



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

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Date: March 2, 2017
To: Interested Person
From: Ethan Brown, Land Use Services
503-823-7920 / Ethan.Brown@portlandoregon.gov

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 16-279584 GW

GENERAL INFORMATION

Applicant/Lessee: Mark Jacobson
Portland Bulk Terminals, LLC
15550 N Lombard St
Portland, OR 97203

Owner: Port of Portland
2300 SW 1st Ave #200
Portland, OR 97201-5047

Representatives: Peter Finley Fry
303 NW Uptown Ter, #1b
Portland, OR 97210
Ph: 503-703-8033

Dan Symons
Symons Engineering Consultants
12805 SE Foster Rd
Portland, OR 97236
Ph: 503-760-1353

Site Address: 15550 N LOMBARD ST

Legal Description: BLOCK 12 TL 900, RIVERGATE INDUSTRIAL DIS; BLOCK 12 TL 400, RIVERGATE INDUSTRIAL DIS; BLOCK 10&12&E TL 500 LAND ONLY SEE R646396 (R708881941) FOR MACH & EQUIP SPLIT LEVY R256241 (R708881584), RIVERGATE INDUSTRIAL DIS; BLOCK 12 TL 300, CANCEL INTO R256258 / RIVERGATE INDUSTRIAL DIS, BLOCK 12 TL 300, LAND ONLY SEE R646396 (R708881941) FOR MACH & EQUIP; BLOCK 10&12&E TL 1000 LAND ONLY SEE R646395 (R708881592) FOR MACH & EQUIP & R674150 (R708881593) FOR IMPS SPLIT LEVY R256258 (R708881940), RIVERGATE INDUSTRIAL DIS

Tax Account No.: R708880036, R708881588, R708881940, R708882430, R708881584
State ID No.: 2N1W26 00900, 2N1W23C 00400, 2N1W23C 00500, 2N1W23C 00300, 2N1W26 01000

Quarter Section:	1419
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.
Other Designations:	100-year floodplain, shore area only
Zoning:	IHhi – Heavy Industrial base zone with the Airport Landing Zone (h) and Greenway River Industrial (i) overlays
Case Type:	GW – Greenway Review
Procedure:	Type II, an administrative decision with appeal to the Hearings Officer.

PROPOSAL:

The applicant leases and operates Berth 503 at Terminal 5 as a bulk terminal to offload rail shipments of various grades of potash from Canada for delivery to ocean going vessels headed to overseas markets. The applicant proposes to install a safety catwalk to the landward side of Berth 503 to allow safe movement of employees completing loading and maintenance operations at the berth. The 30-inch wide catwalk will consist of fiberglass grating and associated safety handrails roughly 20 feet above the water of the Willamette River and will extend an existing catwalk (111-feet long) by 590 feet to the south and 84 feet to the north. No new impervious surfaces or ground disturbance are proposed. In addition, all construction staging will be on an existing paved parking lot above top-of-bank.

Because the proposed river-dependant improvements to existing development are riverward of 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 criteria are:

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

ANALYSIS

Site Description: The project site currently operates as a potash shipping and storage facility, including Berth 503 located in the Willamette River. The proposed work will be within the existing area of Berth 503, about 150 feet from the shoreline, with additional construction staging and materials storage in an existing parking area above top of bank. An existing bridge connects the berth and staging area.

The site is located on the east bank of the Willamette River, approximately 1.4 miles upstream from its confluence with the Columbia River. Riparian forest borders the river along this site, varying in width from about 40 feet to the north, to at least 500 feet further south. The river is fairly shallow for the first 70 feet from the bank, and also has a wide, shallow beach leading towards the riparian forest. The *National Wetlands Inventory* shows there are several wetlands located in the southwest corner of the site, and another wetland on the inside of the rail-loop. However, none of these wetlands is located within the subject area and are well beyond the limits of this review.

