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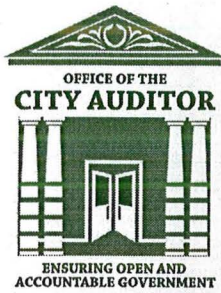
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LU 13-219755 ZC AD LDP  
ORDER MAILED: 06/18/2014





## CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Council / Contracts

1221 S.W. 4th Avenue, Room 130, Portland, Oregon 97204

web: [www.portlandonline.com/auditor/](http://www.portlandonline.com/auditor/)

Email: [Karla.Moore-Love@portlandoregon.gov](mailto:Karla.Moore-Love@portlandoregon.gov)

Phone: (503) 823-4086 Fax: (503) 823-4571



### NOTICE OF FINAL DECISION

TO: All Interested Persons

DATE: June 18, 2014

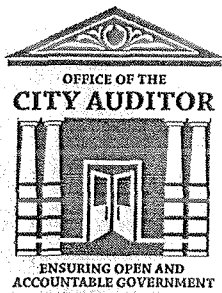
RE: LU 13-219755 ZC AD LDP

Appeal of Eastmoreland Neighborhood Association against Hearings Officer's decision to approve a zoning map amendment, adjustment and land division partition at 3058 SE Woodstock Boulevard (Hearing; LU 13-219755 ZC AD LDP)

Enclosed is a copy of the Order of Council on LU 13-219755 ZC AD LDP, the effect of the Council's Order is: **the zoning and comprehensive plan designation for the site remains unchanged. The site remains Residential 7,000 (R7) with a comprehensive plan map designation of Residential 5,000 (R5) unless or until the zoning/plan designation is changed by either: (a) a future application for a quasi-judicial comprehensive plan map amendment and/or zone change; or (2) a future legislative revision to the comprehensive plan or zoning maps that includes the site.** For further information, please contact Karla Moore-Love, Council Clerk by email at: [Karla.Moore-Love@portlandoregon.gov](mailto:Karla.Moore-Love@portlandoregon.gov) or at (503) 823-4086.

City Council's decision is the final review process available through the City. You may appeal this decision to the Oregon Land Use Board of Appeals (LUBA) by filing a Notice of Intent to Appeal with the Board within 21 days of the date of decision, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have appeared orally or in writing during the City's proceedings on this land review. The Board's address is: DSL Building, 775 Summer Street NE, Suite 330, Salem, OR 97301-1283. You may call the Land Use Board of Appeals at 1-503-373-1265 or visit LUBA's website ([www.oregon.gov/LUBA](http://www.oregon.gov/LUBA)) for further information on filing an appeal.

Encl.



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June 18, 2014

Eastmoreland Neighborhood Association  
c/o Robert McCullough, President  
6123 SE Reed College Place  
Portland, OR 97202

**RE: LU 13-219755 ZC AD LDP**

Appeal of Eastmoreland Neighborhood Association against Hearings Officer's decision to approve a zoning map amendment, adjustment and land division partition at 3058 SE Woodstock Boulevard (Hearing; LU 13-219755 ZC AD LDP)


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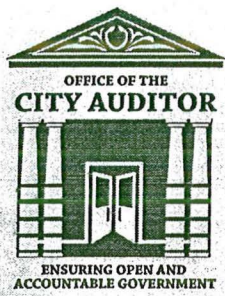
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Yours sincerely,  
LaVonne Griffin-Valade  
Auditor of the City of Portland

By:

  
Karla Moore-Love, Council Clerk

Encl.



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Council / Contracts

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Email: [Karla.Moore-Love@portlandoregon.gov](mailto:Karla.Moore-Love@portlandoregon.gov)

Phone: (503) 823-4086 Fax: (503) 823-4571



June 18, 2014

Rob Humphrey  
Faster Permits  
1434 NW Eagleridge Lane  
Portland, OR 97229

**RE: LU 13-219755 ZC AD LDP**

Appeal of Eastmoreland Neighborhood Association against Hearings Officer's decision to approve a zoning map amendment, adjustment and land division partition at 3058 SE Woodstock Boulevard (Hearing; LU 13-219755 ZC AD LDP)

To Whom It May Concern:

Enclosed is a copy of the Order of Council on LU 13-219755 ZC AD LDP, the effect of the Council's Order is: **the zoning and comprehensive plan designation for the site remains unchanged. The site remains Residential 7,000 (R7) with a comprehensive plan map designation of Residential 5,000 (R5) unless or until the zoning/plan designation is changed by either: (a) a future application for a quasi-judicial comprehensive plan map amendment and/or zone change; or (2) a future legislative revision to the comprehensive plan or zoning maps that includes the site.**

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Yours sincerely,  
LaVonne Griffin-Valade  
Auditor of the City of Portland

By:

Karla Moore-Love, Council Clerk

Encl.

