



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

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Date: January 10, 2017
To: Interested Person
From: Ethan Brown, 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 a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 16-246807 GW

GENERAL INFORMATION

Applicant/Owner: Steve Bloomquist
Port of Portland
P.O. Box 3529
Portland, OR 97208-3529
Phone: 503-415-6558

Site Address: 11040 N LOMBARD ST

Legal Description: TL 100 91.96 ACRES, SECTION 02 1N 1W
Tax Account No.: R961021100
State ID No.: 1N1W02 00100
Quarter Section: 1920

Neighborhood: St. Johns, contact Rachel Hill at hill.rachel@gmail.com
Business District: Columbia Corridor Association, contact Debbie Deetz-Silva at 503-978-6044.

District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099.

Plan District: None
Other Designations: 100-Year Flood Plain, FEMA Floodway, *Lower Willamette River Wildlife Habitat Inventory/Sites 3.2a, 3.2b*

Zoning: *Base Zone:* Heavy Industrial (IH)
Overlay Zone: Greenway River Industrial (i)

Case Type: GW – Greenway Review
Procedure: Type II, an administrative decision with appeal to the Hearings Officer.

Proposal:

The applicant proposes to construct a new walkway at Marine Terminal 4 to access the under-dock walkway at Berth 411. The project consists of a proposed upper landing (concrete pad and steel framed landing), to be constructed above top-of-bank within the Greenway setback, a steel-framed lower landing suspended from Berth 411, as well as an access ramp/walkway connecting the upper and lower landings. The walkway is proposed to provide a safer route to access the existing under-dock walkway. Current access requires the use of an undeveloped route along the sloped bank across uneven grades, loose riprap, and with low-hanging obstacles. This requires workers to negotiate under and around these obstacles in order to gain access to the dock to perform routine maintenance.

The proposed walkway and landings would permanently impact less than 80 square feet of the Greenway setback. In addition, temporary impacts associated with the excavation for the pad in the Greenway setback are expected to also be less than 80 square feet. No regulated trees will be impacted as a result of this project. Excavated material (less than 3 cubic yards) will be placed upon a temporary stockpile, tested and if needed disposed of at an approved disposal facility. All areas temporarily disturbed will be reseeded. Native seedlings where the foundation will be placed will be replaced nearby at a 1:1 ratio.

Because the proposed improvements to existing development are within the Greenway setback and include changes to structures in the water, the work must be approved through a Type II Greenway Review.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are:

- Greenway Review Approval Criteria, Zoning Code Section 33.440.350; and
- *Willamette Greenway Design Guidelines*

ANALYSIS

Site and Vicinity: The project site is a 90-acre riverfront terminal (Terminal 4) with street access via N Lombard Street. The terminal is made up of multiple tax accounts, and is occupied by a variety of industrial tenants. Surrounding development consists predominantly of other heavy industrial marine facilities.

This project focuses on Berth 411, which is a pile-supported 760' long pier used for direct transfer of bulk products to vessels. Berth 411 is adjacent to an undeveloped slope bank that must be navigated when accessing a maintenance catwalk underneath the dock. The bank has moderate riparian vegetation, including small trees outside of the work limit area, and has benefitted from previous planting efforts associated with past greenway reviews on this site. Riprap has also been added to stabilize the lower portions of the bank above the ordinary high water (OHW) level.

Greenway Resources: There are two designated habitat areas at this location. These are identified as Sites 3.2A (19) and 3.2B (15) in the *Lower Willamette River Wildlife Habitat Inventory* (LWRWHI). Site 3.2A includes the shoreline of Terminal 4, and Site 3.2B includes the uplands at the terminal. Both sites are designated as Rank V Habitat Areas. Sites with such rankings are noted as generally having little or no value for wildlife due to extensive development; yet, they are also noted as areas that could be greatly improved with revegetation. The *National Wetlands Inventory* shows a designated wetland located in Slip 2, next to Berth 405. At this time, approximately one third of the shoreline includes docks and wharfs and other marine related structures built in, over and alongside the river. The balance includes a riprapped bank that has been interplanted with native species, in conjunction with previous greenway reviews. Nearly the entire uplands have been developed with warehouse and storage buildings, rail tracks, and parking areas.

