



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**

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[www.portlandonline.com/bds](http://www.portlandonline.com/bds)

**Date:** April 25, 2011  
**To:** Interested Person  
**From:** Tim Heron, Land Use Services  
503-823-7726 / [Tim.Heron@portlandoregon.gov](mailto:Tim.Heron@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 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 11-113357 GW DZ INTERACTIVE SALMON EXHIBIT**

#### **GENERAL INFORMATION**

**Applicant:** Oregon Museum Of Science, Paul Carlson  
1945 SE Water Ave  
Portland, OR 97214-3354

**Site Address:** 1701 SE WATER AVE

**Legal Description:** TL 300 7.01 ACRES, SECTION 03 1S 1E; TL 4301 0.20 ACRES, SECTION 03 1S 1E

**Tax Account No.:** R991030690, R991030780

**State ID No.:** 1S1E03D 00300, 1S1E03DA 04301

**Quarter Section:** 3230

**Neighborhood:** Hosford-Abernethy, contact Joanne Stainbrook at 503-231-9245.

**Business District:** Central Eastside Industrial Council, contact Juliana Lukasik at 503-287-5886.

**District Coalition:** Southeast Uplift, contact Leah Hyman at 503-232-0010.

**Plan District:** Central City - Central Eastside

**Other Designations:** A Historic Landmark is included on this site.

**Zoning:** EG2 - General Employment 2  
OSGs - Open Space with River General overlay & Scenic Resource overlay  
IG1gs - General Industrial 1 with River General overlay & Scenic Resource overlay

**Case Type:** GW DZ - Greenway Review and Design Review

**Procedure:** Type II - an administrative decision with appeal to the Design Commission.

**Proposal:**  
The applicant requests greenway and design review approval for a new Interactive Salmon

Exhibit along the Greenway Trail frontage of the OMSI building. The Interactive Salmon Exhibit features a variety of concrete salmon inlays, colored concrete and interactive lights controlled by a nearby kiosk. The exhibit highlights the relationship between salmon, local ecosystems, and human impacts on salmon and their habitat.

This project will replace an existing circle of concrete with an informative and artistic mosaic. Detailed salmon features are highlighted with small lights. A small kiosk located nearby provides a way for visitors to interact with the display.

Because the proposal is for a new addition to the OMSI site [approved by a Conditional Use Review in 1987] and also in the Greenway overlay zone, Design Review and Greenway Review is required.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The relevant criteria are:

- 33.440 Greenway Overlay
- Conditions of Approval CU 121-87/GP 21-87 & DZ 7-90 (Design Criteria are in Condition of Approval D, CU 121-87)

## ANALYSIS

**Site and Vicinity:** This site is a Major Event Entertainment use in a General Industrial zone. The Oregon Museum of Science and Industry (OMSI) use was approved as a Conditional Use in case CU 121-87. The northern portion of the site includes a warehouse building and parking lots, and a partial development of greenway improvements. The main portion of the site is developed with the OMSI structures, parking lots, and full greenway trail improvements. Riverward of the bank is a ramp and dock system leading to the exhibit of the USS Blueback submarine. A portion of the dock extends upriver to protect the submarine and to provide public docking and river viewing space.

The portion of the site for this proposal is the west boundary of the OMSI site along the Greenway Trail.

**Zoning:** The IG1gs, General Industrial 1, zone is generally in Portland’s older industrial areas, with smaller lots and high building coverage. The Greenway (g) overlay regulates development of river-front lots and establishes the statewide Greenway trail. The Scenic (s) overlay protects a viewpoint across the site by establishing height limits for development.

**Land Use History:** OMSI was approved through Conditional Use Review case CU 121-87, CU 127-87, GP 23-89, and DZ 7-90.

- Other reviews include the installation of the submarine exhibit in case LUR 93-00368 CU DZ GW, an installation as a memorial for submarine veterans was approved in case 96-00224 DZ, LUR 96-00389 approved the use of the dock for tour boat docking, while continuing to allow temporary public tie-ups to the dock.
- LUR 00-00462 GW DZ, approved a new exterior display called the river-walk exhibit.
- LU 06-168525 DZ GW CU approved an elevator addition and exterior courtyard improvements on the west side of the building.
- LU 07- 138197 DZ GW approved the installation of two cooling towers and screening added to the NW corner of the site, adjacent to the Greenway Trail. [Cases LUR 92-499 DZ GW and LUR 00-00464 GW were withdrawn.]
- LU 09-172431 GW DZ – approval for a new solar panel array, support structure, and informational kiosks to be added to the existing electric vehicle charging station located in the north parking lot.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **March 7, 2011**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services (Exhibit E-1)
- Water Bureau (Exhibit E-2)

