

November 12, 2014

Mrs. Marty Stockton, City Planner  
City of Portland  
1900 SW Fourth Avenue, Suite 7100  
Portland, OR 97201

Re: Lawrence Properties-SE Belmont/City of Portland comprehensive plan

Dear Marty:

Thank you for meeting with me and Scott MacLean of NAI Norris, Beggs and Simpson to discuss the properties I own located along SE Belmont Street. As we discussed, I would like to have the City of Portland rezone the following properties to a mixed use zone as part of the Comprehensive Plan:

- 4311 SE Belmont
- 4325 SE Belmont
- 4335 SE Belmont
- 4411 SE Belmont
- 4435 – 4437 SE Belmont
- 823 SE 45<sup>th</sup>

I began purchasing these properties along SE Belmont in the early 1970's through the 1980's. At the time I began purchasing the properties, the zoning in place was a commercial manufacturing zone. There was a printing business located at 4411 SE Belmont as well as a multi-family residential building at 4435-4437 SE Belmont. I had envisioned converting some of these properties to a more commercial use over time. However, in the early 1980's, the City of Portland rezoned the properties from a commercial zone to R1 residential zoning.

At the time of the rezone, I met with the City of Portland and have correspondence showing that I was given assurances that if properties currently had uses that did not comply with the R1 zone and that the City would not modify the zone (see attached note). After receiving this assurance from the City, I assumed that the zoning for these properties would be left unchanged so that non-conforming uses were not created. However, when I went to redevelop one of the properties several years later, I discovered that the zoning had in fact been changed to R1, contrary to what the City had told me in my meeting with them on February 12, 1980.

The R1 zone severely restricted my potential redevelopment of the property to exclusively residential. It also made it impossible to finance a multi-tenant property that did not comply with the zone. After much effort and work on my part, I was able to get a small portion of the property rezoned to a mixed-use/commercial designation. However, I discovered that the mixed-use/commercial required a substantial amount of residential development and because of this I was unable to refinance the existing apartment building. I could not afford the additional cost to do the development. All this information is carefully detailed in the notes that

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I provided you. Based on my history with the properties, and the challenges I've had with the City of Portland regarding zoning, I believe as the City moves forward with the Comprehensive Plan, this would be an excellent time to correct the zoning mapping error that was initially done on these properties.

I would like to have the property listed above all rezoned from R1 to a mixed use zoning. I think it's important that the mixed use zoning continue to have a 45' maximum height, as my initial plans for the property included gable roofs, which I think would be appropriate along SE Belmont. I believe this zoning would be appropriate for the neighborhood given SE Belmont's active mass transit lines and bicycle thoroughfares.

I look forward to your help as we move through the Comprehensive Plan to have these properties rezoned to the mixed use commercial zone. Please let me know if you have any questions.

Sincerely yours,

Chuck Lawrence,  
c/o Scott Maclean, NAI Norris, Beggs and Simpson  
121 SW Morrison Street, Suite 200  
Portland, OR 97204

CL/SDM/cf  
stockton.docx



- 1 4311 SE Belmont
- 2 4325 SE Belmont
- 3 4335 SE Belmont
- 4 4411 SE Belmont
- 5 4435-4437 SE Belmont
- 6 823 SE 45th

At the conclusion of the recess, those present were: Mayor McGready, presiding, and Commissioners Ivancic, Jordan, and Schwab, II.

MC GREADY

We had Jerry Miller last. Now we start with Charles W. Lorenz, followed by Sam Wellborne, followed by Warren Chung. Incidentally, has Donald Morton come into the room? We missed him earlier. Yes, sir. Mr. L-A-U-R-E-N, is that correct?

LAWRENCE

I-A-V-W-R-E-N-C-E.  
Staff did their best to translate some of the signatures.

MC GREADY

LAWRENCE

Mayor McGready, Council members. I am Charles W. Lawrence, at 4130 S.E. Belmont. I represent my own interests. I have a duplicate letter that I would like to present to each of you at this time. It has to do with properties that I own on S.E. Belmont.

I purchased these properties several years ago as M3. I went to a lot of trouble to find the properties in the beginning. I paid extra money for the property at that time. I went to a lot of trouble to make double sure that this zone was with the property. I have title insurance, I checked with the Planning Commission and the tax people. From there I proceeded to develop the properties. I spent a lot of money and time.

