



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

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

**Date:** July 6, 2022  
**To:** Interested Person  
**From:** Kate Green, Land Use Services  
503-865-6428 / [Kate.Green@portlandoregon.gov](mailto:Kate.Green@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 21-081513 GW**

**GENERAL INFORMATION**

**Applicant:** Kristi Boon, Maul Foster Alongi, Inc.  
109 E 13th Street, Vancouver WA 98660  
[kboon@maulfoster.com](mailto:kboon@maulfoster.com) / 360-433-0247

**Party of Interest:** Richard Larsen, Temco, LLC  
800 N River Street, Portland OR 97227

**Property Owner:** Cargill Inc  
PO Box 5626, Minneapolis MN 55440-5626

**Site Address:** 800 N RIVER STREET

**Legal Description:** TL 500 6.24 ACRES LAND & IMPS SEE R646344 (R941270391) & R680849 (R941270392) FOR MACH & EQUIP SPLIT LEVY R514906 (R941270810), SECTION 27 1N 1E

**Tax Account No.:** R941270390  
**State ID No.:** 1N1E27CD 00500  
**Quarter Section:** 2829 & 2929

**Neighborhood:** Eliot, contact Brad Baker at [info@eliotneighborhood.org](mailto:info@eliotneighborhood.org) or [lutchair@eliotneighborhood.org](mailto:lutchair@eliotneighborhood.org)

**Business District:** NONE  
**District Coalition:** Northeast Coalition of Neighborhoods, contact at [info@necoalition.org](mailto:info@necoalition.org)

**Plan District:** Central City - Lower Albina  
**Other Designations:** Flood Hazard Area, Landslide Hazard Area, *Lower Willamette River Wildlife Habitat Inventory*: Sites 14.3a (Rank V) and 14.3b (Rank V)

**Zoning:** General Industrial 1 (IG1)  
Greenway River Industrial (i)  
Prime Industrial (k)

**Case Type:** Greenway Review (GW)  
**Procedure:** Type II, an administrative decision with appeal to the Hearings Officer.

**Proposal:** The applicant proposes the following work activities and alterations to the existing bulk storage and transloading facility:

- Construct stormwater infrastructure landward of the greenway setback. The improvements are mandated by a Tier II Corrective Action under the facility's NPDES Permit No. 1200-Z; and include the installation of stormwater conveyance piping, an above-ground storage tank, and an above-ground filtration unit (to be connected to an existing outfall to the Willamette River). Portions of the existing vehicle area paving will be cut and removed to accommodate the new piping system. Additionally, minor site work may need to be conducted to verify the location of the existing outfall.
- Remove 2 unpermitted storage containers and an overhead (lean-to) structure located within the greenway setback (south of the maintenance shop). *Subsequent to the notice, the applicant indicated they wish to relocate the 2 storage containers to an existing gravel area that is outside of the greenway setback, but within 75 feet of the top of bank.*
- Install trees, shrubs and groundcover plantings within the greenway setback (south of the maintenance shop).

The applicant also requests approval to allow unpermitted chain link fencing to be retained within the greenway setback area adjacent to an existing conveyor system.

The proposed development and site alterations trigger a **Greenway Review**, since they will occur within 75 feet of the top of the riverbank or riverward (33.440.310).

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

- **33.440.350, Approval Criteria for Greenway Reviews**
- **Willamette Greenway Design Guidelines**

## ANALYSIS

**Site and Vicinity:** The approximately 6 acre site is a relatively narrow and irregularly shaped property located between the east bank of the Willamette River and N Interstate Avenue, with the Broadway Bridge approximately 350 feet to the south and the Fremont Bridge located approximately 1,500 feet to the north. The site is developed as grain storage and transfer facility. The upland portion of the site is relatively flat and is developed with silos, enclosed grain processing equipment, a rail dump station, truck dump station and office, enclosed conveyor galleries, support facilities including a maintenance shop, warehouse, and super cargo building, and parking areas and rail lines. The riverbank is generally steeply sloped and vegetated, except where it is intercepted with dock related accessways and conveyance equipment, and a segment of a vertical seawall. Portions of the abutting waterway (Willamette River) are developed with a dock and ship-loading conveyor systems.

