



City of Portland, Oregon
Bureau of Development Services
Land Use Services

1900 SW 4th Avenue, Suite 5000
Portland, Oregon 97201
503-823-7300
Fax 503-823-5630
TTY 503-823-6868
www.portlandonline.com/bds

Date: April 28, 2009
To: Interested Person
From: Shawn Burgett, Land Use Services
503-823-3581 / BurgettS@ci.portland.or.us

NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 09-107812 TR

GENERAL INFORMATION

Applicant: Donna Keough
508 W 44th St
Vancouver, Wa 98660
360-696-9014

Owner: JGT Investments Llc
Po Box 66910
Portland, OR 97290

Site Address: 17127 SE WOODWARD ST. & 17133 SE WOODWARD ST

Legal Description: DISCOVERY, LOT 3 & 4, INC UND INT TRACT A
Tax Account No.: R595699, R595700
State ID No.: 1S3E07BA 02203, 1S3E07BA 02204
Quarter Section: 3347

Neighborhood: Centennial, contact Louise Cody at 503-252-4302.
Business District: None
District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.

Zoning: R7a (Single Family Residential 7,000 with "a" alternative design density overlay)

Case Type: TR (Tree Review)
Procedure: Type II, an administrative decision with appeal to the Hearings Officer.

Proposal:

The applicant is proposing to build a single family home on lots 3 and 4 of this subdivision (Discovery) which was created under LU_05_101995_LDS. LU_05_101995_LDS had tree preservation requirements (conditions of approval) that had to be met on the site in order to meet Zoning Code standard 33.630.100, option 1. This standard requires 35% of the total non-

exempt tree diameter located on a site to be protected. In this case, 284 inches of non-exempt tree diameter were identified on the site during the land division process, the applicant agreed to protect 54% of the non-exempt tree diameter (153 inches), well over the minimum amount required per the Zoning Code. As a condition of approval, trees numbered 178 and 180 were required to be protected on lot 3, along with trees 161, 163, 164 and 166 on Lot 4.

Tree number 180 was a 14 inch fir tree located near the private street turnaround on the eastern half of Lot 3. According to the applicant, tree number 180 did not exist on the lot following the purchase of lot 3 from the developer. Tree number 178, a 31 inch fir is still located on lot 3 and is still proposed for protection, as well as trees 161, 163, 164 and 166 on Lot 4, which are all still proposed for protection.

Typically the removal of a protected tree would result in a tree violation review. In this case, the original applicant proposed to protect well over the minimum amount of trees the Zoning Code requires, the removal of tree 180 from the list of protected trees still allows the subdivision to meet the Zoning Codes tree preservation standards found under option 1 of Zoning Code section 33.630.100. The removal of tree 180 from this list will still result in a total of 139 inches, over the 35% minimum for the subdivision as a whole.

However, due to feedback received from the Neighborhood Association (exhibit F-1), the applicant has agreed to formally protect some viable trees on Lot 4 within the same subdivision (D-1 and D-2), these trees were not formally protected under the previous land division and can replace Tree # 180 by adding additional trees to the list of trees on the site with “protected status.” The applicant has agreed to protect trees listed as D-1 (29” Douglas Fir) and D-2 (18” Douglas Fir) on lot 4 (exhibit C-1), which is a total of 47 inches of a protected tree diameter, or 33 inches more tree diameter than was protected under LU_05_101995_LDS.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are:

- 33.853.040, Approval Criteria for changes to an approved tree preservation plan

ANALYSIS

Site and Vicinity: The site is relatively flat. A cluster of large fir trees are located in the rear of lot 4. Lots 3 and 4 of this subdivision are vacant at this time, with new residential development proposed on both lots (08-192085 RS on lot 4 and 08-192073 RS on lot 3). New residential development is present on lot 1, where a new single family home has been constructed. Additionally, there is an existing single family home located on Lot 2 of this subdivision. The private street tract is completely constructed at this time.

Zoning: The R7 designation is one of the City’s single-dwelling zones which is intended to preserve land for housing and to promote housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing.

Land Use History: As previously noted, city records indicate that the site was subdivided under LU_05_101995_LDS, which divided the site into 4 lots and a private street tract.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **February 26, 2009**. The Bureaus have responded with no issues or concerns (see E Exhibits).

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on February 26, 2009. One written response has been received from the Neighborhood Association in response to the proposal.

