



City of Portland  
**Bureau of Development Services**  
Land Use Services Division

1900 SW Fourth Ave. Suite 5000  
Portland, Oregon 97201  
Telephone: 503-823-7300  
TDD: 503-823-6868  
FAX: 503-823-5630  
[www.portlandonline.com/bds](http://www.portlandonline.com/bds)

**Date:** September 3, 2008  
**To:** Interested Person  
**From:** Marty Stockton, Land Use Services  
503-823-3493 / [Marty.Stockton@ci.portland.or.us](mailto:Marty.Stockton@ci.portland.or.us)

## **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 reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

### **CASE FILE NUMBER: LU 08-145201 AD**

#### **GENERAL INFORMATION**

**Applicants:** David Toyne  
Harvest Meat Company, Inc  
1022 Bay Marina Drive #106  
National City, CA 91950  
  
Jeff Tollefson  
Western Boxed Meat, Inc  
Po Box 4796  
Portland, OR 97208

**Representative:** Chris Goodell  
AKS Engineering and Forestry, LLC  
13910 SW Galbreath Drive, Ste 100  
Sherwood, OR 97140

**Owner:** Prologis Trust  
2235 Faraday Ave #O  
Carlsbad, CA 92008

**Site Address:** 2401 NE ARGYLE ST

**Legal Description:** TL 1400 3.18 ACRES, SECTION 12 1 N 1 E; TL 1300 3.68 ACRES, SECTION 12 1N 1E

**Tax Account No.:** R941120330, R941120790

**State ID No.:** 1N1E12CC 01400, 1N1E12CC 01300

**Quarter Section:** 2232

**Neighborhood:** Sunderland, contact Ronda Johnson at 503-823-3156.

**Business District:** Columbia Corridor Association, contact Land Use at 503-287-8686.

**District Coalition:** Central Northeast Neighbors, contact Alison Stoll at 503-823-3156.

**Plan District:** None

**Zoning:** IG2h General Industrial 2 zone with h, Aircraft Landing overlay zoning

**Case Type:** AD, Adjustment Review

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

**Proposal:**

The applicants have an existing ground lease, specifically two of the three buildings within the Argyle Industrial Park, on an 11.48-acre site. They are proposing internal tenant improvements, mainly the installation of refrigeration equipment. Valuation of this proposed tenant improvement exceeds the threshold established in Chapter 33.258 Nonconforming Development, which triggers site improvements to be made to the site up to 10 percent of the value of the project. The applicants are proposing to partially address the requirements. However, the value of these improvements is below the 10 percent.

Therefore, the applicants are requesting four **Adjustments** to applicable Zoning Code standards, as follows:

1. **Overall Site Landscaping:** Reduce the minimum landscaped area of the site from 15 to 2 percent (Section 33.140.225 and Table 140-3).
2. **Perimeter Landscaping for Parking Lots and Truck Storage Areas:** Waive the required setback and trees, shrubs and groundcover in the perimeter setback areas in segments required along the edges of the parking lots and truck storage area (Section 33.266.130.G.2.d).
3. **Interior Parking Lot Landscaping:** Waive the required layout standard (landscape strips) for interior parking lot landscaping in the parking lots (Section 33.266-130.G.3).
4. **Loading Area Setback and Landscaping:** Waive the required landscaped setback area required between loading areas and streets (Section 33.266.310.E).

**Relevant Approval Criteria:**

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

## ANALYSIS

**Site and Vicinity:** The Argyle Industrial Park consists of three parcels, with a combined area of just over 11 acres. The total site area for the Western Boxed Meat lease area site (Tax Lot's 1200 and 1300) is 298,821 square feet. The site is currently developed with multiple buildings, passenger vehicle parking, and freight loading and unloading areas. The facility fronts NE Argyle Street and is adjacent to the Columbia Slough on the north side. The area around the site appears to consist of trucking and warehouse facilities and industrial flex-space buildings.

**Zoning:** The Argyle Industrial Park is in the Columbia Corridor industrial area. The facility is located in a General Industrial 2 (IG2) zone. The Aircraft Landing ("h") overlay zone extends over the site. Because the parcels that are zoned with the "h" overlay are already developed, the provisions of Chapter 33.400, Aircraft Landing overlay does not apply to this project. Below is a description of the zoning designations.

- **General Industrial 2 Zone.** The General Industrial zones implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zones provide areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve for industry. The IG2 areas generally have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverage and buildings that are usually set back from the street.
- **Aircraft Landing Overlay Zone.** The "h" overlay limits the height of structures and vegetation in the vicinity of the Portland International Airport. The height limit for this site is 180 feet above the PDX airport landing strip elevation of 18 feet above sea level.

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

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **August 4, 2008**. The following Bureaus have responded with no issues or concerns:

- Bureau of Transportation Engineering

The **Bureau of Environmental Services** responded with the following comment: BES recommends the required landscaping to be installed (Exhibit E.1). Vegetation provides many benefits. However, the proposal appears to have less than 500 feet of new or redeveloped impervious surface area so the requirements of the Stormwater Management Manual are not triggered for this specific proposal. In addition, there is a storm-only main available in NE Argyle. BES has no conditions of approval.

The **Site Development Section of BDS** responded with the following comments: Site Development has no objection to the proposed Adjustments. Due to the existing site conditions and drainage patterns, it does not appear that it would be feasible to use the new landscaping areas for stormwater management.

The **Multnomah Drainage District No. 1 (MCDD#1)** responded with the following comments: MCDD#1 has reviewed the land use review materials for the above-case file number, as to its impacts to the operation and policies of this District. Approval is granted to the applicant of these plans, submitted to this District, subject to approval by the City of Portland. (Exhibit E.2)

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on August 4, 2008. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## ZONING CODE APPROVAL CRITERIA

### 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 and 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

The approval criteria for signs are stated in Title 32. All other adjustment requests will be approved if the review body finds that the applicant has shown that either approval criteria A. through F. or approval criteria G. through I., below, have been met. Adjustments to the ground floor window requirements of this Title must also meet the additional requirements stated in the ground floor window sections in the base zones.

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

**Findings:** The purpose of the development standards requested for Adjustment are:

1. Overall Landscaped Area on Site: The intent of the standard, as stated in Section 33.140.225 of the Zoning Code, is:

*Landscaping is required to help soften the effects of built and paved areas. It also helps in reducing stormwater runoff by providing a surface into which stormwater can percolate. Landscaping is required for all employment and industrially zoned lands abutting R-zoned lands to provide buffering and promote livability of the residential lands.*

The proposed improvements are interior to an existing building and no expansions are proposed. Rather than meeting the required overall landscaped area on site, the proposal is to slightly increase the amount of landscaping from 4,790 square feet to 7,084 square feet. The total site area for the Western Boxed Meat lease area site (Tax Lot's 1200 and 1300) is 298,821 square feet. The total existing building footprint for the site is 155,945 square feet. The remaining area for landscaping, parking, maneuvering, and loading areas for the site is 144,619 square feet. The applicants are requesting an adjustment to reduce the required total area of landscaping on the site from 15 percent to 2 percent. With that said, the additional landscaping to be added is a 32 percent increase over the existing.

In addition to the proposed parking lot landscaping, see findings below, the applicants are proposing the installation of trees, shrub and groundcover on TL's 1200 and 1300. The number and type of plant material proposed on the site provides for mitigation. Specifically, the applicants are proposing to increase the number of trees from 19 to 43. The tree selection will include mainly Crimson King Maple, a medium-size, native tree. Proposed are 150 shrubs. The shrubs will include Newport Dwarf Escallonia, Morning Light Miscanthus, and Photinia. Lastly, 684 groundcover plants will be used. Kinnikinnick, Compact Oregon Grape and Snowberry will be installed. These plants will be installed along the perimeter of the site and in areas adjacent to the main entrances.

The landscaping scheme for the site retains most of the existing street trees and focuses most of the landscaping along the NE Argyle frontage in order to enhance the appearance of the building and parking areas from street and sidewalk view. In addition to retaining a significant amount of landscaping on the site, the mix of new trees, shrub and groundcover will enhance the appearance.

In order to mitigate for the reduced landscape area and to address criterion E, a condition will require full implementation of the proposed landscaping plans on the parking lots. Through compliance with the condition, this approval criterion is met.