The surrounding properties are developed with a mix of heavy industrial facilities, often with rail and docking components. Other nearby features include the Columbia Slough and Kelley Point Park to the north, Sauvie Island to the west and the Smith and Bybee Wetlands Area to the east and south.

The area subject to Greenway Review includes the river area below top of bank, the 25-foot wide Greenway Setback as measured landward from the top of bank, and activities within the adjacent 50 feet landward of the Greenway Setback.

Greenway Resources: The greenway overlay zones protect, conserve, enhance, and maintain the natural, scenic, historical, economic, and recreational qualities of lands along Portland's rivers. The greenway regulations implement the City's Willamette Greenway responsibilities as required by ORS 390.310 to 390.368, as well as the water quality performance standards of Metro's Title 3. The purpose of this land use review is to ensure compliance with the regulations of the greenway overlay zones.

The *Lower Willamette River Wildlife Habitat Inventory* identifies this property as Site 3.4A. The river frontage along the site is part of a Rank II habitat area that includes the shoreline between the Oregon Steel property (to the south) and the adjacent industrial properties (to the north) which extend downstream to the mouth of the Columbia Slough. This shoreline area includes a long, wide beach and a heavily vegetated bank. The uplands are also noted for the Rank II habitat areas provided by the riparian forest and wetlands in the southwest area of the project site (Site 3.4C and 3.4D). The forested area includes Oregon white ash, black cottonwood, willow, St. John's wort, snowberry, creek dogwood, reed canarygrass, Himalayan blackberry and thistle.

In a recent land use review, observations of wildlife usage included beaver and muskrat den holes, and many beaver and shorebird tracks were prevalent. A belted kingfisher nest was also observed.

Zoning: The project site is in the Heavy Industrial (IH) zone and has the Greenway River Industrial (i) and Aircraft Landing (h) overlay designations (see zoning on Exhibit B).

The **Heavy Industrial (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 development standards are the minimum necessary to assure safe, functional, efficient, and environmentally sound development. The applicant noted that the site will continue to operate as a bulk storage and transfer terminal, which is an allowed use in the Heavy Industrial zone.

The **Greenway River Industrial (i)** overlay zone encourages and promotes the development of river-dependent and river-related industries which strengthen the economic viability of Portland as a marine shipping and industrial harbor, while preserving and enhancing riparian habitat and providing public access where practical.

The **Aircraft Landing (h)** overlay zone limits the height of structures and vegetation in the vicinity of the Portland International Airport; a height contour map is available for review in the Development Services Center.

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

- MCF/M 31-69: Land Division Plat for 475 acres
- MCF/M 31-69 IIA: Plat
- MCF/M 31-69 IIB: Plat related to M 31-69 A
- MCF/M 31-69 III: 2-block Plat
- MCF/CU 4-76g: Conditional Use for industrial facility in Rivergate
- PC 6911: City Zoning for Rivergate Annexation/Port of Portland
- PC 6947: City Zoning for Rivergate Annexation/Port of Portland
- PC 7196: City Zoning for Rivergate Annexation/Port of Portland
- GP 16-81: Greenway Permit
- GP 15-88: Greenway Permit for submarine cable facility

- GP 9-89: Greenway Permit for temporary barge unloading
- GP 11-89: Greenway Permit for pier and access trestle
- GP 16-89: Greenway Permit for recreational area in conjunction with factory development
- LUR 95-00288 GW: Greenway Review for multi-commodity bulk transfer terminal
- LUR 96-00444 GW: Greenway Review for riverbank stabilization and plantings
- LU 06-113291 GW: Greenway Review for new rail track and perimeter service road at T5
- LU 13-109890 GW: Greenway Review for a temporary conveyance system associated with site preparation for a new storage building

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **December 27, 2016**. The following Bureaus have responded with no issues or concerns:

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

Bureau of Environmental Services had no objection to the proposal, but advised that the applicant remain mindful of wetland, drainageway protections, sewer easements, and other considerations for this large property. Additionally, BES will review the proposal in light of the City’s and DEQ’s objectives and requirements for work being conducted in the Portland Harbor Superfund Area.

