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February 23, 2015

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VIA U.S. FIRST-CLASS MAIL

Planning and Sustainability Commission
c/o Bureau of Planning and Sustainability
City of Portland
1900 SW Fifth Ave., Suite 71000
Portland, OR 97201-5380

Re: Comments on Comprehensive Plan Proposed Draft Map (5434 SW 18th Drive)

Dear Commissioners:

This firm represents Teresa Brandon, the owner of the property located at 5434 SW 18th Drive ("Property") in the City of Portland ("City"). In the Comprehensive Plan Proposed Draft Map, the City is proposing to "down-designate" the Property, changing the Comprehensive Plan designation from Low Density Single-Dwelling (which corresponds to the Residential 10,000 (R10) zone) to Single-Dwelling 20,000, with a tentative proposed zone of Residential 20,000 (R20). The combined effect of the proposed Comprehensive Plan designation and subsequent zone change would be to substantially restrict the residential use of the Property. For the reasons outlined below, we strongly object to the proposed change.

A. The proposed change is *ad hoc* and unsupported by site-specific information.

In response to our queries regarding the rationale for the proposed change, the City noted that the proposal is "intended to lessen future public health and safety risks, impacts and costs associated with natural hazards, drainage issues, and infrastructure constraints that would be exacerbated by additional development." According to the City, the proposal "reflects consideration of multiple factors at an area scale" with the primary factors relevant to the proposed down-designation including:

- Substantial development potential with large cluster of primarily contiguous dividable properties.
- Steep slopes and extensive tree canopy.
- Poorly draining soils.
- Regulatory landslide hazard and nearby landslide sites.
- Wildfire hazard.



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- Stormwater system constraints.
- High and moderate relative earthquake hazard.
- Lack of street/sidewalk connectivity and access limitations.
- Undersized water main through a portion of the area.

The City noted further that the recommendation to down-designate the Property was based on City staff's "professional judgment, taking into consideration this information, consultation with other city bureaus, . . . and observations documented during field visits."

What is clear from the City's response is that the City did not follow a disciplined approach when deciding where this down-designation was warranted. Although the City notes that the change is intended to lessen future public health and safety risks, the City has no evidence that additional residential development on the Property would increase these risks. Instead, the City appears to have wholly failed to do the type of site-specific analysis that would be required to identify actual hazards. As described in detail below, there is simply no evidence that the proposed down-designation is warranted for the Property

1. Slopes and tree canopy.

With respect to slopes, the property is significantly different than other properties proposed for the same down-designation. As shown on attached Exhibit A, which shows steep slopes and tree canopy, the majority of the Property is identified as 10-20% grade or less, with gradual slopes. Of the two small areas identified as 25% slope, one runs along the street at the edge of the front lawn, which borders on the road and stormwater drainage system along 18th Drive, and the other is along the uppermost east corner of the Property adjacent to the homes in the Alta Mira Development. The photos on attached Exhibit B show the gradual slopes on the Property. The properties to the north, which are also proposed for down-designation, are significantly more steep.

As for tree canopy, although there are scattered evergreen trees and an apple tree on the Property, the tree canopy is by no means extensive. The bulk of the vegetation is composed of small scrub hawthorn, maple, and holly, and landscape planted rhododendrons, azaleas, magnolia, dwarf dogwood, plum, juniper, and other hedges. Accordingly, there is no evidence that steep slopes or tree canopy warrant the proposed down-designation.



2. Soils.

As shown on attached Exhibit C, which shows poorly draining soils and drainage constraints, the soils on the Property are similar to those in the entire Hillsdale area (*i.e.* both those properties proposed for down-designation and those properties not proposed for down-designation). Accordingly, there is no evidence that the soil composition on the Property warrants the proposed down-designation.

3. Landslide hazard.

As shown on attached Exhibit D, which shows historic landslides, no historic landslides have been recorded on the Property. Likewise, no fault lines transect the Property. Accordingly, there is no evidence that the potential landslide hazard risk warrants the proposed down-designation.