The focus of this review is on a relatively small work area, which is located adjacent to an existing maintenance building, as shown in the project plans (Exhibit C1). This portion of the site is situated above the existing seawall, and sections of an overhead conveyor, chain link fencing, paved parking, and some trees are currently located within this area. Three unpermitted structures (two Conex boxes and a lean-to), which are to be removed, are also located within this work area. One other small work area, near the southeast corner of the site, where two of the unpermitted storage structures are proposed to be relocated, is currently developed with a gravel surface and appears to be used for storage, based on aerial photos.

The site is located within an industrial sanctuary near the downtown core. Nearby development includes light and heavy industrial uses and a rail yard to the north, a mix of employment and commercial zoned properties to the east and south, and across the river to the west there are a mix of residential and commercial uses in the employment zone.

**Greenway Resources:** The site lies on the Willamette River near river mile 12, and has approximately 1,300 linear feet of river frontage. As described in the *Willamette River Greenway Plan*, the Willamette River and its riverbanks are a natural resource of inestimable statewide importance.

Within the project area, the Willamette River has been highly channelized and shaped by historical and current industrial development and use. The 1986 *Lower Willamette River Wildlife Habitat Inventory* (Map 1-Study Area) shows there are 2 designated habitat areas on the site: Sites 14.3a (20-Rank V) and 14.3b (6-Rank V). Sites with these rankings are noted as being heavily disturbed due to extensive development; yet they are also noted as areas that could be greatly improved with revegetation.

As noted in the Bureau of Environmental Services response: *The site has been identified as a Special Habitat Area by the City's [Willamette River Central Reach Natural Resources Protection Plan](#). Specifically, this site is WR-18. Special Habitat Areas contain unique resource features or functions that are important to the City's native fish and wildlife populations. WR-18 is described as providing: (S) – habitat for at-risk wildlife species; (C) – wildlife connectivity corridor; (M) – migratory stopover habitat. The functions identified are: microclimate and shade; streamflow moderation and water storage; bank function, and sediment, nutrient, pollution control; large wood and channel dynamics; organic inputs, food web and nutrient cycling; riparian wildlife movement corridor; wildlife habitat migratory stopover habitat; connectivity.*

The Willamette River also contains designated Critical Habitat, Essential Fish Habitat, and Essential Salmonid Habitat, as defined by the *Oregon Department of State Lands* (DSL). There are 5 species listed under the federal *Endangered Species Act* (ESA) with the potential to occur in the project area, including Chinook and coho salmon and steelhead trout.

At this time, the river habitat is characterized by degraded baseline environmental conditions and is within the designated *Portland Harbor Superfund* area.

**Zoning:** The project site is in the General Industrial 1 (IG1) base zone and has Greenway River Industrial (i) and Prime Industrial (k) overlay designations, and it is within the Central City Plan District.

The **General Industrial 1 (IG1)** zone is *one of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. IG1 areas generally have smaller lots and a grid block pattern. The area is mostly developed, with sites having high building coverages and buildings which are usually close to the street. IG1 areas tend to be the City's older industrial areas. 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 proposal generally meets the development standards of this section which will be checked at the time of permit review.

The **Greenway River Industrial (i)** zone *encourages and promotes the development of river-dependent and river-related industries which strengthen the economic viability of Portland as a marine shipping and industrial harbor, while preserving and enhancing riparian habitat and providing public access where practical.* The purpose of this land use review is to ensure compliance with applicable Greenway regulations.

The **Prime Industrial (k)** zone *aims to protect land that has been identified in the Comprehensive Plan as Prime Industrial, and to prioritize these areas for long-term retention.* The use regulations of this zone are not relevant to this proposal.

The site is also with the **Central City Plan District-Lower Albina Subdistrict.** *The Central City Plan District implements the Central City 2035 Plan. The regulations address the unique role the Central City plays as the region's premier center for jobs, health and human services, tourism, entertainment and urban living. The regulations encourage a high-density urban area with a broad mix of commercial, residential, industrial and institutional uses, and foster transit-*

*supportive development, pedestrian and bicycle-friendly streets, a vibrant public realm and a healthy urban river.*

**Land Use History:** City records indicate that prior land use reviews have been conducted for this site, including:

- LU 93-01580 GW AD (LUR 93-00581): Greenway Review and Adjustment for ground-level truck scale-approved with conditions. *Condition A calls for all auto and truck parking to be removed from the greenway setback. Conditions B, C, and D call for the greenway setback to be planted and maintained with native species from the Portland Plant List.*
- LU 95-012839 GW (LUR 95-00946): Greenway Review for grain cleaning system-approved with conditions outlined in LU 93-01580 GW AD (LUR 93-00581).
- LU 98-016100 GW (LUR 98-00794): Greenway Review for shoring wall and bank stabilization-approved with conditions. *Condition D calls for fencing to be removed or relocated landward of the greenway setback in two required planting areas.*
- LU 98-016233 GW AD (LUR 98-00927): Greenway Review and Adjustment for remodel of grain silos-approved with conditions. *Condition A calls for native plantings to be installed within the greenway setback.*
- LU 00-006730 AD: Adjustment Review to increase height limit within scenic overlay-denied.

