



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

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**Date:** January 14, 2022  
**To:** Interested Person  
**From:** Matt Wickstrom, Land Use Services  
503-865-6513 / [Matt.Wickstrom@portlandoregon.gov](mailto:Matt.Wickstrom@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 21-099734 AD**

#### **GENERAL INFORMATION**

**Party of Interest:** Bridge Point I-5, LLC | Spencer Mayes  
10900 NE 4<sup>th</sup> St, Ste 2300 | Bellevue, WA 98004

**Applicant:** Suzannah Stanley | Mackenzie  
1515 SE Water Ave, Ste 100 | Portland, OR 97214  
971-346-3808 | [sstanley@mcknze.com](mailto:sstanley@mcknze.com)

**Owner:** Lamm Investments LLC  
PO Box 301639  
Portland, OR 97294

**Site Address:** 523 NE Columbia Boulevard and 755 NE Columbia Boulevard,  
Portland, OR 97211

**Legal Description:** TL 300 0.99 ACRES, SECTION 11 1N 1E; TL 700 16.31 ACRES,  
SECTION 11 1N 1E; TL 600 6.74 ACRES, SECTION 11 1N 1E

**Tax Account No.:** R941110490, R941110700, R941110920, R649920050, R941110210,  
R941110690

**State ID No.:** 1N1E11CB 00300, 1N1E11C 00700, 1N1E11C 00600, 1N1E11CB  
00400, 1N1E11CB 00100, 1N1E11C 01100

**Quarter Section:** 2231

**Neighborhood:** Sunderland, contact [sandral@cnncoalition.org](mailto:sandral@cnncoalition.org)  
**Business District:** Columbia Corridor Association, contact at [info@columbiacorridor.org](mailto:info@columbiacorridor.org)  
**District Coalition:** Central Northeast Neighbors, contact Alison Stoll at 503-823-2778.

**Zoning:** IHch, k (Heavy Industrial with Environmental Conservation, Aircraft  
Landing and Prime Industrial overlay zones)

**Case Type:** AD (Adjustment Review)

**Procedure:** Type II, an administrative decision with appeal to the Adjustment Committee.

**Proposal:**

Two new industrial buildings (Building A and Building B) are in the final stages of completion at this site. Building A is 239,517 square feet and Building B is 444,174 square feet (permit numbers: 19-109704 CO and 19-159980 CO). Building B will be used as an industrial distribution facility which the Portland Zoning Code classifies as a Warehouse and Freight Movement use. The maximum vehicle parking for a Warehouse and Freight Movement use in this industrial zone is determined based on the square footage of the building; the proposed building area for both buildings would allow for a maximum of 281 parking spaces (101 parking spaces for Building A and 180 parking spaces for Building B). Due to a higher employee and truck count anticipated for the particular use of Building B, the applicant requests an Adjustment to Zoning Code Section 33.266.115.B and Tables 266-1 and 266-2 to increase the maximum allowed parking for the site from 281 spaces to 374 spaces.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33. Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. of Section 33.805.040, Adjustment Approval Criteria, have been met.

## ANALYSIS

**Site and Vicinity:** The approximately 25-acre site at the corner of NE Columbia Boulevard and NE Grand Avenue is currently under development. Buildings under construction are very large, single-story and will function in a warehouse and freight movement capacity. The site is adjacent to the Columbia Slough. It is located in an industrial area near Portland International Airport. Uses located within 500 feet of the site include other industrial operations such as warehouses and businesses selling industrial equipment and supplies, as well as services that support those operations.

Adjacent to the site, NE Columbia Boulevard is classified as a Major City Traffic Street for traffic; a Transit Access Street for transit; a Priority Truck Street in a Freight District; a Local Service Bikeway; a City Walkway and a Major Emergency Response Street. NE Grand Avenue is classified as a local street in all capacities.

**Zoning:** The General Industrial 2 (IG2) zone is one of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zone provides areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. The intent is to promote viable and attractive industrial areas. IG2 areas generally have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverage and buildings which are usually set back from the street. Minimum lot area is between 10,000 and 20,000 square feet.

