Landslide Hazard Areas.

Code 33.632.100 must be met to locate lots...on parts of the site that are suitable for development in a manner that reasonably limits the risk of a landslide affecting the site and adjacent sites. Oden-Orr did not consider the site lies completely within a known ancient landslide or consider the existing 17 homes at risk above the proposed sub-division. It further states, that the approval must ENSURE the development is suitable and reasonably limits risk and that has not been proven as their own Landslide Hazard Study in January 2017 states:

“Portions of the site have been modified by ancient landslide activity. In our opinion, construction of the recommended drainage improvements associated with the project will serve to improve the overall slope stability of the site. However, it must be acknowledged that there is some inherent risk associated with development in areas modified by ancient landslide activity. ...It is our opinion that the risk of future slope instability in the proposed development areas that have been modified by ancient landslide activity is low, **assuming our design and construction recommendations are followed.**” (emphasis added).

The Landslide Study specifically states **risks remain low if they follow their recommendations**. Oden-Orr should have applied analysis of later application submittals and determined their “design” provided for a cut off trench to handle the extensive ground water coming downhill in the landslide behind lots 3-8 and trenches in utilities which were later removed as the risks to Ruby and Stephens Creeks were too great. In July, 2017, the Geotech firm stated, “the trenches have been removed,” but did not update the risk factor. So, they identified the problem, designed mitigation, removed mitigation, and removed the natural mitigation—the trees.

The Hearings Officer failed to notice or discuss these critical issues in any form. He then erred by agreeing that the code for Landslide Hazard Area Approval Criterion could be met. The Decision should be overturned for this reason.

Sincerely,

Linda Meier

Annotated evidence Title 33, Planning and Zoning from page 16 of 17 “LIMITATIONS”

SETH DRYDEN

7821 SW Ruby Terrace
Portland, OR 97219

Your Phone: 503.539.8012
E-mail: sethdryden@gmail.com

February 07, 2018

City Council

City of Portland
1221 SW 4th Avenue, Room 140
Portland, OR 97204

Council Clerk: Karla.Moore-Love@portlandoregon.gov

Case File: LU 16-213734 LDS EN M EV

PC# 15-242358

Subject: Macadam Ridge Type III Land Division - Comment for Record

Mayor and City Council Members,

I am a third generation Portlander, and I'm proud to call the City of Portland my home. As a homeowner who's home directly abuts the proposed Madacam Ridge subdivision, I feel compelled to speak about the landside risk that puts my family in danger.

I am specifically here to speak to codes 33.430.240.B. and 33.632.100 maintaining that the code was not applied to safeguard public and private interests, and the Hearings Officer did not provide an adequate review of materials before providing a narrative that served only one interested party.

Hearings Officer Oden-Orr appeared to not consider all of the evidence in record. He did not reference evidence of a city requested Masters Geology Thesis overseen by Landslide expert PHD Scott Burns that studied the Stephens Creek Watershed of that included the entire lot Riverview Abbey sits on. Oden-Orr never referenced the serious issues raised that the "watershed is prone to slope failures, and if the soils become saturated, they are very likely to fail." An "avoidance area" map was generated for ground water infiltration that advised neighbors to avoid soil saturation which leads to slope failure.

Additionally, Oden-Orr did not entertain evidence that the Portland West Hills are composed of Portland Silt and as the Southwest Hills Resource Protection Plan states on page 41, "Portland Hills silt has important implications for land use and development. This silt becomes very unstable when wet, and the potential for slope failure is particularly high after winter rains have saturated the soil. Landslides, mud slides and slumps are common...in the West Hills. These slope failures, (are) often associated with...building activities.". Excess water is what allows the soil to become weak and cause a landslide or a recurrent landslide.

In February 1996, 7 inches of rain fell over 4 days in the Portland area that led to extensive flooding and landslides. Significant damage to over **100 homes** was found when **705 landslides** were studied in the **Portland metro** area and of those **374 were in the West Hills, 50 slides occurred in nearby Oaks Bottom**. 25 homes were "red tagged" as not livable until they were fixed.

Many sites in the Portland area have known **geology that is susceptible** to landslides as well as **steep slopes**. Adding abundant uncontrolled storm water to the site further adds to that risk.

76% of the landslides could have been **reduced or prevented if humans had controlled the water** on those sites. According to the state published Oregon State Landslide Homeowners Guide, you will see that water is heavy and pushes the soil particles apart which reduces the soil strength increasing landslide risk.

We disagree that the risk for recurrent landslide is low, especially considering the proposed plan includes

removing all of the trees and placing additional soil on the landslide, also listed as known risks in that same guide. We believe that the risk of building in this site, **in this known landslide**, is very significant and the Hearings Officer failed to apply the evidence to his findings as there is insufficient water mitigation and he did not address the applicants changing approach through their application. We see that water will clearly be concentrated on these slopes and we know **that** is a trigger for recurrent landslide. Water does not obey property lines.

We maintain the high functional value of the uplands decreases runoff and increasing groundwater infiltration and protects downstream neighborhoods from flooding. Also, by stabilizing the soil and reducing runoff and erosion, the forest protects the community from landslides and other land hazards. What is very concerning is the applicant failed to apply any of their mitigation effort to the upland area impacted by the proposed development.

I recommend denying the Macadam Ridge application due to safety concerns not adequately addressed, appraised or acknowledged by the Hearings Officer – our neighbors' safety is at risk with his omission. I believe he clearly did not review evidence on record to apply and interpret the law that requires significant risk mitigation.

Sincerely,

Seth A Dryden

- 3) *Connectivity*: As cities and neighborhoods grow, the areas animals need to survive become smaller and isolated. Connections between various aquatic and terrestrial habitat types (such as rivers, streams, wetlands, forests, and meadows) are important to the survival of many wildlife species.

To protect the natural functions provided by these resources, BES recommends that the applicant minimize site disturbance and replant disturbed areas with native vegetation. Doing so will help minimize erosion, protect slope stability, and restore lost functions.

9. *Water Quality Impacts*: The applicant proposes to convert approximately 4.4 acres of forest to impervious development. The significant loss of vegetation combined with the significant increase of impervious surfaces will increase stormwater runoff. Much of the rainfall that now filters into the soil or is captured by the tree canopy will fall on impervious surface and be piped into Ruby Creek just upstream of its confluence with Stephens Creek. Increased flow to Stephens Creek will exacerbate existing problems caused by high flows, including channel erosion. Not only is Stephens Creek one of the few remaining open stream channels in Portland, the confluence of Stephens Creek and the Willamette River provides critical off-channel rearing and refuge habitat for native, ESA-listed Chinook and coho salmon and steelhead trout, as well as rainbow and cutthroat trout, and Pacific and brook lamprey. The City has spent considerable resources investing in its restoration, including the Burlingame Restoration area immediately abutting the proposed development and downstream at the confluence of Stephens Creek with the Willamette River.
10. *Hydrology Impacts*: The significant increase of impervious surfaces will increase stormwater runoff. Increased flow to Stephens Creek will exacerbate existing problems caused by high flows, discussed under water quality impacts above. The applicant further proposes to install groundwater drains that would discharge to Ruby Creek. **Details on this drainage system, including construction, hydrology, and water quality impacts will need to be provided within an Alternatives Analysis and included in the applicant's impact evaluation.**
11. *Stephens Creek*: The proposal includes removing a significant number of trees adjacent to Stephens Creek and the City's Burlingame Sewer Repair and Streambank Enhancement project area. The City has invested over \$1 million dollars to improve stream conditions on the mainstem of Stephens Creek by repairing a failing sanitary sewer line that follows the course of the creek, reconstructing and enhancing portions of the streambed and banks, removing non-native, invasive plants and restoring native vegetation. Details about the Burlingame project area can be found in the related project fact sheets and 2009-2013 Watershed Revegetation monitoring reports.

The BES Watershed Revegetation Program has worked extensively to restore forested and natural areas on public and private properties surrounding the site. Since 2009, crews have removed on 18 acres of invasive ivy, blackberry, laurel and other invasive non-native plants and planted almost 20,000 native tree and shrub seedlings (9,589 plants in the Burlingame project area and 10,375 plants in the greater Stephens Creek Central Canyon area). Both BES and West Multnomah Soil & Water Conservation District have conducted revegetation projects on River View Cemetery property along SW Taylors Ferry immediately south and east of the subject site. **The applicant will need to identify the boundaries of the BES Central Canyon Revegetation Project on the revised plans sets. Vegetation within the boundary is likely to be different than other areas on the development site.** Mitigation in these areas, if necessary or proposed, should be specific to those existing conditions.

The Stephens Creek Confluence Natural Area is located downstream of the proposed project site at the confluence of Stephens Creek and the Willamette River. The confluence of Stephens Creek and the Willamette River provides critical off-channel rearing and refuge habitat for native, ESA-listed Chinook and coho salmon and steelhead trout, as well as rainbow and cutthroat trout, and Pacific and brook lamprey. Details about this project area can be found in the Stephens Creek Confluence project fact sheet.

Annotated evidence

Demonstrative exhibit of evidence in record

EXTRA:

The ___ addresses why the soils are saturated stating, approximately 90 percent of the ()study area is made up of Cascade and Cascade-Urban soils. Cascade soil is somewhat poorly-drained dark-brown silt

loam to a depth of about eight inches, below which is a dark-brown silt loam subsoil about 19 inches thick, with a substratum of silt loam forming a dark-brown, mottled fragipan to a depth of 60 inches or more (SCS 1983:23). This fragipan is a hard, brittle soil layer with low permeability: a hardpan that impedes percolation of groundwater, causing a thin groundwater table to develop, perched above the regional water table. The fragipan layer restricts rooting depth for plants to 30 to 48 inches. The Cascade silt loams have severe limitations for building site development and sanitary facilities.

The fragipan layer, which occurs between 2.5 and 4.5 feet below ground, further impedes the downward movement of groundwater and above it a shallow, “perched” groundwater table develops, particularly during the rainy winter months. Shallow groundwater can create natural hazards, particularly when tapped or daylighted by road or building cuts. It can precipitate landslides and cause soil creep, with potentially serious consequences for development.

The ability of these diverse and interdependent elements of the forest community to function properly is an important measure of the general health and vitality of the local environment. A healthy forest ecosystem is crucial to the forest’s value as a scenic, recreational and educational resource, and to its continued contribution to Portland’s high quality of life.