2. Parking lot landscaping standards – perimeter landscaping: The intent for the parking lot perimeter landscaping, as stated in Section 33.266.130.A of the Zoning Code, is as follows:

*The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles. The setback and landscaping standards:*

- *Improve and soften the appearance of parking areas;*
- *Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;*
- *Direct traffic in parking areas;*
- *Shade and cool parking areas;*
- *Reduce the amount and rate of stormwater runoff from vehicle areas;*
- *Reduce pollution and temperature of stormwater runoff from vehicle areas;*
- *and*
- *Decrease airborne and waterborne pollution.*

The intent of the L2 perimeter landscaping standard in Section 33.248.020.B.1 is:

*The L2 standard is a landscape treatment that uses a combination of distance and low level screening to separate uses or development. The standard is applied where a low level of screening is adequate to soften the impact of the use or development, or where visibility between areas is more important than a total visual screen. It is usually applied along street lot lines.*

Similarly, the purpose of required setback and landscaping between streets and large truck parking and storage areas is stated in Section 33.140.245.A, as follows:

- *Will be consistent with the desired character of the zone;*
- *Will not be a detriment to the overall appearance of an employment or industrial area;*
- *Will not have adverse impacts on adjacent properties, especially those zoned residential; and*
- *Will not have an adverse impact on the environment.*

The intent of the L1 perimeter landscaping standard in Section 33.248.020.A.1 is:

*The L1 standard is a landscape treatment for open areas. It is intended to be applied in situations where distance is used as the principal means of separating uses or development, and landscaping is required to enhance the area in-between. While primarily consisting of groundcover plants, it also includes a mixture of trees, high shrubs and low shrubs.*

The requested adjustment is to waive the amount of perimeter parking lot landscaping on the site. Rather than providing the full 10-foot wide setback and installing landscaping to meet the L2 standard, the applicants are proposing the segments of the landscaped setback in front of the two main entrances along NE Argyle Street. A 5-foot to 20-foot wide landscaped setback is proposed adjacent to parking along the eastern property line. Specifically, the perimeter parking lot landscaping conflicts with Zoning Code requirements in the following areas:

- The south and west frontage, on NE Argyle Street, will include gaps in the 10-foot wide setback and landscaping along four segments, three 60-foot lengths and a 120-foot length.
- The east edge of the parking lot, where it abuts 1N1E12AC 1500, a 5-foot to 20-foot wide landscaped setback is proposed.

The parking areas on the south and west frontage, on NE Argyle Street, has an existing 10 foot-wide landscaped portion of right-of-way. This landscaped portion of right-of-way provides adequate separation between the parking area and NE Argyle. Therefore, visual screening is not necessary.

The functional purpose of perimeter landscaping is to separate or screen parking areas from abutting uses. Equally important is its role, in concert with interior parking lot landscaping, to shade and cool parking areas, reduce the amount and rate of stormwater and decrease airborne and waterborne pollution. The applicants are proposing to install a total of 24 trees, 150 shrubs, and 7,084 square feet of groundcover on the site. All of the new planting areas on the parking lots will cumulatively reduce the amount and rate of stormwater and will help to decrease airborne and waterborne pollution. A condition will require the applicants to obtain a Zoning Permit to ensure implementation of the submitted landscaping plan.

Through compliance with conditions, this criterion is met.

3. Parking lot landscaping standards – interior landscaping: The intent for the parking lot interior landscaping, as stated in Section 33.266.130.A of the Zoning Code, is as follows:

*The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles. The setback and landscaping standards:*

- *Improve and soften the appearance of parking areas;*
- *Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;*
- *Direct traffic in parking areas;*
- *Shade and cool parking areas;*
- *Reduce the amount and rate of stormwater runoff from vehicle areas;*
- *Reduce pollution and temperature of stormwater runoff from vehicle areas; and*
- *Decrease airborne and waterborne pollution.*

The intent of the P1 interior parking lot landscaping standard in Section 33.248.020.I.1 is:

*The P1 standard is a landscape treatment which uses a combination of trees, shrubs, and groundcover to provide shade, stormwater management, aesthetic benefits, and screening to soften the impacts of large expanses of pavement and vehicle movement. It is applied to landscaped areas within parking lots and associated vehicle areas.*

The applicants are requesting to significantly reduce the amount of trees and shrubs required for site and to waive the interior parking lot landscaping for site. A parking lot with 68 spaces requires at least 17 large trees, or 22 medium size trees. If small trees are used, the requirement is 34. At least 1.5 shrubs is required for each parking space. In order to satisfy the Zoning Code, at least 102 shrubs and anywhere from 17 to 34, depending on size of tree, would have to be planted in the interior of the site's parking lot. The applicants are proposing 3,647 square feet of landscaping and will comply with this requirement. However, the site does not comply with the layout standards (landscape strips) identified within this Chapter. The applicant instead proposes four new separate improvements, these areas are concentrated in the most visible portions of the site from NE Argyle Street, they are:

- Landscaping improvements and pedestrian type plazas are proposed adjacent to parking areas in proximity to the buildings' existing main entryways. These areas include landscaping, benches, a table, trash receptacle, etc. These areas are shown on the landscape plan and highlighted as Exhibits E and F.
- A new interior parking landscaping area is proposed to be located between the front of the building and a parking area. This area is shown on the landscape plan and is highlighted as Exhibit G.
- Interior landscaping is proposed in the form of a new landscape island adjacent to the northeast corner of the building. These areas are shown on the landscape plan and highlighted as Exhibits H and I.

The applicants are proposing new trees, shrubs and groundcover to be installed adjacent to parking areas in proximity to the buildings' existing main entryways. The additional trees and shrubs will serve to partially fulfill the requirements of the perimeter landscaping and will help to minimize the stormwater impacts of a large parking area. The bureau that implements stormwater management requirements, the Bureau of Environmental Services (BES) recommends the required landscaping be installed. However, the proposal appears to have less than 500 feet of new or redeveloped impervious surface area so the requirements

of the Stormwater Management Manual are not triggered for this specific proposal. Further, the use of native vegetation not only filters stormwater, but also it is suited to our climate and therefore needs less watering and does not require pesticides and fertilizer. The applicants are proposing plants that are either native or are suitable in the Pacific Northwest climate. The new interior parking landscaping area site will aid in shading and cooling the lots and will help reduce airborne and waterborne pollutants. The proposed landscape island will soften the appearance of the large paved area. Large trees will provide shade to cool the area and will reduce stormwater impacts.

A condition will require the applicants to obtain a Zoning Permit for the installation of landscaping on site. Through compliance with the conditions as approval, this criterion is met.

4. **Loading Area Setback and Landscaping:** The purpose of the standard, as stated in Section 33.266.130.A of the Zoning Code, is so *“that the appearance of loading areas will be consistent with that of parking areas.”*

The existing buildings on site have loading bays that face NE Argyle Street and an internal shared driveway with the property to the north. The loading bays facing NE Argyle Street will not be landscaped at a depth and/or quantity required per Table 266-7. The numerous loading areas are designed for trucks to navigate on the site. Most are located at approximately 70 feet to 100 feet from the lot line. This maneuvering area will keep the truck from impacting the public right-of-way. Trucks will not be backing onto the site from the street. The backing into the loading bays will occur on-site.

Although not to the depth or density of trees and plants required to meet the standard, the applicants are proposing landscaped areas along most of the perimeter of the lot. The existing street trees, on-site landscaping and proposed new plants will adequately screen the loading activities on this site. This criterion is met.

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

**Findings:** The site, consisting of two tax lots, is located in a General Industrial (IG2) zone. The site has frontage on NE Argyle Street. The entire site is located in a designated Freight District. The streets are classified in the Transportation Element of the Comprehensive Plan as follows:

Rights-of-Way	Traffic Classification	Transit Classification	Bicycle Classification	Pedestrian Classification
NE Argyle Street	Local Service	None	City Bikeway	City Walkway

Portland Office of Transportation, Engineering and Development reviewed the proposal for conformance with adopted transportation policies, Title 17, and Title 33 approval criteria, as well as conformance with street designations. The Transportation Engineering staff found no concerns with the requested adjustments.

