

E. *Exceptions to minimum density. Exceptions to minimum density standards are allowed in the following situations....*

Response: No exceptions to the minimum density standard are requested.

33.610.200 **Lot Dimension Standards**

Lots in the RF through R5 zones must meet the lot dimension standards of this section.

A. *Purpose. The lot dimension standards ensure that:*

- *Each lot has enough room for a reasonably-sized house and garage;*
- *Lots are of a size and shape that development on each lot can meet the development standards of the zoning code;*
- *Lots are not so large that they seem to be able to be further divided to exceed the maximum allowed density of the site in the future;*
- *Each lot has room for at least a small, private outdoor area;*
- *Lots are compatible with existing lots;*
- *Lots are wide enough to allow development to orient toward the street;*
- *Lots don't narrow to an unbuildable width close to the street*
- *Each lot has adequate access from the street;*
- *Each lot has access for utilities and services; and*
- *Lots are not landlocked.*

Response: Each of the proposed lots will have a reasonably sized building envelope for the type of construction intended – detached single-family homes. The potential building envelopes should accommodate the construction of typical detached single-family homes with attached garages and decks or patios while leaving enough area on the lots for reasonably-sized private yard areas, adequate access, and connections to public utilities. Although most of the proposed lots will be smaller than neighboring single-family home lots, the proposed subdivision includes a substantial area of open space to complement the lots and results in a detached single-family development which will be at a similar density than the existing neighborhood. Thus the proposed new lots should be viewed as compatible with the existing neighboring development. No land-locked lots are proposed. Standards related to implementing this purpose statement are addressed below.

B. *Minimum lot area. Each lot must meet the minimum lot area standard stated in Table 610-2 [4,200 sq. ft. in R7 zone]. Lots that do not meet the minimum lot area standard may be requested through Planned Development Review. Adjustments are prohibited.*

Response: A modification to the minimum lot size standard has been requested to allow two lots which will be smaller than the minimum lot size standard - essentially in exchange for providing a substantial area of protected and enhanced open space within open space tract A. This modification request is addressed in the response to Chapter 33.430 (Environmental Zones) below. If this modification is approved through the Environmental Review request, the minimum 4,200 square foot minimum lot size of the R7 district would not be applicable to those two lots. The other nine lots range from 4,346 square feet to 6,212 square feet. All of the other lots are consistent with the minimum lot area standard.

C. *Maximum lot area. Lots larger than the maximum lot area standards stated in Table 610-2 are not allowed. [12,000 sq. ft. in R7 zone] Lots with a conditional use or Conditional Use Master Plan are exempt from this standard.*

Response: The largest lot proposed is lot 8, which will be 6,212 square feet in size. This lot size is significantly smaller than the maximum 12,000 square foot lot size allowed in the R7 zone. Therefore, this standard is satisfied.

D. Minimum lot width. Each lot must meet one of the following regulations. Lots that do not meet these standards may be requested through Planned Development Review. Adjustments to the standards are prohibited.

1. *Each lot must meet the minimum lot width standard stated in Table 610-2 [40 feet for lots in the R7 zone]; or ...*
2. *Minimum lot width may be reduced below the dimensions stated in Table 610-2, if all of the following are met:*
 - a. *On balance, the proposed lots will have dimensions that are consistent with the purpose of the Lot Dimension Regulations;*
 - b. *The minimum width for lots that will be developed with detached houses may not be reduced below 25 feet;*
 - c. *If the lot abuts a public alley, then vehicle access must be from the alley. This requirement will be imposed as a condition of approval of the land division;*
 - d. *Lots must be configured so that development on the site will be able to meet the garage limitation standard of Subsection 33.110.253.E at the time of development;*
 - e. *Lots that will be developed with attached houses must be configured so that 60 percent of the area between the front lot line and the front building line can be landscaped at the time of development; and*
 - f. *In areas where parking is not required by this Title, lots may be proposed that will not accommodate on-site vehicle access and parking. Such lots do not have to meet the requirements of subparagraphs 2.c and d. As a condition of approval of the land division, the property owner must execute a covenant with the city. The covenant must:*
 - (1) *State that the owner will develop the property without parking, and that a driveway for access to on-site parking may not be created in the future, unless it is in conformance with regulations in effect at the time;*
 - (2) *Meet the requirements of Section 33.700.060, Covenants with the City; and*
 - (3) *Be attached to, and recorded with the deed for the new lot.*

Response: The narrowest of the proposed lots is lot 10 which will be 45 feet wide. Therefore, all of the proposed lots will meet or exceed the R7 district's 40-foot minimum lot width standard.

