

Motion Record

WEDNESDAY, 2:00 PM, FEBRUARY 7, 2018

THOSE PRESENT WERE: Mayor Wheeler, Presiding; Commissioners Eudaly, Fish, Fritz and Saltzman, 5.

132 **TIME CERTAIN: 2:00 PM** – Appeal of the South Burlingame Neighborhood Association against the Hearings Officer’s decision to approve with conditions, Macadam Ridge, a 21-lot subdivision, Environmental Review with Modifications and Environmental Violation Review for vacant property west of and adjacent to 0319 SW Taylors Ferry Rd (Hearing introduced by Commissioner Eudaly; LU 16-213734 LDS ENM EV) 3 hours requested

February 7, 2018

Motion to tentatively grant the appeal in part and overturn the Hearings Officer’s decision: deny the application with exception of approval of the Environmental Violation Review with conditions: Moved by Fritz and seconded by Eudaly.

Council voted as follows:
YEA: Fritz, Fish, Saltzman Eudaly and Wheeler.

**PREPARE FINDINGS FOR FEBRUARY 14, 2018
AT 11:00 AM TIME CERTAIN**

**TENTATIVELY GRANT
THE APPEAL IN PART
AND OVERTURN THE
HEARINGS OFFICER’S
DECISION WITH AN
EXCEPTION; PREPARE
FINDINGS FOR
FEBRUARY 14, 2018
AT 11:00 AM
TIME CERTAIN**

February 14, 2018

Motion to grant the Appeal in part and deny the Application for Land Division, Environmental Review and Modifications, except that Council grants approval of Environmental Violation Review with conditions: Moved by Fish and seconded by Fritz.

Council voted as follows:
YEA: Fritz, Fish, Saltzman Eudaly and Wheeler.

Agenda Disposition:
FINDINGS ADOPTED



**City of
Portland, Oregon
Bureau of Development Services**
FROM CONCEPT TO CONSTRUCTION

Chloe Eudaly, Commissioner
Rebecca Esau, Director
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MEMORANDUM

January 25, 2018

To: Mayor Ted Wheeler
Commissioner Chloe Eudaly
Commissioner Nick Fish
Commissioner Amanda Fritz
Commissioner Dan Saltzman

From: Rebecca Esau, Director *RE*
Bureau of Development Services

Subject: City Council Appeal Hearing on LU 16-213734 LDS ENM EV, vacant property west of and adjacent to 0319 SW Taylors Ferry Road

The purpose of this memorandum is to provide a summary and brief description of the land use review decision that has been appealed and will be presented to you in public hearing on February 7, 2018 at 2 PM, time certain. This will be an on the record hearing.

BDS Representatives: Kate Green, City Planner, Land Use Services
503-823-5868, kate.green@portlandoregon.gov
Sean Williams, City Planner, Land Use Services
503-823-7586, sean.williams@portlandoregon.gov

- 1. Land Use Reviews Requested:** Type III Land Division Subdivision (LDS), Environmental Review w/ Modifications (ENM), and Environmental Violation (EV).
- 2. Key Elements of Proposal:**

Applicant/Owner: Steve Griffith, Riverview Abbey Mausoleum Company
Representatives: Christopher Koback/Hathaway Larson LLP and Emerio Design
Site Location: vacant property west of and adjacent to 0319 SW Taylors Ferry Road
Site Size: 14.17 acres (≈617,245 sq. ft.)
Zoning: Single Dwelling Residential 10,000 (R10); Environmental Protection (p) and Conservation (c) overlay

Proposal: The applicant proposes to subdivide a 14.17-acre -acre site to create 21 single dwelling lots (ranging in size from 5,000 to 7,924 square feet), an environmental resource tract (≈420,354 square feet), an open space/landscape buffer tract (≈4,018), an open space/scenic resource tract (≈11,761 square feet). The proposal includes a new public dead-end street (Street A) and a new public pedestrian connection to serve the proposed lots, as well as the extension of and the widening of existing rights-of-way (SW Hume Street and SW Taylor's Ferry Road) abutting the site.

