



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

Carmen Rubio, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7310
TTY: (503) 823-6868
www.portland.gov/bds

Date: May 31, 2023
To: Interested Person
From: Sean Williams, Land Use Services
503-865-6441 / Sean.Williams@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 22-167936 RP AD

GENERAL INFORMATION

Applicant: Ken Barnhart
Prologis
4380 S Macadam Avenue, #285
Portland, OR 97239

Representative: Matthew Robinson
DOWL
720 SW Washington Street, #720
Portland, OR 97205
(971) 229-8318 / mrobinson@dowl.com

Owner(s)/Agent: Jake Maxwell
Prologis NE Columbia Blvd LLC
5900 Airport Way South, #300
Seattle, Wa 98108

Maika Brummett
3637 NE Columbia Blvd.
Portland, OR 97211

Site Address: 3509 NE Columbia Boulevard

Legal Description: TL 100 86.05 ACRES SPLIT MAP R315222 (R941130540), SECTION 12 1N 1E; TL 2300 0.32 ACRES, SECTION 13 1N 1E; TL 1100 36.14 ACRES SPLIT MAP R315193 (R941121180), SECTION 13 1N 1E; TL 100 0.18 ACRES, SECTION 13 1N 1E; TL 200 0.20 ACRES, SECTION 13 1N 1E; TL 2400 0.11 ACRES, SECTION 13 1N 1E

Tax Account No.: R941121180, R941130440, R941130540, R941132220, R941132270, R941132560, R941133960

State ID No.: 1N1E12D 00100, 1N1E13AD 02300, 1N1E13A 01100, 1N1E13AB 00100, 1N1E13AB 00200, 1N1E13AD 02400, 1N1E13A 01101

Quarter Section: 2234 & 2334

Neighborhood: Sunderland, contact Lisa Larson at lialarson66@yahoo.com

Business District: Columbia Corridor Association, contact at mking@columbiacorridor.org

District Coalition: Central Northeast Neighbors, contact Alison Stoll at alisons@cnncoalition.org

Plan District: Portland International Airport - Airport & Middle Columbia Slough Subdistricts

Other Designations: FEMA Special Flood Hazard Area

Zoning: Base Zones: General Industrial 2 (IG2) & Open Space (OS)
Overlay Zones: Environmental conservation (c) & protection (p), Prime Industrial (k), Aircraft Landing Zone (h), and Portland International Airport Noise Impact

Case Type: Replat (RP) w/ Adjustment (AD)

Procedure: Type II, an administrative decision with appeal to the Hearings Officer.

Proposal:

The applicant proposes to replat the existing historic lots of record within the site. The existing lot lines will be removed or reconfigured resulting in a total of 3 parcels, which will be 5,697 (Parcel 1), 854,013 (Parcel 2), and 4,932,801 (Parcel 3) square feet in size. A concurrent Adjustment review is also requested to allow proposed Parcel 1 to deviate from the Minimum Lot Dimension Standards of the IG2 zone (33.615.100.B.2 & Table 615-1).

Proposed Parcel 1 is improved with a single-family home that will remain. Proposed Parcel 2 will be made available for a future industrial use and Proposed Parcel 3 will be retained for a wetland and resource enhancement area.

Relevant Approval Criteria:

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

- **33.675.300, Replat Approval Criteria.**
- **33.805.040.A-F, Approval Criteria for Adjustments**

FACTS

Site and Vicinity: The site is made up of a former 18-hole golf course (Broadmoor Golf Course) in addition to a nonconforming single-family dwelling on a smaller tax lot with frontage on Columbia Boulevard. Most of the subject site is zoned open space (OS) with several drainageways and small wetlands. Two sloughs run east/west on the site and there are four slough vehicle crossings that were used by golfers and for maintenance operations.