E. Minimum front lot line. Each lot must have a front lot line that meets the minimum front lot line standard stated in Table 610-2. [30 ft. in the R7 zone] Lots that are created under the provisions of Paragraph D.2 above, may reduce the front lot line to equal the width of the lot. Lots that do not meet the minimum front lot line standard may be requested through Planned Development Review. Adjustments to this standard are prohibited.

Response: Front lot lines for the lots intended for detached single-family homes range from a minimum of 31.5 feet for lot 6 to 56 feet for proposed lot 3. Therefore, all of the proposed lots are consistent with the applicable 30-foot minimum front lot line standard of the R7 zone.

F. Minimum lot depth. [55 feet in the R7 zone] Lots that do not meet the minimum lot depth standard may be requested through Planned Development Review. Adjustments to this standard are prohibited.

Response: The minimum proposed lot depth proposed is 85 feet for lots 9, 10 and 11. All other lots will have greater depths. Therefore, all lots exceed the minimum lot depth standard of 55 feet.

33.610.300 Through Lots

- A. *Purpose.* This standard ensures that lots are configured in a way that development can be oriented toward streets to increase the safety and enjoyment of pedestrians and bicyclists. The standard also ensures that development does not turn its back on a collector or major city traffic street.
- B. *Standard.* Through lots are allowed only where both front lot lines are on local service streets. The minimum front lot line and minimum width standards apply to one frontage of the through lot.

Response: No through lots, a.k.a. double-frontage lots, are proposed.

33.610.400 Flag Lots

The following standards apply to flag lots in the RF through R5 zones...:

Response: No flag lots are proposed.

33.610.500 Split Zoned Lots

- A. *Purpose.* This standard ensures that lots do not have more than one zone. Lots that are split by more than one zone present practical problems related to the applicability of use and development standards.
- B. *Standard.* On sites with more than one base zone, each lot must be entirely within one zone. The creation of lots that are in more than one zone is not allowed.

Response: The proposed land division will not create any split-zoned lots. All lots will continue to have underlying base zoning of R7.

33.660.120 B. TREES. *The standards of Chapter 33.630, Tree Preservation, must be met;*

Chapter 33.630 Tree Preservation

33.630.020 Where These Regulations Apply

- A. *Generally.* The regulations of this chapter apply to all proposals for land divisions on sites outside the Central City plan district that have at least one tree that is at least 6 inches in diameter, except where all trees on the site are exempt under 33.630.030. Where a tree trunk is partially on the land division site, it is considered part of the site.
- B. *Sites in C, E, and I zones where all of the proposed lots are currently developed with commercial, employment, or industrial development. Such sites may defer tree preservation review to the time of any future development or redevelopment of the site. Sites that use this option are subject to the standards of Title 11, Trees at the time of development.*
 - 1. *Exception.* Sites in the IH, IG1, EX, CX, CS, and CM zones are not eligible to use this provision.
- C. *Proposals to divide sites that are partially within an environmental overlay zone or the Pleasant Valley Natural Resources overlay zone and include a concurrent environmental review or Pleasant Valley Resource review are not subject to the tree preservation standards of Section 33.630.100. However, the tree preservation approval criteria in 33.630.200 apply to these proposals.*

Response: The site is not located within the Central City plan district or within the IH, IG1, EX, CX, CS, and CM zones and thus the site is not exempt from these regulations under subsections A. or B. above. Approximately 0.47-acre of the site is within the Ec zone. The provisions of Chapter 33.630 would apply only to that area. The remainder of the site is subject to the regulations of this chapter.

33.630.030

Exempt From These Regulations

The following trees are exempt from the regulations of this chapter:

- A. *Trees that are on the Nuisance Plants List;*
- B. *Trees that are less than 6 inches in diameter;*
- C. *Trees that are dead, dying, or dangerous as determined by an arborist. The review body may require additional analysis or documentation to confirm the condition of the tree;*
- D. *Trees where the trunk is within 10 feet of an existing building that will remain on the site;*
- E. *Trees where the trunk is located completely or partially within an existing right-of-way that is not part of the land division site;*
- F. *Trees where the trunk is located completely or partially within Environmental or Pleasant Valley Natural Resources Overlay zones. Those trees are instead subject to the regulations of Chapter 33.430, Environmental Zones, or 33.465, Pleasant Valley Natural Resources Overlay Zones.*

Response: The tree inventory for the project was prepared by Peter Torres of Multnomah Tree Experts. Peter is an ISA certified arborist. The inventory includes all trees on or immediately adjacent to the site which are at least 5-inches in caliper. Trees which are less than 6-inches in diameter are noted as exempt. There are numerous English hawthorn, black locust, and holly trees on the site. All of these are tree species are on the City's nuisance plant list and are therefore exempt from the regulations of this chapter. If the existing trees are dead, dying or dangerous - they are noted as such in the tree inventory and are also exempt. There will not be any buildings which will remain on the site. Many of the existing trees on the site are located within the Ec zone, an Environmental zone, and thus are also exempt from these standards under subsection F. Plans for impacting or retaining these trees within the Environmental zones are addressed below in the responses to the standards of Chapter 33.430. All of the trees which are exempted from the standards of Chapter 33.630 because of falling under the descriptions above or are located off of the subject property are noted in the tree inventory.

All of the other trees on the site are not exempt and are subject to Section 33.630.

33.630.100

Minimum Tree Preservation Standards

- A. *The applicant must show how existing trees will be preserved. The options listed below represent minimum tree preservation standards. Additional tree preservation may be required to meet the approval criteria of Section 33.630.200. The total tree diameter on the site is the total diameter of all trees completely or partially on the site, minus the diameter of trees that are listed in Section 33.630.030, Trees exempt from these regulations. The applicant must choose one of the following options:*
 - 1. *Option 1: Preserve all of the trees that are 20 or more inches in diameter and at least 20 percent of the total tree diameter on the site;*
 - 2. *Option 2: Preserve at least 75 percent of the trees that are 20 or more inches in diameter and at least 25 percent of the total tree diameter on the site;*
 - 3. *Option 3: Preserve at least 50 percent of the trees that are 20 or more inches in diameter and at least 30 percent of the total tree diameter on the site;*
 - 4. *Option 4: Where all trees are less than 20 inches in diameter, preserve at least 35 percent of the total tree diameter on the site;*
 - 5. *Option 5: If one or more tree groves are located completely or partially on the site, preserve all of the grove trees located on the site and at least 20 percent of the total tree diameter or canopy area on the site; or*
 - 6. *Option 6: If the site is larger than one acre, preserve at least 35 percent of the total tree canopy area on the site.*

Response: The non-Environmental zoned portion of the Everett Crest land division site is tree-covered. The standards of this section are applicable to this area.

Six significant trees (i.e., 20-inches or greater in diameter or greater and not otherwise exempt) were inventoried on the non-Environmental zoned portion of the site. All six of these significant trees are proposed to be removed in order to create lots and streets.

Due to the need to minimize development in the portion of the site which is covered by Environmental Conservation zone, the plans for the proposed subdivision have been designed to remove most of the trees in the area of the site which is not zoned with an Environmental zone in order to construct lots and needed street improvements. Because of the mass grading that will be necessary to construct the proposed improvements, the Minimum Tree Preservation Standards of Section 33.630.100 cannot be met. Therefore, it is requested that the Mitigation Option of Section 33.630.200.D is requested to be utilized instead. That Section is addressed below

B. Heritage Trees. Heritage Trees located on the land division site may be counted toward meeting preservation standards. Heritage Trees must be preserved unless removal has been approved by the Urban Forestry Commission.

Response: There are no designated Heritage Trees on the site.

