



Date: February 26, 2020
To: Interested Person
From: Andrew Gulizia, Land Use Services
 503-823-7010 / Andrew.Gulizia@portlandoregon.gov

NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

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

CASE FILE NUMBER: LU 19-252037 CU

GENERAL INFORMATION

Applicant’s Representative: Jennifer Bragar
 Tomasi Salyer Martin
 121 SW Morrison St., Ste. 1850 | Portland, OR 97204

Applicant/Owner: Brian Martinek
 Northwest Regional Re-Entry Center
 6000 NE 80th Ave. | Portland, OR 97218

Site Address: 6000 NE 80th Ave.

Legal Description: LOT 3 TL 1200, PROPCO INDUSTRIAL PARK
Tax Account No.: R678601000
State ID No.: 1N2E17DA 01200
Quarter Section: 2438 & 2439
Neighborhood: Cully, contact David Sweet at 503-493-9434
Business District: Columbia Corridor Association, contact at info@columbiacorridor.org
District Coalition: Central Northeast Neighbors, contact Alison Stoll at 503- 823-2778
Plan District: Portland International Airport - Middle Columbia Slough Subdistrict
Zoning: EG2hcx – General Employment 2 base zone with Aircraft Landing (“h”), Prime Industrial (“k”), and Airport Noise Impact (“x”) overlay zones
Case Type: CU – Conditional Use Review
Procedure: Type II, an administrative decision with appeal to the Hearings Officer

Proposal: The Northwest Regional Re-Entry Center is a post-incarceration facility operating as a Conditional Use on this site. The applicant proposes to remove the northwest portion of the property illustrated on the attached site plan from the Northwest Regional Re-Entry Center’s ownership. The operation of the Northwest Regional Re-Entry Center will not change as a result of this proposal, and no on-site parking for the facility will be lost. A Type II Conditional Use Review is required to reduce the site area for the Northwest Regional Re-Entry Center, per Zoning Code Section 33.815.040.B.2.a(2). A Property Line Adjustment is also required for the

lot lines illustrated on the attached site plan and has been applied for separately (file # 19-252030 PR).

Relevant Approval Criteria: To be approved, this proposal must comply with the approval criteria of Title 33, the Portland Zoning Code. The relevant criteria are in Zoning Code Section 33.815.205.A-C.

Because one or more of the criteria listed above is an unacknowledged land use regulation, this proposal must also comply with applicable Statewide Planning Goals. The Statewide Planning Goals may be viewed at http://www.oregon.gov/LCD/pages/goals.aspx#Statewide_Planning_Goals

ANALYSIS

Site and Vicinity: The 3.3-acre Northwest Regional Re-Entry Center site is a through lot fronting on NE 80th Avenue to the west and NE 82nd Avenue to the east. NE Columbia Boulevard is about 400 feet to the south. The property is developed with a two-story building on the eastern part of the site and surface parking. The northwestern portion of the property, which the applicant proposes to detach from the Conditional Use site through this review, is vacant. A trailer used for office space was previously located on this part of the property, but the trailer has been removed (demolition permit # 20-114143 CO). The surrounding area is developed with a mix of industrial uses and hotels. The Portland International Airport is about a mile north of the site.

Zoning: The EG2 (General Employment 2) zone allows a wide range of employment uses 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. Detention facilities (including post-incarceration facilities) require Conditional Use Review in the EG2 zone.

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 associated regulations do not affect the Conditional Use request.

The Prime Industrial (“k”) overlay zone protects prime industrial lands by limiting certain non-industrial uses and prohibiting zone changes to non-industrial zones. The associated regulations do not affect the Conditional Use request.

The Portland International Airport Noise Impact (“x”) overlay zone addresses specific residential density, noise insulation, and other issues for development in the landing and take-off flight paths. The associated regulations do not affect the Conditional Use request.

The Portland International Airport plan district implement elements of the Airport Futures Land Use Plan by addressing the social, economic and environmental aspects of growth and development at the Portland International Airport. The plan district provides flexibility to the Port of Portland – owner of the airport – to address a constantly changing aviation industry, while addressing the broader community impacts of operating an airport in an urban context. The regulations of this plan district are not applicable to the Conditional Use request.

Land Use Review History: Prior land use reviews for the subject site include the following:

- LU 16-257974 CU: 2017 Conditional Use Review approval to modify previous conditions of approval for the post-incarceration facility.
- LU 14-179323 CU: 2014 Conditional Use Review approval for a building addition and to increase the allowable number of beds at the facility from 125 to 150.

- LU 09-111841 CU: 2009 Conditional Use Review approval to increase the allowable number of beds at the facility from 75 to 125.
- LU 04-048228 AD: 2004 Adjustment approval to reduce the landscaping requirement along the east lot line.
- LU 02-110304 CU: 2002 Conditional Use Review approval to establish a post-incarceration facility on the site.

Agency Review: A “Notice of Proposal” was sent December 4, 2019. The following Bureaus responded with no concerns about the Conditional Use Review proposal:

- The Bureau of Environmental Services (BES) submitted an initial response stating that additional information was required before approval could be recommended (Exhibit E-1.a). BES submitted a revised response on February 21, 2020, stating the covenant that will be required to complete the property line adjustment currently underway (PR 19-252030 PLA, LC) will provide an acceptable route of sanitary service for Tract 1. With the proposed condition of approval that the property line adjustment be finalized prior to the conditional use approval going into effect, BES supports the proposal (Exhibit E-1.b).
- The Portland Bureau of Transportation (PBOT) responded with findings for the transportation-related approval criteria. This response is detailed below under “Zoning Code Approval Criteria.” (Exhibit E-2)
- The Water Bureau responded with no concerns. (Exhibit E-3)
- The Fire Bureau responded with no concerns. (Exhibit E-4)
- The Police Bureau responded that adequate public safety services can be provided to the site. (Exhibit E-5)
- The Site Development Review Section of BDS responded with no concerns. (Exhibit E-6)
- The Life Safety Review Section of BDS responded with no objections to the proposal. (Exhibit E-7)
- The Urban Forestry Section of Portland Parks and Recreation responded with no concerns. (Exhibit E-8)

Neighborhood Review: No written responses to the mailed “Notice of Proposal” were received from either the Neighborhood Association or notified neighbors.

ZONING CODE APPROVAL CRITERIA

33.815.205 Detention Facilities

These approval criteria ensure that the facility is physically compatible with the area in which it is to be located and that the safety concerns of people on neighboring properties are addressed. The approval criteria are:

- A. Appearance.** The appearance of the facility is consistent with the intent of the zone in which it will be located and with the character of the surrounding uses and development; and

Findings: The proposal to remove an unused part of the property from the Conditional Use site will have no effect on the appearance of the existing post-incarceration facility. No changes to the existing post-incarceration facility are proposed. Therefore, staff finds approval criterion A is met.

- B. Safety.** The facility and its operations will not pose an unreasonable safety threat to nearby uses and residents;

Findings: Again, the current proposal is only to remove unused property from the Conditional Use site. No changes to the existing post-incarceration facility on the remaining Conditional Use site are proposed. Safety-related conditions of approval from prior Conditional Use Reviews will continue to regulate the operation of the post-incarceration facility. The Police Bureau reviewed this proposal and raised no objections (Exhibit E-5). Therefore, staff finds approval criterion B is met.

C. Public services.

1. The proposed use is in conformance with the street designations shown in the Transportation Element of the Comprehensive Plan;
2. If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement;
3. Transportation system:
 - a. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 - b. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 - c. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.

Findings: PBOT reviewed the proposal and submitted the following response (Exhibit E-2):

Th[e] applicant submitted findings addressing the transportation-related approval criteria above, noting that while the overall site will be reduced in size, the existing site parking lot and circulation will remain unchanged from the previous approval. (16-257974 CU). Therefore, the boundary reduction does not trigger any frontage improvements, nor does it propose modifications to the established roadway or propose changes to the Transportation System Plan.

In conclusion, based on the evidence included in the record, and that the proposed use will continue to function as it had since previous approvals, and that any proposed transportation impacts of the request would be negligible. The applicant

has demonstrated to PBOT's satisfaction that "the transportation system is capable of supporting the proposed use in addition to the existing uses in the area".

Recommendation: PBOT has no objections to the proposed Conditional Use.

Based on these findings from PBOT, staff finds approval criteria C.1 – C.3 are met.

4. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

Findings: The Water Bureau reviewed the proposal and responded with no concerns about the adequacy of the water supply to the site (Exhibit E-3). The Police Bureau responded that adequate public safety services can continue to be provided to the site (Exhibit E-5). The Fire Bureau responded with no concerns (Exhibit E-4), indicating that adequate fire protection can be provided. BES submitted a revised response indicating support for the proposal. First, the removal of the modular building addressed previous BES concerns regarding sanitary and storm disposal from that building. Further, BES indicated the covenant that will be required to complete the property line adjustment currently underway (PR 19-252030 PLA, LC) will provide an acceptable route of sanitary service for Tract 1. With a condition of approval that the property line adjustment be finalized prior to the conditional use approval going into effect, BES supports the proposal (Exhibit E-1.b).

