



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

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STAFF REPORT AND RECOMMENDATION TO THE HEARINGS OFFICER

CASE FILE: LU 17-116482 CU
PC # 16-217747
REVIEW BY: Hearings Officer
WHEN: July 24, 2017 at 9:00 AM
WHERE: 1900 SW Fourth Ave., Suite 3000
Portland, OR 97201

It is important to submit all evidence to the Hearings Officer. City Council will not accept additional evidence if there is an appeal of this proposal.

BUREAU OF DEVELOPMENT SERVICES STAFF: DON KIENHOLZ / DON.KIENHOLZ@PORTLANDOREGON.GOV

GENERAL INFORMATION

Applicant: David Welsh – 503-226-12850
CIDA
15895 SW 72nd Ave, Suite 200
Tigard OR, 97224
Davidw@Cidainc.Com

Owner: Richard Plainfield
280 SW Moonridge PL
Portland, OR 97225

Site Address: 4605-4611 SW BEAVERTON HILLSDALE HWY

Legal Description: BLOCK 22 LOT 7&8, FAIRVALE
Tax Account No.: R268407300
State ID No.: 1S1E18AD 01600
Quarter Section: 3524

Neighborhood: Bridlemile, contact David Stein at steinnet@gmail.com
Business District: None
District Coalition: Southwest Neighborhoods Inc., contact Sylvia Bogert at 503-823-4592.

Plan District: None

Zoning: CS – Storefront Commercial

Case Type: CU – Conditional Use
Procedure: Type III, with a public hearing before the Hearings Officer. The decision of the review body can be appealed to City Council.

Proposal:

The applicant is proposing to establish a 7,600 square foot indoor cannabis growing facility in the lower level of an existing warehouse building on the subject site. Cannabis growing is an Agriculture use under Portland code and the site is zoned CS, Storefront Commercial. In the CS zone, Agricultural uses are listed as Conditional Uses that must be reviewed under the approval criteria in Portland Zoning Code section 33.815.115.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code found in chapter 33.815.115.

ANALYSIS

Site and Vicinity: The subject site is a 12,500 square foot lot located along the Beaverton-Hillsdale Highway near the intersection of Beaverton-Hillsdale Highway and SW 45th Ave in the southwestern Portland neighborhood of Bridlemile. Approximately 10,200 square feet of the lot are occupied by buildings. The southern portion of the lot is at grade with the Beaverton-Hillsdale Highway and has a parking area and two-story commercial buildings with a 0-foot front building setback. The remaining area of the lot sits well below the grade of the highway and is occupied by a single-story warehouse the agriculture use is proposed to be in. The warehouse cannot be seen from the street due to its lower elevation and a cinderblock wall along the parking area's northern edge.

The subject lot is in a node of commercially zoned property and uses that stretch along both sides of the highway. The vicinity is generally comprised of midcentury buildings and homes typical of the suburban development pattern generated by the R10 and R7 residential zones that are established in SW Portland. The topography consists of rolling hills and heavily forested areas along streams, creeks and seeps. The Beaverton-Hillsdale Highway contains full improvements while the majority of side and local streets often lack sidewalks and full right-of-way width. The corridor is a main thoroughfare between Beaverton and Hillsboro and downtown Portland that receives substantial traffic.

Zoning: The Storefront Commercial (CS) zone is intended to preserve and enhance older commercial areas that have a storefront character. The zone intends that new development in these areas will be compatible with this desired character. The zone allows a full range of retail, service and business uses with a local and regional market area. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. The desired character includes areas which are predominantly built-up, with buildings close to and oriented towards the sidewalk especially at corners. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: A "Request for Response" was mailed **June 13, 2017**. The following Bureaus have responded with no issues or concerns:

- Water Bureau (Exhibit E.3);
- Fire Bureau (Exhibit E.4);
- Site Development Section of BDS (Exhibit E.5);
- Urban Forestry (E.6);
- Police (Exhibit E.7); and
- Life Safety (Exhibit E.8).