C. Calculations.

- 1. Tree diameter and number of trees. When calculating the amount of tree diameter and the number of 20 inch diameter and larger trees on the site, the applicant may choose one of the following methods of measurement:
 - a. Tree inventory. A tree inventory identifies all trees on the site, specifying location, species, and diameter of each tree; or*
 - b. Statistical sampling. Statistical sampling may be used to estimate the total tree diameter and total number of trees at least 20 inches in diameter present. Sampling must be carried out by a professional forester based on standard methodologies.**
- 2. Tree canopy. When calculating the amount of tree canopy on the site, the total canopy area must be based on the most recent aerial photograph available. The aerial photograph used must be no more than 5 years old. Other data such as LiDAR may be used to help in calculating tree canopy as appropriate.*

Response: A field survey of all of the trees with a diameter of at least five inches on the site was conducted by Peter Torres of Multnomah Tree Experts, Ltd. The locations and tree numbers set by Mr. Torres were mapped in February, 2016. The tree inventory results are displayed in a table in Appendix C.

D. Location of preserved trees. Trees may be preserved on lots, within tree preservation tracts, or within other privately managed tracts, such as flood hazard, recreation area or stream, spring and seep tracts. Proposed tree preservation within tracts that are to be managed by the City of Portland or a service district, must be approved by the City or service district.

Response: Most of the trees on the site which are to be preserved will be located within the Ec- zoned portion of private open space Tract A. 68 trees will be retained within this area. In addition, four trees will be retained within the non-E zoned portion of Tract A in the area south of proposed lot 1.

In addition, eleven mature trees will be retained on the proposed lots along the eastern edge of the subdivision. The trees along the eastern edge of the subdivision will help provide a buffer between the homes to be built within the subdivision and existing homes to the east.

33.630.200 *Tree Preservation Approval Criteria*

Applicants must demonstrate how the proposed tree plan will meet the following tree preservation criteria. In meeting these criteria, applicants may use options available in this and other chapters of this Title to modify development standards and minimum density in order to preserve trees.

- A. To the extent practicable, trees proposed for preservation provide the greatest benefits as identified in the purpose of this chapter. In general, healthy, native or non-nuisance trees that are 20 or more inches in diameter and tree groves, are the highest priority for preservation. However, specific characteristics of the trees, site and surrounding area should be considered and may call for different priorities, such as native tree growth rates and priority tree sizes as described in the Portland Plant List, buffering natural resources, preventing erosion or slope destabilization and limiting impacts on adjacent sites;*
- B. Trees proposed for preservation are suitable based on their health, overall condition and potential for long-term viability, considering the anticipated impact of development and tolerance typical for the tree species;*
- C. Tree preservation is maximized to the extent practicable while allowing for reasonable development of the site, considering the following:*
 - 1. The specific development proposed;*
 - 2. The uses and intensity of development expected in the zone and the area in which the site is located;*
 - 3. Requirements to provide services to the site under Chapters 33.651 through 33.654, including street connectivity and street plan requirements. Options to limit impacts on trees while meeting these service requirements must be evaluated;*
 - 4. Requirements to protect resources in Environmental, Pleasant Valley Natural Resources, or Greenway Natural, Water Quality, and River Environmental overlay zones. Protection of environmental resources and retention of benefits from trees should be maximized for the site as a whole; and*
 - 5. Other site constraints that may conflict with tree preservation, such as small or oddly shaped sites or trees located in existing utility easements.*
- D. Mitigation. Where the minimum tree preservation standards of 33.630.100 can not be fully met, as determined by evaluating the above criteria, or when there is a concurrent Environmental Review and the minimum tree preservation standards do not apply, mitigation must be provided as needed to replace the functions of trees removed from the site. Options for mitigation may include preservation of smaller diameter or native trees, permanent preservation of trees within a tree preservation or environmental resource tract, tree planting, payment into the City's Tree Planting and Preservation Fund, or other options that are consistent with the purpose of this chapter.*

Response: As noted above, Chapter 33.630.100 Minimum Tree Preservation Standards cannot be met due to the mass grading that will be needed at this site. Therefore, the Mitigation Option of subsection D. above, is requested. In addition to preserving 68 existing trees on the site within permanent open space tract A which is mostly included within the Environmental Conservation zone, it is requested that the applicant be allowed to pay into the City of Portland's Tree Planting and Preservation Fund (see Portland City Code Section 11.15.110.C.1).

