



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

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**FINAL FINDINGS AND DECISION BY THE DESIGN**  
**COMMISSION RENDERED ON May 02, 2019**

**CASE FILE NUMBER: LU 19-102941 DZ GW**  
**PC # 18-202834**

**Ross Island Bridge Conduit**

**BUREAU OF DEVELOPMENT SERVICES STAFF:** Arthur Graves 503.823.7803  
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The Design Commission has **approved** a proposal in your neighborhood. This document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, 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.

**GENERAL INFORMATION**

**Applicant:** Jewel Stevenson | MGC Technical Consulting | 206.661.0163  
6244 185th Ave NE, Suite 250 | Redmond, WA 98052  
jewel@mgctechnical.com

**Owners:** State of Oregon (Department of Transportation)  
123 NW Flanders Street | Portland, OR 97209

**Representative:** Joseph Kleinsasser | Zayo Group  
18110 SE 34th Street, #100 | Vancouver, WA 98683

**Location:** Beginning near SW Naito Parkway, continuing east across the Ross Island Bridge, and terminating near SE McLoughlin Boulevard

**Legal Description:** BLOCK 101 LOT 1-4 TL 100, CARUTHERS ADD; BLOCK 117 E 40' OF LOT 8, CARUTHERS ADD; BLOCK 117 N 25' OF W 60' OF LOT 8, CARUTHERS ADD; BLOCK 1 TL 700, WINDEMUTH; TL 200 8.40 ACRES, SECTION 10 1S 1E; TL 100 14.41 ACRES, SECTION 10 1S 1E

**Tax Account No.:** Right of Way (ROW)  
**State ID No.:** Right of Way (ROW)  
**Quarter Section:** 3230, 3329, 3330, & 3331  
**Neighborhood:** Brooklyn Action Corps, contact Don Stephens at shreddad@me.com, South Portland NA., contact Jim Gardner at 503-227-2096 & Hosford-Abernethy, contact chair@handpdx.org.

**Business District:** Central Eastside Industrial Council, contact ceic@ceic.cc, South Portland Business Association, contact info@southportlanddba.com, & Greater Brooklyn, contact at greaterbrooklynba@gmail.com

- District Coalition:** Southeast Uplift, contact Leah Fisher at 503-232-0010 & Southwest Neighborhoods Inc., contact Sylvia Bogert at 503-823-4592.
- Plan District:** Central City - South Waterfront & Central City - Central Eastside
- Other Designations:** *Lower Willamette River Wildlife Habitat Inventory* – Resource Sites #19.1A – Ross Island S & G Processing Area, #20.2A – Pacific Metal Property, and #20.2B – Pacific Metal Property (Upland)
- Zoning:** *Base Zones:* Central Commercial (CX), Commercial/Mixed Use 2 (CM2), Open Space (OS), High Density Residential (RH)  
*Overlay Zones:* Design (d), Greenway - River General (g), Greenway - River Natural (n), Greenway - River Water Quality (q), Scenic Resource Zone (s)
- Case Type:** DZ – Design Review, GW – South Waterfront Greenway Review & Greenway Review
- Procedure:** Type III, with a public hearing before the Design Commission. The decision of the Design Commission can be appealed to City Council.

**Proposal:**

The applicant’s proposal consists of installing 5,161 linear feet of new 8-inch conduit along the southern portion of the Ross Island Bridge for the purposes of accommodating fiber optic cable for internet and communication services. The 8-inch conduit will begin just west of SW Naito Parkway connecting from proposed pipe approved under a Portland Bureau of Transportation (PBOT) Permit and continue east across the bridge where it connects to existing pipe near SE McLoughlin Boulevard. The work will be conducted via bucket truck with all tools and materials being attached to lanyards to prevent detritus from entering the Willamette River. Minor ground disturbance (6 square feet) is expected on the east side of the bridge where the conduit transitions from above to below grade; and on the west side near the Highway 26 on-ramp where (3) 24” x 36” x 24” vaults will be installed for fiber storage.

The conduit crosses multiple properties that, in addition to the Ross Island Bridge, cumulatively make up the project site (see attached Zone Map). Additionally, the conduit spans several different base zones, overlay zones, plan districts, and subdistricts. The triggers for the multiple land use reviews required for approval by this proposal are listed below:

- ❖ Alterations to existing development within Greenway overlay zones triggers a Type II Greenway Review.
- ❖ New development, or changes to the land or structures, riverward of top of bank, including excavations and fills, bridges, and docks, unless exempted by Paragraph 33.510.253.E.4, require approval through a Type III South Waterfront Greenway Review.
- ❖ Type III Design Review is triggered by Portland Zoning Code 33.851 (South Waterfront Greenway Review), specifically 33.851.100.B.1.

**Relevant Approval Criteria:**

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

- ❖ Section 33.440.350 – Greenway Review Approval Criteria
- ❖ Section 33.851.300 – South Waterfront Greenway Review Approval Criteria
- ❖ For Type III Design Review:
  - Central City Fundamental Design Guidelines; and
  - South Waterfront Greenway Design Guidelines.
  - Oregon Statewide Planning Goals.

## ANALYSIS

**Site and Vicinity:** The existing Ross Island Bridge is located approximately 14.3 river miles upstream of the Willamette River's confluence with the Columbia River. The Ross Island Bridge spans the Willamette River, providing east-west connectivity to Portland's southern end.

The Willamette River between Willamette Falls and the mouth of the Willamette River at the Columbia River has been straightened, channelized, dredged, and filled. Overall, it has been narrowed and deepened, resulting in the loss of important natural channels, minimizing the interaction between the river, the riparian area, and floodplain vegetation. Additional information about the greenway resources is included in the sections, below.

Land uses on the west side of the Willamette River near the project area include high-density residential and multi-dwelling development. Land uses on the east side of the Willamette River near the project area include a mix of industrial and commercial / mixed-use development.

**Greenway Resources:** There are three designated habitat areas within the project site. The eastern portion of the site (middle of the bridge east to SE McLoughlin Boulevard) has been identified in the *Willamette River Wildlife Habitat Inventory* as Resource Site #19.1A –Ross Island S & G Processing Area. Site #19.1A scored a 16 (out of 114) in the Inventory's habitat assessment, giving it a Rank V designation.

The western portion of the site (middle of the bridge westward approximately 900 feet) has been identified in the Inventory as Sites #20.2A – Pacific Metal Property and #20.2B – Pacific Metal Property (Upland). Site #20.2A scored a 30 and Site #20.2B scored an 8 in the Inventory's habitat assessment, giving them a Rank IV and V designation, respectively.

Sites with such rankings are noted as generally having little or no value for wildlife due to extensive development; yet, they are also noted as areas that could be greatly improved with revegetation and other rehabilitation efforts

### **Zoning:**

The Central Commercial base zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together. The provisions of this zone allow this use; these provisions are not specifically addressed through this Review.

The Commercial/Mixed Use 2 base zone is a medium-scale zone intended for sites in a variety of centers, along corridors, and in other mixed-use areas that have frequent transit service. The zone allows a wide range and mix of commercial and residential uses, as well as employment uses that have limited off-site impacts. Buildings in this zone will generally be up to four stories tall unless height and floor area bonuses are used, or plan district provisions specify other height limits. Development is intended to be pedestrian-oriented, provide a strong relationship between buildings and sidewalks, and complement the scale of surrounding residentially zoned areas. The regulations of this zone do not apply to this proposal; these provisions are not specifically addressed through this Review.

The Open Space base zone is intended to preserve public and private open and natural areas to provide opportunities for outdoor recreation and a contrast to the built environment, preserve scenic qualities and the capacity and water quality of the stormwater drainage system, and to protect sensitive or fragile environmental areas. No new uses are proposed within the OS zone and the regulations of this zone do not apply to this proposal; the OS provisions are not specifically addressed through this Review.

The High-Density Residential base zone is a high density multi-dwelling zone. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use is regulated by floor area ratio (FAR) limits and other site development standards. Generally, the density will range from 80 to 125 units per acre. Allowed housing is characterized by medium to high height and a relatively high percentage of building coverage. The major types of new housing development will be low, medium, and high-rise apartments and condominiums. Generally, RH zones will be well served by transit facilities or be near areas with supportive commercial services. The regulations of this zone do not apply to this proposal; these provisions are not specifically addressed through this Review.

The Design overlay zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

The Scenic Resource 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 regulations of this zone do not apply to this proposal; these provisions are not specifically addressed through this Review.

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 Central City plan district implements the Central City Plan and other plans applicable to the Central City area. The district implements portions of these plans by adding code provisions which address special circumstances existing in the Central City area. The purpose of this land use review is to ensure compliance with the regulations of the Central City Plan District's South Waterfront Subdistrict.

**Land Use History:** This proposal has no effect on prior land use history.

**Agency Review:** A "Notice of proposal in Your Neighborhood" was mailed on **April 12, 2019**. The following Bureaus have responded with no issues or concerns:

1. Bureau of Development Services Life Safety / Building Code Section: Geoffrey Harker: April 11, 2019. With no concerns. (Exhibit E-1).
2. Portland Bureau of Transportation: Robert Haley: April 16, 2019. With no concerns. (Exhibit E-2).
3. Fire Bureaus: Dawn Krantz, April 16, 2019. With no concerns. (Exhibit E-3).
4. Bureau of Development Services Site Development: Jeff Duquette: April 16, 2018. With no concerns. (Exhibit E-4).
5. Parks Bureau, Urban Forestry: Joel Smith: April 16, 2019. With no concerns. (Exhibit E-5).

6. Portland Water Bureau: Mari Moore: April 16, 2019. With no concerns. (Exhibit E-6).
7. Bureau of Environmental Services: Rosa Lehman: April 19, 2019. Issues mentioned include the following below. See Exhibit E-7 for additional information.

BES does not object to approval of the design/ greenway review application, provided that the applicant modify the alignment in order to avoid conflict with BES assets.

There are several BES pipes in the vicinity. All BES assets and easements must be shown on plans. The applicant is not currently showing all BES assets on plans and buffer distance shown is in some cases inadequate. This must be rectified through the utility permit. The proposed development will be subject to BES standards and requirements during the permit review process.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **April 12, 2019**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

### **(1) GREENWAY REVIEW (33.440)**

#### **Title 33.440.350 Approval Criteria for Greenway Review**

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 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 the approval criteria are met.

**Findings:** The approval criteria which apply to the eastern portion of the conduit installation (middle of the bridge east to SE McLoughlin Boulevard) are found in Section 33.440.350. The applicant has provided findings for these approval criteria and BDS Land Use Services staff has revised these findings, where necessary, to address the approval criteria.

#### **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. A complete description of the Design Guidelines and their applicability is provided in Appendix C of the *Willamette Greenway Plan*.

The Design Guidelines are grouped in a series of eight Issues as discussed below. The Guidelines have been regrouped according to similarity of 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:

##### **Guidelines:**

- 1. Structure Design**
- 2. Structure Alignment**

**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 the integration of

the Greenway Trail into new development, as well as the provision of features such as viewpoints, plazas, or view corridors:

**Guidelines:**

- 1. Public Access**
- 2. Separation and Screening**
- 3. Signage**
- 4. Access to Water's Edge**

**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:

**Guidelines:**

- 1. Year-round Use**
- 2. Habitat Protection**
- 3. Alignment**

**Findings:** No structures are proposed within the Greenway Setback and the site does not contain a Greenway Trail Designation nor does it front the river. Further, the proposed conduit will not affect the alignment of the existing Greenway Trail as no structures or ground disturbance are proposed within the vicinity of the trail. *Therefore, Issues A, B, and F do not apply.*

**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**
- 2. Riparian Habitat**

**Findings:** The applicant does not propose to alter the riverbank for the purposes of this project. According to the natural resources inventory, the project site contains Rank IV and V (low quality) designations with relatively little value in their ability to attract wildlife species. *Therefore, this guideline does not apply.*

**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**

**Findings:** This proposal does not propose riverbank stabilization measures; *therefore, this guideline does not apply.*

**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.” These guidelines call 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**

### 3. Transition

**Findings:** The project site does not contain river-frontage and therefore is not subject to the landscape requirements of the Greenway chapter of Title 33 (33.430). *Therefore, Issue E does not apply.*

**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:

**Guidelines:**

1. Design
2. Facilities

**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:

**Guidelines:**

1. Right-of-way Protection
2. View Protection
3. Landscape Enhancement

**Findings:** The *Willamette Greenway Plan* does not identify viewpoints or view corridors on the project site. *Therefore, guidelines G and H do not apply.*

**Summary of Issue Findings:** The design guidelines in Issues A, B, C, D, E, F, G, and H are not applicable. *Therefore, this criterion is not applicable.*

- 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 project site is not located within the River Industrial overlay zone; *therefore, this criterion does not apply.*

- 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 proposed remediation 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:** Approximately 6 square feet of temporary disturbance is proposed within the River Natural overlay zone. This minor disturbance is necessary to transition the conduit from above grade to below grade. All disturbance will be conducted using hand-held equipment (shovels) and will be backfilled to original grade immediately after the conduit connection is made. Considering all disturbance is minor and temporary and

will not result in significant detrimental impacts on the wildlife, wildlife habitat, and scenic qualities of the lands zoned River Natural, *these criteria are met.*

- 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 project site is not located within a Rank I or II wildlife habitat area and no ground disturbance or development will occur on the ground within the Greenway Setback. *Therefore, 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 the following criteria:

1. The proposal will not result in the significant loss of biological productivity in the river;
2. The riverbank will be protected from wave and wake damage;
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, and berthing movements;
  - c. Interfere with fishing use of the river;
  - d. Significantly add to recreational boating congestion; and
4. The request will not significantly interfere with beaches that are open to the public.

**Findings:** The proposal does not require any ground disturbance or work riverward of the greenway setback except for on the bridge itself ergo no impacts are expected because of conduit installation. Therefore, since no impacts (temporary or permanent) riverward of the Greenway Setback are expected to result from this proposal, *this criterion is met.*

- 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 following approval criteria must be met:

5. Other development in the River Water Quality overlay zone setback. Where development, exterior alterations, excavation, or fill is proposed in the River Water Quality overlay one setback, the applicant impact valuation must demonstrate that all the following are met:
  - a. Proposed development minimized the loss of functional values, consistent with allowing those uses generally permitted or allowed in the greenway overlay one without a land use review;
  - b. Proposed development locations, designs, and construction methods are less detrimental to the functional values of the water quality resource area than other practicable and significantly different alternatives including alternatives outside the River Water Quality overlay zone setback;
  - c. There will be no significant detrimental impact on functional values in areas designated to be left undisturbed;
  - d. Areas disturbed during construction that do not contain permanent development will be restored with native vegetation appropriate to the site conditions and found in the *Portland Plant List*;
  - e. All the significant detrimental impacts on functional values will be offset through mitigation;
  - f. The mitigation plan meets the requirements of Subsection 33.440.350.H;

- g. The mitigation plan ensures that the proposed development will not contribute to a cumulative loss of functional values over time; and
- h. Where significant restoration or enhancement opportunities have been identified in the City-adopted watershed restoration plans or where previous restoration project have taken place, the proposed development will not preclude those restoration or enhancement opportunities or damage existing restoration projects.

**Findings:** The proposal requires 6 square feet of temporary disturbance within the River Water Quality overlay zone where the conduit transitions from above to below grade. All disturbance will be conducted using hand-held equipment (shovels) and will be backfilled to original grade immediately after the conduit connection is made. Considering that the proposed is disturbance is both minor and temporary and thus will have no detrimental impacts to functional values existing within the River Quality overlay zone, *this criterion is met.*

**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 mitigation will occur on-site or as close to it as possible; that the applicant owns the mitigation site; and that the mitigation plan contains a construction timetable as well as monitoring and maintenance plans.

**Findings:** The proposal requires 6 square feet of temporary disturbance within the River Water Quality overlay zone where the conduit transitions from above to below grade. The proposed disturbance will be temporary, and the disturbed area restored immediately upon completion of construction. Considering the proposed disturbance will be both minor and temporary and therefore will not have significant detrimental impacts that require mitigation, *this criterion is not applicable.*

### **Title 33.851.300 Approval Criteria for South Waterfront Greenway Review**

Requests for a South Waterfront greenway review will be approved if the review body finds that the applicant has shown that all the following approval criteria are met:

**Findings:** The approval criteria which apply to the western portion of the conduit installation (middle of the bridge westward approximately 900 feet) are found in Section 33.851.300. The applicant has provided findings for these approval criteria and BDS Land Use Services staff has revised these findings, where necessary, to address the approval criteria.

**A. Consistent with the purpose of the South Waterfront greenway.** The following approval criteria must be met for all proposals:

1. When compared to the development required by the standards of 33.510.253, the proposal will better enhance the natural, scenic, historical, economic, and recreational qualities of the greenway;
2. When compared to the development required by the standards of 33.510.253, the proposal will better ensure a clean and healthy river for fish, wildlife, and people;
3. When compared to the development required by the standards of 33.510.253, the proposal will better embrace the river as Portland's front yard; and
4. When compared to the development required by the standards of 33.510.253, the proposal will better provide for stormwater management.

**Findings:** The proposed work will be constructed similar to existing conduit attachment located on the north side of the bridge. In addition, construction crews will complete the bridge attachment on the under-side of the bridge; no changes to the bridge will be visible to the public eye. Equipment and materials will be attached to lanyards to prevent

materials falling into the river and no ground disturbance is proposed within the South Waterfront Subdistrict. Further, no impacts to stormwater management will occur because of this proposal. *Therefore, this criterion is met.*

**B. Development riverward of top of bank.** If development is proposed riverward of top of bank, the following approval criteria must be met:

1. The riverbank will be protected from wave and wake damage; and
2. The proposal will not:
  - a. Result in the significant loss of biological productivity in the river;
  - b. Restrict boat access to adjacent properties;
  - c. Interfere with the commercial navigational use of the river, including transiting, turning, passing, and berthing movements;
  - d. Interfere with fishing use of the river;
  - e. Significantly add to the recreational boating congestion; and
  - f. Significantly interfere with beaches that are open to the public.

**Findings:** The project does not propose to place new structures or disturb ground riverward of the top of bank. All work within the South Waterfront Subdistrict will take place on the bridge. As noted above, equipment and materials will be attached to lanyards to prevent materials falling into the river. Therefore, since there will be no impact to the riverbank or recreational or navigational boating, *this criterion is met.*

**C. Proposals that do not meet the requirements of 33.510.253.E** If the proposal does not meet all the standards of Subsection 33.510.253.E, the following approval criteria must be met:

1. The proposal will restore and enhance the natural character of the area adjacent to the river and will allow more significant creation of habitat for fish and wildlife that could aid in supporting the recovery of native species of fish; and
2. The proposal will support or enhance the function of the greenway area as an active and vibrant waterfront and will provide sufficient opportunities for human interaction within the greenway.

**Findings:** The project site is the bridge itself and does not contain river frontage. Further, the applicant does not propose to place structures or disturb ground adjacent to the river or within the Greenway area. Therefore, development standards in Subsection 33.510.253.E do not apply, *and therefore this criterion does not apply.*

## **(2) DESIGN REVIEW (33.825)**

### **Chapter 33.825 Design Review**

#### **Section 33.825.010 Purpose of Design Review**

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

#### **Section 33.825.055 Design Review Approval Criteria**

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

**Findings:** The site is designated with a design (d) overlay zone, therefore the proposal requires Design Review approval. Because of the site's location, the applicable design

guidelines are the Central City Fundamental Design Guidelines and the South Waterfront Design Guidelines, and the South Waterfront Greenway Design Guidelines for sites with a greenway [g] overlay zone.

### **Central City Plan Design Goals**

1. Encourage urban design excellence in the Central City;
2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City's districts;
4. Promote the development of diversity and areas of special character within the Central City;
5. Establish an urban design relationship between the Central City's districts and the Central City as a whole;
6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
7. Provide for the humanization of the Central City through promotion of the arts;
8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;
9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

### **South Waterfront Design Goals**

The South Waterfront Design Guidelines and the Greenway Design Guidelines for the South Waterfront supplement the Central City Fundamental Design Guidelines. These two sets of guidelines add layers of specificity to the fundamentals, addressing design issues unique to South Waterfront and its greenway.

The South Waterfront Design Guidelines apply to all development proposals in South Waterfront within the design overlay zone, identified on zoning maps with the lowercase letter "d". These guidelines primarily focus on the design characteristics of buildings in the area, including those along Macadam Avenue, at the western edge, to those facing the greenway and river.

The Greenway Design Guidelines for the South Waterfront apply to development within the greenway overlay zone, identified on zoning maps with a lowercase "g". These design guidelines focus on the area roughly between the facades of buildings facing the river and the water's edge.

### **South Waterfront Design Guidelines and Central City Fundamental Design Guidelines**

The Central City Fundamental Design and the South Waterfront Design Guidelines and the Greenway Design Guidelines for South Waterfront focus on four general categories. **(A) Portland Personality**, addresses design issues and elements that reinforce and enhance Portland's character. **(B) Pedestrian Emphasis**, addresses design issues and elements that contribute to a successful pedestrian environment. **(C) Project Design**, addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas**, provides design guidelines for the four special areas of the Central City.

*Staff has considered all guidelines and has addressed only those guidelines considered applicable to this project.*

**A4. Use Unifying Elements.** Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

**A5. Enhance, Embellish, and Identify Areas.** Enhance an area by reflecting the local character within the right-of-way. Embellish an area by integrating elements in new development that build on the area's character. Identify an area's special features or qualities by integrating them into new development.

**A5-1. Consider South Waterfront's History and Special Qualities.** Consider emphasizing and integrating aspects of South Waterfront's diverse history in new development proposals.

When included in the development proposal, integrate works of art and/or water features with site and development designs.

**C2. Promote Quality and Permanence in Development.** Use design principles and building materials that promote quality and permanence.

**C3. Respect Architectural Integrity.** Respect the original character of an existing building when modifying its exterior. Develop vertical and horizontal additions that are compatible with the existing building, to enhance the overall proposal's architectural integrity.

**C5. Design for Coherency.** Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

**Findings for A4, A5, A5-1, C2, C3 and C5:** Unlike the majority of new construction in South Waterfront the proposed conduit and its associated equipment to be located along the underside of the southern half of the Ross Island Bridge are intended to be well integrated and out of view so not to detract from the bridge. The proposed conduit (8-inch ballistic fiberglass that is attached to the bridge with galvanized clamps and anchors) and associated equipment are deliberately utilitarian and without ornamental flourish to be consistent with similar conduit existing on the north side of the bridge regarding their material construction, attachment to the bridge, and location under the bridge.

*Therefore, these guidelines are met.*

**B1. Reinforce and Enhance the Pedestrian System.** Maintain a convenient access route for pedestrian travel where a public right-of-way exists or has existed. Develop and define the different zones of a sidewalk: building frontage zone, street furniture zone, movement zone, and the curb. Develop pedestrian access routes to supplement the public right-of-way system through superblocks or other large blocks.

**B2. Protect the Pedestrian.** Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian. Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.

**C10. Integrate Encroachments.** Size and place encroachments in the public right-of-way to visually and physically enhance the pedestrian environment. Locate permitted skybridges toward the middle of the block, and where they will be physically unobtrusive. Design skybridges to be visually level and transparent.

**Findings for B1, B2 and C10:** Proposed conduit and its associated equipment will be located under the bridge and will not impact the functions or the aesthetics of the sidewalk or the pedestrian system.

*Therefore, these guidelines are met.*

## **South Waterfront Greenway Design Guidelines**

**2. Access Greenway Edges.** Address the edges of the greenway where it interfaces with streets and accessways, public open spaces, and bridge structures using the following Greenway Edge Guidelines (2-1 – 2-3).

**2-1. Address Streets and Accessways.** Provide clear connections to the greenway from streets and accessways.

**2-2. Address Adjacent Open Space.** Ensure continuity of design and movement between the greenway and adjacent open space.

**2-3. Address Bridges.** Design the greenway to address the visual and physical presence of the bridges.

**Findings for 2, 2-1, 2-2 & 2-3:** Proposed conduit and its associated equipment will be located under the bridge adjacent to the existing 12-inch diameter drainage pipe and will not interfere with the clear connections to the greenway from streets and accessways.

*Therefore, these guidelines are met.*

**4. Integrate Materials, Structures, and Art.** Integrate high quality, contemporary, visible, and easy-to-maintain structures and materials, which respond to context and need. Maintain consistency in structures and allow transition in paving materials where new greenway development abuts existing greenway. Ensure that the greenway trail, its access connections, and the accessways are well lit at night to create a dense of activity and security. Place and shield lighting fixtures so that they do not detract from adjacent use areas. Integrate art within the greenway through evocative forms and materials, including “found objects”.

**Findings:** The materials are high quality and easy-to maintain: the conduit (8-inch ballistic fiberglass); attachments and clamps (galvanized metal); and associated equipment (sheet metal); while being pragmatic and utilitarian so to not compete with or detract from the bridge structure.

*Therefore, this guideline is met.*

### **(3) OREGON STATEWIDE PLANNING GOALS**

#### **Oregon Statewide Planning Goals findings for site in the Central City plan district**

##### Goal 1: Citizen Involvement

Goal 1 calls for “the opportunity for citizens to be involved in all phases of the planning process.” It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a Committee for Citizen Involvement (CCI) to monitor and encourage public participation in planning.

**Findings:** The City of Portland maintains an extensive citizen involvement program which complies with all relevant aspects of Goal 1, including specific requirements in Zoning Code Chapter 33.730 for public notice of land use review applications that seek public comment on proposals. There are opportunities for the public to testify at a local hearing on land use proposals for Type III land use review applications, and for Type II and Type Ix land use decisions if appealed. For this application, a written notice seeking comments on the proposal and notifying of the public hearing was mailed to property-owners and tenants within 400 feet of the site, and to recognized organizations in which the site is located and recognized organizations within 1,000 of the site. Additionally, the site was posted with a notice describing the proposal and announcing the public hearing.

The public notice requirements for this application have been and will continue to be met, and nothing about this proposal affects the City’s ongoing compliance with Goal 1.

*Therefore, the proposal is consistent with this goal.*

##### Goal 2: Land Use Planning

Goal 2 outlines the basic procedures of Oregon’s statewide planning program. It states that land use decisions are to be made in accordance with a comprehensive plan, and that suitable “implementation ordinances” to put the plan’s policies into effect must be adopted. It requires that plans be based on “factual information”; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.

**Findings:** Compliance with Goal 2 is achieved, in part, through the City’s comprehensive planning process and land use regulations. For quasi-judicial proposals, Goal 2 requires that the decision be supported by an adequate factual base, which means it must be supported by substantial evidence in the record. As discussed earlier in the findings that respond to the relevant approval criteria contained in the Portland Zoning Code, the proposal complies with the applicable regulations, as supported by substantial evidence in the record.

*As a result, the proposal meets Goal 2.*

### Goal 3: Agricultural Lands

Goal 3 defines “agricultural lands,” and requires counties to inventory such lands and to “preserve and maintain” them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.

### Goal 4: Forest Lands

This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will “conserve forest lands for forest uses.”

**Findings for Goals 3 and 4:** In 1991, as part of Ordinance No. 164517, the City of Portland took an exception to the agriculture and forestry goals in the manner authorized by state law and Goal 2. Since this review does not change any of the facts or analyses upon which the exception was based, the exception is still valid and *Goals 3 and 4 do not apply.*

### Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources

Goal 5 relates to the protection of natural and cultural resources. It establishes a process for inventorying the quality, quantity, and location of 12 categories of natural resources. Additionally, Goal 5 encourages but does not require local governments to maintain inventories of historic resources, open spaces, and scenic views and sites.

**Findings:** The City complies with Goal 5 by identifying and protecting natural, scenic, and historic resources in the City’s Zoning Map and Zoning Code.

The only Goal 5 natural resources in the Central City plan district are located near the Willamette River. Therefore, natural resource protection in the Central City is carried out by the River overlay zones discussed below in the findings for Statewide Planning Goal 15. Per OAR 660-023-0240(2), Goal 15 supersedes Goal 5 for natural resources that are also subject to Goal 15.

Protection of scenic resources is implemented through the Scenic (“s”) overlay zone on the Zoning Map or by establishing building height limits within view corridors as shown on Map 510-3 and 510-4.

Historic resources are identified on the Zoning Map either with landmark designations for individual sites or as Historic Districts or Conservation Districts.

The Zoning Code imposes special restrictions on development activities within the River overlay zones, the Scenic overlay zone, view corridors, and designated historic resources.

This site is not within any River overlay zone, Scenic overlay zone, or designated view corridor, and is not part of any designated historic resource. *Therefore, Goal 5 is not applicable.*

Goal 6: Air, Water and Land Resources Quality

Goal 6 requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

**Findings:** Compliance with Goal 6 is achieved through the implementation of development regulations such as the City's Stormwater Management Manual at the time of building permit review, and through the City's continued compliance with Oregon Department of Environmental Quality (DEQ) requirements for cities.