JAMES HUSSEY

10 SW Hume St.
Portland, OR 97219

hone: 503-577-1256 Your E-mail:
husseyhussey@msn.com

February 7, 2018

City Council

City of Portland
1221 SW 4th Avenue, Room 140
Portland, OR 97204

Council Clerk: Karla.Moore-Love@portlandoregon.gov

Case File: LU 16-213734 LDS EN M EV

PC# 15-242358

Subject: Macadam Ridge Type III Land Division - Comment for Record

Mayor and City Council Members,

My name is James Hussey and for the last 15 years I have lived at 10 SW Hume St. Portland, OR 97219. I am here to voice my opposition to the Macadam Ridge Development.

I am here to speak on how codes 33.430.250.A.1, 33.430.240.B.3 and 33.632.100 have not been applied to the burden of proof required of the applicant and necessary for the Hearings Officer to make an informed decision. The Hearings Officer came to the conclusion the development would be safe in absence of serious consideration for water mitigation. Water is one of the greatest risks to reactivating a landslide and despite neighborhood concerns that there are underground springs that affect the entire landslide (exhibit H-#57) a hydrology report was not required by Mr. Oden-Orr to investigate this thoroughly. Because of this oversight the Approval for Land Divisions J. Streams, springs, and seeps has not been met. The Decision should be overturned for this reason. Without a hydrology report, he could not truly deem the site suitable to develop that would reasonably limit a risk of a landslide affecting the site or adjacent sites. The Decision should be overturned for this reason.

- We believe it likely Mr. Oden-Orr never read any of the 82 submissions by 56 citizens who opposed the development, as he did not reference or note any in his findings. If he had, he would have been compelled to consider the residents serious concerns for existing water problems, lack of mitigation and thus increased risk for a landslide.

Neighbors of 8 properties directly to the west and uphill from the development noted they have spent thousands of dollars mitigating water drainage issues in their basements and throughout their property. It appears the underground springs start in the hillside to the west, run through 8 properties and flow into the development

The Geotechnical Evaluation shows two areas with a very high water table – the static water level is measured at 1.5' in March 2014 and the groundwater table measured at 2.9' in April 2015. They further document “near surface soil on the site is wet for an extended portion of the year.” They further discuss, “perched groundwater (static water) is near the surface over much of the site,” we confirmed this in a photo shared by neighbor and entered into evidence (“Lidberg lake” photo).

In the Landslide Hazard Study, they state, “B-7 (a boring tube they collected soil samples from) is an upslope location that appears to react rapidly to rainfall events and where groundwater is near the surface throughout the year.” This statement proves the ground gets saturated quickly and stays saturated in this valuable Upland resource tract. (B1 graph)

The Hearings officer's decision is negligent to the citizens who live within the neighborhood and who can provide a real-life account. The landslide hazard study was not complete because it did not include a hydrology report. The Hearing Officer erred by stating that the Landslide Hazard Area Approval Criterion could be met. His Decision should be overturned on these grounds.

Sincerely,

James Hussey

LEE CANNON

7930 SW Crestline Dr
Portland, OR 97219

Your Phone: 503-516-1568

Your E-mail:
cannonsl@comcast.net

February 7, 2018

City Council

City of Portland
1221 SW 4th Avenue, Room 140
Portland, OR 97204

Council Clerk: Karla.Moore-Love@portlandoregon.gov

**Case File: LU 16-213734 LDS EN M EV
PC# 15-242358**

Subject: Macadam Ridge Type III Land Division - Comment for Record

Mayor and City Council Members,

My name is Lee Cannon and I am an Insurance Agent with American Family Insurance. I have been a licensed insurance agent in Oregon for over 20 years. I am here today to share my concerns regarding the limited insurance options available to provide coverage for a landslide loss for families within the proposed development and for those adjacent to the proposed development should the Macadam Ridge sub-division move forward.

There are serious barriers to securing coverage for a landslide loss, and in many cases it is not obtainable. It is not covered under a typical homeowner's insurance policy. It is not covered under our federally backed FEMA Flood policies. Our State and Local governments' only protection is through the permitting and building code departments.

There is a "Difference in Condition" (DIC) policy that can be obtained, typically through a non-admitted surplus line insurance broker such as Lloyds of London. However, these policies have significant underwriting guidelines, conditions, exclusions and cost that can make them unavailable for many that need the coverage. Examples include:

- Homeowner must provide a specific GeoTech report for their property to obtain a quote at their own expense, often \$500-2,000 with no guarantee of policy issuance.
- You are not eligible if they consider your home in a "high risk" area. This area is considered "severe hazard" and removing trees elevates that risk
- \$300,000 home may pay an additional \$1100/year for coverage with a high deductible only covering the home and not the property or driveway or the cost to stabilize the land once rebuilt to prevent it from happening again.
- Actual response from a recent submission for a home in this neighborhood: *The risks that we are looking for would be a moderate risk. If you feel this would be a high risk the underwriters may not offer the coverage even with a Geotech report.*

Additional factors affecting this neighborhood are documented landslides in the last 10 years within a mile of this development. Additionally, this area is clearly marked as a historical landslide area, combined with the new construction to the adjacent properties, will make it extremely difficult and/or costly for existing homes adjacent to this development to secure coverage. When there is a loss, the homeowner is left alone without land or structure to a lopsided battle facing well-funded developers, engineers and

contractors. Ultimately, it is the City of Portland and its taxpayers that carry the risk of approval from those adjacent to and within the development.

In insurance, the number one rule is risk mitigation to avoid a loss. The City of Portland has the opportunity now to avoid this future loss and I encourage you to do so. If the Council decides to approve, I implore you to mandate assistance to the adjacent and future homeowners, providing them completed GeoTech reports for each affected property to avoid a guaranteed costs to these property owners.

I now have the pleasure of introducing Scott Burns, former PHD Chair of Geology and Professor Emeritus at Portland State University who has worked in the field of Geology for 47 years, specializing in landslides for 35 years and training top landslide geologists in the region. He is the President of The International Association of Engineering Geologists and is an asset to our region in providing and applying his expertise as an Engineering Geologist to landslides. He has become a “walking encyclopedia” on landslides as he has examined most of the significant landslides in the NW as he is broadly considered the foremost landslide expert **nationally**, often appearing as an expert witness in landslide lawsuits. Professor Burns has offered his testimony as a demonstrating expert after reviewing the evidence in this case offering no bias and appearing pro bono as a concerned citizen.

His motivation for appearing is the egregious risk for those families who would live in the homes of the Macadam Ridge sub-division which is simply the wrong place to build a development on.

Sincerely,

Lee Cannon

MICHAEL AND KAREN ANDREWS

**1008 SW Carson St.
Portland, OR 97219**

**503 977-6262
andrews1008@gmail.com**

February 7, 2018

Council Clerk

City of Portland
1221 SW 4th Avenue, Room 140
Portland, OR 97204
Karla.Moore-Love@portlandoregon.gov

BDS Case File: LU 16-213734 LDS EN M EV

Subject: Macadam Ridge Type III Land Division - Comment for Record

Council Clerk:

Good afternoon Mayor and Council Members. It is a pleasure to speak before you today and I appreciate your time.

My name is Mike Andrews and I live at 1008 SW Carson St. within the South Burlingame Neighborhood. I have been in the neighborhood since 2001. I am writing in support of the decision, made by the majority of the departments within Bureau Development Services, that the Macadam Ridge Development should not be considered for approval at this time. The proposed development is entirely within an environmental conservation (c) zone. As currently proposed, the development destroys more than 4 acres of forested land and wildlife life habitat, and simply does not fit the neighborhood character.

The development proposes; an increase in housing density on lots smaller than the R10 standard, minimal 10' front yards & razor thin side yard setbacks, with nearly identical 40'x40' building

footprints, and probable building heights of 30'. *a

With limited time, we will focus primarily on two environmental modification concerns; minimum lot area and side yard setbacks.

Minimum Lot Area

Zoning for the proposed Macadam Ridge development is R10c. See Zoning Exhibit and the Preliminary Site Plan 4a. To obtain a better understanding of how relationship between zoning and the preliminary site plan interacts with the existing houses within the South Burlingame Neighborhood, the site plan has been superimposed on the zoning map for reference.

As you can see the subdivision is closest to the houses along SW Ruby Terrace to the west, and within the South Burlingame Neighborhood, zoned R10, illustrated in light yellow highlight. R10 zoning continues west, all the way to SW Terwilliger Blvd., beyond the edge of this map. To the north is the South Portland Neighborhood, which is also zoned R10c, where existing housing abut the proposed development. I would like to emphasis that this proposed development is closest to the houses along SW Ruby Terrace, within the South Burlingame Neighborhood. It should be emphasized that existing houses within the South Burlingame Neighborhood include 10' side yard setbacks and 10,000 SF lots. East of the proposed development is the continuation of the forested property, also owned by Steve Griffin. It is zoned as Open Space (OSc), with a conservation overlay zone (c), and illustrated in green. R10 zoning is located to the south of the development, to SW Taylors Ferry Rd., as is Open Space (OSs) zoning. Both neighborhoods have R5 zoning, however this zoning is much further away from the proposed development than the abutting houses in the R10 zones. Refer to the zoning plan and preliminary site plan for reference.

So why all this talk about zoning? Let me explain. The zoning dictates housing density and subsequently impacts to the environment. The greater the housing density, the greater the subsequent impacts to the environment, including trees and the existing land slide area.

As a refresher, R10 zones have a minimum lot dimension of 6,000 SF. The proposed development is pursuing 14 lots below the R10 standard, or in another words, 2/3 of the lots on site are not in compliance for the R10 zone.

Title 33 City Code states specific purposes for minimum lot dimension regulation. I will only site two;

1. *'Lots are of a size and shape that development on each lot can meet the development standards of the zoning code' (R10 in this case), and 2. Lots are compatible with existing lots'. *b*

The staff report states - *'The applicant also notes the smaller lots will be "more in keeping with the minimum dimensions on the number of nearby properties in the R5 zone" and will allow "a greater area to be placed in the permanent protection resource tract"'. *c* While I respect many of the staff's positions regarding this development these two statements are not correct, and let me state why.