4. Wildfire hazard.

As shown on attached Exhibit E, which shows the wildfire hazard area, almost the entire Hillsdale area, including Wilson High School, is included within the wildfire hazard area. Moreover, the Property is roughly four blocks from the Dewitt Fire Station, and a second redundant water supply line was installed along SW 18th Drive at the base of the Property in 2014. At that time, the SW 18th Drive was repaved a second fire hydrant was also installed, such that there are now two fire hydrants within 150 feet of the Property on SW 18th Drive and there are no access constraints for fire trucks. Accordingly, there is no evidence that the potential wildfire hazard risk warrants the proposed down-designation.

5. Storm water system.

There is a City-maintained storm water system at the base of the driveway on the Property. Accordingly, there is no evidence that any stormwater system constraints warrant the down-designation.

6. Earthquake hazard.

As shown on Exhibit D, the Property is not within an earthquake hazard zone. Accordingly, there is no evidence that potential earthquake hazard risk warrants the down-designation.



7. Street/sidewalk connectivity.

Within the Hillsdale-Multnomah area, there are relatively few sidewalk in residential areas. Nonetheless, there is excellent street access to the Property due to the newly repaved roadway adjacent to the Property on SW 18th Drive. Accordingly, there is no evidence that access constraints warrant the proposed down-designation.

8. Water main.

As noted above, in 2014 a second water supply line was installed on SW 18th Drive at the base of the Property. According to the City, this redundant line was installed to ensure service coverage in case of failure of the primary line. Accordingly, there is no evidence that undersized water main issues warrant the proposed down-designation.

In sum, there is simply no evidence under any of the relevant factors that the down-designation of the Property will lessen future public health and safety risks, impacts and costs associated with natural hazards, drainage issues, and infrastructure constraints that would be exacerbated by additional development.

B. The proposed change is not consistent with the housing goals set forth in the Comprehensive Plan Proposed Draft.

The Comprehensive Plan Proposed Draft notes that about 122,000 new households are expected in Portland between 2010 and 2035. Oregon's Statewide Planning Goals and Metro's Housing Rule require the City of Portland to provide adequate land and plan for a range of housing types that can meet the diverse housing needs of various types of households. Consistent with that direction, the City's proposed housing policies aim to "[m]aintain sufficient residential development capacity to accommodate Portland's project share of regional household growth" (Policy 5.1) and "[s]trive to capture at least 25 percent of the seven-county region's residential growth." The proposed down-designation of the Property is inconsistent with these housing goals and policies.

C. The natural hazard risks the City has identified as driving this proposed change are addressed by existing regulatory mechanisms.

As noted above, the City has stated that the proposal is "intended to lessen future public health and safety risks, impacts and costs associated with natural hazards, drainage issues, and infrastructure constraints that would be exacerbated by additional development." However, the City fails to note that these risks, costs, and constraints are addressed by existing regulatory



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mechanisms. For example, under Portland City Code Title 10, Erosion and Sediment Control Regulations, the Director of the Bureau of Development Services may require additional erosion, sediment and pollutant control measures for, among other things, sites that include slopes that are greater than 10 percent.

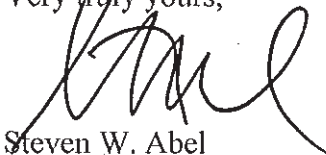
Likewise, under Portland City Code Title 24, the City regulates and reviews construction and land division projects in areas of potential landslide hazards. Geotechnical engineers and technicians in the Site Development section of the Bureau of Development Services review proposals for construction activities on steeply sloped sites, sites located in environmental overlay zones, sites located in "Potential Landslide Hazard Areas" and sites located in Special Plan Districts. Land divisions in these locations are required to provide geotechnical engineering reports prior to approval of any lot division, which must include an evaluation of potential geologic and seismic hazards, including slope instability, and provide recommendations for mitigating the hazard. Simply put, the City has failed to explain why the existing regulatory mechanism are ineffective to address the identified natural hazard risks.

D. To the extent the City aims to address natural hazard risks through land use designations, a more appropriate approach would be to utilize a natural hazards overlay that requires site specific analysis of natural hazard risk at the time of development.

Although we understand that the City has a vested interest in reducing potential risks and impacts associated with natural hazards, such as landslides and erosion, a far more defensible approach would be to adopt a natural hazard overlay that requires site specific analysis of natural hazard risks as part of the site development review process for land divisions and construction projects. This would allow the City to both meet its housing goals and address natural hazard risks in a manner that does not unfairly restrict the residential use of properties.