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **March 7, 2011**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## ZONING CODE APPROVAL CRITERIA

### 33.440.350—Willamette Greenway Approval Criteria

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

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

**Findings:** All applicable design guidelines have been met [or do not apply], as described below.

#### Issue A. Relationship of Structures to the Greenway Setback Area

##### 1. Structure Design & 2. Structure Alignment.

**Findings:** The Oregon Museum of Science and Industry (OMSI) located at 1945 SE Water Avenue along the east bank of the Willamette River, proposes to install an Interactive Salmon Exhibit. The objective is to have an educational and functional exhibit that highlights the relationship between salmon, local ecosystems, and human impacts on salmon and their habitat. The design will be done in a way that is compatible with the industrial area, existing structures and outdoor exhibits in the area.

The exhibit will be located within the Greenway Setback, however the installation of the interactive elements [concrete salmon inlays, colored concrete and interactive lights controlled by a nearby kiosk] will be flush-mounted to the existing concrete surface. The new exhibit kiosk, 5-feet wide, 4-feet deep and 3-feet tall and featuring interactive controls and information, will be located the furthest away from the greenway trail, tucked adjacent to the existing metal fencing and entrance doors to OMSI. The adjacent pedestrian circulation system, the Greenway Trail and access connections will be maintained and not additionally impeded by this proposal. *These guidelines are therefore met.*

#### Issue B. Public Access

##### 1. Public Access, 2. Separation and Screening, 3. Signage & 4. Access to Water's Edge.

**Findings:** The public access along the river will be retained and circulation of pedestrians and bicycles will remain as it is today. The Interactive Salmon Exhibit will be incorporated into an existing concrete circle that overlaps with the existing Greenway Trail. No interactive lighting elements will be included in the portion of the exhibit that overlaps the existing Greenway Trail. The location is adjacent to the Willamette River to reinforce public awareness and the role people play in protecting habitat for salmon. The proposal will have no effect on access to the water's edge. *These guidelines are therefore met.*

**Issues C, D, E, F, G & H** were reviewed for this proposal.

**Findings:** The project does not increase the amount of impervious area and will not have significant detrimental environmental impacts on wildlife, wildlife habitat or scenic

qualities. This proposal does not include any changes to the existing landscape of the present riverbank setbacks. The riverbank is presently stabilized with rip-rap, and the existing landscaping provides both stabilization visual relief and the preservation and enhancement of riparian habitat. The greenway setback landscaping as it exists will not be breached for the purpose of this project. The project presently achieves a balance for wildlife and human needs.

Since the riverbank is not natural in this area and does not contain any Rank I riparian areas, and no changes are proposed to the river bank area, nor would there be changes to landscape treatments, the greenway trail alignment will not be affected, and there is no impact on a view corridor, these issues are not applicable.

### **Chapter 33.825, Design Review**

#### **Section 33.825.010, Purpose of Design Review**

Design Review ensures:

- That development conserves and enhances the recognized special design values of a site or area.
- The conservation, enhancement, and continued vitality of the identified historic, scenic, architectural, and cultural values of each design district.
- That the characteristics of an historical landmark, which led to it becoming a historic landmark, are conserved.
- High quality of design of public and private projects.

#### **Section 33.825.060, Design Review Approval Criteria**

The approval criteria for a design review on this site for the OMSI development have been established by the Hearings Officer in the Conditional Use review that established OMSI at this site. The criteria include: 1) accommodate access to the Greenway trail and through the site; 2) appropriate location of a view corridor; 3) site one public river-access point, such as to accommodate river taxi; 4) compatibility with the design and character of Riverplace development across the Willamette River; and 5) compatibility with the industrial character of the Central Eastside District.