The Bureau of Environmental Services responded with comments (Exhibit E.1) noting that while sanitary sewer utilities are in the vicinity, it is not clear how the site connects and at the time of building permit the applicant will need to show the site has a conforming connection.

The Bureau of Transportation Engineering (PBOT) responded with comments addressing the relevant transportation evaluation factors and criteria. Please see Exhibit E.2 for additional details. PBOT identified that the parking area will need to be reconfigured to satisfy their requirements for forward-motion exiting and a reduced curb cut length. A condition of approval has been attached to this staff report to ensure compliance. PBOT also noted that future development that results in an increase in trip generation may trigger right-of-way dedication requirements.

Neighborhood Review: No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

33.815.115 Specified Uses in Commercial Zones

These approval criteria apply to uses in the following categories and zones: Industrial Service uses and Agricultural uses in the CS, CG, and CX zones, and Warehouse And Freight Movement uses in the CG zone. The approval criteria allow these uses in commercial zones when they have a business or consumer orientation and are of a size and character to blend in with the other commercial uses. The approval criteria are:

A. The proposed use will not have nuisance impacts from noise, odor, and vibrations greater than usually generated by uses allowed by right in the zone;

Finding: The growing of potted plants and other indoor agricultural practices are unlikely to produce noise or vibrations beyond what would be generated by other uses allowed by the CS zoning district, such as laundromats, boarding kennels, taverns and bars, bowling alleys, indoor firing ranges or theaters. The applicant has noted that mechanical equipment necessary for the indoor agricultural use will be located indoors, preventing noise and vibrations from being detected outside the building.

In general for agricultural uses, and in particular cannabis production, odor is the primary nuisance concern. The applicant has noted that the operation will be outfitted with an AgriAir 1000-3 (HO) air purifier system (Exhibit A.8) to remove any odors. An Oregon licensed and registered Architect has reviewed the air purifier unit's specifications and has certified there will be no discernible odors detected from outside the building (Exhibit A.12). Because the zone allows uses such as restaurants and bars that routinely have odors from cooking and smoking detectable outside, and the applicant has provided certification that the proposed air purifier will remove odors from the agricultural use, staff finds that the proposed use will not have nuisance impacts from odor greater than usually generated by uses allowed by right in the CS zone.

Criterion met.

B. Based on the characteristics of the proposed use and its development, the proposal is consistent with the purpose of the commercial zone and with the character of the specific area;

Finding: The purpose of the commercial zone is found identified at 33.130.010:

"The commercial zones implement the commercial policies and plan map designations of the Comprehensive Plan. The zones are for areas of the City designated by the Comprehensive

Plan for commercial uses. The differences in the zones reflect the diversity of commercial areas in the City. The zones are distinguished by the uses allowed and the intensity of development allowed. Some of the zones encourage commercial areas that are supportive of surrounding residential areas, while other zones allow commercial areas which have a community or regional market. The regulations promote uses and development which will enhance the economic viability of the specific commercial district and the city as a whole.

In general, a wide range of uses is allowed in each zone. Limits on the intensity of uses and the development standards promote the desired character for the commercial area. The development standards are designed to allow a large degree of development flexibility within parameters which support the intent of the specific zone. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed.'

The purpose statement above identifies promoting "Desired Character." *Desired Character* is a defined term that requires staff to examine purpose and character statements in base zones and adopted community plans for preferred or envisioned character.

The site is located within the *Southwest Community Plan area*. The community plan has two objectives that relate to the proposal: One relating to Corridor objectives, which identifies the Beaverton-Hillsdale Highway as a corridor and one on economic development. Both objectives seek to encourage employment opportunities in nodes dedicated to mixed use development. Because the agricultural grow is proposed in an existing building that currently has no lawful use, it will provide employment opportunities. With the site located in a commercial node along the Beaverton-Hillsdale Highway, the proposal satisfies the objective of locating commercial and employment opportunities in identified areas such as the Beaverton-Hillsdale Corridor.

The purpose of the commercial zone includes implementation of commercial policies and plan designations of the Comprehensive Plan, but more generally to allow and support commercial areas which has a neighborhood and regional draw. The overall goal is to enhance the economic viability of both the specific commercial district the site is in as well as the city as a whole.