I have been using the property for several years for uses in the M3 zone. Without any warning, I found out from this proposed Comprehensive Plan map that this property has been downgraded into A1.5, medium density apartments. I feel that this is unfair, and I appeal to you to leave the zoning as M3.

Time does not allow me to go into all of the hardships that this will impose upon me at this time.

MC GREADY

Thank you, sir. Council, I think it is appropriate that we do have some response on these. I hate to take any of the time for us or for staff, but I do think it will help us in recalling these cases when we come up with the idea of potential amendments. Why would you recommend downzoning an M3 zone to, what did you say?

LAWRENCE

MC GREADY

HARRISON

We have a policy of breaking up strip developments along the major streets. We have tried to implement that policy by looking for locations which were zoned for commercial or light manufacturing use which are not used for those uses or which are currently used for some kind of residential use. If the property is used for a commercial use or light manufacturing use then we have made a mapping error and we would like to correct that and maintain the commercial

Feb. 12th 1980

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pccg

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Thank you.

READY

LAWRENCE

Mayor McCready, I would like to make one comment before I leave. There are several other property owners that are affected by this on this same street. It was M3 from approximately 47th clear down to about 41st and I know that a lot of these property owners are not aware of this. It was only by accident that I happened to find out about this proposed comprehensive plan map and I talked to several of them about this and they are completely unaware of it.

IC CREADY

What was the procedure, the notification procedure? A gentleman mentioned how they handled it in the County and then we had a presentation from Mr. Keele how they handled it in the past.

LAWSON

When we started this process a couple of years ago there were at least two mailings to every address in the city announcing the process of the development of the discussion draft, and massive mailings and notification in the media during the six months public review of the discussion draft. Twice in the early process of developing this we did make a massive mailing to every property owner in the city.

IC CREADY

But that was prior, how many maps did we have?

LAWSON

That was prior to this. We have had two subsequent drafts since then, but the media has been very cooperative. We have been working through business organizations. We have a mailing list of approximately 6,000. That includes individuals, business organizations, civic organizations, neighborhood organizations, that have received copies of every draft that we have put out.

IC CREADY

I see. Are you familiar with this strip that he is talking about?

LAWSON

Mike Harrison would be.

We tried to work with all the givens we could in the development of the comprehensive plan. One of the principal ones, though, was the adopted Arterial Streets Classification policy.

IC CREADY

Excuse me. One of the what?

LAWSON

One of the principal givens that we had was the adopted Arterial Streets Classification Policy, which Council adopted in 1977. In that document Belmont Street is designated as a major city transit street and it is not also designated as a major city traffic street.

At the time the Arterial Streets Classification Policy was adopted, there was also incorporated into it a document that said auto-oriented uses should be discouraged on streets that had that situation. That is, they were major city transit streets and not also major city traffic streets. We followed that strategy throughout the city. Those streets which were both major city traffic

and major city transit we kept in either the mixed use designation or the C2 zone. Those streets which were only major city transit streets we put into the new C3 zone, the transit oriented zone. This particular section of Belmont being a major city transit street and having that designation in the Arterial Streets Classification Policy, we removed from the list of allowable uses by changing the zone, the auto oriented uses.

Madam Mayor?

Commissioner Ivancie.

I think we are changing a lot of basic zoning in the City of Portland based on someone's theory about traffic streets and various classifications of streets. It is true that the Council adopted a policy and arterial streets plan, hoping that some of these things would be designated as transit ways. But the reality of the situation doesn't always face what we have proposed, and if we are changing zones based on some concept I am not so sure those two are going to go together.

Now, what you say is correct but is it true with reality as far as what is happening out there?

It is true in most instances. We have tried to use the best data we can. We looked at primary going down to, in this particular case, the apartment zone, on our information about the land and land use. Some of it is outdated. We worked to try to get this as refined as possible through the last two years. There are some parcels in some areas, which I am sure still need some fine tuning. But, we are trying to make the proposed zoning in the comprehensive plan designations consistent with the Arterial Streets Policy to help reinforce it into the future.

But the policy, a lot of that policy is conceptual. In other words, if you look at Belmont Street, there are a lot of buses and truck traffic also.

Yes, this is why we introduced in the proposal zoning for the region the idea of the pre-existing use, where those uses that had been established under the old zoning are allowed to remain in a very different way from a non-conforming use. But what we are trying to get to is reinforce that arterial street policy by saying here in the future through zoning we are not going to allow the establishment of any more heavily auto oriented uses.

