



City of Portland, Oregon
Bureau of Development Services
Land Use Services

FROM CONCEPT TO CONSTRUCTION

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Date: November 21, 2011
To: Interested Person
From: Douglas Hardy, Land Use Services
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NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has **approved with conditions** a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 11-171075 AD

GENERAL INFORMATION

Applicants: State of Oregon, property-owner
355 Capitol Street NE, Suite #411
Salem, OR 97301

Lonn Sweers, lessee
Moore Excavation, Inc. dba Iron Horse Group
P.O. Box 30569
Portland, OR 97294

Site Address: 1221-1225 SE Water Avenue

Legal Description: Block 9, TL 3600, East Portland
Tax Account No.: R226500390
State ID No.: 1S1E03AD 03600
Quarter Section: 3130

Neighborhood: Buckman, contact Susan Lindsay at 503-725-8257
Business District: Central Eastside Industrial Council, contact Juliana Lukasik at 503-287-5886
District Coalition: Southeast Uplift, contact Leah Hyman at 503-232-0010

Plan District: Central City - Central Eastside Subdistrict
Zoning: IG1 - General Industrial 1

Case Type: Adjustment Review (AD)
Procedure: Type II, Administrative decision with appeal to Adjustment Committee

PROPOSAL

The applicant proposes establishing a use on the site that will process waste concrete and asphalt that is largely generated from downtown public works projects. Concrete and asphalt rubble will be stockpiled on the site in an open area and processed using a mobile crusher. The processed materials will also be stockpiled in open areas on the site. All stockpile areas

will be surrounded on three sides by ecology blocks approximately six feet in height. The use will operate at this location for up to three years.

The activities occurring on the site are included in the Manufacturing and Production use category, which is allowed in this industrial zone. The processing of materials is considered an exterior work activity, and the outdoor stockpiles are considered exterior storage. In this zone, exterior work activity areas and exterior storage areas are required to be screened along all street lot lines with either a five foot deep area landscaped to the L3 standard (i.e., trees, six foot high shrubs, and groundcover); or a five foot deep area landscaped to the L2 standard (i.e., trees, three foot high shrubs, and groundcover) and a fully-sight obscuring six-foot high fence. Exterior work activity and exterior storage areas are also required to be paved.

The applicant is requesting the following two Adjustments from the applicable standards:

- Screening of Exterior Work Activity/Storage Areas (PCC 33.140.245.C and D): Because of the limited duration of the activity of this site, the applicant requests an Adjustment to waive the required five feet of L2 landscaping and instead provide a six foot high cyclone fence around the perimeter of the site. The fence will be screened with a heavy, semi-transparent (partially sight-obscuring) fabric in a dark green color.
- Paving of Exterior Work Activity/Storage Areas (PCC 33.140.245.E): Currently, there are random small areas of paving dispersed throughout the site. These paved areas cover approximately 16,000 square feet of the 80,500 square foot site. The applicant requests an Adjustment to waive the requirement that the entire area to be used for exterior work activity and exterior storage be paved.

RELEVANT APPROVAL CRITERIA

In order to be approved, this proposal must comply with the Adjustment Review approval criteria of Chapter 33.805.040.A-F of the Portland Zoning Code.

ANALYSIS

Site and Vicinity: The 80,500 square foot vacant site is located between SE Salmon Street and SE Main Street, with SE Water Avenue bordering the site on the east. The Interstate-5 elevated roadway structure is located at the western edge of the site. The site is largely graveled, with a few patches of paved area, and most recently used for surface parking. A six foot high cyclone fence is placed along all four sides of the sites. There is no on-site landscaping, and with the exception of columnar trees along the west frontage near the elevated highway structure, there are no street trees along the remaining street frontages.

Development in the surrounding area is characterized by a variety of lower scale (one- to two-story) buildings containing a variety of uses ranging from what appears to be light industry to wholesale, to vehicle repair. The blocks immediately north and south of the subject site are vacant sites. The Eastside Esplanade, separated from the subject site by a surface parking lot, is located west of the site along the Willamette River.

Zoning: The subject site is located in a General Industrial 1 (IG1) zone, and within the Central Eastside subarea of the Central City plan district.

The General Industrial zones are two of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zones provide areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. The development standards for each zone are intended to allow new development which is similar in character to existing development. The intent is to promote viable and attractive industrial areas. Areas zoned IG1 generally have smaller lots and a grid block pattern. The area is mostly developed, with sites having high building coverages and

buildings which are usually close to the street. IG1 areas tend to be the City's older industrial areas.