Thank you in advance for your thoughtful consideration of these comments.

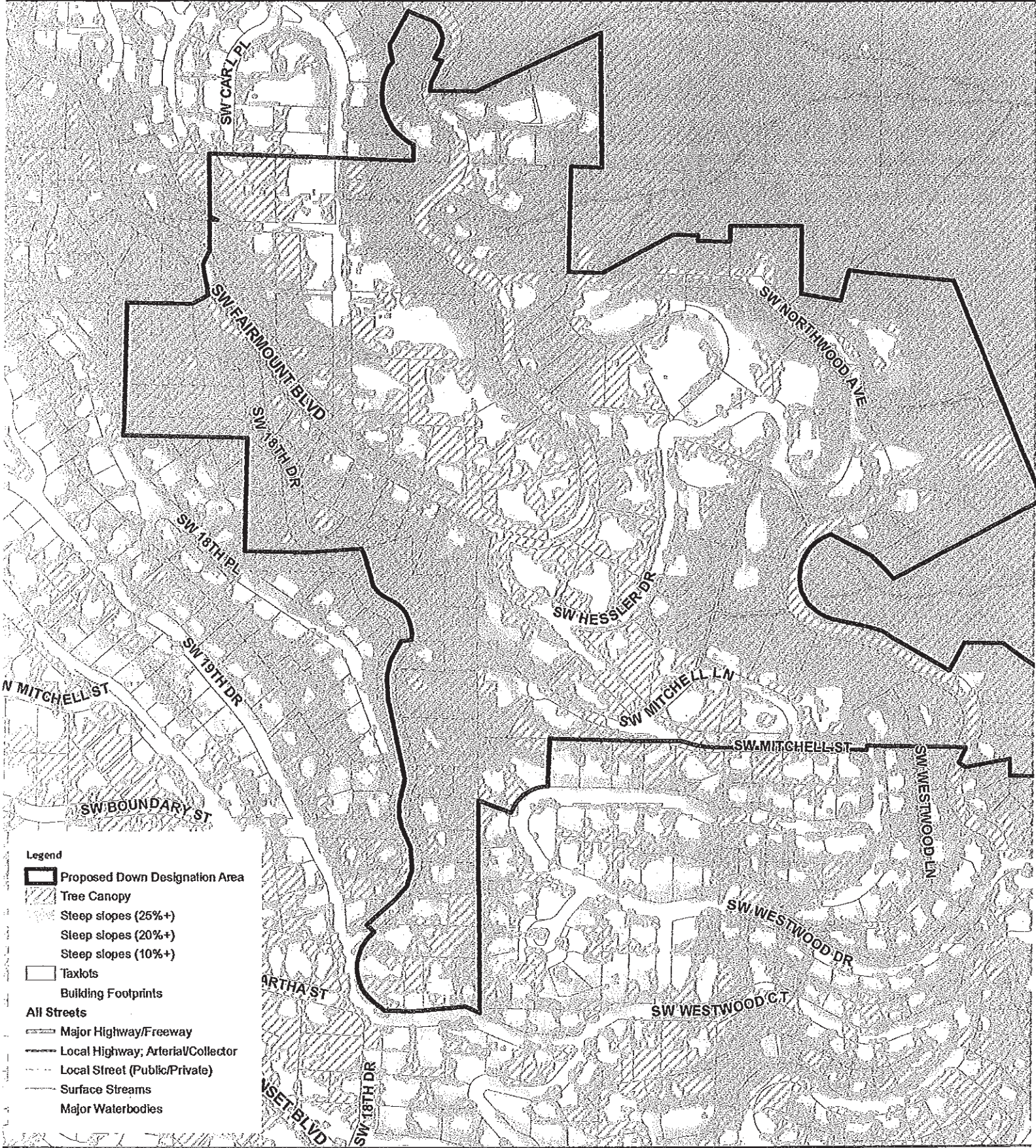
Very truly yours,



Steven W. Abel

SWA
Attachments

Steep Slopes and Tree Canopy



Risks and Gaps: Natural Hazards and Drainage Constraints

Sources: Tree Canopy--Metro, 2007
Steep Slope layers--BPS, 2014



