



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

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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** December 12, 2017  
**To:** Interested Person  
**From:** Lois Jennings, Land Use Services  
503-823-2877 or [lois.jennings@portlandoregon.gov](mailto:lois.jennings@portlandoregon.gov)

## **NOTICE OF A TYPE Ix 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 17-197448 AP**

#### **GENERAL INFORMATION**

**Applicant:** Sukhjit Toor | Jaisiyaram, LLC  
16092 SE Eider Ct | Damascus, OR 97089  
971-295-0291 | [stoor123@yahoo.com](mailto:stoor123@yahoo.com)

**Representative:** Patrick Rowe | Sussman Shank LLP  
1000 SW Broadway Street #1400 | Portland, OR 97205  
503-227-1651 | [prowe@sussmanshank.com](mailto:prowe@sussmanshank.com)

**Owner:** Huoyeng Investments LLC  
PO Box 872043 | Vancouver, WA 98687

**Site Address:** 12150 NE AIRPORT WAY

**Legal Description:** LOT 2, PARTITION PLAT 1999-27  
**Tax Account No.:** R649791060  
**State ID No.:** 1N2E14C 00602  
**Quarter Section:** 2443  
**Neighborhood:** Parkrose Neighborhood Assoc., contact EPNO at 503-823-4550.  
**Business District:** Columbia Corridor Association, contact Debbie Deetz-Silva at 503-978-6044 & Parkrose Business Association, contact [parkrosebusinessassociation@gmail.com](mailto:parkrosebusinessassociation@gmail.com)

**District Coalition:** East Portland Neighborhood Office, contact Victor Salinas at 503-823-6694.

**Plan District:** Columbia South Shore  
**Zoning:** EG2-General Employment 2, with a "h"-Aircraft Landing zone overlay, "s"-Scenic Resource overlay and "x"-Portland International Airport Noise Impact overlay

**Case Type:** AP- Land Division Amendment  
**Procedure:** Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

**Proposal:** The applicant has entered in to a sale agreement to purchase this property (Parcel 2 of Partition Plat 1999-27) and develop the site with a gas station and convenience store. This lot and the adjacent lot are legally described as Parcel 2 and Parcel 1 of Partition Plat 1999-27 were created and approved by the City under land use case file # LUR 98-

00765 MP. In 1998 Legacy Health System owned the complete site. During the 1998 land division process it was determined the existing development on Parcel 1 would not remain in compliance with the pedestrian standard (33.140.240). The owner in 1998 and their representative agreed the pedestrian connection to the street and internal connection would be completed during the development of Parcel 2. Therefore, to ensure that the existing development on Parcel 1 would have a pedestrian connection to NE Ainsworth Circle, Condition 3 was placed as a condition of the land division approval under land use case file LUR 98-00765 MP. Condition 3 states the following: Prior to final inspection or any occupancy of any new structure on Parcel 2, a pedestrian connection shall be constructed from N.E. Ainsworth Circle to the existing building on Parcel 1. Construction of this pedestrian connection may occur at the time of development of Parcel 2. This pedestrian connection shall meet the standards of Section 33.140.240.B.

Today, Legacy Health Systems is not the owner of either of these lots. Each lot created by the 1998 land use decision is now owned by a different party. The applicant, future potential owner of Parcel 2 of Partition Plat 1999-27, is requesting a land division amendment to eliminate or modify the condition (Condition 3 of LUR 98-00765 MP) of approval. The modification to Condition C proposed would be to just construct a pedestrian connection on Parcel 2 to the boundary of Parcel 1 as shown in the site plan (Exhibit C.2), rather than to the build entrance on Parcel 1.

The future development on Parcel 2 is not part of this review.

**RELEVANT APPROVAL CRITERIA:**

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria for changes to an approved preliminary plan are found in section 33.662.320.A and refers to 33.662.120. These approval criteria is listed below in the findings.

## FACTS

**Site and Vicinity:** The site is a relatively flat vacant corner lot, which abuts NE Ainsworth Circle and NE Airport Way. Deciduous trees and a few shrubs provide a landscape buffer along the frontage of NE Airport Way.