The proposed indoor cannabis grow operation is technically an Agricultural use, but the specialized equipment, indoor-only operation supported by mechanical equipment and the inherent security issues which keep the operation largely out of sight from passersby will prevent the proposed operation from having any significant impact on the intent to support the economic viability of the area. Furthermore, just four lots to the west along Beaverton-Hillsdale Highway is an outlet of New Vansterdam, a marijuana dispensary that the grow operation could support.

The outside of the subject lot will remain as it is today with two retail spaces in the two-story building adjacent to the highway and the warehouse below grade of the highway. Any retail commercial use allowed in the CS zone can occupy the retail spaces, which is separated internally from the area designated for the agricultural grow operation. The immediate vicinity has a mixed use of commercial uses including an auto parts store, a bar/restaurant, a catering business, an herbarium, a burger restaurant and a marijuana retail outlet. Based on the site's existing commercial building facades, the warehouse the grow operation is proposed to be in is below street level and based on the existing uses in the area, the site and proposal is consistent with the surrounding commercial area character. Staff finds the proposal is consistent with the purpose of the commercial zone and with the character of the specific area.

Criterion met.

C. The proposed use will not significantly alter the overall commercial character of the area, based on the existing proportion of commercial and noncommercial uses and the effects of incremental changes; and

Finding: The proposed use will be contained entirely within an existing building that sits below street grade and is separated from the street by a retaining wall and parking lot on the east half of the lot and a two-story retail building on the west half. The two story retail building can continue to have retail commercial uses within it while the cannabis growing operation is limited to the warehouse building. State law requires that the operations inside the grow facility cannot be visible from the street, eliminating any significant changes to the overall character of the buildings on site.

As noted previously, the commercial node the lot is a part of has a significant diversity of commercial uses along both sides of SW Beaverton-Hillsdale Highway. Considering there are multiple commercial spaces still available on the subject site that are prominently located along the highway and the building housing the grow operation will not be visible from the street, there will be no changes to the commercial character of the lot, nor of the of the area.

Criterion met.

D. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterials; truck impacts, connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies.

Finding: The Development Review Section of Portland Transportation (PBOT) has reviewed the proposal and responded without concerns or objections to the proposal (Exhibit E.2). The essential findings and discussion from the PBOT response with regards to this criterion are included below:

“The transportation related approval criteria related to the proposed Conditional Use that must be addressed are found in Code Section 33.815.115.D “Specified Uses in Commercial Zones”. To address the transportation-related approval criteria the applicant submitted a professional traffic study prepared by Ferguson & Associates. Specifically, applicants must address the following:

“The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations, capacity; level of service and other performance measures; access to arterials; truck impacts, connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies”.

Street Designations

The City’s Transportation System Plan (TSP) classifies SW Beaverton Hillsdale Hwy as a Major City Traffic Street, a Major Transit Priority, a City Bikeway, a City Walkway, a Major Truck Route, a Major Emergency Response Route, and a Regional Corridor. The proposed use is not in conflict with the various classifications of SW Beaverton Hillsdale Hwy.

Capacity; Level of Service and other Performance Measures

The City of Portland (COP) defines the applicable intersection standards in Administrative Rule TRN 10.27 – Traffic Capacity Analysis for Land Use Review Cases as follows:

1. *For signalized intersections, adequate level of service is LOS D, based on a weighted average of vehicle delay for the intersection.*
2. *For stop-controlled intersections, adequate level of service is LOS E. Level of service for two-way stop-controlled intersections is based on individual vehicle movement, and all-way stop controlled intersections is based on a weighted average of vehicle delay for the intersection.*
3. *An amendment or other land use application that requires analysis of traffic capacity and allows development that either (1) may cause a transportation facility to perform below the standards established in sections 1 and 2, or (2) adds vehicle trips to a facility that is already performing below the standards established in sections 1 and 2 may be approved if:*
 - a. *Development resulting from the amendment or other land use application will mitigate the impacts of the amendment or other land use application in a manner that avoids further degradation to the performance of the facility by the time of development through one or more of the following:*
 - (i) the development is limited to result in no net increase in vehicle trips over what is allowed by the existing zoning; OR**
 - (ii) one or more combination of transportation improvements or measures are imposed to mitigate the transportation impacts of the amendment or other land use application in a manner that avoids further degradation to the performance of the facility by the time of any development.