Based on these findings, and with the condition of approval requiring the property line adjustment to be recorded with Multnomah County prior to this land use approval taking effect, this criterion can be met.

Oregon Statewide Planning Goals

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 IIx land use decisions if appealed. For this application, a written seeking comments on the proposal was mailed to property-owners and tenants within 150 feet of the site, and to recognized organizations in which the site is located and recognized organizations within 400 of the site. There is also an opportunity to appeal the administrative decision at a local 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 Goal 3 and Goal 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. Natural and scenic resources are identified by the Environmental Protection ("p"), Environmental Conservation ("c"), and Scenic ("s") overlay zones on the Zoning Map. The Zoning Code imposes special restrictions on development activities within these overlay zones. Historic resources are identified on the Zoning Map either with landmark designations for individual sites or as Historic Districts or Conservation Districts. This site is not within any environmental or scenic overlay zones 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. The Bureau of Environmental Services reviewed the proposal for conformance with sanitary sewer and stormwater management requirements and expressed no objections to approval of the application with conditions, as mentioned earlier in this report. Staff finds 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. Since this proposal is not related to housing or to land zoned for residential use, 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.

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 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." The extent to which a proposal affects the City's transportation system and the goals of the TSP is evaluated by the Portland Bureau of Transportation (PBOT). As discussed earlier in this report, PBOT evaluated this proposal and found that the transportation impacts of the request would be negligible. 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 by applying Greenway overlay zones which impose special requirements on development activities near the Willamette River. The subject site for this review is not within a Greenway overlay zone near the Willamette River, so Goal 15 does not apply.

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 in order 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.

CONCLUSIONS

The applicant proposes to remove a vacant portion of the Northwest Regional Re-Entry Center's property from the Conditional Use site for the facility, allowing that portion of the property to be sold. The operation of the Northwest Regional Re-Entry Center will not change as a result of this proposal, and no on-site parking for the facility will be lost. Conditions of approval from prior Conditional Use Reviews will continue to regulate the operation of the Northwest Regional Re-Entry Center. The Conditional Use approval criteria to reduce the Conditional Use site area are found to be met, so the proposal must be approved.

ADMINISTRATIVE DECISION

Approval of a Conditional Use Review to remove the area identified in Exhibit C-1 from the Conditional Use site for the Northwest Regional Re-Entry Center, per the approved site plan in Exhibit C-1, signed and dated February 24, 2020, subject to the following condition:

- A. This Conditional Use Review approval shall not take effect until the proposed property lines illustrated in Exhibit C-1 are legally established. The proposed property lines will be legally established when the Property Line Adjustment currently under review for the site (file # 19-252030 PR) is approved and recorded with Multnomah County.

Staff Planner: Andrew Gulizia

Decision rendered by:  **on February 24, 2020**
By authority of the Director of the Bureau of Development Services

Decision mailed: February 26, 2020

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on November 12, 2019 and was determined to be complete on November 27, 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 November 12, 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 requested to extend the 120-day period by 30 additional days (Exhibit A-3). Unless further extended by the applicant, **the 120 days will expire on April 25, 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. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Hearings Officer, who will hold a public hearing. Appeals must be filed **by 4:30 PM on March 11, 2020** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations

appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Hearings Officer an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision. If this land use review is approved the final decision will be recorded with the Multnomah County Recorder. *Unless appealed*, the final decision will be recorded after **March 11, 2020** 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 recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