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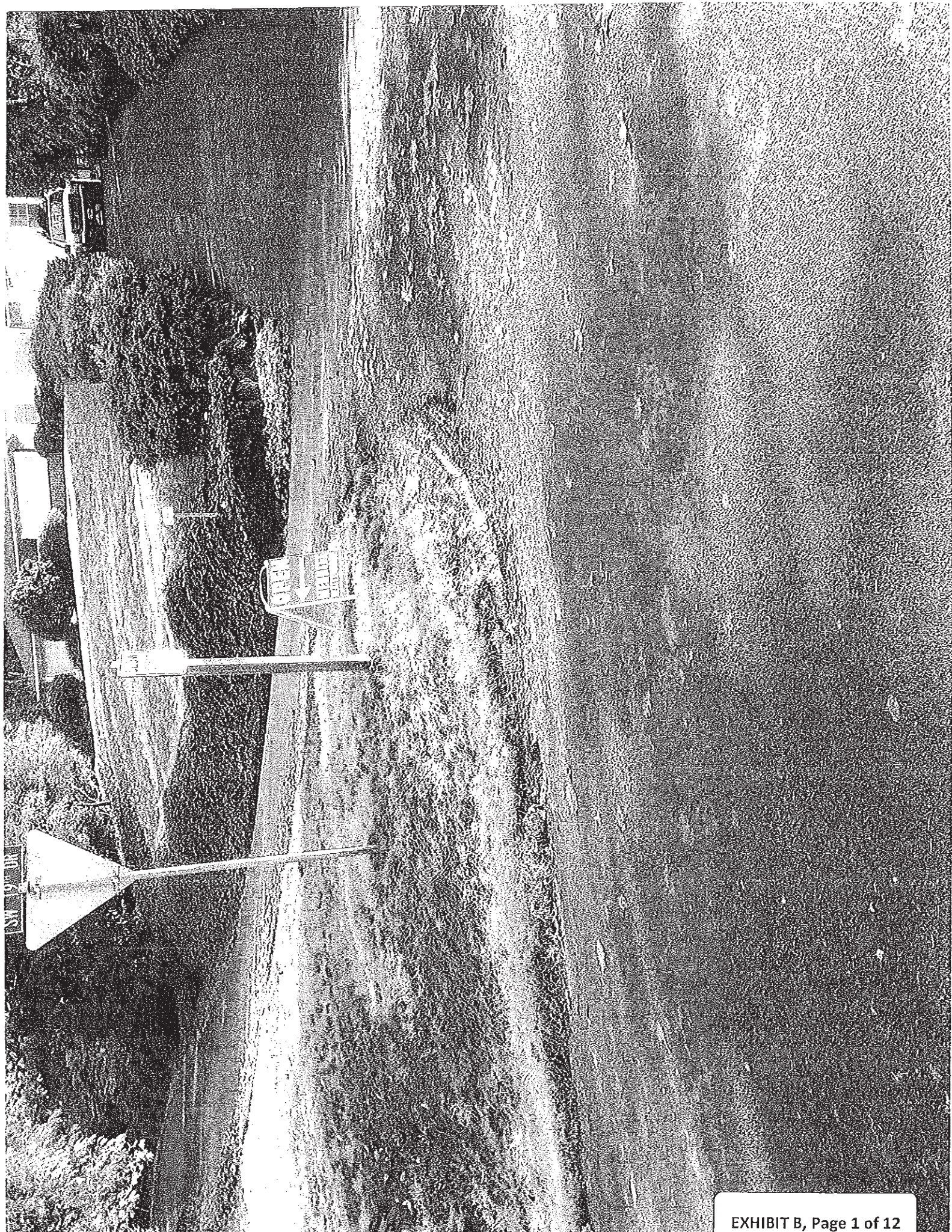
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The information on this map was derived from City of Portland GIS databases. Care was taken in the creation of this map but it is provided "as is". The City of Portland cannot accept any responsibility for error, omissions or positional accuracy.

