



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

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**Date:** November 17, 2016  
**To:** Interested Person  
**From:** Kate Green, Land Use Services  
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**NOTICE OF A TYPE IIx 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 15-282141 LDS AD**

**GENERAL INFORMATION**

**Applicant:** Karen Karlsson/KLK Consulting  
906 NW 23rd Avenue  
Portland OR 97210

**Property Owner:** Port of Portland (Leased Daimler Trucks)  
PO Box 3820  
Portland OR 97208-3849

**Site Address:** 4555, 4660, and 4747 N Channel Avenue; 4349 N Port Center Way (for land division and adjustment reviews); and  
4085 N Anchor Street (for parking maximum adjustment review only)

**Legal Description:** TL 1200 3.63 ACRES, SECTION 20 1N 1E; LOT 2 TL 204 SPLIT MAP R540243 (R649831500), PARTITION PLAT 2003-38; LOT 2 TL 104 SPLIT LEVY R540488 (R649831508) SPLIT MAP R540223 (R649831494) STRIP NO VALUE, PARTITION PLAT 2003-38; LOT 2 TL 110, CANCEL ACCOUNT / PARTITION PLAT 2003-38, LOT 2 TL 110, IMPS ONLY SEE R610377 (R64983-1513) FOR LAND; LOT 2 TL 1100 SPLIT LEVY R540243 (R649831500) STRIP NO VALUE, PARTITION PLAT 2003-38; LOT 2 TL 1302, PARTITION PLAT 2003-38; LOT 2 TL 1401, PARTITION PLAT 2003-38; LOT 2 TL 109 LAND & IMPS SEE R540481 (R649831503) R540494 (R649831515) & R672244 (R649831517) FOR OTHER IMPS, PARTITION PLAT 2003-38; LOT 2 TL 111, PARTITION PLAT 2003-38

**Tax Account No.:** R941200950, R649831494, R649831500, R649831505, R649831508, R649831510, R649831512, R649831494, R649831511, R649831516, R649831511

**State ID No.:** 1N1E20AD 01200, 1N1E21C 00204, 1N1E20 00104, 1N1E20 00110A1, 1N1E20A 01100, 1N1E21BC 01302, 1N1E21BC 01401, 1N1E21C 00204, 1N1E20 00109, 1N1E20 00111, 1N1E20 00109

**Quarter Section:** 2527

**Neighborhood:** Overlook NA / Michael Chaix / [mcchaix59@gmail.com](mailto:mcchaix59@gmail.com)  
**Business District:** Swan Island / Sarah Angell / 503-745-6523  
**District Coalition:** North Portland Neighborhood Services / Mary Jaron Kelley / 503-823-4099

<b>Zoning:</b>	General Employment 2 (EG2)-land division and adjustment site General Industrial 2 (IG2)-additional property (4085 N Anchor) related to adjustment for parking maximum for proposed Lot 1 of land division site Greenway River Industrial (i)-land division and adjustment site Greenway River General (g)-land division and adjustment site
<b>Other Designations:</b>	Willamette River floodplain, public recreation trail, greenway viewpoint, <i>Lower Willamette River Wildlife Habitat Inventory: Sites 13.2a and 13.2b</i>
<b>Case Type:</b>	Land Division-Subdivision (LDS) Adjustment (AD)
<b>Procedure:</b>	Type IIx, an administrative decision with appeal to the Hearings Officer

**Proposal:** The applicant proposes a **Land Division-Subdivision** in order to divide the subject site into 4 lots and 3 tracts.

- Lot 1: 11.67 acres, currently developed with an office building and a surface parking lot
- Lot 2: 10.38 acres, currently developed with an office building, parking garage, and surface parking
- Lot 3: 5.38 acres, currently developed with an office building and surface parking
- Lot 4: 5.35 acres, currently undeveloped
- Tract A: 0.61 acres, currently developed with rail tracks adjacent to N Channel Avenue
- Tract B: 4.93 acres, currently developed with the greenway trail, viewpoint, and McCarthy Park
- Tract C: 0.08 acres, currently developed with pedestrian pathway in public easement

This subdivision proposal is reviewed through a Type IIx procedure because: (1) the site is in a commercial, employment, or industrial zone; (2) four to ten lots are proposed; (3) the site is located in a Flood Hazard Area; and (4) a concurrent land use review (Adjustment) is requested (see 33.662.110).

For purposes of State Law, this land division is considered a subdivision. To subdivide land is to divide an area or tract of land into four or more lots within a calendar year, according to ORS 92.010. ORS 92.010 defines “lot” as a single unit of land created by a subdivision of land. The applicant’s proposal is to create 7 units of land (4 lots and 3 tracts). Therefore, this land division is considered a subdivision.

In addition, the applicant requests **Adjustments** to modify the following development standards:

- Maximum Allowed Parking Spaces (33.266.115): The applicant requests that Lot 1 be allowed to have 1,168 parking spaces, instead of the 733 allowed by code. The applicant requests the existing 855 spaces on Lot 1 and the recently constructed 313 spaces on a neighboring site (4085 N Anchor Street) be allowed for the use(s) on Lot 1.
- Parking Area/Perimeter Landscaping (33.266.130): The applicant requests the requirement for a 5-foot wide planter with landscaping be waived entirely along the following property lines:
  - ☐ ~~west property line of Lot 1~~ (During the course of the review, the applicant decided to meet the landscaping standard on Lot 1 and withdrew the request for an Adjustment on that lot.)
  - ☐ west property line of Lot 2
  - ☐ between Lots 2 and 3
  - ☐ between Lots 3 and 4 along driveway to N Port Center Street

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

- Section 33.662.120, Approval Criteria for Land Divisions in Commercial, Employment, and Industrial zones; and
- Section 33.805.040, Adjustment Approval Criteria.

## FACTS

**Site and Vicinity:** The subject properties are located on Swan Island, which is an industrial sanctuary. The industrial area is developed with one or two story buildings and large outdoor work or storage areas with a mix of employment and industrial uses and supportive commercial uses. The street network consists of wide rights-of-way that are developed to accommodate freight movement. Swan Island also has a developed rail system and many docks along the riverfront properties to accommodate the movement of goods.

The subject properties are owned by the Port of Portland and leased to Daimler Trucks. The “land division and adjustment review” property is located on the west bank of the Willamette River and has frontage on N Channel Avenue and N Port Center Way. This property is currently developed with 3 large office buildings, a parking garage, and surface parking lots. One of the office buildings and the parking structure were under construction during the course of this land use review. The shoreline along this property consists of a beach, and is improved as a park (McCarthy Park) with a public recreational (greenway) trail, a public viewpoint, a boat ramp, and a variety of native and non-native tree and shrub species.

Another adjacent property (4085 N Anchor Street), across the street from proposed Lot 1, has been included in the maximum parking adjustment for proposed Lot 1. This “maximum parking adjustment-only” property has frontage on N Channel Avenue and N Anchor Street.

**Greenway Resources:** In the *Lower Willamette River Wildlife Habitat Inventory (1986)*, the subject property and nearby properties are within Sites 12.1a, 12.1b, 13.2a and 13.2b. These sites are Rank III, IV or V sites. The Rank IV and V sites are identified as being primarily heavy industrial, heavily disturbed, and with little vegetation. As noted above, at this site, the shoreline is not developed for industrial uses; instead it has a sandy beach and a park (McCarthy Park) and includes a public recreational trail, viewpoint, and boat ramp, as well as a variety of native and non-native tree and shrub species.

A public recreational trail designation extends across the riverfront property. This designation is intended to increase public access along the Willamette River, provide emergency vehicle access, support alternative modes of transportation, and provide consistent standards for trail development.

The viewpoint designation along the river’s edge of the site is also an important component of the public access system in the Willamette Greenway. Viewpoints provide locations where the public can enjoy the natural and built environment along the Willamette River. All viewpoints in the Willamette Greenway are required to meet the design guidelines, to ensure consistency in the quality of viewpoints.

### **Infrastructure:**

**Streets:** The site has approximately 2,800 feet of frontage on N Channel Avenue and approximately 375 feet of frontage along N Port Center Way. One of the properties (4085 N Anchor Street) that is part of the Adjustment request also has approximately 450 feet of frontage on N Channel Avenue and approximately 350 feet of frontage along N Anchor Street. There are multiple driveways entering the site.

At this location, the City's Transportation System Plan classifies N Channel as a Neighborhood Collector, Transit Access, City Bikeway, and City Walkway; N Port Center Way has a Local Service classification for all modes; and N Anchor is classified as a Neighborhood Collector, Community Transit, City Bikeway and City Walkway. The subject site and surrounding properties are also within a freight district.

The abutting rights-of-way include improvements for pedestrians, bicyclists and motorist.

Tri-Met bus routes #72 and #85 provide transit service along the N Channel frontage of the site.

**Water Service:** Water is available from the 16-inch main in N Channel Avenue and from the 12-inch main in N Port Center Way. Estimated static pressure is 81 – 102 psi.

**Sanitary Service:** The following public sewer infrastructure is located in the vicinity of the project site:

- There is a public 24-inch sanitary sewer located in N Channel Avenue (BES as-built #2028).
- There is a public 10-inch sanitary sewer located in N Port Center Way (BES as-built #4654).
- There is a public 24-inch combined sewer that transitions to a 36-inch combined sewer located in N Going Street near N Port Center Way (BES as-built #2028).

**Stormwater Disposal:** the following public stormwater infrastructure is located in the vicinity of the project site:

- There is a public 36-inch storm outfall that outfalls to the Willamette River located within an easement granted to the City of Portland on the west side of this site (BES as-built #2545).
- There is a public 30-inch storm sewer located in N Channel Avenue, west of the storm outfall (BES as-built #2545).
- There is a public 15-inch storm sewer that transitions to a public 18-inch storm sewer located in N Channel Avenue, east of the storm outfall (BES as-built #2545).

**Zoning:** There are two General Employment zones, General Employment 1 and General Employment 2, which allow a wide range of employment opportunities for industrial and industrially-related uses. The land division site is within the **General Employment 2 (EG2)** zone. Typically, EG2 areas have large lots and an irregular or large block pattern and are developed with buildings that are set back from the street.

The land division site is also within the Greenway-**River General (g)** and the Greenway-**River Industrial (i)** overlay zones. The River General overlay allows uses and development that are consistent with the base zoning; allow public use and enjoyment of the waterfront; and enhance the natural and scenic qualities of the river. The River Industrial 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 the riparian habitat and providing public access where practical.

One of the properties (4085 N Anchor Street) for the parking Adjustment is located in the **General Industrial 2 (IG2)** zone. The IG2 zone is one of the three industrial 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. The development standards for each zone are intended to allow new development which is similar in character to existing development. The intent is to promote viable and attractive industrial areas. IG2 areas generally have large lots and an irregular or large block pattern. The area consists of sites having medium and low building coverages and buildings which are usually set back from the street.

**Land Use History:** City records indicate that this site has been part of over 35 prior land use reviews. The prior land use reviews are diverse and include conditional use applications for fill, partitions and subdivisions, and numerous greenway reviews for development, including:

- LUR 99-00331 GW: Greenway Review for a building addition-approved.
- LUR 99-00684 GW: Greenway Review for an addition to a rooftop penthouse for mechanical equipment-approved.
- LU 02-127418 MP: Minor Partition for a 3-lot land division-approved. (This land division proposal is to further divide Lot 2 from the 2002 land division.)
- LU 06-160817 GW: Greenway Review for a building addition-approved.
- LU 08-154658 GW: Greenway Review for site improvements and tree removal-approved.

- LU 12-178814 GW: Greenway Review for a building addition-approved.
- LU 13-236856 GW: Greenway Review for redevelopment of the site, including the 9-story office building currently under construction-approved.

The following land use reviews were conducted after the pending land division case was submitted:

- LU 15-283132 AD: Sign Adjustment to increase the maximum allowable signage area attached to the office building currently under construction-approved.
- LU 16-149930 AD: Sign Adjustment for 5 free-standing signs-approved.

All development on this property must be consistent with the conditions outlined in these land use decisions. It is the responsibility of the applicant to document compliance with all conditions of approval.

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

**Neighborhood Review:** A *Notice of Proposal in Your Neighborhood* was mailed on **August 5, 2016**. No written responses have been received.

## ZONING CODE APPROVAL CRITERIA

### APPROVAL CRITERIA FOR LAND DIVISIONS IN A COMMERCIAL, EMPLOYMENT, OR INDUSTRIAL ZONE

**33.662.120 The Preliminary Plan for a land division will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met.**

The relevant criteria are found in Section **33.662.120 [A-K], Approval Criteria for Land Divisions in Commercial, Employment and Industrial Zones**.