Excepting the former golf course, the surrounding development consists generally of industrial uses to the east and west, airport use to the north and east and residential uses to the south. A large, Metro-owned wetland complex, known as Catkin Marsh, is located immediately southwest of the project area

Zoning: The zoning designation on the project site includes the General Industrial 2 (IG2) and Open Space (OS) base zones with Environmental Conservation (c) and Environmental Protection (p), Airport Height (h), Prime Industrial (k), and PDX Noise Impact (x) overlay zones and within the Portland International Airport Plan District- Airport Subdistrict (see zoning on Exhibit B).

The Open Space base zone is intended to preserve public and private open and natural areas to provide opportunities for outdoor recreation and a contrast to the built environment, preserve scenic qualities and the capacity and water quality of the stormwater drainage system, and to protect sensitive or fragile environmental areas.

General Industrial sites have larger lots and occur in irregular or large block patterns. The areas are generally less developed, and lots have low to medium building coverages that are usually set back from the street.

The Aircraft Landing overlay zone provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures and vegetation near the airport.

The Prime Industrial overlay zone protects 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.

The PDX Noise Impact overlay zone reduces the impact of aircraft noise on development within the noise impact area surrounding the Portland International Airport. The zone achieves this by limiting residential densities and by requiring noise insulation, noise disclosure statements, and noise easements.

Environmental overlay zones protect environmental resources and functional values that have been identified by the City as providing benefits to the public. The environmental regulations encourage flexibility and innovation in site planning and provide for development that is carefully designed to be sensitive to the site's protected resources. They protect the most important environmental features and resources while allowing environmentally sensitive urban development where resources are less sensitive.

The Portland International Airport Plan District regulations implement elements of the Airport Futures Land Use Plan by addressing the social, economic, and environmental aspects of growth and development at and around Portland International Airport (PDX).

Land Use History: City records indicate the following prior land use reviews for this site:

- **LU 00-007115 EN:** Approval of an Environmental Review for enhancement of natural resources under MCDD purview by restoration of bench wetlands near existing excavated drainage channels.
- **LU 01-177505 EN:** Approval of an Environmental Review for MCDD to dredge and restore stream banks along a 7-mile reach of the middle and upper Columbia Slough.
- **LU 03-117802 EN:** Approval of an Environmental Review to remove two culverts from the slough and replace with bridges.
- **LU 12-155381 AD:** Approval of an Adjustment Review to allow a proposed Property Line Adjustment (PLA) to result in a lot being located within two base zones, the IG2 and OS base zones.
- **LU 20-147136 EN:** Approval of an Environmental Review resource enhancement project including the creation of 12.4 acres of wetland, installation of temporary bridges, and removal of native trees.
- **LU 20-161013 EN AD:** Approval of an Environmental Review for the construction of an industrial warehouse including parking, lighting, and retaining wall; removal of native trees; and installation of stormwater facilities and outfall. Approval of an Adjustment Review for exterior lighting in the Middle Columbia Slough Subdistrict.
- **LU 20-228356 AD:** Adjustment Review to allow for a split zoned lot creation by a concurrent Property Line Adjustment – Withdrawn.
- **LU 21-009791 EN:** Approval of an Environmental Review for resource enhancement activities including creation of a wetland; removal of existing development including a pump house and golf cart path; widened haul route access; and removal of native and non-native trees.
- **LU 22-164374 EN:** Approval of an Environmental Review for grading for resource enhancement activities including the removal of berms and the creation of additional wetland area; Additional grading and fill activities for the creation of the Major Public Trail.

Agency Review: Several Bureaus have responded to this proposal and relevant comments are addressed under the applicable approval criteria. Exhibits "E" contain the complete responses.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **November 14, 2022**. No written responses have been received from the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

REPLAT

33.675.300 Approval Criteria

A replat will be approved if the review body finds that the applicant has shown that all of the approval criteria have been met:

- A. Lots.** The replatted lots must meet the standards of Chapters 33.605 through 33.615, with the following exceptions:
1. Lot dimension standards.
 - a. Lots and adjusted lots that do not meet the minimum lot area required for new lots are exempt from the minimum lot area requirement if they do not move further out of conformance with the minimum lot area required for new lots, and they meet the following:
 - (1) No portion of the lot or adjusted lot is in an environmental protection, environmental conservation, or river environmental overlay zone;
 - (2) No portion of the lot or adjusted lot is in the special flood hazard area; and
 - (3) The lot or adjusted lot has an average slope of less than 25 percent;
 - b. Maximum lot area. If any of the lots within the replat site are larger than the maximum lot area allowed, the same number of lots in the replat site are exempt from maximum lot area requirements;
 - c. Minimum lot width. Lots and adjusted lots that do not meet the minimum lot width required for new lots are exempt from the minimum lot width requirement if they do not move further out of conformance with the minimum lot width required for new lots, and they meet the following:
 - (1) No portion of the lot or adjusted lot is in an environmental protection, environmental conservation, or river environmental overlay zone;
 - (2) No portion of the lot or adjusted lot is in the special flood hazard area; and
 - (3) The lot or adjusted lot has an average slope of less than 25 percent;
 2. Maximum density. If the replat does not move the site further out of conformance with maximum density requirements, the replat does not have to meet maximum density requirements;
 3. Lots without street frontage. If the replat consolidates lots that do not have street frontage with lots that have street frontage, the replat does not have to meet minimum density and maximum lot area requirements;
 4. Through lots. If any of the existing lots within the replat site are through lots with at least one front lot line abutting an arterial street, then the consolidated or reconfigured lots may be through lots;
 5. Split zoning. If any of the existing lots within the replat site are in more than one base zone, then the consolidated or reconfigured lot may be in more than one base zone.

Findings: The subject property is in the General Industrial 2 (IG2) and Open Space (OS) zones, so the replatted parcels must meet the standards in Chapter 33.605 and 33.615 or one of the noted exceptions, above. Proposed replatted Parcels 1 and 2 are in the IG2 zone and therefore must meet the lot dimension standards identified in Table 615-1, below.

Table 615-1			
Minimum Lot Size and Dimension in Industrial Zones			
	Minimum Lot Area	Minimum Dimension	Minimum Front Lot Line
Standard A	40,000 sq. ft.	150 ft. x 150 ft.	35 ft
Standard B	10,000 sq. ft.	75 ft. x 75 ft.	35 ft

Parcel 2 meets the Standard A noted above as it is approximately 853,896 square feet in size and far exceeds the minimum dimension and front lot line standards. Parcel 1 is 5,697 square feet in size, has a 59-foot front lot line, and dimensions of 105-feet by 58-feet. Existing tax account R315353 is being modified through this review (resulting in Parcel 1) to be larger than its current configuration. This plot of land is considered a lot of record, so it is ineligible to use the exceptions noted above for lots and adjusted lots. Therefore, an Adjustment to Standard B minimum lot size and dimension standards has been requested for Parcel 1 and is addressed later in this decision.

Proposed replatted Parcel 3 is in the Open Space zone. There are no minimum lot dimensions in the Open Space zone. New lots must be of a size, shape, and orientation that is appropriate for uses that are allowed or are limited or conditional uses (33.605.100). Parcel 3 is approximately 116.39 acres in size and is planned for wetland creation and resource enhancement as approved in land use reviews identified on page 3 of this decision. Parcel 3 is of more than adequate size, shape, and orientation to accommodate the planned uses for the site.

As noted herein, proposed replatted Parcels 2 and 3 meet the standards of Chapters 33.605 and 33.615. Subject to approval of an Adjustment to Standard B minimum lot size and dimensions for Parcel 1, this criterion can be met.

B. Development standards. If existing development is in conformance with the development standards of this Title, the development must remain in conformance after the replat. If existing development is not in conformance with a development standard of this title, the replat will not cause the development to move further out of conformance with the standard unless an adjustment is approved.

Findings: This criterion does not apply to Parcels 2 and 3 as they are currently vacant. Parcel 1 is developed with a nonconforming single-family home. The existing lot of record (R315353) this home is located on, and will become Parcel 1, is getting larger so the replat will not cause the development to move further out of conformance with the standards of the IG2 zone. Therefore, this criterion is met.