EXHIBIT A



City of Portland, Oregon
Charles H. Miller, Mayor • Kevin L. Starnes, Director





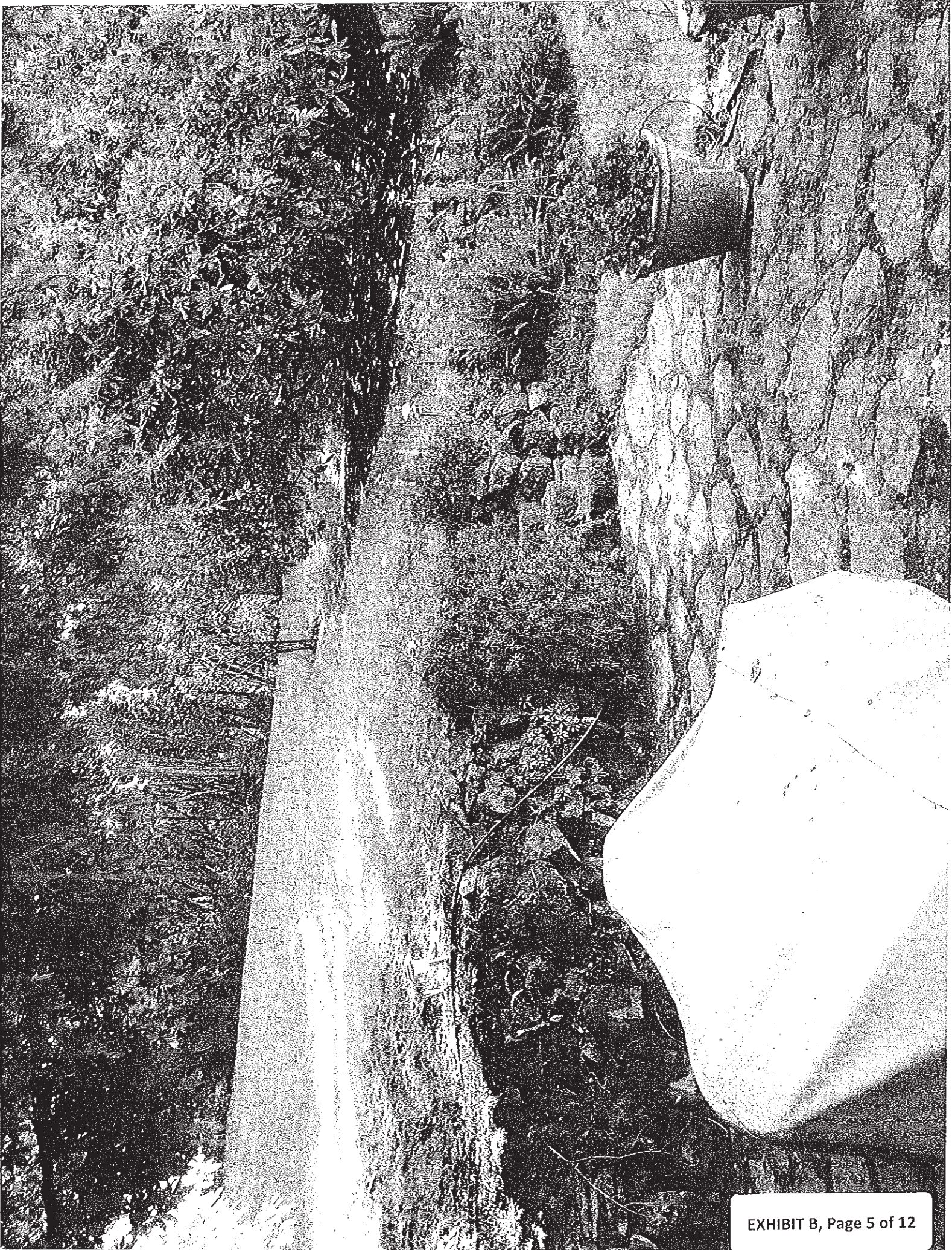










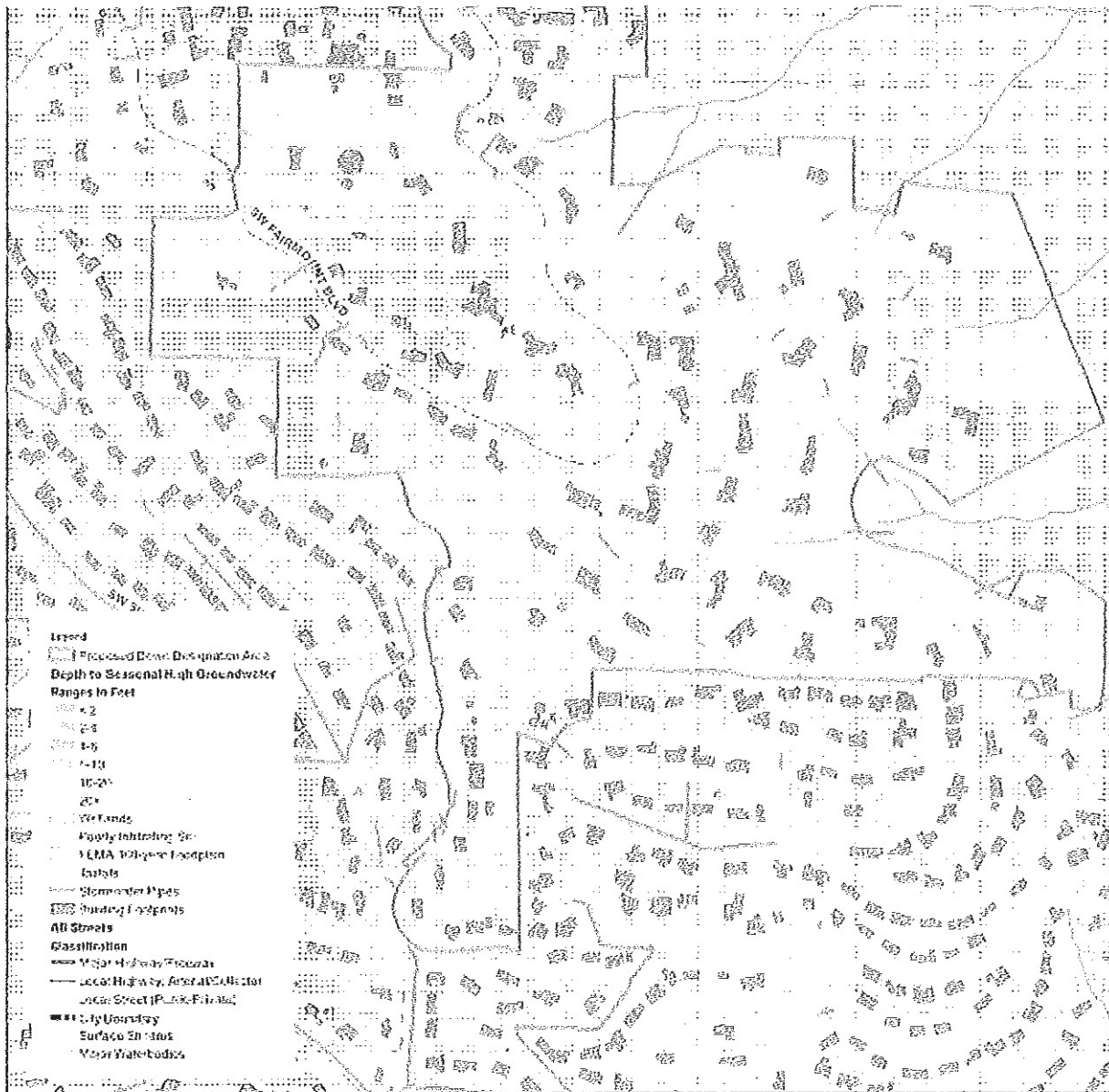








Poorly draining soils



Risks and Gaps: Natural Hazards and Drainage Constraints

Sources: Stormwater Pipes: Poorly Infiltrating Soils-BES, 2013
 Depth to Seasonal High Groundwater-BES, 2011
 Wetlands-BPS, 2013



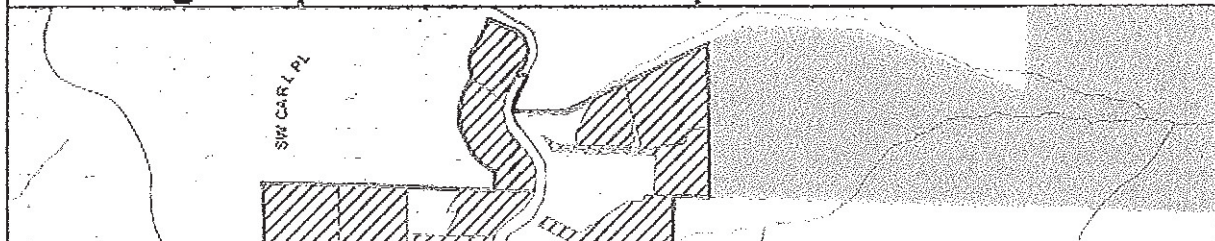
City of Portland, Oregon



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This information is provided for informational purposes only. It is not intended to be used as a basis for any legal or financial decision. The City of Portland is not responsible for any errors or omissions in this information.

