



DIERINGER'S PROPERTIES, INC.

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May 5, 2016

To Portland Planning and Sustainability Commission
RE: Mixed Use Zones Testimony

Dear Planning Commissioners,

The most recent zoning map reflects last minute zoning changes that came as a surprise to many. In the heart of the Woodstock Business District, properties currently zoned CS that should receive an unbiased and lateral change to the new CM2 zone were changed to CM1 which we consider a down-zone. Woodstock Business District should be exempt from these recent changes in proposed zoning recommendations as we don't believe that our community ever requested or wants to be included in these proposed changes.

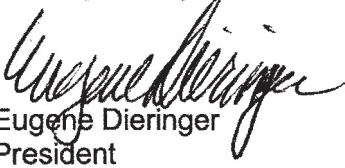
Among other testimonies heard about Woodstock today, here are points we feel are important:

1. The new CM2 zone is already considered to have fewer rights than the current CS zone. This recommended change to CM1 downgrades and reduces affected property owners' rights even further.
2. It doesn't take a genius to realize that more restrictive rights has a negative impact on a property's value. Property owners are not being compensated by the City for what should be considered a "taking" (a "taking of rights") without due process or compensation.
3. There is definitely an argument that this proposed change is not equitable to all properties in this effected area. Aside from the "taking" & reduction in value due to a down-zone, these properties (if zoned CM1), will be surrounded by CM2 zoned properties enjoying outright the benefits of a CM2 zone AND without having to argue, appeal, retain counsel and/or pay unreasonable costs to receive those rights simply by receiving a lateral zoning to the most comparable new Mixed Use Zone which is CM2.
4. There was no outreach to our Woodstock community to get feedback on what was important to OUR community. Instead, a broad brush approach based on criteria created to satisfy only a couple of noisy neighborhoods, most particularly Multnomah Village, was inconsistently applied to our Woodstock Blvd. In 2015, a brand new New Seasons Market opened at SE 45th & Woodstock - well before new CM1 zone was proposed. This brand new building was built to the current CS zoning and is just under the 45' height limit, yet the city proposes a zone change to this property "to preserve low-rise Streetcar Era buildings". It doesn't take a rocket scientist to see that this new development DOES NOT meet the criteria, would not be in compliance, and breaks up 400 contiguous lineal feet of what planners errantly saw as "low-rise Streetcar Era buildings". Furthermore, City Staff appears to ignore the response from the Woodstock Community outreach and visioning completed in a Charrette conducted in response and already given as testimony to Portland's Comprehensive Plan.

All that being said, our property located at 4411 SE Woodstock is not directly effected by this recent recommended change as our property would be receiving what is considered a lateral zone change from CN2 to CM1. HOWEVER, in anticipation that the Planning Commissioners

will agree with this and others' testimony on what is best for Woodstock, and be recommending that the zoning map for Woodstock revert back to the prior map reflecting all CM2 zoning in the core of the Woodstock Business District, then our property (and adjacent Hanna property) currently proposed to become CM1, and if not also changed to be reflect CM2 zoning, would then be an island in an ocean of CM2 zoned properties, which most planners & professionals we have talked to say call "poor planning". Therefore I respectfully request that the zoning for our property at 4411 SE Woodstock be changed to reflect the anticipated surrounding zoning of CM2.

Thank you for your consideration.



Eugene Dieringer
President

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