The Central City plan district implements the Central City Plan and other plans applicable to the Central City area. These other plans include the Downtown Plan, the River District Plan, the University District Plan, and the Central City Transportation Management Plan. The Central City plan district implements portions of these plans by adding code provisions that address special circumstances existing in the Central City area.

Land Use History: City records indicate that prior land use reviews include the following:

- LU 00-00704 GW AD: Approval with conditions of a Greenway Review with Adjustments to required landscaping and nonconforming upgrades for a new parking area in a three (plus) block area.
- LU 00-00134 GW: Approval of a Greenway Review for new fencing along portions of the Interstate-5 freeway.
- LUR 86-002541 CU: Approval with conditions of a Conditional Use review to allow fill exceeding 1,000 cubic yards and for new development (associated with what appears to be the Eastside Esplanade).

Agency Review: A Notice of Proposal was mailed October 6, 2011. The following City bureaus have responded with no issues or concerns:

- Bureau of Development Services – Site Development Section;
- Bureau of Development Services – Life Safety Plans Examiner;
- Site Development Section;
- Portland Water Bureau;
- Fire Bureau; and
- Portland Parks & Recreation - Urban Forestry Division.

The City bureaus, below, have responded with the following comments:

The Bureau of Environmental Services (BES) responded that the applicant has provided adequate information for BES to grant approval of the Source Control Special Circumstance request to store and process materials on site without the paving and covers that are typically required by Chapter 4 of the Storm Water Management Manual. BES also noted that other site improvements necessary to comply with Chapter 4 – excluding those that were exempted through the granting of the appeal – be done with City oversight through a commercial building permit, and that plans for such work be reviewed by Pollution Prevention staff prior to approval of this land use application. BES indicates that the applicant has applied for such a permit (11-194132-CO) and, although it has not yet been approved to issue by BDS, BES Pollution Prevention staff have reviewed the permit plans and issued an approval. BES does not object to approval of the adjustment to screening and paving requirements provided that a condition of approval be included that requires the applicant to complete the improvements under 11-194132-CO within 30 days from the time of land use approval.

The Portland Bureau of Transportation (PBOT) responded with the following comments:

If the operation is for three years or less, PBOT would consider it temporary and not require any dedications or improvements. If more than three years, PBOT would want the following dedications and improvements:

- *SW Water. Dedicate 3 feet, build a 12 foot sidewalk corridor consisting of the existing 0.5 foot curb, 4 foot furnishing zone (with street trees), 6 foot wide sidewalk, and 1.5 foot frontage zone between the back of the sidewalk and the property line.*

- *SE Salmon. Dedicate 3 feet, build an 11 foot sidewalk corridor consisting of the existing 0.5 foot curb, 4 foot furnishing zone (with street trees), 6 foot wide sidewalk, and 0.5 foot frontage zone between the back of the sidewalk and the property line.*
- *SE Main. Dedicate 1 foot, build an 11 foot sidewalk corridor consisting of the existing 0.5 foot curb, 4 foot furnishing zone (with street trees), 6 foot wide sidewalk, and 0.5 foot frontage zone between the back of the sidewalk and the property line.*

The above improvements must be constructed under a separate street job permit to City standards per the requirements of the City Engineer. The dedications and a financial guarantee will be a condition of PBOT allowing the use of the site.

Because the requested Adjustment is approved for a use on the site that will not exceed three years, PBOT's requirements will not be included as conditions of approval. However, in the future, should the applicant request a future Adjustment that extends the life of the current use beyond three years, PBOT's condition may be applied to that review.

Neighborhood Review: No written comments have been received from either the Neighborhood Association or notified property owners in response to the Notice of Proposal.

ZONING CODE APPROVAL CRITERIA

33.805.010 Purpose

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

33.805.040 Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A through F, below, have been met.