#### **Findings:**

- 1) The interactive salmon kiosk and ground mounted lighting elements will be located within the existing concrete circle that fronts the Greenway Trail and the rear entrance to OMSI. No interactive lighting elements are proposed within the circle that shares this portion of the greenway trail. All lighting elements and concrete inlays will be flush-mounted at the concrete surface. All existing pedestrian walkways and trail access points will remain.
- 2) The location of the information kiosk will not block any view corridors. There will be information posted on the kiosk, which is screened by the OMSI Building from the view corridor, that explains the process and will serve to educate passersby about the salmon exhibit's functions.
- 3) The proposal will have no effect on access to the water's edge by its location east of the existing Greenway Trail.
- 4) The addition of the ground mounted interactive salmon lighting features and the information kiosk are a minor addition that serves OMSI's educational mission. The simple flush mounted lighting features are well-crafted and long-lasting additions. The information kiosk is similar to the existing kiosks elements, also made with durable and long-lasting materials such as concrete, powder coated steel and acrylic. The new interactive salmon exhibit is a modest new addition that is compatible with the design and character of other OMSI exhibits, and appropriate to the innovative industrial and natural habitat history of this site's river frontage.

5) This project will be compatible with the industrial character of the Central Eastside District by the use of exposed concrete and powder coated steel, both of which are materials seen throughout the District. *These criteria are met and this design therefore merits approval.*

## DEVELOPMENT STANDARDS

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

## CONCLUSIONS

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The new interactive salmon exhibit placed along the east edge of the Greenway Trail compliments the OMSI site, compliments the industrial character of the Central Eastside District, and does not impact the Greenway Trail access points, view corridors, or pedestrian circulation systems. The additional exhibit kiosk signage further enhances this portion of the site and is consistent with OMSI's educational mission. The proposal will be an improvement to the western boundary of OMSI's frontage on the greenway Trail. The proposal meets the applicable design guidelines and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of Design Review and Greenway Review for a new interactive salmon exhibit and educational kiosk on OMSI's property and adjacent to the Willamette Greenway in the Central Eastside District of the Central City. The approval includes the following:

- One [1] new interpretive kiosk, 61" L x 47" W x 35" H; and
- Seven [7] sidewalk lighting components.

Approved, per the approved site plans, Exhibits C-1 through C-11 signed and dated April 19, 2011, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.11. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 11-113357 GW, DZ. No field changes allowed."

**Staff Planner: Tim Heron**

**Decision rendered by:**  **on April 19, 2011**

By authority of the Director of the Bureau of Development Services

**Decision mailed: April 25, 2011**

**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 February 15, 2011, and was determined to be complete on **March 2, 2011**.

*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 February 15, 2011.

*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 Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on May 9, 2011** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, 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. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. 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 call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, 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 Design Commission 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 Design Commission 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 **May 10, 2011 – (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.