Site Development advised that a qualitative “no-rise” evaluation may be required at the time of building permit.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on December 27, 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 viewpoints, plazas, or view corridors;

Findings: The proposed construction is part of a river-dependent industrial use; *these Issues are not applicable.*

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 shoreline along River Industrial sites are intended to support industrial development while preserving and enhancing riparian habitat where possible. The river frontage at this site contains Rank II habitat area (Site 3.4A) from north to south, including the long, fairly wide beach and a forested bank. The uplands are also included as Rank II habitat areas provided by the band of riparian (cottonwood) forest and small wetlands in the southwest corner of the forested area (Site 3.4C and 3.4D respectively).

The proposed construction is primarily over the river, and staging for the construction is also outside the riverbank area on an existing parking lot outside of the Greenway setback. Tools and materials will be tethered or otherwise provided with fall protection to prevent drops and spills into the river. The applicant indicates that the existing riparian habitat along the shoreline will be preserved since all work will occur within the boundaries of the existing roadway or over water, and no trees or other vegetation are proposed for removal.

This Issue is met.

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: No permanent alterations are proposed to the riverbank, which includes a wide sandy beach and wooded bank. Furthermore, existing vegetation will not be removed for this construction activity. As such, the existing habitat and scenic values afforded by the established shoreline vegetation will remain. Therefore, *this Issue is met.*

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.

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: The Greenway Planting Standards call for a minimum of one tree and 10 shrubs per 20 feet of river frontage, and a sufficient number of groundcover plantings to cover the bank. However, this proposal does not require removal of any existing vegetation nor any new disturbance area. A mature cottonwood forest comprises the existing vegetation and the proposal calls for no impacts to it. The forest already extends to the ordinary high water mark of the Willamette River. Due to the negligible impacts from this project and the existing vegetation that exceeds the planting standards, *this Issue is met.*

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 503. The industries fronting the river at Terminal 5 transport bulk products to and from barges. *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 criterion 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: *There is no River Natural zoning within 50 feet of this site; 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: The shoreline at Terminal 5 is part of a Rank II habitat site (Site 3.4a). However, the applicant proposes neither permanent nor temporary disturbance to the riverbank. *This criterion is met.*

- 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: The proposed catwalk is 20 feet above ordinary high water, and under an existing berth. The grated catwalk will not add to the shadows created by the berth or otherwise further interfere with river habitat. *This criterion is met.*

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

Findings: The proposal will construct a catwalk under an existing berth and will not interfere with the riverbank. *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 catwalk will occur under an existing berth, leaving ship navigation to Berth 503 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 River Water Quality overlay zone is not on or adjacent to this site; *this criterion does not apply.*

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. *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 catwalk under the existing Berth 403. 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 a Greenway Review for the construction and use of a catwalk serving Berth 503, over the Willamette River, within the Greenway Setback, as shown on Exhibit C.2 signed, and dated by the City of Portland Bureau of Development Services on February 28, 2017. Approval is subject to the following conditions:

- A. All permits:** Copies of the stamped Exhibit C.2 from LU 16-279584 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 Exhibit C.2."***
- B.** All construction staging shall occur within the existing paved parking area.
 - 1. No mechanized construction vehicles are permitted outside of existing paved or berth areas.
- C.** 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 February 28, 2017**
By authority of the Director of the Bureau of Development Services

Decision mailed: March 2, 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 November 30, 2016, and was determined to be complete on December 22, 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 November 30, 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: April 21, 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 March 16, 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 **March 17, 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.