Due to the specific location of this site, and the nature of the proposal, some of the criteria are not applicable. The following table summarizes the criteria that are not applicable. Applicable criteria are addressed below the table.

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
D	33.632 - Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.
E	33.633 - Phased Land Division or Staged Final Plat	A phased land division or staged final plat has not been proposed.
H	33.639 - Solar Access	The proposed development is for something other than single-dwelling detached homes.
J	33.654.110.B.3 - Pedestrian connections in the I zones	The site is not located within an I zone.
	33.654.110.B.4 - Alleys in all zones	No alleys are proposed or required.
	33.654.120.C.3.c - Turnarounds	No turnarounds are proposed or required.
	33.654.120.D - Common Greens	No common greens are proposed or required.
	33.654.120.F - Alleys	No alleys are proposed or required.
	33.654.120.G - Shared Courts	No shared courts are proposed or required.
	33.654.130.B - Existing public dead-end streets and pedestrian connections	No public dead-end streets or pedestrian connections exist that must be extended onto the site.
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required

**Applicable Approval Criteria are:****A. Lots. The standards and approval criteria of Chapters 33.613 through 33.615 must be met.**

**Findings:** Chapter 33.614 contains the lot standards applicable in the employment zones. As noted in the table below, there are two minimum lot dimension standards for lots in the EG2 zone. For land divisions of less than 10 lots, all but one lot must meet Standard A and only one lot may meet standard B. The required and proposed lot dimensions are as follows:

EG2 Zone	Minimum Lot Area	Minimum Dimensions (feet)	Minimum Front Lot Line (feet)
<b>Standard A</b>	20,000 square feet	100 x 100	35
<b>Standard B</b>	10,000 square feet	75 x 75	35
Lot 1	11.67 acres	exceeds 100 x 100	289
Lot 2	10.38 acres	exceeds 100 x 100	284
Lot 3	5.38 acres	exceeds 100 x 100	49
Lot 4	5.35 acres	exceeds 100 x 100	284

Lot 1 will have frontage on N Channel and Tract C (private street/pedestrian connection), so it is considered a corner lot. On corner lots, the shortest lot line is designated as the “front” lot line, so the frontage along Tract C is the front lot line for Lot 1. The front lot line for Lot 2 will be along Tract C. Lots 3 and 4 will have front lot lines along N Port Center Way.

As outlined in the table above, each of the proposed lots exceeds the applicable lot dimension standards. Therefore, this criterion is met.

**B. Trees. The standards and approval criteria of Chapter 33.630, Tree Preservation, must be met.**

**Findings:** The regulations of Chapter 33.630 require that trees be considered early in the design process with the goal of preserving high value trees and, when necessary, mitigating for the loss of trees.

To satisfy these requirements, the applicant must provide a tree plan that demonstrates, to the greatest extent practicable, the trees to be preserved provide the greatest environmental and aesthetic benefits for the site and the surrounding area. The tree plan must also show that trees are suitable for preservation, considering the health and condition of the tree and development impacts anticipated. Tree preservation must be maximized, to the extent practicable, while allowing for reasonable development considering the intensity of development allowed in the zone and site constraints, including existing utility easements and requirements for services and streets. If the site is in an overlay zone that has additional environmental resource protection requirements, the tree plan must demonstrate that the benefits from trees are maximized for the site as a whole.

Trees that are healthy, native and non-nuisance species, 20 or more inches in diameter and in tree groves are the highest priority for preservation. Additional considerations include trees that are slower growing native species, buffering natural resources, preventing erosion and slope destabilization and limiting impacts on adjacent sites.

The site is approximately 34 acres, so the applicant has proposed to retain a percentage of the overall tree canopy on the site, instead of identifying each individual tree on the property. To demonstrate that at least 35 percent of the tree canopy will be retained, as required per the minimum tree preservation standard Option 6 (33.630.100.A), the applicant provided a series of plans depicting the areas of the site’s tree canopy that are proposed to be retained, along with a list of the size of each canopy area (Exhibit A.3.a). Those materials indicate over 46 percent of the tree canopy is to be preserved.

However, the applicant did not provide an aerial photo or other information to explain how the canopy areas were calculated. Nor did the applicant provide any information about the size, health, or species of the trees to be retained to demonstrate that those trees are healthy, non-nuisance species and are suitable for preservation. Additionally, though it appears to correspond to 1-inch equals 120-feet, the scale identified on the maps is not clear, and many of the canopy area sizes seem incorrect. Further, no details were provided to show what measures would be implemented to ensure adequate protection for the trees, in the event new development, or alterations or repairs to the existing development were proposed. Each of these deficiencies made it problematic to verify the size of the canopy areas; the suitability of the trees within those areas for preservation; or that adequate protection measures will be provided for those trees.

Nevertheless, staff concur with the applicant's fundamental approach to retain canopy around existing development and adjacent to the greenway trail, as those trees are outside of areas anticipated for future development. The EG2 zone allows up to 85 percent building coverage and all of the proposed lots are well below this maximum, so it makes sense to prioritize protection of trees that are located around the perimeter of the proposed lots. By retaining tree canopy along the perimeter of several of the existing parking areas, this will help to maintain the screening around those features. In addition, as discussed in Criterion G, below, the greenway trail and adjacent planting areas are proposed to be placed within Tract B, which will provide further protections for those trees. Further, trees along the riverbank will help to stabilize and buffer the riverbank and will contribute to the aesthetic and habitat values of the shoreline, as anticipated by both the tree preservation and the greenway regulations (33.440). Also, since a number of the trees along the riverbank are native species, which often have slow growth rates and small canopies, ensuring at least 40 percent of the existing canopy is preserved will help to maximize the tree preservation and effectively fulfill the objectives of the tree preservation approval criteria.

In order to meet this criterion, the following conditions must be applied:

Prior to final plat approval, the applicant must provide a *final tree preservation plan* to demonstrate at least 40 percent of existing tree canopy will be retained; the existing trees noted for preservation are suitable for that purpose; and the trees will be adequately protected at the time of future development. The *final tree preservation plan* must include:

- (1) current (2016 or later) aerial photos of the site at a measurable scale (1-inch equals 100-feet or 1-inch equals 50-feet) showing the location and canopy size of all canopy areas identified as "trees to be preserved" on the preliminary tree preservation plan (Exhibit C.10; and
- (2) a tree preservation plan showing a root protection zone (RPZ) in accordance with the provisions of Title 11 for each tree or tree within those noted canopy areas.

If any of these materials show less than 40 percent of the canopy will be preserved or trees to be preserved are nuisance species or in poor health, then other suitable trees must be identified for preservation and the information outlined above must be provided in an *amended final tree preservation plan* to the satisfaction of BDS-LUS, prior to final plat approval.

Additionally, in order to ensure that future owners of the lots and tracts are aware of the tree preservation requirements, the applicant must record an Acknowledgement of Tree Preservation Land Use Conditions, at the time of final plat. The acknowledgement must identify that development on Lots 1-4 and within Tract A and Tract B must be carried out in conformance with the final or amended final tree preservation plan (per the conditions outlined above).

With the implementation of the noted conditions, this criterion can be met.

**C. Flood Hazard Area. If any portion of the site is within the flood hazard area, the approval criteria of Chapter 33.631, Sites in Flood Hazard Areas, must be met.**

**Findings:** Portions of this site are within the flood hazard area. The approval criteria in the C, E, and I zones state that where possible, each lot must have adequate area outside of the flood hazard area to accommodate allowed or proposed uses. Where it is not possible to create lots that have adequate area outside of the flood hazard area, the lots must be configured so that development on them will reduce the impact of flooding and provide the greatest protection of

development from flooding. Lots must be configured so that uses are that are not river-dependent will be able to locate on the highest ground and near the highest point of access and so that development on the lots can be configured in a manner that will minimize obstruction of floodwaters. Where the uses and development are river-dependent, lots must be configured so that development on them will minimize obstruction of flood waters. In addition, services in the flood hazard area must be located and built to minimize or eliminate flood damage to the services, and the floodway must be entirely within a flood hazard tract.

The site borders the Willamette River and the FEMA boundaries of the special flood hazard area (100-year floodplain) and floodway, and the 1996 flood inundation area are noted on the Existing Conditions Plans (Exhibits C.6-C.8). The topographical information on the plans appears to indicate the grades each of the proposed lots are situated above the elevations of the flood hazard area and floodway elevation. However, those plans also show that the boundary of the FEMA special flood hazard area extends onto portions of proposed Lots 1, 2 and 4 and Tract B; and the boundary of the floodway extends over portions of Tract B.

Lots 1 and 2 are already developed and there is sufficient space on those properties, outside of the noted flood hazard boundary for additional development. Site Development has noted that the plans show a new structure can be situated on Lot 4, outside of the mapped FEMA special flood hazard boundary. As such, that lot is configured to accommodate development allowed in the EG2 zone. Site Development also notes any grading or development within the portions of the site that are located within the FEMA Special (100-year) Flood Hazard Area as shown on FEMA Flood Insurance Rate Map [410183 0087 E](#), dated October 19, 2004, Zone AE or within the community regulated 1996 Flood Inundation Area as mapped by Metro will be subject to the applicable requirements of [Chapter 24.50 Flood Hazard Areas](#), at the time of development.

Further, the entirety of the floodway is shown to be placed within Tract B, which will be a multi-purpose tract, providing open space, flood hazard, and tree protection functions.

Based on these factors, and with a condition that the floodway must be placed in a tract, this criterion will be met.

**F. Clearing, Grading and Land Suitability. The approval criteria of Chapter 33.635, Clearing, Grading and Land Suitability must be met.**

**Findings:** The regulations of Chapter 33.635 ensure that the proposed clearing and grading is reasonable given the infrastructure needs, site conditions, tree preservation requirements, and limit the impacts of erosion and sedimentation to help protect water quality and aquatic habitat. Where geologic conditions or historic uses of the site indicate that a hazard may exist, the applicant must show that the proposed land division will result in lots that are suitable for development. The applicant may be required to make specific improvements in order to make the lots suitable for their intended uses and the provision of services and utilities.

Clearing and Grading: The site is relatively flat and is not located within the Potential Landslide Hazard Area. Except for proposed Lot 4, which is vacant, nearly the entire site is developed and no grading or other improvements are proposed at this time. Ultimately, some grading may be necessary for future development on Lot 4, and the two trees proposed for protection along the south lot line of Lot 4 that abuts Tract B must be protected in accordance with the tree preservation plan discussed in Criterion B, above.

Additionally, as noted in the response from Site Development, the site qualifies as a Special Site (per PCC [10.30.030](#)) which triggers additional requirements for erosion, sediment and pollution controls, which will be evaluated at the time of permit review.

Based on these factors, no significant clearing or grading is anticipated and measures will be implemented to limit the impacts of erosion and sedimentation.



Land Suitability: The site is currently occupied by multiple employment related uses and has historically been occupied by a variety of employment and industrial uses, as well as the recreational functions (trail, viewpoint, and ramp) along the riverbank.

There are several factors that could have a bearing on the suitability of the lots for development. These include previously placed fill; the location of the site within the Special (100-year) Flood Hazard Area, as discussed in Criterion C, above; the site's proximity to a section of the Willamette River that has been designated as a Superfund site; and, as outlined in the response from Environmental Services, a portion of the site has contaminated soil.

As noted in the response from Site Development, a geotechnical report will be required at the time of permit review for development on Lot 4, which should assess the placement of fill and flood hazards. Therefore, those issues should be sufficiently evaluated at the time of future development.

Any work associated with the areas of the property that have soil contamination, such as excavation or remediation activities, will trigger city permits which will ensure applicable city regulations are implemented. In addition, it is the property owner's responsibility to obtain any permits required from other regional, state or federal agencies before commencing such work.

The requirements noted above should ensure that future development is conducted to address the previous fill, flood hazards, and contamination issues.

Based on the foregoing, this criterion is met.

**G. Tracts and easements. The standards of Chapter 33.636, Tracts and Easements must be met;**

**Findings:** The following tracts are proposed:

- Tract A: Railroad tracks
- Tract B: Open Space (Willamette Greenway, Flood Hazard, Tree Preservation Reserve)
- Tract C: Private Street-Pedestrian Connection

The applicant has indicated that Tracts A and B will be owned by the Port of Portland and Tract C will be owned by the owner of Lot 2.