- A.** Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: The applicable standards that are being adjusted require the exterior work activity area and exterior storage area to be screened along all street lot lines with either a five foot deep area landscaped to the L3 standard (i.e., trees, six foot high shrubs and groundcover); or a five foot deep areas landscaped to the L2 standard (i.e., trees, three foot high shrubs and groundcover) and a fully-sight obscuring six foot high fence. The applicant also seeks to adjust the standard that requires the exterior work activity and exterior storage areas to be paved. The purpose for these standards, as stated in Section 33.140.245.A of the Zoning Code, is as follows:

The exterior development standards of this section are intended to assure that exterior display, storage, and work activities:

- *Will be consistent with the desired character of the zone;*
- *Will not be a detriment to the overall appearance of an employment or industrial area;*

- *Will not have adverse impacts on adjacent properties, especially those zoned residential; and*
- *Will not have an adverse impact on the environment.*

The proposal will equally meet the purpose of the regulation based on the following findings:

- Regarding the portion of the purpose statement dealing with the desired character of the zone, the intent of the General Industrial zones (as stated in Zoning Code Section 33.140.030.C) is to provide areas in the City where most industrial uses can locate, while other uses (such as retail and office) are limited to avoid potential conflicts. The development standards for the General Industrial zones are intended to allow development that is similar in character to existing development. The requested Adjustments are intended to allow the operation of an allowed use on the site for a limited period of time. The use, considered Manufacturing and Production, needs to be at this location as it is proximate to the public works projects where much of the waste concrete and asphalt is generated. Manufacturing and Production uses are allowed outright in this zone, and granting the Adjustments will allow the temporary use to locate at this site without having to meet all the development standards that are intended to apply to permanent uses. With the Adjustment, an industrial use that supports the industrial character of the zone will be allowed to operate on the site.

In recognition that the Adjustments may not be supportive of the desired character of the zone if the use were permanent, a condition will limit the duration of the approved Adjustments to three years from the date of the final decision on this review. Any exterior storage and exterior work activity occurring on the site after this period will be required to meet all applicable development standards, or be subject to an additional Adjustment Review.

- Regarding the portion of the purpose statement dealing with appearance, towards promoting an attractive industrial area, a condition of approval will require the maintenance of a cyclone fence, at least six feet in height, that is screened in its entirety (including gates) with a heavy, semi-transparent fabric in a dark green color. This fence shall be required along all street frontages (SE Water Avenue, SE Main Street and SE Salmon Street), with the fabric material kept in good condition and affixed securely to the fence. This is found to be suitable mitigation for the request to waive the required landscape screen given the temporary nature of the use.

Absent taller landscaping (such as trees) that would help screen the activities and storage areas on the site, taller piles of both processed and unprocessed materials have the potential to adversely impact the area's appearance. There is no development on the site that could serve as a guide as to what an appropriate height the piles should be, nor are there any standards in the IG1 zone regarding the maximum allowed height of either buildings or structures. The elevated Interstate 5 overpass that borders the west edge of the site is the most dominant built element close the site, and will be used in this situation to determine an appropriate maximum height for any piles stored on the site. The bottom of the overpass appears to be approximately 30 to 35 above grade. To mitigate for the absence of any larger taller landscaping that would help screen the piles, a condition of approval will require that the height of the piles not exceed the height of the bottom level of the abutting highway overpass. Limiting the height of the piles in this manner will help blend them into the overall built landscape of the surrounding industrial area.

- Because the proposed use, as well as the exterior work activities and exterior storage areas, are allowed outright in the zone, the operation is not expected to have adverse impacts on adjacent properties, with the possible exception of appearance, which is addressed by the above conditions. Additionally, there are no residential zones near the subject site, with the closest residential zone being located approximately one-half mile

west across the Willamette River. The closest residential zone on the east side of the river is approximately two-thirds a mile away from the site

- Regarding the intent of the regulation to ensure there are no adverse impacts on the environment, the required perimeter landscaping is intended largely to screen exterior storage and work activities areas that are permanent. As such, the request to waive the perimeter landscaping is not expected to have to any adverse environmental impacts, particularly given the interim nature of the use. As for the request to waive the requirement that exterior storage and work activity areas be paved, BES has reviewed the proposal (primarily the request to not pave the site) and determined that with a condition of approval that requires the Title 4 site improvements included in Building Permit 11-194132-CO be completed within 60 days, there are no adverse impacts on issues associated with stormwater or pollution prevention issue.

Based on these findings and with the conditions of approval, the Adjustment requests equally or better meet the intent of the standards to be modified, and this criterion is met.

- B.** If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

Findings: The site is located in an IG1 or “I” zone, and therefore this criterion requires demonstrating that the proposal will be consistent with the classifications of the adjacent streets, and with the desired character of the area.