The Environmental Conservation Zone “c” overlay conserves important resources and functional values in areas where the resources and functional values can be protected while allowing environmentally sensitive urban development.

The Aircraft Landing Zone “h” overlay provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures and vegetation. A height contour map is available for review in the Development Services Center.

The Prime Industrial Overlay Zone “k” is to be applied to all land designated as Prime Industrial in the Comprehensive Plan except for land that is zoned Open Space. The purposes of the Prime Industrial overlay zone are to protect land that has been identified in the Comprehensive Plan as Prime Industrial, and to prioritize these areas for long-term retention. Prime Industrial

Land is suited for traded-sector and supportive industries and possesses characteristics that are difficult to replace in the region. In Portland, Prime Industrial land consists of the Portland Harbor, Columbia Corridor, and Brooklyn Yard Industrial districts.

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

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **December 9, 2021**. The following Bureaus have responded with no issues or concerns:

- Site Development Section of the Bureau of Development Services (Exhibit E-1);
- Water Bureau (Exhibit E-2);
- Fire Bureau (Exhibit E-3);

In addition, the following Bureau responses were received:

The Life Safety Division of BDS responded that there appears to be no conflicts between the proposal and applicable building codes (Exhibit E-4).

The Bureau of Environmental Services (BES) responded with no objections noting that approval does not alter BES requirements as identified under building permit applications 21-089179 SD, 21-084602 SE and 21-086894 SD which are currently under review. The response also notes that the placement of stormwater facilities could impact the design and layout of the site and it is in the applicant’s best interest to submit information about proposed stormwater management so that those impacts can be considered through the permit and land use review processes (Exhibit E-5); and

The Bureau of Transportation Engineering responded with no objections and provided comments (Exhibit E-6).

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

## ZONING CODE APPROVAL CRITERIA

### 33.805.010 Purpose (Adjustments)

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue providing certainty and rapid processing for land use applications.

### 33.805.040 Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. below have been met.

- A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

**Findings:** The purpose statement for the maximum parking ratio is found under Section 33.266.115.A of the Portland Zoning Code, the relevant part of which states:

*Limiting the number of spaces allowed promotes efficient use of land, enhances urban form, encourages use of alternative modes of transportation, provides for better pedestrian movement, and protects air and water quality.*

*The maximum ratios in this section vary with the use the parking is accessory to and with the location of the use. These maximums will accommodate most auto trips to a site based on typical peak parking demand for each use.*

The Adjustment request results from a business model that does not necessarily conform to the traditional Warehouse and Freight Movement operation, which has large warehouses and generally lower staff numbers. The parking maximums included in the Zoning Code were based on this traditional model. The proposed cross-dock facility, though, accommodates the freight movement use, but not the warehouse use; freight moves through the facility quickly with a higher employee and truck count than other warehouses of the same size, and no or limited storage capacity. The resulting building is much smaller in square footage than a traditional Warehouse and Freight Movement building, though staff are onsite all hours in multiple shifts. Since parking maximums in this use are calculated based on square footage of the facility, a smaller facility results in a smaller maximum parking allowance.

After reviewing the applicant's supporting documentation for the Adjustment and traffic impacts (Exhibit G-1), PBOT concluded the following:

PBOT has no objection to the requested adjustment. Similar requests have been made in recent history for this type of distribution center. These uses typically have been operated with multiple shifts where employees getting off one shift and the next shift arriving at the same time. This overlap creates a shortage of on-site parking especially during holiday peak demand periods. There is no on-street parking along this section of NE MLK (Exhibit E-6).

For the reasons above, the increase in the maximum number of parking spaces equally meets the purpose for the standard, and this criterion is met.

- B.** If in a residential, CI1, or IR zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, I, or CI2 zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

**Findings:** Since the site is zoned IG2, the applicant must demonstrate that the proposal is consistent with the classifications of the adjacent streets and the desired character of the area.