The following easements are proposed and/or required for this land division:

- Six (6) Private Storm Sewer Easements over existing stormwater outfalls in Tract B for the benefit of Lots 1, 2 and 3. These easements are proposed over an existing Greenway Trail Easement (2003-062495).
- Two (2) Private Sanitary Sewer Easements over existing sewer lines in Tract A for the benefit of Lot 2. These easements are proposed over an existing PGE Easement (Book 1071, Page 1903).
- One (1) Private Sanitary Sewer Easement over existing sewer lines in Tract A for the benefit of Lot 3. This easement is proposed over an existing PGE Easement (Book 1071, Page 1903).
- One (1) Private Access Easement over Lot 3 for the benefit of Lots 2 and 4. This easement is proposed over a 40-wide Water Facility, Ingress, Egress and Utility Easement (Book 2353, Page 505, and Book 2474, Page 1036), noted on Exhibit C.4. However, as noted in the findings in Criterion K, below, the Water Bureau has determined that the water main in the existing easement should be taken out of service or transferred to private service and the easement relinquished. Changes to the existing easement should not affect this proposed easement.
- Additionally, a Public Access Easement is required over the sidewalk portion of the private street/pedestrian connection (Tract C). The applicant notes that a public access easement

has already been provided over the walkway; however, the easement needs to be updated to reflect the changes to the site description.

- A Private Storm Sewer Easement must also be provided over relevant portions of Lot 2 and Tract B for the benefit of Tract C.
- A Private Water Easement is also proposed over Tract A for the benefit of Lot 3. However, any water easements are subject to the requirements of the Water Bureau. The applicant provided a recorded document that appears to indicate this easement has already been established. All existing easements must be reflected, as such at the time of final plat.

All proposed tracts and easements must be shown on the final plat, and the name, purpose and ownership of each must be clearly noted.

As stated in Section 33.636.100 of the Zoning Code, a maintenance agreement(s) will be required describing maintenance responsibilities for the tracts and easements described above and facilities within those areas. This criterion can be met with the condition that a maintenance agreement(s) is prepared and recorded with the final plat. In addition, the plat must reference the recorded maintenance agreement(s) with a recording block for each agreement, substantially similar to the following example:

*“A Declaration of Maintenance agreement for (name of feature) has been recorded as document no. \_\_\_\_\_, Multnomah County Deed Records.”*

In addition, there are a number of existing easements noted on the preliminary plat. All existing easements must be shown on the plat with the corresponding recording number.

With the conditions discussed above, this criterion will be met.

**I. Streams, springs, and seeps. The approval criteria of Chapter 33.640, Streams, Springs, and Seeps, must be met;**

**Findings:** The subject site abuts the Willamette River, which meets the Zoning Code definition of a “stream” (33.910). This criterion requires that a tract be placed along the edge of the stream at least 15-feet from the top of the bank. In this case, that portion of the site will be located within the area identified as Tract B. Tract B will encompass the stream bank, floodway, greenway trail, greenway viewpoint, boat ramp, and vegetation. There are also existing outfalls to the river located within Tract B. Tract B also includes upland development (parking) within an area of the tract that is over 200 feet from the top of the bank. All existing and any future improvements within Tract B are subject to the Greenway regulations (33.440), which prescribe the type and placement of development allowed along the river’s edge.

Provided the tract and maintenance agreement are implemented, as discussed in the findings above, this criterion will be met.

**J. Transportation impacts. The approval criteria of Chapter 33.641, Transportation Impacts, must be met.**

**Findings:** The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. Evaluation factors include: street capacity and level-of-service; vehicle access and loading; on-street parking impacts; the availability of transit service and facilities and connections to transit; impacts on the immediate and adjacent neighborhoods; and safety for all modes.

Portland Transportation reviewed the application and provided the following:

*The applicant hired a professional traffic consultant to prepare a Transportation Impact Study (TIS) to address this particular approval criterion. PBOT has reviewed the submitted TIS and offers the following assessment:*

- *Utilizing acceptable industry standards, methodologies, references and analyses, the TIS adequately addresses each of the above referenced evaluation factors.*
- *The TIS includes typically prepared trip generation/trip distribution analyses which conclude that the expected vehicle trips associated with the proposed land division proposal will not have adverse impacts to the operations of the studied intersections. Said intersections currently operate within City of Portland performance measures based on conducted analyses and will continue to do so in relation to development that is expected to occur on the subject site.*

*Of significance to this evaluation factor, the TIS included substantial analysis prepared to support r.o.w. improvements associated with what was shown to be heavy utilization of an exit point along N Channel in relation to construction of various on-site parking facilities. The TIS included recommendations for a “road diet” (reducing the number of travel lanes along a portion of the site’s frontage) to accommodate a north-bound free flow right turn from the subject site onto N Channel into a dedicated eastbound receiving lane. Upon substantial consideration by PBOT staff from multiple sections within the organization, the applicant has been previously advised that PBOT is not favorable to the proposed r.o.w. changes to support the private development on the subject site. Although said changes would likely assist in the exiting movements from some of the on-site parking facilities, the resulting r.o.w. modifications were determined to not be in the best interest of motorists at large utilizing N Channel as a means of vehicular travel.*

- *The TIS included significant analysis with recommendations proposed from the conclusions reached with regard to the on-site parking demand from the development on the subject site. On-street parking will not be impacted in the area as on-street parking is not permitted along the abutting public rights-of-ways around the subject site. Parking demand generated by the multiple buildings across the subject site is expected to be accommodated by the various on-site parking facilities including at-grade surface parking lots and multi-level parking garages.*
- *The TIS adequately addresses the remaining evaluation factors, including the provision of available crash data to demonstrate that there are no safety concerns related to traffic at nearby intersections.*

*The subject site is located near bus stops served by Tri-Met bus routes #72 Killingsworth/ 82<sup>nd</sup> Ave and #85 Swan Island. Additional transit service to the Daimler campus is apparently available via a Swan Island Evening Shuttle (supported by the Swan Island Transportation Management Association.)*

*There are existing pedestrian and bicycle facilities in the area that will not be compromised by the proposed land division. Sidewalks found throughout the area provide a safe means for pedestrians to travel- additionally, there is a hard-surfaced greenway trail along segments of the southern property line of the subject site that accommodate pedestrians. The existing bicycle facilities are identified on the Portland Bike/ Walk Map and include a paved multi-use path (greenway trail) as noted above. In association with this and previously approved land use reviews associated with the subject site, public access from N Channel Ave through the subject site to the greenway trail will be provided.*

- *Impacts to adjacent neighborhoods are not expected in relation to the proposed land division – the scale and type of development occurring and expected to occur on the subject site are consistent with the industrial/ industrial park nature of Swan Island, in general.*

*As required, the applicant has adequately demonstrated that “the transportation system is capable of supporting the proposed use in addition to the existing uses in the area”.*

Based on these factors, this criterion is met.

**K. Services and utilities. The regulations and criteria of Chapters 33.651 through 33.654, which address services and utilities, must be met.**

**Findings:** Chapters 33.651 through 33.654 address water service standards, sanitary sewer disposal standards, stormwater management, utilities and rights of way. The criteria and standards are met as shown in the following table:

<p><b>33.651 Water Service standard</b> – See Exhibit E.3 for detailed bureau comments.</p>
<p>The Water Bureau has indicated that service is available to the site, as noted on page 4 of this report. However, the location of the existing water service locations has not been provided, as requested by the Water Bureau. Plans must show surveyed services to confirm location of existing services and the relationship to the newly created parcels. In order to ensure the water service connections are located within the boundaries of the proposed lots, a condition must be applied, which requires <i>the applicant must submit surveyed site plans showing new lot lines and existing water services. Plans must be signed by a currently licensed surveyor. If the services do not align with the correct property lines, the service(s) must be relocated to the correct parcel prior to Final Plat approval.</i></p> <p>This condition will allow the Water Bureau to confirm the location of the water services and, if warranted, require the relocation of those services to correspond to the new lot lines.</p> <p>The Water Bureau has also noted that changes must be made to the existing services within an existing easement for a water main and 2 fire hydrants. The water main within the easement is a dead-end 8-inch main and without the ability to loop the system it poses potential water quality issues. With the development of these parcels, public fire protection of private property is no longer viable.</p> <p>The Water Bureau has determined it is in the best interest of the water system to take the 8-inch water main out of service and abandon the easement. The Water Bureau will cut and plug the water main and remove the fire hydrants at no cost to the applicant. If the applicant wishes to retain the hydrants, they may pay a fee to convert the main to a dedicated fire line. If converted the applicant must install a detector double check valve on private property at the property line.</p> <p>The Water Bureau has recommended several conditions to fulfill these requirements:</p> <ul style="list-style-type: none"> <li>• <i>If the applicant wishes to convert the 8-inch water main to a dedicated fire line, then payment to convert the service, in full, must be received by the Water Bureau Development Services Group, prior to Final Plat approval.</i></li> <li>• <i>The easement over the 8-inch water main must be relinquished, prior to Final Plat approval.</i></li> </ul> <p>With the implementation of these conditions, the water service standards of 33.651 will be verified.</p>
<p><b>33.652 Sanitary Sewer Disposal Service standards</b> – See Exhibit E.1</p>
<p>The Bureau of Environmental Services has indicated that service is available to the site, as noted on page 4 of this report. The sanitary sewer service standards of 33.652 have been verified.</p> <p>However, BES has noted that an existing 25-foot wide sewer easement granted to the City of Portland must be correctly labeled on the final plat. With a condition requiring such, this criterion will be met.</p>

**33.653.020 & .030 Stormwater Management criteria and standards – See Exhibits E.1**

No stormwater tract is proposed or required. The applicant has proposed the following stormwater management methods:

**Public Street Improvements:** Stormwater runoff from public right-of-way improvements as required by the City of Portland Bureau of Transportation (PBOT) must be managed according to the standards of the SWMM and the Sewer and Drainage Facilities Design Manual.

For public right-of-way improvements required by PBOT, public drainage improvements must meet the standards of the SWMM and the Sewer and Drainage Facilities Design Manual as required by BES. Public improvements must meet the Stormwater Hierarchy for runoff from impervious area in the right-of-way and a public works permit would be required. BES understands right-of-way improvements along the site's frontages have been under review for an extended period of time via Public Works Permit 14-229568 WT/TB0019. The Public Works Permit has received Concept Development (30%) and Design Development (60%) approval. A second review of the Final Plan (90%) is underway and nearing approval/issuance. PBOT advised the applicant that future right-of-way improvements along the frontage of Lot 4 will be at the time of building permit review for development on this lot.

**Lots 1-4 and Tract A, B and C:**

*Onsite Stormwater Management:* Stormwater runoff from this project must comply with all applicable standards of the SWMM and be conveyed to a discharge point along a route of service approved by the BES Director or the Director's designee. The applicant submitted a stormwater report from HHPR (dated October 2015). The Presumptive Approach report includes indicates onsite infiltration is not feasible due to seasonal high groundwater and existing soils in the area which are not conducive to onsite infiltration. The applicant proposes for runoff from the development to be discharged offsite to the public storm sewer system after pollution reduction and flow and volume control standards are met with vegetated planters sized per the Presumptive Approach. Discharge to this system has been approved by BES.

BES notes that "(p)ivate sewer easements are required on the property or tax lot that the private sewer will cross". BES also notes that "(p)er the BDS [Private Sewer Easements Code Guide](#) private sewer easements should be a minimum of 10 feet in width". Based on the project plans, six (6) existing outfalls to the Willamette River are located within proposed Tract B. These outfalls are proposed to be placed within private easements.

*TMDL Requirements:* The project site is located in the Willamette River Watershed, where Oregon DEQ Total Maximum Daily Load (TMDL) water quality requirements apply. The SWMM requires that applicants use pollution reduction facilities that are capable of reducing TMDL pollutants. Vegetated facilities sized according to the Simplified or Presumptive Approaches meet these requirements.

*Nonconforming Parking Lot and Landscape Requirements:* If this project will bring existing parking areas into compliance with current landscaping requirements per PCC 33.258.070, then [Section 1.5](#) of the SWMM requires that new landscaped areas must also be utilized as vegetated stormwater facilities where feasible. Section 1.5 includes examples of criteria that will be considered to determine feasibility. Note that if a stormwater facility is determined feasible the facility must be sized using the appropriate methodology from [Chapter 2](#) of the SWMM, and should therefore be included in the required stormwater report. Plans submitted for future development must show all required parking lot landscaping upgrades.

Based on the comments from BES, the stormwater management criteria are met.

**33.654.110 Connectivity and Location of Rights-of-Way****33.654.120 Design of Rights-of-Way****33.654.130 Additional Approval Criteria for Rights-of-Way****33.654.150 Ownership, Maintenance, and Public Use of Rights-of-Way****33.654.160 Street Classification**

The criteria in 33.654 determine which right-of-way elements are appropriate. These criteria evaluate if a through or dead-end street is required; if the width of the street is sufficient to serve the anticipated users and other required features (such as stormwater management facilities and landscaping); if public or private ownership is warranted; if the design meets the relevant public or private improvement requirements; and, if a private street is proposed, how public access and maintenance will be provided.