Cc: Michael C. Robinson, Perkins Coie LLP  
Vic Remmers, Everett Custom Homes Inc.



**ORDER OF COUNCIL ON APPEAL OF  
EASTMORELAND NEIGHBORHOOD ASSOCIATION AGAINST HEARINGS OFFICER'S  
DECISION TO APPROVE A ZONE MAP AMENDMENT, ADJUSTMENT AND LAND DIVISION  
PARTITION AT 3058 SE WOODSTOCK BOULEVARD (HEARING; LU 13-219755 ZC AD LDP)**

**Appellant:** Eastmoreland Neighborhood Association  
c/o Robert McCullough, President  
6123 SE Reed College Place  
Portland, OR 97202

**Applicants:** Rob Humphrey  
Faster Permits  
1434 NW Eagleridge Lane  
Portland, OR 97229

**Representative:** Michael C. Robinson  
Perkins Coie LLP  
1120 NW Couch Street, Tenth Floor  
Portland, OR 97209-4128

**Site Address:** 3058 SE Woodstock Boulevard

**Legal Description:** BLOCK 39 LOT 6&7 TL 300, EASTMORELAND

**Zoning:** Residential 7,000 (R7) w/ Residential 5,000 (R5) Comprehensive Plan

**Procedure:** Type III, Zoning Map Amendment (ZC), Adjustment (AD) and Land Division Partition (LDP).

**Proposal:** The applicant (the "Applicant") proposed to partition the property commonly referred to as 3058 SE Woodstock Boulevard (the "Subject Property") into two parcels of approximately 7,068 (Parcel 1) and 6,113 (Parcel 2) square feet in size in conjunction with a Zoning Map Amendment in conformance with the Comprehensive Plan from Residential 7,000 (R7) to Residential 5,000 (R5). The Applicant also requested an adjustment to allow the creation of through lots.

In a decision dated February 13, 2014, the Hearings Officer approved the Applicant's application for a Zoning Map Amendment, Partition, and Adjustment. The Eastmoreland Neighborhood Association (Appellant) filed an appeal of the Hearings Officer's decision on February 27, 2014.

The City Council hearing on the Appellant's appeal was opened in the Council Chambers, 1221 SW 4<sup>th</sup> Avenue, on April 10, 2014 at approximately 2:00 p.m. Having reached a tentative settlement, the Applicants and Appellants asked City Council to continue the appeal hearing for at least 60 days to allow them time to finalize the settlement. The Applicant agreed to extend the 120 day deadline until August 1, 2014. The hearing was continued to June 12, 2014 at 2:00 p.m.

On June 2, 2014, the Applicant withdrew his application for the Zoning Map Amendment, Land Division, and Adjustment by letter to the City's Bureau of Development Services. On June 11, 2014, the Appellant withdrew its appeal by letter to the City Council.

On June 12, 2014 at 2:00 p.m. the City Council convened and, based on the letters from the Applicant and Appellant, voted 5-0 to adopt the following decision.

## **DECISION**

Based on the record in Case File LU 13-219755 ZC AD LDP, it is the decision of Council to adopt an order that states:

**A. The applicant (Rob Humphrey) has withdrawn the underlying application for a zone change, land division and adjustment for a site located at 3058 SE Woodstock Boulevard (LU 13-219755 ZC LDP AD).**

**B. The appellant (Eastmoreland Neighborhood Association) has asked the Council to remove the appeal from the Council agenda and give it no further consideration.**


**C. As a result of the applicant's and appellant's actions, the Council lacks jurisdiction to address the substantive issues raised in the appeal or to approve or deny the underlying application, and the Hearings Officer's decision is void and of no effect.**

**D. In adopting this order, the Council expressly takes no position on the appellant's claims of error concerning the Hearings Officer's decision or the substantive merits of the Hearings Officer's decision.**

**E. The effect of the Council's order is that the zoning and comprehensive plan designation for the site remains unchanged. The site remains Residential 7,000 (R7) with a comprehensive plan map designation of Residential 5,000 (R5) unless or until the zoning/plan designation is changed by either: (a) a future application for a quasi-judicial comprehensive plan map amendment and/or zone change; or (2) a future legislative revision to the comprehensive plan or zoning maps that includes the site.**

**IT IS SO ORDERED:**

6/18/2014  
Date

  
\_\_\_\_\_  
Mayor Charlie Hales  
Presiding Officer at Hearing of  
June 12, 2014  
2:00 p.m. Session