Neighborhood Association Response: The Neighborhood Association expressed concern (exhibit F-1) about the precedence this proposal sets if the City allows the applicant to amend the tree preservation plan approved under LU_05_101995_LDS through this Tree Review, opposed to a Tree Violation Review, which is typically required when protected trees are removed from a property. The Neighborhood letter also mentions that since the applicant currently owns lot 4 of the same subdivision, (which has a couple of large trees that were left unprotected during the original land division done under LU_05_101995_LDS), that the applicant should be required to protect the remaining mature trees on Lot 4 in place of the tree removed on Lot 3.

BDS Response: *Planning staff understands the Neighborhood Association position and concern and passed these concerns on to the applicant. In response to the Neighborhood Associations concern, the applicant agreed to formally protect trees labeled D-1 and D-2 on Lot 4 within the same subdivision to replace tree #180, the 14"-Fir which was removed on Lot 3. Trees D-1 and D-2 on lot 4 are a combined 47 inches of tree diameter, which if added to the total tree diameter already protected on this site as indicated under LU_05_101995_LDS, would increase the total protected tree diameter protected on this site from 54 percent, to 65 percent (even with the removal of tree 180).*

ZONING CODE APPROVAL CRITERIA

Tree Review

33.853.010 Purpose

The tree review process evaluates whether mitigation proposed for tree removal is both appropriate and adequate, considering the purpose of the regulations that limit removal. Tree review also evaluates whether changes to tree preservation plans are appropriate, and determines the appropriate mitigation for trees lost due to violations of tree regulations. The review allows flexibility for unusual situations and allows for the purpose of the tree regulations to be met using creative or innovative methods.

33.853.040 Approval Criteria

The approval criteria consist of three criteria (A-C). The site is not located in the Scenic Overlay Zone or Rocky Butte plan districts therefore Criterion A does not apply. The applicant has not violated the approved tree preservation plan; therefore Criterion C does not apply. Therefore only Criterion B is applicable and addressed below.

B. Changes to tree preservation or mitigation methods. The approval criteria for changes to tree preservation or mitigation methods, including a tree preservation plan, tree preservation, tree preservation tract, or mitigation plan are:

1. If the tree preservation or mitigation method was approved under the provisions of Chapter 33.630, the requested change will be approved if the review body finds that the applicant has shown that the revised method will continue to meet Chapter 33.630, Tree Preservation.

2. If the tree preservation or mitigation method was not approved under the provisions of Chapter 33.630, the requested change will be approved if the review body finds that the applicant has shown that the revised method better meets the purpose of Chapter 33.630, Tree Preservation, stated in Section 33.630.010.

Findings: The City's approval of LU 05-101995_LDS (4-lot land division with Private Street tract) included the approval of a tree preservation plan under Chapter 33.630 (exhibit G-3). The plan preserved 153 inches (tree diameter) of the 284 inches of total non-exempt tree diameter (54%) on the site, meeting Option 1 of the Zoning Code's tree preservation requirements of Chapter 33.630. The applicant proposes to amend the approved tree preservation plan from

LU_05_101995_LDS and remove tree number 180 from the list of protected trees; tree number 180 was located on Lot 3.

The applicant has agreed to replace tree 180 and protect two mature trees located on Lot 4 within the same subdivision. The applicant has provided an arborist report (exhibit A-2) which documents the health of the two Douglas Fir trees located near the eastern property boundary of lot 4 that the applicant would like to formally protect, these two trees (D-1 and D-2 shown visually on exhibit G-4) are both Douglas Fir trees that equal 47 inches of tree diameter, and would increase the total tree diameter protected within the subdivision from 153 inches to 186 inches. This would raise the total tree diameter protected on the site from 54% as approved under LU_05_101995_LDS, to 65%, which meets option 1 of the Zoning Code's tree preservation requirements of Chapter 33.630.

Tree Number	Size (dbh)	Species	Location
D-1	29"	Douglas Fir	Lot 4
D-2	18"	Douglas Fir	Lot 4

Due to the close proximity of several protected trees on lot 4 from the development proposed and the recommendation that the arborist be involved in the excavation of the foundation (exhibit A-2) of the proposed house on lot 4, the following information will be required prior to the issuance and final of building permits on lot 4:

As a condition of approval, prior to the issuance of building permits on lot 4, the applicant shall provide a letter from a certified arborist that summarizes the arborist's involvement in the excavation and installation of the foundation of the proposed structure on Lot 4, as recommended in the arborist report (exhibit A-2)

Additionally, prior to the "finaling" of the building permit for lot 4, the applicant shall submit a letter from a certified arborist documenting the health of the protected trees on lot 4 following the construction process. Failure to provide the necessary arborist documentation requested above in correlation with construction activity harming any of the protected trees on lot 4 could result in a tree violation and delay the "final" of the building permit several months until a Tree Violation review is finalized.