In this case, a 12-wide concrete walkway was installed between proposed Lots 1 and 2, in conjunction with a permit for a recently constructed office building on proposed Lot 2. The applicant has requested that this existing walkway suffice to fulfill the right-of-way provisions and that it be allowed as a private pedestrian connection within a proposed tract (Tract C).

Anytime a private right-of-way is proposed, the application must meet the Administrative Rules for Private Rights of Way (Private Street Rules), in addition to the criteria in 33.654. These rules govern the design and construction of private streets, with provisions for services and utilities, street names and addressing, maintenance agreements and performance guarantees as well. The Private Street Rules includes both planning rules, which are administered by the Land Use Services Division of BDS, and technical rules, which are reviewed by the Site Development Section of BDS. The planning rules are used to determine which right-of-way elements will be required. The technical rules are used to determine the safe design of each element, and in some cases, the resulting width, shape, or configuration of a safe design. If an alternate design for a technical element is proposed, an approved building code appeal or adopted Code Guide is required.

The proposed private pedestrian connection is allowable, since the facility will not connect two through public streets (33.654.150.B.6). The proposed pedestrian connection will provide a direct connection between N Channel Avenue and a developed public recreational (greenway) trail that parallels the riverbank. Though it is technically a dead-end street, since it will not connect two rights-of-way, the walkway will effectively provide a direct thoroughway for pedestrians and cyclists and function like a through street. As such it will meet the connectivity requirements of 33.654.110 and the planning rule requiring a direct line of sight. The applicant also indicates a public access easement has already been provided over the existing walkway, which should ensure on-going public use of the private right-of-way per 33.654.150.D.

Since the pedestrian connection is already developed with an 8-12 foot walk concrete walk, and the overall tract width is proposed at 12-feet, there is minimal space for trees and landscaping within the tract. Generally, trees and landscape features, such as grassy swales or vegetated infiltration swales are installed adjacent to the paved walkway as an amenity and to provide stormwater functions. In this situation, the applicant has indicated that no trees will be provided within the tract; and the stormwater from the pathway is routed to existing vegetated stormwater management facilities that will be located on proposed Lot 2. The applicant has proposed an easement on Lot 2, in order to ensure the stormwater from the tract is effectively managed. Provided a detailed survey identifies all of the existing stormwater facilities serving the pedestrian connection (Tract C) and an easement sufficient to cover those facilities and an associated maintenance agreement are submitted, this will ensure the area of the easement is appropriate and identify the roles and responsibilities of all owners of the affected properties. With this condition, the proposed size of the tract will be allowable as an alternative to providing a wider tract width and independent planting areas and stormwater facilities for the tract.

Portland Fire Bureau has indicated the pedestrian connection will not be required to provide emergency access, so the width, surfacing, and vertical clearance provisions (Section L, Private Street Rules) will not be required to be met. Additionally, bollards are located next to the driveway connection to the N Channel, which provide the access controls required on that end of the pedestrian connection.

However, since a canopy structure straddles a portion of the existing walkway, the applicant

applied for a building code appeal to the Building Projection Standards (Section M, Private Street Rules). Site Development has noted that the canopy encroachment and other modifications to the technical requirements of the Private Street Administrative Rules for Private Rights-of-Ways were approved under [Administrative Building Code Appeal ID: 13945](#). The appeal decision granted the request for the cross slope of the pedestrian path to be less than 2 percent; and for the vertical clearance to be 11-feet-11 inches.

Since the pathway and stormwater facilities have already been built, no permit or financial assurances will be required for the private street/pedestrian connection.

With the noted conditions regarding the documentation of the easements for the stormwater facilities and public access for the tract and the associated maintenance agreements, the location, size, and function of the private pedestrian connection will satisfy the noted criteria and the Private Street Rules. Accordingly, these criteria will be met.

**33.654.130.A - Utilities (defined as telephone, cable, natural gas, electric, etc.)**

The site includes several existing easements related to franchise utilities (electricity, phone, gas, etc). Any easements that may be needed for private utilities that cannot be accommodated within the adjacent right-of-ways can be provided on the final plat. As such, this criterion is met.

**ADJUSTMENT REVIEW**

**33.805.040 Approval Criteria**

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

**Findings:** The applicant requests Adjustments to modify the following development standards:

- **Maximum Allowed Parking Spaces (33.266.115):** Based on the building size and uses on Lot 1, the maximum number of spaces allowed by the code is 733. The applicant requests that 855 existing spaces on Lot 1 and 313 recently constructed spaces on a neighboring site (4085 N Anchor Street) be allowed for the use(s) on Lot 1. The applicant requests an Adjustment to allow those 1,168 existing parking spaces to remain for the uses on Lot 1.
- **Parking Area/Perimeter Landscaping (33.266.130):** The applicant requests the requirement for a 5-foot wide planter with landscaping be waived entirely along the following property lines (see Exhibits C.6-C.8 for specific locations):
  - ☐ west property line of Lot 2
  - ☐ between Lots 2 and 3
  - ☐ between Lots 3 and 4 along driveway to N Port Center Street

In order to meet this criterion, the applicant must demonstrate that the proposal will equally or better meet the purpose of the noted provisions.

**33.266.115 Maximum Allowed Parking Spaces**

**A. Purpose.** Limiting the number of spaces allowed promotes efficient use of land, enhances urban form, encourages use of alternative modes of transportation, provides for better pedestrian movement, and protects air and water quality.

*The maximum ratios in this section vary with the use the parking is accessory to and with the location of the use. These maximums will accommodate most auto trips to a site based on typical peak parking demand for each use. Areas that are zoned for more intense development or are easily reached by alternative modes of transportation have lower maximums than areas where less intense development is anticipated or where transit service is less frequent. In particular, higher maximums are appropriate in areas that are more than a 1/4 mile walk from a frequently served bus stop or more than a 1/2 mile walk from a frequently served Transit Station.*

Parking maximums are applied in areas that are easily reached by alternative modes of transportation and where transit frequency meets peak hour service requirements. Historically,

access to Swan Island has been limited, with few bike and pedestrian facilities from the north and east, and transit only from the east. In recent years, improvements to the bike and pedestrian facilities on Swan Island, improved connections along the greenway trail, as well as the extension of light rail within a mile of the site have improved options for alternative modes of transportation to the site and surrounding area. Additionally, bus services with more frequent schedules have been added to the area.

Nevertheless, the applicant indicates that the buses serving the site are inadequate due to the routing and frequency of the bus lines, and the applicant notes the existing parking serves the needs of the employer.

The applicant provided no information about the hours of operation or number of employees to explain why the bus services are inadequate or why over 1,100 parking spaces are needed to serve the office use on Lot 1. Nor has the applicant indicated if measures have been or could be implemented to promote or accommodate alternative modes of transportation. Such measures could include offering employees flexible work schedules, transit passes, bike facilities with showers and lockers, or other incentives to encourage the use transit or other modes of transportation.

The applicant has indicated the site has been developed as a campus-wide facility for Daimler, and, as such, it is preferable to have the development considered as a whole, rather than lot by lot.

The Zoning Code specifically calls for existing development on properties proposed for a Land Division to be evaluated for consistency with the Zoning Code provisions relative to the proposed lot lines and sizes (33.700.015.A). Each lot must be able to satisfy the Zoning Code provisions independently; or, through a concurrent Adjustment review, the Land Division review must address and determine if alternate means of fulfilling the zoning regulations are approvable.

Certainly, as the applicant asserts, allowing the existing amount of parking spaces to remain as is on proposed Lot 1 and the neighboring property (4085 N Anchor) will result in no discernible physical changes to the current situation. However, unless measures are provided to encourage use of alternative modes of transportation, provide for better pedestrian movement, and protect air and water quality, the proposal does not appear to provide any means to equally satisfy the purpose of the maximum parking standard.

One measure that could provide for better pedestrian movement to and through the site is to complete a missing segment of the trail improvements that have already been installed on the site. The site has a public recreational trail designation, as shown by the stars on the Zoning Map. The public recreational trail regulations (33.272) call for an easement to allow public access and require trail improvements when certain thresholds are met. An easement for public access has been in place for some time, and the trail has been constructed along the site's entire river frontage, the portion of the trail near the interior of the property was reconfigured and installed as part of the recent redevelopment on the site, and the new private street/pedestrian connection serves as another route to reach the trail. There is just one approximately 180-foot long segment of the trail missing along the western boundary of the site, within proposed Tract B. In this location, over half of the trail is built but it does not connect to the sidewalk on N Channel Avenue. With a condition that the applicant must obtain and finalize permits to extend and complete the trail connection within the existing public access easement, in the area shown on Exhibit C.6 and in accordance with trail standards in 33.272.030.F, prior to final plat approval, this will provide for better pedestrians and cyclists movement to and through the site. This is also consistent with the threshold that requires trail improvements when streets are constructed in a subdivision (33.272.030.D.3), as is the case with the establishment of the private street/pedestrian connection that is part of the land division proposal.

During the course of the review, Portland Parks identified that the trail standards would generally call for an 8-foot wide Type L trail (Exhibit E.8.a) at this location. In response to this information, the applicant presented a concept diagram for the trail improvements (Exhibit C.11) that shows a 6-foot wide striped path within an existing parking area in the northwest corner of



Tract B, as well as a 20-foot wide vehicle aisle and 16-foot deep parking stalls. However, the concept diagram does not show the two 5-foot wide perimeter landscape planters required per 33.266.130.G, and there does not appear to be sufficient space for a 6-foot or 8-foot wide trail within that 50-foot wide portion of Tract B along with the other required parking area features. In phone discussions with the applicant and Portland Parks staff, BDS staff have explained that the parking may be removed or reconfigured to accommodate the trail improvements and landscaping. However, if parking is to remain in Tract B, the permit required for the trail improvements must also demonstrate that the remaining parking area conforms to the parking dimensions and landscaping standards in 33.266.130, in addition to demonstrating that the new trail extension will meet the trail standards of Portland Parks.

Another means to contribute to fulfilling the purpose of the maximum parking standard will be the installation of new perimeter parking lot landscaping on Lot 1, as discussed in the Development Standards section below. Those new plantings will aid in the protection of air and water quality as anticipated by the maximum parking standard by filtering pollutants and intercepting rainfall.

With conditions to implement these measures, this should help to ensure the parking for the office use on proposed Lot 1 will equally meet the purpose of the noted regulation.

### **33.266.130 Development Standards for All Other Development**

**A. Purpose.** *The development standards promote vehicle areas which are safe and attractive for motorists and pedestrians. 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;*
- *Provide flexibility to reduce the visual impacts of small residential parking lots;*
- *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.*

In order to evaluate this standard, the requested Adjustments on each lot will be considered more specifically lot by lot, as follows:

Lot 2: The perimeter landscaping standard calls for a 5-foot wide planter along the driveway (proposed west lot line) abutting Tract C, and another 5-foot wide planter along the parking and driveway areas (proposed east lot line) abutting Lot 3 (approximately 160 linear feet). Looking first at the driveway abutting Tract C, there is a wide planter area on the opposite side of the driveway which serves to screen, shade and cool the driveway, which provides a comparable amount of landscaping as required by the standard, so this portion of the Adjustment requests will equally meet the standard. Similarly, there are also wide planters along the proposed east lot line of Lot 2 abutting Lot 3, which help to temper stormwater runoff from the vehicle areas on Lot 2, so allowing a waiver of the landscaping in these locations will also equally meet the standard.

Lot 3: The standard calls for a 5-foot wide planter along the perimeter (approximately 470 linear feet) of the parking and driveway areas next to Lot 2 (west lot line) and along the (431 linear foot) driveway bordering Lot 4 (south lot line). Unlike Lot 2, there are fewer planter areas adjacent to the west perimeter of Lot 3, so a complete waiver of the perimeter landscaping would not equally meet the purpose of the standard. Likewise, eliminating landscaping along a 431-foot section of the driveway and walkway connection to N Port Center Way that is located along the property line bordering Lot 4, would not equally meet the standard. However, since a shared access easement is proposed over Lot 3 to accommodate vehicle access to Lots 2 and 4, it is reasonable to allow some reduction in the landscape areas to facilitate those combined circulations areas.

During the course of the review, the applicant revised the request and proposed to remove a portion of the walkway bordering Lot 4, in order to create a 3.5-foot wide planter area for new plantings along that lot line. In addition, the applicant has proposed to remove existing paving

and install new landscaping in a 5-foot wide planter area along a portion of the lot line between Lot 3 and the abutting property to the north (3110 N Going, currently a McDonald's restaurant), as shown on the Lot 3 Amended Landscape Proposal (Exhibit C.12).