The arborist has prepared some preliminary calculations related to the payment into the Tree Planting and Preservation Fund. First relates to the significant trees on the site. Section 33.630.100., Option 3, calls for at least 50 percent of the significant trees on the site to be protected. There are six significant trees (20-inch diameter and larger) on the site. Therefore,

three of the significant trees on the site would typically be required to be preserved. However, under the Tree Planting and Preservation Fund fee calculation, three trees times \$1200 per tree equals \$3600 to be paid as mitigation instead of retaining three significant trees.

Section 33.630.100, Option 3, also calls for a minimum of 30 percent of total tree diameter on the site to be protected. 30 percent of the 349 inches of non-exempt, non-significant trees on the site is 105 inches. 105 inches less the 25 protected inches of trees being retained on the site is 80 inches. 80-inches divided by 1.5 caliper inches per tree is 53 trees to be planted. The applicant proposes planting 24 trees in Tract A outside the E-zone as partial mitigation. The applicant would therefore, be required to pay a fee equal to the fee required for planting the balance of the trees, which is $(53-24)=29$ new trees.

33.630.400 ***Modifications that will better meet Tree Preservation Requirements***

A. Site-related development standards. The review body may consider modifications to site-related development standards as part of the land division review. These modifications are done as part of the land division process and do not require an adjustment. Adjustments to use-related development standards are subject to the adjustment process of Chapter 33.805, Adjustments. Modification to a regulation that contains the word "prohibited," or a regulation that is a qualifying situation or threshold is prohibited.

In order to approve the modification, the review body must find that the modification will result in improved tree preservation, considering the tree preservation priorities for the site, and will, on balance, be consistent with the purpose of the regulation being modified.

B. Minimum Density.

- 1. In multi-dwelling zones, minimum density may be reduced to preserve trees as stated in Paragraph 33.120.205.C.3. This provision may be used to reduce minimum density during the land division process. Sites that reduce minimum density at the time of the land division are not eligible to further reduce minimum density at the time of development on the lots.*
- 2. A reduction in minimum density in single-dwelling zones may be approved as part of the land division review. The reduction is done as part of the land division review and does not require an adjustment.*
 - a. Minimum density may be reduced by 20 percent or one lot, whichever is more, up to a maximum reduction of 4 lots. Reductions greater than those listed in this paragraph are prohibited.*
 - b. The review body will approve the reduction in minimum density if the following are met:
 - (1) The reduction in minimum density will result in improved tree preservation, considering the tree preservation priorities for the site; and*
 - (2) The lot or lots where trees are proposed to be preserved are not large enough to be further divided under the current zoning. Trees proposed for preservation may be placed in a tree preservation tract to reduce lot sizes and provide better protection for the trees to be preserved.**

Response: No modifications to site-related development standards or an exception to the minimum density requirements for the site have been requested.

33.630.500 ***Tree Preservation Credit***

Trees that are preserved in a tree preservation tract that is outside of an Environmental or Pleasant Valley Natural Resources overlay zone may count toward meeting the tree density standards for individual lots in

Chapter 11.50, Trees in Development Situations. If this option is chosen, at least one tree must be planted or preserved on each lot created for single-dwelling or duplex development. The preliminary plan must indicate the lots where the credit from the preserved trees will be used.

Response: No response to this section is necessary.

33.630.600 ***Recording Tree Preservation Plans and Related Conditions***
Tree preservation plans approved as part of the preliminary plan and related conditions of approval must be recorded with the County Recorder. The documents must be approved by BDS prior to recording.

Response: The applicant is willing to record and to follow the requirements of the tree preservation plan prepared for this project.

33.630.700 ***Relationship To Other Tree Regulations***
Other tree regulations of this Title and other Titles may apply at the time of a land division and at the time of development.

Response: No response to this section is necessary.