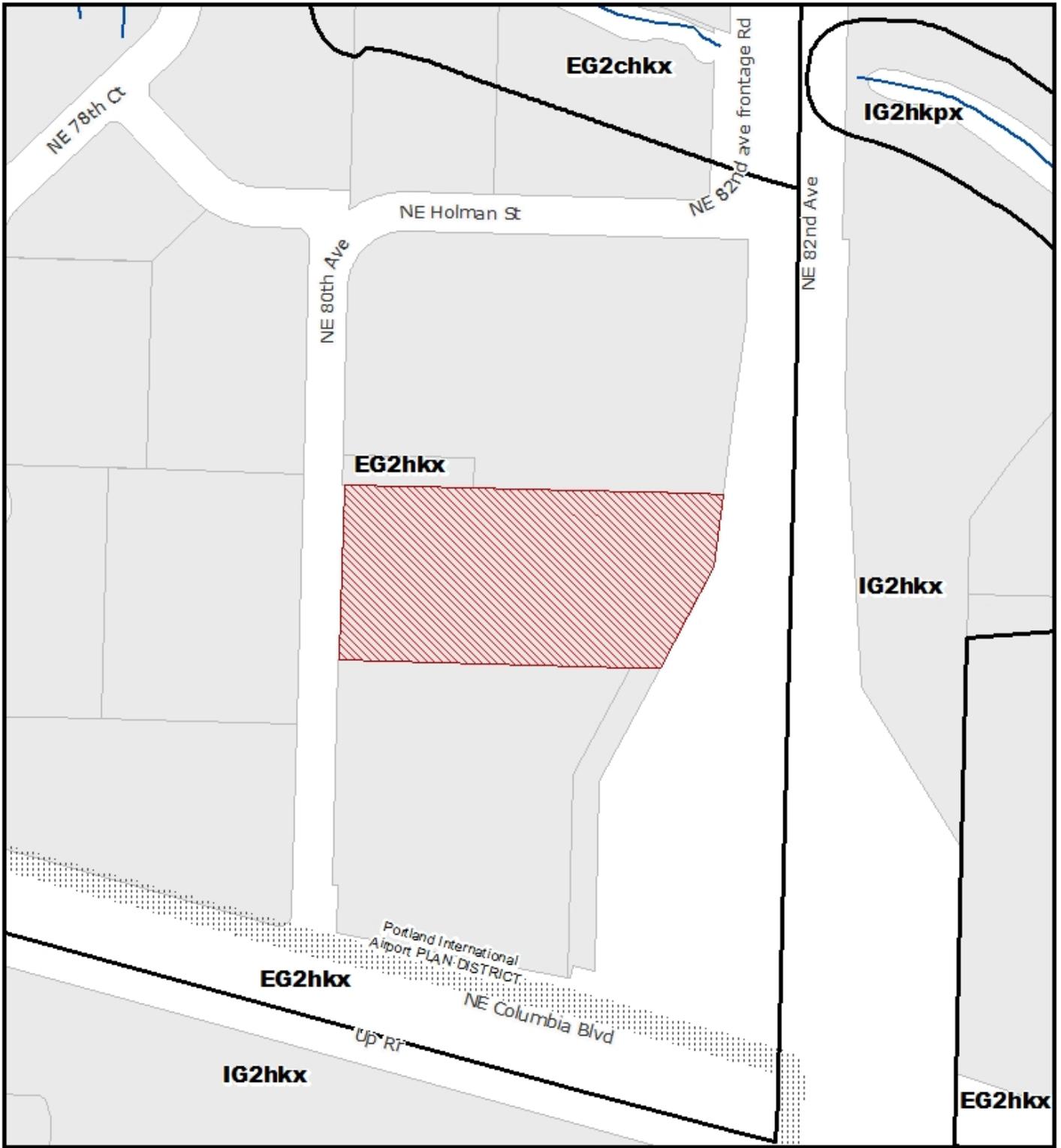
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

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

EXHIBITS
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
 - 1. Applicant's narrative
 - 2. Response to incompleteness determination letter, received November 27, 2019
 - 3. Request to extend 120-day review deadline
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site plan (attached)
- D. Notification Information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. a. Bureau of Environmental Services
 - 1. b. Revised Bureau of Environmental Services response
 - 2. Portland Bureau of Transportation
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Police Bureau
 - 6. Site Development Review Section of BDS
 - 7. Life Safety Review Section of BDS
 - 8. Bureau of Parks, Forestry Division
- F. Correspondence – none received
- G. Other:
 - 1. Land use application form and receipt
 - 2. Incompleteness determination letter, dated November 26, 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).