So the existing uses that are there now, we feel are protected even with expansion capabilities up to 100% of their site area and no non-conforming use stigma in terms of lending or anything else like this. Now, where we may have gone one step far from existing data or something, where there is an existing commercial or manufacturing use that went

WATSON

IVANCIE

WATSON

IVANCIE

MC CREADY

IVANCIE

to the apartment zone where that doesn't apply. These are the things that we need to fine tune on the map now.

What did you want to do there on your property? You are M3 now, you say?

Yes, sir.

And you have developed it now as M3?

Yes. It is currently being used for light manufacturing and this would seriously hinder me from getting a business loan or what the property is going to be worth.

No, that is the thing that he is talking about, that you can even increase or expand up to 100% and the way it is designed it will not impair your ability to get loans.

It is not like what we have existing now that if you have a fire and a certain percentage is destroyed you can't rebuild. That part is not a problem if you have already developed it in the manner that it is zoned presently. Not only would you be allowed to continue that, you would be allowed to expand it a 100% and your loan ability is secured.

Is it my understanding, then, that the zone will be left, may be termed differently but it will still be the old M3 zone?

No, it wouldn't be the old M3 zone but the existing use which you have developed it to. Where it would be impaired, if I understand this correctly from the briefings I have had, is if you had vacant property sitting there that you had not developed. Isn't that correct? You would not be able then, if this overlay zone is designed correctly, you would not be allowed to develop it now as M3. What they are trying to do is, as in the exchange between Frank and the staff, is that they have transit oriented streets, they have traffic oriented streets, and they are trying to get out of the realm of theory and philosophy and tried to create, aim for the future for what the design of the arterial streets plan shows.

They never will get out of theory unless there is a plan, a long range plan, in yours and, well, in my life time you won't see any change but in your's you're apt to see a lot.

Well, Connie, as I understand the LCDC approach, a lot of their concerns originally were in the suburban areas of the city and in the country areas where the suburban areas moved in to the farm land. But Portland is not like much of the rest of the state. We are very dense here. I think we are about, what is it, 22 people? I am trying to think of the density of the city compared to most areas of the state. We are pretty dense, and if Portland is trying to draft a zoning code based on greater density relative to transit, I am not so sure that matches the original goal of LCDC. We have been dense for 50 or 60 years and

IVANCIE

MC CREADY

LAWRENCE

MC CREADY

LAWRENCE

MC CREADY

LAWRENCE

IVANCIE

Mayor McCready, members of the Council. Mr. Chung is here. Okay, Sam Weiborn, not here. Mr. Warren Chung, followed by Richard Leonard, followed by Kenneth H. Koenen. Has Mr. Norton contact you. Sam Weiborn, followed by by Okay, you give him yours. And sir, he will a copy of his letter? I'll give you mine. Surely, and he'll check on this. Do you have

MC CREADY

LAWRENCE

MC CREADY

LAWRENCE

Thank you. It doesn't get empty for a long time. It sounds like you're all right as long as to sell it. I don't want the improvements I made on the property to be a liability when I get ready that, and people need to have those kinds of things spelled out. People do need to know that. He explored all those avenues when he bought it and got his title insurance and all Whenever what ever plan we adopt is adopted, I think it is important to have these various things spelled out. People do need to know that. He explored all those avenues when he bought it and got his title insurance and all

MC CREADY

LAWRENCE

up anywhere. I will have to have a list of all these things when I get ready to sell it so I don't goof

SCHWAB

MC CREADY

Except if it is vacant for a year, if it is that it? Is that it? The use goes with the land.

SCHWAB

LAWRENCE

If the use is grandfathered, they could consider the use. All right, but if I did sell it...

MC CREADY

LAWRENCE

Mr, we are going to check on your particular property. That does sound like a pretty large jump in zoning but the bottom line on what you are talking about is that if you have developed your property it would not impact your loan.

MC CREADY

LAWRENCE

Does that answer your question? Thank you.

IVANCIE

MC CREADY

IVANCIE

I am speaking for much of this proposed zoning change in the city. They are going on the theory that we have to become more dense to match some state-wide goal. But Portland is a lot different than most cities in this state. I don't follow the rationale so much. I know it is your approach conceptually but I don't think the reality matches that. But we can get into that in the amendments, or whatever, in the future.

MC CREADY

You're just digging yourself deeper. Speak for yourself, Frank. And we're getting denser. Frank, I wouldn't touch that line with a ten foot pole.