*Therefore, the proposal is consistent with Goal 6.*

Goal 7: Areas Subject to Natural Disasters and Hazards

Goal 7 requires that jurisdictions adopt development restrictions or safeguards to protect people and property from natural hazards. Under Goal 7, natural hazards include floods, landslides, earthquakes, tsunamis, coastal erosion, and wildfires. Goal 7 requires that local governments adopt inventories, policies, and implementing measures to reduce risks from natural hazards to people and property.

**Findings:** The City complies with Goal 7 by mapping natural hazard areas such as floodplains and potential landslide areas, which can be found in the City's MapWorks geographic information system. The City imposes additional requirements for development in those areas through a variety of regulations in the Zoning Code, such as through special plan districts or land division regulations. The subject site is not within any mapped floodplain or landslide hazard area, so Goal 7 does not apply.

Goal 8: Recreation Needs

Goal 8 calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expediting siting of destination resorts.

**Findings:** The City maintains compliance with Goal 8 through its comprehensive planning process, which includes long-range planning for parks and recreational facilities. Staff finds the current proposal will not affect existing or proposed parks or recreation facilities in any way that is not anticipated by the zoning for the site, or by the parks and recreation system development charges that are assessed at time of building permit. Furthermore, nothing about the proposal will undermine planning for future facilities.

*Therefore, the proposal is consistent with Goal 8.*

Goal 9: Economy of the State

Goal 9 calls for diversification and improvement of the economy. Goal 9 requires communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

**Findings:** Land needs for a variety of industrial and commercial uses are identified in the adopted and acknowledged Economic Opportunity Analysis (EOA) (Ordinance 187831). The EOA analyzed adequate growth capacity for a diverse range of employment uses by distinguishing several geographies and conducting a buildable land inventory and capacity analysis in each. In response to the EOA, the City adopted policies and regulations to ensure an adequate supply of sites of suitable size, type, location and service levels in compliance with Goal 9. The City must consider the EOA and Buildable Lands Inventory when updating the City's Zoning Map and Zoning Code. Because this proposal does not change the supply of industrial or commercial land in the City, *the proposal is consistent with Goal 9.*

### Goal 10: Housing

Goal 10 requires local governments to plan for and accommodate needed housing types. The Goal also requires cities to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

**Findings:** The City complies with Goal 10 through its adopted and acknowledged inventory of buildable residential land (Ordinance 187831), which demonstrates that the City has zoned and designated an adequate supply of housing. For needed housing, the Zoning Code includes clear and objective standards. Approval of this application will not impact housing within the City. *Therefore, Goal 10 is not applicable.*

### Goal 11: Public Facilities and Services

Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.

**Findings:** The City of Portland maintains an adopted and acknowledged public facilities plan to comply with Goal 11. See Citywide Systems Plan adopted by Ordinance 187831. The public facilities plan is implemented by the City's public services bureaus, and these bureaus review development applications for adequacy of public services. Where existing public services are not adequate for a proposed development, the applicant is required to extend public services at their own expense in a way that conforms to the public facilities plan. In this case, the City's public services bureaus found that existing public services are adequate to serve the proposal, as discussed earlier in this report.

*Therefore, the proposal is consistent with Goal 11.*

### Goal 12: Transportation

Goal 12 seeks to provide and encourage "safe, convenient and economic transportation system." Among other things, Goal 12 requires that transportation plans consider all modes of transportation and be based on an inventory of transportation needs.

**Findings:** The City of Portland maintains a Transportation System Plan (TSP) to comply with Goal 12, adopted by Ordinances 187832, 188177 and 188957. The City's TSP aims to "make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs."

Under the Oregon Transportation Planning Rule (TPR), which helps to implement Goal 12, the Central City is designated as a Multi-Modal Mixed-Use Area (MMA). The MMA designation is intended to foster a mixed-use, pedestrian-friendly center that allows a high intensity of uses. Development proposals are evaluated for their anticipated impacts to the safety of the transportation system.

*Therefore, the proposal is consistent with Goal 12.*

### Goal 13: Energy

Goal 13 seeks to conserve energy and declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

**Findings:** With respect to energy use from transportation, as identified above in response to Goal 12, the City maintains a TSP that aims to "make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet

their daily needs.” This is intended to promote energy conservation related to transportation. Additionally, at the time of building permit review and inspection, the City will also implement energy efficiency requirements for the building itself, as required by the current building code.

*For these reasons, staff finds the proposal is consistent with Goal 13.*

#### Goal 14: Urbanization

This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an “urban growth boundary” (UGB) to “identify and separate urbanizable land from rural land.” It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.

**Findings:** In the Portland region, most of the functions required by Goal 14 are administered by the Metro regional government rather than by individual cities. The desired development pattern for the region is articulated in Metro’s Regional 2040 Growth Concept, which emphasizes denser development in designated centers and corridors. The Regional 2040 Growth Concept is carried out by Metro’s Urban Growth Management Functional Plan, and the City of Portland is required to conform its zoning regulations to this functional plan. This land use review proposal does not change the UGB surrounding the Portland region and does not affect the Portland Zoning Code’s compliance with Metro’s Urban Growth Management Functional Plan.

*Therefore, Goal 14 is not applicable.*

#### Goal 15: Willamette Greenway

Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.

**Findings:** The City of Portland complies with Goal 15 in the Central City by applying River overlay zones to areas near the Willamette River. These overlay zones impose special requirements on development activities. Due to the site’s proximity to the Willamette River (and associated overlay zones) a Type II Greenway Review and a Type III South Waterfront Greenway Review were required.

*Therefore, the proposal is consistent with Goal 15.*

#### Goal 16: Estuarine Resources

This goal requires local governments to classify Oregon’s 22 major estuaries in four categories: natural, conservation, shallow-draft development, and deep-draft development. It then describes types of land uses and activities that are permissible in those “management units.”

#### Goal 17: Coastal Shorelands

This goal defines a planning area bounded by the ocean beaches on the west and the coast highway (State Route 101) on the east. It specifies how certain types of land and resources there are to be managed: major marshes, for example, are to be protected. Sites best suited for unique coastal land uses (port facilities, for example) are reserved for “water-dependent” or “water-related” uses.

#### Goal 18: Beaches and Dunes

Goal 18 sets planning standards for development on various types of dunes. It prohibits residential development on beaches and active foredunes, but allows some other types of development if they meet key criteria. The goal also deals with dune grading, groundwater drawdown in dunal aquifers, and the breaching of foredunes.

### Goal 19: Ocean Resources

Goal 19 aims “to conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf.” It deals with matters such as dumping of dredge spoils and discharging of waste products into the open sea. Goal 19’s main requirements are for state agencies rather than cities and counties.

**Findings:** Since Portland is not within Oregon’s coastal zone, *Goals 16-19 do not apply.*

## **DEVELOPMENT STANDARDS**

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all requirements of Title 11 can be met, and 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.

Further, the definition of “site” is pertinent to the information contained within this decision. Site is defined in Title 33: Zoning Code as an ownership. For this review, the work is only taking place on the bridge itself in addition to right-of-way, all of which is owned by the Oregon Department of Transportation (ODOT). The land located directly under the bridge is owned by Portland Bureau of Transportation (PBOT) on the west side and Metro on the east side and thus is not considered part of the project site. Therefore, the project site does not contain river frontage and thusly landscaping development standards do not apply.

## **CONCLUSIONS**

The applicant proposes to install a new eight-inch conduit on the underside of the Ross Island Bridge. The work will occur within multiple Greenway overlay zones, the Design overlay zone, and the South Waterfront Subdistrict which have a wide range of approval criteria that are intended to protect and limit impacts to Greenway resources on the site and adjacent lands.