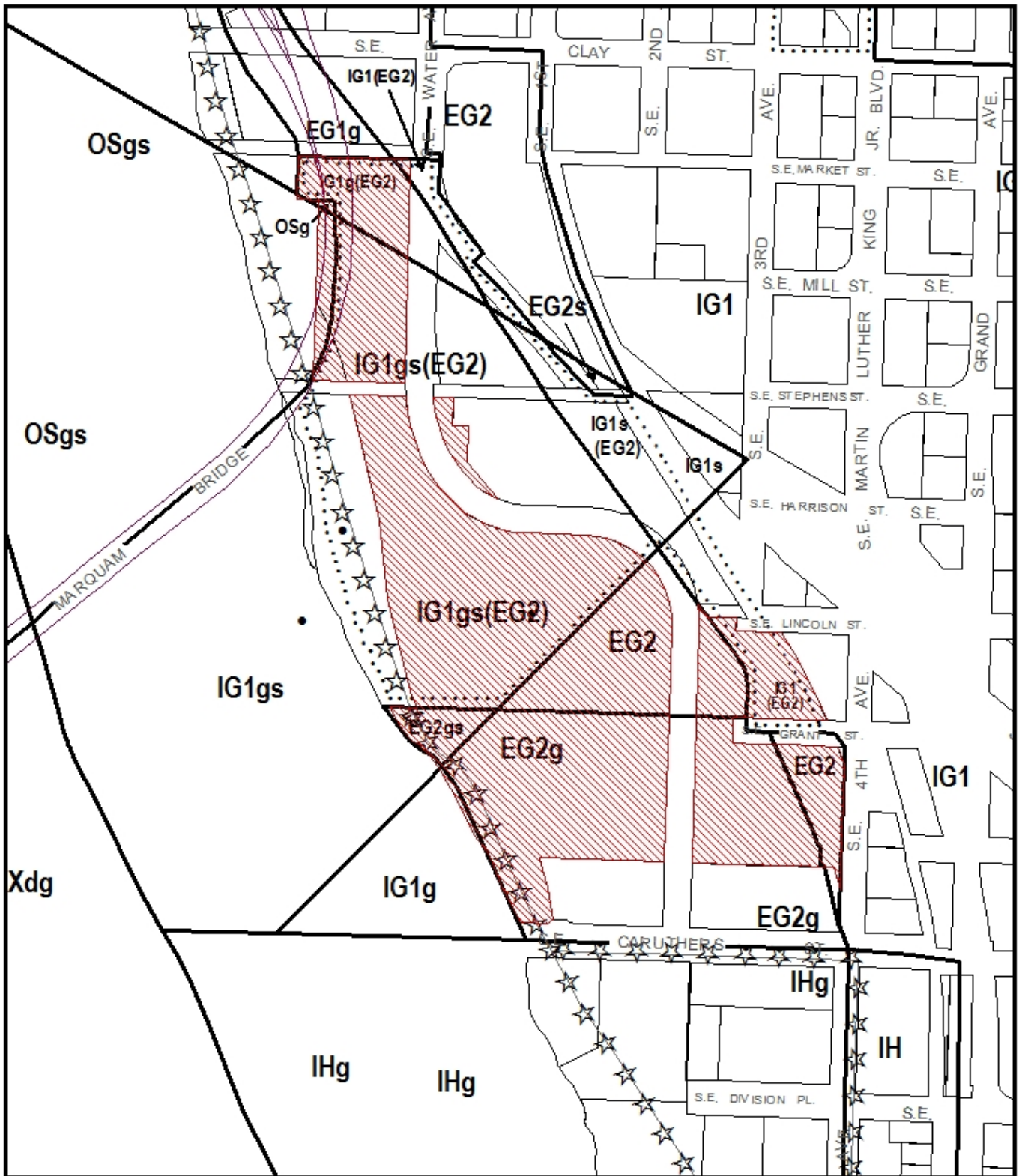
**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Vicinity Plan (attached)
  - 2. Site Plan (attached)
  - 3. Rendering from OMSI, 2<sup>nd</sup> Floor (attached)
  - 4. View from OMSI West Entrance
  - 5. View of Interpretive Kiosk 1
  - 6. View of Interpretive Kiosk 2
  - 7. Plan View of Interpretive Kiosk
  - 8. West Elevation View of Interpretive Kiosk
  - 9. East Elevation View of Interpretive Kiosk
  - 10. South Elevation View of Interpretive Kiosk
  - 11. LED Fixture detail sections
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses: No responses were received.
- F. Correspondence: none
- G. Other:
  - 1. Original LU Application
  - 2. Site History Research

**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).**





# ZONING



Site



Historic Landmark

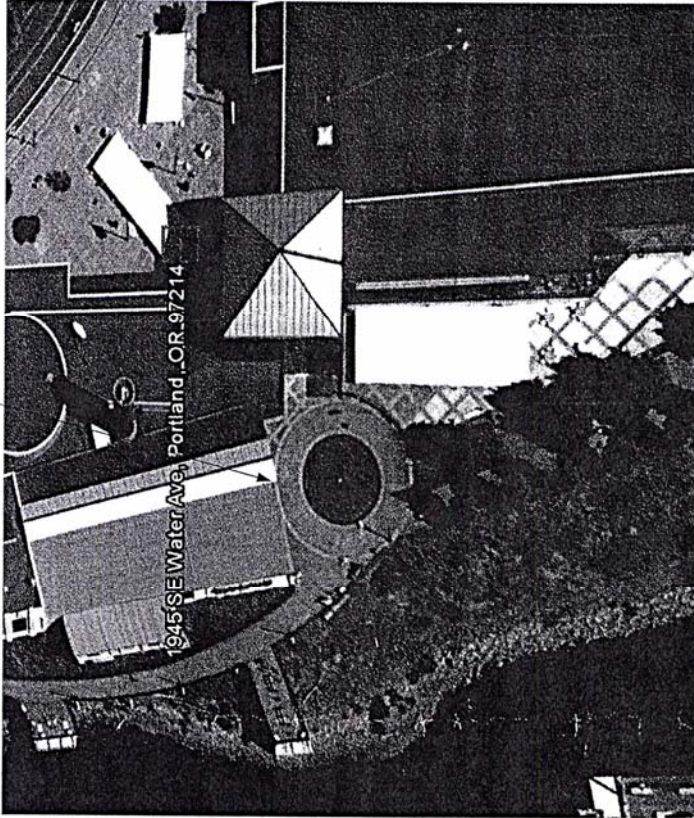


NORTH

This site lies within the:  
CENTRAL CITY PLAN DISTRICT

File No. LU 11-113357 GW,DZ  
 1/4 Section 3230  
 Scale 1 inch = 300 feet  
 State\_Id 1S1E03DD 200  
 Exhibit B (Feb 16,2011)