Consistency with Street Classifications

PBOT reviewed the proposal for consistency with street classifications, and noted that at this location, SE Water Avenue is classified as a Traffic Access Street, a City Bikeway, a Major Emergency Response Street, with the site being located in a Freight District. Both SE Salmon and SE Main Streets are classified as Local Street for all modes. Based on the street classifications as described in the Transportation Element of the Comprehensive Plan, PBOT finds that the proposed Manufacturing and Production use located within a freight district is consistent with the street classifications.

Consistency with Desired Character

The term “Desired Character” is defined in Zoning Code Section 33.910 as, “The preferred and envisioned character (usually of an area) based on the purpose statement or character statement of the base zone, overlay zone, or plan district. It also includes the preferred and envisioned character based on any adopted area plans or design guidelines for an area.” The site is located in an IG1 zone within the Central City plan district, and within the boundaries of the adopted *Central City Plan*.

The purpose statement for the Industrial zones is included in Zoning Code Section 33.140.010, and reads as follows:

The employment and industrial zones are for areas of the City that are reserved for industrial uses and for areas that have a mix of uses with a strong industrial orientation. The zones reflect the diversity of industrial and business areas in the City. The zones differ in the mix of allowed uses, the allowed intensity of development, and the development standards. The regulations promote areas which consist of uses and developments which will support the economic viability of the specific zoning district and of the City. The regulations protect the health, safety and welfare of the public, address area character, and address environmental concerns. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed.

More specifically, the character statement for the General Industrial zones, as stated in Zoning Code Section 33.140.030.C reads as follows:

The General Industrial zones are two of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zones provide areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. The development standards for each zone are intended to allow new development which is similar in character to existing development. The intent is to promote viable and attractive industrial areas....IG2 areas generally have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street.

The purpose statement for the Central City plan district is stated in Zoning Code Section 33.510.010, and reads as follows:

The Central City plan district implements the Central City Plan and other plans applicable to the Central City area. These other plans include the Downtown Plan, the River District Plan, the University District Plan, and the Central City Transportation Management Plan. The Central City plan district implements portions of these plans by adding code provisions that address special circumstances existing in the Central City area.

The *Central City Plan* contains a “Plan Vision” that describes the Central City as the most vital employment center in the region, with a wide variety of employment opportunities. Industrial uses are specifically called out as having a strong presence in the Central City, with these businesses benefitting from the central location.

The proposal is found to be consistent with the purpose of the Industrial (and General Industrial) zones and of the Central City plan district. The proposal is also found to be consistent with the envisioned character of the area as described in the *Central City Plan*. As indicated above in response to Approval Criterion A, the requested Adjustments are intended to allow the operation (limited to a maximum of three years) of an industrial use at this site. The use is considered Manufacturing and Production, and needs to be at this location as it is proximate to the public street projects where much of the waste concrete and asphalt is generated. Manufacturing and Production uses are allowed outright in this zone, and granting the Adjustments will allow this temporary industrial use to locate at the subject site without having to meet all the development standards that are intended to apply to permanent uses. Allowing the Adjustments supports industrial development in an industrial zone within the *Central City Plan* area.

Summary

The requested Adjustments are found to be consistent with the classifications of the adjacent streets, and consistent with the desired character of the area as defined by the purpose and character statements of the Industrial zones, the purpose statement of the Central City plan district, and the relevant vision statements of the adopted *Central City Plan*. As proposed, this criterion is met.

- C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: The applicant is requesting an Adjustment to two separate development standards that apply to exterior work activity and exterior storage areas. These Adjustments, dealing with the screening and paving requirements, have no impact on the overall purpose of the IG1 zone. The Adjustments facilitate the use of the site for an industrial use that is intended and allowed at this site, and therefore consistent with the principal purpose of the Industrial zones to promote industrial development. Additionally, the Adjustments will have no adverse impact on the health, safety and welfare of the public.

In approving these Adjustments, it is recognized that this will be a temporary use, and that it is not practical to apply development standards that apply to permanent uses. However, as described above in Approval Criterion A, to address the intent of the Industrial zones to promote a viable and attractive area character, several conditions of approval will apply that limit the duration of the activity, require alternative screening, and limit the height of the piles.

Based on these findings, this approval criterion is met.

D. City-designated scenic resources and historic resources are preserved; and

Findings: City-designated scenic resources are identified on the Official Zoning Maps with a lower case “s,” and historic resources are identified either with a dot or as being within the boundaries of a Historic or Conservation district. Because there is neither a scenic nor historic resource designation on the site, this criterion is not applicable.