Infrastructure:

Storm & Sanitary Sewer: According to best available GIS data, the following public stormwater infrastructure is located in the vicinity of the project site:

- 10-inch sanitary sewer
- 36-inch storm sewer

Zoning: The zoning designation on the site includes the Heavy Industrial (IH) base zone, with the River Industrial (i) overlay zone.

The IH zone is one of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zone provides areas where all kinds of industries may locate including those not desirable in other zones due to their objectionable impacts or appearance. The provisions of this zone allow this use; these provisions are not specifically addressed through this Greenway Review.

The Greenway overlay zone is intended to protect, conserve, enhance, and maintain the natural, scenic, historical, economic, and recreational qualities of lands along Portland's rivers; establish criteria, standards, and procedures for the development of land, change of uses, and the intensification of uses within the Greenway; and implement the City's Willamette Greenway responsibilities as required by ORS 390.310 to 390.368 and Metro's Title 3.

The "i" overlay is intended to encourage and promote the development of river-dependent and river-related industries which strengthen the economic vitality of Portland as a marine shipping and industrial harbor, while preserving and enhancing the riparian habitat and providing public access where practical.

Land Use History: Approvals of quasi-judicial land use reviews run with the land and are transferred with ownership. Associated conditions or restrictions continue to apply. City records indicate that prior land use reviews have been conducted for this site. Prior land use reviews include the following:

CU 22-72: Approval for fill.

GP 9-83: Greenway permit for a marine cargo handling facility (Ro-Ro) including a 560 CU YD fill and riprap area.

GP 024-84: Construct a dry bulk handling facility at Terminal 4 – Approval

GP 025-84: Greenway permit at Terminal 4 to enlarge a previously leased facility and use it for a marine terminal gear locker and electrician's shop, demolish two buildings and grade and pave areas for storage.

GP 007-86: Approval of construction of storm sewer and outfall. The sewer is located along N Roberts Ave and west to the Willamette River. The project was 4,300 feet in length and restoration of existing grade and riprap along the bank.

GP 023-86: Greenway permit approved for bulk exporting facility at Terminal 4.

GP 004-87/ CU 029-87: Conditional use and greenway permit for the Port of Portland animal quarantine area at Terminal 4.

GP 004-90/016-90 AD: Greenway permit and adjustment to construct a 104,832 square foot warehouse at Terminal 4, 75 feet away from river's edge to store weather sensitive cargo.

93-00723 GW, AD: Approval of greenway review to construction of a covered hopper storage facility; and adjustment to waive perimeter parking lot landscaping.

94-00348 GW: Approval of greenway review for the construction of a 1,000 square foot, 60-foot tall warehouse structure.

96-00269 GW: Approval of demolition of warehouses 1 and 2, and the underlying dock structure at Pier 2 of Terminal 4.

98-00155 GW: Approval of demolition of an existing warehouse, construction of an access ramp to berth 401 through the greenway setback, and construction of an accessory building (shiploader control station).

98-00381 GW: Approval of the proposed riprap and subsequent installation of native plantings required by LUR 96-00269 GW.

00-00369 GW: Repair and replacement of retaining wall, new riprap at river bank and mitigation plantings.

01-00481 AD: Approval of adjustment to waive the greenway plantings for the Toyota redevelopment project until no later than December 31, 2003.

02-116099 GW: Approval of a Greenway Review for proposed riverbank enhancements and berth alterations.

04-031311 GW: Review deemed unnecessary.

04-038279 GW: Approval of a cantilevered sheet pilewall at berths 410 and 411 and along a portion of the head of slip 3; and native plantings.

07-170394 GW: Approval of security fence and cameras at Terminal 4.

07-174713 GW: Approval of metal screen wall on an existing pier/dock Terminal 4.

09-160521 GW: Approval of demolition of an existing conveyor, grain loader, tower support system, and portions of the deck and ballast from Berth 401. Construction of seven new footings for the pipeline rack, ballast along the alignment, a rock access path for maintenance, a seven foot security fence, and soil management area.

10-161555 GW: Approval of Construction of a new 24-inch stormwater outfall riverward of the Greenway Setback; construction of a gabion rock wall for bank protection riverward of the Greenway Setback; associated temporary disturbance for construction access through the Greenway Setback; and installation of Greenway landscape plantings.