Additionally, the subject property is included as part of LU 05-174846 GW for the East Side Combined Sewer Overflow (ESCSO) Tunnel and River Shaft/OF 43 is shown near the northeast corner of the site. The subject site is also identified in LU 09-144367 GW DZ; however, the approved work area is located on a neighboring site.

The property owner has the on-going responsibility to comply with all applicable land use conditions, including, but not limited to, the maintenance of required Greenway landscape plantings.

**Agency Review:** Several Bureaus have responded to this proposal. Exhibits “E” contain the complete responses. If warranted, relevant comments are addressed under the applicable approval criteria.

*Site Development/BDS* initially noted there were flood hazard issues. The applicants responded with additional materials, and *Site Development* subsequently determined the updated information indicated the improvements are largely above the base flood elevation and unlikely to result in a net rise in the base flood. However, *Site Development* notes a *no-rise analysis* will need to be submitted with the building permit application to demonstrate compliance with Title 24.50 requirements. *Site Development* also notes a *geotechnical report* must be submitted with the building permit application.

*Bureau of Environmental Services (BES)* noted sanitary, stormwater management, and source control requirements, including issues related to the Portland Harbor Superfund Area and national stormwater permits. *BES* also noted the property is listed in the Oregon Department of Environmental Quality (DEQ) Environmental Site Cleanup Information (ECSI) database as Site #556. Before the project can move forward *BES* may request previously collected or additional soil, groundwater and/or stormwater analytical data in order to evaluate any potential concerns when there are proposals to infiltrate stormwater onsite or discharge stormwater and/or groundwater to a City system or surface waters. Written concurrence from *DEQ* may also be required. *BES* also noted additional habitat features on the site and surrounding area.

*Life Safety/BDS* and *Fire Bureau* noted building permits are required for the proposed work.

*Portland Transportation* and *Urban Forestry* responded with no issues or concerns.

**Neighborhood Review:** A *Notice of Proposal in Your Neighborhood* was mailed December 30, 2021. No written responses have been received.

## ZONING CODE APPROVAL CRITERIA

### GREENWAY REVIEW

#### 33.440.350 Greenway Review Approval Criteria

The approval criteria for a Greenway review have been divided by location or situation. The divisions are not exclusive; a proposal must comply with **all** of the approval criteria that apply to the site. A Greenway review application will be approved if the review body finds that the applicant has shown that all of the approval criteria are met.

**Findings:** The project site is located within the River Industrial Greenway overlay zone and has approximately 1,300 linear feet of river frontage. The site is occupied by a river-dependent, bulk grain storage and distribution terminal, and does not have any Greenway trail or Greenway viewpoint designations; nor is the site within or adjacent to any properties with the River Natural or River Water Quality zones; nor is any work proposed riverward of the top of the bank. Given this, Criteria B, C, D, F, G and H are not applicable to the proposal. The proposed work is to occur within and landward of the Greenway Setback, so Criteria A and E apply. Specific details and findings about these criteria follow:

**A. For all Greenway reviews.** The Willamette Greenway design guidelines must be met for all Greenway reviews.

**Findings:** The Willamette Greenway Design Guidelines address the quality of the environment along the river and require public and private developments to complement and enhance the riverbank area. The Design Guidelines are grouped in a series of eight Issues. The site does not have a Greenway Trail, Viewpoint, or View Corridor designation, so Issues A, B, F, G and H do not apply. The applicable issues/guidelines are addressed below:

**Issue C. Natural Riverbank and Riparian Habitat:** This issue “applies to situations where the river bank is in a natural state, or has significant wildlife habitat, as determined by the wildlife habitat inventory.” These guidelines call for the preservation and enhancement of natural banks and areas with riparian habitat.