E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

Findings: As indicated in responses to Approval Criteria A, B and C, the proposal with conditions:

- is consistent with the intended purposes of the regulation being adjusted;
- is consistent with the classifications of the adjacent streets; and
- is consistent with the relevant purpose statements of the base zone and plan district, and the relevant vision statements of the *Central City Plan*.

The three conditions of approval are intended to mitigate for any impacts that may occur over the three year duration of the proposed use, and are directed at maintaining an appearance that is suitable for this industrial area. The conditions will limit the period of time the use can operate at the site without meeting applicable exterior work activity and exterior storage area development standards. The conditions will also require alternative screening along all three street lot lines, and limit the maximum height of the piles in the exterior work activity and exterior storage areas. Lastly, BES has included a condition of approval regarding the completion of site improvements related to stormwater and pollution prevention issues.

The required conditions are found to mitigate to the extent practical any adverse impacts associated with this temporary use, and this criterion is met.

F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

Findings: Environmental overlay zones are designated on the Official Zoning Maps with either a lowercase “p” (Environmental Protection overlay zone) or a “c” (Environmental Conservation overlay zone). As there are no environmental overlay zones mapped on site, this criterion is not applicable.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The applicant has demonstrated that the applicable approval criteria have been met for the two requested Adjustments. The Adjustments, with conditions of approval, equally meet the intent of the screening and paving standards, and will be consistent with the classifications of the adjacent streets, with the desired character of the area, and with the intent of the Industrial zones. Several conditions of approval will mitigate to the extent practical any adverse impacts associated with the requested Adjustments.

ADMINISTRATIVE DECISION

Approval of the following Adjustments for a Manufacturing and Production use involved in the processing of waste asphalt and concrete that will operate at the site for up to three years:

- Waive the required five feet of L2 landscaping required along street lot lines around the exterior work activity and exterior storage areas, and allow in lieu of an F2 fence a six foot high, partially sight-obscuring cyclone fence (PCC 33.140.245.C and D); and
- Waive the requirement that the exterior work activity and exterior storage areas be paved (PCC 33.140.245.E);

per the approved site plan, Exhibit C.1, signed and dated November 18, 2011, and subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through D) must be noted on each of the four required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 11-171075 A." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The approved Adjustments are valid for up to three years from the date of the final decision on this review. Any exterior storage and exterior work activity remaining on the site after this three year period must meet all applicable development standards, or be subject to an additional Adjustment Review.
- C. A six foot high cyclone fence shall be maintained along all street frontages (SE Water Avenue, SE Main Street and SE Salmon Street). The fence (including all gates) shall be screened in its entirety with a heavy, semi-transparent fabric in a dark green color. The fabric shall be kept in good condition and securely affixed to the fence.
- D. The height of piles stored on the site (both processed and unprocessed materials) shall not exceed the height of the bottom level of the adjacent Interstate-5 highway overpass.
- E. The site improvements necessary to comply with Chapter 4, identified in Building Permit # 11-194132-CO, must be completed within 30 days from the final decision on this land use review.

Staff Planner: Douglas Hardy

Decision rendered by:  **on November 18, 2011.**
By authority of the Director of the Bureau of Development Services

Decision mailed: November 21, 2011

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on August 25, 2011, and was determined to be complete on **October 3, 2011**.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on August 25, 2011.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be extended at the request of the applicant. In this case, the applicant extended the 120-day review period 17 days. Unless further extended by the applicant, **the 120 days will expire on February 17, 2012**.

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Adjustment Committee, which will hold a public hearing. Appeals must be filed **by 4:30 p.m. on December 5, 2011**, at 1900 SW Fourth Avenue. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3:00 p.m. After 3:00 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional

information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Adjustment Committee is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Adjustment Committee an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, the final decision may be recorded on or after **December 6, 2011 – the day following the last day to appeal.**
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and