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:

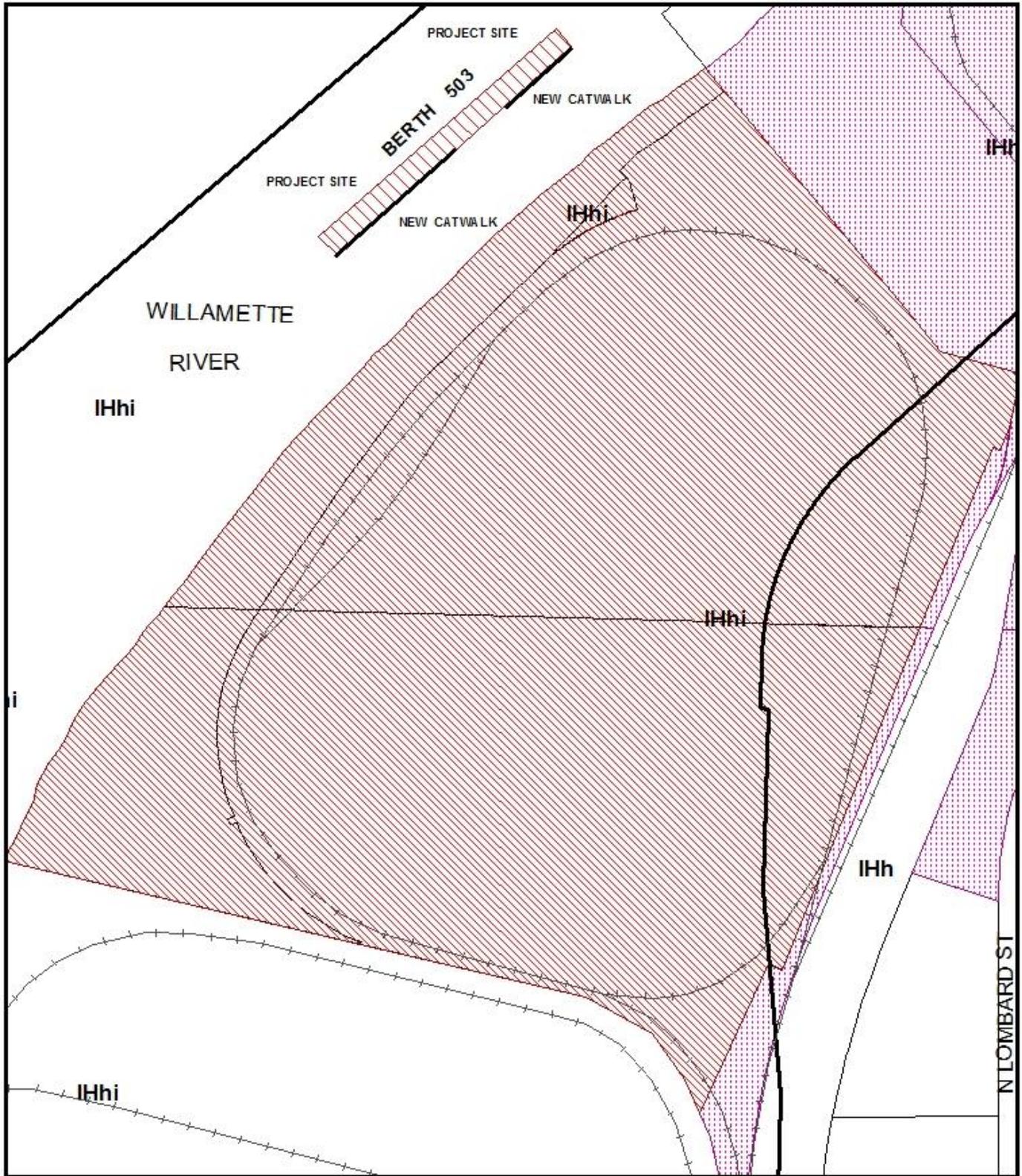
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Narrative
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Existing Conditions Site Plan
 - 2. Proposed Development 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. Bureau of Parks, Forestry Division
 - 7. Life Safety Division of BDS
- F. Correspondence:
 - None received
- G. Other:
 - 1. Original LU Application

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. LU 16-279584 GW
 1/4 Section 1419, 1519, 1520
 Scale 1 inch = 400 feet
 State_Id 2N1W23C 500
 Exhibit B (Dec 05, 2016)