33.660.120 C. FLOOD HAZARD AREA. *If any portion of the site contains special flood hazard areas, the approval criteria of Chapter 33.631, Sites in Flood Hazard Areas, must be met;*

Response: The site is not shown to contain a potential flood hazard area on Map 631-1 of the Code. Therefore, Chapter 33.631, Sites in Flood Hazard Areas, does not apply.

33.660.120 D. POTENTIAL LANDSLIDE HAZARD AREA. *If any portion of the site is in a Potential Landslide Hazard Area, the approval criteria of Chapter 33.632, Sites in Potential Landslide Hazard Areas, must be met;*

Response: According to the City of Portland's pre-application conference notes (Appendix A), the site is mapped as being within a Potential Landslide Hazard Area on the official City maps; therefore, Chapter 33.632 is applicable.

33.632.100 ***Landslide Hazard Area Approval Criterion***
The following approval criterion must be met: Locate the lots, buildings, services and utilities on parts of the site that are suitable for development in a manner that reasonably limits the risk of a landslide affecting the site, adjacent sites, and sites directly across a street or alley from the site.

Determination of whether the proposed layout and design reasonably limits the risk of a landslide will include evaluation of the Landslide Hazard Study and will take into consideration accepted industry standards for factor of safety. Specific improvements, engineering requirements, techniques or systems, or alternative development options, including alternative housing types and reduced density, may be required in order to facilitate a suitable development that limits the risk to a reasonable level.

Response: The Geotechnical Engineering Report by Hardman Geotechnical Services, Inc., (see Appendix E) provides the following conclusions and recommendations regarding the site and the proposed development plans:

“For the purpose of evaluating slope stability, we reviewed published geologic and hazard mapping, reviewed regional site topography and LIDAR images, performed a field reconnaissance, and evaluated subsurface soil conditions in exploratory soil borings. Results of

the geologic site reconnaissance and review of geologic maps and LIDAR data are presented in the attached JEJG report.

Reconnaissance observations indicate that slope geomorphology at the site is generally smooth and uniform, consistent with stable slope conditions. No geomorphic evidence of prior slope instability (such as hummocky topography, benches or old scarps) was observed. No seeps or springs were observed on site.

The planned development will involve cut and fill earthwork with anticipated cuts and fills up to about 5 feet deep/high maximum. Earthwork performed in accordance with the recommendations of the geotechnical report (Reference 1) is not anticipated to present a slope stability hazard. Final slope grades will be no steeper than 2H: 1 V (Horizontal: Vertical). Fill slopes will be keyed and benched into sloping ground per the geotechnical recommendations. With these provisions, and assuming adequate observation and testing are performed by HGSI during construction, it is our opinion that no special design or construction provisions are needed to address slope issues on the site. The project will be designed and constructed per current building codes, City of Portland requirements, and the current standard-of-practice in geotechnical engineering. As such, it is our opinion that adequate slope stability factors of safety will be maintained for both temporary construction, and long-term conditions.

We understand that the proposed storm water management plan may include a system of Storm Tech stormwater chambers, flow-through planters, pervious pavement and/or West Side Soakage Trenches. The planned storm water facilities are not anticipated to impact slope stability on site, or to create any unstable conditions on the site or adjacent properties.”

The proposed development plans have taken into consideration the findings and recommendations of the Geotechnical Engineering Report. The prospective site developer has committed to follow the recommendations of the report. With that, the proposed development plans can be found to have located the lots, buildings, services and utilities on parts of the site that are suitable for development in a manner that reasonably limits the risk of a landslide affecting the site, adjacent sites, and sites directly across a street or alley from the site. Therefore, the plans are consistent with the Landslide Hazard Area approval standard of Section 33.632.100.

33.660.120 E. PHASED PLANS AND STAGED FINAL PLAT. *If the Preliminary Plan will be phased or if the Final Plat will be staged, the standards of Chapter 33.633, Phased Land Divisions and Staged Final Plat, must be met;*

Response: The proposed subdivision is planned to be constructed and platted as a single phase. Therefore, this Chapter of the Zoning Code is not applicable.

33.660.120 F. REQUIRED RECREATION AREA. *If 40 or more lots or dwelling units are proposed, the standards and approval criteria of Chapter 33.634, Required Recreation Areas, must be met;*

Response: The proposed land division will create eleven lots. Therefore, this section is not applicable.