10-169717 GW: Approval of the installation of two ladders and two catwalks on Berth 401 at Marine Terminal 4.

11-148078 GW: Approval of the installation of a new ship loader at Berth 410/411 at Marine Terminal 4.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on November 18, 2016. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Bureau of Transportation Engineering and Development Review
- Water Bureau
- Fire Bureau
- Site Development Review Section of BDS
- Bureau of Parks, Forestry Division
- Life Safety Review Section of BDS

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **November 18, 2016**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

33.440.350 Greenway Review Approval Criteria

The approval criteria for a Greenway review have been divided by location or situation. The divisions are not exclusive; a proposal must comply with **all** of the approval criteria that apply to the site. A Greenway review application will be approved if the review body finds that the applicant has shown that all of the approval criteria are met.

A. For all Greenway reviews. The Willamette Greenway design guidelines must be met for all Greenway reviews.

Findings: The Willamette Greenway Design Guidelines address the quality of the environment along the river and require public and private developments to complement and enhance the riverbank area. The Design Guidelines are grouped in a series of eight Issues:

Issue A. Relationship of Structures to the Greenway Setback Area: This issue “applies to all but river-dependent and river-related industrial use applications for Greenway Approval, when the Greenway trail is shown on the property in the *Willamette Greenway Plan*.” These guidelines call

for complementary design and orientation of structures so that the Greenway setback area is enhanced;

Issue B. Public Access: This issue “applies to all but river-dependent and river-related industrial use applications for Greenway Approval, when the Greenway trail is shown on the property in the *Willamette Greenway Plan*.” These guidelines call for integration of the Greenway trail into new development, as well as the provision of features such as view points, plazas, or view corridors;

Findings: Issues A and B do not apply to river-related uses such as that covered in this application. In addition, the site is within a fully secure marine terminal with no allowed public access to this location.

Issue C. Natural Riverbank and Riparian Habitat: This issue “applies to situations where the river bank is in a natural state, or has significant wildlife habitat, as determined by the wildlife habitat inventory.” These guidelines call for the preservation and enhancement of natural banks and areas with riparian habitat;

Guidelines:

1. Natural Riverbanks. The natural riverbank along the Willamette River should be conserved and enhanced to the maximum extent practicable. Modification of the riverbank should only be considered when necessary to prevent significant bank erosion and the loss of private property, or when necessary for the functioning of a river-dependent or river-related use.

2. Riparian Habitat. Rank I riparian habitat areas, as identified in the wildlife habitat inventory, should be conserved and enhanced with a riparian landscape treatment. Other riparian habitat should be conserved and enhanced through riparian landscape treatments to the maximum extent practical. Conservation however does not mean absolute preservation. Some discretion as to what vegetation should remain and what can be removed and replaced should be permitted. Riparian habitat treatments should include a variety of species of plants of varying heights that provide different food and shelter opportunities throughout the year.

Findings: The applicant does not proposed to alter the riverbank, and in fact proposes to reduce foot traffic down the riverbank. Previous greenway reviews on this site have required plantings to improve riparian habitat and all plantings are well established. According to the natural resources inventory, this site contains Rank V (low quality) designation with relatively little value in their ability to attract wildlife species. This guideline is not applicable.

Issue D. Riverbank Stabilization Treatments: This Issue “applies to all applications for Greenway Approval.” This guideline promotes bank treatments for upland developments that enhance the appearance of the riverbank, promote public access to the river, and incorporate the use of vegetation where possible;

Guidelines:

1. Riverbank Enhancement. Riverbank stabilization treatments should enhance the appearance of the riverbank, promote public access to the river, and incorporate the use of vegetation where practical. Areas used for river-dependent and river-related industrial uses are exempted from providing public access.

Findings: This area is used for river-related industrial uses and is exempted from the public access requirements of this Issue. Riverbank stabilization treatments (currently riprap) have previously been applied as identified in previous greenway reviews.