ZONING 
 NORTH
 PORTLAND INTERNATIONAL
 AIRPORT PLAN DISTRICT
 MIDDLE COLUMBIA SLOUGH SUBDISTRICT

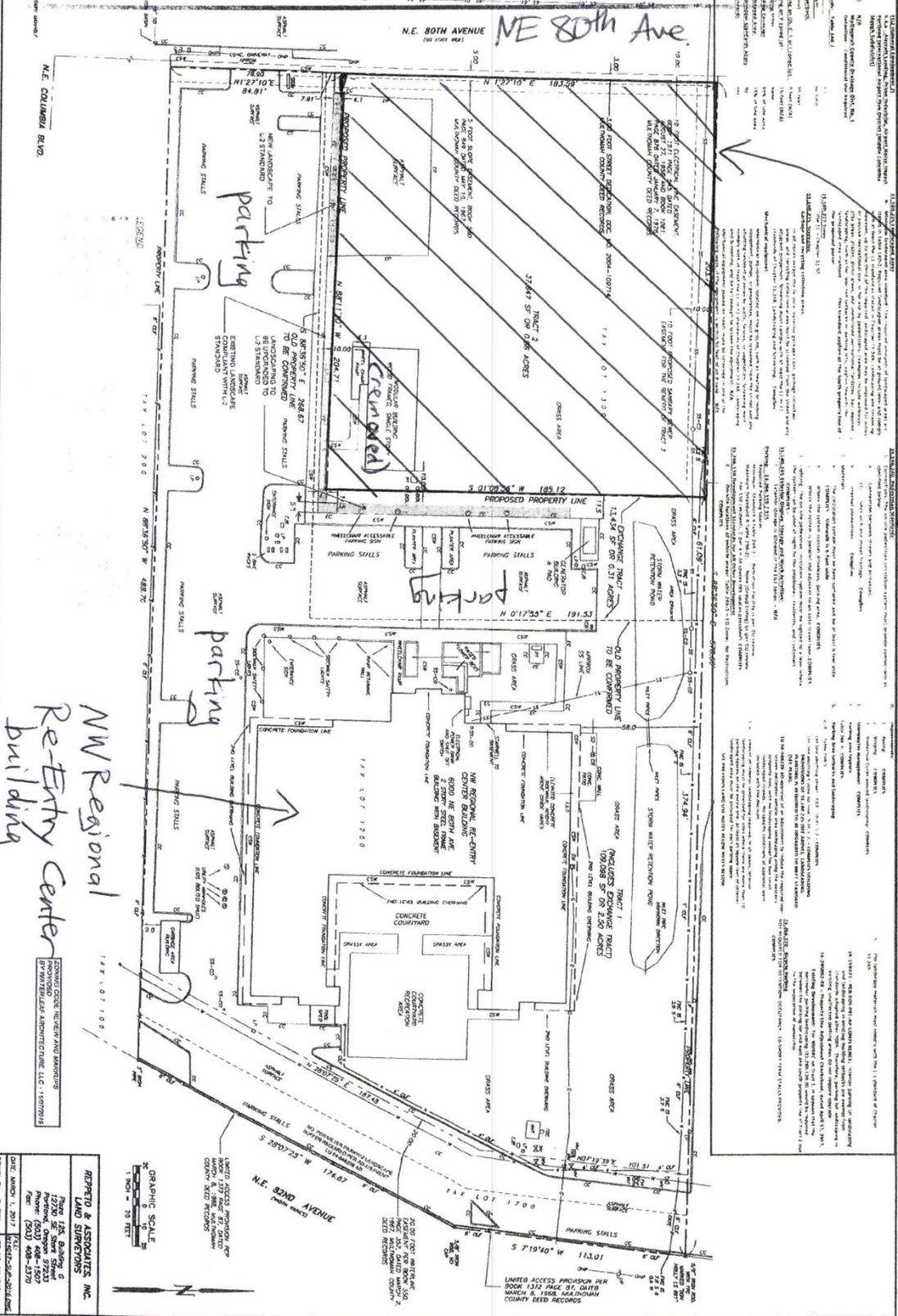
 Site
 Stream

File No.	LU 19 - 252037 CU
1/4 Section	2438,2439
Scale	1 inch = 200 feet
State ID	1N2E17DA 1200
Exhibit	B Nov 15, 2019

Approved
City of Portland - Bureau of Development Services

Planner AMM for Andy Gullizia Date 2/27/2020

* This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.



*Property to be removed from Entry point
 NW Regional Center's site*

*NW Regional
 Re-Entry Center
 building*

RENETO & ASSOCIATES, INC.
 LAND SURVEYORS
 1000 NE Oregon Street, Suite 100
 Portland, Oregon 97232
 Phone: (503) 466-1507
 Fax: (503) 466-2370
 DATE: MARCH 1, 2017
 JOB NO: 17001

NO.	DESCRIPTION	DATE
1	PRELIMINARY PLAN	11/15/16
2	FINAL PLAN	11/15/16
3	REVISIONS	11/15/16
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100	REVISIONS	11/15/16

L119-252037C4
 Exhibit C-1