Existing Comprehensive Plan Map & Sub-dividable Lots



Faults
Historic Landslides

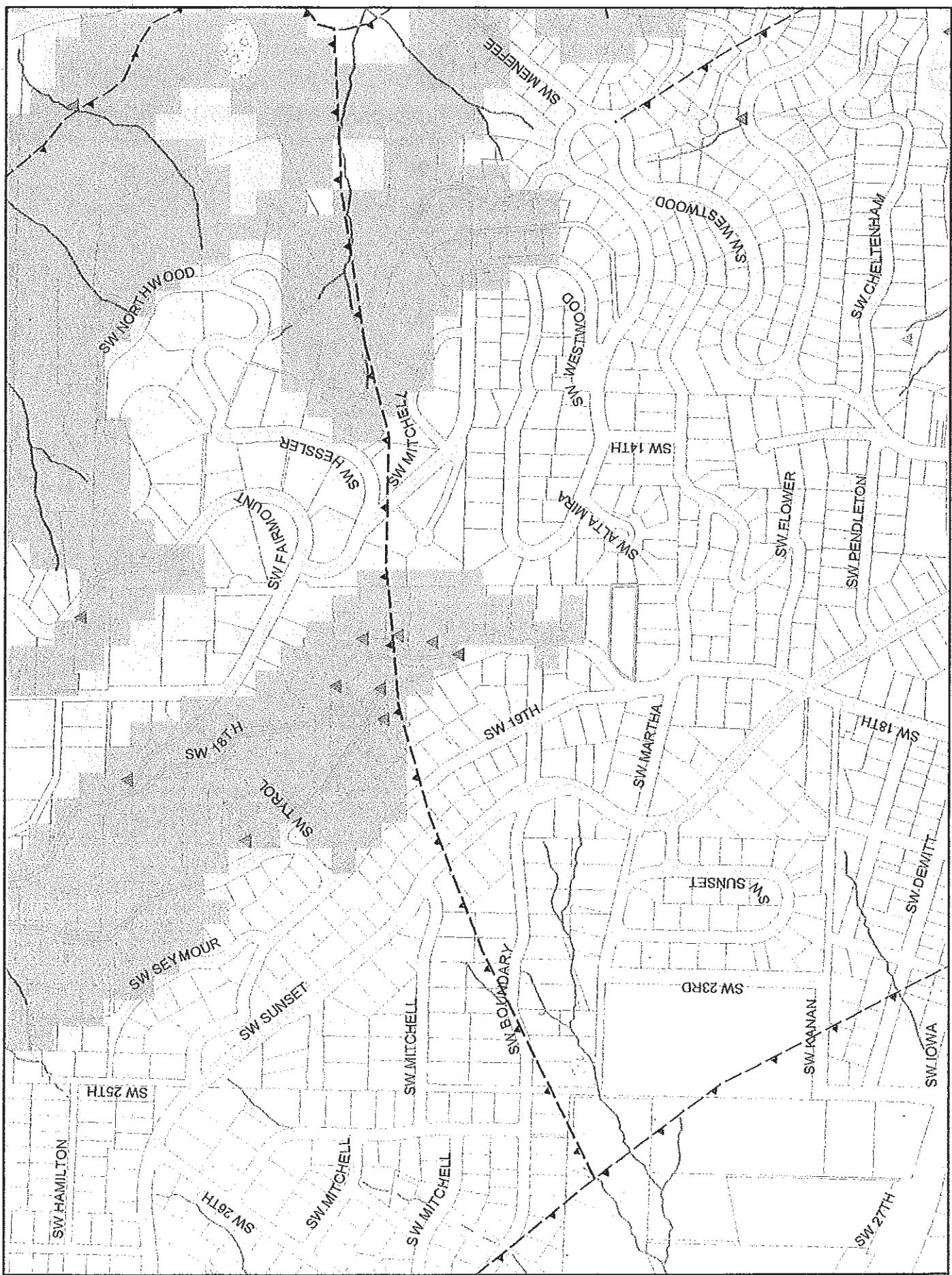


