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13-237078 NOA 7-12-14
CASE FILE WHITESIDE
1900 SW 4TH AVE. #5000
PORTLAND, OR 97201

CAPTAIN
B119/R1552/PPB

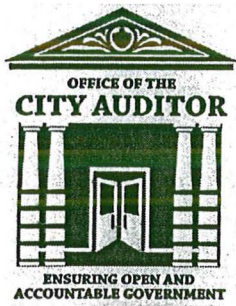
PDC
B129

Emailed: Rachel Whiteside, Linly
Rees, Yvonne Poelwijk, Douglas
Morgan, Kurt Krueger, Dawn Krantz, Kia
Selley, Robert Haley, ~~Char Sharkey~~, Dawn
Uchiyama, Elisabeth Reese Cadigan, Mari
Moore, Hearings Office Clerks, Dora Perry

LU 13-237078 ZC LDP
Order of Council mailed:
10/17/14 *for*

Toni Anderson 13/130
Gayla Jennings 5/31/130

BPS-GIS for Amy Bacher



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Council / Contracts

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

phone: (503) 823-4086

web: www.portlandonline.com/auditor/

Email: Karla.Moore-Love@portlandoregon.gov



October 17, 2014

Mike Coyle
Faster Permits
14334 NW Eagleridge Lane
Portland, OR 97229

RE: LU 13-237078 ZC LDP


Appeal of Woodstock Neighborhood Association against Hearings Officer's decision to approve a zone change in conformance with the Comprehensive Plan and a 3-lot land division at 3936 SE Reedway Street (Hearing; LU 13-237078 ZC LDP)

To Whom It May Concern:

Enclosed is a copy of the Order of Council on LU 13-237078 ZC LDP, the effect of the Council's Order is: **denial of a Preliminary Plan for a 3-parcel partition and approval of a Zoning Map Amendment in conformance with the Comprehensive Plan from R5 to R2.5.**

This Order must be recorded with the Multnomah County Recorder within 10 days of receipt of this letter. **Please send a check for \$51.00 made payable to the Multnomah County Recorder, indicating the file number on your check and Send to: The City of Portland, Office of the City Auditor, 1221 SW 4th Ave. Room 130, Portland, OR, 97204-1900**

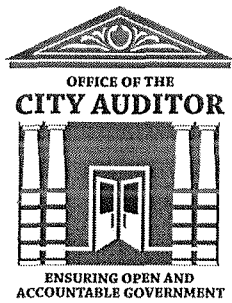
City Council's decision is the final review process available through the City. You may appeal this decision to the Oregon Land Use Board of Appeals (LUBA) by filing a Notice of Intent to Appeal with LUBA within 21 days of the date of decision, as specified in the Oregon Revised Statute (ORS) 197.830.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

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.
Greg Perrin, Columbia Redevelopment LLC



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Council / Contracts

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

phone: (503) 823-4086

web: www.portlandonline.com/auditor/

Email: Karla.Moore-Love@portlandoregon.gov



NOTICE OF FINAL DECISION

TO: All Interested Persons

DATE: October 17, 2014

RE: LU 13-237078 ZC LDP

Appeal of Woodstock Neighborhood Association against Hearings Officer's decision to approve a zone change in conformance with the Comprehensive Plan and a 3-lot land division at 3936 SE Reedway Street (Hearing; LU 13-237078 ZC LDP)

Enclosed is a copy of the Order of Council on LU 13-237078 ZC LDP, the effect of the Council's Order is: **denial of a Preliminary Plan for a 3-parcel partition and approval of a Zoning Map Amendment in conformance with the Comprehensive Plan from R5 to R2.5.**

If you wish to obtain a copy of the City Council's Findings and Decision, please contact Karla Moore-Love, Council Clerk by email at: 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 LUBA 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. LUBA's address is: DSL Building, 775 Summer Street NE, Suite 330, Salem, OR 97301-1283. You may call LUBA at 1-503-373-1265 or visit LUBA's website (www.oregon.gov/LUBA) for further information on filing an appeal.

Encl.