33.660.120 G. CLEARING, GRADING, AND LAND SUITABILITY. *The approval criteria of Chapter 33.635, Clearing, Grading, and Land Suitability must be met;*

Response: The applicable sections of Chapter 33.635 are addressed below, with responses to the applicable standards.

Chapter 33.635 Clearing, Grading, and Land Suitability

33.635.100 Clearing and Grading Approval Criteria

The Preliminary Clearing and Grading Plan must meet the following approval criteria:

- A. Existing contours and drainage patterns of the site must be left intact wherever practicable. Where alteration to existing drainage patterns is proposed, it must not adversely impact adjacent properties by significantly increasing volume of runoff or erosion;*
- B. Clearing and grading should be sufficient for construction of development shown on the Preliminary Clearing and Grading Plan;*
- C. Clearing and grading should be limited to areas of the site that are reasonably necessary for construction of development shown on the Preliminary Clearing and Grading Plan;*
- D. Topsoil must be preserved on site to the extent practicable for use on the site after grading is complete; and*
- E. Soil stockpiles must be kept on the site and located in areas designated for clearing and grading as much as is practicable; and*
- F. The limits of disturbance and tree protection measures shown on the preliminary Clearing and Grading Plan must be adequate to protect trees to be retained on the tree preservation plan.*

Response: A Preliminary Grading Plan is included as Sheet P4.0. This sheet also indicates clearing limits. Please note that final lot specific grading will refine the preliminary grading plan through individual building permits for construction on the lots. Disturbance on lots is shown extending further than what is needed to accommodate building footprints and building construction in order to provide adequate area for driveways, and for lawn and deck areas. Additional site disturbance is provided for road construction including sanitary sewer and storm sewer construction. Topsoil will be stockpiled on site and reused.

Sheet P6.2 provides general erosion control measures that will be implemented with site construction. Staging of construction and scheduling of activities will be completed by the contractor closer to permitting.

Access to the project site will be from Pendleton Street (north) at the new street intersection near the existing residence. Construction traffic will be utilizing SW 48th Ave north of the site for this access. Stockpiles and storage areas for construction will be located along the northern property line near the access. Grading activities on-site are limited along lots 4 through 6 to avoid grading disturbance within the Environmental Conservation Zone. Some disturbance in the Transition Zone associated with the LIDA outfalls for lots 4 and 5 will occur. The frontage improvements for SW 48th Ave will require some grading activity and disturbance within the Transition Zone and Environmental Conservation Zone. These improvements will include new curb, sidewalk, and pavement over the existing gravel surface as well as culvert improvements. Temporary disturbances along SW 48th Ave are provided to allow the contractor room for constructing these improvements. No other site construction activities are planned near the Environmental Conservation Zone aside from mitigation plantings.

Initial erosion and sediment control measures include utilization of sediment barriers placed downhill of embankment slopes as shown on Sheet P6.2 and inlet protection for existing and proposed inlets. Once lot grading activities are relatively complete, secondary sediment barriers will be placed along long, steep slopes to control erosion. Seeding may also be required along these slopes to provide stabilization. A concrete truck washout area will be provided to clean concrete trucks and dispose of excess concrete after concrete placement.

33.635.200 Land Suitability Approval Criterion

Where geologic conditions or historic uses of the site indicate that a hazard may exist, the applicant must show that the proposed land division will result in lots that are suitable for development. The applicant may be required to make specific improvements in order to make the lots suitable for their intended uses and the provision of services and utilities.

Response: A preliminary geotechnical evaluation of the site was conducted by Hardman Geotechnical Services, Inc. (See Appendix E) Based upon a review of the findings and recommendations of the report, all of the proposed lots and the proposed public streets should be generally suitable for development from a geologic stability standpoint.