The surrounding area includes a variety of commercial and industrial uses. Directly to the east is a two-story medical office building, with accessory surface parking. Across NE Ainsworth Circle to the west is the Hilton Hotel. In general, the surrounding area to the north, east, and south is largely industrial in character, while the properties to the west along NE Airport Way are more commercial, including hotels and strip commercial development.

**Infrastructure:**

- **Streets:** The site has frontage along NE Ainsworth Circle and NE Airport Way. Northeast Airport Way has a 60-foot right-of-way, and is improved with a 44-foot wide roadway with two lanes of traffic in each direction, a turning lane, and five-foot sidewalks on either side. The City's Transportation System Plan (TSP) classifies NE Airport Way as a District Collector, a Community Transit Street, a City Bikeway, a Priority Truck route, a Major Emergency Response route and urban road.

Northeast Ainsworth Circle has a 60-foot right-of-way, and is improved with a 44-foot wide roadway with one lane of traffic and parallel on-street parking in each direction, and 7-ft wide curb-tight sidewalk along this frontage. NE Ainsworth Street is classified as a Local Service Street for all modes.

Tri-Met provides transit service via Bus #87 at the intersection of NE Airport Way and NE Win Silvers Drive/NE Glen Widing Drive.

- **Water Service** – Water is available from the 12" mains in NE Ainsworth Circle and NE Airport Way. It is preferable to obtain water from NE Ainsworth Circle. The static water pressure is estimated as 82 – 102 psi.
- **Sanitary Service** - There is an existing 8-inch PVC sanitary sewer located within a 15-foot wide easement granted to the City of Portland that runs on private property just to the east of NE 122<sup>nd</sup> Avenue (BES as-built #5750). A portion of the easement is located on the

southeast corner of the adjacent property to the east 5847 NE 122<sup>nd</sup> Avenue. This site (Parcel 2) was involved with 5847 NE 122<sup>nd</sup> Avenue (Parcel 1) in a 2-lot land division in 1998 (LUR 98-00765 MP). The private sanitary sewer easement was established with that land division case to provide legal access across 5847 NE 122<sup>nd</sup> Ave (Parcel 1). The plat for the land division shows that a 10-ft. wide private sanitary easement was established across 5847 NE 122<sup>nd</sup> (Parcel 1) for the benefit of 12150 NE Airport Way (Parcel 2).

- **Existing Stormwater Infrastructure** - According to best available GIS data, the following stormwater infrastructure is located in the vicinity of the project site:
  - a) There is a public 36-inch concrete storm sewer in NE Ainsworth Circle (BES as-built # MC 1687)
  - b) There is a public 21-inch concrete storm sewer in the north side of NE Airport Way (BES as-built # MC 1687).

**Zoning:** The EG2 zone allows a wide range of employment opportunities without potential conflicts from interspersed residential uses. The emphasis of the zone is on industrial or industrially-related uses. EG2 areas have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street.

The Aircraft Landing (“h”) overlay zone provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures and vegetation.

The Portland International Airport Noise Impact overlay zone (“x”) reduces the impact of aircraft noise on development within the noise impact area surrounding the Portland International Airport. The zone achieves this by limiting residential densities and by requiring noise insulation, noise disclosure statements, and noise easement. These regulations must be shown to be met at the time of building permit.

The “s” overlay zone is intended to protect Portland’s significant scenic resources. The purposes of the Scenic Resource zone, to enhance the city’s appearance and protect scenic views, are achieved by establishing height limits, establishing landscaping and screening requirements, and requiring preservation of identified scenic resources.

The Columbia South Shore plan district regulations encourage the development of the Columbia South Shore as an industrial employment center which is intended to attract a diversity of employment opportunities. The plan district regulations also protect significant environmental and scenic resources and maintain the capacity of the area infrastructure to accommodate future development.

This review does not address a specific development proposal on the site, therefore the zoning designations listed above does not impact this review.