#### Street classifications

The street classifications for both NE Columbia Boulevard and NE Grand Avenue are listed under Site and Vicinity above. The site is within a Freight District. Freight Districts are intended to provide safe and convenient truck mobility and access in industrial and employment areas serving high levels of truck traffic and to accommodate the needs of intermodal freight movement. The proposed Warehouse and Freight Movement use is one that that will receive bulk freight and then distribute it to other vehicles. The use is allowed outright in the base zone, and its location in a Freight District will support its operations. Allowing an increase in the maximum allowed number of on-site parking spaces is supportive of the establishment of this unique freight movement use.

PBOT reviewed the proposal and its potential impacts on the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services and stated no objections or conflicts. PBOT notes that the applicant is required to provide standard sidewalk improvements along a section of NE Martin Luther King Jr. Boulevard as part of their leasehold as approved through Public Works Alternative Review 21-072529 PW under a separate public works permit (Exhibit E-6).

Desired character of area

Zoning Code Chapter 33.910 defines “desired character” as the character envisioned in the character statement of the zoning district and in any adopted area plans. The site is designated with the IH (Heavy Industrial) base zone and the Aircraft Landing (“h”) overlay zone, the Prime Industrial (“k”) overlay zone and Environmental Conservation (“c”) overlay zone.

IH zone

The character statement for the IH zone is in Zoning Code Section 33.140.030.D:

**Heavy Industrial.** This zone is one of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zone provides areas where all kinds of industries may locate including those not desirable in other zones due to their objectionable impacts or appearance. The development standards are the minimum necessary to assure safe, functional, efficient, and environmentally sound development.

Staff finds the proposed Adjustment is consistent with the desired character expressed in Zoning Code Section 33.140.030.A and 33.140.030.C, based on the following findings:

- The Warehouse and Freight Movement use is similar to those on surrounding sites and consistent with the intended characteristics of the IH zone. The Adjustment to maximum parking allows this freight movement use, with a focus on transferring freight, to be viable on this site.
- The site is large and irregular, and building coverage will be low with the primary warehouse set back from the street. The requested Adjustment to increase parking maximums in no way impacts these characteristics.
- The proposed warehouse has a level of employment much higher than a traditional warehousing operation, as described in the applicant’s narrative (Exhibit A.1). The proposal for additional parking is intended specifically to satisfy anticipated parking demand for this higher-employment facility.

Environmental Conservation (“c”) overlay zone

The purpose of the Environmental Conservation (“c”) overlay zone is stated in Zoning Code Section 33.430.017:

The Environmental Conservation zone conserves important resources and functional values in areas where the resources and functional values can be protected while allowing environmentally sensitive urban development.

The location of the proposed Adjustment to maximum allowed parking is not within an area designed with the “c” overlay zone.

Aircraft Landing (“h”) overlay zone

The purpose of the Aircraft Landing (“h”) overlay zone is stated in Zoning Code Section 33.400.010:

The Aircraft Landing Overlay Zone provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures, vegetation, and construction equipment.

The proposed Adjustment is not related to the height of structures, vegetation or construction equipment.

Prime Industrial Overlay (“k”) overlay zone

The purpose of the Prime Industrial Overlay (“k”) overlay zone is stated in Zoning Code Section 33.471.010:

The purposes of the Prime Industrial overlay zone are to protect land that has been identified in the Comprehensive Plan as Prime Industrial, and to prioritize these areas for long-term retention. Prime Industrial Land is suited for traded-sector and supportive industries and possesses characteristics that are difficult to replace in the region. In Portland, Prime Industrial land consists of the Portland Harbor, Columbia Corridor, and Brooklyn Yard industrial districts. These freight-hub districts include Oregon's largest seaport, rail hub, and airport. Existing and potential multimodal freight access in these districts support interregional transport, exporting industries, and associated industrial businesses and activities. The regulations protect these areas by preventing, or requiring an off-set for, conversion of the land to another zone or use that would reduce industrial development capacity.