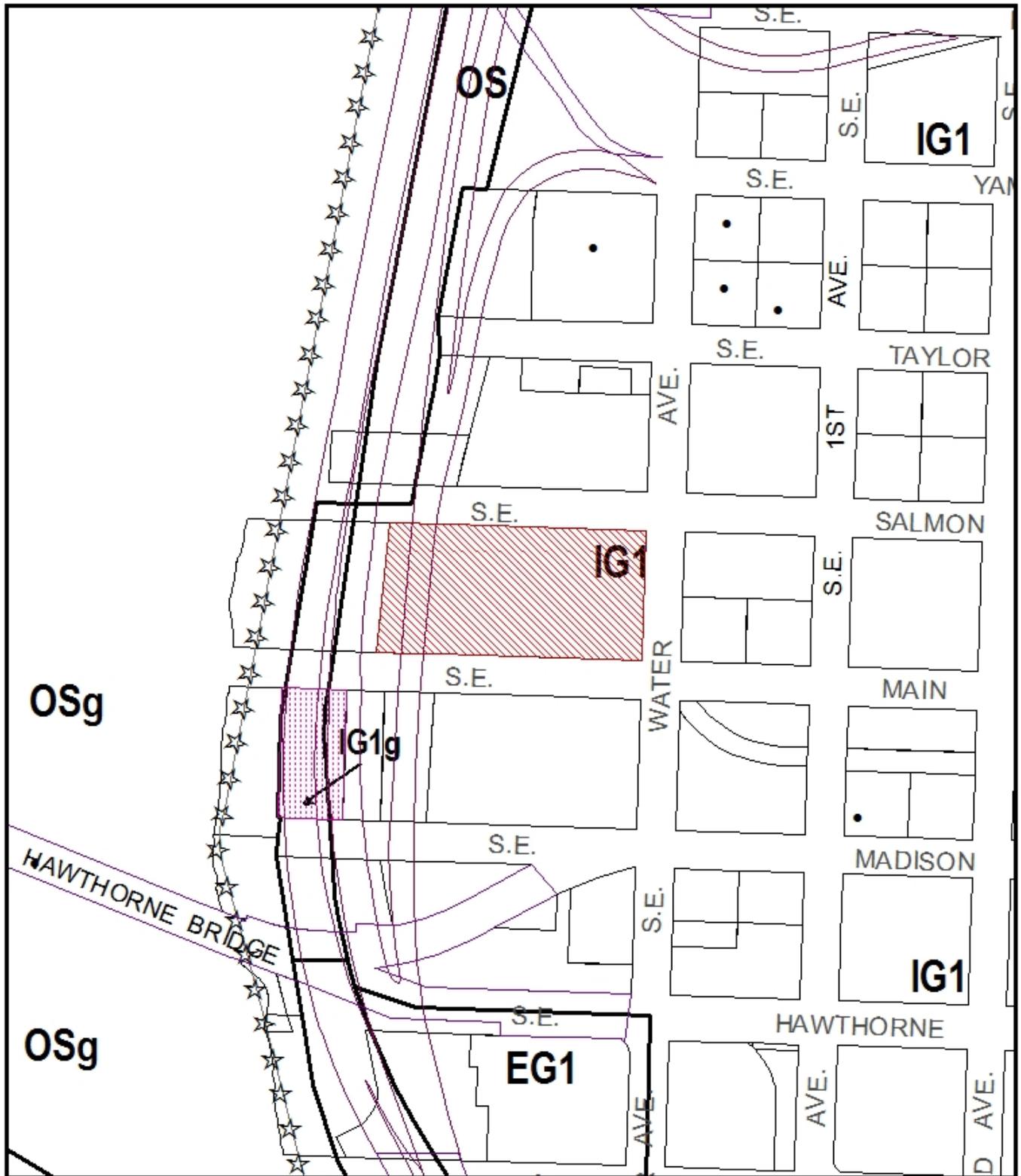
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Written narrative, dated August 25, 2011
 - 2. Supplemental material, submitted September 20, 2011
 - 3. Supplemental material, submitted September 28, 2011
 - 4. Supplemental erosion control material, dated August 25, 2011
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Aerial showing paved areas
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services, memo dated October 28, 2011
 - 2. Bureau of Environmental Services, dated November 17, 2011
 - 3. Bureau of Transportation Engineering and Development Review
 - 4. Water Bureau
 - 5. Fire Bureau
 - 6. Site Development Review Section of BDS
 - 7. Bureau of Parks, Forestry Division
 - 8. BDS Life Safety Plans Examiner
- F. Correspondence (None)
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. Letter of Incompleteness, dated September 6, 2011