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

- **PC 7178:** Planning Commission initiation of City of Portland zoning for an area annexed from Multnomah County. Case was approved in 1982 through City ordinance number 154028.
- **CU 106-87/SRZ 10-87:** Conditional Use and Site Review request for an excavation and fill request. Approved with conditions September 3, 1987.
- **MP 72-87:** Request for a three-lot Minor Partition. Approved November 25<sup>th</sup>, 1987. Zoning at the time was GI-2, LN & SR, but no other information is available in City records.
- **LUR 91-00217 EF:** Excavation and Fill review for 15,000 cubic yards to increase elevation of site to 2 feet above street grade. Case withdrawn on May 20, 1991.
- **LUR 91-00557 EN:** Environmental review for a 16-acre fill and an accompanying wetland creation project within the environmental conservation zone, approved with conditions. Both the “mitigation site” and “fill site” covered in this review do not involve the subject parcel for this review.
- **LUR 98-00765 MP:** Two-lot Minor Partition which created the subject parcel (Parcel 2)

and the adjacent property (Parcel 1), which contains an Existing Medical Office building. Condition C.3, which requires a pedestrian connection to the existing development on Parcel 1 at the time of development of Parcel 2, is the subject of this land division amendment.

- **LUR 01-00198 CU AD:** Approval of a **Conditional Use Review** to allow a new five-story hotel with pedestrian walkways, structured parking, a transit-oriented pedestrian place, landscaping and other site amenities. The proposed hotel was approved with the requested 68,182 square feet of floor area and adjustment to 33.140.215 and 33.515.205. This conditional use review and adjustment approval for the future hotel to be developed on Parcel 2 has expired.

**Agency Review:** A Notice of Proposal in your Neighborhood was mailed on **October 20, 2017**. The following Bureaus (Exhibit E.1-E.8) have responded with no objections or concerns about this land division amendment to eliminate this condition C.3 of LUR 98-00765 MP:

- Bureau of Environmental Services
- Bureau of Transportation
- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- Urban Forestry – Parks Bureau
- Life Safety Section of BDS

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **October 20, 2017**. A total of two written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

Both the adjacent neighbor (Columbia Medical Plaza LLC) and Parkrose Neighborhood Association raised concerns regarding the future development on this parcel. The site plan shown in the land use review notice for Parcel 2, was the applicant's proposal to modify the condition with a different location for the pedestrian connection. The request to Modify Condition C.3 and pedestrian connection standard is discussed further under the approval criteria finding listed below.

The review of the future development is not part of this land division amendment request. At the time of building permit application, the future development will be reviewed for compliance with Title 33 development standards and other service bureaus requirements.

Please contact the State DEQ for requirements for underground gas tanks related to the future development. Please contact the applicant regarding questions about the future development design and layout.

The adjacent property owner, Columbia Medical Plaza LLC, who owns Parcel 1 of Partition Plat 1997-27 wrote in to state they have no objection to this application to solely remove Condition 3 of the land division approval under case no. LUR 98-00765 MP (Exhibit G.4).

## **ZONING CODE APPROVAL CRITERIA**

### **3.663.320 Approval Criteria**

**Changes to an approved Preliminary Plan will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met:**

- A. Approval criteria for changes listed in Subsection 33.662.310.B. Changes to the Preliminary Plan that are listed in subsection 33.662.310.B must meet the approval criteria of Section 33.662.120, Approval Criteria.**
- B. Approval criteria for other changes. All other changes to the Preliminary Plan must meet the following approval criteria:**
  - 1. The proposed changes are not substantial enough, singly or in combination, to warrant a new review of the entire Preliminary Plan;**
  - 2. The proposed changes continue to comply with the finding made for the approval of the Preliminary Plan; and**

**3. The approval criteria addressed by the approval of the Preliminary Plan can still be met, with appropriate conditions of approval.**

**Findings:** A land division application under Land Use Case File #LUR 98-00765 MP to create two parcels received preliminary approval by the City with conditions on October 28, 1998. A final plat application was subsequently approved by the City on February 11, 1999 and the Final Plat survey was recorded with Multnomah County on February 18, 1999. The legal description for the new lots created is Parcel 1 and Parcel 2 of Partition Plat 1999-27. The applicant is proposing to eliminate condition C.3 of LUR 98-00765 MP. This change is processed through the same procedure type as was used for the preliminary plan, currently a Type Ix review. The approval criteria is Section 33.662.320.A & 33.662.120.

The proposed request to eliminate or modify Condition C.3 is not substantial enough to warrant a new review of the entire preliminary plan. A majority of the conditions of approval have been satisfied as they were required prior to final plat approval to create the lots. The pedestrian connection of Condition C.3 was intended for the existing Medical Office building on Parcel 1 and to ensure that it occurred prior to occupancy of any new building on Parcel 2.