The proposed Adjustment does not adversely impact the proposed use on the site, Warehouse and Freight Movement, which is an allowed use in the "k" overlay and is an industrial business promoted by the overlay zone. On the contrary, the requested Adjustment supports the establishment of a viable new industrial use in the site. The focus on multimodal freight access is aligned with the proposed use, where freight will be transported in and out of the site. The requested Adjustment addresses the higher-than traditional employment rates. The proposal meets the desired character of the "k" overlay zone.

#### Summary

For the reasons stated above, staff finds the proposed Adjustment to be consistent with the classifications of the adjacent streets and the desired character of the area. Approval criterion B is met.

- C.** If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

**Findings:** Only one adjustment is requested. This criterion is not applicable.

- D.** City-designated scenic resources and historic resources are preserved; and

**Findings:** City designated resources are shown on the zoning map by the 's' overlay; historic resources are designated by a large dot, and by historic and conservation districts. There are no such resources present on the site. Therefore, this criterion is not applicable.

- E.** Any impacts resulting from the adjustment are mitigated to the extent practical; and

**Findings:** There are no discernible impacts that would result from granting the requested adjustment. This criterion is met.

- F.** If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

**Findings:** Environmental overlay zones are designated on the Official Zoning Maps with either a lowercase "p" (Environmental Protection overlay zone) or a "c" (Environmental Conservation overlay zone). While a portion of the site is mapped with a "c" overlay, the proposed area for the maximum parking Adjustment is not located within the "c" overlay. The permit for the original development of the site met environmental zone standards.

## **DEVELOPMENT STANDARDS**

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans

submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

## CONCLUSIONS

The applicant has demonstrated that the proposed Adjustment to maximum parking equally meets the purpose of the maximum parking space regulation; that the proposed development will still meet the desired character of the area and the purpose of the base zones; and that no impacts requiring mitigation are expected. The approval criteria have been demonstrated to be met; therefore, the request should be approved.

## ADMINISTRATIVE DECISION

Approval of an Adjustment to Zoning Code Section 33.266.115.B and Tables 266-1 and 266-2 to increase the maximum allowed parking from 281 spaces to 374 spaces. Approval is per the approved site plans Exhibit C.1, signed and dated January 12, 2022, subject to the following conditions:

- A. As part of the building permit application submittal, the required site plan and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibit C.1. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 20-223296 AD."

**Staff Planner: Matt Wickstrom**

**Decision rendered by:**  **on January 12, 2022**

By authority of the Director of the Bureau of Development Services

**Decision mailed: January 14, 2022**

**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 October 25, 2021, and was determined to be complete on December 1, 2021.

*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 October 25, 2021.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: March 31, 2022.**

**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 Adjustment Committee, and if appealed a hearing will be held. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. Appeals must be received **by 4:30 PM on January 28, 2022. The completed appeal application form must be emailed to [LandUseIntake@portlandoregon.gov](mailto:LandUseIntake@portlandoregon.gov) and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. An appeal fee of \$250 will be charged. Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for Office of Community and Civic Life recognized organizations for the appeal of Type II and IIX decisions on property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

If you are interested in viewing information in the file, please contact the planner listed on the front of this decision. The planner can email you documents from the file. A fee is required for all requests for paper copies of file documents. Additional information about the City of Portland, and city bureaus is available online at <https://www.portland.gov>. A digital copy of the Portland Zoning Code is available online at <https://www.portland.gov/code/33>

**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 Adjustment Committee 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 Adjustment Committee 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 January 28, 2022 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.

**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
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Site Development Review Section of BDS
  - 2. Fire Bureau
  - 3. Water Bureau
  - 4. Life Safety Section of BDS
  - 5. Bureau of Environmental Services
  - 6. Bureau of Transportation Engineering and Development Review
- F. Correspondence: None received
- G. Other:
  - 1. Original LU Application
  - 2. Incomplete Letter dated 11/19/21
  - 3. Incomplete Response dated 11/24/21

**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).**