The Zoning Code defines the term “desired character” as being based on the purpose statement of the base zone, and the preferred and envisioned character included in adopted area plans (Section 33.910.030). The purpose and characteristics of the IG2 zone are described as follows:

*The employment and industrial zones are for areas of the City that are reserved for industrial uses and for areas that have a mix of uses with a strong industrial orientation...The regulations promote areas which consist of uses and developments which will support the economic viability of the specific zoning district and of the City. The regulations protect the health, safety and welfare of the public, address area character, and address environmental concerns.*

*The General Industrial zones are two of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zones provide areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry.*

*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.*

1. Overall landscaped area on site: The requested Adjustment to reduce the amount of total landscaped area is consistent with the street classification and the desired character of the area. Even though the amount of landscaped area remains under the required 15 percent, the planting scheme on the Argyle Industrial Park site will enhance this industrial area. This criterion is met.
  2. Parking lot landscaping – perimeter landscaping: The requested Adjustment to waive the amount of perimeter parking lot landscaping is consistent with the street classification and the desired character of the area. Where the parking will be most visible, along the NE Argyle Street, the existing plants within the public right-of-way and the proposed landscaped segments along the southern and western frontage of the site will compliment the industrial district. The overall effect of the planting scheme will soften the impacts of the paved areas. This criterion is met.
  3. Parking lot landscaping – interior landscaping: The requested Adjustment to waive the layout standards (landscape strips) in the required interior parking lot landscaped areas does not conflict with the classification of the abutting streets and does not conflict with the desired character of the area. The IG2 zone is intended to provide an area for uses that require exterior storage, generate noise and create other impacts that are not appropriate in other areas (zones) in the City. Although parking lot landscaping provides environmental benefits that span beyond property lines, the proposed interior parking lot landscaped areas not meeting the layout standards for interior parking lot landscaping will not detract from the character of the surrounding uses. This criterion is met.
  4. Loading Area Setback and Landscaping: The loading bays will not be landscaped at a depth and/or quantity that is required between the street lot line and loading area, per Table 266-7. The requested Adjustment to this standard does not conflict with the classification of the abutting streets and does not conflict with the desired character of the area. The numerous loading areas are designed for trucks to navigate on the site. The loading areas will be set back from the property lines at least 60 feet. Therefore, the maneuvering area and backing into the loading bays will occur on-site. The proposed landscaping treatment along the edges of the site will adequately soften on-site loading. The proposed landscaping is consistent with the surrounding development. 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:** Four adjustments are requested. Individually and collectively, the requested adjustments will achieve a project that remains consistent with the overall purpose of the IG2 zone. The overall project will provide a 32 percent increase in landscaping on the site,



which results in an enhanced appearance as well as additional shade and vegetated areas for stormwater. This criterion is met for all of the requested adjustments.

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

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

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

**Findings:** To mitigate for the reduced overall, perimeter and interior landscaping on site, a condition will require the applicants to obtain a Zoning Permit for the installation of landscaping on site. Through compliance with the conditions of approval, this criterion is satisfied.

**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:** The site is not within an environmental zone, which is designated on the zoning map by either a "c" or "p" overlay. Therefore, this criterion is not applicable.

## DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

## CONCLUSIONS

Western Boxed Meat, Inc. is proposing upgrading their refrigeration equipment and other internal improvements within the two buildings leased at the Argyle Industrial Park. As a result of these improvements, nonconforming upgrades have been triggered because of the value of the tenant improvement exceeds the threshold established in Chapter 33.258 Nonconforming Development. The applicants are proposing to partially address the requirements. However, the value of these improvements is below the 10 percent. In order to accomplish the installation of the refrigeration equipment and occupancy, the applicants have requested adjustments to applicable Zoning Code development standards that will not be met. The applicants wish to vary from various landscaping standards.

To address the approval criteria and to mitigate for impacts, conditions will require implementation of the submitted landscaping plans. In all, the new plantings will provide approximately 7,084 square feet of groundcover, 150 shrubs and 24 trees. The new landscaped areas will bring the site closer to conformance with current Zoning Code standards.

Based on the findings of this report, the applicable approval criteria are met or will be met through compliance with the conditions of approval.

## ADMINISTRATIVE DECISION

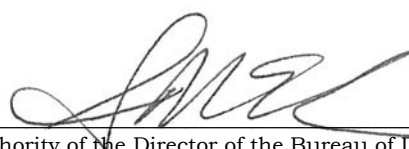
Approval of the following Adjustments:

1. Overall Site Landscaping: Reduce the minimum landscaped area of the site from 15 to 2 percent (Section 33.140.225.B);

2. Perimeter Landscaping for Parking Lots and Truck Storage Areas: Waive the landscaped setback area in segments along NE Argyle Street and the eastern property line (Sections 33.266.130.G.2 and 33.140.245.C and Tables 266-5 and 140-6);
3. Interior Parking Lot Landscaping: Waive the required layout standards (landscape strips) for interior parking lot landscaping in the parking lots (Section 33.266.130.G.3);
4. Loading Area Setback and Landscaping: Waive the landscaped setback area required between loading areas and streets (Section 33.266.310.E and Table 266-7);

per the approved site/landscaping plans, Exhibits C.1 through C.12, signed and dated August 28, 2008, subject to the following conditions:

- A. As part of a revision to the building permit application submittals, the following development-related conditions (B through C) must be noted on each required site plan, respectively. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 08-145201 AD." All requirements must be graphically represented on the site plan, landscape, or other required plans and must be labeled "REQUIRED."
- B. Submit revised site and landscaping plans for permit 08-118822 FA, currently under inspection. Plans must reflect the approved landscaping plan per Exhibits C.2 and C.13.
- C. Obtain a Zoning Permit for review and inspection. The plants must be installed within 6 months of the date of this decision.

**Decision rendered by:**  **on August 28, 2008.**

By authority of the Director of the Bureau of Development Services

**Decision mailed: September 3, 2008.**

**Staff Planner: Marty Stockton**

**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 July 11, 2008, and was determined to be complete on July 31, 2008.

*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 11, 2008.

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

**Some of the information contained in this report was provided by the applicant.**

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information

satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

**Conditions of Approval.** If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

**Appealing this decision.** This decision may be appealed to the Adjustment Committee, which will hold a public hearing. Appeals must be filed **by 4:30 PM on September 17, 2008** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7967 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.portlandonline.com](http://www.portlandonline.com).

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Adjustment Committee is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Adjustment Committee an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

**Recording the final decision.**

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed,* The final decision may be recorded on or after **September 18, 2008 – (the day following the last day to appeal).**

- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034  
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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Layout Plan (attached)
  - 3. Landscaping Plan (attached)
  - 4. Exhibit A (attached)
  - 5. Exhibit B (attached)
  - 6. Exhibit C (attached)
  - 7. Exhibit D (attached)
  - 8. Exhibit E (attached)
  - 9. Exhibit F (attached)
  - 10. Exhibit G (attached)
  - 11. Exhibit H (attached)

12. Exhibit I (attached)

D. Notification information:

1. Mailing list
2. Mailed notice

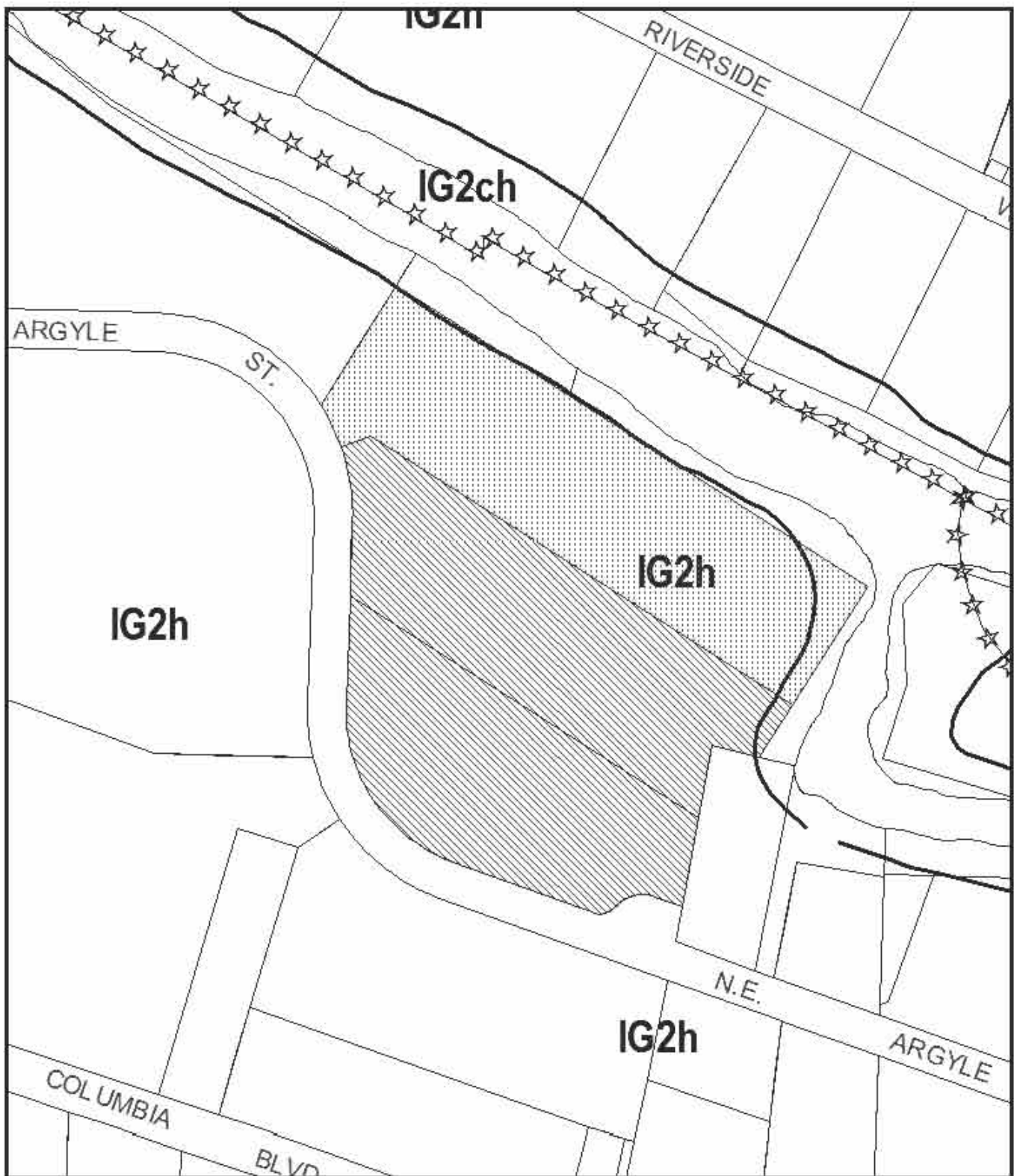
E. Agency Responses:

1. Bureau of Environmental Services
2. Multnomah Drainage District No. 1

F. Other:

1. Original LU Application
2. Site History Research

**The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).**

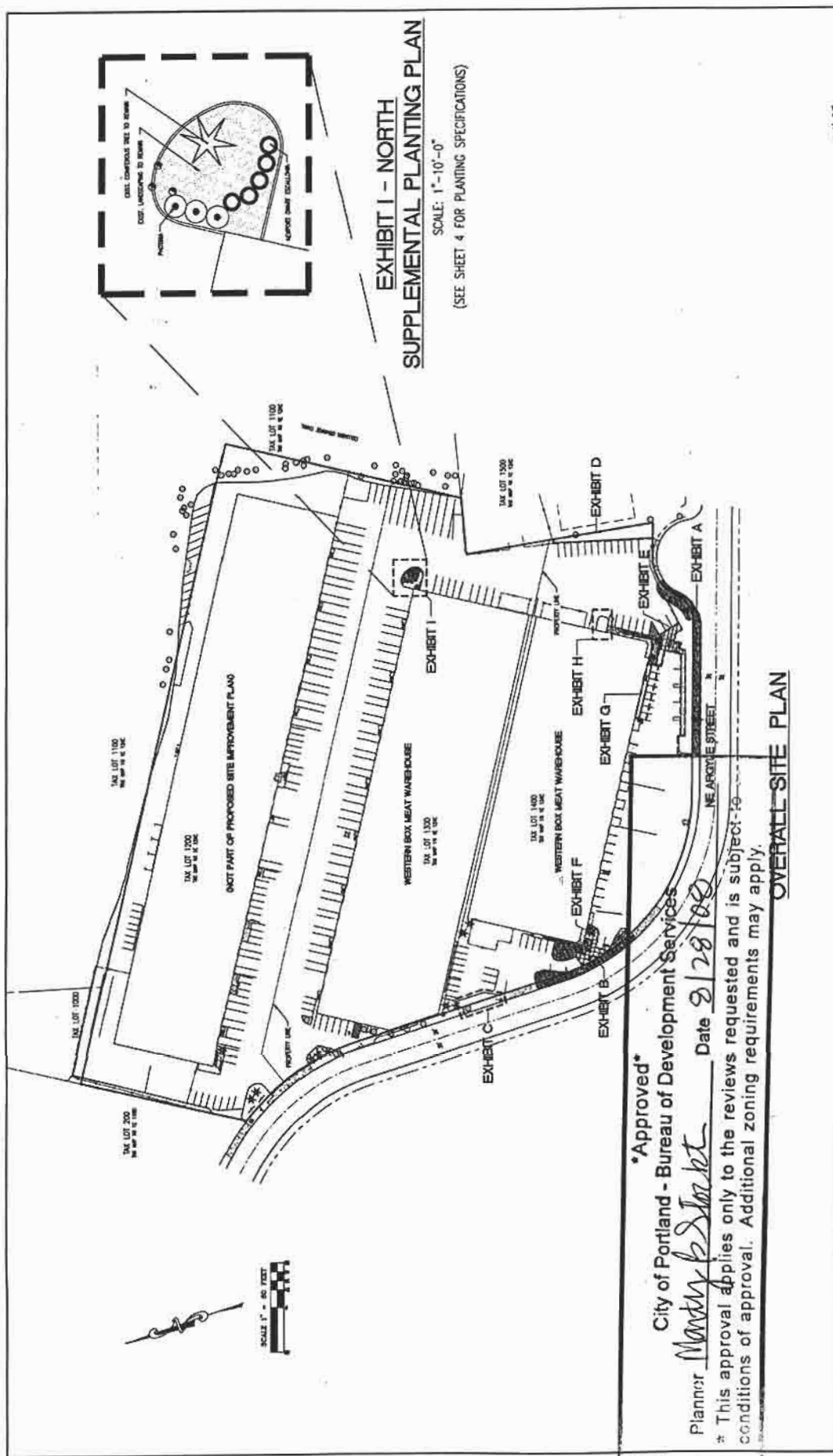


# ZONING

 Site  
 Also Owned



File No.	LU 08-145201 AD
1/4 Section	2232, 2233, 2333
Scale	1 inch = 200 feet
State_Id	1N1E12CC 1300
Exhibit	B (Jul 16, 2008)



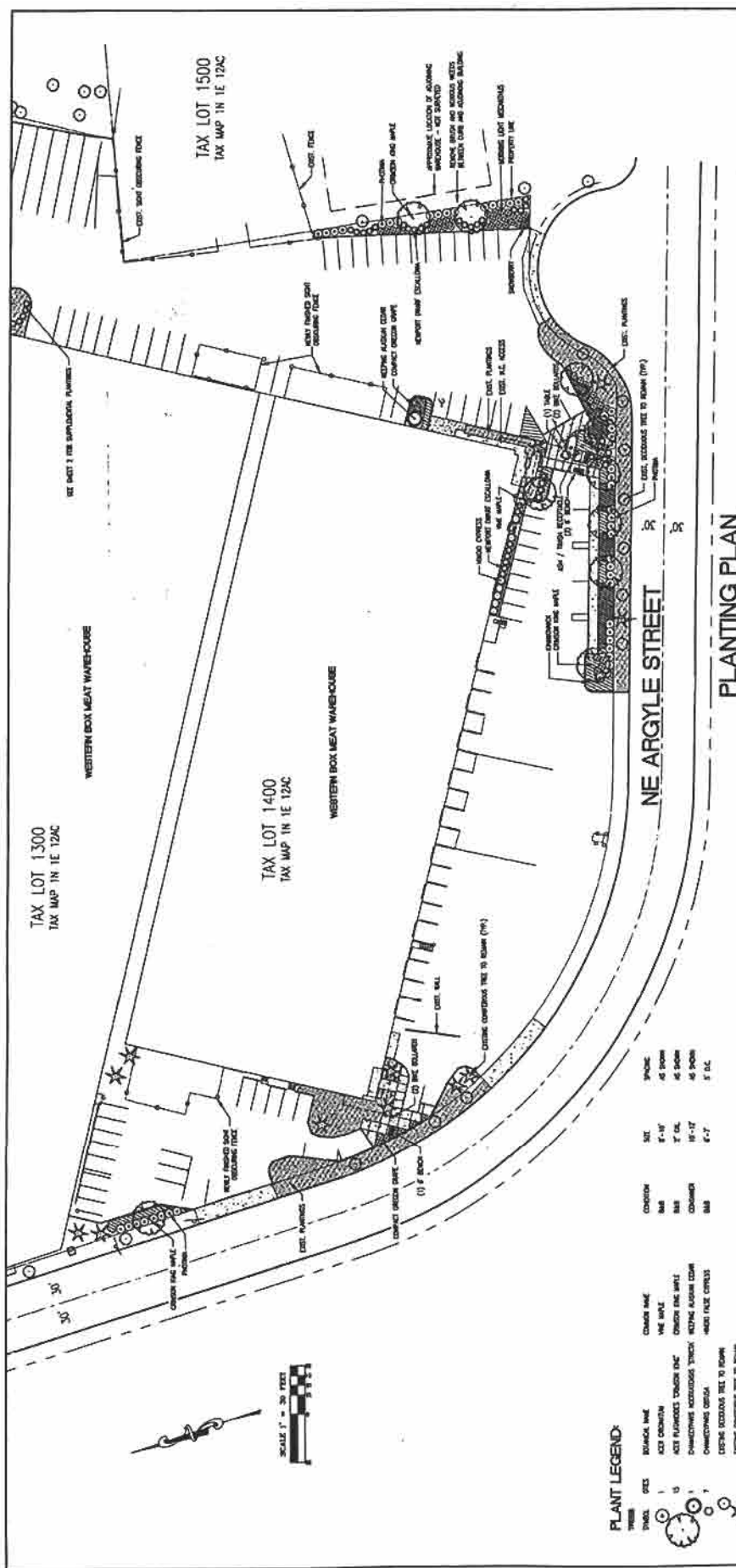
REVISIONS: _____ _____ _____ _____ _____		OVERALL SITE PLAN		PREPARED FOR WESTERN BOX MEAT, INC. PORTLAND, OR 97208		PREPARED BY AKS ARCHITECTS & ENGINEERS 1000 NE 10TH AVE., SUITE 100 PORTLAND, OR 97232 PHONE: (503) 835-2700 FAX: (503) 835-2700		PROJECT NO. 2083		SHEET 2 OF 4	
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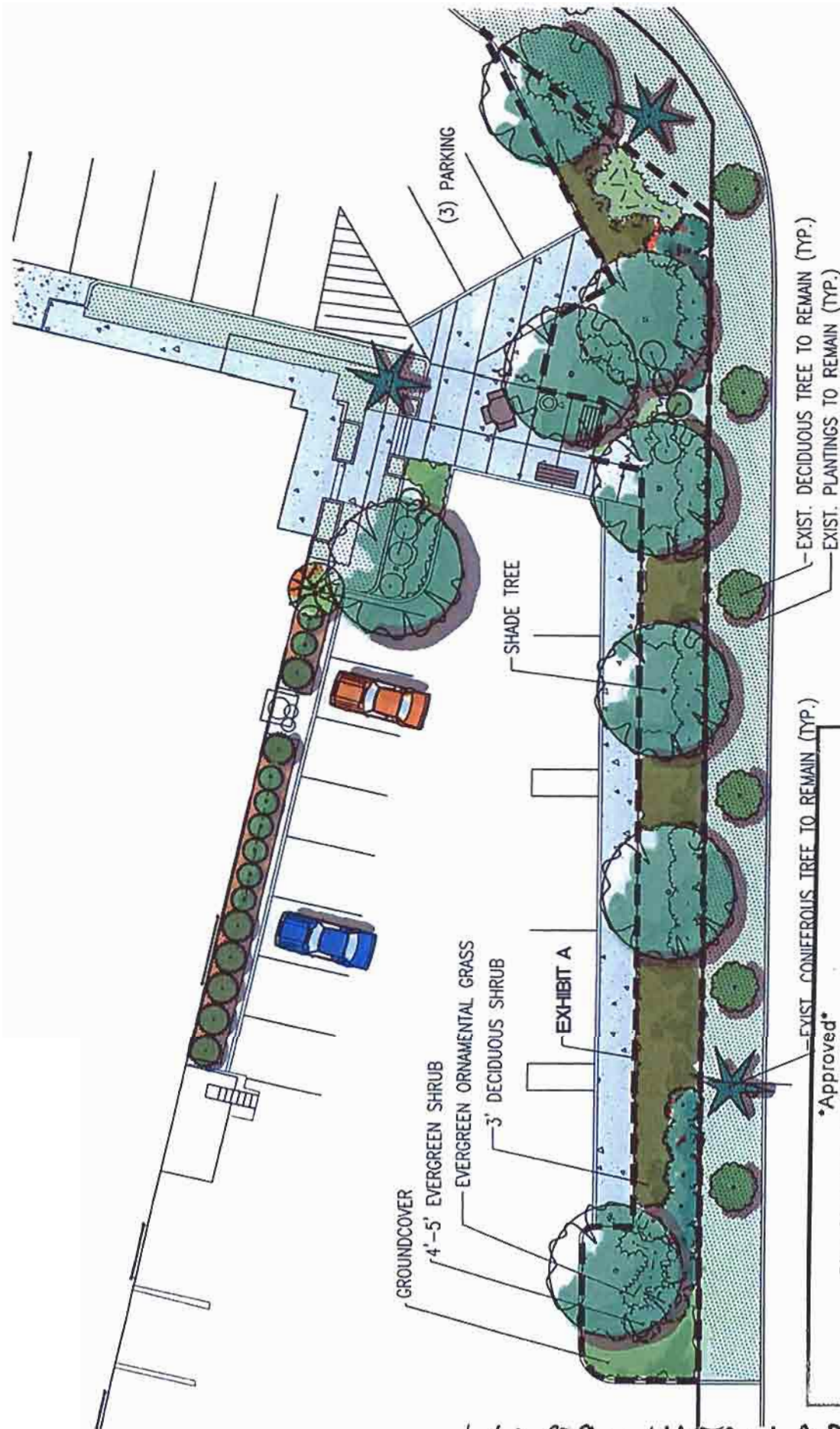
LU 08-145201AD

CASE NO. LU 08-145201AD  
 EXHIBIT C.1









LU 08-145201 AD

City of Portland - Bureau of Development Services

Planner Marty Stock Date 8/28/08

\* This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.



SCALE: 1"=20'-0"

