



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

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Date: March 11, 2022
To: Interested Person
From: Amanda Rhoads, Land Use Services
503-865-6514 / Amanda.Rhoads@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 21-108582 AD

GENERAL INFORMATION

Representative: Gabriela Frask | Mackenzie
1515 SE Water Ave, Suite 100 | Portland, OR 97214
971-346-3675

Owner: Prologis LP
1800 Wazee St #500
Denver, Co 80202-2526

Applicant: Justin Kirk | Prologis
5900 Airport Way S #300 | Seattle, WA 98108

Site Address: 9475 N HORSESHOE AVE

Legal Description: PARTITION PLAT 2020-023, LOT 1, LAND & IMPS
Tax Account No.: R649920890
State ID No.: 1N1E10 00201
Quarter Section: 2029, 2030, 2129, 2130
Neighborhood: East Columbia NA, contact Patrick Henry at patrickhenryinator@gmail.com
Business District: Columbia Corridor Association, contact at mking@columbiacorridor.org
District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-8877.
Plan District: NONE
Zoning: EG2hk & IG2chk – General Employment 2 and General Industrial 2 base zones with an Aircraft Landing “h” overlay zone and a Prime Industrial “k” overlay zone over the entire site, and a small area of Environmental Conservation “c” overlay zone.

Case Type: AD – Adjustment Review
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal:

In 2019 and 2020, the applicant received approval for Adjustments to increase the maximum number of parking spaces for Warehouse and Freight Movement uses totaling 147,852 square feet of floor area (shown on the site plan as Building A and Building F) ultimately from 176 parking spaces to 1,613 total (LU 19-229357 AD and LU 20-183310 AD).

The current request adjusts the same standard, but with the incorporation of a new Warehouse and Freight Movement use on Lot E that is 282,377 square feet. Together, the three developments on the same site are allowed a maximum of 293 parking spaces based on the use and square footage. The applicant is requesting an Adjustment to Zoning Code Section 33.266.115 and Tables 266-1 and 266-2 to increase the maximum number of parking spaces for these uses from 293 to 1,960 parking spaces total with the additional 347 spaces proposed with this development.

Other development standards have not been demonstrated to be met and will be addressed at time of building permit. Potential future development shown on Lot C in the site plan is not included in this analysis.

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 site is the former location of the Portland Meadows racetrack, now under redevelopment with industrial uses. Surrounding uses include primarily industrial businesses on larger sites, Retail Sales and Service uses such as “big box” stores and motels, and a city park.

The streets adjacent to the site are categorized as follows:

- N Schmeer Rd: Neighborhood Collector Street; Local Service Transit Street; City Bikeway; City Walkway; Freight District; and Major Emergency Response Street.
- Neither N Derby St nor N Horseshoe Ave appear to have been classified as of yet – these public streets were created as part of the first redevelopment project on the site.

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 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. This proposal does not conflict with the limits of the “h” overlay.

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. 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.

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

- **LU 19-198071 VR** – Lot Validation approval to validate a unit of land that was not created through locally recognized partition or subdivision laws, but would have met the applicable requirements at the time that the unit of land was created.
- **LU 19-198094 VR** – Lot Validation approval to validate a unit of land that was not created through locally recognized partition or subdivision laws, but would have met the applicable requirements at the time that the unit of land was created.
- **LU 19-229357 AD** – Adjustment Review approval to increase the maximum allowed parking for a development on Lots A and D (also included in this review) and waiving several standards in the EG2 zone for large parking areas (33.266.130.F.5).
- **LU 19-232715 EN** – Environmental Review approval for providing an outfall to accommodate an off-site stormwater management system association with N Whitaker Rd improvements and development at 1001 N Schmeer Rd.
- **LU 20-183310 AD** – Adjustment Review approval to increase the maximum allowed parking of the site from 176 spaces to 1,613 spaces, to accommodate a new development on Lot F.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **January 12, 2022**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services (Exhibit E.1);
- Water Bureau (Exhibit E.3);
- Fire Bureau (Exhibit E.4);
- Site Development Section of BDS (Exhibit E.5); and
- Life Safety (Building Code) Plans Examiner (Exhibit E.6).

The Portland Bureau of Transportation (PBOT) had no objections to the approval of this Adjustment request (Exhibit E.2). Further PBOT response is within the findings for Criterion A below.

Neighborhood Review: No written responses were 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 for regulating the maximum number of allowed parking spaces is found in Zoning Code Section 33.266.115.A:

- A. Purpose.** *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. Areas that are zoned for more intense development or are easily reached by alternative modes of transportation have lower maximums than areas where less intense development is anticipated or where transit service is less frequent. In particular, higher maximums are appropriate in areas that are more than a 1/4 mile walk from a frequently served bus stop or more than a 1/2 mile walk from a frequently served Transit Station.