These additional planter areas will allow for plantings to be installed that would help to shade and cool and screen the vehicle area, and new plantings could also help to moderate stormwater runoff from the vehicle areas on Lot 3. This area could also potentially serve as additional space for stormwater facilities.

With a condition requiring a permit to be finalized for the installation of L2 landscaping these new planter areas, prior to final plat approval, the requested Adjustment to Lot 3 will equally meet the purpose of the standard.

In summary, as noted above, the applicant has indicated that the site is developed as a campus and that it is preferable to allow open access between the lots. The applicant has also noted that there is extensive landscaping distributed across the lots that serves the same function as the required perimeter landscaping. The applicant has provided a lot by lot account of the amount of landscaping on each lot (Exhibits C.6-C.8), which does show that Lots 1-3 do have at least twice as much landscaping as the minimum 15 percent required in the EG2 zone. Undoubtedly, that existing landscaping helps to decrease airborne and waterborne pollution. However, in the case of Lot 3, much of that "additional" landscaping is located between the buildings and the proposed south (riverside) lot lines, and not near the parking areas. As such, those landscaped areas do not contribute to shading or cooling the parking areas or reducing the effects of stormwater runoff from the vehicle areas, as intended in the purpose statement above.

In any event, as discussed above and with the noted conditions, the requested Adjustments to the landscaping standards can meet this criterion.

Overall, with the implementation of the conditions outlined above, the proposal is expected to equally meet the purpose of both of the noted standards, and this criterion will be 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;

**Findings:** To meet this criterion, the proposal must be consistent with the classifications of the adjacent streets and the desired character of the area.

As noted in the response from Portland Transportation, the site and surrounding area are within a freight district. The classifications of the adjacent streets are suitable for the existing industrial traffic.

The Zoning Code defines desired character as follows: *The preferred and envisioned character (usually of an area) based on the purpose statement or character statement of the base zone, overlay zone, or plan district. It also includes the preferred and envisioned character based on any adopted area plans or design guidelines for an area.*

The site for the landscaping Adjustment is in the EG2 zone and the Greenway River Industrial (i) and Greenway River General (g) overlay zones. The parking Adjustment also include a property in the IG2 zone. The Greenway regulations include the Design Guidelines outlined in the Willamette Greenway Plan. At this location, these base zones, overlay zones, and design guidelines anticipate a wide range of employment and industrial uses that support the economic viability of a marine shipping and industrial harbor, along with conserving and enhancing the riverbank vegetation and providing the opportunity for public access.

Allowing parking beyond the maximum allowed could result in an increase in vehicles and affect the function of the abutting streets; however, Portland Transportation has noted no concerns about the additional parking; and, as discussed in the findings for the Land Division, Portland Transportation finds the applicant provided a sufficient transportation impact report. Based on

this, the extra parking and reduction in landscaping are not anticipated to effect the street classifications.

Excessive surface parking could preclude opportunities for new employment and industrial uses; and eliminating landscaping entirely along multiple property lines could diminish the envisioned character of the area. However, with the implementation of the conditions noted above, this should be minimized. As such, this criterion will be 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;

**Findings:** Two adjustments have been requested to the parking standards. Both standards aim to promote efficient use of land, reduce the visual impact of vehicle areas, and protect air and water quality.

In order to meet this criterion, the proposal to provide more parking than the maximum allowed and less landscaping that required must be consistent with the overall purpose of the EG2 and IG2 zones, which are to accommodate employment and industrial uses.

The applicant indicates the requested Adjustments will allow for adequate and efficiently designed parking. With the implementation of the aforementioned conditions, the proposal is expected to remain consistent with the overall purpose of the noted base zones. Accordingly, this criterion will be met.

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

**Findings:** No historic resources are noted on the site or abutting lands. There is a developed Greenway Viewpoint located on the south end of the property, which will be retained within proposed Tract B. Since that scenic resource will be preserved, this criterion is met.

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

**Findings:** As discussed in Criterion A, above, measures will be required to ensure the purpose of the maximum parking and perimeter landscaping standards will equally be met, which should help to temper potential impacts to the appearance and function of the noted properties.

Also, as the applicant has indicated, since the site has been developed in a campus-like fashion for the Daimler Truck company, it is reasonable provide some consideration of the current form and operations of the existing development in the evaluation of the Adjustment reviews. However, overtime the ownership may separate or functions at the site may change. Therefore, as a means to mitigate the impacts that could result from those changes and subsequent development on Lots 2 and 3, a condition will be applied which specifies the following: The duration of the Adjustments granted to the perimeter landscaping on Lots 2 and 3 is limited and is for the existing development only. At the time of permit review for new development that has a valuation over the non-conforming threshold in 33.258, the Adjustment will expire for the lot where the new development is proposed, and all applicable standards must be met on that lot or an alternate to the standard(s) must be approved through a subsequent Adjustment Review.

With this condition and the implementation of the previously noted conditions, this criterion will be met.

- F.** If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable.

**Findings:** The site is not within an environmental zone, so this criterion does not apply.

## DEVELOPMENT STANDARDS

Development standards that are not relevant to the land division review, have not been addressed in the review, but will have to be met at the time that each of the proposed lots is developed.

**Future Development:** Among the various development standards that will be applicable to this site, the applicant should take note of:

- Public Recreational Trails/33.272
- Greenway Zones/33.440
- Nonconforming Development/33.258

**Existing development:** The existing development on the site will remain and portions of the development will be located on Lots 1-3 and Tracts A, B and C. The division of the property may not cause the structures or other existing development to move out of conformance or further out of conformance to any applicable development standard.

Per 33.700.015, if a proposed land division will cause conforming development to move out of conformance with any regulation of the zoning code, and if the regulation may be adjusted, the land division request must include a request for an adjustment (Please see section on Other Technical Standards for Building Code standards.)

In this case, the applicant has requested Adjustments to two standards related to the existing development, as addressed in the Adjustment Review, above.

Additionally, while this land use case has been pending, the applicant also obtained two Adjustments to the sign regulations; however, the locations of the approved signs are not represented on the plans provided the land division review. To ensure the locations do not conflict with the EG2 and Greenway standards, or the Private Street Rules, the location of the approved signs must be shown on the supplemental plans required below.

Further, on-going construction for previously approved improvements has been underway during this review, so it is likely some changes to the existing development may have occurred during the course of this review.

For these reasons, the following condition is warranted, to ensure the applicable setback, landscaping, parking, public recreational trail, and greenway standards continue to be met at the final plat stage:

- The final plat must be accompanied by a supplemental survey. An individual supplemental plan must be provided for each lot and tract. Each supplemental plan must show the location of the existing buildings, signs, parking areas, walkways, trees and landscape areas, public recreational trails, public viewpoints, and utilities (above, at, and below grade) and other existing features relative to the adjacent new lot and tract lines.

Also, the following standards apply to the project site; and, based on the Existing Conditions Plan (Exhibit C.6), it appears these are not currently met:

- Public Recreational Trails, 33.272.030: The trail provision requires the construction of the recreational trail on lands designated with a recreational trail symbol when streets are constructed in a subdivision (33.272.030.D.3), and the trail design is required to meet the Portland Parks trail standards, when constructed on private property (33.272.030.F).

As discussed in the Adjustment findings, above, an approximately 180-foot missing segment of the existing recreational trail in Tract B will need to be improved in order to satisfy the Adjustment approval criteria. As such, this requirement should be fulfilled through the implementation of the condition for the Adjustment Review.

- Perimeter Landscaping, 33.266.130.G/Table 266-5: There is a 5-foot wide planter area adjacent to the existing parking in the northeast corner of Tract B that borders Lot 1. This planter is currently an interior planter area; and, with the establishment of the proposed lot

lines, it will become a perimeter planter area for Tract B. Based on the information provided, the planter area appears to be deficient in the amount of landscaping required along the property line bordering a parking lot. As discussed in the Adjustment findings, prior to final plat approval, a permit must be obtained and finalized to document the installation of the required L2 landscaping in that area of Tract B or an Adjustment must be approved to allow for a variation to the perimeter landscaping requirement.

Similarly, there is an approximately 165-foot section along the proposed west lot line of Lot 1 (near northwest corner) that does not have the required 5-foot wide perimeter landscaping. As noted in the Proposal section, above, the applicant has withdrawn the Adjustment request to waive the landscaping requirement at that location on Lot 1 and has proposed to install new plantings to meet that standard. In order to document the installation of the required landscaping, the applicant must complete the following: Prior to final plat approval, a permit must be obtained and finalized to document the installation of the required L2 landscaping in that area of Lot 1 or a subsequent Adjustment must be approved to allow for a variation to the perimeter landscaping requirement.

Generally, improvements on sites with a Greenway overlay designation are subject to Greenway Review, unless the proposed activity meets an exemption in 33.440.320. In this case, since the location of the recreational trail improvements on Tract B and the new landscaping on Lot 1 will be in the River Industrial zone and over 75 feet landward of the top of the bank, those improvements are exempt from Greenway Review per 33.440.320.D and 33.440.320.A. Similarly, the installation of perimeter landscaping on Lot 3 will be exempt from Greenway Review, per 33.440.320.B, if the valuation of the improvements is less than \$25,000.

With the conditions noted above, this land division proposal can meet the requirements of 33.700.015.

## OTHER TECHNICAL REQUIREMENTS

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

Bureau	Code Authority and Topic
Development Services/503-823-7300 <a href="http://www.portlandonline.com/bds">www.portlandonline.com/bds</a>	Title 24 – Building Code, Flood plain Title 10 – Erosion Control, Site Development Administrative Rules for Private Rights-of-Way
Environmental Services/503-823-7740 <a href="http://www.portlandonline.com/bes">www.portlandonline.com/bes</a>	Title 17 – Sewer Improvements 2008 Stormwater Management Manual
Fire Bureau/503-823-3700 <a href="http://www.portlandonline.com/fire">www.portlandonline.com/fire</a>	Title 31 Policy B-1 – Emergency Access
Transportation/503-823-5185 <a href="http://www.portlandonline.com/transportation">www.portlandonline.com/transportation</a>	Title 17 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489 <a href="http://www.portlandonline.com/parks">www.portlandonline.com/parks</a>	Title 11 –Trees
Water Bureau/503-823-7404 <a href="http://www.portlandonline.com/water">www.portlandonline.com/water</a>	Title 21 – Water availability

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

**Fire Bureau:** The applicant must meet the requirements of the Fire Bureau in regards fire apparatus access; parking on fire apparatus access roads; no parking signs; fire flow/water supply; fire hydrant spacing (commercial); turning radius; access for buildings 30 feet or 3 stories in height/commercial/industrial; access for buildings over 62,000 square feet; aerial fire

department access roads; maintenance for private access; driving surfaces; and addressing of structures. Additionally, the applicant must satisfy the fire department access and water supply requirements listed below. These requirements are based on the 2015 Portland Fire Code.

The applicant shall provide site plans specific to fire department access and water supply for each proposed lot. The specific requirements are noted below for each lot. Any alternatives will be required to be approved through a Building Code Appeal. Any conditions of an approved Building Appeal shall be met at the time of final plat or development per the appeal.

**Lot 1**

1. Provide fire hydrant layout that meets the Fire Code spacing and fire flow demand as outlined in Appendix B and C of the Fire Code. The number of fire hydrants and fire flow is determined by the building size and construction type. The applicant shall provide verification that this lot meets the requirements of the Fire Code.

A site plan clearly indicating each public and private fire hydrant location and fire flow availability shall be provided. Note that only the fire hydrants within each proposed lot shall provide the services for any buildings on that lot. Also note, no water lines that provide fire protection can cross property lines.

Any deficiency will require fire hydrants with adequate fire flow and pressure to be installed or an approved Building Appeal shall be provided. Any outcome of a Building Code Appeal shall be met at the time of final plat or development.

**Lot 2**

1. The driveway entrance adjacent to Tract C is required to be a minimum of 20 feet in width. The applicant shall provide clarification on the width and turning radius of the driveway entrance of proposed lot 2. Turning radius is required to be 25 inside and 45 outside feet. The applicant shall provide a site plan that meets that requirement.
2. Two means of fire department access is required for the buildings on Lot 2. The applicant shall verify that the driveway located NW of the Nova parking Structure will be open for fire department access. The applicant shall verify that there is an access easement across the portion of Tract A in this location. Access easements for fire department access will be required to be approved through the land use process through the City Attorney.

Turning radius is required to be 25 inside and 45 outside feet. The applicant shall provide a site plan that meets that requirement for this driveway.

3. Provide fire hydrant layout that meets the Fire Code spacing and fire flow demand as outlined in Appendix B and C of the Fire Code. The number of fire hydrants and fire flow is determined by the building size and construction type. The applicant shall provide verification that this lot meets the requirements of the Fire Code.