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING

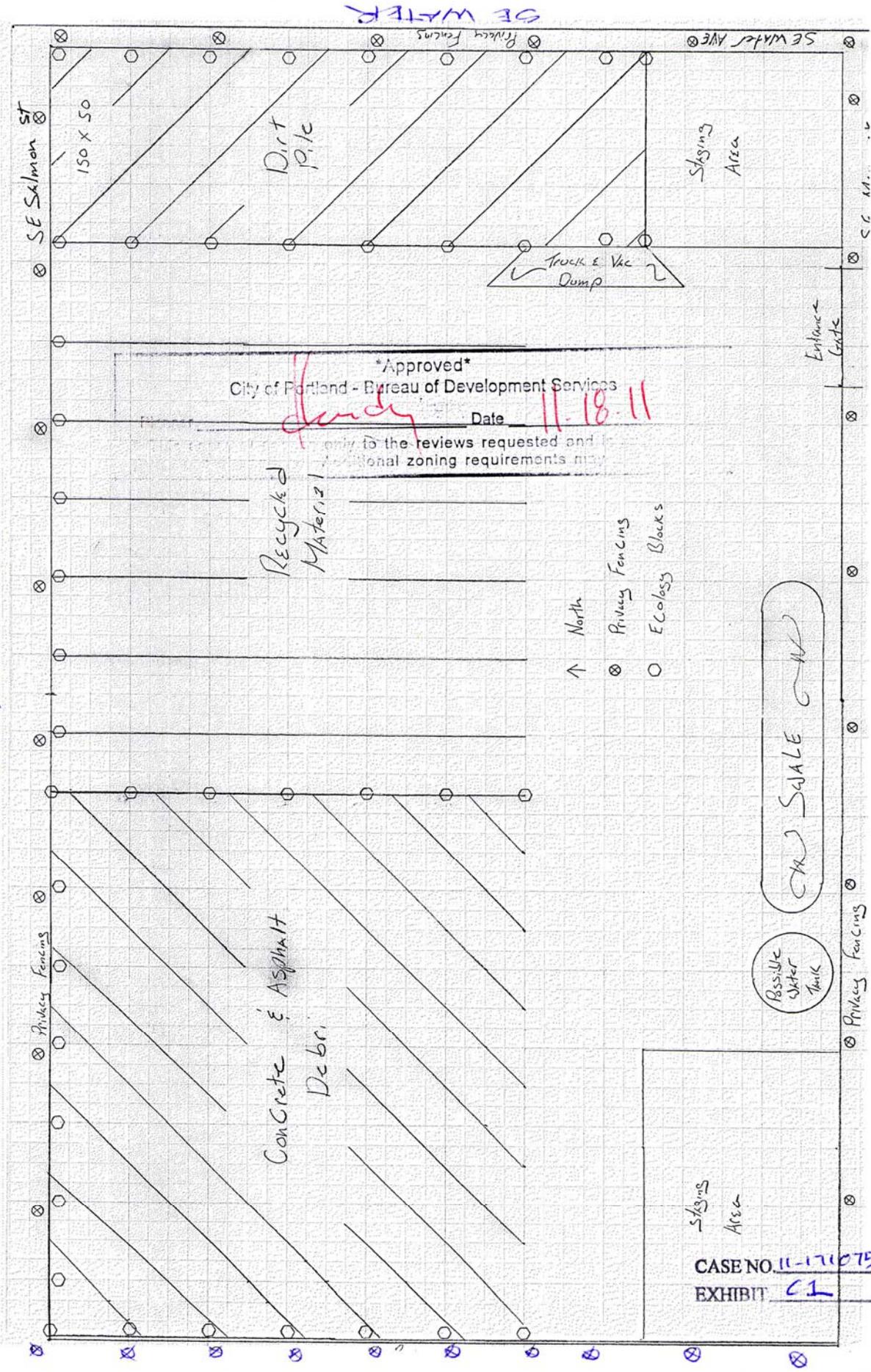
-  Site
-  Also Owned
-  Historic Landmark



This site lies within the:
CENTRAL CITY PLAN DISTRICT

File No.	LU 11-171075 AD
1/4 Section	3130
Scale	1 inch = 200 feet
State_Id	1S1E03AD 3600
Exhibit	B (Aug 31,2011)

SE GALMON



SE WATER

N

Approved
 City of Portland - Bureau of Development Services
 Date 11.18.11
 only to the reviews requested and additional zoning requirements may

- ↑ North
- ⊗ Privacy Fencings
- Ecology Blocks

SCALE

Possible Water Tank

SE MAIN

CASE NO. 11-171075AD
 EXHIBIT 1