C. Conditions of land division approvals. The replat must meet one of the following:

1. All conditions of previous land division approvals continue to be met or remain in effect; or
2. The conditions of approval no longer apply to the site, or to development on the site, if the lots are reconfigured.

Findings: There are no previous land division approvals for this site, therefore this criterion does not apply.

D. Conditions of other land use approvals. Conditions of other land use approvals continue to apply, and must be met.

Findings: Conditions of previously approved land use reviews identified on page 3 of this decision will continue to be met or are not affected by this replat request. This criterion is met.

E. Services. The replat does not eliminate the availability of services to the lots, and the reconfigured lots are not out of conformance with service bureau requirements for water, sanitary sewage disposal, and stormwater management.

Findings: The Bureau of Environmental Services has reviewed the proposal for impacts on sanitary sewer and stormwater management services (Exhibit E.1):

BES did not previously recommend approval due to two outstanding items:

1. *The submitted plat did not show the proposed private sewer easement over Parcel 2 for the benefit of Parcel 3.*
2. *Unclear stormwater disposal location for the development to remain on 3637 NE Columbia Blvd.*

To address item 1, the applicant has shown a proposed private sanitary easement over Parcel 2 for the benefit of Parcel 3. This proposed easement location appears to provide an approvable route of sewer service for Parcel 3.

To address item 2, the applicant provided a storm exhibit showing that stormwater from the existing structure to remain on Parcel 1 (3637 NE Columbia Blvd) discharges to a drywell at the rear of the house. The drywell location does not conflict with the proposed new property lines.

Based on this additional information, BES has determined that sufficient information has been provided to demonstrate that the replat approval criteria related to sanitary and storm services have been met. BES has no further objections to approval of the replat application.

The Water Bureau has reviewed the proposal for impacts on water service (Exhibit E.3):

The Water Bureau has reviewed the proposed action and has the following comments:

No issue with Replat review.

Parcel 1 – The existing water service in Parcel 1 may continue to remain for use.

Parcel 2 – Water is available to Parcel 2 from the 12” main in NE Columbia Blvd.

** Any work in NE Columbia Blvd will be subject to a site-specific estimate.*

Parcel 3 – Parcel 3 may be served through an easement from the 12” water main in NE Columbia Blvd.

A private water and sanitary sewer easement is shown on the plat and an associated signed/notarized maintenance agreement has been provided and will be recorded concurrently with the plat. Therefore, the replat does not eliminate the availability of services to the lots, and the reconfigured lots will not be out of conformance with service bureau requirements for water, sanitary sewage disposal, and stormwater management. This criterion is met.

ADJUSTMENTS

33.805.010 Purpose

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. They also allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide 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. stated below, have been met.

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

Findings: The applicant has requested an Adjustment to the Standard B minimum lot area and dimension standards of the IG2 zone (33.615.100.B.2 & Table 615-1) for proposed Parcel 1. The purpose of lot dimension standards in industrial zones is as follows (33.615.010):

This chapter contains the lot dimension standards for approval of a Preliminary Plan for a land division in an industrial zone. These standards ensure that lots are consistent with the desired character of the industrial zones. Lots may vary in size and shape to accommodate a range of industrial uses. This chapter works in conjunction with other chapters of this Title to ensure that land divisions create lots that can support appropriate development and uses.

Proposed Parcel 1 will deviate from the Standard B minimum lot area from 10,000 to 5,815 square feet and from the minimum dimension of 75-feet by 75-feet to 105-feet by 58-feet. Existing tax account R315353, which is a lot of record that will be replatted into Parcel 1 is currently 4,791 square feet, has dimensions of 105-feet by 50-feet, and a 59-foot front lot line. The applicant has provided the following findings to address this criterion (Exhibit A.1):

Stated plainly, the intent of the IG2 zone minimum dimensional standards are to provide for lots that can provide industrial development. However, it also states that the chapter ensures that lots "can support appropriate development and uses". For the reasons provided by this finding, the current non-industrial use of proposed Parcel 1 is appropriate, and the proposed replat to adjust the property's size and shape supports its current and appropriate use, even if the resulting shape does not meet the IG2 zone minimum dimensional standards.