Based on the discussion above and the conditions of approval discussed above, this criterion is met with the requirement that Trees D-1 and D-2 on lot 4 are formally protected to replace tree 180 which was removed on Lot 3. All other conditions related to the approved tree preservation plan for LU_05_101995_LDS continue to apply.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The applicant's amended tree preservation plan removes one tree (number 180, on lot 3) that was previously preserved as part of the original tree preservation plan under LU_05_101995_LDS and adds two trees to the list of trees with protected status, trees D-1 and D-2 on lot 4 within the same subdivision under common ownership.

The removal of tree 180 from "protected status" and the addition of trees D-1 and D-2 will result in a total of 186 inches of non exempt tree diameter protected within the subdivision, or 65% of the total non exempt tree diameter, well over the 35% minimum for the subdivision as a whole.

ADMINISTRATIVE DECISION

Approval of a Tree Review to amend the Tree Preservation Plan approved under LU 05-101995 LDS to remove Tree number 180 located on lot 3 from the list of protected trees within the subdivision and add trees labeled D-1 and D-2 located on lot 4 to the tree preservation plan as protected trees. All other conditions related to the approved tree preservation for LU_05_101995_LDS continue to apply.

As illustrated with Exhibit C-1 subject to the following conditions:

1. Development on Lots 3 and 4 shall be in conformance with the revised Tree Preservation

Plan (Exhibit C-1) and the applicant's Arborist Report (Exhibit A-2). Trees labeled D-1 and D-2 on lot 4 as shown on exhibit C-1 must be preserved. All other Tree Preservation requirements from LU_05_101995_LDS continue to apply to this subdivision.

Encroachment into the specified root protection zones may only occur under the supervision of a certified arborist. Planning and Zoning approval of development in the root protection zones is subject to receipt of a report from an arborist, explaining that the arborist has approved of the specified methods of construction, and that the activities will be performed under his supervision. The report from an arborist and any revisions to permit plans reflecting new root protection zones must be submitted and approved by Planning and Zoning prior to any working occurring in the root protection zone. If work is conducted in the RPZ and Planning & Zoning approval is not obtained before the work begins and the tree subsequently falls, it may result in a violation.

2. Prior to issuance of a residential building permit for Lot 4, the applicant shall provide a letter from a certified arborist that outlines the construction methods that will be used to protect the trees required to be preserved on Lot 4 as shown in exhibit C-1. Tree protection measures could include, but are not limited to: Arborist supervision, excavation by hand or air spade, special foundations and therapeutic care such as fertilizing, pruning and mulching. The arborist letter shall document that the arborist will be on site during the excavation of the foundation for proposed house on Lot 4 and removal of any branches.
3. Prior to the "finaling" of the building permit for lot 4, the applicant shall submit a letter from a certified arborist documenting the health of the protected trees on lot 4 following the construction process.

Staff Planner: Shawn Burgett

Decision rendered by:  **on April 23, 2009**

By authority of the Director of the Bureau of Development Services

Decision mailed: April 28, 2009

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on February 11, 2009, and was determined to be complete on February 23, 2009.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on February 11, 2009.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period.

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on May 12, 2009** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor.

An appeal fee of \$250 will be charged. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7967 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal

to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Hearings Officer an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **May 13, 2009 – (the day following the last day to appeal)**.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Narrative
 - 2. Arborist report documenting current health of trees on lots 3 and 4 (attached)
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Copy of Tree Preservation Plan from LU_05_101995_LDS
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
 - 7. Life Safety Plans examiner
- F. Correspondence:
 - 1. Louise Cody, Land Use Chair, Centennial Community Association. Dated 3/18/09
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. LU_05_101995_LDS
 - 4. Photo of trees D-1 & D-2, along with #163 from Site Visit

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-7300 (TTY 503-823-6868).



John O'Shea, Consulting Arborist
ISA Certified Arborist #WE1877A
433 SE 70th Avenue
Portland OR 97215
(503) 408-9308
e: banjolst@qwest.net
www.im4trees.com

Jim Kosta
B and W Construction
P.O Box 66910,
Gresham, OR 97290

January 30th, 2009

**Arborist Report for: Partitioned lots-LU 05 101995 LDS
Construction planned-corner SE Woodard and SE 171st OR 97024**

ASSIGNMENT

I am being consulted to inventory and to give my professional opinion of the health of the trees on the above property, which has been divided for a second lot. The owner and city of Portland will use this report and accompanying sketched map to determine which trees are protected in this Tree Protection Plan.

This report is to inform the concerned parties of the viability of the trees and of those areas to be fenced to protect the trees selected. This report is required by Portland's municipal code. Any tree not being removed must be (and should have been) protected during construction and excavation operations.