Consistent with PBOT policy, the applicant's traffic engineer utilized estimated vehicle trip rates for Manufacturing (140) land uses as found in the Trip Generation Manual, 9th Edition published by the Institute of Transportation Engineers (ITE) as it is the closest land use to the proposed development for which there are estimated trip rates available. Accordingly, the proposed 7,600 SQFT indoor cannabis growing facility is expected to generate approximately 6 vehicle trips during the PM peak hours. The existing CS zoning of the site permits a range of nonresidential development including retail sales and service and office uses. Using ITE's trip generation rates a 7,600 SQFT of office development (which represents a reasonable worst-case scenario), would generate approximately 12 vehicle trips in the PM peak hour. Accordingly, the proposed development would result in no net increase in vehicle trips over what is allowed by the existing CS zoning.

Access to Arterials

The site has vehicle access to SW Beaverton Hillsdale Hwy, a Major City Traffic Street which provides unrestricted access to the greater transportation system in the area.

Truck Impacts

As discussed herein and documented in the applicant's traffic analysis, the proposed development will generate fewer vehicle trips than what is allowed by the site's existing zoning and no changes are proposed to the abutting ROW. Accordingly, the proposed development will not have a negative impact to truck movements in the area.

Connectivity

The site is located approximately 200-ft from SW 45th Ave which meets the City's specified goals for vehicle and pedestrian connectivity. PBOT identified no other opportunities to improve connectivity in relation to the proposed use.

Transit Availability

Transit facilities are available in the area with the closest bus stop located at SW Beaverton Hillsdale & SW 45th (TriMet #54/59). Transit availability will not be negatively impacted by the proposed use.

On-Street Parking Impacts

The site currently has on-site parking provided within a paved area located within the southeast portion of the site. This parking area will be required to be reconfigured to meet PBOT requirements for forward motion egress and will likely provide 3 on-site parking spaces at this location.

Currently on-street parking is prohibited along SW Beaverton Hillsdale Hwy. As such, the proposed use will not have an impact upon on-street parking along this frontage. However, the site is located approximately 200-ft west of SW 45th Ave which has on-street parking opportunities within existing gravel shoulders on both sides of the ROW. Additionally, SW Lee Street has sufficient width to also permit on-street parking. SW Lee provides access to the rear portion of the site via an existing easement on the adjacent PGE property.

The surrounding area contains a mix of multi-family and commercial uses with the majority of the sites developed with on-site parking opportunities thereby reducing the demand for on-street parking in this area. Additionally, based upon the specific operational characteristics of the proposed use, as detailed in the transportation analysis, the proposed use is expected to generate less demand for on-street parking than would be expected if the site was developed with traditional commercial uses permitted under the CS zoning of the property. Accordingly, there is adequate on-street parking in the vicinity to support any ancillary demand generated by the proposed use.

Access Restrictions

There are no access restrictions in relation to the subject site, however, as discussed below, the existing curb-cut/driveway on SW Beaverton Hillsdale does not meet current PBOT requirements for forward motion vehicle egress. The applicant will be required to revise the driveway and parking area as a condition of the Building Permit for the Change in Use associated with the grow facility.

Neighborhood Impacts

Project-related impacts resulting from increased trip generation and increased demand for on street parking translate directly to transportation-related neighborhood impacts. As documented in this response, there is an adequate supply of on-street parking in the vicinity to support the proposed use and said use will generate less vehicle traffic than uses permitted by right under the CS zoning designation of the property. Accordingly, the proposed use is not expected to result in any negative transportation-related neighborhood impacts.