Area of work

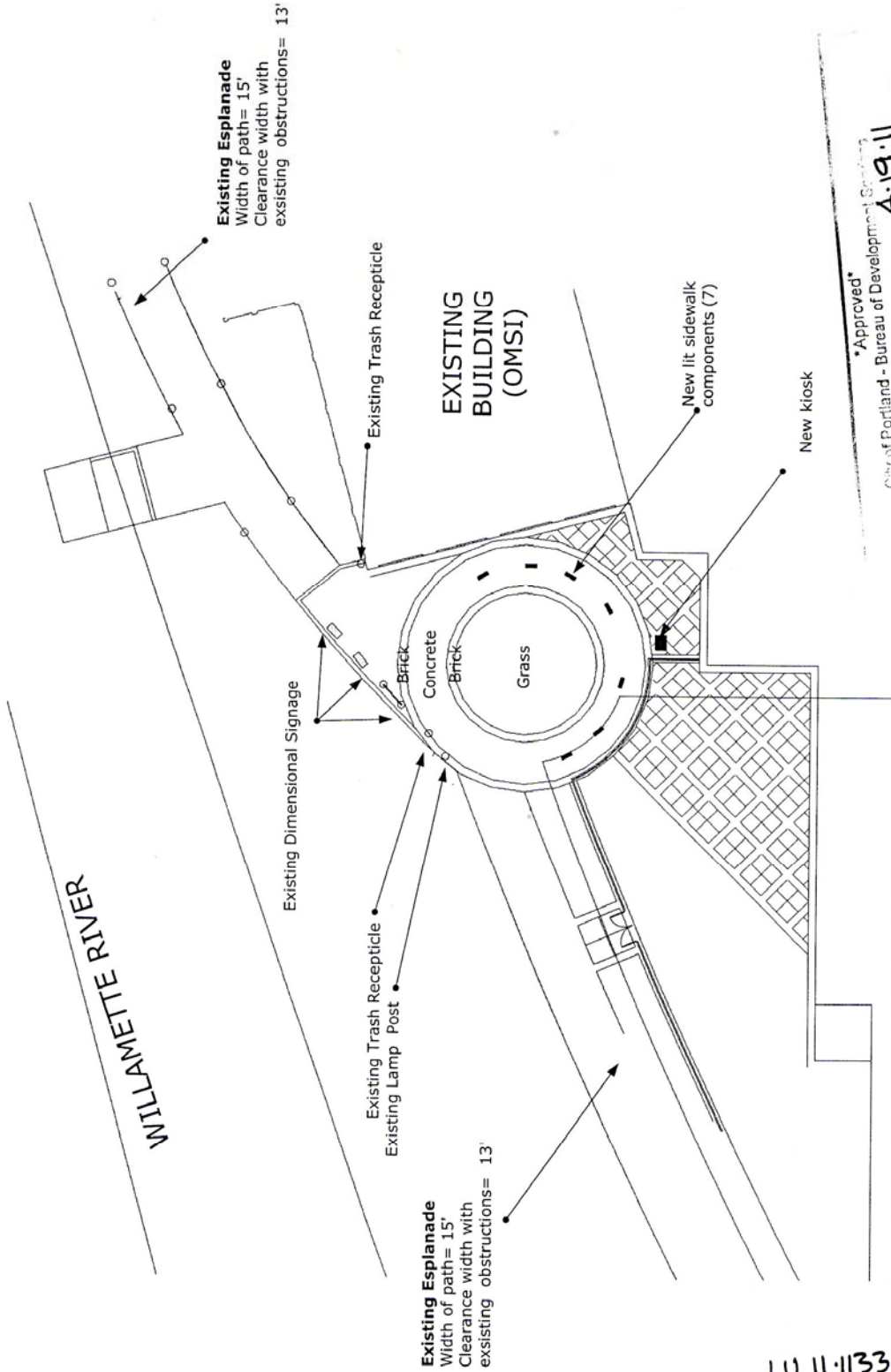


Area of work



\*Approved\*  
City of Portland - Bureau of Development Services  
Planner: LDH Date: 4-19-11  
VICINITY MAPS: This report applies only to the reviews requested and is not a final zoning determination. Additional zoning requirements may apply.  
N  
1

L111-113357 6WDZ  
EXH.C.1



\*Approved\*  
City of Portland - Bureau of Development Services  
Date 4.19.11  
I AH  
Applies only to the reviews required by the zoning code. Additional zoning requirements may apply.