The existing single-family dwelling located on tax lot 2400 (proposed Parcel 1) was lawfully established and constructed in 1949 and the house has been regularly maintained, occupied and used as a single-family dwelling ever since. Given the single-family dwelling use was lawfully established at the time of its construction, and has been in regular use ever since, the use should be considered appropriate. Further, the current owner of tax lot 2400 (proposed Parcel 1) is not currently interested in selling the property or using it for any purpose other than as their own dwelling. The owner has no interest in utilizing their property for industrial purposes, and the enlarged lot that can result from the proposed replat ensures greater compatibility with adjacent industrial development by providing a greater buffer between Ms. Brummett's property and residential dwelling and the future Prologis industrial warehouse development. Further, this proposed adjustment to tax lot 2400 (proposed Parcel 1) has no impact on the developability of adjacent properties that can be used for industrial purposes, given the adjacent Prologis property to the west (proposed Parcel 2) has approved land use applications allowing for industrial development, and that proposed Parcel 2 ultimately provides a dimension that achieves yard setbacks in excess of the minimum required by the IG2 zone. Therefore, the proposed adjustment is consistent with the purpose statement by ensuring that the proposed replat provides lots that can support appropriate development and uses, which in this case is a single-family dwelling within proposed Parcel 1, and large-scale industrial development within proposed Parcel 2.

The intent of the proposed replat is also to create appropriately sized lots for each of the replat site's main uses, and will ultimately correct a historic survey error that resulted in a portion of Ms. Brummett's house falling within an adjacent property. The resulting replat will result in a more appropriately sized lot for the existing single-family dwelling while still moving the lot closer to conformance with current IG2 zone dimensional standards. For these reasons, the proposed adjustment still results in a lot that equally meets the identified purpose of the IG2 zone dimensional standards, which is to ensure that lots can support appropriate development and uses.

As noted herein, the request for proposed Parcel 1 to deviate from the Standard B minimum lot area and dimension standards of the IG2 zone (33.615.100.B.2 & Table 615-1) will equally meet the purpose of lot dimension standards in industrial zones. Therefore, 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: The subject site is within the IG2 and OS zones, so the applicant must demonstrate that the proposal is consistent with the classifications of the adjacent streets and the desired character of the area.

The street adjacent to the site, NE Columbia Boulevard, is categorized as follows in the Transportation System Plan (TSP): City Walkway, Local Service Bikeway, Major Transit Priority Street, Priority Truck Street, Industrial Road, Major Emergency Response, and Major City Traffic Street. 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.

The existing tax account that will be replatted into Parcel 1 is already out of conformance with the minimum lot dimensions for the zone, which is not uncommon for this stretch of NE Columbia Boulevard. There are multiple instances of nonconforming single-family homes on smaller lots within this area. Allowing Parcel 1 to come closer to conformance with industrial lot dimension standards will result in a parcel that is more consistent with the adjacent street classifications and desired character of the area. Therefore, this criterion 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 being requested. This criterion is not applicable.

- D.** City-designated scenic resources and historic resources in Historic, Conservation and National Register Districts and within the boundaries of Historic, Conservation and National Register Landmarks are preserved; and

Findings: City-designated scenic resources are identified on the Official Zoning Maps with a lower case "s," while historic resources are identified either with a dot or as being within the boundaries of a Historic or Conservation district. The subject property is not within a City designated 's' overlay zone nor within proximity to an Historic Resource. As such, this criterion is not applicable.

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

Findings: As determined in Findings A and B above, the proposal equally meets the purpose of the standard being adjusted and is consistent with the adjacent street classifications and desired character of the area. As such, no adverse impacts are anticipated as a result of approving the Adjustment. Therefore, 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: Portions of the replat site are within the Environmental Protection (p) and Conservation (c) overlays but Parcel 1, subject of the Adjustment, is not encumbered by an environmental zone. Therefore, the requested Adjustment will have no detrimental impact to the Replat site's resource areas. This criterion is met.

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.