1. Natural Riverbanks
2. Riparian Habitat

**Issue D. Riverbank Stabilization Treatments:** This guideline “applies to all applications for Greenway Approval.” This guideline promotes bank treatments for upland developments that enhance the appearance of the riverbank, promote public access to the river, and incorporate the use of vegetation where possible.

1. Riverbank Enhancement

**Issue E. Landscape Treatments:** This issue “applies to all applications for Greenway Approval which are subject to the landscape requirements of the Greenway chapter of Title 33 Planning and Zoning of the Portland Municipal Code. These guidelines call for landscaping treatments which create a balance between the needs of both human and wildlife populations:

1. Landscape Treatment
2. Grouping of Trees and Shrubs
3. Transitions

**Findings:** These criteria call for protecting and enhancing the shoreline environment in a manner that will improve the appearance and habitat values of the riverfront, while also accommodating the river-dependent operations.

The site is currently developed as a dynamic marine-based facility co-existing with a vegetated shoreline that provides habitat for wildlife, including a flock of geese, which the facility operators note are year-round residents.

The proposed stormwater system improvements, which include: the installation of stormwater conveyance piping, an above-ground storage tank, and an above-ground filtration unit (to be connected to an existing outfall), are intended to ensure the site will remain in compliance with city and state stormwater permit requirements. Except for a new connection to an existing outfall, all the proposed stormwater equipment and alterations will be located landward of the existing greenway setback, within areas that are currently paved. The project materials show the construction access will be via existing drive aisles, and construction impacts for the minor trenching to install the proposed stormwater piping and related equipment will be minimized by protecting nearby trees and confining work activities and alterations to existing paved areas.

Prior to installing the new stormwater fixtures, the applicants propose to remove 3 unpermitted structures, consisting of two Conex containers and a lean-to addition to the maintenance shop (Exhibit C2), which are located within the greenway setback; and to replant the area as required by prior land use cases (as noted in the Land Use History section, above). The two Conex containers are proposed to be relocated to an existing gravel area landward of the greenway setback, near the southeast corner of the site, which will ensure the 25-foot greenway setback area is retained for native plantings and river-dependent/related development. The applicants propose a different set and configuration of plantings (Exhibit C3) than previously approved in prior land use reviews, but all plantings are native species selected from the *Portland Plant List* and will be suitable to the proposed locations. These actions will remedy an unpermitted situation and replace required plantings that have died or been removed and contribute to the overall greenway landscape plantings required for the site.

Overall, with the provision of tree protection measures, the proposed activities will allow for improvements to the on-going operation of the facility, provide for the removal of unpermitted structures from the greenway setback, and provide a planting treatment that will contribute to the habitat and scenic values of the waterfront site. Based on these factors, these guidelines are met. As such, this criterion is met.

- E. Development within the greenway setback.** The applicant must show that the proposed development or fill within the greenway setback will not have a significant detrimental environmental impact on Rank I and II wildlife habitat areas on the riverbank. Habitat rankings are found in the *Lower Willamette River Wildlife Habitat Inventory*.

**Findings:** Based on the *Lower Willamette River Wildlife Habitat Inventory* (1986), the nearest Rank I and II habitat areas are approximately 1.5-2 miles downstream (Site 11.7/Rank II/Mocks Crest) and approximately 3 miles upstream (Sites 21.1A, B and C, 22/Rank I, Ross Island complex and Oaks Bottom).

The development activities proposed within the setback include the removal of three unpermitted structures (two Conex containers and a lean-to addition to the maintenance shop); and replanting efforts where those structures are removed and in nearby areas where prior required greenway plantings (as noted in the Land Use History section, above) have died or been removed. With the tree protection measures noted above, the structure removal and plantings will contribute to the habitat values on the site and potentially reduce demand on other high ranking habitat areas.

The applicants also request approval to retain chain-link fencing that has been installed near an existing conveyance structure within the proposed project area, as shown on the Revised Proposed Development Site Plan-South (Exhibit C1). The applicants have indicated that the fencing in this location is *river-related*, as it is needed to comply with US OSHA worker safety requirements proximate to conveyors and waterside edges. Given the limited area where the fencing has been placed, and how fundamental it is to the safe operations of the river-dependent facility, BDS staff find the fencing, within the greenway setback, in this limited location, is allowable and will not significantly diminish habitat values on the riverbank. Additionally, the noted fencing does not conflict with the areas where fencing

was required to be removed, per LU 98-016100 GW (LUR 98-00794), and those prior conditions continue to apply.