**ORDER OF COUNCIL ON APPEAL OF
WOODSTOCK NEIGHBORHOOD ASSOCIATION AGAINST HEARINGS OFFICER'S
DECISION TO APPROVE A ZONE CHANGE IN CONFORMANCE WITH THE
COMPREHENSIVE PLAN AND A 3-LOT LAND DIVISION AT 3936 SE REEDWAY STREET
(HEARING; LU 13-237078 ZC LDP)**

Applicant: Mike Coyle / Faster Permits
14334 NW Eagleridge Lane
Portland, OR 97229

Owner: Greg Perrin / Columbia Redevelopment LLC
3936 SE Reedway Street
Portland, OR 97202

Appellant: Terry Griffiths / Woodstock Neighborhood Association
4128 SE Reedway St
Portland, OR 97206

Site Address: 3936 SE Reedway Street

Legal Description: BLOCK 70 LOT 1, WOODSTOCK

Zoning: R5 (R2.5) – Single-Dwelling Residential 5,000 with a Comprehensive Plan Designation of Single-Dwelling Residential 2,500

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

Original Proposal: The applicant proposes to partition the subject property into three parcels of approximately 4,548 (Parcel 1), 2,406 (Parcel 2), and 3,009 (Parcel 3) square feet in size in conjunction with a Zoning Map Amendment in conformance with the Comprehensive Plan from Residential 5,000 (R5) to Residential 2,500 (R2.5). Proposed Parcels 2 and 3 are below the minimum lot width of 36 feet and must meet the narrow lot criteria as part of the land division request. The existing home is to remain on Parcel 1, while the garage and pool will be removed to make way for proposed Parcels 2 and 3. No replacement parking is proposed for Parcel 1.

Sanitary sewer service is proposed for the new parcels from SE Reedway Street, with a 10-foot wide private sanitary sewer easement across Parcel 1 for the benefit of Parcel 3. Water service for each lot is proposed in their respective frontages. Stormwater disposal for Parcels 2 and 3 is proposed via individual drywells. There are no trees onsite, but six existing street trees are proposed to remain.

For purposes of State Law, this land division is considered a partition. To partition land is to divide an area or tract of land into two or three parcels within a calendar year (See ORS 92.010). ORS 92.010 defines "parcel" as a single unit of land created by a partition of land. The applicant's proposal is to create 3 units of land (3 parcels and 0 tracts). Therefore this land division is considered a partition.

This partition is generally reviewed through a Type Ix land use review because: (1) the site is in a residential zone; (2) fewer than four lots are proposed; and (3) none of the lots, utilities, or services is proposed within a Potential Landslide Hazard or Flood Hazard Area (see 33.660.110). However, because a Type III Zoning Map Amendment is required for the zone change in

conformance with the Comprehensive Plan, the entire case is processed through the Type III procedure.

The City Council hearing on the Appellant's appeal was opened in the Council Chambers, 1221 SW 4th Avenue, on September 3, 2014 at approximately 3:00 p.m. After hearing public testimony Council continued the hearing to September 10, 2014 at 9:30 a.m.

On September 8, 2014 the applicant granted an extension of the 120-day review period to provide additional time for Council to deliberate to a tentative decision and issue a final decision.

The City Council hearing was opened in the Council Chambers, 1221 SW 4th Avenue, on September 10, 2014 at approximately 9:30 a.m. Having the applicant grant an extension of the 120-day review period, Council continued the hearing to October 1, 2014 at 10:15 a.m.

On October 1, 2014 at approximately 8:00 a.m. the City Council hearing was opened in Council Chambers, 1221 SW 4th Avenue. The City Council announced the hearing was being rescheduled to October 1, 2014 at approximately 1:15 p.m.

The City Council hearing was opened in the Council Chambers, 1221 SW 4th Avenue, on October 1, 2014 at approximately 1:15 p.m. Council voted 4-0 to tentatively support the appeal of the Woodstock Neighborhood Association, overturn the Hearings Officer's decision, deny the application, and ordered findings be prepared for consideration on October 15, 2014 at 10:15 a.m.

The City Council hearing was opened in Council Chambers, 1221 SW 4th Avenue, on October 15, 2015 at approximately 10:15 a.m. Council voted 5-0 to adopt findings, partially uphold the appeal of the Woodstock Neighborhood Association and overturn the Hearings Officer's decision to approve a zone change in conformance with the Comprehensive Plan and a 3-lot land division at 3936 SE Reedway Street.

DECISION

Based on evidence in the record the Council's Findings and Decision in **Case File LU 13-237078 ZC LDP**, and by this reference made a part of this Order, **it is the decision of Council** to partially uphold the Woodstock Neighborhood Association's appeal of the Hearings Officer's decision resulting in:


Denial of a Preliminary Plan for a 3-parcel partition; and

Approval of a Zoning Map Amendment in conformance with the Comprehensive Plan from R5 to R2.5.