An Environmental Review is requested to allow the proposed lots, streets, utilities, and related development within the resource area of the Environmental Conservation zone; and to allow storm sewer and sanitary sewer construction within the Environmental Conservation and Environmental Protections zones.

Environmental Modifications are also requested to allow for reductions to the minimum lot area in the R10 zone from 6,000 square feet to 5,000 square feet; and to reduce the minimum side building setback for each lot from 10 feet to 5 feet.

Additionally, the application includes an Environmental Violation Review to address several compliance issues.

3. **Hearings Officer Decision:** Approval with conditions.
4. **Appellant:** South Burlingame Neighborhood Association
5. **Alternatives Facing Council:**
 - Deny the appeal, and uphold the Hearings Officer's decision to approve the application with conditions.
 - Deny the appeal, and uphold the Hearings Officer's decision to approve the application, with modifications.
 - Grant the appeal and overturn the Hearings Officer's decision, thereby denying the application.

IMPACT STATEMENT

Legislation title: Appeal of the South Burlingame Neighborhood Association (SBNA) against the Hearings Officer's decision to approve, with conditions, a 21-lot subdivision, Environmental Review w/ Modifications, and Environmental Violation Review for vacant property west of and adjacent to 0319 SW Taylors Ferry Road (LU 16-213734 LDS ENM EV).

Contact names: Kate Green, City Planner, Land Use Services, 503-823-5868
Sean Williams, City Planner, Land Use Services, 503-823-7612

Presenter names: Kate Green and Sean Williams

Purpose of proposed legislation and background information:

This is an appeal of a Type III Land Use Review decision (a quasi-judicial action). Title 33, Zoning Code Section 33.730.030.F provides that Type III Land Use Review decisions may be appealed to City Council. The Hearings Officer decision for the proposed subdivision and environmental review (Macadam Ridge Subdivision) was appealed by the South Burlingame Neighborhood Association.

Financial and budgetary impacts:

This is an appeal of a Type III quasi-judicial land use review (not legislation). The City Council decision on this matter will not have financial or budgetary impacts on the City.

Generally, Land Use Reviews are fee supported. In this case, the appeal fee was waived because the appellant is a Recognized Organization as defined by 33.910. City costs associated with this appeal are for staff time to process the appeal.

Community impacts and community involvement:

The notification procedures for this Type III land use application followed the public involvement requirements contained within the Portland Zoning Code, as reviewed and adopted by the Portland City Council.

For Type III Land Use Reviews, the Zoning Code requires public notice be mailed to recognized neighborhood and business associations that are within 1,000 feet of the site. For this site, the South Burlingame Neighborhood Association, the Collins View Neighborhood Association, the South Portland Business Association, and Southwest Neighbors Inc (district coalition) received notice. In addition, all property owners within the 400 feet of the site were mailed notice of the public hearing and the site was posted with notice boards. City Bureaus, Tri-Met, Multnomah County Planning, METRO, Northwest Natural Gas, Pacific Power & Light, the Portland School District #1, Oregon State Fish & Wildlife, and the Wilkes Community Group were also mailed notice. Interested persons were encouraged to write and/or testify at the public hearing conducted before the Hearings Officer.

Extensive comments from the public, including from the appellant (South Burlingame Neighborhood Association), were submitted to the Hearings Officer as both oral and written testimony during the review process. After the initial hearing held on October 16, 2017, the review process included a continued hearing held on October 30, 2017, followed by 1 week period for additional testimony to be submitted by any party, and another week for rebuttal evidence and final argument. On November 20, 2017, the Hearings Officer re-opened the record for 2 weeks for submittal of new evidence followed by a 1 week period for final argument. The record closed on December 14, 2017.

The City Council decision on this appeal will be the final decision of the City, per Zoning Code Section 33.730.030.H.9. However, the City Council's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA).

Budgetary Impact Worksheet

Does this action change appropriations?

- YES:** Please complete the information below.
 NO: Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount