



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

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Date: April 13, 2022
To: Interested Person
From: Timothy Novak, Land Use Services
503-823-5395 / Timothy.Novak@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 21-059883 GW

GENERAL INFORMATION

Applicant: Dan Williams | *Faster Permits*
2000 SW 1st Ave, Suite 420
Portland, OR 97201
Dan@fasterpermits.com | (503) 819-7754

Owner: Sakrete of Pacific Northwest, INC
16310 E Marietta Ave
Spokane Valley, WA 99216-1837

Engineer: Daniel Scarpine | *Aquarius Environmental, LLC*
2117 NE Oregon Street, Suite 502
Portland, OR 97232

Site Address: 1402 N RIVER STREET

Legal Description: TL 200 3.23 ACRES LAND & IMPS SEE R646404 (R941280351) FOR MACH & EQUIP, SECTION 28 1N 1E

Tax Account No.: R941280350

State ID No.: 1N1E28D 00200

Quarter Section: 2728, 2828

Neighborhood: Overlook NA, contact Brian Yarne at landuse@overlookneighborhood.org

Business District: None

District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-8877.

Plan District: None

Other Designations: *Lower Willamette River Wildlife Habitat Inventory (1986)* – Resource Sites 14.3a Lower Albina Area (Shoreline), Rank V site (20 value)

Zoning: **Base Zone:** Heavy Industrial (IH)

Overlay Zones: Greenway River Industrial (i)
Prime Industrial (k)
Scenic Resource (s)

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

Proposal:

The applicant proposes to construct stormwater management improvements to reduce potential discharges of total suspended solids to the Willamette River. The improvements include a lined stormwater planter, approximately 10.4 feet wide by 77.5 feet long, with a treated effluent and overflow bypass connection to an existing storm-drain gravity pipe that leads to an existing outfall located riverward of the proposed planter. The proposed improvements are required under the site's 1200-Z Industrial Stormwater Permit. No trees are proposed for removal.

In the Greenway River Industrial (i) overlay zone, alterations to existing development that are less than 75 feet from top of bank require Greenway Review (33.440.310.A). Since a substantial portion of the work area and the stormwater planter are within 75 feet of top of bank, Greenway Review is required.

Relevant Approval Criteria:

To be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are:

- ❖ **33.440.350.A – Greenway Design Guidelines**

ANALYSIS

Site and Vicinity: The site is on the northeast bank of the Willamette River, just north of the Fremont Bridge. The area in the vicinity of the site is zoned industrial; the most prominent development is the Albina Rail Yard just north of the subject property. The nearest residential or mixed-use zoning and development is across the river on NW Front Avenue, about 1,100 feet away. There is very little vegetation in the vicinity except directly along the river within the Greenway Setback.

The site itself, like its surroundings, is heavily developed, with vegetation almost exclusively limited to a narrow band along the river. There is a remnant pier structure extending out over the river in front of the subject site, but the structure appears to be related to a previous use on the site and is not utilized by the current occupant, Sakrete, which is a manufacturer primarily of pre-mixed concrete and concrete repair products.

Zoning: The project site is in the Heavy Industrial (IH) base zone and has Greenway River Industrial (i), Scenic Resource (s), and Prime Industrial (k) overlay designations.

The **Heavy Industrial (IH)** zone is one of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zone provides areas where all kinds of industries may locate including those not desirable in other zones due to their objectionable impacts or appearance. Put a sentence here about the development meeting, or generally meeting, the base zone standards. Or if they are applicable or not.

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 **Scenic Resources (s)** zone is intended to:

- Protect Portland's significant scenic resources as identified in the Scenic Resources Protection Plan;
- Enhance the appearance of Portland to make it a better place to live and work;
- Create attractive entrance ways to Portland and its districts;
- Improve Portland's economic vitality by enhancing the City's attractiveness to its citizens and to visitors;
- Implement the scenic resource policies and objectives of Portland's Comprehensive Plan.

The goals of the Scenic Resources zone are achieved by establishing height limits within view corridors to protect significant views and by establishing additional landscaping and screening standards to preserve and enhance identified scenic resources. The project area is within two designated view corridors, VC 17-07 and VB 17-05; see findings for Issues G and H below for details.

The purposes of the **Prime Industrial (k)** 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. Does this apply?

Land Use History: City records indicate one prior land use review for this site:

LU 1990-005389 (Reference # GP 010-90) – Approval of a greenway permit (Type I) to construct new buildings for warehouse, office and loading facilities for palletizing, drying and bagging ready-mix concrete. The site will also contain areas for stockpiling of gravel and sand materials. The activities will occur 25 feet back from the top of the bank, except for the barge and loading facility.

No Conditions of Approval from this past land use review are applicable to the current review.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **January 11, 2022**. Multiple bureaus responded, none with conditions or objections. The full responses are found in Exhibits E.1 through E.6.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on January 11, 2022. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Title 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** 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 all the approval criteria are met. Below, staff evaluates the proposal against each of the Greenway approval criteria:

- 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:

Issue A. Relationship of Structures to the Greenway Setback Area: This issue “applies to all but river-dependent and river-related industrial use applications for Greenway Approval, when the Greenway trail is shown on the property in the *Willamette Greenway Plan*.” These guidelines call for complementary design and orientation of structures so that the Greenway setback area is enhanced;

Issue B. Public Access: This issue “applies to all but river-dependent and river-related industrial use applications for Greenway Approval, when the Greenway trail is shown on the property in the *Willamette Greenway Plan*.” These guidelines call for integration of the Greenway trail into new development, as well as the provision of features such as viewpoints, plazas, or view corridors;

Findings: The Greenway trail is designated in the right-of-way landward of the site; *therefore, Issues A and B are not applicable.*

Issue C. Natural Riverbank and Riparian Habitat: This issue “applies to situations where the riverbank 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;

Guidelines:

1. Natural Riverbanks. The natural riverbank along the Willamette River should be conserved and enhanced to the maximum extent practicable. Modification of the riverbank should only be considered when necessary to prevent significant bank erosion and the loss of private property, or when necessary for the functioning of a river-dependent or river-related use.

2. Riparian Habitat. Rank I riparian habitat areas, as identified in the wildlife habitat inventory, should be conserved and enhanced with a riparian landscape treatment. Other riparian habitat should be conserved and enhanced through riparian landscape treatments to the maximum extent practical. Conservation however does not mean absolute preservation. Some discretion as to what vegetation should remain and what can be removed and replaced should be permitted. Riparian habitat treatments should include a variety of species of plants of varying heights that provide different food and shelter opportunities throughout the year.

Findings: Per the *Willamette Greenway Design Guidelines*, pg. C-26, Natural Riverbank is defined as riverbanks which have not received any bank stabilization other than from vegetation. The riverbank at the site is not in a natural state and has been stabilized by means other than vegetation. The riparian habitat at the site is listed as Rank V habitat area, which is the lowest ranking category in the inventory.

Because of the site’s low habitat value ranking, because the proposed work does not alter the riverbank, because no vegetation within the riparian area is proposed for removal, and because no additional landscaping of the Greenway Setback or river bank is required (See findings for Issue E, below), *Issue C and the associated guidelines are not applicable.*

Issue D. Riverbank Stabilization Treatments: This Issue “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;

Guidelines:

1. Riverbank Enhancement. Riverbank stabilization treatments should enhance the appearance of the riverbank, promote public access to the river, and incorporate the use of vegetation where practical. Areas used for river-dependent and river-related industrial uses are exempted from providing public access.

Findings: The existing riverbank is already stabilized and vegetated. No alterations to the existing riverbank stabilization treatment are proposed. Therefore, *Issue D is not applicable.*

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.” This Issue calls for landscaping treatments that create a balance between the needs of both human and wildlife populations in the Greenway Setback area or riverward of the Greenway Setback.

Guidelines:

- 1. Landscape Treatments.** The landscape treatment should create an environment which recognizes both human and wildlife use. Areas where limited human activity is expected should consider more informal riparian treatments. Areas of intense human use could consider a more formal landscape treatment. The top of bank may be considered a transition area between a riparian treatment on the riverbank and a more formal treatment of the upland.
- 2. Grouping of Trees and Shrubs.** In areas of more intense human use, trees and shrubs can be grouped. The grouping of trees and shrubs allows for open areas for human use, and has the secondary value of increasing the value of the vegetation for wildlife.
- 3. Transition.** The landscape treatment should provide an adequate transition between upland and riparian areas and with the landscape treatments of adjacent properties.

Findings: The Greenway Planting Standards call for a minimum of one tree and 10 shrubs per 20 feet of river frontage, and a sufficient number of groundcover plantings to cover the bank. The subject site has approximately 700 linear feet of river frontage, requiring 35 trees and 350 shrubs.

According to the tree inventory prepared by the arborist (Exhibits C.1 & A.5), there are only 13 trees on the site, 6 of which are black locust (*Robinia pseudoacacis*), a nuisance species. While a shrub count was not provided, it is clear from the existing conditions and landscape plans (Exhibits C.1 and C.3) that the number is well under that required by the planting standards listed above (33.440.230).

However, per 33.440.230.D *Exception for sites with an existing nonconforming use, allowed use, limited use, or conditional use*, the project will not trigger compliance with the landscaping standard. Specifically, the standard states that *alterations and improvements stated in 33.258.070.D.2.a do not count toward the threshold.* 33.258.070.D.2.a(5) lists, *Improvements to on-site stormwater management facilities in conformance with Chapter 17.38, Drainage and Water Quality, and the Stormwater Management Manual* as one of those that don’t count towards the threshold. At time of permit, The Bureau of Environmental Services (BES) will review the project for compliance with Chapter 17.38 and the SWMM, the project will meet this exception and not impact the trigger for non-conforming upgrades. As such, no additional landscaping will be required, and *Issue E is not applicable.*

Issue F. Alignment of Greenway Trail: This issue “applies to all applications for Greenway Approval with the Greenway trail shown on the property in the Willamette Greenway Plan.” These guidelines provide direction for the proper alignment of the Greenway trail, including special consideration for existing habitat protection and physical features in the area of the proposed alignment;

Findings: A Greenway Trail is not designated on the site and therefore is not required. Therefore, *Issue F is not applicable.*

Issue G. Viewpoints: This issue “applies to all applications for Greenway Approval with a public viewpoint shown on the property in the *Willamette Greenway Plan* and for all applications proposing to locate a viewpoint on the property”. These guidelines provide direction about the features and design of viewpoints, as required at specific locations;

Findings: No scenic viewpoints are mapped directly on the subject site. Since no viewpoints are mapped directly on the site, *Issue G does not apply.*

Issue H. View Corridors: This issue “applies to all applications for Greenway Approval with a view corridor shown on the property in the *Willamette Greenway Plan.*” These guidelines provide guidance in protecting view corridors to the river and adjacent neighborhoods;

Guidelines:

1. Right-of-way Protection. View corridors to the river along public rights-of-way are to be protected. These rights-of-way should not be vacated.

2. View Protection. Buildings, structures, or other features must be located to avoid blocking view corridors.

3. Landscape Enhancement. Landscape treatments within view corridors should frame and enhance the view of the river.

Findings: The project area is within the designated view corridor of two Scenic Viewpoints, VC 17-07 and VB 17-05. Both view corridors have a maximum height limit of 50 feet; the stormwater facility under review is well under that height. Guideline 1 is not applicable since the relevant corridors do not run along public rights-of-way, but rather cross them and private property. Guideline 2 is met, since the stormwater planter proposed is well under the allowed height limit and furthermore, is on the far side of the building in relation to the viewpoints and thus will not likely be visible from them. Guideline 3 speaks to proposals where a landscape treatment is required. As noted in Issue E above, no landscaping is required by this proposal and all trees are proposed for retention. Therefore, Guideline 3 is not applicable.

As noted, the guidelines for Issue H are either met or not applicable. Therefore, *Issue H is met.*

B. River frontage lots in the River Industrial zone. In the River Industrial zone, uses that are not river-dependent or river-related may locate on river frontage lots when the site is found to be unsuitable for river-dependent or river-related uses. Considerations include such constraints as the size or dimensions of the site, distance or isolation from other river-dependent or river-related uses, and inadequate river access for river-dependent uses.

Findings: The proposal is associated with existing development and no expansion of the use is proposed. Furthermore, the new stormwater facility is accessory to the existing use and development.

Therefore, *approval criterion B is not applicable.*

C. Development within the River Natural zone. The applicant must show that the proposed development, excavation, or fill within the River Natural zone will not have significant detrimental environmental impacts on the wildlife, wildlife habitat, and scenic qualities of the lands zoned River Natural. The criterion applies to the construction and long-range impacts of the proposal, and to any proposed mitigation measures. Excavations and fills are prohibited except in conjunction with approved development or for the purpose of wildlife habitat enhancement, riverbank enhancement, or mitigating significant riverbank erosion.

- D. Development on land within 50 feet of the River Natural zone.** The applicant must show that the proposed development or fill on land within 50 feet of the River Natural zone will not have a significant detrimental environmental impact on the land in the River Natural zone.

Findings: There is no River Natural zoning within 50 feet of this site; *Approval Criteria C and D do not apply.*

- 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: The shoreline at the site is designated Rank V habitat (Site 14.3a). Furthermore, other than along the southwestern edge of the work area, the Greenway Setback will be protected from disturbance by the proposed tree protection fencing. In acknowledgement of the interconnected nature of the subject site and sites on the river downstream of it, staff finds that a condition of approval requiring that the tree protection fencing along the southwestern side of the project area be moved so that it is along and not within the Greenway Setback. This will ensure that potential impacts to downstream Rank I and II sites are avoided. With this condition, *Criterion E can be met.*

- F. Development riverward of the Greenway setback.** The applicant must show that the proposed development or fill riverward of the Greenway setback will comply with all of the following criteria:

1. The proposal will not result in the significant loss of biological productivity in the river;

Findings: None of the proposed work area is located within or riverward of the Greenway Setback. Furthermore, the proposed stormwater treatment facility reduces contaminants entering the river that could cause or contribute to significant loss of biological productivity in the river, thus improving conditions that can increase biological productivity in the river. Therefore, *approval criterion F.1 is met.*

2. The riverbank will be protected from wave and wake damage;

Findings: All existing bank stabilization will remain, and all improvements are proposed landward of the Greenway Setback and will have no impact on the riverbank.

Therefore, *F.2 is not applicable.*

3. The proposal will not:

- a. Restrict boat access to adjacent properties;**
- b. Interfere with the commercial navigational use of the river, including transiting, turning, passing, and berthing movements;**
- c. Interfere with fishing use of the river;**
- d. Significantly add to recreational boating congestion; and**

Findings: The installation of the proposed stormwater treatment facilities will occur above ordinary high water and will not alter or affect use of the river. Therefore, *criterion F.3 is met.*

4. The request will not significantly interfere with beaches that are open to the public.

Findings: The project site is on private property; the site's riverfront is not open to the public. Therefore, *this criterion is not applicable.*

- G. Development within the River Water Quality overlay zone setback.** If the proposal includes development, exterior alterations, excavations, or fills in the River Water Quality

overlay zone setback the approval criteria below must be met. River-dependent development, exterior alterations, excavations, and fills in the River Water Quality zone are exempt from the approval criteria of this subsection.

Findings: The River Water Quality overlay zone is not on or adjacent to this site; *this criterion is not applicable.*

H. Mitigation or remediation plans. Where a mitigation or remediation plan is required by the approval criteria of this chapter, the applicant's mitigation or remediation plan must demonstrate that the following are met:

Findings: A mitigation or remediation plan is not required by the approval criteria for this proposal. *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.

As noted in the Life Safety reviewer's response (Exhibit E.6),

If the planter provides retaining walls over 4 feet in height measured from the bottom of the footing to the top of the wall or supports a surcharge, a building permit is required. The proposal must be designed to meet all applicable building codes and ordinances. (PCC 24.70.020.C).

Also worth noting is that the proposed work will require the removal of L.2 landscaping along the perimeter of the vehicle/parking area. Per the approved plans, the applicant has indicated they will replant those areas with plantings. At time of permit, those plantings must continue to meet the L2 landscaping requirements of 33.248.020.B.2.

CONCLUSIONS

The applicant proposes to construct a stormwater management facility to reduce potential discharges of total suspended solids to address Oregon Department of Environmental Quality's 1200-Z Industrial Stormwater Permit Requirements.

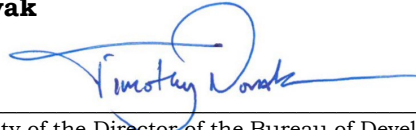
ADMINISTRATIVE DECISION

Approval of Greenway Review for construction of a new stormwater management facility (stormwater conveyance infrastructure and a lined, flow-through bioretention planter) all within the Greenway River Industrial zone, and in substantial conformance with Exhibits C.1, C.2, and C.3, as approved by the City of Portland Bureau of Development Services on **April 8, 2022**. Approval is subject to the following conditions:

- A.** Tree protection fencing shall be placed as shown on Exhibit C.3, Landscaping and Construction Management Plan, prior to initiation of any construction activities to separate approved construction areas from areas to remain undisturbed, excepting that where the fencing is shown along the southwestern side of the project area, it shall be moved so that it is adjacent to and not within the Greenway Setback.
- B.** All measures provided for sediment control, including sediment fencing, shall be placed on the work area side of the tree protection fencing.
- C.** Trees shall be protected according to tree protection measures provided in Title 11 Tree Code,

Chapter [11.60.030 Tree Protection Specifications](#), or as specifically recommended by the arborist, except that in no case shall tree protection fencing be placed within or riverward of the Greenway Setback.

Staff Planner: Timothy Novak



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

Decision mailed: April 13, 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 June 23, 2021, and was determined to be complete on November 3, 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 June 23, 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 245 days (Exhibit A.3). Unless further extended by the applicant, **the 120 days will expire on: November 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 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 April 27, 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 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 **April 27, 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 Submittals (06/23/2021)
 - a. Narrative
 - b. Drawings
 - 2. Submittals (11/23/2021)
 - a. Response to incomplete letter
 - b. Drawings-rev1
 - 3. 120-day extension request
 - 4. Submittals (01/06/2022)
 - 5. Arborist Report (02/09/2022)
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Cover Page with Existing Conditions Plan (attached)
 - 2. Proposed Improvements Plan
 - 3. Landscaping and Construction Management Plan (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 Review Section of BDS
 - 5. Bureau of Parks, Forestry Division
 - 6. Life Safety Review Section of BDS
- 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).