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 traditional model is that upon which the parking maximums were based. However, these distribution support operations are unlike a typical warehouse in that the new facilities will require a large number of employees per shift to unload and load semi-trucks and process package movements. Also, deliveries are made using small vehicles directly to end users, rather than sent to retail outlets in larger trucks. The operation is described in the applicant's narrative as follows (Exhibit A.1, page 5):

The current maximum allowed parking ratio allowed for warehousing does not reflect the evolving, competitive business model for high-turnover, direct distribution to the end user and the level of employment associated with it. Unlike traditional warehousing, the proposed operation is a sub-same-day delivery hub designed for sorting, batching and transferring parcels to drivers for delivery to customer addresses. The granularity of this operation is dramatically different from a traditional many-units-in, many-units-out wholesale distribution facility. Sorting and organizing such parcels involve significantly more labor within the facility (Associates), many site trips by passenger vehicles operated by Flex Drivers, and the need for parking to accommodate both groups and the operating model of the facility.

Additionally, the facility is designed to operate on a multiple-shift basis, with seasonal fluctuations. Because uninterrupted operation is essential to achieve high efficiency and remain competitive, it is necessary to have sufficient parking available to accommodate arriving Associates (who work shifts within the building) before those ending their shifts leave, and to allow sufficient standing time and flow-through of a steady stream of Flex Driver vehicles. Notably, transit options are not practical for a significant share of the on-site workforce because the hours of transit operation and the number of adjacent bus lines are too limited to support round-trip commuting for many shift workers.

Although part of the site is within ¼ mile of 20-minute TriMet peak-hour bus service (the distance used in Section 33.266.115.B.1.b as a basis for increasing maximum allowed parking by 25%), the daily operating cycle requires many employees to arrive

or depart at times of the day when transit commuting is not available. Further, the distance to the bus stops which make part of the site have access to frequent transit are more than a half mile to the building on Lot E; the distance to the closest bus stop is just about a half mile, often on roads with no pedestrian facilities. For these reasons, it is not reasonable to expect a high level of transit ridership to be achievable at this location.



PBOT reviewed the proposal and responded with the following comments (Exhibit E.2):

PBOT has reviewed the parking data supplied by the applicant for the Type II adjustment to the parking maximum. This request is very similar to previously approved adjustments to the parking maximums.

The land use for the development is unique in that it is reliant on a fleet of small vehicles (van) for distribution of goods across the metropolitan area. Because transit is not frequent or available at the times when employees arrive and leave for work, on-site parking for personal vehicles is necessary in addition to parking needed for the fleet of distribution vehicles.

The adjustment satisfies the peak parking demand which accounts for shared use of spaces based upon efficiency of the site operating nearly 24-hours each day. There is also availability for a small amount of flex parking when the site operation demands more delivery vehicles. The arrival rates for the various employee shifts are staggered so as to allow smooth site operations. This structure also meters congestion on the surrounding transportation network. The purpose statement for parking is satisfied.

Review of the required parking lot landscaping standards of Zoning Code Section 33.266.130.G will occur at time of building permit. Meeting these landscape requirements will ensure the provided parking areas will not compromise air or water quality. At time of permit, the applicant will also be required to meet the City's Stormwater Management Manual standards for these new impervious areas.

For the reasons stated above, and with PBOT's analysis of the provided transportation and parking memo, the proposal to increase the maximum parking equally meets the purpose of the regulation, and staff finds 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 EG2 and 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 are described under the Site/Vicinity section above. As noted there, 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 distribution from larger, regionally located facilities and then distribute them upon orders directly to the consumer, or repackage for freight delivery. The use is allowed outright in both base zones, and its location in a Freight District will support its operations.

The street classifications do not presume a heavy pedestrian street usage, nor do transit lines pass directly by the site (though there are bus stops and a MAX stop within a half mile of the site). The proposal to emphasize vehicle and freight transportation over additional pedestrian amenities is consistent with the classifications of the adjacent streets. Because transit is not frequent or available at the times when employees arrive and leave for work, on-site parking for personal vehicles is necessary in addition to parking needed for the fleet of distribution vehicles.

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 EG2 (General Employment 2) and IG2 (General Industrial 2) base zones and the Aircraft Landing (“h”) overlay zone and Prime Industrial (“k”) overlay zone. The site is also within the boundaries of the adopted Albina Community Plan.

EG2 and IG2 zones

The character statement for the EG2 zone is in Zoning Code Section 33.140.030.A and A.2:

33.140.030 Characteristics of the Zones

- A. **General Employment.** *The General Employment zones implement the Mixed Employment map designation of the Comprehensive Plan. The zones allow a wide range of employment opportunities without potential conflicts from interspersed residential uses. The emphasis of the zones is on industrial, industrially-related, and office uses, typically in a low-rise, flex-space development pattern. Retail uses are allowed but limited in intensity to maintain adequate employment development opportunities. The development standards for each zone are intended to allow new development which is similar in character to existing development. The intent is to promote viable and attractive industrial/commercial areas.*
2. *General Employment 2. 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. EG2 zoned lands will generally be on larger areas than those zoned EG1.*