33.660.120 H. TRACTS AND EASEMENTS. *The standards of Chapter 33.636, Tracts and Easements must be met;*

33.636.100 Requirements for Tracts and Easements

- A. *Ownership of tracts. Tracts must be owned as follows unless otherwise specified in this Title or the land use decision:*
1. *The owners of property served by the tract, or by any other individual or group of people. When the tract is owned by more than one person it must be held in common with an undivided interest;*
 2. *The Homeowner's Association for the area served by the tract;*
 3. *A public or private non-profit organization; or*
 4. *The City or other jurisdiction.*
- B. *Maintenance agreement. The applicant must record with the County Recorder a maintenance agreement that commits the owners or owner's designee to maintain all elements of the tract or easement; however, facilities within the tract or easement that will be maintained by a specified City agency may be recorded in a separate maintenance agreement. The maintenance agreement must be approved by BDS and the City Attorney in advance of Final Plat approval and must be submitted to the County Recorder to be recorded with the Final Plat or Final Development Plan within 90 days of the final decision.*

Response: Proposed open space tract A is proposed to be owned and maintained by the development's homeowners association. The applicant has no problem with recording a maintenance agreement for this tract consistent with the requirements of subsection B above.

33.660.120 I. SOLAR ACCESS. *If single dwelling detached development is proposed for the site, the approval criteria of Chapter 33.639, Solar Access, must be met; and*

Response: All of the proposed lots are intended for single dwelling detached development. Therefore, the solar access design requirements of Chapter 33.639 are applicable to the creation of those lots.

33.639.020 Where These Approval Criteria Apply

The approval criteria of this chapter apply to lots for single-dwelling detached development created as part of a land division proposal in all zones. Where it is not practicable to meet both the approval criteria of this chapter and the standards and approval criteria of other chapters in the 600s, the regulations of the other chapters supersede the approval criteria of this chapter.

33.639.100 Solar Access Approval Criteria

All of the following approval criteria must be met:

- A. *On streets that are within 30 degrees of a true east-west axis, see Figure 639-1, the narrowest lots should be:*

1. Interior lots on the south side of the street and
 2. Corner lots on the north side of the street.
- B. On streets that are within 30 degrees of a true north-south axis, the widest lots should be interior lots on the east or west side of the street.

Response: Lots 2 and 7 are located on the south sides of east-west segments of SW Pendleton Street. Lots 2 and 7 are narrower than adjacent lots 1 and 3 and 8 respectively and thus are consistent with subsection A above. On the north-south segment of SW Pendleton Street, lots 4 and 10 have similar building envelope widths as the adjacent lots.

33.660.120 J. STREAMS, SPRINGS, AND SEEPS. *The approval criteria of Chapter 33.640, Streams, Springs and Seeps, must be met.*

33.640.100 **Where These Standards Apply**

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

Response: The stream on the site is wholly within the Ec zoned portion of the site. There are no other streams within the non-Environmental zoned areas of the site. Hardman Geotechnical Services conducted a thorough review of the site and found that there are not seeps or springs on the site (see Landslide Hazard Area Assessment report in Appendix F). Therefore, the standards of Section 33.640 dealing with streams, springs, and seeps outside of an Environmental Overlay Zone are not applicable to the subject site.

33.660.120 K. TRANSPORTATION IMPACTS. *The approval criteria of Chapter 33.641, Transportation Impacts, must be met; and*

Response: The applicable sections of Chapter 33.641 are addressed below with responses to the applicable standards:

Chapter 33.641 **Transportation Impacts**
33.641.020 **Approval Criterion**

The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. Evaluation factors include: street capacity and level-of-service; vehicle access and loading; on-street parking impacts; the availability of transit service and facilities and connections to transit; impacts on the immediate and adjacent neighborhoods; and safety for all modes.

Response: A Transportation Impact Study for the proposed development was prepared by Kittelson and Associates. That report is included in Appendix G. The Executive Summary and Conclusion sections of that report conclude the following:

Per the analysis outlined in this report, the multimodal transportation system is capable of supporting the proposed Everett Homes subdivision. . . . As documented in this report, findings relevant to the approval criterion are outlined below.

Street capacity and level-of-service:

- The study intersections are expected to satisfy the city's level-of-service criteria during the weekday AM and PM peak hour before and after build-out of the proposed subdivision.

Vehicle access and loading:

- Both SW 48th Avenue and SW Pendleton Street are designated as Local Service Truck Streets and can accommodate typical limited residential loading needs.