1. The nearby, and closest properties, are zoned R10 with housing along SW Ruby Terrace, not R5.

2. Smaller lots are not the only way to reduce the possible impacts to the permanent protected resource tracts. This can be accomplished by simply reducing the number of proposed lots for the entire development and increase the space between buildings. There are many other creative solutions, that could have been pursued by Emerio Design, to allow a 'greater area to be placed in the permanent protection resource tract', but these were not pursued. These could have included; a. modifications to the road layout, b. clustered development, c. limited grading, d. varied lot layout, and d. creative approaches to architecture, to reduce the impacts to the natural resources, including existing topography and trees.

Fourteen lots do not comply with the R10 standard and reconsideration of approval should be given based on abutting and encompassing R10 zoning. Reconsideration should also be given to the possibility of reducing the number of lots on the property. This area is zoned R10c, not R5 or R7, and is entirely within a conservation overlay!

The abutting properties in South Burlingame and South Portland will experience a negative visual impact and I humbly disagree with staff and the Hearings Officer when reported *'the smaller lot size is not expected to detract from the livability or appearance of nearby properties.'* *d The proposed vertically oriented buildings, up to 30' height, and tightly spaced units, will most definitely detract from the livability and appearance of nearby neighboring properties.

Side Yard Setbacks

The applicant has requested a reduction in side yard setbacks. Unfortunately, they received approval from the Hearings Officer. This is a problem for many reasons.

Side yard setbacks are required for a number of good reasons as defined by Title 33. Three that I find most important are: 1. *They maintain light, air, separation for fire protection, and access for fire fighting*, 2. *'promote options for privacy for neighboring properties'* and 3. *'Provide adequate flexibility to site building so that it may be compatible with the neighborhood, fit the topography of the site, allow for outdoor areas, and allow for architectural diversity.'* *e

Fire Fighting

The existing forest to the east, abutting the project, is currently designated to remain. Additional planting is also proposed east of the lots within the development. (Refer to the 'Aerial Photo - Sheet 2 and Development Site Plan - Sheet 13' submitted by the applicant). In the unfortunate event of a forest fire east of site, fire access and large buffer zones become that much more important in protecting lives and property. A reduced side yard setback from 10' down to 5' does not promote an increase in fire safety.

Options for Privacy

Based on the site layout of plan 4a, and probable 30' height buildings, future residences will easily look into their neighbor's abutting windows, due to the proposed 5' side setback for all lots on site. Plan 4a indicates building footprints, with the same general dimensions and setbacks, 10' from the front property line, in a cookie-cutter like fashion, where one lot is identical to the adjacent lot. As proposed this design is basically a massive vertical row-house like development.

This 5' side yard setback will be too narrow to adequately screen abutting properties with vegetation, especially when you consider the need for a 3' wide access path (or walkway) to service the rear yard from the front of the property for maintenance. The 5' setback does not 'promote options for privacy for neighboring properties' and is not approved in R10 zones.

Compatibility with the neighborhood

Again, I would disagree with Hearings Officer when stated in the report that lots *'the proposed lots are comparable in size to those nearby properties in the R5 zone the Hearings Officer finds that the modification will not significantly detract from the livability of the appearance of the area.'* *f My response is;

1. Reduced side yard setbacks to 5' width does not *'fit development that is compatible with the neighborhood'*. Compatible setbacks within the existing R10 neighborhood are a minimum of 10'. Refer to the arguments made previously for the lot sizes. Making the point that a 5' setback is

compatible is simply not true.

2. As previously mentioned, smaller lots, and/or those with smaller widths, are not the only solution to protecting environmental resources. This can be accomplished by simply reducing the number of lots on the property, in addition to providing designated buffer areas, creative design, or even planting easements, within each R10 Lot.

The Macadam Ridge Development should not be considered for approval at this time, as it is currently designed. Thank you for your time and consideration of these concerns.

Michael and Karen Andrews

Exhibits – Previously submitted and part of the record.

*a. ('Mitigation and Monitoring Plan for Macadam Ridge' S&A#2321 January 2017 Page 5) - The Client's consultant states, 'Building size is anticipated to be similar to the closest neighborhood lots on Ruby Terrace of about 2800 to 3000 square feet.' This square footage can only be met on a 1600 SF building footprint (inclusive of a 2 car garage space) with multiple stories. As allowed by City code this would equate up to a massive 30' height building, to mid roofline of building. Actual height to the top of the building can be greater than 30', depending on roof pitch.

*b. (Pages 36 of the 'Interim Order of the Hearings Officer')

*c. (Pages 37 of the 'Interim Order of the Hearings Officer')

*d. (Pages 38 of the 'Interim Order of the Hearings Officer')

*e. (Pages 39 of the 'Interim Order of the Hearings Officer')

*f. (Pages 42 of the 'Interim Order of the Hearings Officer')

ELIANA ANDREWS

**1008 SW Carson St.
Portland, OR 97219**

**503 977-6262
andrews1008@gmail.com**

February 7, 2018

Council Clerk

City of Portland
1221 SW 4th Avenue, Room 140
Portland, OR 97204
Karla.Moore-Love@portlandoregon.gov

BDS Case File: LU 16-213734 LDS EN M EV

Subject: Macadam Ridge Type III Land Division - Comment for Record

Council Clerk:

Good afternoon Mayor and commissioners. Thank you for letting me speak today. My name is Eliana Andrews and I live at 1008 SW Carson Street in the South Burlingame Neighborhood. I am 15 years old, a student at Lincoln High School, and I love trees. I will be speaking today about the lack of required street trees on this project.

I am requesting that the Macadam Ridge Development not be considered for approval at this time, due to failure to comply with City Code ,Title 11 – Trees. *a.

I am specifically concerned with the proposed development and the lack of required street trees in the right-of-way near lots 3-11 and lots 15-20. As the subdivision is currently designed, there are engineered storm water planter boxes, in lieu of planting area and street trees. See exhibit.

Site plan 4a, does not provide adequate quantities of street trees on ‘Public Street A’, per the Street Tree Standards. *b.

The Street Tree Standards requires street trees in the right-of-way 'for each full increment of 25 linear feet per side of street frontage'. Based on this requirement there should be an additional 36 street trees, (medium to large canopy in size), and adequate planting area to accommodate their growth. Design 4a has not addressed the requirement for street tree planting and Emerio Design had the opportunity to do so.

This design should have been coordinated with the Urban Forester, but it was not, 'Nothing in the record demonstrates that the applicant or the project arborist consulted with the Urban Forestry staff regarding options for the right-of-way design...' *c.

Street trees not only make the street more livable, but will reduce storm water discharge and the soften the vertical buildings (up to 30' ht.) to a more human scale. With the reduced front yards to 10', and a public utility easement contained within them, adequate planting space is not available to allow the home owners to plant significant trees on their property. The lack of adequate planting area in the private front yards strengthens the argument requiring street trees in the right-of-way.

On a separate but similar note, I am sad to hear that more than 500 trees are intended to be removed from this site. This property is located almost entirely within a protected conservation zone. The removal of so many trees indicates that Emerio Design was not sensitive to the site and did not find a creative approach to take these existing trees into consideration.

This proposed subdivision should not be approved as designed. Thank you for your listening to my concerns.

Eliana Andrews

Exhibits – Previously submitted and part of the record.

*a. (Pages 78 and 79 of the 'Interim Order of the Hearings Officer')

*b. (Refer to Urban Forestry Land Use response, memo from Joel Smith, dated July 28, 2017)

*c. (Page 32 of the 'Interim Order of the Hearings Officer')

February 7, 2018

Portland City Council
1221 SW 4th Avenue
Portland, Oregon 97201

Re: CASE FILE #LU 16-213734
BDS Case File: LU16-213734LDS EN M EV

Opposition to the Approval of Macadam Ridge Development Application
Krista Peterson for South Burlingame Neighborhood Association
Macadam Ridge Type III Land Division - Comment for Record

Dear Mayor Wheeler and Commissioners:

My name is Krista Peterson. I am an 18-year resident of 7855 SW Ruby Terrace located in the South Burlingame neighborhood in the City of Portland.

I am also part of the South Burlingame Neighborhood Association and I ***strongly oppose*** Hearings Officer Oden-Orr's approval of the application in the above-referenced matter. Specifically, I am extremely concerned about the Transportation Impact (approval criteria 33.641.020/030) on the surrounding neighbor

hood and thoroughfares for our citizens. I am in agreement with SBNA's appeal based on the following factors that are not currently being met as proposed:

- A) Availability of transit service and facilities and connections to transit
- B) Impacts on the immediate and adjacent neighborhoods

To begin, it is prudent to share a few facts that are widely acknowledged and accepted regarding Taylors Ferry where the Macadam Ridge development is fronted:

- Taylors Ferry Road is unsafe for pedestrians, bicyclists and mass transit riders due to limited sight distance, blind spots and a lack of methods to safely cross the street.
- Taylors Ferry Road has no roadway shoulders—only drainage ditches— on both sides of the street.
- There are no sidewalks or curbs present on Taylors Ferry Road except small portions intermittently at business fronts.

- The intersections at SW 2nd/Taylor's Ferry and SW Terwilliger/Taylor's Ferry do not meet City of Portland operation standards.
- The 2015 traffic counts submitted by the applicant do not reflect true traffic flow. The data was collected at a time when Sellwood Bridge traffic was non-existent due to the closure; and when long-term sewer work was being completed on the Terwilliger Blvd extension.
- Taylor's Ferry Road is massively overburdened during morning and evening rush hours at the intersections of Terwilliger Boulevard to the west and Macadam Avenue to the east. It is difficult for vehicles to access Taylor's Ferry safely between 7:30 to 9:00 am or 4:00 to 5:30 pm. This includes commercial and emergency vehicles.
- The adjacent neighborhood populations support transit; however, bus stops along Taylor's Ferry have consistently low ridership due to lack of access and the unsafe nature of the locations.
- PBOT has denied this application for reasons that remain unaddressed by the applicant.

It should also be noted a devastating crash occurred Feb. 17, 2016 whereby a pedestrian was struck not once, but twice by passing vehicles after exiting a TriMet bus while attempting to cross Taylor's Ferry from the south side. In this case, the teen narrowly escaped death and is still rehabilitating. I shudder to think that a death is required before any action is taken.