OBSERVATIONS AND DISCUSSION

I began by measuring the trees over 6" diameter breast height (DBH). I gave Letters and numbers (A, C-1, etc.) to the trees on the lot. I also tagged each tree with ribbon showing the number. There were old logging-type tags on the trees to the tree. I left them in place but ignored the numbers as they were so old the diameters of trees no longer correlated with found diameters. This way, no confusion relating trees on map/plan to actual trees should result. My sketched trees are on a scaled map, and will be useful to locate trees on site and within six feet of the lot lines.

Along and inside the north line, are two dead Cherry trees (*Prunus sp.*) and English Holly (*Ilex sp.*). There is also a large Ailanthus (*Ailanthus altissima*.) No protection is required for these; dead trees are exempt as well as English Holly and Ailanthus.

Seven of the larger trees on site can be preserved during construction.

CASE NO. 09-107812
FEEBIT A-2

They should be fenced with orange construction fencing as described in Conclusions and Recommendations, below.

The attached map has the tree protection zone sketched in. If during excavation or construction activity any root is found over 2" diameter — from a live tree being preserved — the project arborist should be onsite to either cut this root cleanly or implement alternate construction methods such as bridging over that root. An arborist familiar with root pruning and proper excavation shall be on site during all excavation work. I am available for this work. See CONCLUSIONS AND RECOMMENDATIONS.

TREE INVENTORY

Old tree numbers from the report done previously were three digit numbers as reported. If using these, they correlate to my system: A was 180. B-1 was 178. B-2 and B-3 were not counted at that time. C-1 was 164. There was no C-2, as it was not surveyed at that time. D-1 was 163. D-2 was not surveyed at that time. E was 161. F was 166.

ID#	Common names	Species	DBH	Recommendation and comment
A	Douglas-fir	<i>Pseudotsuga menzeissii</i>	14"	Was removed before site visit.
B-1	Douglas-fir	<i>Pseudotsuga menzeissii</i>	31"	Retain/preserve-25' RPZ
B-2	Hawthorn Non-Native	<i>Crataegus sp.</i>	10"	Retain/preserve - 10' RPZ
B-3	Hawthorn Non-Native	<i>Crataegus sp.</i>	18"	Remove. Not a good landscape choice with the shape.
C-1	Douglas-fir	<i>Pseudotsuga menzeissii</i>	27"	Retain/preserve-18' RPZ to existing fence and fence for D1.
C-2	Douglas-fir	<i>Pseudotsuga menzeissii</i>	28.5"	Retain/preserve-18' RPZ to existing fence and fence for D1. As close as twelve feet to house, use tube/column foundation supports for deck. Air-spade roots on this side to determine where they are pre-construction.

D-1	Douglas-fir	<i>Pseudotsuga menzeissii</i>	29"	Retain/preserve-13'6" RPZ on West side, 18' radiussed on south side. See drawing.
D-2	Douglas-fir	<i>Pseudotsuga menzeissii</i>	18"	Same as D-1.
E	Douglas-fir	<i>Pseudotsuga menzeissii</i>	28.5"	Retain/preserve-18'RPZ
F	Douglas-fir	<i>Pseudotsuga menzeissii</i>	22"	Retain/preserve-6'RPZ

Please See pages 7-8 of this report. Arborist reduced RPZ of trees C-2, D-1, D-2 to 10' on west of D-1 + D-2, and 10' to South of C-2

From the Land use Decision, my information is that there were 284 inches of non-exempt trees on site, and that Option One of the Portland Tree Preservation code was chosen and met. At the time of the first arborist report, over 35% of tree diameter was retained. We can still preserve 58% of the original 284 inches with 194 inches preserved- and meet the conditions of Option One. This is thirty more inches and much more tree diameter than was originally saved, due probably to miscounting of remaining trees. Tree Protection Zones must be laid out according to this document.

CONCLUSIONS AND RECOMMENDATIONS

If my suggestions are carefully followed, root systems will be protected at all stages of development here. Note from the sketched map I made on site that trees B-1, B-2 and C-1, C-2, D-1 and D-2 are enclosed in one long Tree Protection Fence. This is the Root Protection Zone, or RPZ. This linking of fencing will preserve *shared* root space. **This report differs from my earlier report of February 1st that suggested tree C-1 be removed. At that time I was not aware of the mitigation possibilities Mr. Kosta is willing to employ such as a bridged or floating foundation if necessary, especially on the deck.**

I do recommend mulch be put down in all of these root protection zones to a depth of approximately three inches-*not exceeding five inches*-and not touching bark on any tree to be preserved.