The relevant criteria are found in Section 33.662.120 [A-K], Approval Criteria for Land Divisions in C, E and I zones.

The following table summarizes each criterion's applicability

<b>Criterion</b>	<b>Code Chapter</b>	<b>Topic</b>	<b>Applicability Findings</b>
A	33.614	Lots	<b>Applicable - See findings below.</b>
B	33.630	Tree Preservation	Not Applicable – No change
C	33.631	Flood Hazard Area	Not applicable - The site is not within the flood hazard area.
D	33.632	Potential Landslide Hazard Area	Not applicable - The site is not within the potential landslide hazard area.
E	33.633	Phased Land Division or Staged Final Plat	Not applicable
F	33.635 .100	Clearing and Grading	Not applicable – No change
F	33.635 .200	Land Suitability	Not applicable. No change
G	33.636	Tracts and Easements	Not applicable - No tracts or easements will be required as part of this review.
H	33.639	Solar Access	Not Applicable – No change
I	33.640	Streams, Springs, and Seeps	Not applicable - No streams, springs, or seeps evident on the site.
J	33.641	Transportation Impacts	Not applicable- No changes
K	33.651	Water Service	Not applicable – No change in service
	33.652	Sanitary Sewer Disposal Service	Not applicable – No change in service
	33.653	Stormwater Management	Not applicable – No change in service
	33.654.110. B.2-B.4	Connectivity & Location of Rights-of-Way	Not applicable- No change
	33.654.120. A-G	Design of Rights-of-Way	Not Applicable – No change in streets

Criterion	Code Chapter	Topic	Applicability Findings
	33.654.120. H	Standard for Street Trees	Not applicable- No change
	33.654.130. A-B	Utilities	Not applicable –No change in utilities

**Applicable Approval Criteria are:**

**A. Lots. The standards and approval criteria of Chapters 33.613 through 33.615 must be met.**

**Findings:** Chapter 33.614 contains the lot standards applicable in the Employment Zones. The lot dimensions required are shown in the following table:

	Min. Lot Area (square feet)	Min. Dimensions (feet)	Min. Front Lot Line (feet)
<b>EG2 Zone Standard A</b>	20,000	100 x 100	35
<b>EG2 zone Standard B</b>	10,000	75 x 75	35
Existing platted Parcel 1 Site with Existing Medical Office Building 5847 NE 122 <sup>nd</sup> Avenue	65,340 s.f.	Exceeds minimum of 100 ft. x 100 ft.	49 ft. along NE Ainsworth Circle
Existing vacant Parcel 2	30,928 s.f.	Exceeds minimum of 100 ft. x 100 ft.	66.5 ft. along NE Airport way

**Title 33 Development Standards and 33.700.015 Review of Land Divisions**

1. Conforming development. If a proposed land division will cause conforming development to move out of conformance with any regulation of the zoning code, and if the regulation may be adjusted, the land division request must include a request for an adjustment. If an adjustment to the regulation is prohibited, the land division is prohibited.
2. Nonconforming development. If a proposed land division will cause nonconforming development to move further out of conformance with any regulation of the zoning code, and if the regulation may be adjusted, the land division request must include a request for an adjustment. If an adjustment to the regulation is prohibited, the land division is prohibited.

**Findings:** There are no changes to the lot areas or dimensions for each of these platted parcels created by LUR 98-00765 MP and platted as Parcel 1 and Parcel 2 of Partition Plat 1999-27 with Multnomah County Deeds and Records on February 8, 1990, document number 99034328 (Exhibit G.4 & G.5). Each parcel is still in compliance with the EG2 lot size standard. This approval criterion is being addressed under this land division amendment since the existing medical office building on platted Parcel 1 was reviewed for compliance with Title 33 development standards as part of the original land use review, LUR 98-00765 MP (Exhibit G.4) under the Lots & Parcels criterion for old land division code Title 34. As part of that land division proposal the City reviewed the existing development, in this case the medical office building, on its new lot (Parcel 1) to determine if it remained in compliance or did not move further out of conformance with Title 33 development standards. One of those development standards is the pedestrian connection (33.140.140.B), which resulted in Condition C.3, since the supplemental survey submitted in 1998 showed the existing office building did not have a 6-ft. wide pedestrian connection from NE Ainsworth Circle to its main entrance.