These facts are undeniable, and I would now like to address my two main concerns as it pertains to 33.641.020/030:

A) Availability of transit service and facilities and connections to transit

Currently, there are 3 bus stops westbound and 2 stops eastbound along Taylor's Ferry road between Macadam Avenue and Terwilliger Blvd.

TriMet's published Bus Stop Guidelines referenced in Michelle Wyffells' Oct. 25, 2017 communication with Mr. Koback state:

"It is essential that bus riders have safe access to their bus stop. Walking on narrow roadway shoulders, through mud or puddles, or through ditches is unacceptable to most bus riders and is often unsafe. TriMet does not hold responsibility for construction or maintenance of sidewalks or curb ramps, but TriMet can leverage their construction through partnerships with jurisdictions and property owners or solicitation of regional funding for their construction. The pedestrian network is not only essential for transit access, but benefits the community and the region by encouraging walking for local travel."

At this time, all eastbound bus stops along Taylor's Ferry should be considered unusable for those on the North side of Taylor's Ferry until there is a safe way for pedestrians to cross the street. The south side of Taylor's Ferry has no residences—only a cemetery and green space. All pedestrians would come from the north side of the road.

Mr. Koback's assertion that "the evidence of TriMet's response to this issue is critical" based on Michelle Wyffels' assessment that "a full sidewalk along Taylors Ferry is not necessary" is contradictory. If TriMet does not hold responsibility for construction or maintenance of sidewalks or curb ramps, why would this opinion be "critical"? Has anyone even visited the site in the past year?! The intersection of SW 2nd/Taylors Ferry is **completely** inaccessible and overgrown with vegetation and brambles leaving the passenger nowhere to walk or wait safely; which accounts for the low ridership. Per TriMet's own Bus Stop Guidelines, "accommodating sidewalk systems is critical to assuring the safe and accessible transport of TriMet patrons between the origin/ destination and the bus stop."

According to PBOT, moving bus stop or trimming brush does not solve for lack of sight distance or crossing.

Conclusion: While bus stops are currently available, there are NO SAFE connections to transit at this time. I challenge anyone who feels it is safe to cross Taylors Ferry to walk from stop to stop and actually try it for yourself. For the aforementioned reasons, this application should be denied. It is unacceptable and irresponsible for the applicant to knowingly contribute additional traffic to a known dangerous roadway without offering any solution or making any much-needed accommodations.

B) Impacts on the immediate and adjacent neighborhoods

South Burlingame is bordered by Multnomah to the west, Hillsdale and South Portland to the north, and Markham, Marshall Park, and Collins View to the south—all of which are impacted by traffic on Taylors Ferry Road.

The Traffic Impact Study (TIS) provided by the applicant is flawed. Traffic numbers were based on 2005 and 2006 data when Portland population was at 534,112 and 538,091 respectively. Portland's population has increased by 100,000 people since that time (and at a rate of 10,000 people per year since 2010.) The study factored in an arbitrary .5% increase; however, Portland's population actual growth rate is 1.8% annually. Growth is expected to continue and must be considered.

The TIS only takes into account traffic counts as a direct result of the additional 23 (now 21) homes established as part of the development. It does not reference the increase in traffic that will occur once there is an opening from Taylors Ferry Road through Ruby Terrace neighborhood (via Hume) as drivers seek to avoid the failed intersections and traffic delays, or the faster route options instructed by Waze and GoogleMaps.

The TIS does not accurately reflect the actual schedules of the residents. Many residents work from home or have flexibility in their schedule with regard to transportation. Due to the high

volume during those times, many choose to travel outside of the timeframe noted in the study and therefore are not represented in the count.

A quick search on the Portland Police Log (#pdxpolicelog, #pdx911) shows 30+ accidents, crashes, hazardous conditions were tweeted out between 2014-2017 on Taylors Ferry Road between Macadam Avenue and Terwilliger Blvd. This is not a scientific study but proves a high frequency of reported incidents—many with injuries.

Macadam Ridge development has the luxury of sidewalks and parking available on both sides of the street. Ruby Terrace does NOT have sidewalks OR parking available on both sides. The neighborhood is concerned with hurried cut-through traffic unfamiliar with the neighborhood terrain, blind spots, children playing, and change in street structure will make Ruby Terrace even more dangerous than it already is to dog walkers, children, bicyclists and other vehicles.

Conclusion: Connecting Hume Street to Ruby Terrace will have a dangerous and negative impact and put the 50+ children that live in the neighborhood in harms way of unfamiliar drivers. Traffic count simply does not account for the reality we experience on a daily basis. We have seen this undocumented exact result when Taylors Ferry is shut down due to one of its many crashes. The impact should be viewed as a sum of the parts rather than individually, and it will paint a much different picture. For these reasons and many others, **I ask that you overturn the decision of the Hearings Officer.**

Additionally, with or without the development, we demand a cross walk on Taylors Ferry where pedestrians can safely cross.

Sincerely,

Krista Peterson

7855 SW Ruby Terrace

Portland, OR 97219

503-970-7555

thepetersonclan@comcast.net

February 7, 2018

Portland City Council
1900 SW 4th Avenue
Portland, Oregon 97201

Re: CASE FILE #LU 16-213734
BDS Case File: LU16-213734LDS EN M EV

Opposition to the Approval of Macadam Ridge Development Application
Carol Lidberg for South Burlingame Neighborhood Association

Dear Mayor Wheeler and Commissioners:

My name is Carol Lidberg and I currently live in my second home on SW Ruby Terrace. My family has lived here for more than 15 years.

I am also part of the South Burlingame Neighborhood Association and I strongly oppose Hearings Officer Oden-Orr's approval of the application in the above-referenced matter. Specifically, I am extremely concerned about the Transportation Impact (approval criteria 33.641.020/030) on the surrounding neighborhood and thoroughfares for our citizens. To follow Krista's testimony, I would like to speak about how Safety for All Modes is not being addressed by the applicant.

Safety for all modes of transportation (pedestrians, bicyclists, car, transit)

While other areas Portland and streets other than SW Taylors Ferry may have more significant accident rates and challenges, that does not diminish the factors that currently exist on this section of Taylors Ferry and will only get worse with the construction of this project unless the applicant is forced to follow code and reflect necessary changes in their design proposal. The Griffith family business is adjacent to Taylors Ferry and I'm sure one or more of them spend time in that building, however, they do not live in the neighborhood like most of us speaking today. And when the development is built, they still won't. But we still will.

The applicant needs to be held to the letter of the code and make necessary changes, in concert with TriMet and PBOT to the access points of this development with both Taylors Ferry Rd. and the adjacent Ruby Terrace neighborhood. They have been given ample time to do so (more than four years) and still have not made the appropriate effort.

There are no consistent sidewalks along Taylors Ferry at any point and bicycle riders are forced to ride fully in the travel lanes or cut through the nearby Riverview Cemetery on private roads. The lack of development along the Macadam/Terwilliger stretch of road increases speed and elevation changes and curves make this road especially hazardous. The best we can hope for at this time are some improvements in the transit access.

While the final decision does require the applicant to trim bushes and prepare a pad for the stop on the new sidewalk, we don't feel that is enough to make the road safe for pedestrians. At the very minimum we ask that a crosswalk be included in the requirements for safe crossing from the Eastbound bus stop to the proposed development on the west side of the street.

Taylor's Ferry is dangerous for all modes of transportation today, and will remain dangerous if Macadam Ridge is allowed to happen. My hope is that Riverview Abbey Mausoleum and the Griffiths consider people's lives above profit in pursuit of this development. The irony of this statement is chilling. Living right next door to the mausoleum will be a constant reminder of a life cut short.

In concert with PBOT, I ask that you deny this application and reverse the Hearings Officer's decision.

Sincerely,

Carol Lidberg
7901 SW Ruby Terrace
Portland, OR 97219
503-709-7485
carol.lidberg@gmail.com

SUBMITTED 2-7-2018 BY SBNA



Yellow Wood Violet



Skunk cabbage and jewelweed

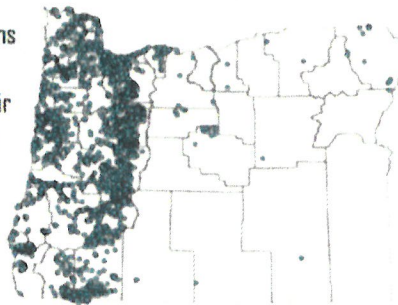
Photos credit: Jameson Co. BNA



MATTHEW

Landslides affect thousands of Oregonians every year. Protect yourself and your property by knowing landslide types, their triggers and warning signs, how you can help prevent landslides, and how to react when one happens.

9,500 landslides were reported in Oregon in winter 1996-97 ▶



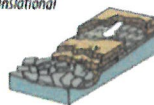
Common landslide triggers in Oregon

- intense rainfall
- rapid snow melt
- freeze/thaw cycles
- earthquakes
- volcanic eruptions
- human
 - changing the natural slope
 - concentrating water
- combinations of the above

COMMON LANDSLIDE TYPES

SLIDES — downslope movement of soil or rock on a surface of rupture (failure plane or shear-zone). Commonly occurs along an existing plane of weakness or between upper, relatively weak and lower, stronger soil and/or rock. The main modes of slides are translational and rotational.

translational



rotational



TRIGGERS AND CONDITIONS

Slides are commonly triggered by heavy rain, rapid snow melt, earthquakes, grading/removing material from bottom of slope or adding loads to the top of the slope, or concentrating water onto a slope (for example, from agriculture/landscape irrigation, roof downspouts, or broken water/sewer lines).