Overall, with conditions to ensure the timely removal of the three unpermitted structures, and allowances for changes to the previously required planting materials, the proposal meets this criterion.

## **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 proposed alterations to the existing bulk storage and transloading facility within 75-feet of the top of bank, including: new stormwater facilities and a connection to an existing outfall; removal of unpermitted structures; new plantings; and retention of existing chain link fencing; and the placement (relocation) of 2 storage structures have been found to meet the relevant approval criteria, as noted in this report. Except for the relocation of two of the unpermitted structures to an existing gravel area, which is outside of the greenway setback area, no other changes to the balance of the site are proposed with this application.

With conditions to ensure the required permits and inspections are obtained, water quality improvements will be made to the industrial facility and measures will be taken to improve the ecological functions of the greenway setback area. Accordingly, the proposal is approved.

## **ADMINISTRATIVE DECISION**

**Approval of a Greenway Review** for the following alterations and development:

Within the greenway setback:

Removal of a lean-to addition to the maintenance shop and two adjacent Conex containers (Exhibit C2)

Replacement and installation of additional plantings south of maintenance shop (Exhibit C3)

Installation of piping to connect new stormwater piping to existing outfall (Exhibit C1)

Retention of chain-link fencing, in specified locations near the maintenance shop and adjacent conveyor (Exhibit C1)

Landward of the greenway setback:

Relocation of two Conex containers to an existing gravel area (Exhibit C4)

Installation of new stormwater equipment: stormwater conveyance piping, an above-ground storage tank, and an above-ground filtration unit (Exhibit C1)

This approval is granted per the approved site plans, Exhibits C1 through C4, subject to the following conditions:

- A. As part of the permit application submittal, the required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C1-C4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 21-081513 GW. No field changes allowed."
- B. Prior to any site alterations, tree protection fencing must be installed and inspected to protect the existing trees in the designated work area.

- C. Prior to issuance of permits for the new stormwater management system, the applicant must obtain and finalize permits to remove three unpermitted structures from the greenway setback, including the lean-to addition to the maintenance building and two Conex containers. The Conex containers may be relocated to the south end of the site, in the area shown on Exhibit C4.
- D. Prior to finaling the permits for the stormwater system, the greenway plantings must be installed, in the area shown on Exhibit C3. The plantings must be installed, maintained, and monitored, in accordance with the provisions in *33.248.090 Mitigation and Restoration Plantings*. A monitoring report must be provided to BDS-Land Use one year after the initial installation to verify the condition of the plantings. The plantings must be continually maintained in a healthy condition.

**Staff Planner: Kate Green**

**Decision rendered by:**  **on July 1, 2022**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: July 6, 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 August 27, 2021, and was determined to be complete on December 23, 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 August 27, 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 requested that the 120-day review period be extended 130-days (Exhibit A6). Unless further extended by the applicant, **the 120 days will expire on: August 29, 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 Hearings Officer, 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 July 20, 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 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 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 July 20, 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. Narrative
  - 2. Project Plans
  - 3. Resubmittal-November 3, 2021
    - a. Revised Narrative
    - b. Comment Matrix
    - c. Copy of Permit 00-126722 CO
    - d. Correspondence
  - 4. Resubmittal-December 16, 2021
    - a. Revised Narrative
    - b. Comment Matrix
    - c. Revised Plans
    - d. Correspondence
  - 5. Revised Narrative-December 23, 2021
  - 6. Timeline Extensions-January 25, 2022 (120 days) and May 31, 2022 (10 days)
  - 7. Resubmittal-April 18, 2022
    - a. Fencing Narrative
    - b. Floodplain Location response to Site Development
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Revised Proposed Development Site Plan-South (Sheet C3.1) (attached)
  - 2. Demolition Site Plan-South (Sheet C2.3) (attached)
  - 3. Planting Plan (Sheet L1.0) (attached)
  - 4. Revised Proposed Development Site Plan (Sheet C3.0) (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Bureau of Transportation Engineering and Development Review
  - 3. Fire Bureau
  - 4. Site Development-BDS
    - a. Addendum
  - 5. Life Safety-BDS
  - 6. Urban Forestry-Parks
- F. Correspondence: (none received)
- G. Other:
  - 1. Original LU Application
  - 2. Letter to application re: completeness review

**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).**