The character statement for the IG2 zone is in Zoning Code Section 33.140.030.C and C.2:

- C. General Industrial.** *The General Industrial zones are two of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zones provide areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. The development standards for each zone are intended to allow new development which is similar in character to existing development. The intent is to promote viable and attractive industrial areas.*
2. *General Industrial 2. 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 coverages and buildings which are usually set back from the street.*

Staff finds the proposed Adjustments are 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 uses are similar to those on surrounding sites and consistent with the intended characteristics of the EG2 and IG2 zones.
- The lots under development are large and irregular, and building coverage will be low with the primary warehouse set back from the street.
- The Adjustment to maximum parking allows these warehouse uses, with a focus on end consumers and small delivery vehicles, to be viable in this location.
- The proposed warehouse has a level of employment much higher than a traditional warehousing operation, as described in the applicant's narrative (Exhibit A.3). The proposal for additional parking is intended specifically to satisfy anticipated parking demand for this high-employment, high-capacity 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 only portion of the site that has the "c" overlay applied is at the very northern portion of the site, and south of N Schmeer Rd along the slough, as shown on the zoning map (Exhibit B). The only development under consideration in this review is north of N Schmeer Rd, but set far back from the small area of Environmental Conservation overlay. The proposal will not impact the "c" overlay nor any mapped environmental resources.

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 Adjustments have no impact on the desired character for the “h” overlay zone because the Adjustment does not affect the height of any structure, vegetation, or construction equipment. The development will fully comply with applicable height limitations.

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 the overlay zone is promoting. 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, and the effort to improve efficiency by comingling fleet parking and employee parking. The proposal meets the desired character of the “k” overlay zone.

Albina Community Plan

Staff finds the following statements from the Albina Community Plan to be relevant to this Adjustment proposal:

Policy B (Commercial, Institutional and Employment Centers), Objective 2: Encourage site design and layouts which increase business visibility and customer accessibility, enhance productivity, and permit efficient freight pick-up and delivery.

Policy C (Household Income and Employment), Objective 3: Increase the total number of establishments and enterprises located in the Albina Impact and Land Use Study Areas.

Policy C (Household Income and Employment), Objective 7: Maximize new job creation. Gather and allocate resources necessary to assure, at a minimum, achieving the Metro forecast of 10,000 net new jobs in the Albina Community Land Use Study and Impact Areas and immediately adjacent regional commercial centers by the year 2012.

In this case, no customers will be visiting the site. The requested Adjustment to maximum allowed parking will accommodate multiple shifts on all developments on the site and, for lots A and D, allow for a mixing of drivers’ personal vehicles and fleet vehicles. In comingling the personal vehicle parking and the fleet parking, delivery employees can park near their delivery vans and transfer seamlessly from one to the other. This is more efficient than if the applicant

requested a smaller increase in employee parking, but built a separate, larger exterior storage area for the fleet vehicle parking. The Adjustment also accommodates a higher level of employment than traditionally expected for a warehouse use. The applicant demonstrates that the proposed uses in total on the site would have over 4,300 employees over the course of several shifts that start around the clock (Exhibit A.4). Enabling additional parking will support objectives in the Albina Community Plan that call for maximizing new job creation and increasing the number of companies in the plan area.

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). As the site is not within an environmental zone, this criterion is not applicable.

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

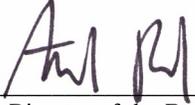
The applicant has demonstrated that the proposed Adjustment to exceed maximum parking limits equally meets the purpose of the regulation to be Adjusted; that the proposed development will still meet the desired character of the area and the purpose of the base zones; and that no impacts requiring mitigation 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 and Tables 266-1 and 266-2 to increase the maximum number of parking spaces for multiple Warehouse and Freight Movement uses from 293 to 1,960 parking spaces total (1,326 for the development on Lots A and D; 287 for the development on Lot F; and 347 spaces for the development on Lot E). Approval is per the approved plans, Exhibits C.1 and C.2, signed and dated March 8, 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 Exhibits C.1-C.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 21-108582 AD."

Staff Planner: Amanda Rhoads

Decision rendered by:  **on March 8, 2022**
By authority of the Director of the Bureau of Development Services

Decision mailed: March 11, 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 November 22, 2021, and was determined to be complete on January 3, 2022.

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 22, 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: May 3, 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 March 25, 2022. The completed appeal application form must be emailed to 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 this file, please contact the planner listed on the front of this notice. The planner can email you documents from the file. A fee would be 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.portlandoregon.gov/zoningcode>.

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 **March 25, 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
 - 1. Original Narrative (superseded by A.3)
 - 2. Original Transportation Impacts Memo (superseded by A.4)
 - 3. Revised Narrative
 - 4. Revised Transportation Impacts Memo
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Detailed Site Plan (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Life Safety (Building Code) Plans Examiner
- F. Correspondence: none received
- G. Other:
 - 1. Original Land Use Application
 - 2. Incomplete Letter, December 17, 2021

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).