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. As outlined in the findings throughout this report, impacts to the Greenway and Design resources will be avoided and minimized. Based on these factors and as indicated in detail in the findings above, the proposal meets the applicable design guidelines and therefore warrants approval.

## **DESIGN COMMISSION DECISION**

It is the decision of the Design Commission to approve a **Design Review** on the Ross Island Bridge located in the Central City Plan district including:

- Installation of 5,161 linear feet of new 8-inch conduit for fiber optic cable;
- 6 square feet of ground disturbance within the River Natural and River Water Quality overlay zones.

Approvals per Exhibits C.1-C-11, signed, stamped, and dated May 14, 2019, subject to the following conditions:

- A.** As part of the building permit application submittal, the following development-related conditions (B – C) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be

labeled "ZONING COMPLIANCE PAGE- Case File LU 19-102941 DZ GW. All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. NO FIELD CHANGES ALLOWED.

By:  \_\_\_\_\_  
Julie Livingston, Design Commission Chair

Application Filed: January 08, 2019  
Decision Filed: May 03, 2019

Decision Rendered: May 02, 2019  
Decision Mailed: May 17, 2019

**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 January 08, 2019 and was determined to be complete on March 19, 2019.

*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 January 8, 2019.

*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 waived the 120-day review period, as stated with Exhibit A-3. **The 120 days expire on: March 18, 2020.**

**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. This report is the final decision of the Design Commission with input from other City and public agencies.

**Conditions of Approval.** This approval 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.

**Appeal of this decision.** This decision is final unless appealed to City Council, who will hold a public hearing. Appeals must be filed by 4:30 pm on **May 31, 2019** at 1900 SW Fourth Ave. Appeals can be filed at the 5<sup>th</sup> floor reception desk of 1900 SW 4<sup>th</sup> Avenue Monday through Friday between 8:00 am and 4:30 pm. Information and assistance in filing an appeal is available from the Bureau of Development Services in the Development Services Center or the staff planner on this case. You may review the file on this case by appointment at, 1900 SW Fourth Avenue, Suite 5000, Portland, Oregon 97201. Please call the file review line at 503-823-7617 for an appointment.

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 City Council is final; any further appeal is to the Oregon Land Use Board of Appeals (LUBA).

Upon submission of their application, the applicant for this land use review chose to waive the 120-day time frame in which the City must render a decision. This additional time allows for any appeal of this proposal to be held as an evidentiary hearing, one in which new evidence can be submitted to City Council.

**Who can appeal:** You may appeal the decision only if you have written a letter which was received before the close of the record at the hearing or if you testified at the hearing, or if you are the property owner or applicant. Appeals must be filed within 14 days of the decision. **An appeal fee of \$5000 will be charged.**

Neighborhood associations may qualify for a waiver of the appeal fee. Additional information on how to file and the deadline for filing an appeal will be included with the decision. Assistance in filing the appeal and information on fee waivers are available from the Bureau of Development Services in the Development Services Center, 1900 SW Fourth Ave., First Floor. Fee waivers for neighborhood associations require a vote of the authorized body of your association. Please see appeal form for additional information.

**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 after **June 03, 2019** 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.

**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 must be obtained before carrying out this project. At the time they apply for a permit, permittees must demonstrate compliance with:

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

Arthur Graves  
May 14, 2019

**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).**

**EXHIBITS – NOT ATTACHED UNLESS INDICATED**

- A. Applicant's Statement
  1. Original Submittal – Drawings: January 08, 2019 (superseded)
  2. Original Submittal – Narrative: January 08, 2019 (superseded)
  3. Signed Waiver: January 17, 2019
  4. Revised Drawings: January 18, 2019 (superseded)
  5. Response to Incomplete Letter: February 06, 2019
  6. Revised Drawings: March 05, 2019 (superseded)
  7. Revised Drawings: March 19, 2019 (superseded)
  8. Clarifying Information: April 11, 2019
  9. Final Submittal - Drawings: April 05, 2019
- B. Zoning Map (attached)
- C. Plan & Drawings
  1. Site Plan (attached)
  2. Plan View 1 of 6– Area of Review (attached)
  3. Plan View 2 of 6– Area of Review
  4. Plan View 3 of 6– Area of Review
  5. Plan View 4 of 6– Area of Review
  6. Plan View 5 of 6– Area of Review
  7. Plan View 6 of 6– Area of Review (attached)
  8. Sections (attached)
  9. Sections and Details
  10. Attachment Details (attached)
  11. Cut Sheets
- D. Notification information:
  1. Request for response
  2. Posting letter sent to applicant
  3. Notice to be posted
  4. Applicant's statement certifying posting
  5. Mailed notice
  6. Mailing list

E. Agency Responses:

1. Bureau of Development Services Life Safety / Building Code Section: Geoffrey Harker: April 11, 2019.
2. Portland Bureau of Transportation: Robert Haley: April 16, 2019.
3. Fire Bureaus: Dawn Krantz, April 16, 2019.
4. Bureau of Development Services Site Development: Jeff Duquette: April 16, 2019.
5. Parks Bureau, Urban Forestry: Joel Smith: April 16, 2019.
6. Portland Water Bureau: Mari Moore: April 16, 2019.
7. Bureau of Environmental Services: Rosa Lehman: April 19, 2019.

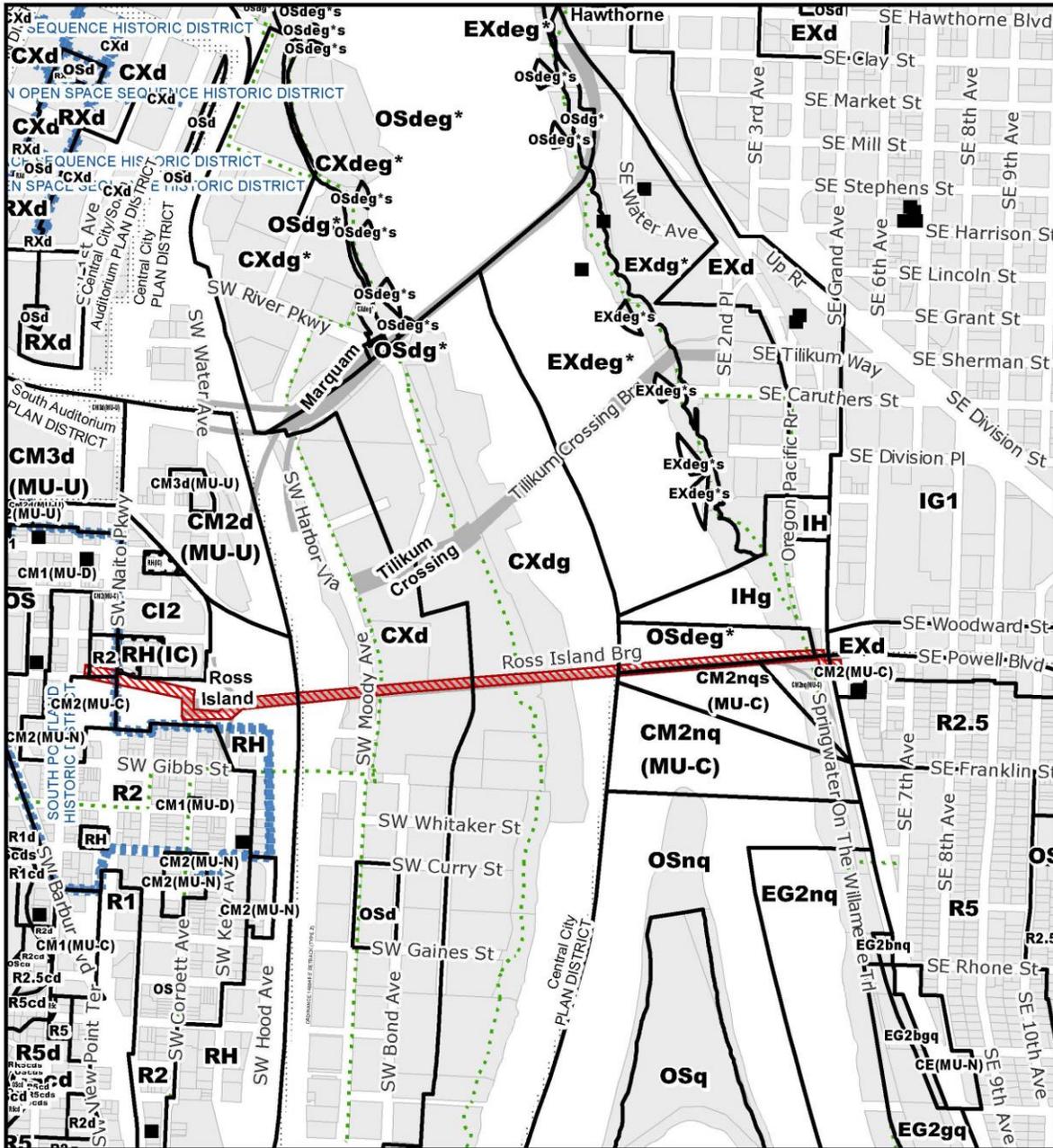
E. Letters: No responses were received.