EXHIBIT A -  
FRONTAGE

LANDSCAPE PLAN

WESTERN BOXED MEAT, INC.  
P.O. BOX 4796  
PORTLAND, OREGON 97208

CASE NO. LU 08-145201 AD

EXHIBIT C-4

ENGINEERING • PLANNING • SURVEYING  
FORESTRY • LANDSCAPE ARCHITECTURE  
LICENSED IN OR, WA & AK

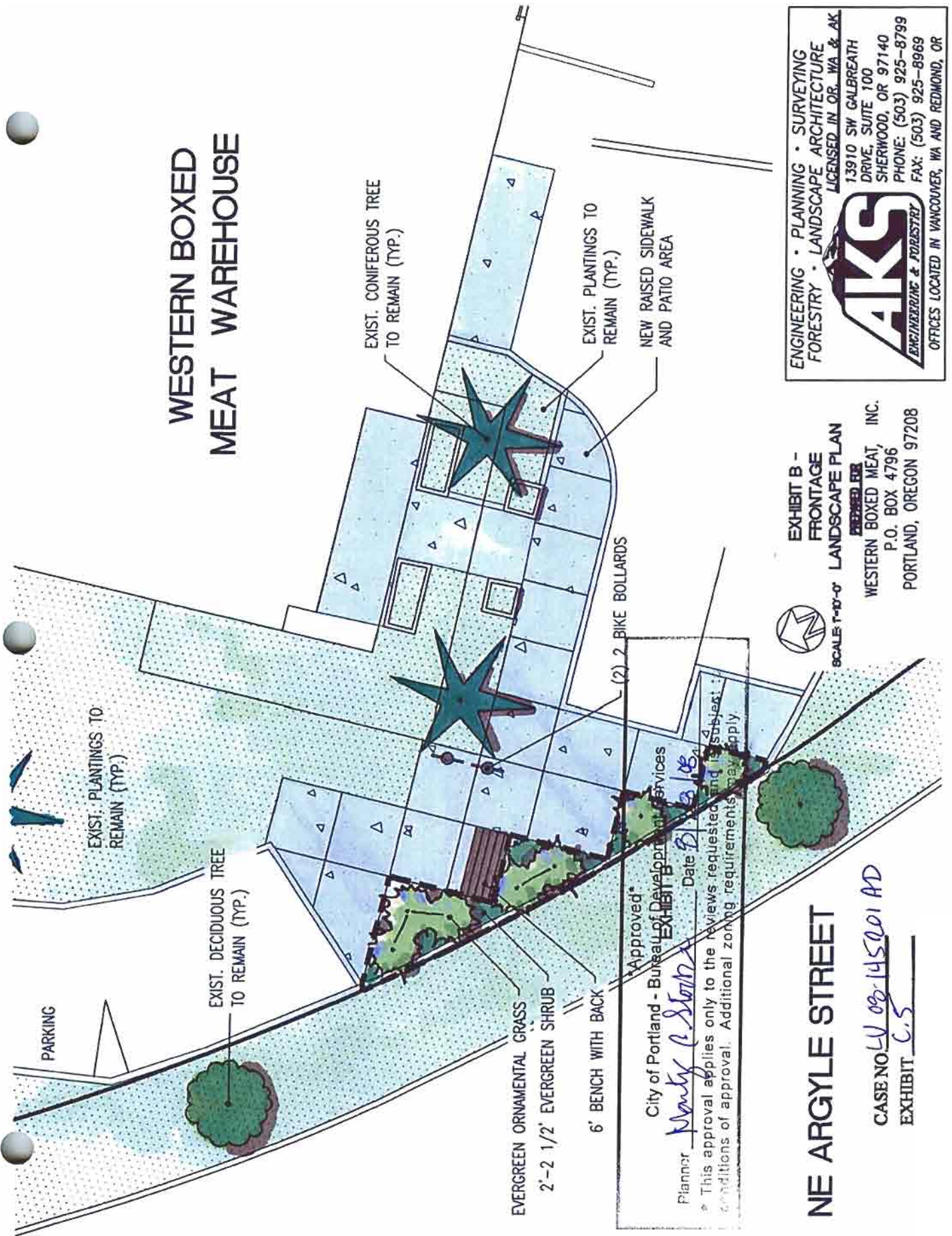


13910 SW GALBREATH  
DRIVE, SUITE 100  
SHERWOOD, OR 97140  
PHONE: (503) 925-8799  
FAX: (503) 925-8969

OFFICES LOCATED IN VANCOUVER, WA AND REDMOND, OR

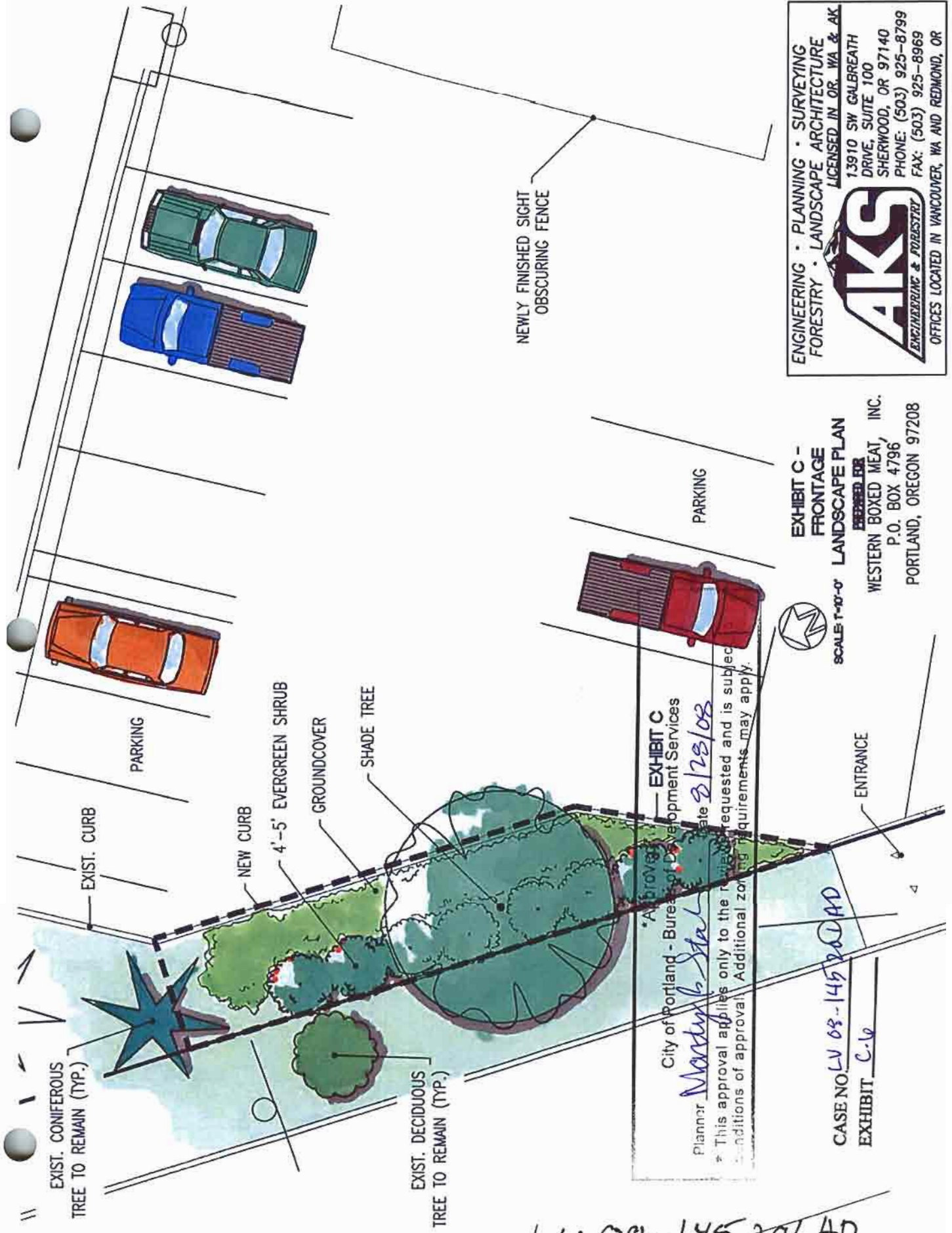


# WESTERN BOXED MEAT WAREHOUSE



LV 08-145201 AD





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 FORESTRY • LANDSCAPE ARCHITECTURE  
**AKS**  
 ENGINEERING & FORESTRY  
 13910 SW GALBREATH DRIVE, SUITE 100  
 SHERWOOD, OR 97140  
 PHONE: (503) 925-8799  
 FAX: (503) 925-8969  
 OFFICES LOCATED IN VANCOUVER, WA AND REDMOND, OR

EXHIBIT C - FRONTAGE LANDSCAPE PLAN  
 APPROVED FOR  
 WESTERN BOXED MEAT, INC.  
 P.O. BOX 4796  
 PORTLAND, OREGON 97208

*LU 08-145201 AD*



LU 08-145201 AD

\*Approved\*

City of Portland - Bureau of Development Services

Planner Nancy B. Stark Date 3/28/08

\* This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.



SCALE 1"=20'-0"