A site plan clearly indicating each public and private fire hydrant location and fire flow availability shall be provided. Note that only the fire hydrants within each proposed lot shall provide the services for any buildings on that lot. Also note, no water lines that provide fire protection can cross property lines.

Any deficiency will require fire hydrants with adequate fire flow and pressure to be installed or an approved Building Appeal shall be provided. Any outcome of a Building Code Appeal shall be met at the time of final plat or development.

4. Identify the water line that comes across Lot 4 and Lot 3 on the east property line adjacent to the Nova office Tower. Water lines that provide fire protection are required to be located within their own property lines. The applicant will be required to meet this requirement prior to approval of the final plat. Any Building Code Appeal alternatives will be required to be met at the time of final plat or development, whichever applies.

**Lot 3**

1. The applicant shall identify how fire department access is being provided to the existing building (CORP 9) building. Fire department access is required to be provided to within 150 feet of all portions of

building or 250 feet to all portions of a sprinklered building. Any fire department access that is provided across an adjacent property shall have an approved easement and maintenance agreement.

2. Provide fire hydrant layout that meets the Fire Code spacing and fire flow demand as outlined in Appendix B and C of the Fire Code. The number of fire hydrants and fire flow is determined by the building size and construction type. The applicant shall provide verification that this lot meets the requirements of the Fire Code.

A site plan clearly indicating each public and private fire hydrant location and fire flow availability shall be provided. Note that only the fire hydrants within each proposed lot shall provide the services for any buildings on that lot. Also note, no water lines that provide fire protection can cross property lines.

Any deficiency will require fire hydrants with adequate fire flow and pressure to be installed or an approved Building Appeal shall be provided. Any outcome of a Building Code Appeal shall be met at the time of final plat or development.

3. Identify the water line that comes from N. Port Center Way and appears to service the structure on lot 3. It crosses property lines with Lot 4 and Lot 2. Water lines that provide fire protection are required to be located within their own property lines. The applicant will be required to identify and provide documentation of how this water line meets the Fire Code prior to approval of the final plat.

Note that if this hydrant is public and converts to private, it shall meet all the requirements of the Fire Code prior to any approval. Any Building Code Appeal alternatives will be required to be met at the time of final plat or development, whichever applies.

4. Buildings that exceed 62,000 square feet shall be provided with two separate and approved fire apparatus access roads. Sprinklered building up to 124,000 square feet that have a single approved fire apparatus access road when all buildings are equipped throughout with an approved automatic sprinkler system. The applicant shall provide the building size to determine if two access points are required. If two means of access is required, the applicant shall identify how that was being met.
5. Fire department turnarounds are required on fire department access roads that exceed 300 feet in length. The applicant shall identify a turnaround on Lot 3 if the proposed fire department access exceeds 300 feet in length.
6. The address for Lot 3 shall be clearly identified leading from the established fire department access road.

#### **Lot 4**

1. Separate building permits are required for any development of Lot 4. At the time of development all applicable Fire Code requirements shall apply.

#### **Tract A**

Any access across Tract A for fire department access shall include a fire department access easement and maintenance agreement approved by the City Attorney. A site plan shall be provided for any proposed access.

Urban Forestry: At the time of future development, the applicant will be required to comply with the Urban Forestry requirements for street trees. Urban Forestry has indicated that no conditions related to street trees are warranted as part of this pending land use proposal.

## **CONCLUSIONS**

The applicant has proposed a Land Division (subdivision) to establish 4 lots and 3 tracts, as shown on the attached preliminary plan (Exhibit C.1). The applicant has also requested Adjustments to modify two development standards related to maximum parking and perimeter landscaping, since the establishment of the proposed lots and tracts would otherwise move the existing development out of or further out of compliance with those standards.

The primary issues identified with this proposal are:

- Tree preservation
- Flood hazards
- Tracts and easements
- Water services
- Private street rule-pedestrian connection
- Fire bureau requirements
- Public recreational trail
- Adjustments and changes to existing development

As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions. With the implementation of the noted conditions, this proposal can be approved.

The applicant did not include an analysis of whether bureau requirements can be met or whether improvements to the site would be required prior to final plat. If improvements are required, the applicant must either meet exemptions of 33.440.320 or receive Greenway Review approval. Improvements outlined in conditions below may include new/relocated water services, fire hydrants, and fire access improvements.

## ADMINISTRATIVE DECISION

**Approval** of a Preliminary Plan for a Land Division (subdivision), that will result in 4 lots and 3 tracts for the proposal as illustrated with Exhibits C.1-C.4. This approval is granted subject to the following conditions:

**A. Supplemental Plan.** Four copies of an additional supplemental plan for each lot and tract shall be submitted with the final plat survey for (Land Use, Water, and Fire) review and approval. Those plans must portray how the conditions of approval listed below are met. In addition, the supplemental plans must show the surveyed location of the following:

- Any buildings or accessory structures on the site at the time of the final plat application;
- Any driveways and off-street vehicle parking areas on the site at the time of the final plat application;
- Any walkways, viewpoints, trees, and landscaping on the site at the time of the final plat application;
- Fire Department access and water supply for each lot and tract; and
- Any other information specifically noted in the conditions listed below.

**B. The final plat must show the following:**

1. The existing public sanitary sewer easement, granted to the City of Portland, shall be correctly labeled and shown over the relevant portions of Lot 1 and Tract B to the satisfaction of the Bureau of Environmental Services.
2. A Private Access Easement shall be shown and labeled on the final plat, over Lot 3 for the benefit of Lots 2 and 4. The easement shall allow shared use of this area for all of the purposes that a driveway would be typically used for.
3. Private sanitary sewer easements, for the benefit of Lots 2 and 3 shall be shown and labeled over the relevant portions of Tract A.
4. Private storm sewer easements, for the benefit of Lots 1, 2, and 3 shall be shown and labeled over the relevant portions of Tract B.
5. The rail track tract shall be noted on the plat as "Tract A: Rail Lines. A note must be provided on the plat indicating that the tract will be owned by the Port of Portland.



6. The open space tract shall be noted on the plat at "Tract B: Open Space (Willamette Greenway, Flood Hazard, Tree Preservation Reserve). A note must be placed on the plat indicating the tract will be owned by the Port of Portland.
7. The pedestrian corridor tract shall be noted on the plat as Tract C: Private Street (Pedestrian Corridor). In addition, a note on the plat must be included that reads "Tract C is a private pedestrian and bicycle access way for ingress and egress to Lots 1 and 2 and Tract B. Motorized vehicles are not permitted on Tract C". A note must be placed on the plat indicating the tract will be owned by the owner of Lot 2. Additionally, a Public Access Easement is required over the sidewalk portion of Tract C.
8. If required by the Fire Bureau, an Emergency Vehicle Access Easement, granted to the City of Portland, shall be shown over the relevant portions of the lots and/or tracts to the satisfaction of the Fire Bureau.
9. A recording block for each of the legal documents such as maintenance agreement(s), acknowledgement of special land use conditions, or Declarations of Covenants, Conditions, and Restrictions (CC&Rs) as required by Condition C.8-C.11, below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "A Declaration of Maintenance Agreement for (name of feature) has been recorded as document no. \_\_\_\_\_, Multnomah County Deed Records."

**C. The following must occur prior to Final Plat approval:**

**Utilities**

1. The applicant must submit surveyed site plans showing the new lot lines and existing water services. Plans must be signed by a currently licensed surveyor. If the services do not align with the correct property lines, the service(s) must be relocated to the satisfaction of the Water Bureau.
2. The existing easement over the 8-inch water main must be relinquished to the satisfaction of the Water Bureau.
3. If the applicant wishes to convert the 8-inch water main to a dedicated fire line, then payment to convert the service, in full, must be received by the Water Bureau Development Services Group.
4. The applicant shall provide site plans specific to fire department access and water supply for each proposed lot. The specific requirements are noted below for each lot. Any alternatives will be required to be approved through a Building Code Appeal. Any conditions of an approved Building Appeal shall be met at the time of final plat or development per the appeal.

**Lot 1**

- a. Provide fire hydrant layout that meets the Fire Code spacing and fire flow demand as outlined in Appendix B and C of the Fire Code. The number of fire hydrants and fire flow is determined by the building size and construction type. The applicant shall provide verification that this lot meets the requirements of the Fire Code.

A site plan clearly indicating each public and private fire hydrant location and fire flow availability shall be provided. Note that only the fire hydrants within each proposed lot shall provide the services for any buildings on that lot. Also note, no water lines that provide fire protection can cross property lines.

Any deficiency will require fire hydrants with adequate fire flow and pressure to be installed or an approved Building Appeal shall be provided. Any outcome of a Building Code Appeal shall be met at the time of final plat or development.

**Lot 2**

- b. The driveway entrance adjacent to Tract C is required to be a minimum of 20 feet in width. The applicant shall provide clarification on the width and turning radius of the driveway entrance of proposed lot 2. Turning radius is required to be 25 inside and 45 outside feet. The applicant shall provide a site plan that meets that requirement.
- c. Two means of fire department access is required for the buildings on Lot 2. The applicant shall verify that the driveway located NW of the Nova parking Structure will be open for fire department access. The applicant shall verify that there is an access easement across the portion of Tract A in this location. Access easements for fire department access will be required to be approved through the land use process through the City Attorney.

Turning radius is required to be 25 inside and 45 outside feet. The applicant shall provide a site plan that meets that requirement for this driveway.

- d. Provide fire hydrant layout that meets the Fire Code spacing and fire flow demand as outlined in Appendix B and C of the Fire Code. The number of fire hydrants and fire flow is determined by the building size and construction type. The applicant shall provide verification that this lot meets the requirements of the Fire Code.

A site plan clearly indicating each public and private fire hydrant location and fire flow availability shall be provided. Note that only the fire hydrants within each proposed lot shall provide the services for any buildings on that lot. Also note, no water lines that provide fire protection can cross property lines.

Any deficiency will require fire hydrants with adequate fire flow and pressure to be installed or an approved Building Appeal shall be provided. Any outcome of a Building Code Appeal shall be met at the time of final plat or development.

- e. Identify the water line that comes across Lot 4 and Lot 3 on the east property line adjacent to the Nova office Tower. Water lines that provide fire protection are required to be located within their own property lines. The applicant will be required to meet this requirement prior to approval of the final plat. Any Building Code Appeal alternatives will be required to be met at the time of final plat or development, whichever applies.

**Lot 3**

- f. The applicant shall identify how fire department access is being provided to the existing building (CORP 9) building. Fire department access is required to be provided to within 150 feet of all portions of building or 250 feet to all portions of a sprinklered building. Any fire department access that is provided across an adjacent property shall have an approved easement and maintenance agreement.

Provide fire hydrant layout that meets the Fire Code spacing and fire flow demand as outlined in Appendix B and C of the Fire Code. The number of fire hydrants and fire flow is determined by the building size and construction type. The applicant shall provide verification that this lot meets the requirements of the Fire Code.

A site plan clearly indicating each public and private fire hydrant location and fire flow availability shall be provided. Note that only the fire hydrants within each proposed lot shall provide the services for any buildings on that lot. Also note, no water lines that provide fire protection can cross property lines.

Any deficiency will require fire hydrants with adequate fire flow and pressure to be installed or an approved Building Appeal shall be provided. Any outcome of a Building Code Appeal shall be met at the time of final plat or development.

- g. Identify the water line that comes from N. Port Center Way and appears to service the structure on lot 3. It crosses property lines with Lot 4 and Lot 2. Water lines that provide fire protection are required to be located within their own property lines. The applicant will be

required to identify and provide documentation of how this water line meets the Fire Code prior to approval of the final plat.

Note that if this hydrant is public and converts to private, it shall meet all the requirements of the Fire Code prior to any approval. Any Building Code Appeal alternatives will be required to be met at the time of final plat or development, whichever applies.

- h. Buildings that exceed 62,000 square feet shall be provided with two separate and approved fire apparatus access roads. Sprinklered building up to 124,000 square feet that have a single approved fire apparatus access road when all buildings are equipped throughout with an approved automatic sprinkler system. The applicant shall provide the building size to determine if two access points are required. If two means of access is required, the applicant shall identify how that was being met.
- i. Fire department turnarounds are required on fire department access roads that exceed 300 feet in length. The applicant shall identify a turnaround on Lot 3 if the proposed fire department access exceeds 300 feet in length.
- j. The address for Lot 3 shall be clearly identified leading from the established fire department access road.

#### **Lot 4**

- k. Separate building permits are required for any development of Lot 4. At the time of development all applicable Fire Code requirements shall apply.