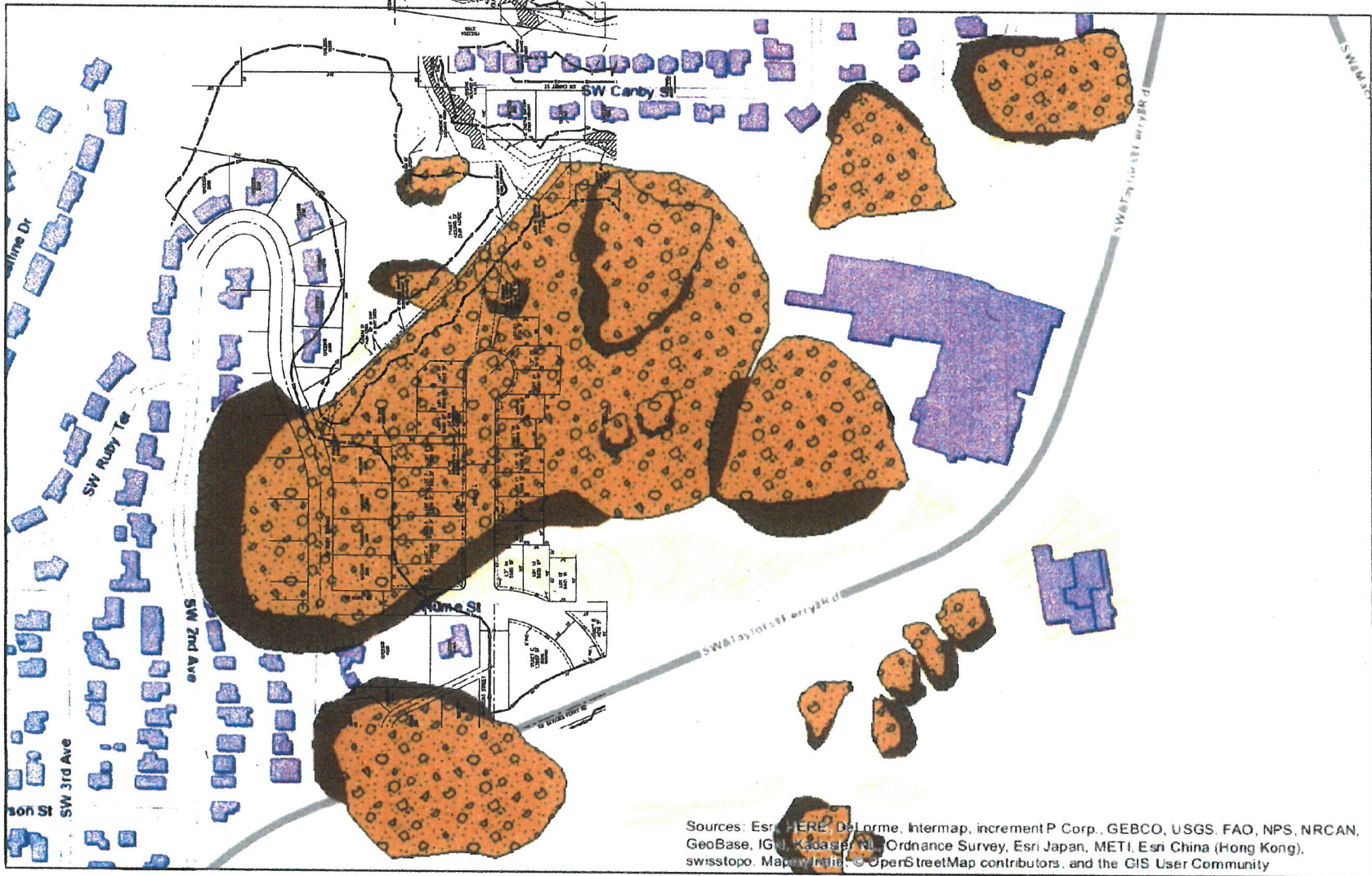
Slides generally occur on moderate to steep slopes, especially in weak soil and rock.

EXAMPLES



translational slide
rotational slide
(most slides are combinations of translational and rotational movement)

Map: Existing Landslide: reference Macadam Ridge Type III Land Division

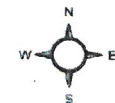
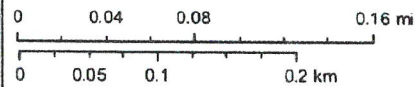


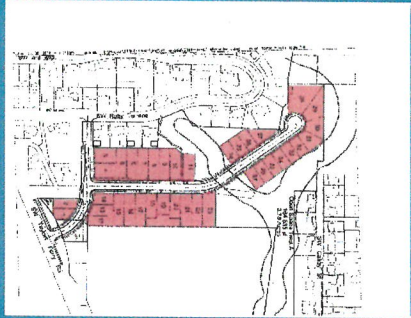
October 10, 2017

1:4,800

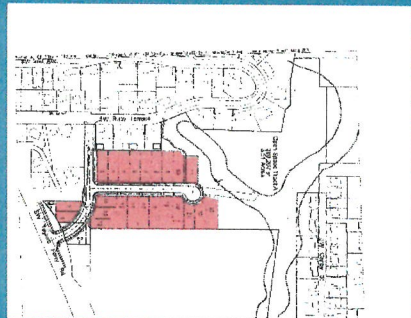
IMPORTANT NOTICE:

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

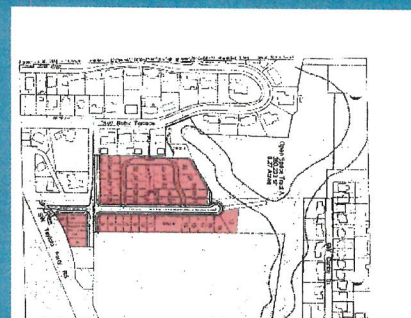




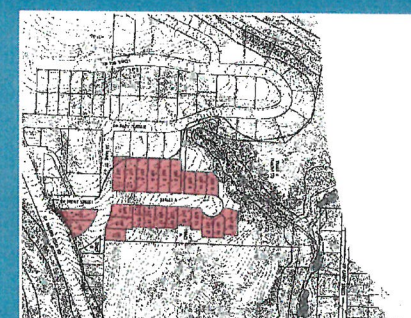
Alternative 01



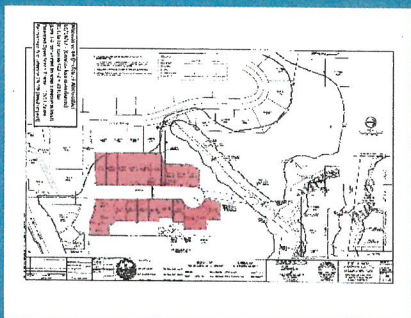
Alternative 02



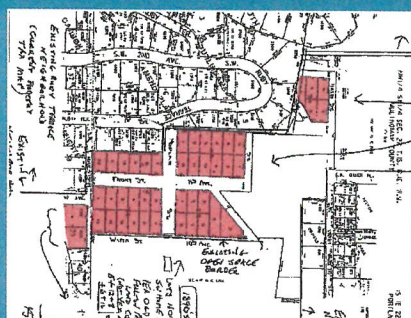
Alternative 03



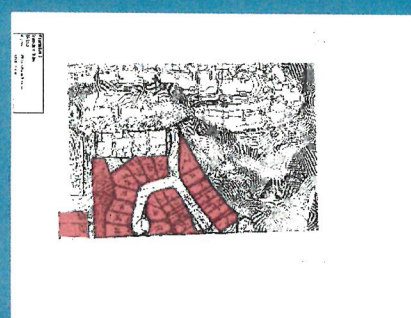
Alternative 04



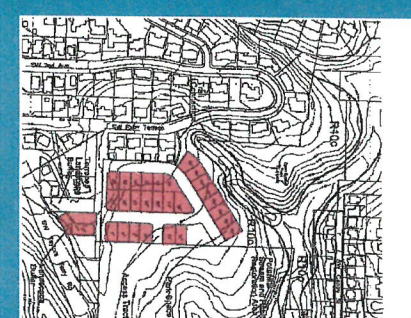
Alternative 04a



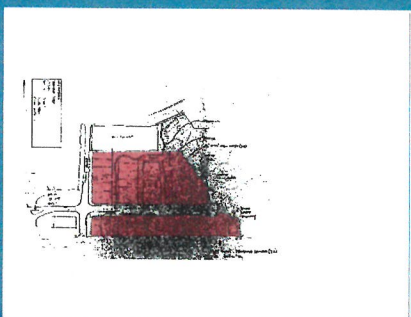
Alternative 05



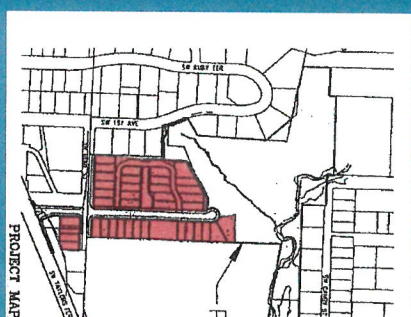
Alternative 06



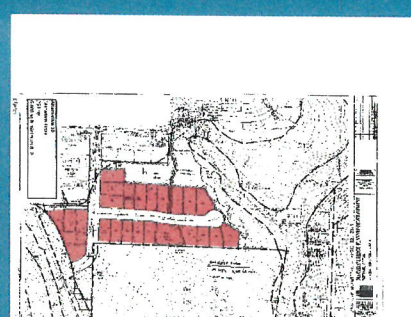
Alternative 07



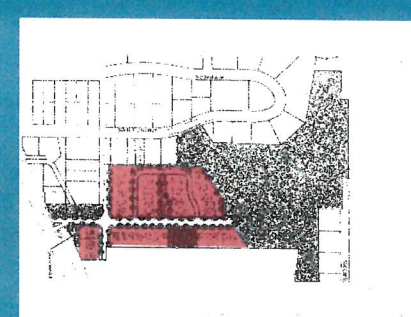
Alternative 08



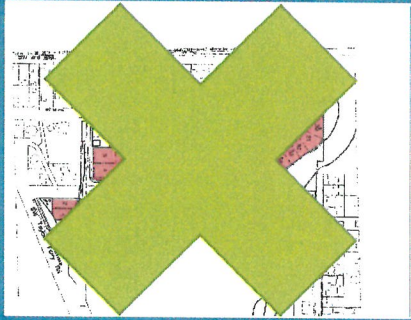
Alternative 09



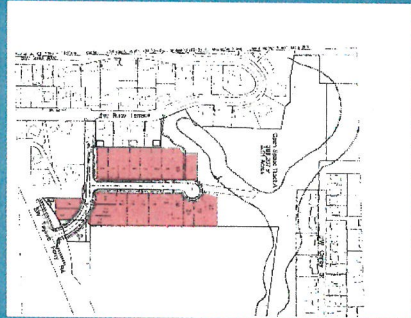
Alternative 10



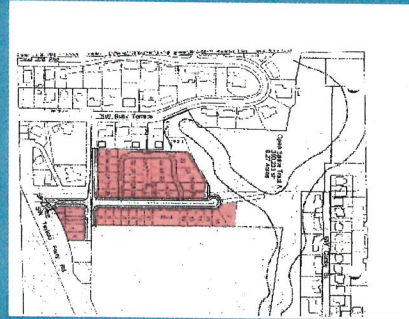
Alternative 11



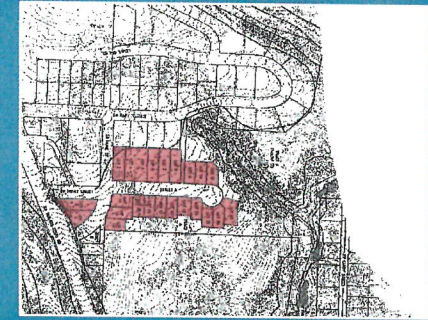
Alternative 01



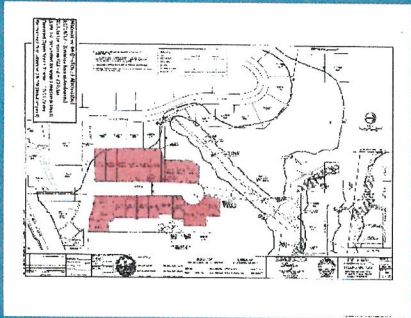
Alternative 02



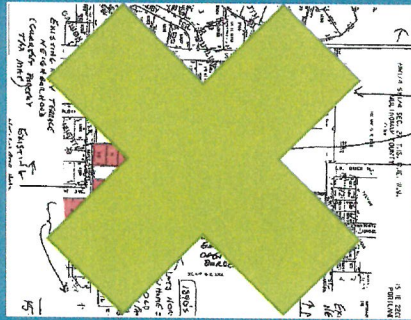
Alternative 03



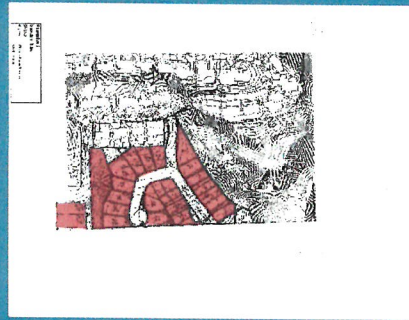
Alternative 04



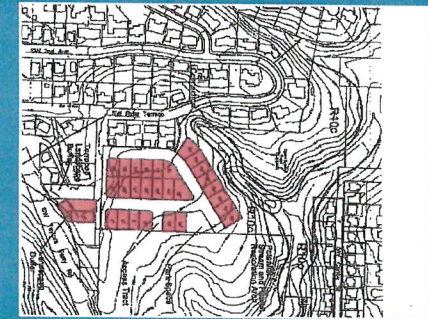
Alternative 04a



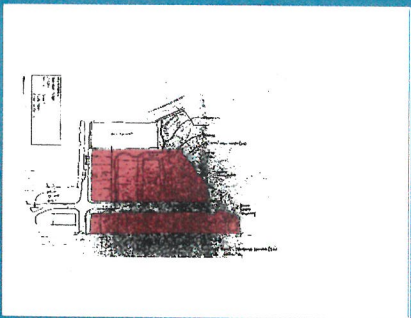
Alternative 05



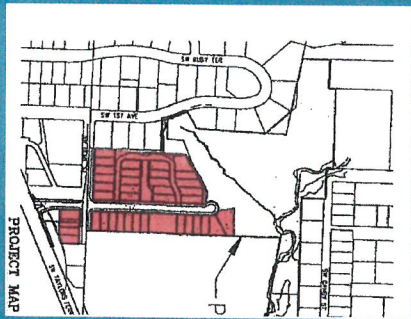
Alternative 06



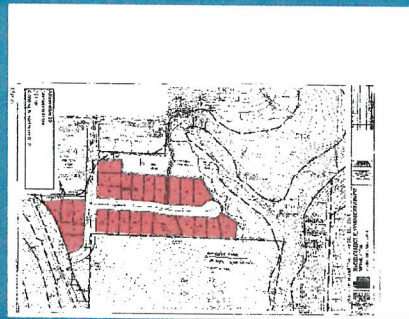
Alternative 07



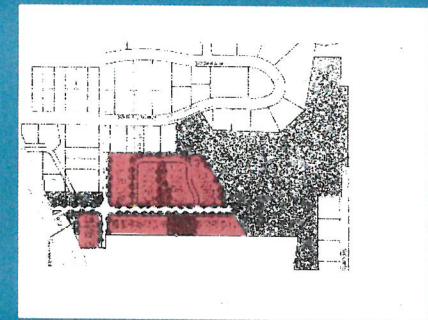
Alternative 08



Alternative 09



Alternative 10

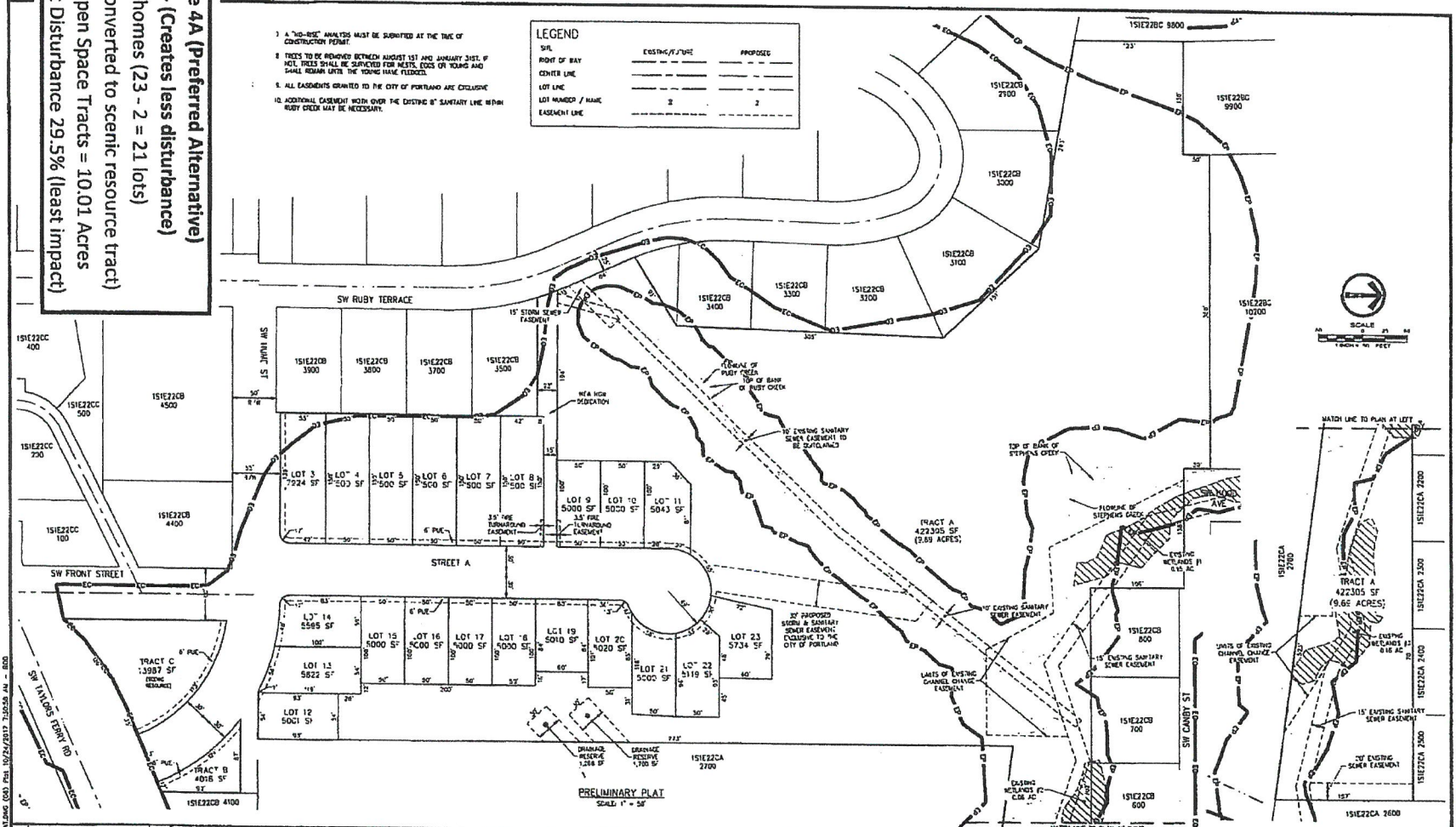


Alternative 11

Alternative 4A (Preferred Alternative)
10/14/17 - (Creates less disturbance)
 21 lots for homes (23 - 2 = 21 lots)
 Enlarged Open Space Tracts = 10.01 Acres
 Permanent Disturbance 29.5% (least impact)

1. A "10-100" ANALYSIS MUST BE SUBMITTED AT THE TIME OF CONSTRUCTION PERMIT.
2. TREES TO BE REMOVED BETWEEN AUGUST 1ST AND JANUARY 31ST. IF NOTE: TREES SHALL BE SURVEYED FROM MEASUREMENTS ON YOUNG AND SHALL REMAIN UNTIL THE YOUNG HAVE FLEGGED.
3. ALL EASEMENTS GRANTED TO THE CITY OF PORTLAND ARE EXCLUSIVE.
4. ADDITIONAL EASEMENT WORK OVER THE EXISTING 8' SANITARY LINE WITH RUBY CREEK MAY BE NECESSARY.