F. Other

1. Original LUR Application
2. Incomplete Letter: January 28, 2019
3. Memorandum: March 13, 2019

H. Hearing

1. Staff Report: May 02, 2019
2. Staff Presentation: May 02, 2019
3. Applicant Presentation and Associated Project Materials: May 02, 2019  
<https://efiles.portlandoregon.gov/Record?pagesize=200&sortBy=recCreatedOn&q=19-102941>



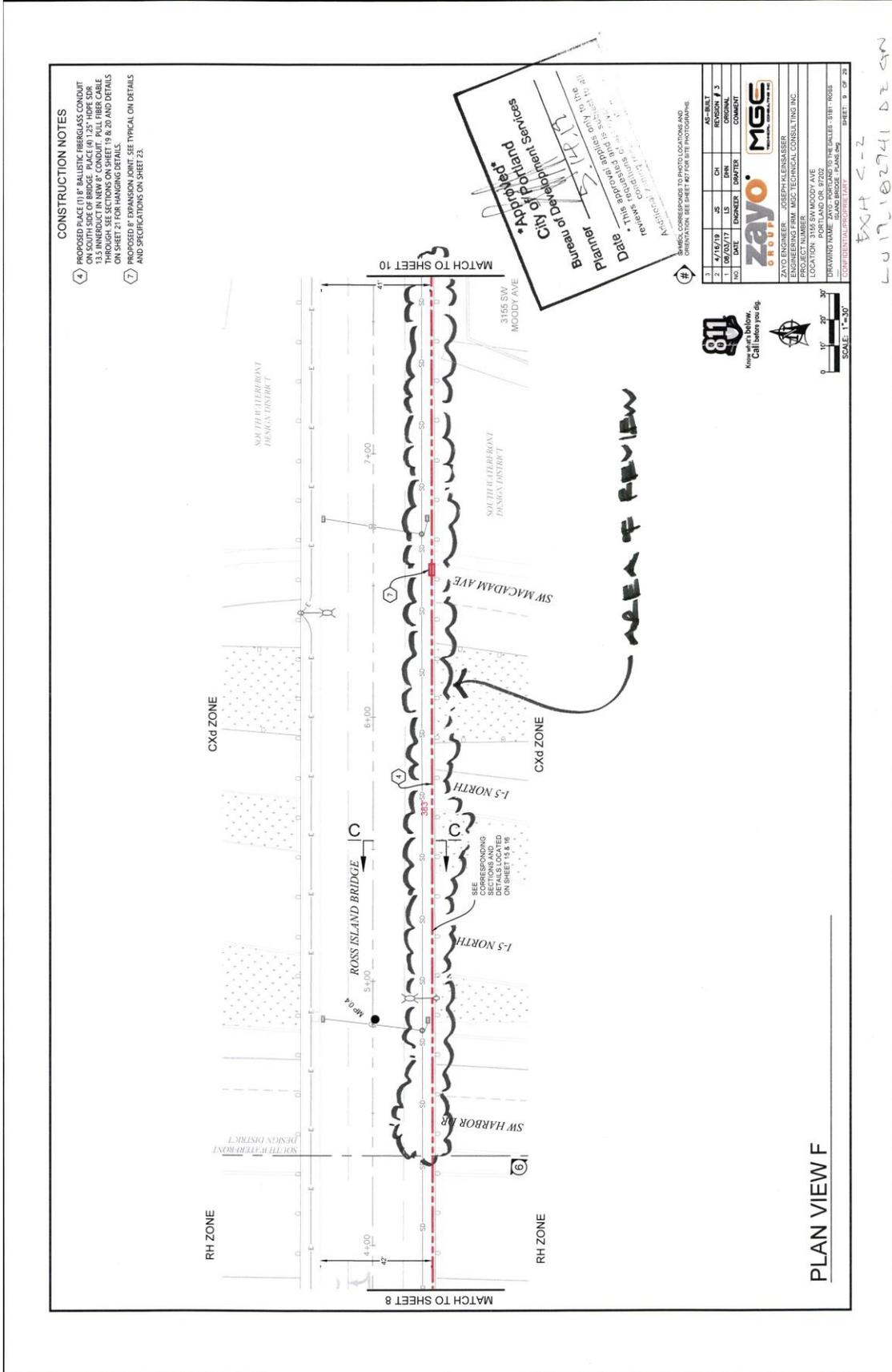
# ZONING

THIS SITE LIES WITHIN THE:  
CENTRAL CITY PLAN DISTRICT  
CENTRAL EASTSIDE, SOUTH WATERFRONT  
SUBDISTRICT  
SOUTH PORTLAND HISTORIC DISTRICT