It is my opinion that the minimums of ten to eighteen feet radius of fencing (-from tree bases) will adequately preserve these trees. Note that tree F is the only tree that gets a ten foot radius. Trees D-1 and D-2 get 18' on their southern sides, diminishing to 13'6" on the western side, toward the house foundation. As mentioned, it is my opinion that this is enough RPZ due to the root space these two larger trees have in common. It is a smaller root protection zone than normally recommended. In my opinion, with the shared root space and wind buffering of this grove, the smaller RPZ's will work.

On trees E and F, most construction has already occurred near the trees and there is currently no RPZ fencing, but when fences are installed, each is linked to current neighbor fences, and mulched, the trees should be in good shape.

The following bold paragraphs should be printed and attached to construction fences. It can also be added-cut and paste- to construction documents. My measurements of trees, and inventory, can also be cut and pasted onto the construction plans or survey/elevation plan.

It is important that each subcontractor be made aware of the Tree Protection Zone's importance.

Trees being preserved shall be surrounded at a distance of at least ten feet with orange construction fencing. This shall all be four foot high, attached to steel posts driven into the ground at least every four feet. Inside of these tree protection zones there should be no stacking, storage, or handling of materials, nor any driving, loading or parking of construction vehicles. Trees on the north and south of the lot under construction will be protected as well, with at least a ten-foot setback to any construction activity.

There should also be no personnel allowed in these areas and no excavation or construction access allowed, except with the cooperation and permission of the

.....

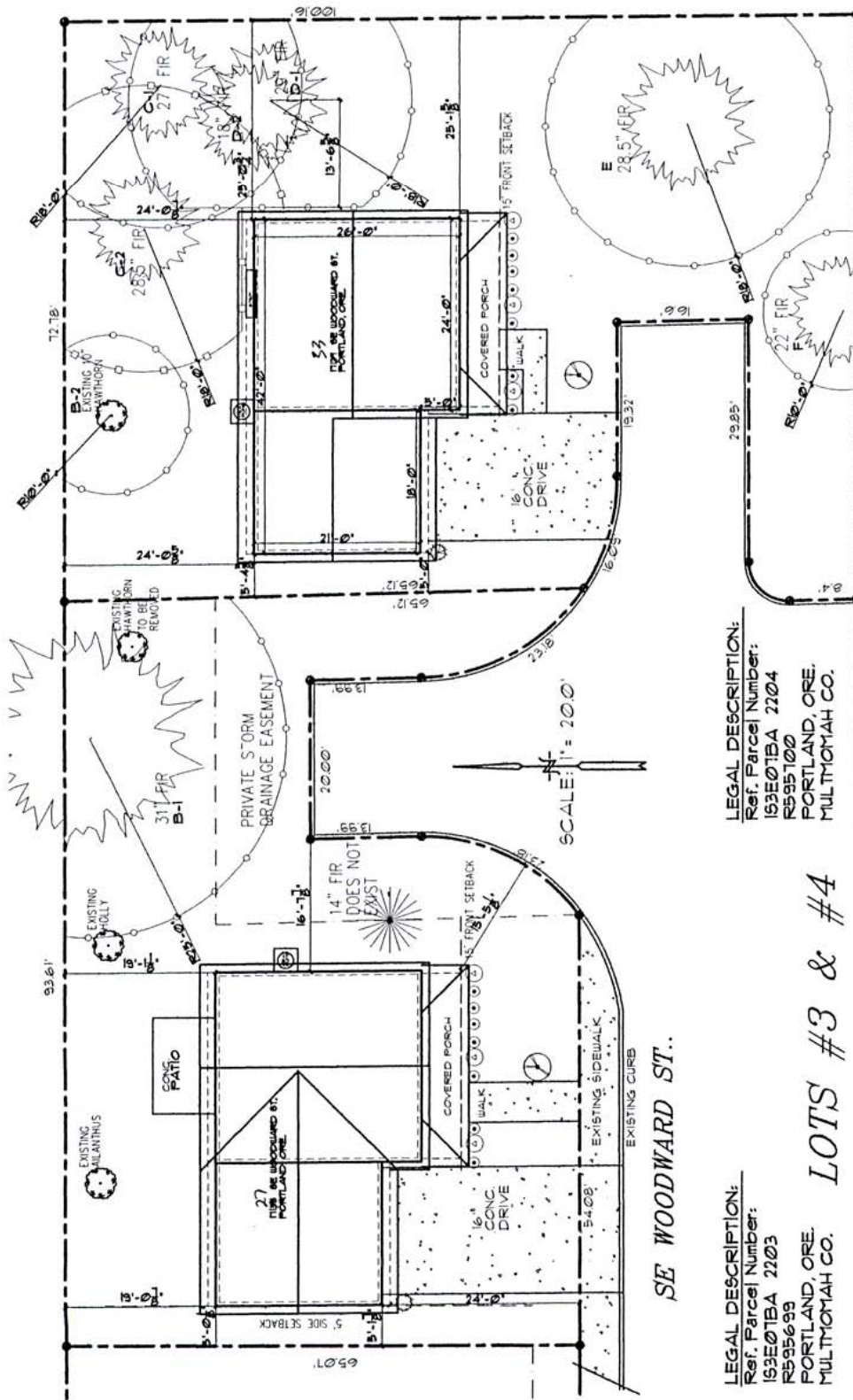
.....