LEGEND		
S/L	EXISTING/P.L./LINE	PROPOSED
POINT OF BAY	---	---
CENTER LINE	---	---
LOT LINE	---	---
LOT NUMBER / NAME	2	2
EASEMENT LINE	---	---

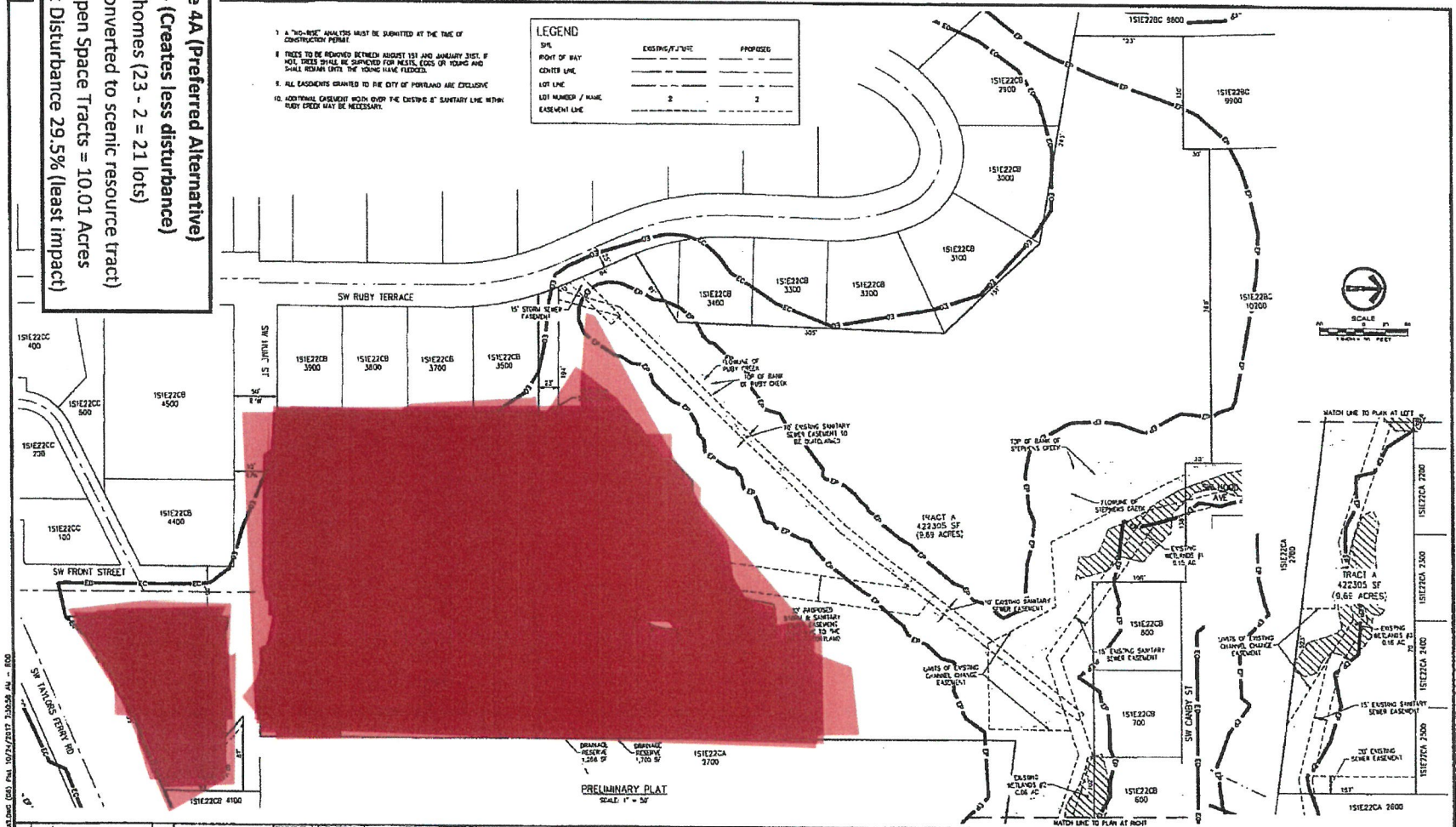


REVISIONS NO. DATE REVISIONS APP. FINAL MAP DATA	DESIGNED BY: [Name] CHECKED BY: [Name]	APPROVALS: [Signature] [Title] [Signature] [Title]	BUREAU OF ENVIRONMENTAL SERVICES WILIAM F. RYAN, P.E. CHIEF ENGINEER	BUREAU OF TRANSPORTATION STEVE HOWCK, P.E. CHIEF ENGINEER	EMERIO Design 6443 SW PALMERSON PLACE SUITE 100 PORTLAND, OREGON 97206 TEL: 503-253-1842 FAX: 503-253-1844 WWW.EMERIODSIGN.COM	PRELIMINARY LAND DIVISION SUBMITTAL PRELIMINARY PLAT MALCAMAN RIDGE SUBDIVISION SW HOME ST., SW RUBY TERRACE & SW TAYLORS FERRY RD	SHEET NO. 6 TOTAL SHEETS 25 PROJECT NO. T80025 SHEET NO. P 30 DATE 6/25
	CONTRACTED BY: [Name] PROJECT COMPLETED: [Date]	REVIEWED BY: [Name] DATE: [Date]	[Signature] [Title]	[Signature] [Title]	[Signature] [Title]	[Signature] [Title]	[Signature] [Title]
	MAP CORRECTED BY: [Name]	CHECKED BY: [Name]	[Signature] [Title]	[Signature] [Title]	[Signature] [Title]	[Signature] [Title]	[Signature] [Title]
	DESIGNED BY: [Name]	CHECKED BY: [Name]	[Signature] [Title]	[Signature] [Title]	[Signature] [Title]	[Signature] [Title]	[Signature] [Title]




Alternative 4A (Preferred Alternative)
10/14/17 - (Creates less disturbance)
 21 lots for homes (23 - 2 = 21 lots)
 (Lots 1-2 converted to scenic resource tract)
 Enlarged Open Space Tracts = 10.01 Acres
 Permanent Disturbance 29.5% (least impact)

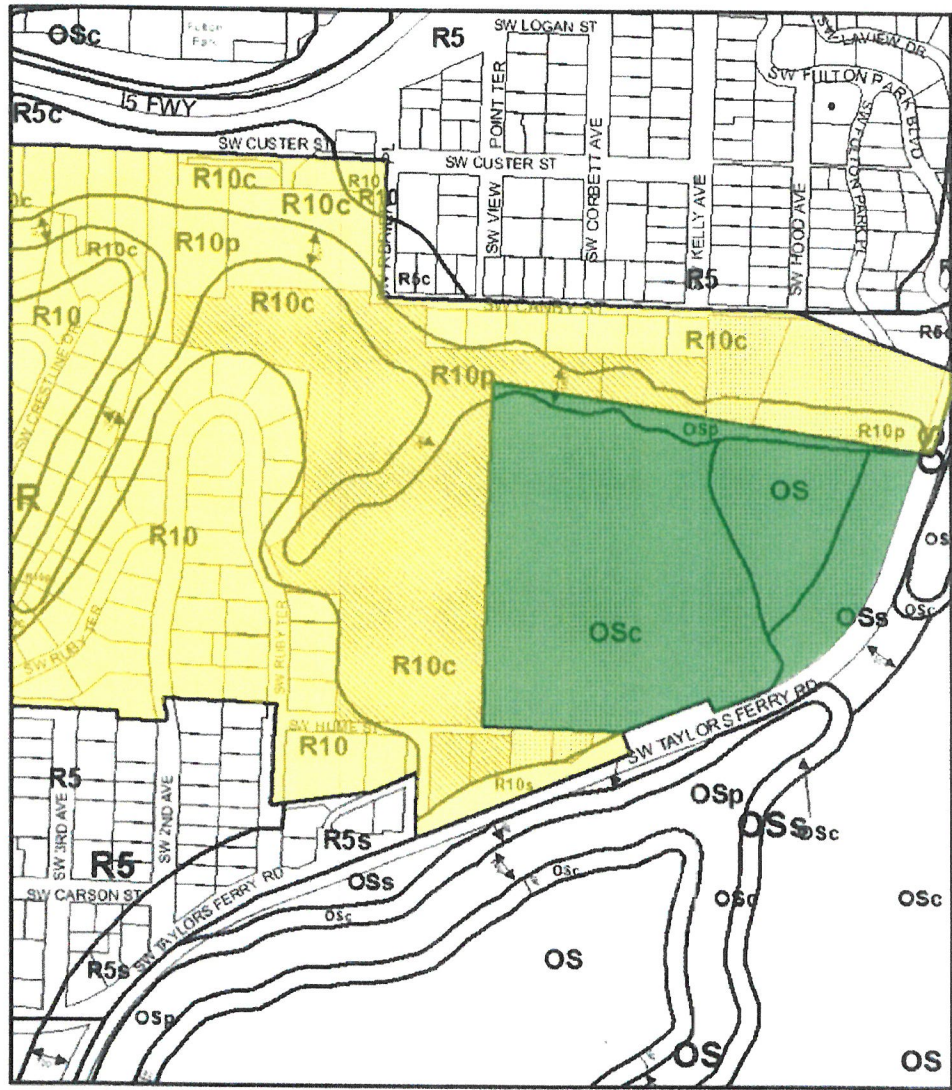
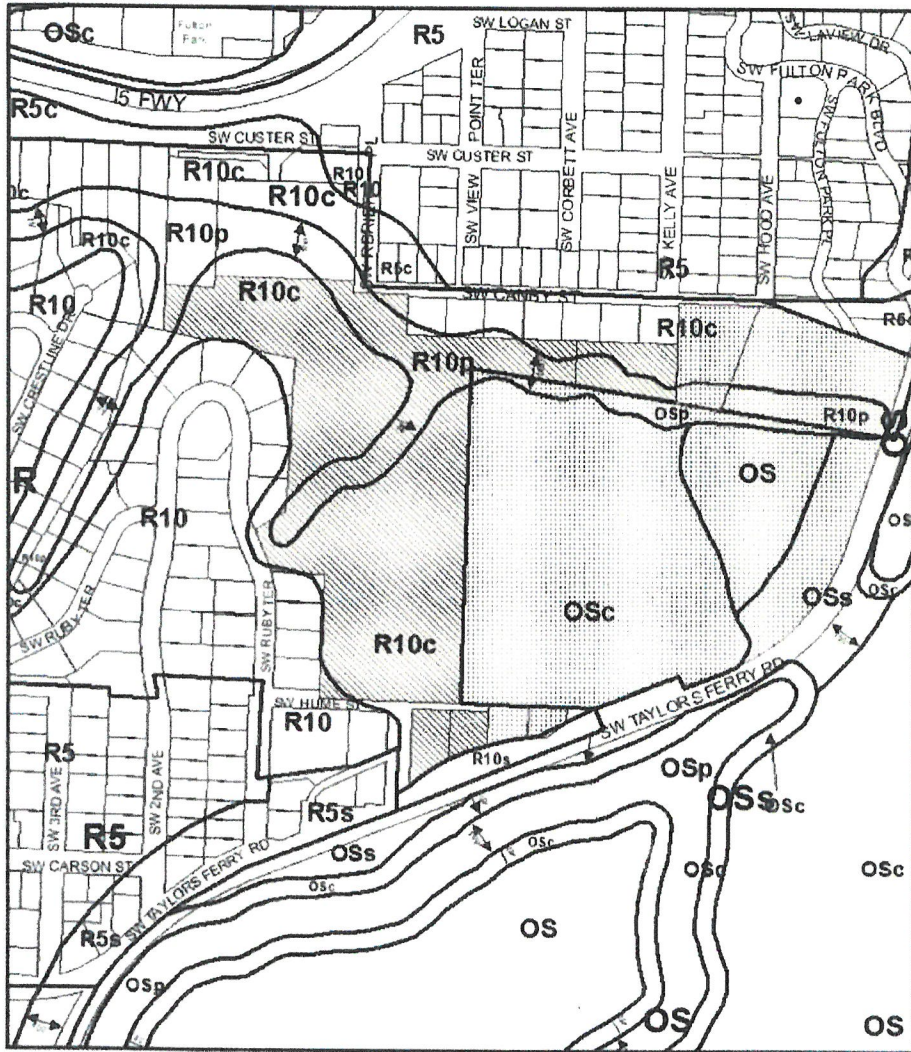
1. A "NO-NET" ANALYSIS MUST BE SUBMITTED AT THE TIME OF CONSTRUCTION PERMIT.
2. TREES TO BE REMOVED BETWEEN AUGUST 1ST AND JANUARY 31ST. IF NOT, TREES SHALL BE SURVEYED FOR HEIGHT, Girth OR YOUNG AND SHALL REMAIN UNTIL THE YOUNG HAVE FLEGGED.
3. ALL EASEMENTS GRANTED TO THE CITY OF PORTLAND ARE EXCLUSIVE.
4. ADDITIONAL EASEMENT WITH OVER THE EXISTING 8' SANITARY LINE WITH RUBY CREEK MAY BE NECESSARY.