Pedestrian, Bicycle, and Transit Circulation

An existing bike lane in SW Beaverton Hillsdale Hwy and an existing sidewalk along the site's frontage contribute to circulation opportunities in this area. Additionally, the sidewalk and bike lane provide access to the existing bus stop at SW Beaverton Hillsdale and SW 45th. No negative impacts to circulation are expected as a result of the proposed use.

Safety for all Modes

Given the existing sidewalk system established in the area, the adequate operation of area intersections, and the minimal vehicle trips expected to be generated by the proposed development, the project will not result in negative impacts to overall safety in the vicinity.

Adequate Transportation Demand Management Strategies

Transportation Demand Management (TDM) plans are typically required to mitigate for adverse transportation-related adverse impacts created by new uses. As identified above, PBOT does not expect that the proposed agricultural production facility will result in any significant impacts, therefore, adequate transportation demand management strategies are unnecessary.

TITLE 17 REQUIREMENTS

**Street Configurations and Public Improvement Requirements (Section 17.88.020)
– In association with the Building Permit, not as a condition of approval of this Conditional Use**

According to City database sources, SW Beaverton-Hillsdale Hwy is improved with approximately 85-ft of paving in an approximate 100-ft ROW. The site’s frontage is improved with a 6-ft curb-tight sidewalk. The eastern approximately 48-ft of the frontage is improved with a curb-cut that exceeds the maximum driveway width requirements.

For a Major City Traffic Street/City Walkway, abutting a CS zoned site, the City’s Pedestrian Design Guide recommends a **12-ft wide sidewalk corridor** consisting of a 0.5-ft curb, 4-ft furnishing zone, 6-ft sidewalk, and a 1.5-ft frontage zone. If future uses at this site result in an increase in use as outlined in City Code 17.88.020 and PBOT Development Review Policy 1.01, the applicant will be required to dedicate 6-ft of property along the site’s frontage, excluding the frontage occupied by the existing building and reconstruct that portion of the frontage to meet City standards. Regardless whether future uses at this site result in an increase in use, the applicant will be required to reconstruct the driveway to meet current standards. This is discussed in more detail below.

Transportation System Development Charges (Chapter 17.15)

System Development Charges (SDCs) may be assessed for this development. The applicant can receive an estimate of the SDC amount prior to submission of building permits by contacting Rich Eisenhauer at 503-823-6108.

Driveways and Curb Cuts (Section 17.28)

Curb cuts and driveway construction must meet the requirements in Title 17. The Title 17 driveway requirements will be enforced during the review of building permits. The existing approximately 48-ft wide driveway exceeds the maximum permitted driveway width per Title 17 requirements. Additionally, PBOT does not support vehicles backing out onto a street classified as a collector or higher. The applicant should expect to have to narrow the existing curb cut and propose parking lot design options that would allow vehicles to exit in a forward motion. Changes to the driveway and parking area will be required as a condition of approval of the Building Permit/Change in Use.

RECOMMENDATION

PBOT has no objection to the proposed Conditional Use.

Based on the above findings from Portland Bureau of Transportation, this criterion is met.

Criterion met.

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

Staff finds the applicant has carried the burden necessary to demonstrate the proposed cannabis growing operation in a warehouse building in the Storefront Commercial zoning district has met the approval criteria in 33.815.115. Specifically, the applicant has demonstrated the proposed use won't have noise, odor or vibrations greater than usually generated by uses allowed by right in the zone as the proposal is for an indoor growing operation and will use air filters; the proposed use is consistent with the purpose of the commercial zone and the character of the area and the site will continue to have retail uses as the predominant use and feature as seen from the street; the proposed use will not significantly alter the overall commercial character of the area since the use will be indoors and not visible by the public; and the transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Because all applicable approval criteria have been satisfied, the use should be approved.