EXHIBIT D -

PARKING AREA

LANDSCAPE PLAN

WESTERN BOXED MEAT, INC.  
P.O. BOX 4796  
PORTLAND, OREGON 97208

CASE NO. LU 08-145201 AD  
EXHIBIT C.1

ENGINEERING • PLANNING • SURVEYING  
FORESTRY • LANDSCAPE ARCHITECTURE  
LICENSED IN OR, WA & AK

AKS  
ENGINEERING & FORESTRY

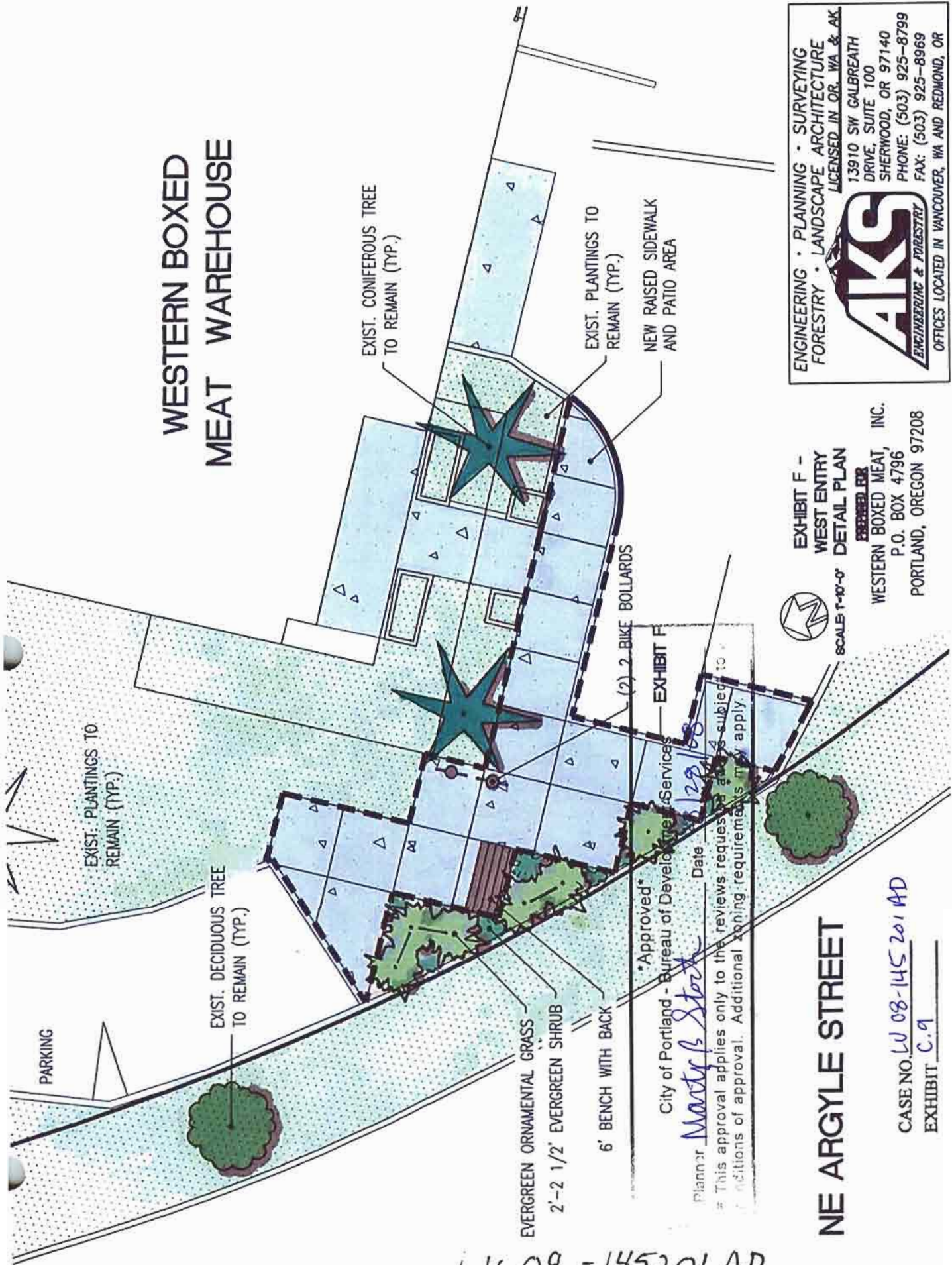
13910 SW GALBREATH  
DRIVE, SUITE 100  
SHERWOOD, OR 97140  
PHONE: (503) 925-8799  
FAX: (503) 925-8969  
OFFICES LOCATED IN VANCOUVER, WA AND REDMOND, OR





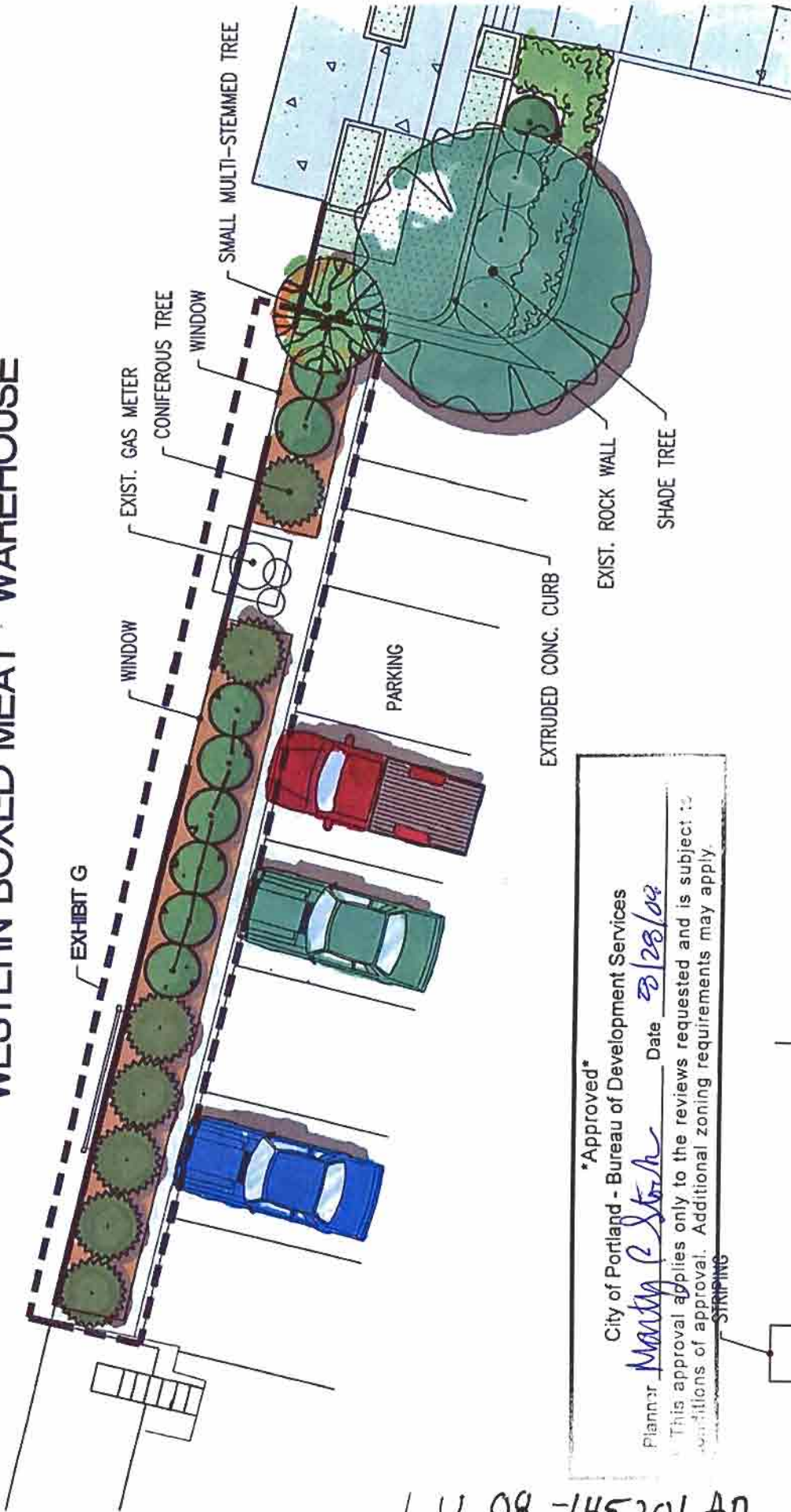


LV 08 - 145201 AD





# WESTERN BOXED MEAT WAREHOUSE



\*Approved\*  
 City of Portland - Bureau of Development Services  
 Planner: Marty P. Storch Date: 3/28/04  
 This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

EXHIBIT G -  
 PARKING AREA  
 EXHIBIT FOR  
 LANDSCAPE PLAN  
 SCALE: 1"=10'-0"

CASE NO. LU 08-145201 AD  
 EXHIBIT C-10

PARKING

WESTERN BOXED MEAT, INC.  
 P.O. BOX 4796  
 PORTLAND, OREGON 97208

**AKS**  
 ENGINEERING & FORESTRY

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 LICENSED IN OR, WA & AK

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 DRIVE, SUITE 100  
 SHERWOOD, OR 97140  
 PHONE: (503) 925-8799  
 FAX: (503) 925-8969  
 OFFICES LOCATED IN VANCOUVER, WA AND REDMOND, OR