Issue E. Landscape Treatments: This Issue “applies to all applications for Greenway Approval which are subject to the landscape requirements of the Greenway chapter of Title 33 Planning and Zoning of the Portland Municipal Code.” This Issue calls for landscaping treatments that create a balance between the needs of both human and wildlife populations in the Greenway Setback area or riverward of the Greenway Setback.

Guidelines:

1. Landscape Treatments. The landscape treatment should create an environment which recognizes both human and wildlife use. Areas where limited human activity is expected should consider more informal riparian treatments. Areas of intense human use could consider a more formal landscape treatment. The top of bank may be considered a transition area between a riparian treatment on the riverbank and a more formal treatment of the upland.

2. Grouping of Trees and Shrubs. In areas of more intense human use, trees and shrubs can be grouped. The grouping of trees and shrubs allows for open areas for human use, and has the secondary value of increasing the value of the vegetation for wildlife.

3. Transition. The landscape treatment should provide an adequate transition between upland and riparian areas and with the landscape treatments of adjacent properties.

Findings: Approximately 1'-6" of soil depth spanning 80 square feet will be excavated for the upper landing in the Greenway Setback. In order to account for the area excavated, native seeding will be planted in those areas temporarily impacted to offset the loss of existing vegetation.

The immediate area near Berth 410 and 411 (Slip No. 3) was planted in 2004 in accordance with the Greenway landscaping standards pursuant to Case File Number LU 04-038279 GW and appears to be a fairly well-functioning riverine riparian slope ecosystem with a relatively high diversity of native vegetation and low coverage of nonnative or invasive species. The presence of new recruits from many of the trees and shrubs indicate that the area is well established and is moving in a positive trajectory. The shrubs are mature and provide a good amount of ground coverage over much of the site and maintenance activities seem to maintain open areas for recruitment or herbaceous coverage.

The applicant has included Case File # LUR 00-00369 which graphically shows and quantifies plantings installed throughout various Land Use and Greenway Reviews at Terminal 4 over time.

Issue F. Alignment of Greenway Trail: This issue "applies to all applications for Greenway Approval with the Greenway trail shown on the property in the Willamette Greenway Plan." These guidelines provide direction for the proper alignment of the Greenway trail, including special consideration for existing habitat protection and physical features in the area of the proposed alignment;

Findings: A Greenway Trail is not designated on the site and therefore is not required. This Issue is not applicable.

Issue G. Viewpoints: This issue "applies to all applications for Greenway Approval with a public viewpoint shown on the property in the *Willamette Greenway Plan* and for all applications proposing to locate a viewpoint on the property". These guidelines provide direction about the features and design of viewpoints, as required at specific locations;

Issue H. View Corridors: This issue "applies to all applications for Greenway Approval with a view corridor shown on the property in the *Willamette Greenway Plan*." These guidelines provide guidance in protecting view corridors to the river and adjacent neighborhoods;

Findings: This site is neither designated with a viewpoint nor a view corridor; Issues G and H do not apply.

B. River frontage lots in the River Industrial zone. In the River Industrial zone, uses that are not river-dependent or river-related may locate on river frontage lots when the site is found to be unsuitable for river-dependent or river-related uses. Considerations include such constraints as the size or dimensions of the site, distance or isolation from other river-dependent or river-related uses, and inadequate river access for river-dependent uses.

Findings: The proposal is a river-related use part of a river-dependent use in and around Berth 410 and 411. The industries fronting the river at Terminal 4 transport bulk products to and from barges and other vessels for the purpose of exporting and importing products. This criterion is not applicable.

C. Development within the River Natural zone. The applicant must show that the proposed development, excavation, or fill within the River Natural zone will not have significant detrimental environmental impacts on the wildlife, wildlife habitat, and scenic qualities of the lands zoned River Natural. The criteria applies to the construction and long-range impacts of the proposal, and to any proposed mitigation measures. Excavations and fills are prohibited except in conjunction with approved development or for the purpose of wildlife habitat enhancement, riverbank enhancement, or mitigating significant riverbank erosion.

D. Development on land within 50 feet of the River Natural zone. The applicant must show that the proposed development or fill on land within 50 feet of the River Natural zone will not have a significant detrimental environmental impact on the land in the River Natural zone.

Findings: This site does not contain, nor is it within 50 ft of, the River Natural zone. Criteria C and D do not apply.