John O'Shea, Consulting Arborist

project arborist; John O'Shea 503-860-3055; or the Gresham Planning Department. The attached map has tree protection zones sketched in. In most cases they will be ten feet from the preserved trees.

Please contact me with any questions pertaining to this report.

John O'Shea
Consulting Arborist
ISA Certified Arborist #WE1877-A Certified Tree Risk Assessor#392-PNWISA
American Society of Consulting Arborists-Member



LEGAL DESCRIPTION:
Ref. Parcel Number:
193E0718A 2203
R595699
PORTLAND, ORE.
MULTNOMAH CO.

LEGAL DESCRIPTION:
Ref. Parcel Number:
193E0718A 2204
R595700
PORTLAND, ORE.
MULTNOMAH CO.

LOTS #3 & #4

TYPE II TREE REVIEW

17115 SE WOODWARD ST.
PORTLAND, ORE.

OWNER: JGT INVESTMENTS
Thomas & Virginia Byrnes
17715 NE 92nd Ave.
Battle Ground, Wa. 98604
Cell: 503-780-3076
fax: 360-314-2723

LU09-107812 TR

Burgett, Shawn

From: Burgett, Shawn
Sent: Tuesday, April 21, 2009 1:11 PM
To: 'John O'Shea'
Cc: 'DONNA KEOUGH'
Subject: 09-107812 TR (17127 SE Woodward)

Attachments: arborist rpt.09-107812_001.pdf

Hi John,

I am just following up on the telephone message I left you. I am in the process of wrapping up Tree Review for Jim Costa/Donna Keough at a site located at 17127 SE Woodward, you had provided the arborist report for this site. I just had one quick question/request prior to issuing the land use decision:

Please see the attached arborist report/site plan (page 7 of attachment) that I got from you and the applicant. The current recommended root protection zone for trees listed as C-1, C-2, D-1 and D-2 have RPZ's that extend directly to the foundation of the proposed house on lot 4, which would make it almost impossible for the construction workers to work on the east/northern facade of the house proposed without going into the protective fencing shown at the RPZ of the protected trees mentioned above. The City's new protective fencing regulations require metal fencing with steel posts, making it harder to move around protective fencing once its installed.

You mention on page 4 of the attached report that all trees being preserved should have a minimum of 10 feet of site area surrounded by protective fencing. I just wanted to get something a little more explicit in regard to trees C-1, C-2, D-1 and D-2.

Do you think it would be ok to move the location of the RPZ (and the protective fencing required) for trees C-1, C-2, D-1 and D-2, 3 to 5 ft. farther from the foundation of the proposed house than is recommended in the attached report? This would provide the minimum 10 ft. root protection zone separation between the proposed house and the trees in question, and would also provide the builders some room to work on the eastern and northern facades of the house without impacting the protective fencing required.

Let me know if the slightly reduced RPZ is something you can support. I am also planning on requiring the applicant to provide a letter from a certified arborist documenting the viability of the protected trees on lot 4 following all construction actives, prior to the final of the building permit, so we (the City) are sure that the protected tree's are properly maintained and monitored throughout the construction process. Feel free to call me with any questions. Thanks.