LU 08-145201 AD



LU 08-145201AD

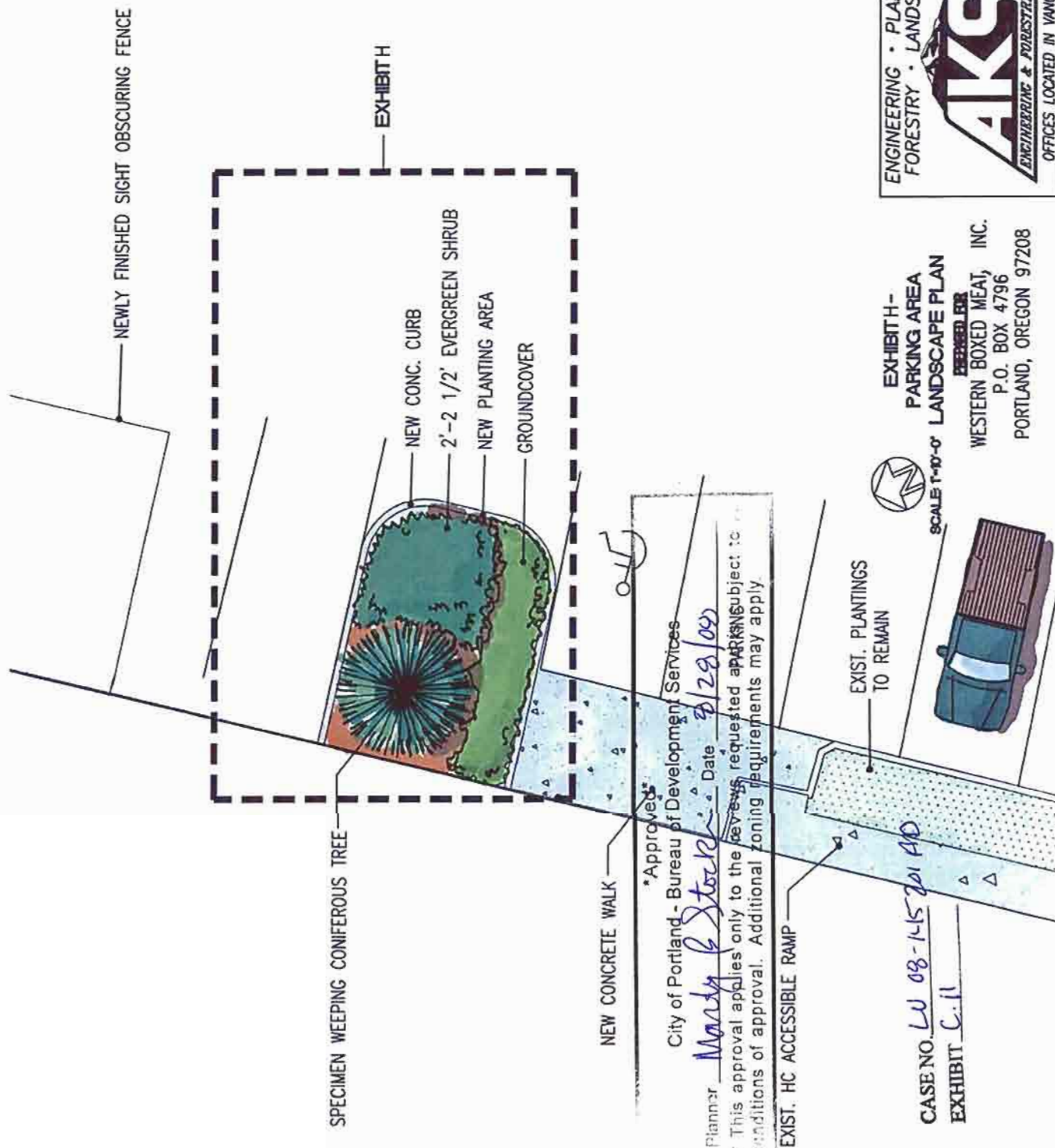
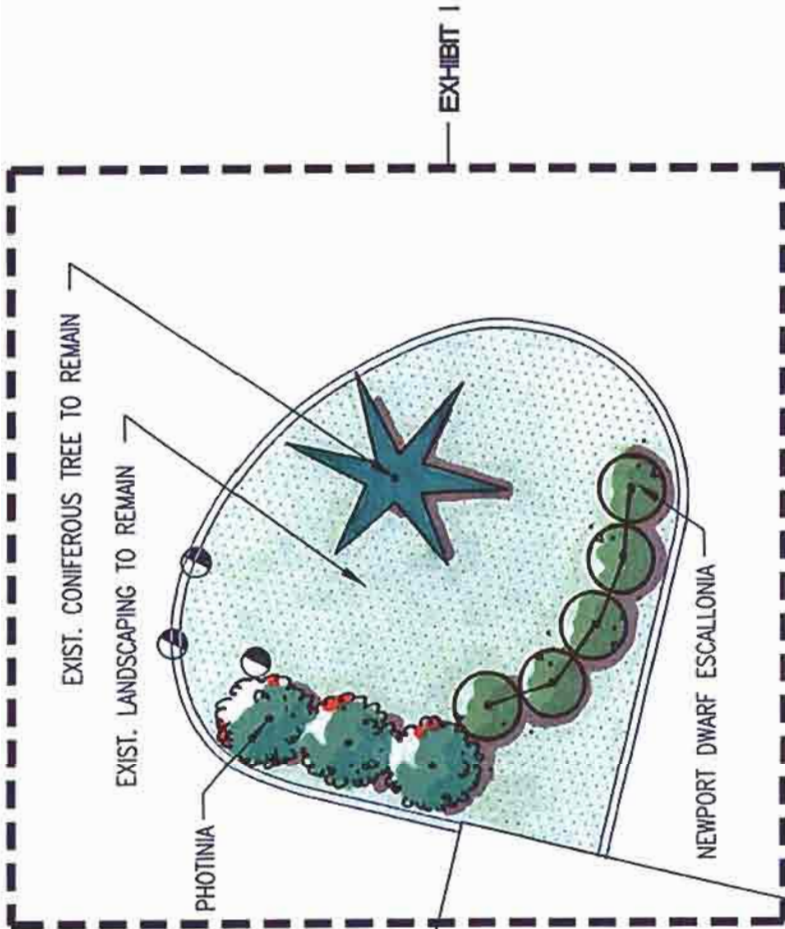


EXHIBIT H -  
PARKING AREA  
SCALE 1"=10'-0"  
LANDSCAPE PLAN  
FOR  
WESTERN BOXED MEAT, INC.  
P.O. BOX 4796  
PORTLAND, OREGON 97208

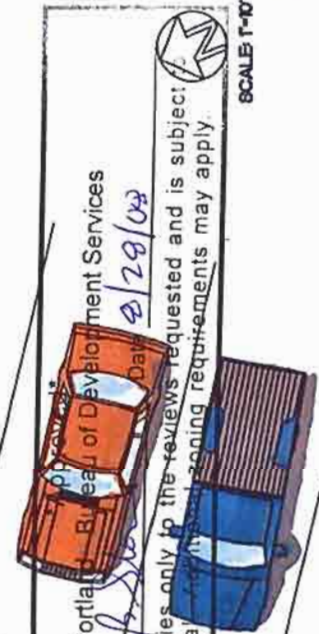
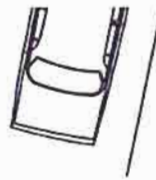
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FORESTRY • LANDSCAPE ARCHITECTURE  
LICENSED IN OR, WA & AK  
**AKS**  
ENGINEERING & FORESTRY  
13910 SW GALBREATH  
DRIVE, SUITE 100  
SHERWOOD, OR 97140  
PHONE: (503) 925-8799  
FAX: (503) 925-8969  
OFFICES LOCATED IN VANCOUVER, WA AND REDMOND, OR

LU 08-145201 AD

WESTERN  
BOXED  
MEAT  
WAREHOUSE



PARKING



PARKING

City of Portland - Bureau of Development Services

Planner

*Marcy [signature]*

8/28/03

This approval applies only to the reviews requested and is subject to the following requirements may apply.



SCALE 1"=10'-0"

EXHIBIT 1 -  
SUPPLEMENTAL  
PLANTINGS

PREPARED FOR

WESTERN BOXED MEAT, INC.  
P.O. BOX 4796

CASE NO. LU 08-145201 AD

EXHIBIT *C.12*

ENGINEERING • PLANNING • SURVEYING  
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LICENSED IN OR, WA & AK

**AKS**  
ENGINEERING & FORESTRY

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DRIVE, SUITE 100  
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PHONE: (503) 925-8799  
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OFFICES LOCATED IN VANCOUVER, WA AND REDMOND, OR