EXHIBIT D

Wild fire hazard zone

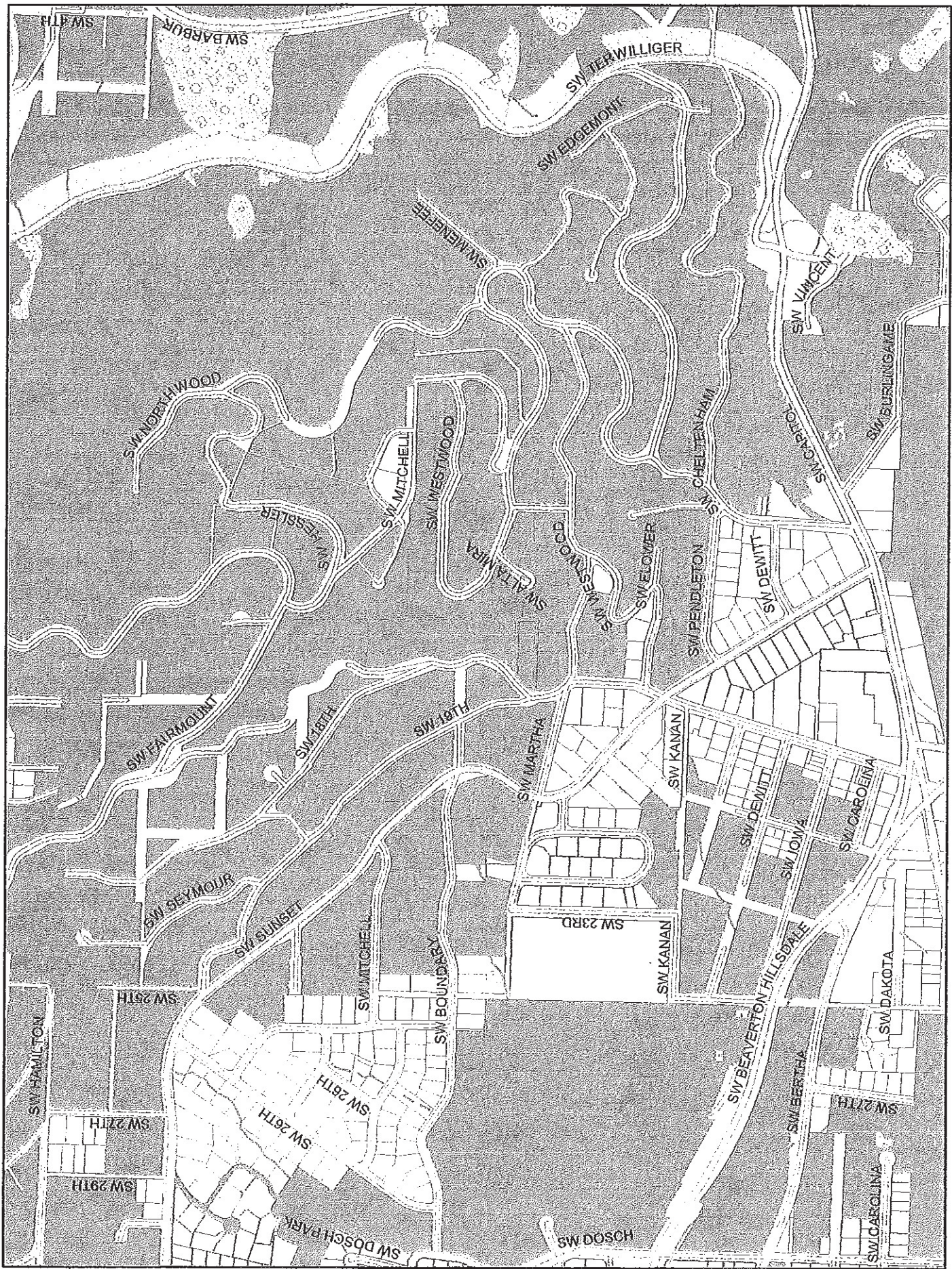


EXHIBIT E