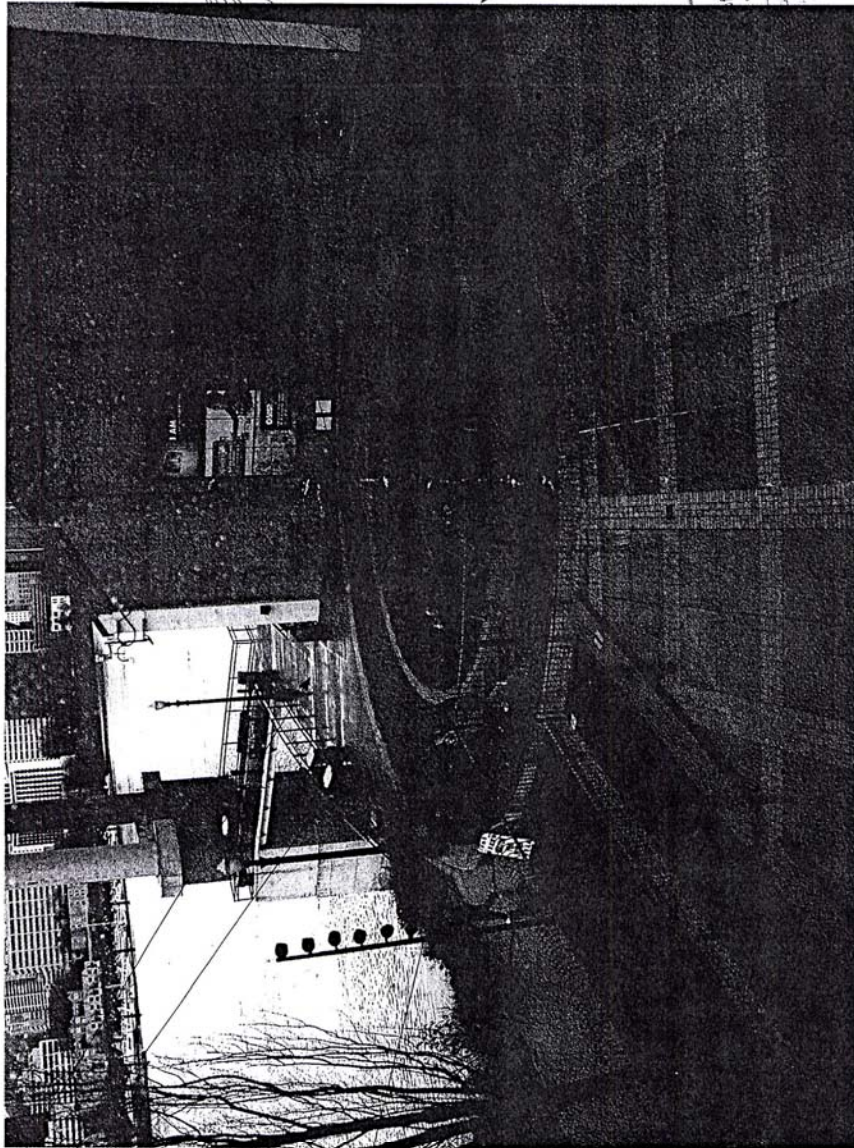


**1 SITE PLAN**  
scale: 1" = 30'

LU 11-113357 GW DZ  
EXHIBIT C.2

DATE: 2/13/11  
\*Approved\*  
Bureau of Development Services  
Portland - Bureau of Development Services  
Date: 4.19.11  
Applies only to the reviews requested and is subject to approval. Additional zoning requirements may apply.  
Author: Chad Jacobson

# Salmon at Your Doorstep



Existing Esplanade  
Existing Dimensional Signage

No lighting effects and limited figurative elements on west side of circle

New lit sidewalk components (7)

New kiosk

1 RENDERING - VIEW FROM OMSI SECOND FLOOR

LW 11-113357 DZGW  
EXH.C.3