TENTATIVE STAFF RECOMMENDATION

(May be revised upon receipt of new information at any time prior to the Hearings Officer decision)

Staff recommends approval of a Conditional Use Review for the establishment of an Agricultural Use (cannabis grow operation) inside the portion of an existing warehouse building identified in Exhibit C.9 that is below street grade along SW Beaverton-Hillsdale Highway, as identified on the submitted plans (Exhibit C.1 and C.9) subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information approved by this land use review as indicated in Exhibits C.1 and C.9. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 17-116482 CU." No field changes allowed.
- B. Prior to final occupancy being issued or beginning operation of the agricultural use, whichever occurs first, the applicant shall submit a building permit application that includes a parking plan that provides forward-motion exiting for vehicles. On the same plan, the applicant shall reduce the curb-cut width to meet PBOT's requirements.

Procedural Information. The application for this land use review was submitted on February 6, 2017, and was determined to be complete on May 24, 2017.

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 February 6, 2017.

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: September 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

recommendation 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.

This report is not a decision. The review body for this proposal is the Hearings Officer who will make the decision on this case. This report is a recommendation to the Hearings Officer by the Bureau of Development Services. The review body may adopt, modify, or reject this recommendation. The Hearings Officer will make a decision about this proposal within 17 days of the close of the record. Your comments to the Hearings Officer can be mailed c/o the Hearings Officer, 1900 SW Fourth Ave., Suite 3100, Portland, OR 97201 or faxed to 503-823-4347.

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. This Staff Report will be posted on the Bureau of Development Services website. Look at www.portlandonline.com. On the left side of the page use the search box to find Development Services, then click on the Zoning/Land Use section, select Notices and Hearings. Land use review notices are listed by the District Coalition shown at the beginning of this document. You may review the file on this case at the Development Services Building at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201.

Appeal of the decision. The decision of the Hearings Officer may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the Hearings Officer, only evidence previously presented to the Hearings Officer will be considered by the City Council.

Who can appeal: You may appeal the decision only if you write a letter which is received before the close of the record for the hearing, if you testify at the hearing, or if you are the property owner/applicant. Appeals must be filed within 14 days of the decision. **Appeals must be filed within 14 days of the decision. An appeal fee of \$5,000.00 will be charged (one-half of the BDS application fee, up to a maximum of \$5,000).**

Appeal Fee Waivers: Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chair person or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization’s bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

Recording the final decision.

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded by BDS after the hearings officer issues their final decision for the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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.