*Condition 3 states the following: Prior to final inspection or any occupancy of any new structure on Parcel 2, a pedestrian connection shall be constructed from*

*N.E. Ainsworth Circle to the existing building on Parcel 1. Construction of this pedestrian connection may occur at the time of development of Parcel 2. This pedestrian connection shall meet the standards of Section 33.140.140.B.*

The applicant is requesting to eliminate this condition or modify this condition. The proposed modification is to allow the pedestrian connection to be developed on Parcel 2 and end at the property boundary to Parcel 1. This proposed modification would not provide a pedestrian connection to the existing medical office on Parcel 1, but would end at the property boundary, which is adjacent to the parking lot area for Parcel 1. This modification request does not meet the pedestrian standard 33.140.140.B, which requires a 6-ft wide pedestrian connection to the main entrance of the medical office building on Parcel 1.

In 1998 both Parcels were owned by Legacy Health Systems and owner at that time agreed to the condition, so there was no need for an access easement. Now each Parcel is under a separate ownership and even though there is a condition created by the 1998 land division, the adjacent property owner (Parcel 1) per the applicant will not give permission to construct the pedestrian connection on their property (Exhibit A.1), resulting in this request to eliminate the condition of approval.

The original land division case noted the incorrect building permit number (BLD 95-00315) that permitted construction of the medical office building on Parcel 1. The correct building permit number which allowed for the construction of the medical office on Parcel 1 is BLD 95-03314. The medical office received a certificate of occupancy on October 8, 1996. During the original 1998 land use decision the planner referenced the building permit, but did not review the actual approved building permit plans. Due to this land division amendment request the original approved microfiche building plans were reviewed. The original architectural and landscape site plans and a revision to the main site plan (Exhibit G.6) show only a pedestrian connection from the main entrance of the medical office building to NE Airport Way and NE 122<sup>nd</sup> Avenue. Therefore, the City approved plans document the existing medical office building was already nonconforming with the pedestrian development standard. The City approved building plans show there was no pedestrian connection to NE Ainsworth Circle when the building was approved to be developed on the site as a whole prior to the land division proposal. Therefore, the existing medical office building on Parcel 1, did not move further out of conformance with the zoning code due to the 1998 land division and there was no nexus to require the pedestrian connection to the existing medical office building on Parcel 1.

Parkrose Neighborhood Association asked for clarification on the land division amendment request and felt there is a need for the pedestrian connection from N.E. Ainsworth Circle to the existing development on Parcel 1. As discussed above, the existing medical office building on Parcel 1 is existing nonconforming with regards to the pedestrian development standard (33.140.140.B.) since there is no 6-ft. wide pedestrian connection from NE Ainsworth Circle to the main entrance of the medical office building. The zoning code addresses nonconforming development under Section 33.258.070.D.2. of the Title 33 Portland Zoning Code. In the future if a building permit application is submitted for the existing medical office building on Parcel 1 and the valuation of the alteration triggers the site to be brought into conformance with specific development standards listed under this section of the code, one of the listed development standards that would be triggered to be brought into compliance is the pedestrian connection standard. Therefore, in the future under Section 33.258.070.D.2, the owner of Parcel 1 may be required to construct the pedestrian connection to NE Ainsworth Circle to the main entrance of their medical office building.

In 1998 the City did not request a pedestrian access easement over the pole portion of Parcel 1 and there was no condition to not sell the lots separately under the original land use decision to ensure this condition could be implemented and enforced. Currently both parcels are under separate ownership, therefore it is difficult to implement a condition of approval when one property owner will not allow the other property owner access to their property.

The findings above show that the lot dimension standards are still met and the existing development on Parcel 1 did not move further out of conformance with Title 33 development

standards due to the 1998 land division. Therefore, this approval criterion is met and Condition C.3 is not necessary.