OTHER TECHNICAL REQUIREMENTS

Technical decisions have been made as part of this review process. These decisions have been made based on other City Titles, adopted technical manuals, and the technical expertise of appropriate service agencies. These related technical decisions are not considered land use actions. If future technical decisions result in changes that bring the project out of conformance with this land use decision, a new land use review may be required. The following is a summary of technical service standards applicable to this replat proposal.

Bureau	Code Authority and Topic
Development Services/503-823-7300 www.portlandonline.com/bds	Title 24 – Building Code, Flood Hazard, Clearing and Grading Title 10 – Erosion Control, Site Development Administrative Rules for Private Rights-of-Way OAR 340-071 and OAR 340-073 – Onsite Wastewater Treatment Systems
Environmental Services/503-823-7740 www.portlandonline.com/bes	Title 17 – Sewer Improvements Stormwater Management Manual
Fire Bureau/503-823-3700 www.portlandonline.com/fire	Title 31 – Fire Regulations City of Portland Fire Code
Transportation/503-823-5185 www.portlandonline.com/transportation	Title 17 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489 www.portlandonline.com/parks	Title 11 –Trees
Water Bureau/503-823-7404 www.portlandonline.com/water	Title 21 – Water availability

As authorized in Section 33.800.070 of the Zoning Code, conditions of approval related to these technical standards may be included in the Administrative Decision on this proposal.

CONCLUSIONS

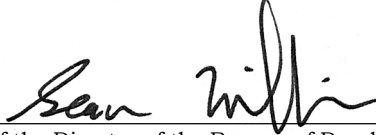
The applicant proposes to replat the existing historic lots of record within the site resulting in a total of 3 parcels with a concurrent Adjustment review to allow proposed Parcel 1 to deviate from the Minimum Lot Dimension Standards of the IG2 zone. As discussed above, the proposed replat has been reviewed and shown to be able to meet all the requirements as laid out in Section 33.675.300 and the requested Adjustment has been shown to equally meet the purpose of the regulation to be adjusted.

ADMINISTRATIVE DECISION

Approval of an Adjustment for Parcel 1 to deviate from the Standard B (33.615.100.B.2 & Table 615-1) minimum lot area from 10,000 to 5,815 square feet and from the minimum dimension of 75-feet by 75-feet to 105-feet by 58-feet;

Approval of a replat of historic lots of record to create 3 parcels, as illustrated by Exhibit C.1.

Staff Planner: Sean Williams

Decision rendered by:  **on May 26, 2023**
By authority of the Director of the Bureau of Development Services

Decision mailed: May 31, 2023

About this Decision. This land use decision is **not a permit** for development. **THE SIGNED PARTITION PLAT MUST BE RECORDED WITH MULTNOMAH COUNTY DEED RECORDS WITHIN 90 DAYS OF THE EFFECTIVE DATE OF THIS DECISION, OR THIS DECISION WILL BECOME NULL AND VOID.** Permits may be required prior to any work. Contact Permitting Services at 503-823-7357 for information about permits.

Procedural Information. The application for this land use review was submitted on July 28, 2022 and was determined to be complete on November 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 July 28, 2022.

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, as stated with Exhibit A.9. Unless further extended by the applicant, **the 120 days will expire on: August 30, 2023.**

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 June 14, 2023. 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 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 County Recorder. *Unless appealed*, the final decision will be recorded by the Bureau of Development Services.

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. Completeness Response
 - 3. Signing Authority Documentation
 - 4. Title Reports
 - 5. Legal Lot Documentation
 - 6. Water Service Correspondence
 - 7. Storm Exhibit
 - 8. Water and Sanitary Sewer Maintenance Agreement
 - 9. Request for Extension of 120-Day Review Period (2/17/23 & 5/11/23)
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Partition Plat (attached)
 - 2. Supplemental Survey
 - 3. Prologis Site Plan
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services w/ Addendum
 - 2. Bureau of Transportation Engineering and Development Review w/ Addendums
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Life Safety Plans Examiner
- F. Correspondence: NONE
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter

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).