E. Development within the Greenway setback. The applicant must show that the proposed development or fill within the Greenway setback will not have a significant detrimental environmental impact on Rank I and II wildlife habitat areas on the riverbank. Habitat rankings are found in the *Lower Willamette River Wildlife Habitat Inventory*.

Findings: There are two designated habitat areas at this location. The habitat areas are identified as Sites 3.2A and 3.2B in the Lower Willamette River Wildlife Habitat Inventory. According to the Inventory, both sites are designated Rank V or low quality. No Rank I & II wildlife areas will be impacted as a part of this proposal. This project will not impact Rank I or II wildlife habitat.

F. Development riverward of the Greenway setback. The applicant must show that the proposed development or fill riverward of the Greenway setback will comply with all of the following criteria:

1. The proposal will not result in the significant loss of biological productivity in the river;

Findings: This project will not result in significant loss of biological productivity in the river. Due to the ramp being elevated above the river, no river disturbance will occur from the existence of the ramp. The lower landing will be suspended from the existing dock structure. During construction of the ramp, the construction crane will either be located on the dock or on a work barge; neither will result in significant loss of biological productivity in the river. The decision where to place the construction crane will be made at final permitting. This criterion is met.

2. The riverbank will be protected from wave and wake damage;

Findings: The proposal will construct a ramp from the shore to the existing under-dock maintenance walkway. Currently, workers walk down the bank to get to the existing under-dock walkway. This project may in fact strengthen the riverbank in the area because workers will no longer walk on the bank once the ramp is constructed. This criterion is met.

3. The proposal will not:

- a. Restrict boat access to adjacent properties;**
- b. Interfere with the commercial navigational use of the river, including transiting, turning, passing, and berthing movements;**
- c. Interfere with fishing use of the river;**
- d. Significantly add to recreational boating congestion; and**

Findings: The construction of the ramp will occur outside of the navigation channel near the shore, leaving ship navigation to Berth 411 and adjacent berths unaffected. No recreational or fishing use of the river is allowed in this location and will not be affected by the proposal. This criterion is met.

4. The request will not significantly interfere with beaches that are open to the public.

Findings: The project site is located within a secure Marine Terminal, public access is not allowed. This criterion is not applicable.

G. Development within the River Water Quality overlay zone setback. If the proposal includes development, exterior alterations, excavations, or fills in the River Water Quality overlay zone setback the approval criteria below must be met. River-dependent development, exterior alterations, excavations, and fills in the River Water Quality zone are exempt from the approval criteria of this subsection

Findings: The site does not contain a City-designated River Water Quality overlay setback. Criteria 1 – 5 and associated subsections are not applicable.

H. Mitigation or remediation plans. Where a mitigation or remediation plan is required by the approval criteria of this chapter, the applicant's mitigation or remediation plan must demonstrate that the following are met:

Findings: The project site is not within a river water quality overlay zone; therefore, a remediation plan is not required for this proposal permanently impacting 80 square feet of the Greenway. 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 or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The applicant proposes to construct a new access walkway and permanently impact 80 square feet within the Greenway setback at the top of bank. The Project will address the limited disturbance area needed for the footings of the access ramp by replanting the area with native seeds. The applicant has provided findings for the approval criteria listed above and, with conditions, the applicable approval criteria will be able to be met.

ADMINISTRATIVE DECISION

Approval of Greenway Review for construction of the following:

- Access walkway ramp to the catwalk below Berth 411

within the Greenway overlay zones, and in substantial conformance with Exhibits C.2 through C.4, as, signed, and dated by the City of Portland Bureau of Development Services on January 6, 2017. Approval is subject to the following conditions:

- A. All permits:** Copies of the stamped Exhibit C.2-C.4 from LU 16-246807 GW and Conditions of Approval listed below, shall be included within all plan sets submitted for permits (building, grading, Site Development, erosion control, etc.). These exhibits shall be included on a sheet that is the same size as the plans submitted for the permit and shall include the following statement, "**Any field changes shall be in substantial conformance with approved Exhibits C.2 through C.4**".
- B.** All areas temporarily disturbed will be reseeded. Native seeding where the foundation will be placed will be planted nearby at a 1:1 ratio. The work limits and corresponding area requiring seeding should be in substantial conformance with Exhibit C-4 of the plan set included with this application.
- C.** Temporary silt (erosion control) fencing shall be installed as depicted on Exhibit C.4, or as required by inspection staff during the plan review and/or inspection stages.
1. No mechanized construction vehicles are outside of the designate Work Zone Limits shown on Exhibit C.4. In addition, all planting work, invasive vegetation removal, and other work to be done outside the erosion control measures, shall be conducted using hand held equipment.
- D.** Failure to comply with any of these conditions may result in the City's reconsideration of this land use approval pursuant to Portland Zoning Code Section 33.700.040 and /or enforcement of these conditions in any manner authorized by law.

Note: In addition to the requirements of the Zoning Code, all uses and development must comply with other applicable City, regional, state and federal regulations.

This decision applies to only the City's environmental regulations. Activities which the City regulates through PCC 33.430 may also be regulated by other agencies. In cases of overlapping City, Special District, Regional, State, or Federal regulations, the more stringent regulations will control. City approval does not imply approval by other agencies.

Staff Planner: Ethan Brown

Decision rendered by: _____ **on January 6, 2017**

By authority of the Director of the Bureau of Development Services

Decision mailed: January 10, 2017

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 September 29, 2016, and was determined to be complete on November 15, 2016.

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 September 29, 2016.

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 waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: March 15, 2017.**

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 Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on January 24, 2017** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **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 Hearings Officer 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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, 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 Hearings Officer 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 **January 25, 2017 – (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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

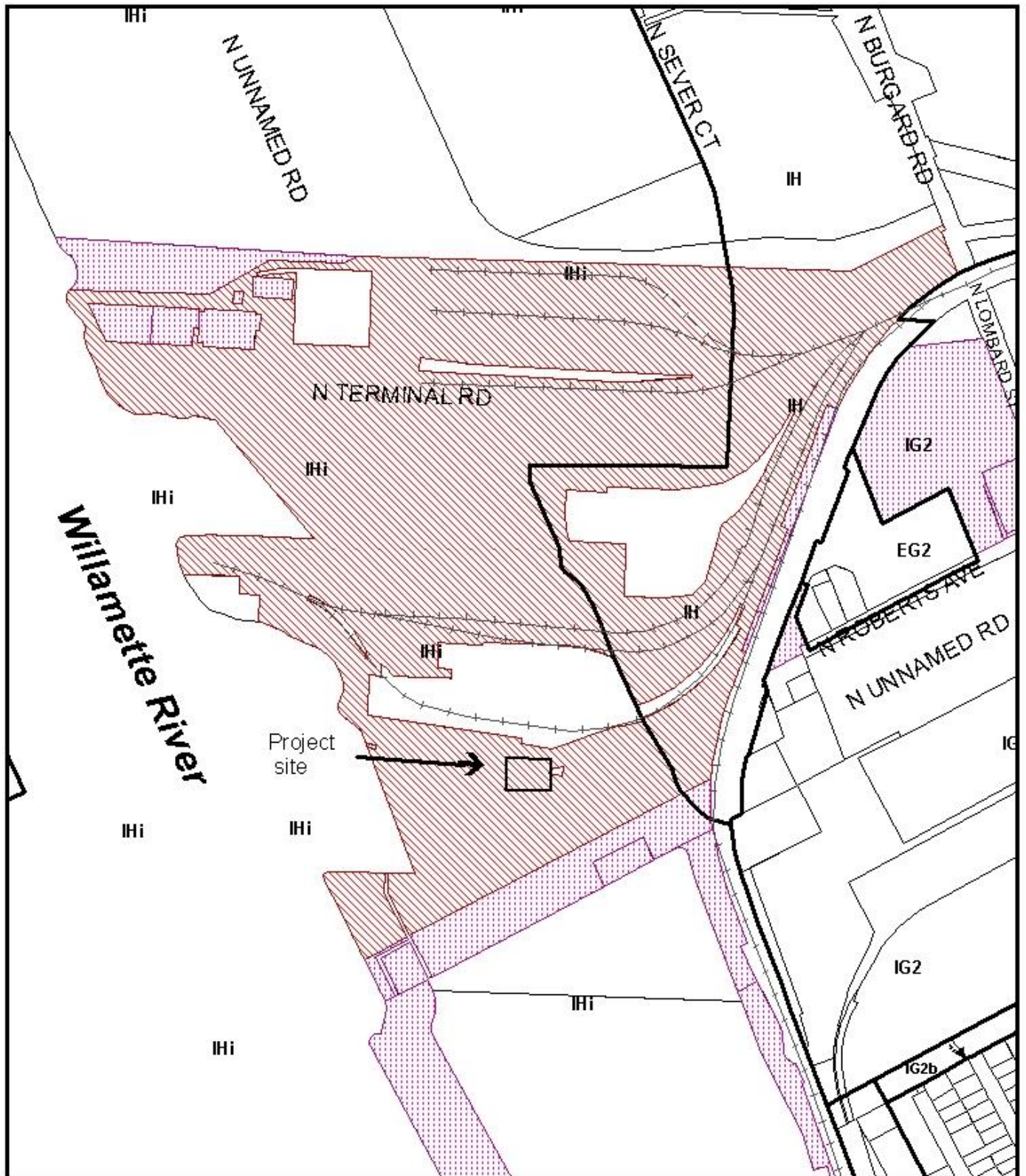
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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. Applicant's Original Narrative, 9-29-16
 - 2. Incompleteness Response Letter
 - 3. Applicant's Revised Narrative, 11-15-16
 - 4. Vegetation Assessment
 - 5. Geotechnical Engineering Report
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Existing Conditions Site Plan
 - 2. Proposed Development Site Plan
 - 3. Enlarged Proposed Development Site Plan
 - 4. Construction Management Site Plan (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Urban Forestry, Parks and Recreation
 - 7. Life Safety Review Section of BDS
- F. Correspondence: None received
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter

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 Parcels

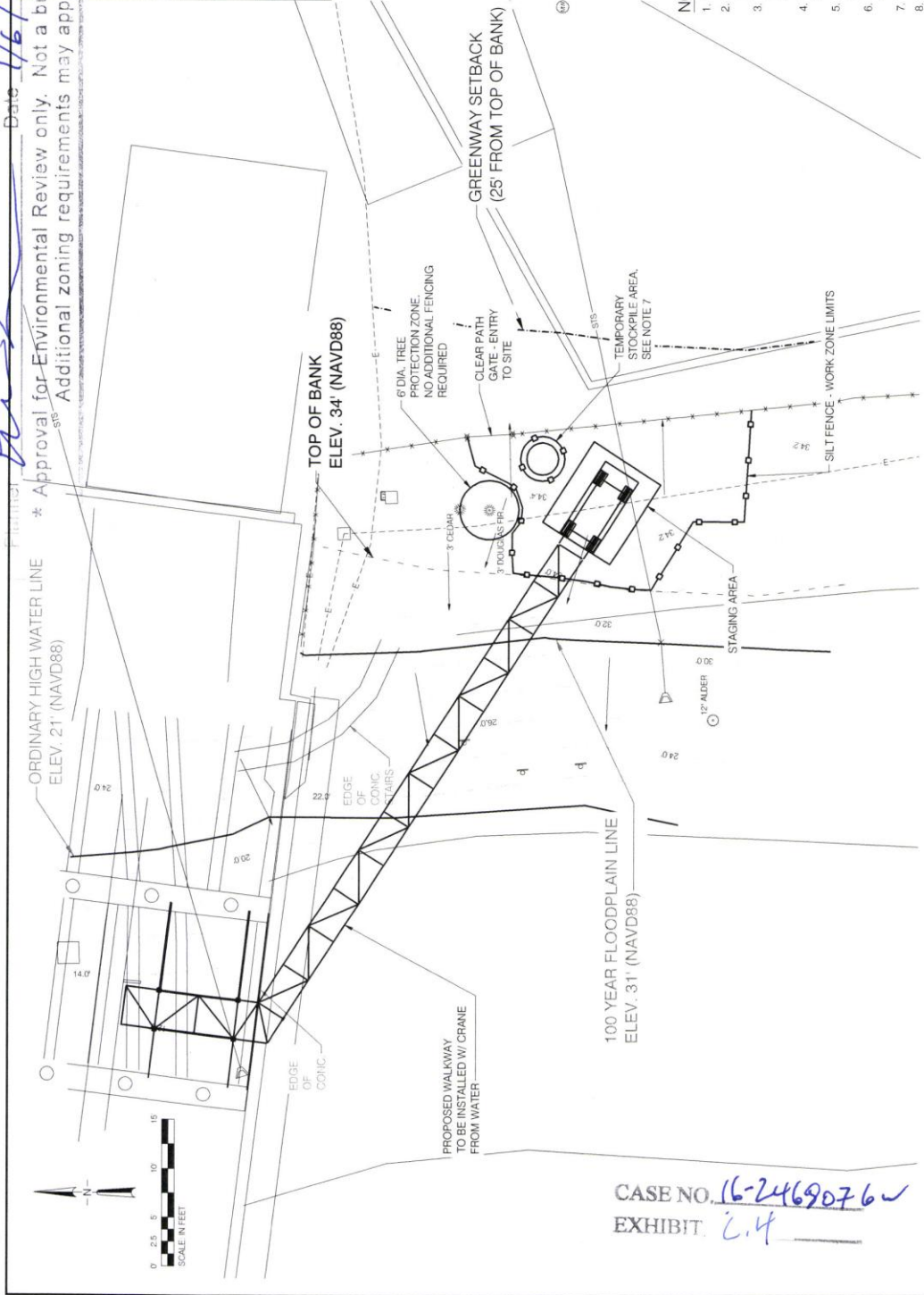
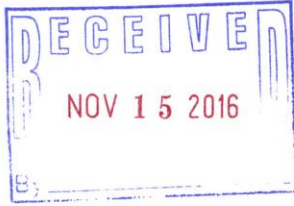
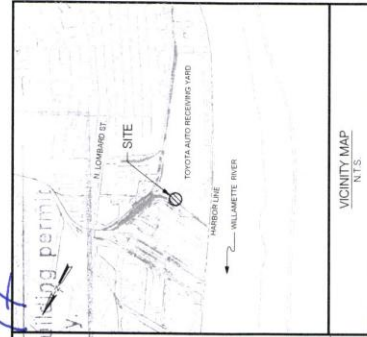
File No.	<u>LU 16-246807 GW</u>
1/4 Section	<u>1920</u>
Scale	<u>1 inch = 500 feet</u>
State_Id	<u>1N1W02 100</u>
Exhibit	<u>B (Nov 16, 2016)</u>

Approved
 City of Portland - Bureau of Development Services

LU # 16-2468076

Date 11/6/17

* Approval for Environmental Review only. Not a building permit.
 Additional zoning requirements may apply.



NOTES:

1. NO TREES OR SHRUBS WILL BE REMOVED.
2. IMPACTS TO VEGETATION WILL BE LIMITED TO THE AREA EXCAVATED FOR THE CONCRETE PAD.