Shawn Burgett
City Planner
City of Portland
Bureau of Development Services
phone: (503) 823-3581
fax: (503) 823-5630
burgetts@ci.portland.or.us



arborist
.09-107812_001.pdf

Burgett, Shawn

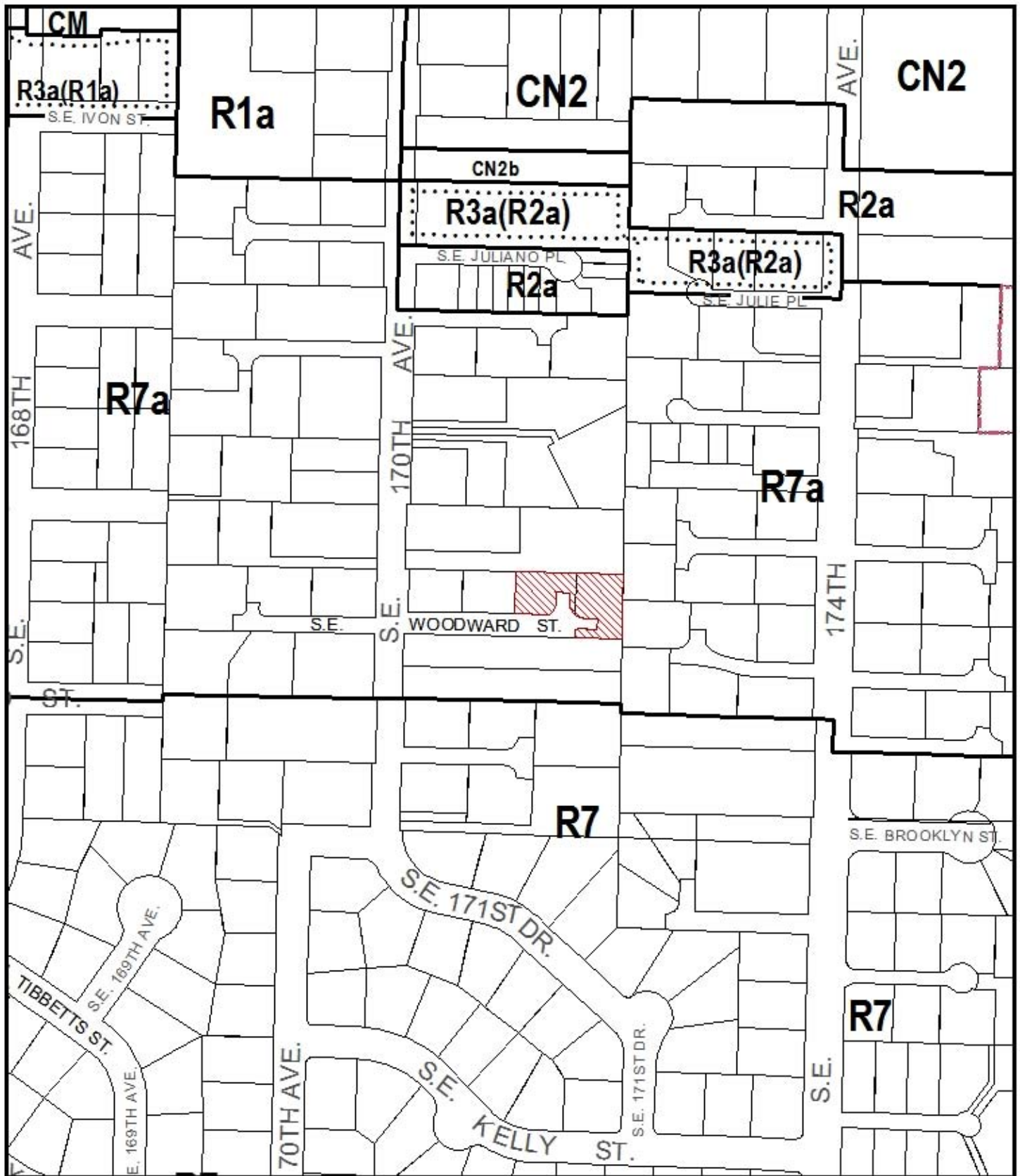
From: John O'Shea [banjoist@qwest.net]
Sent: Wednesday, April 22, 2009 6:06 AM
To: Burgett, Shawn
Cc: 'DONNA KEOUGH'
Subject: Re: 09-107812 TR (17127 SE Woodward)

Hello, Shawn, I do think it will be viable to change those RPZ's, especially since, as you mention, fencing standards have changed to steel since we started this process, and are better for tree protection. In short, all four of those trees mentioned will have a shared, protected root zone which I am counting on to protect them better than single circled RPZ's would.