### OTHER TECHNICAL REQUIREMENTS

No Technical decisions have been made as part of this land division amendment request to eliminate Condition C.1 of LUR 98-00765 MP. The service bureaus have no objections or issues with this land division amendment to eliminate Condition C.3 of LUR 98-00765 MP. Bureau of Environmental Services, Urban Forestry and Life Safety Section of BDS have provided additional information as a courtesy to the applicant in regards their technical requirement when development occurs on Parcel 2. The future development on Parcel 2 will be reviewed for compliance with the different Service Bureaus requirements at the time of building permit application.

Bureau	Code Authority and Topic
Development Services/503-823-7300 <a href="http://www.portlandonline.com/bds">www.portlandonline.com/bds</a>	Title 24 – Building Code, Flood plain Title 10 – Erosion Control, Site Development Administrative Rules for Private Rights-of-Way
Environmental Services/503-823-7740 <a href="http://www.portlandonline.com/bes">www.portlandonline.com/bes</a>	Title 17 – Sewer Improvements 2008 Stormwater Management Manual
Fire Bureau/503-823-3700 <a href="http://www.portlandonline.com/fire">www.portlandonline.com/fire</a>	Title 31 Policy B-1 – Emergency Access
Transportation/503-823-5185 <a href="http://www.portlandonline.com/transportation">www.portlandonline.com/transportation</a>	Title 17 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489 <a href="http://www.portlandonline.com/parks">www.portlandonline.com/parks</a>	Title 11 –Trees
Water Bureau/503-823-7404 <a href="http://www.portlandonline.com/water">www.portlandonline.com/water</a>	Title 21 – Water availability


### CONCLUSIONS

The applicant has proposed a land division amendment to eliminate or modify condition C.3 of LUR 98-00765 MP, which required a pedestrian connection to be constructed to the existing development on Parcel 1 prior to final inspection or any occupancy of any new structure on Parcel 2. As discussed in this report, lot dimension regulations are still met and will continue to be met. The existing medical office building at the time of the 1998 land division application was already existing nonconforming in regards to not having a pedestrian connection from NE Ainsworth Circle to the main entrance of the building. The creation of Parcel 1 with the existing medical office building did not move the existing development further out of compliance with Title 33 development standards and therefore Condition 3 was not necessary to approve the land division proposal. The relevant Land Division approval criteria affected by this request to eliminate Condition C.3 of LUR 98-00765 MP continue to be met. As such, the Land Division-Partition Amendment should be approved.

### ADMINISTRATIVE DECISION

Approval of a land division amendment to eliminate Condition C.3 of LUR 98-00765 MP.

Staff Planner: Lois Jennings

Decision rendered by:  on December 8, 2017

By authority of the Director of the Bureau of Development Services

**Decision mailed on December 12, 2017**

**About this Decision.** This land use decision is **not a permit** for development. A Final Plat must be completed and recorded before the proposed lots can be sold or developed. 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 July 3, 2017, and was determined to be complete on October 16, 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 July 3, 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: February 13, 2018.**

**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.

**This decision, and any conditions associated with it, is final.** It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further 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](http://www.portlandonline.com).

**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 on or after **December 13, 2017** by the Bureau of Development Services.