Planner's Name: Don Kienholz

Date: July 14, 2017

EXHIBITS

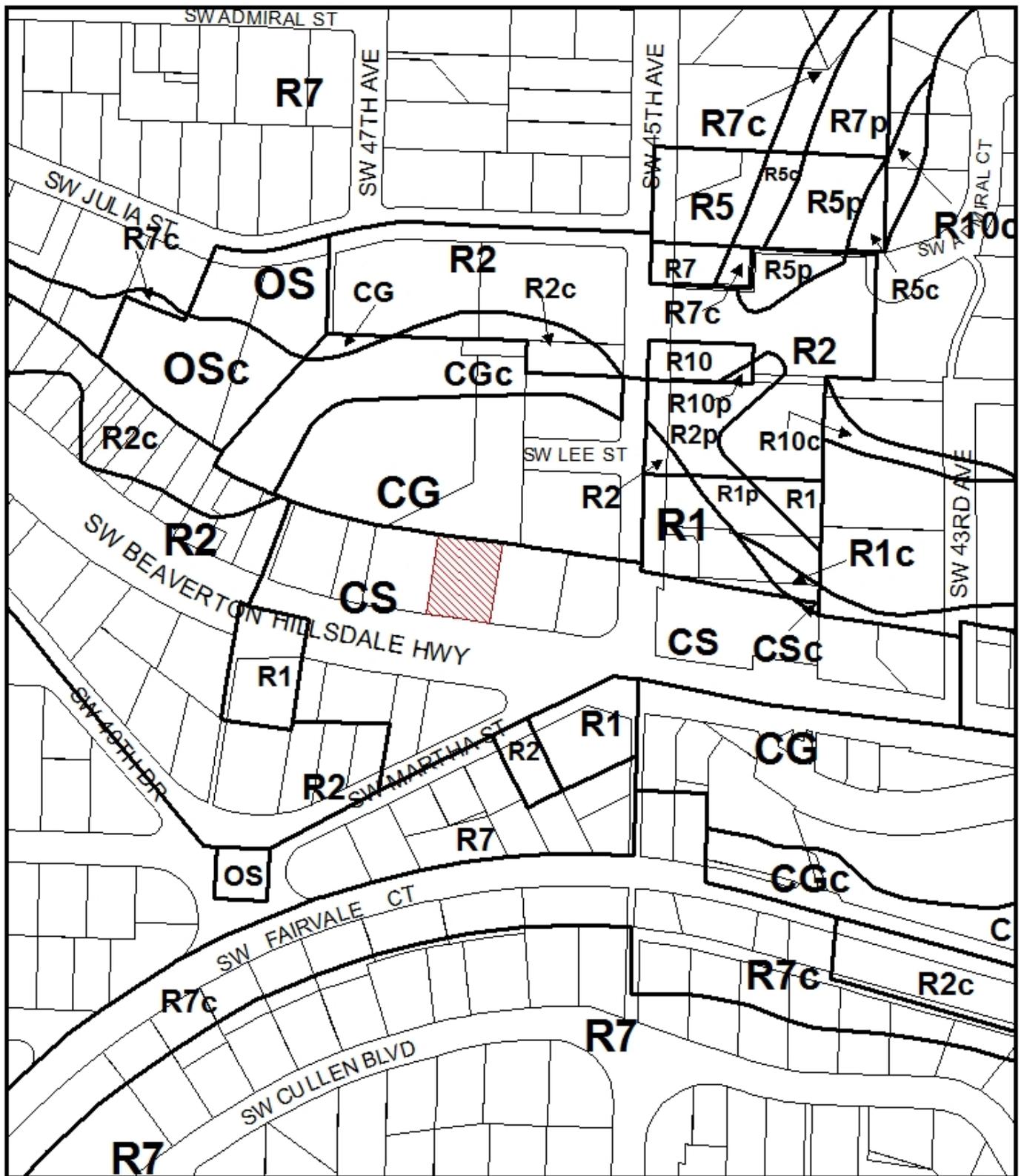
NOT ATTACHED UNLESS INDICATED

A. Applicant's Statement:

1. Applicant's February 2, 2017 Application Summary
2. Applicant's February 2, 2017 Narrative
3. Applicant's February 2, 2017 Transportation Impact Analysis by Ferguson & Associates
4. Applicant's February 2, 2017 Black and White Google Street View
5. Applicant's February 2, 2017 Submitted Historic Deed Information for Site
6. Applicant's February 2, 2017 Google Air photo of Area
7. Applicant's February 2, 2017 Color Google Street View Photos
8. Applicant's February 2, 2017 Information and Specifications on AgriAir 1000-3(HO) Air Purifier
9. Applicant's February 2, 2017 Submission of Certified Mail Receipt Letter Sent to Bridelmile Neighborhood Association Regarding Proposed Application
10. Applicant's Copy of BDS Pre-Application Conference Summary Notes
11. Applicant's April 12, 2017 Revised Application Summary
12. Applicant's April 12, 2017 Letter Stamped by an Oregon Registered Architect Certifying the AgriAir 1000-3(HO) Air Purifying System Will Prevent Discernible Odors Outside the Building