John O'Shea, Consulting Arborist
(503) 408-9308
433 SE 70th Avenue
Portland, OR 97215
banjoist@qwest.net
www.im4trees.com

On Apr 21, 2009, at 1:11 PM, Burgett, Shawn wrote:

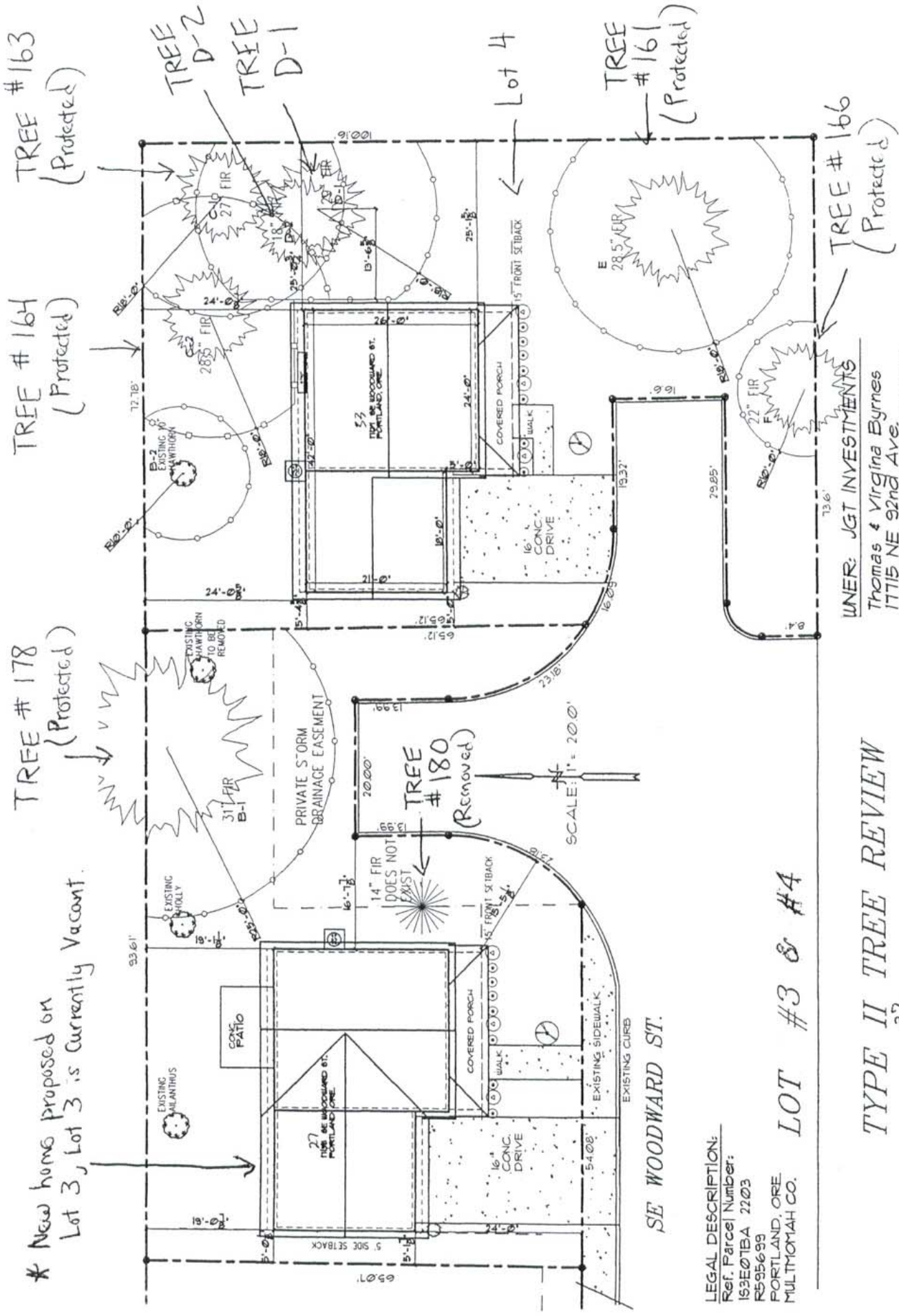
> <arborist rpt.09-107812_001.pdf>



ZONING



File No.	LU 09-107812 TR
1/4 Section	3347,3348
Scale	1 inch = 200 feet
State_Id	1S3E07BA 2203
Exhibit	B (Feb 13,2009)



* New home proposed on Lot 3, Lot 3 is Currently Vacant.

TREE #178 (Protected)

TREE #164 (Protected)

TREE #163 (Protected)

TREE D-2

TREE D-1

TREE #161 (Protected)

TREE #166 (Protected)

LEGAL DESCRIPTION:
 Ref. Parcel Number:
 153E07BA 2203
 R595699
 PORTLAND, ORE.
 MULTNOMAH CO.

LOT #3 & #4

TYPE II TREE REVIEW

1715 SE WOODWARD ST.
 PORTLAND, ORE.

OWNER: JGT INVESTMENTS
 Thomas & Virginia Byrnes
 1715 NE 92nd Ave.
 Battle Ground, Wa. 98604
 Cell: 503-780-3076
 Fax: 360-314-2723