3. TRUE GROUND DISTURBANCE WILL BE RESTORED WITH A NATIVE SEED MIX. SEED MIX DETERMINED AT FINAL DESIGN.
4. WORK BELOW ORDINARY HIGH WATER LINE WILL BE DONE WITH A CRANE FROM THE WATER.
5. ALL SOIL EXCAVATED WILL BE TESTED AND DISPOSED OF AS REQUIRED.
6. THERE WILL BE NO DISTURBANCE RIVERWARD OF SILT FENCE.
7. TO BE COVERED DURING INCLEMENT WEATHER
8. NAVD88 ELEVATION = NGVD 29147 ADJ. ELEV + 3.44'



CASE NO. 16-2468076
 EXHIBIT C.14

		PORT OF PORTLAND PORTLAND, OREGON		TERMINAL 4 BERTH 411 WALKWAY REPAIRS CONSTRUCTION MANAGEMENT SITE PLAN	
DRAWN BY P. SHIELD	CHECKED BY S. BLOOMQUIST	DATE SEP 2016	PROJECT NO. PC 17-2016	SHEET NO. 4/5	TOTAL SHEETS C-4
SUBMITTED BY DAVE DITMER			DRAWING SCALE: 6" REDUCED 30" WHEN SHEET SIZE IS 11" X 17"		