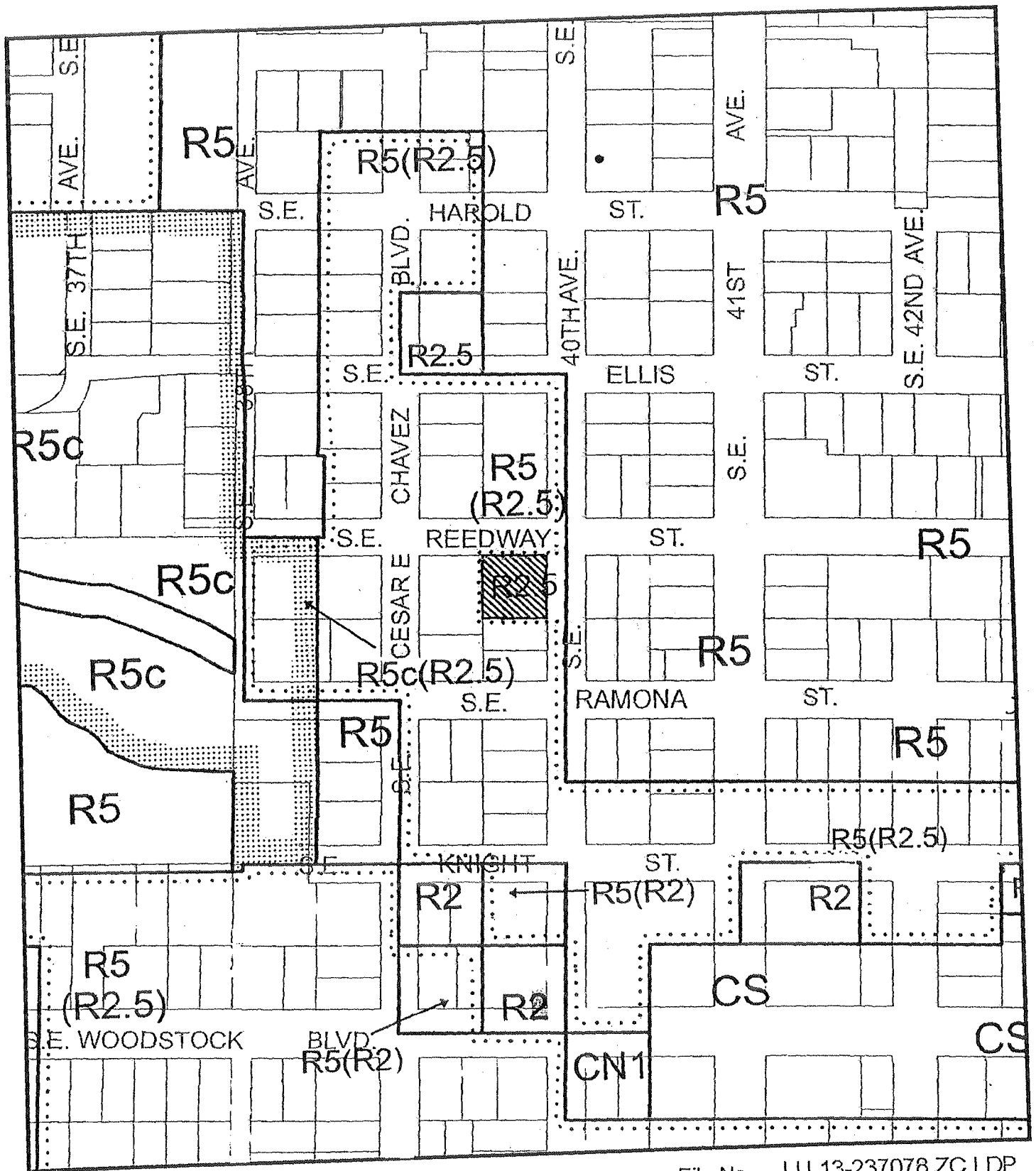
IT IS SO ORDERED:

OCT 17 2014

Date



Mayor Charlie Hales
Presiding Officer at Hearing of
October 15, 2014
9:30 a.m. Session



PROPOSED ZONING



File No. LU 13-237078 ZC,LDP
 1/4 Section 3634
 Scale 1 inch = 200 feet
 State Id 1S1E13DA 6600
 Exhibit B.1 (May 15, 2014)

MOTIONS LU 13-237078 ZC Woodstock:

10-1-2014

Support the appeal and deny the application; staff prepare findings for October 15, 2014 at 10:15 am Time Certain: Moved by Fritz and seconded by Fish.

COMMISSIONERS VOTED AS FOLLOWS:

YEA: Fritz, Fish, Novick, Hales.

ABSENT: Saltzman

Agenda Disposition:

**TENTATIVELY UPHOLD THE APPEAL AND OVERTURN
THE HEARINGS OFFICER'S DECISION; PREPARE FINDINGS
FOR OCTOBER 15, 2014 AT 10:15 AM TIME CERTAIN**

10-15-2014

Adopt the Findings: Moved by Fish and seconded by Fritz.

COMMISSIONERS VOTED AS FOLLOWS:

YEA: Fritz, Fish, Novick, Saltzman and Hales.

Agenda Disposition:

FINDINGS ADOPTED