-  Site
-  Historic Landmark
-  Bridge
-  Recreational Trails

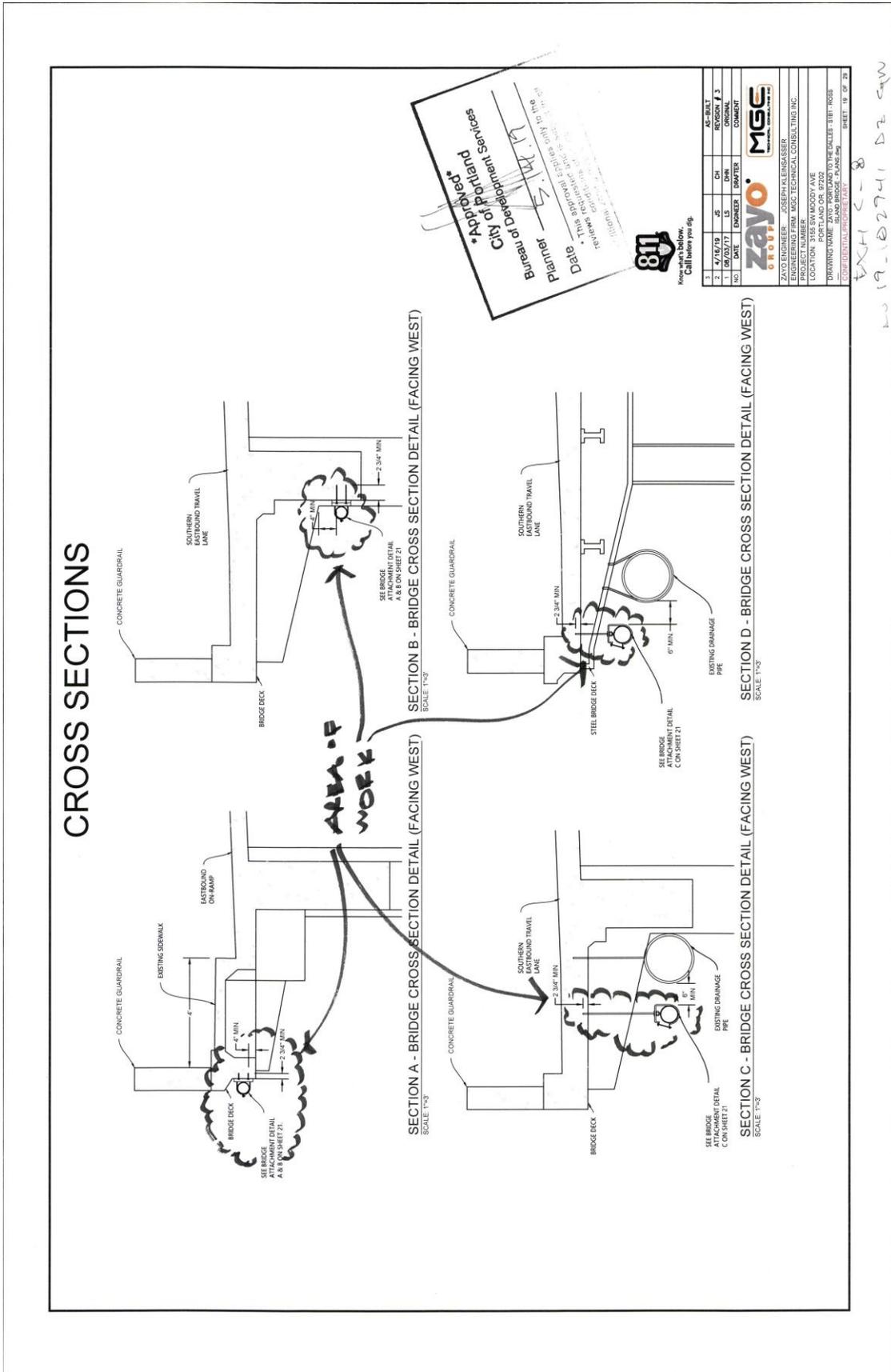
File No.	LU 19-102941 DZ GW
1/4 Section	3230,3329,3330,3331
Scale	1 inch = 800 feet
State ID	1S1E10 100
Exhibit	B April 10, 2019

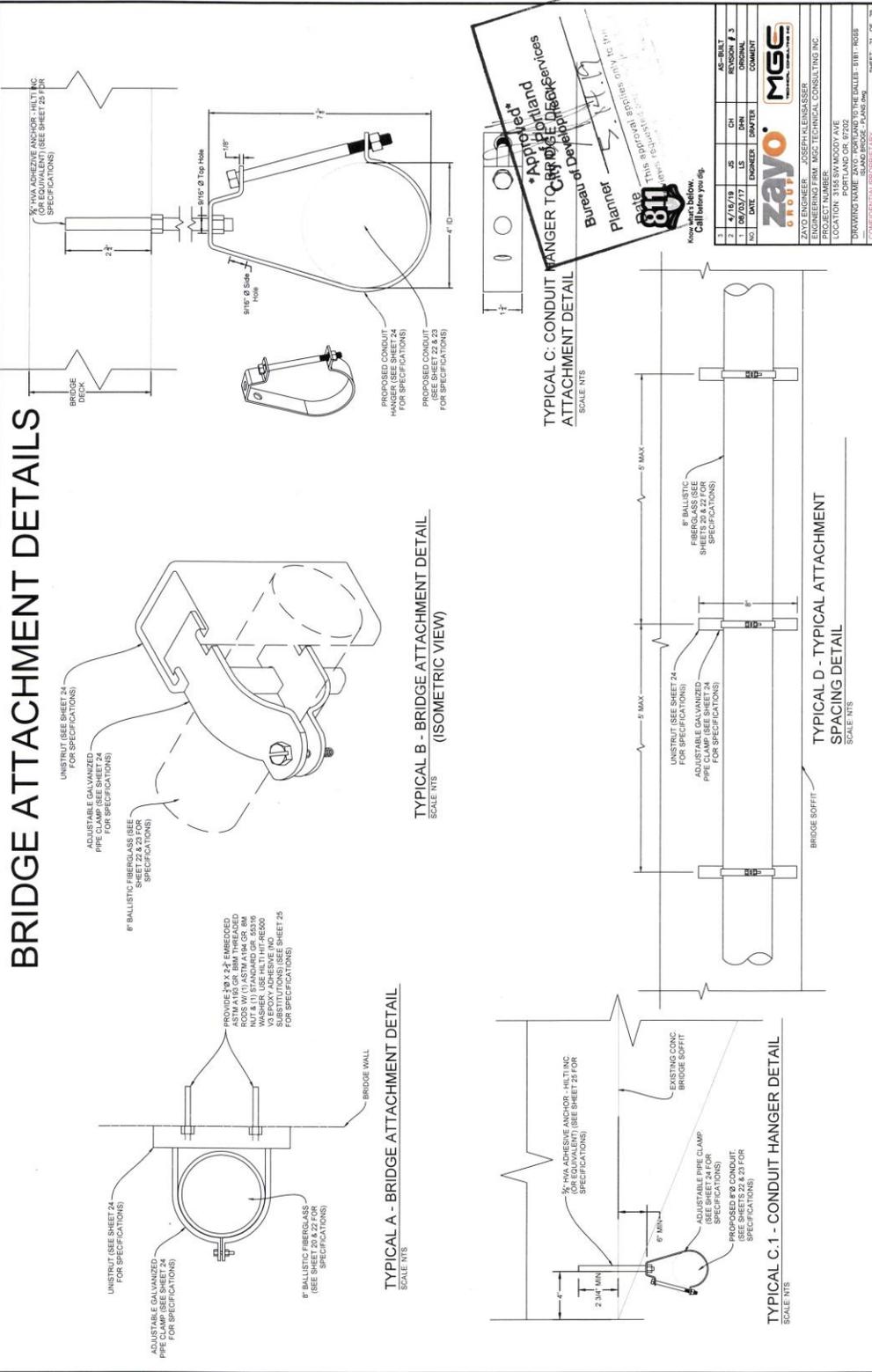




EXH A-2  
LU 19-102941 DZ GW







Applied  
Bureau of Development Services  
Planner

800  
This approval applies only to the  
work shown on this drawing.

Call before you dig

EXH - 18  
LU 19-102941 DZ GW  
SHEET 21 OF 22