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

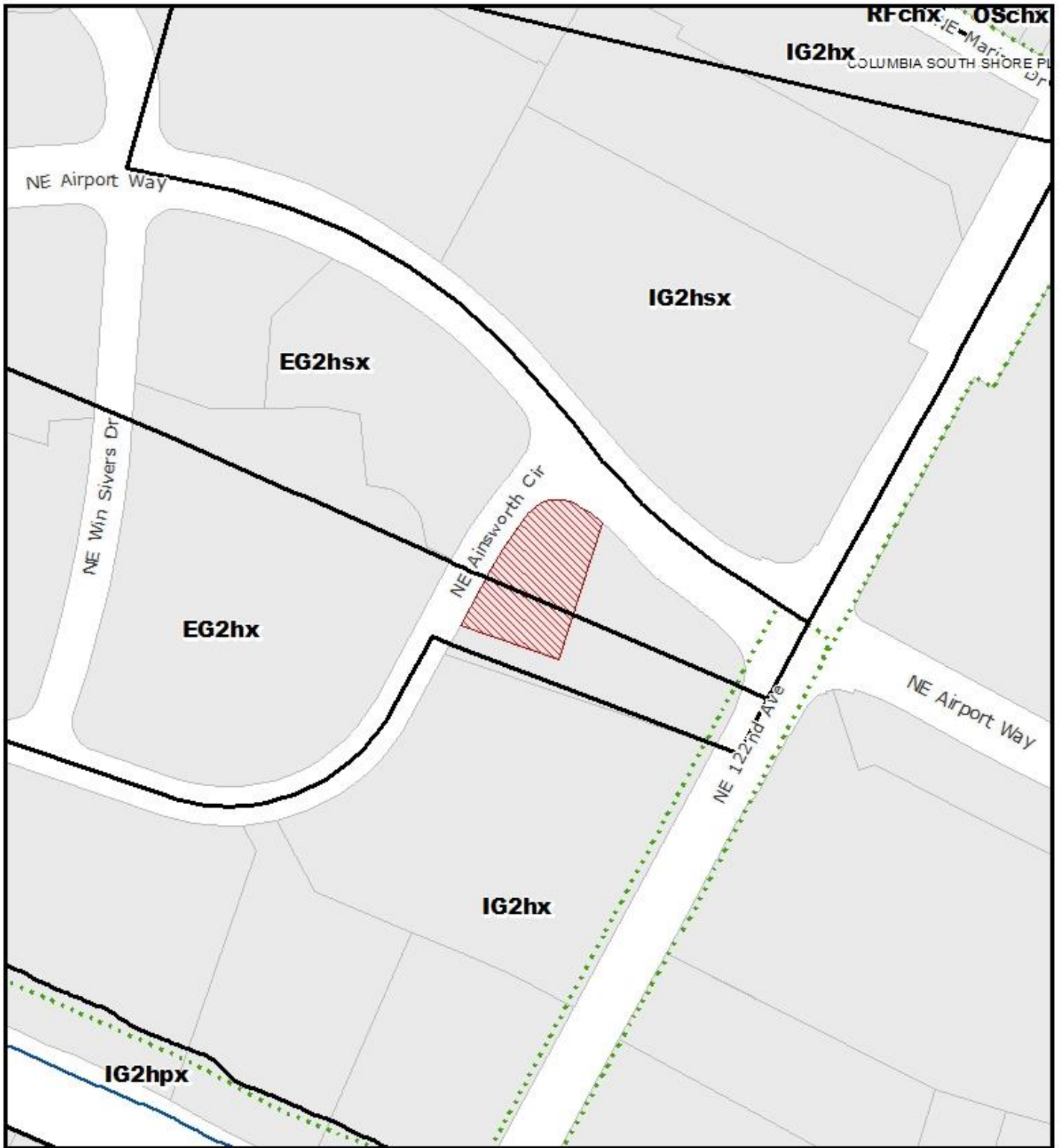
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Information
  - 1. Narrative dated September 19, 2017
  - 2. Site plan
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan
  - 2. Parcel 2 Site plan showing modification request to have proposed pedestrian connection on Parcel 2 and end at Parcel 1's boundary
- 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 Section of BDS
- F. Correspondence:
  - 1. Parkrose Neighborhood Association -Annette Stanhope, October 24, 2017, Gas Station & DEQ
  - 2. Parkrose Neighborhood Association-Michelle Kimble, October 30, 2017, Clarification of land division amendment request & pedestrian connection
  - 3. Reeves, Kahn, Hennessy & Elkins- Gary Kahn (attorney for Columbia Medical Plaza LLC), November 17, 2017, Condition C.3 and future use
- G. Other:
  - 1. Original Land Use Review Application
  - 2. Land Use Review Application signed by owner of property
  - 3. Incomplete letter dated July 21, 2017
  - 4. Copy of LUR 98-00765 MP Decision and Final Plat Decision
  - 5. Copy of Recorded Final Plat
  - 6. Copy of Original Site Plan received from microfiche of approved building plans
  - 7. E-mail Communications with Applicant & Applicant's representative from August 2017-October 2017

**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

 NORTH

THIS SITE LIES WITHIN THE:  
COLUMBIA SOUTH SHORE PLAN DISTRICT

-  Site
-  Stream
-  Recreational Trails

File No.	LU 17-197448 AP
1/4 Section	2443
Scale	1 inch = 200 feet
State ID	1N2E14C 602
Exhibit	B Jul 06, 2017