LEGEND	
SPL	PROPOSED
POINT OF BAY	_____
CENTER LINE	_____
LOT LINE	_____
LOT NUMBER / NAME	2 2
EASEMENT LINE	_____



PRELIMINARY PLAT
 SCALE 1" = 50'

CONDUCTED BY: _____ PROJECT COMPLETED: _____ PREPARED BY: _____ CHECKED BY: _____ DATE: _____ REVISIONS: _____ FINAL MAP DATA: _____		DESIGNED BY: _____ CHECKED BY: _____ DRAWN BY: _____ DATE: _____ PROJECT: _____		 APPROVALS: _____ _____ _____ _____		BUREAU OF ENVIRONMENTAL SERVICES _____ _____ _____		BUREAU OF TRANSPORTATION _____ _____ _____		 HARTO Design 6415 SW MILLIKEN PLACE SUITE 100 BEAVERTON, OREGON 97005 TEL: 503-746-8877 FAX: 503-637-1944 www.hartodesign.com		 PRELIMINARY LAND DIVISION SUBMITTAL PRELIMINARY PLAT MACADAM RIDGE SUBDIVISION SW RUBY ST. SW RUBY TERRACE & SW TAYLORS FERRY RD.		SHEET NO. 180025 SHEET NO. P. 30 6 of 25	
--	--	---	--	--	--	---	--	---	--	--	--	--	--	--	--



ZONING



- Site
- Also Owned Parcels
- Historic Landmark

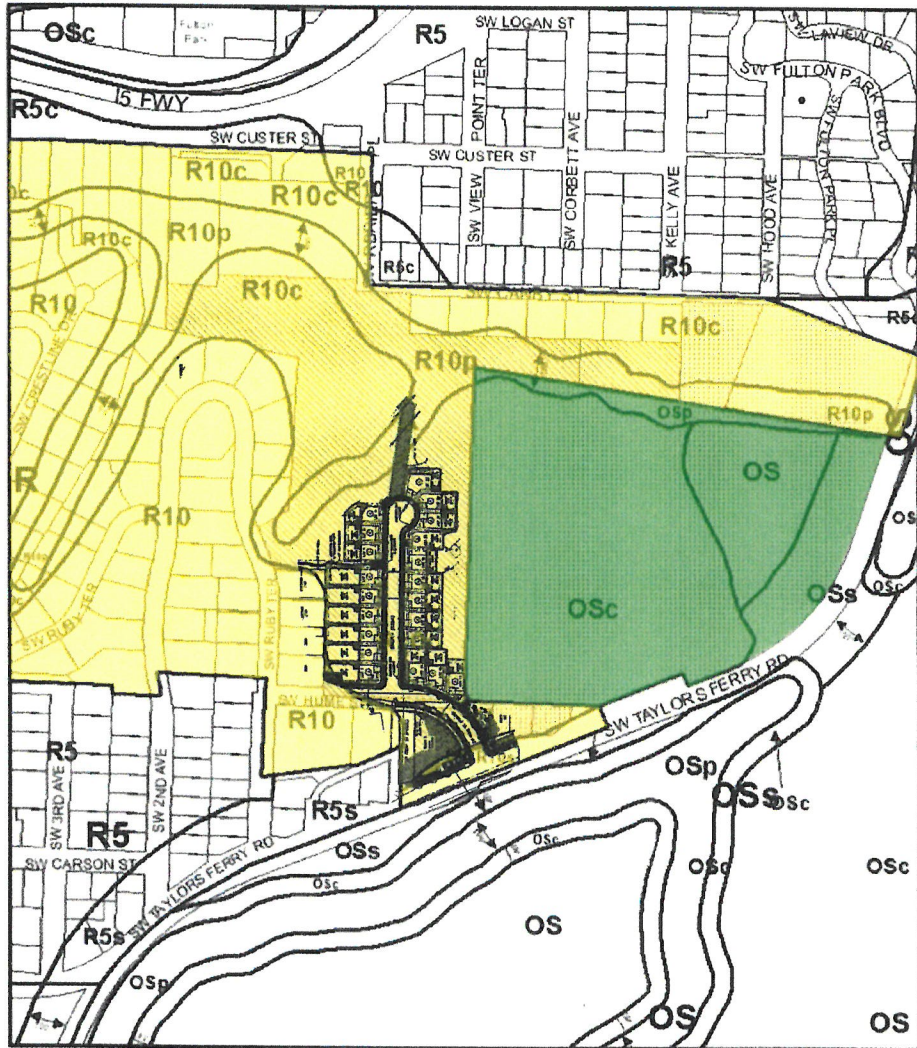
File No. LU 16-213734 LDS ENM EV
 1/4 Section 3829
 Scale 1 inch = 300 feet
 State_Id 1S1E22CB 1300
 Exhibit B (Feb 01, 2017)

ZONING



- Site
- Also Owned Parcels
- Historic Landmark

File No. LU 16-213734 LDS ENM EV
 1/4 Section 3829
 Scale 1 inch = 300 feet
 State_Id 1S1E22CB 1300
 Exhibit B (Feb 01, 2017)



ZONING



- Site
- Also Owned Parcels
- Historic Landmark

File No. LU 16-213734 LDS ENM EV
 1/4 Section 3829
 Scale 1 inch = 300 feet
 State Id 1S1E22CB 1300
 Exhibit B (if eb 01, 2017)

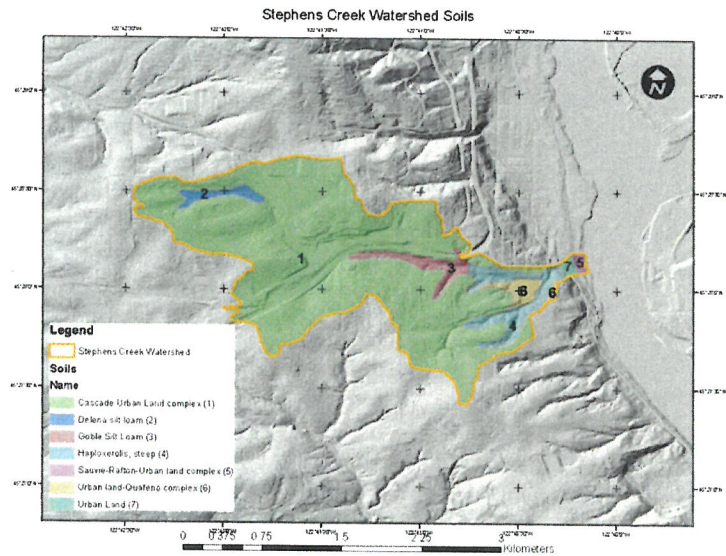


Figure 6. Map showing the distribution of soils in the watershed. Note that the majority of soils in within the watershed are urban land complexes. The map was generated with data from Green (1983).

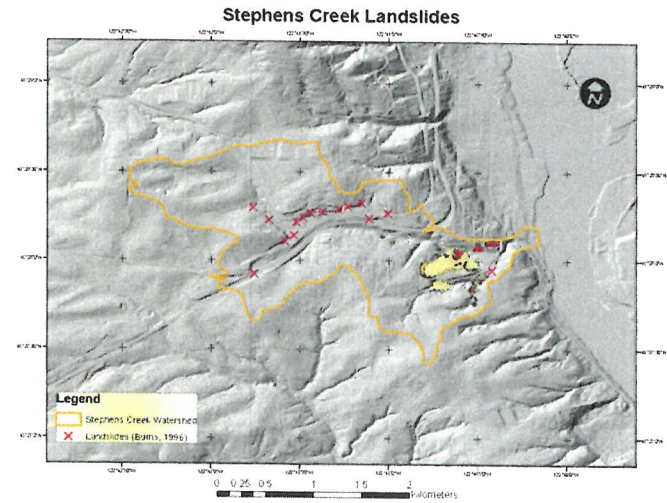


Figure 8. Landslide points from February 1996 storm (Burns, 1996) denoted by an "x", and ancient landslide polygons (modified from Burns and Duplantis, 2010) represented by red and yellow polygons.