13. Applicant's April 12, 2017 Updated Transportation Impact Analysis by Ferguson & Associates
- B. Zoning Map (Attached)
- C. Plans & Drawings:
1. Applicant's February 2, 2017 Topographical Survey/Site Plan – Reduced (Attached)
 2. Applicant's February 2, 2017 Topographical Survey/Site Plan – Full Size
 3. Applicant's February 2, 2017 Building Envelope Plan
 4. Applicant's April 12, 2017 Parking Layout
 5. Applicant's April 12, 2017 First and Second level Floor Plans for Retail Buildings On Site
 6. Applicant's April 12, 2017 Floor Plan of Below-Street Grade Warehouse Building Proposed for Cannabis Production
 7. Applicant's April 12, 2017 Elevation Drawings of Retail Buildings on Site and Rear Elevation of Below-Street Grade Warehouse Building Proposed for Cannabis Production (Attached)
 8. Applicant's April 12, 2017 Side Elevation Drawings of Below-Street Grade Warehouse Building Proposed for Cannabis
 9. Applicant's April 12, 2017 Floor Plan of Below-Street Grade Warehouse Building Proposed for Cannabis Production, Reduced (Attached)
 10. Applicant's April 27, 2017 Updated Parking and Curb-cut Plan
 11. Applicant's May 11, 2017 Updated Parking and Curb-cut Plan
- D. Notification information:
1. June 13, 2017 Request for Response
 2. Posting Letter Sent to Applicant
 3. Notice to be Posted
 4. Applicant's Statement Certifying Posting
 5. Mailing List
 6. 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 Bureau of Development Services
 6. Bureau of Parks, Forestry Division
 7. Police Bureau
 8. Life Safety
- F. Letters: None
- G. Other:
1. Original LUR Application
 2. Receipt of Payment
 3. March 7, 2017 Incomplete Letter
 4. Request for Rescheduled Hearing
 5. Confirmation of Rescheduled Hearing for July 24, 2017
 6. Historic Building Permit Showing Parking Area Lawful

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



File No.	LU 17-116482 CU
1/4 Section	3524
Scale	1 inch = 200 feet
State_Id	1S1E18AD 1600
Exhibit	B (Feb 08, 2017)

Attachment 4b

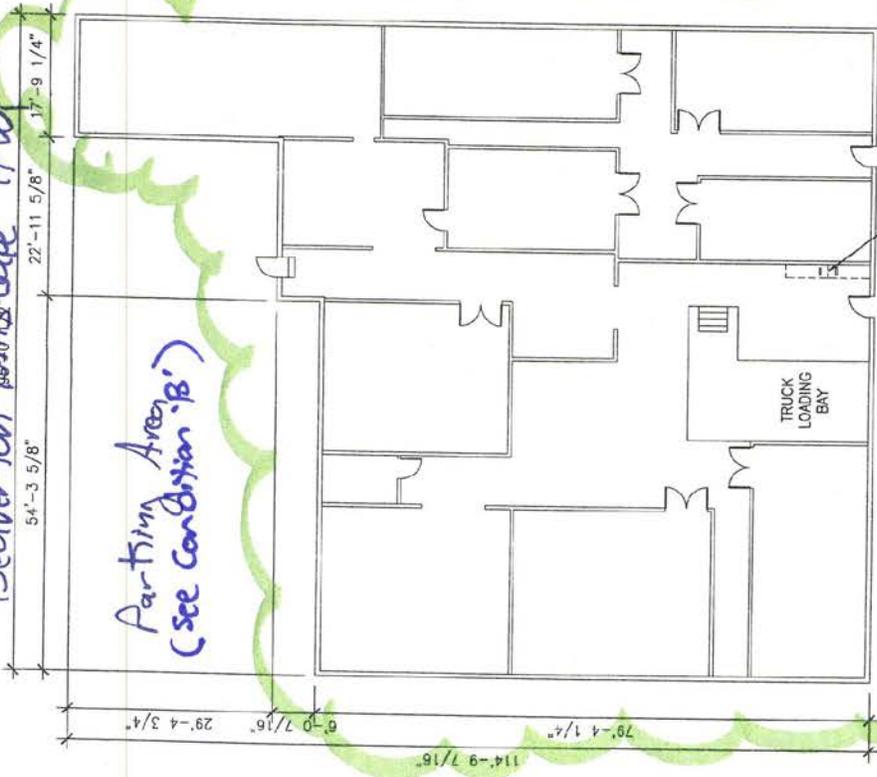
Lower Level below
Street grade

RECEIVED

APR 12 2017



Beaverton Hillsdale Hwy



Parting Area (see condition 'B')

FLOOR PLAN

FLOOR PLAN-(E) 1 STORY BLDG
04/12/17
1/16"=1'-0"
160094.01
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PP 17-11648
CASE NO
EXHIBIT C.9