

October 1, 2012

Portland City Council
Mayor Sam Adams
Commissioner Nick Fish
Commissioner Amanda Fritz
Commissioner Randy Leonard
Commissioner Dan Saltzman

Council Clerk
1221 SW Fourth Avenue, Room 140
Portland, OR 97204

Re: Appeal of Land Use Decision to Deny a Four-lot Subdivision
Located at SE Berkeley Way and SE Cesar E Chavez Blvd.
LU 11-153362 LDS ENM (HO 4120015)

The Ardenwald-Johnson Creek and Woodstock Neighborhood Associations strongly urge the Council to deny the land use appeal submitted by the applicant, Brett Laurila. The Applicant has the burden of proof to show that the approval criteria have been satisfied. The appeal fails again to provide alternatives that respond to criteria identified by the Hearings Officer, to the objections of the Neighborhood Associations and other signatories to their letter (attached), or to provide alternatives that demonstrate that his proposal has the *least significant detrimental impact upon the resources and functional values* including scenic resources.

The Applicant proposes to create a four-lot subdivision entirely within a highly sensitive environmental zone in the Johnson Creek Basin. In an environmental zone, the applicant is obliged, among other things, to conduct an analysis of practicable alternatives and determine which alternative has the least significant detrimental impact. In the words of the hearings officer:

...to satisfy these criteria, the Applicant needs to supply credible evidence of specific alternative locations, designs and construction methods, determine the practicability of each specific alternative and to determine which of the practicable alternatives creates the least significant detrimental impact upon the identified resources and functional values. (Page 8)

The hearings officer found the Applicant's discussion of possible alternatives "speculative and lacking detail." (Page 8). In objecting to the proposal before the Hearings Officer, neighborhood stakeholder opposition cited five areas (detailed in the attached letter) that violate the intent of the zoning that were reinforced in the Decision by the Hearings Officer.

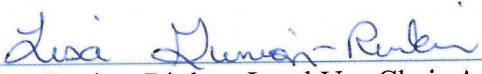
In his appeal of the Decision, the Applicant provides sketches of four alternative development schemes. The distinguishing characteristics among them are the cost to develop. Alternative #1, a single lot, is described as "impractical" without further explanation. Alternative #2 is the same as #3 but removes the challenging-to-develop lot 4. Alternative #3 is the baseline proposal. Alternative #4 is the same as #3 but adds a lot straddling the edge of the bluff on unstable soil conditions. Lacking for all alternatives is the thorough and detailed analysis of factors identified

by the hearings officer or response to any of the concerns of the neighborhood stakeholders, such as alternative locations, designs and construction methods, height, setback, and visual screening. Lacking such an analysis, the Applicant again fails to identify the least significant detrimental impact on this valuable environmental resource.

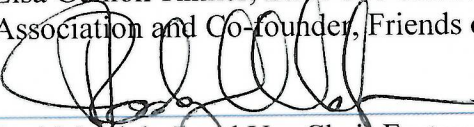
The proposed subdivision site is entirely within an environmental zone and protected under the Johnson Creek Basin Plan. The land sits above and includes a steeply sloping bluff overlooking the Tideman Johnson Natural Area, the Springwater Trail, and undeveloped wetland managed by BES. The City of Portland, through the work of the Bureau of Environmental Services, Portland Parks and Recreation, and the Community Watershed Stewardship Program, has spent hundreds of thousands of dollars and countless hours on habitat and floodplain restoration in this segment of the Johnson Creek Watershed. Development within this high value urban watershed should not be undertaken casually, and should be held to the highest standards provided by law.

The Applicant has failed to meet the minimum standards for development in an environmental zone, failed to respond to Hearings Officer objections, and failed to respond to neighborhood concerns based on the zoning code. Future proposals for this site should be required to respond to the full criteria stipulated in the code and responsive to the concerns expressed by the neighborhood associations and other stakeholders. The appeal should be denied.

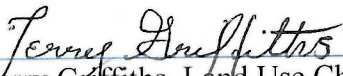
Yours truly,



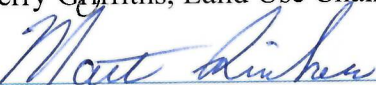
Lisa Gunion-Rinker, Land Use Chair Ardenwald Johnson Creek Neighborhood Association and Co-founder, Friends of Tideman Johnson Park



Rod Merrick, Land Use Chair Eastmoreland Neighborhood Association



Terry Griffiths, Land Use Chair Woodstock Neighborhood Association



Matt Rinker, Co-chair, Ardenwald Johnson Creek Neighborhood Association



Marianne Colgrove, Co-founder, Friends of Tideman Johnson Park

Encl: Neighborhood letter to Hearings Officer, July 27, 2012

Cc: Jennifer Yokum, Chief of Staff for Mayor Adams
Hannah Kuhn, Chief of Staff for Commissioner Fish
Tom Bizeau, Chief of Staff for Commissioner Fritz
Stu Oishi, Chief of Staff for Commissioner Leonard
Brendan Finn, Chief of Staff for Commissioner Saltzman
Bob Kellett, Southeast Uplift Land Use Program Manger
Matt Clark, Executive Director Johnson Creek Watershed Council