#### **Tract A**

- l. Any access across Tract A for fire department access shall include a fire department access easement and maintenance agreement approved by the City Attorney. A site plan shall be provided for any proposed access.
- 5. The applicant shall provide information to demonstrate that the following fire code requirements are met to the satisfaction of the Fire Bureau: fire apparatus access; parking on fire apparatus access roads; no parking signs; fire flow/water supply; fire hydrant spacing (commercial); turning radius; access for buildings 30 feet or 3 stories in height/commercial/industrial; access for buildings over 62,000 square feet; aerial fire department access roads; maintenance for private access; driving surfaces; and addressing of structures.
  - 6. If a new hydrant is required by the Fire Bureau, the applicant shall meet the requirements of the Fire Bureau for installing a new fire hydrant. The applicant must contact the Water Bureau, Development Services Department at 503-823-7368, for fee installation information related to the purchase and installation of fire hydrants. The applicant must purchase the hydrant and provide verification to the Fire Bureau that the Water Bureau will be installing the required fire hydrant, with the required fire flow and pressure.

#### **Existing Development**

- 7. The applicant must obtain and finalize a permit to document the installation of landscaping along the west lot line on Lot 1, in accordance with the standards in 33.266.130.G/Table 266-5. The planting plan for the permit must show the location, size, and species of the required landscaping. The new plantings must be shown on the Supplemental Plan required per Condition A.

#### **Required Legal Documents**

- 8. A Maintenance Agreement shall be executed for the easements described in Conditions B.2 through B.4 above. Each agreement shall include provisions assigning maintenance responsibilities for the easement area and any shared facilities within that area, consistent with the purpose of the easement, and all applicable City Code standards. The agreements

must be reviewed by the City Attorney and the Bureau of Development Services, and approved as to form, prior to final plat approval.

9. A Maintenance Agreement shall be executed for the tracts described in Conditions B.5 through B.7 above. Each agreement shall assign ownership of the tract and include provisions assigning maintenance responsibilities for the tract and any shared facilities within that area. The agreement must also acknowledge all easements granted within the tract, the beneficiaries of those easements, and the limitations on the easement areas to the satisfaction of the beneficiary service agencies. The maintenance agreements must be reviewed by the City Attorney and the Bureau of Development Services, and approved as to form, prior to final plat approval.
10. If the Fire Bureau has required Acknowledgement of Special Land Use Conditions form, the applicant shall execute an Acknowledgement of Special Land Use conditions to the satisfaction of the Fire Bureau. The acknowledgement shall be recorded with Multnomah County, and referenced on the final plat.
11. An Acknowledgement of Tree Preservation Requirements must be recorded with Multnomah County with the final plat and referenced on the final plat. The acknowledgement must identify that development on Lots 1-4 and within Tract A and B must be carried out in conformance with the final approved tree preservation plan, per Condition B.12 below. A copy of the approved Tree Preservation Plan must be included as an exhibit to the acknowledgement.

#### **Other requirements**

12. Prior to final plat approval, the applicant must provide a *final tree preservation plan* to BDS-LUS to demonstrate that at least 40 percent of existing tree canopy will be retained; and the trees will be adequately protected at the time of future development. The *final tree preservation plan* must include:
  - (1) current (2016 or later) aerial photos of the site at a measurable scale (1-inch equals 100-feet or 1-inch equals 50-feet) showing the location and canopy size of all canopy areas identified as “trees to be preserved” on the preliminary tree preservation plan (Exhibit C.10).
  - (2) a tree preservation plan showing a root protection zone (RPZ) in accordance with the provisions of Title 11 for each tree or tree within those noted canopy areas.

If any of these materials show less than 40 percent of the canopy will be preserved, then other suitable trees must be identified for preservation and the information outlined above must be provided in an *amended final tree preservation plan* to the satisfaction of BDS-LUS, prior to final plat approval.

#### **D. The following conditions are applicable to site preparation and the development of individual lots:**

1. Development on Lots 1-4 and Tracts A and B shall be in conformance with the final Tree Preservation Plan, per Condition C.12. Tree protection fencing is required along the root protection zone of each tree to be preserved. The fence must be 6-foot high chain link and be secured to the ground with 8-foot metal posts driven into the ground. Encroachment into the specified root protection zones may only occur under the supervision of a certified arborist. Planning and Zoning approval of development in the root protection zones is subject to receipt of a report from an arborist, explaining that the arborist has approved of the specified methods of construction, and that the activities will be performed under his supervision.
2. Future development on Lot 4 must comply with the Fire Bureau requirements at the time of permit review.

**Approval** of an Adjustment to allow an increase in the maximum parking spaces serving Lot 1. A total of 1,168 parking spaces shall be allowed for uses on Lot 1 and shall include the existing 855

spaces on Lot 1 and the 313 spaces on a neighboring site (4085 N Anchor Street). This approval is granted subject to the following conditions:

**E. Prior to final plat approval:**

1. The applicant must obtain and finalize permits to extend and complete the trail connection within the existing public access easement, on Tract B in the area shown on Exhibit C.6 and in accordance with trail standards in 33.272.030.F. If any parking is to remain and/or be reconfigured on Tract B, the permit for the trail improvements must also demonstrate that the parking area conforms to the parking dimensions and landscaping standards in 33.266.130. The approved and completed trail extension, parking, and landscape improvements must be reflected on the Supplemental Plan required per Condition A.

**Approval** of an Adjustment to waive the perimeter parking lot landscaping on Lots 2 and 3, subject to the following conditions:

**F. Prior to final plat approval:**

1. The applicant must obtain and finalize a permit to document the removal of paving and the installation of new landscaping on Lot 3 as follows: a portion of the walkway bordering the existing driveway abutting Lot 4 must be removed to create a 3.5 foot wide planter area along that entire lot line; a portion of the paving within the existing driveway that borders the abutting property to the north (3110 N Going, currently a McDonald's restaurant) must be removed to create a 5-foot wide planter area, in the location shown on Exhibit C.12; and new plantings must be installed in those planter areas in accordance with the standards in 33.266.130.G/Table 266-5. The planting plan for the permit must show the location, size, and species of the required landscaping and be labeled as "new required landscaping". The new plantings must be shown on the Supplemental Plan required per Condition A.

- G.** The duration of the Adjustments granted to the perimeter parking lot landscaping on Lots 2 and 3 is limited and is for the existing development only. At the time of permit review for new development that has a valuation over the non-conforming threshold in 33.258, the Adjustment will expire for the lot where the new development is proposed, and all applicable standards must be met on that lot or an alternate to the standard(s) must be approved through a subsequent Adjustment Review.

**Staff Planner: Kate Green**

**Decision rendered by:**  **on November 15, 2016**  
By authority of the Director of the Bureau of Development Services

**Decision mailed November 17, 2016**

**About this Decision.** This land use decision is **not a permit** for development. A Final Plat must be completed and recorded before the proposed lots can be sold or developed. 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 December 28, 2015, and was determined to be complete on June 24, 2016.

*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 December 28, 2015.

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 a total of 115 days (Exhibit A.6). Unless further extended by the applicant, **the 120 days will expire on: February 14, 2017.**

**Note: 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, which will hold a public hearing. Appeals must be filed **by 4:30 PM on December 1, 2016** at 1900 SW Fourth Avenue. Appeals can be filed at the 5<sup>th</sup> floor reception desk of 1900 SW 4<sup>th</sup> Avenue Monday through Friday between 8:00 am and 4:30 pm. **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 contact the receptionist at 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.ci.portland.or.us](http://www.ci.portland.or.us) .

**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 land division.** The final land division plat **must** be submitted to the City **within three years** of the date of the City’s final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director or delegate, the City Engineer, and the City Land Use Hearings Officer, and approved by

the County Surveyor. **The approved preliminary plan will expire unless a final plat is submitted within three years of the date of the City's approval of the preliminary plan.**

**Recording concurrent approvals.** The preliminary land division approval also includes concurrent approval of two adjustments. These other concurrent approvals must be recorded by the Multnomah County Recorder before any building or zoning permits can be issued.

A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with these concurrent land use reviews. The applicant, builder, or their representative may record the final decisions on these concurrent land use decisions 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.

**Expiration of concurrent approvals.** The preliminary land division approval also includes concurrent approval of two adjustments. For purposes of determining the expiration date, there are two kinds of concurrent approvals: 1) concurrent approvals that were necessary in order for the land division to be approved; and 2) other approvals that were voluntarily included with the land division application.

The following approvals were necessary for the land division to be approved: Adjustments to the maximum parking standards (Lot 1) and to the perimeter parking area landscaping standards (Lots 1-3). These approval(s) expires if:

- The final plat is not approved and recorded within the time specified above, or
- Three years after the final plat is recorded, none of the approved development or other improvements (buildings, streets, utilities, grading, and mitigation enhancements) have been made to the site.

## **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

### A. Applicant's Statement

1. Initial Submittal, 12/28/2015
2. Transportation Impact Analysis, submitted 1/11/2016
3. Revise Submittal, submitted 6/24/2016
  - a. Tree Preservation Plan
4. Amended Submittal, submitted 8/1/2016
5. Private Street Narrative, submitted 9/1/2016
6. Timeline Extensions (total 115 days)
7. Emails to/from applicant

### B. Zoning Map (attached)

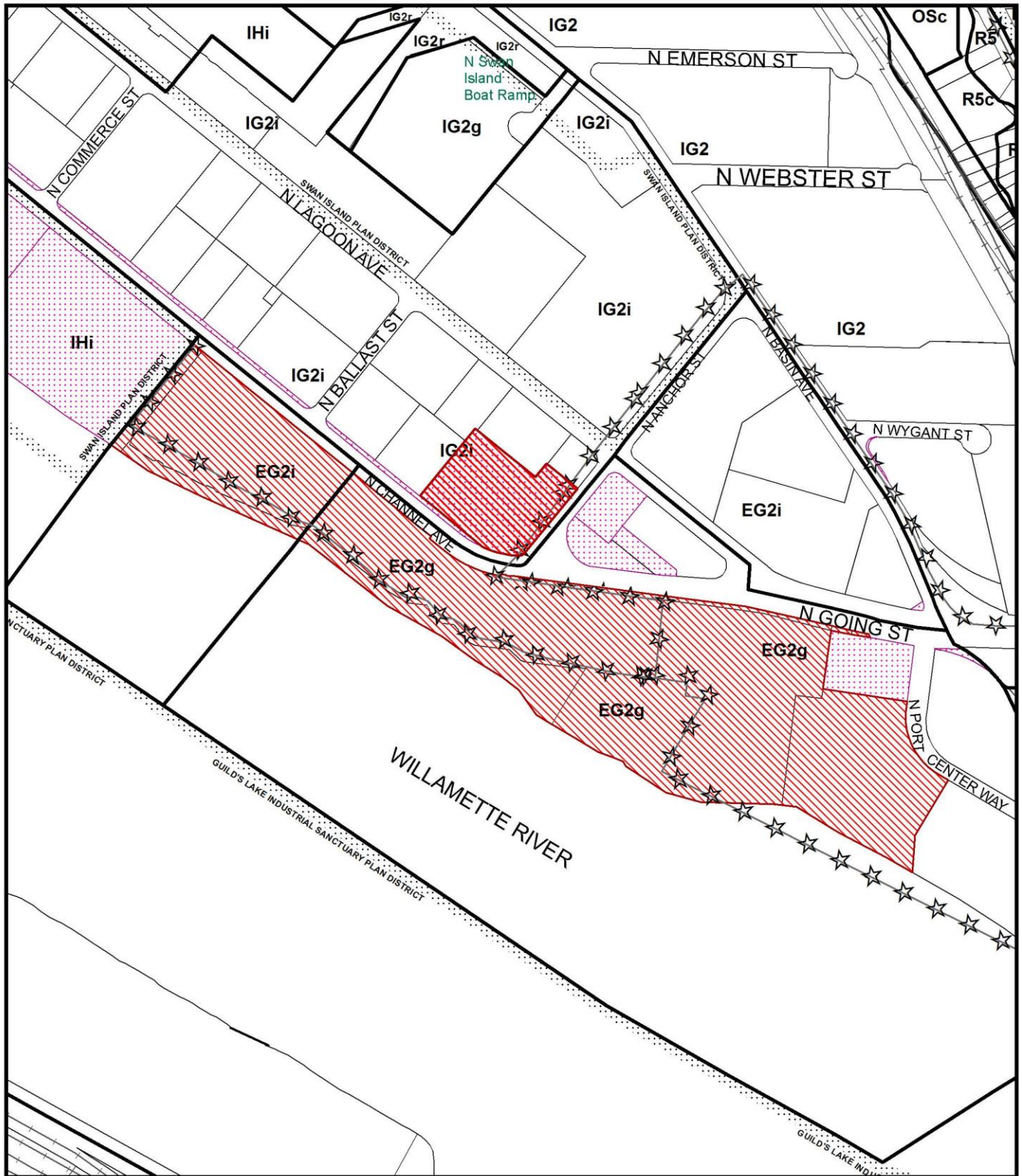
### C. Plans/Drawings:

1. Overview-Preliminary Plan (attached)
2. Preliminary Plan-Lot 1 and Tract C and a portion of Tract B
3. Preliminary Plan-Lot 2 and Tract C and portions of Lot 3 and Tract A and Tract B
4. Preliminary Plan-Lot 3 and Lot 4 and portions of Lot 2 and Tract A and Tract B
5. Overview-Lot Layout
6. Existing Conditions-Lot 1 and adjacent property (4085 N Anchor) and Tract C and portions of Tract B (attached)
7. Existing Conditions-Lot 2 and Tract C and portions of Tract A and Tract B (attached)
8. Existing Conditions-Lot 3 and Lot 4 and portions of Lot 2 and Tract A and Tract B (attached)

9. Utility Plans
  10. Preliminary Tree Preservation Plan (not final)
  11. Trail Extension Concept-Tract B
  12. Lot 3 Amended Landscape Proposal
- D. Notification information:
1. Mailing list
  2. Mailed notice
- E. Agency Responses:
1. Bureau of Environmental Services
  2. Portland Transportation
  3. Water Bureau
  4. Fire Bureau and memo re: pedestrian connection
  5. Site Development / BDS
  6. Urban Forestry
  7. Life Safety / BDS
  8. Parks Bureau
    - a. Trail Type L
- F. Correspondence: (none received)
- G. Other:
1. Original LU Application
  2. Letter to applicant re: incomplete application
  3. Memo from Transportation re: completeness review
  4. Site photos-pedestrian connection (Tract C)

**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).**



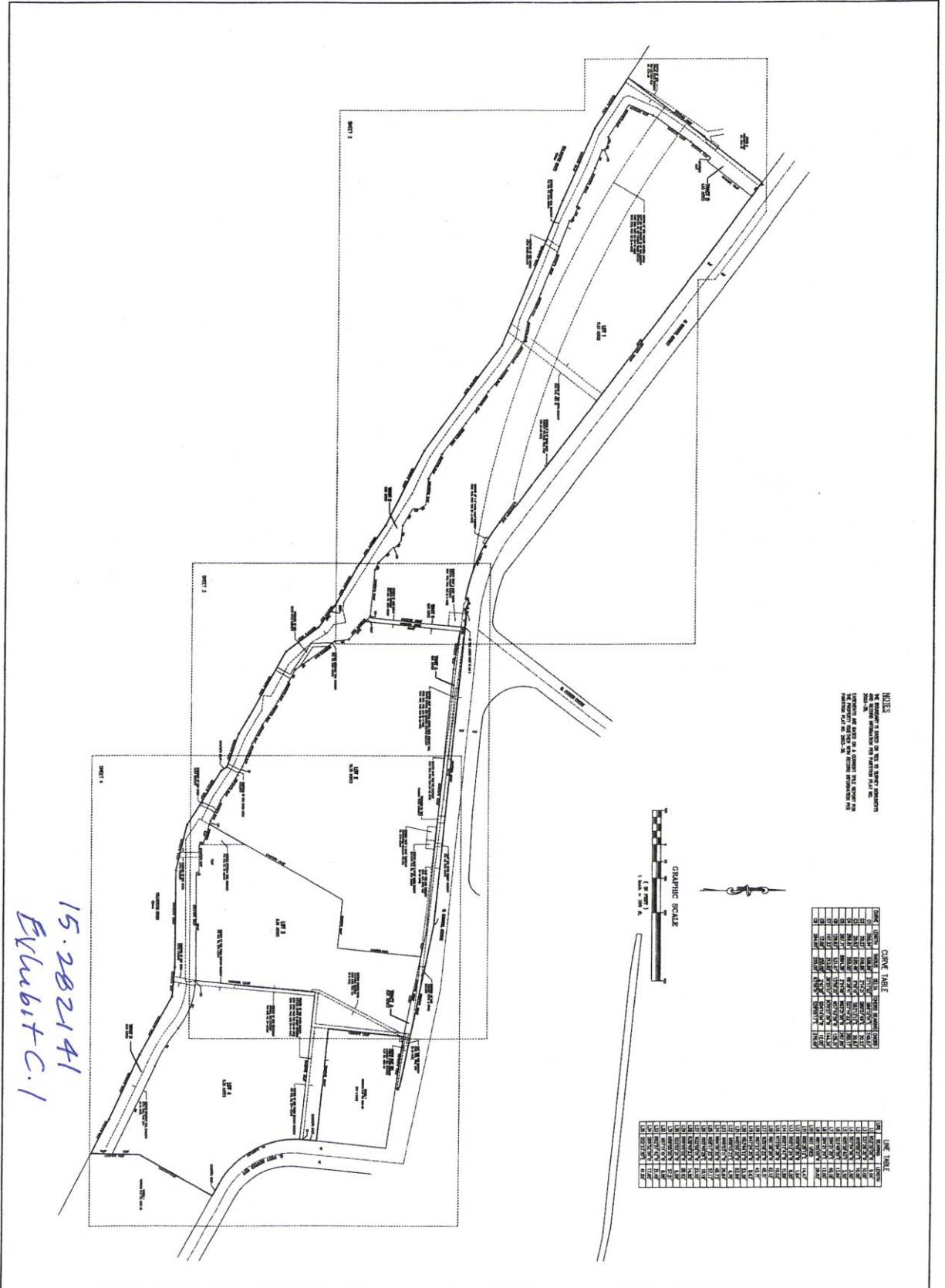


# ZONING



- Site - LD & AD
- Also Owned Parcels
- Recreational Trails
- Site - AD Only

File No. LU 15-282141 LDS AD  
 1/4 Section 2527  
 Scale 1 inch = 500 feet  
 State\_Id 1N1E20 109  
 Exhibit B (Aug 04, 2016)



15.282141  
Evlubit C.1

NOTES  
1. THE SURVEY IS BASED ON THE SURVEY RECORDS OF THE CITY OF PORTLAND, OREGON, AND THE SURVEY RECORDS OF THE CLATSOP COUNTY, OREGON.  
2. THE SURVEY IS BASED ON THE SURVEY RECORDS OF THE CITY OF PORTLAND, OREGON, AND THE SURVEY RECORDS OF THE CLATSOP COUNTY, OREGON.  
3. THE SURVEY IS BASED ON THE SURVEY RECORDS OF THE CITY OF PORTLAND, OREGON, AND THE SURVEY RECORDS OF THE CLATSOP COUNTY, OREGON.

CURVE TABLE

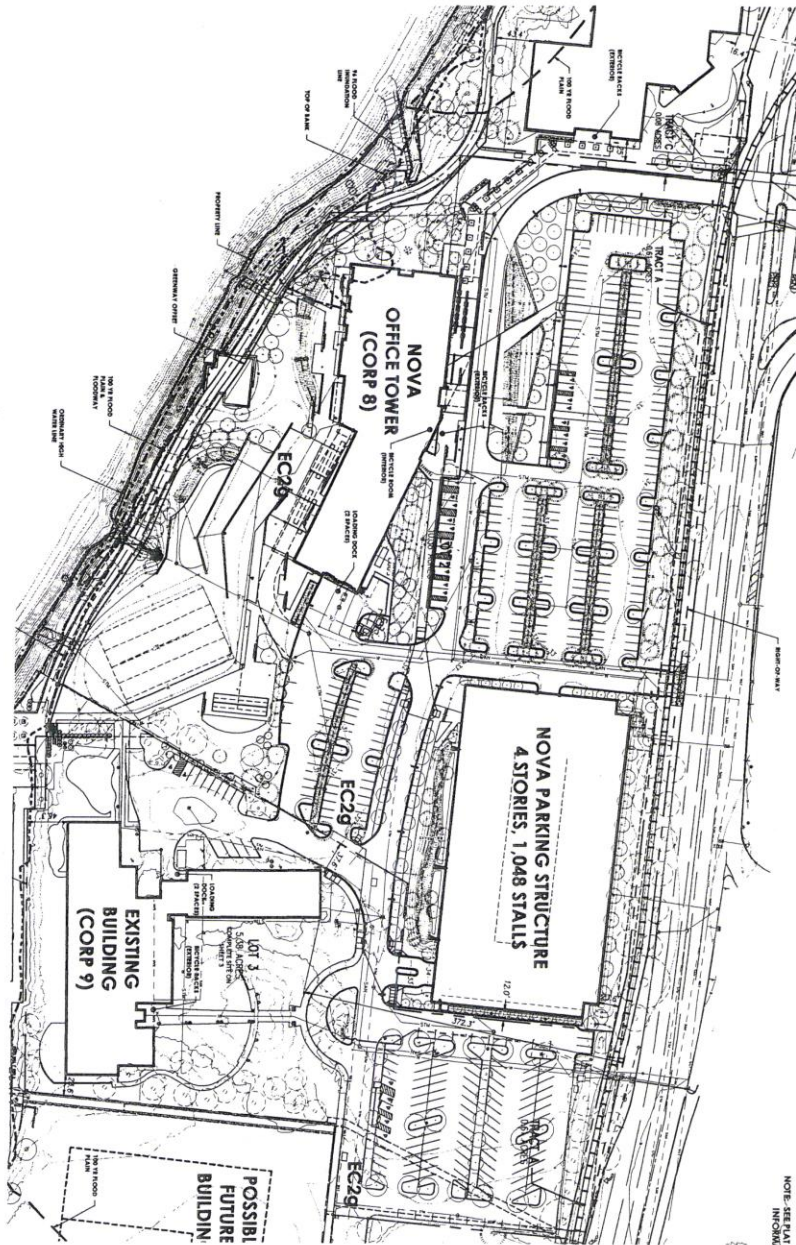
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1	N 0° 00' 00" E	1.0000	0° 00' 00"	1.0000
2	N 0° 00' 00" E	1.0000	0° 00' 00"	1.0000
3	N 0° 00' 00" E	1.0000	0° 00' 00"	1.0000
4	N 0° 00' 00" E	1.0000	0° 00' 00"	1.0000
5	N 0° 00' 00" E	1.0000	0° 00' 00"	1.0000
6	N 0° 00' 00" E	1.0000	0° 00' 00"	1.0000
7	N 0° 00' 00" E	1.0000	0° 00' 00"	1.0000
8	N 0° 00' 00" E	1.0000	0° 00' 00"	1.0000
9	N 0° 00' 00" E	1.0000	0° 00' 00"	1.0000
10	N 0° 00' 00" E	1.0000	0° 00' 00"	1.0000

LINE TABLE

STATION	CHORD BEARING	CHORD DISTANCE	ARC BEARING	ARC DISTANCE
1	N 0° 00' 00" E	1.0000	0° 00' 00"	1.0000
2	N 0° 00' 00" E	1.0000	0° 00' 00"	1.0000
3	N 0° 00' 00" E	1.0000	0° 00' 00"	1.0000
4	N 0° 00' 00" E	1.0000	0° 00' 00"	1.0000
5	N 0° 00' 00" E	1.0000	0° 00' 00"	1.0000
6	N 0° 00' 00" E	1.0000	0° 00' 00"	1.0000
7	N 0° 00' 00" E	1.0000	0° 00' 00"	1.0000
8	N 0° 00' 00" E	1.0000	0° 00' 00"	1.0000
9	N 0° 00' 00" E	1.0000	0° 00' 00"	1.0000
10	N 0° 00' 00" E	1.0000	0° 00' 00"	1.0000







NOTE: SEE PLAT FOR EASEMENT INFORMATION

[illegible][illegible]

TABLE OF USES	
SITE ZONED EGG	
	LOT 2
OFFICE SQ. FOOTAGE	261,000
TOTAL	261,000

15.282/41  
Exhibit C.7

<div style="text-align: center;">3 R 7</div>	DRAWING NO.		DESIGNED	JTL
	CHECKED BY		DRAWN	JTL
	DATE		CHECKED	BWH
			DATE	JUNE, 2016
	REVISIONS			



205 SE Spokane Street, Suite 200, Portland, OR 97202  
phone: 503.221.1131 www.Naa.com fax: 503.221.1131

EXISTING CONDITIONS  
DTNA CAMPUS LAND DIVISION  
PORTLAND, OREGON



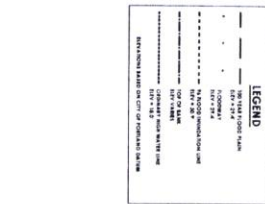
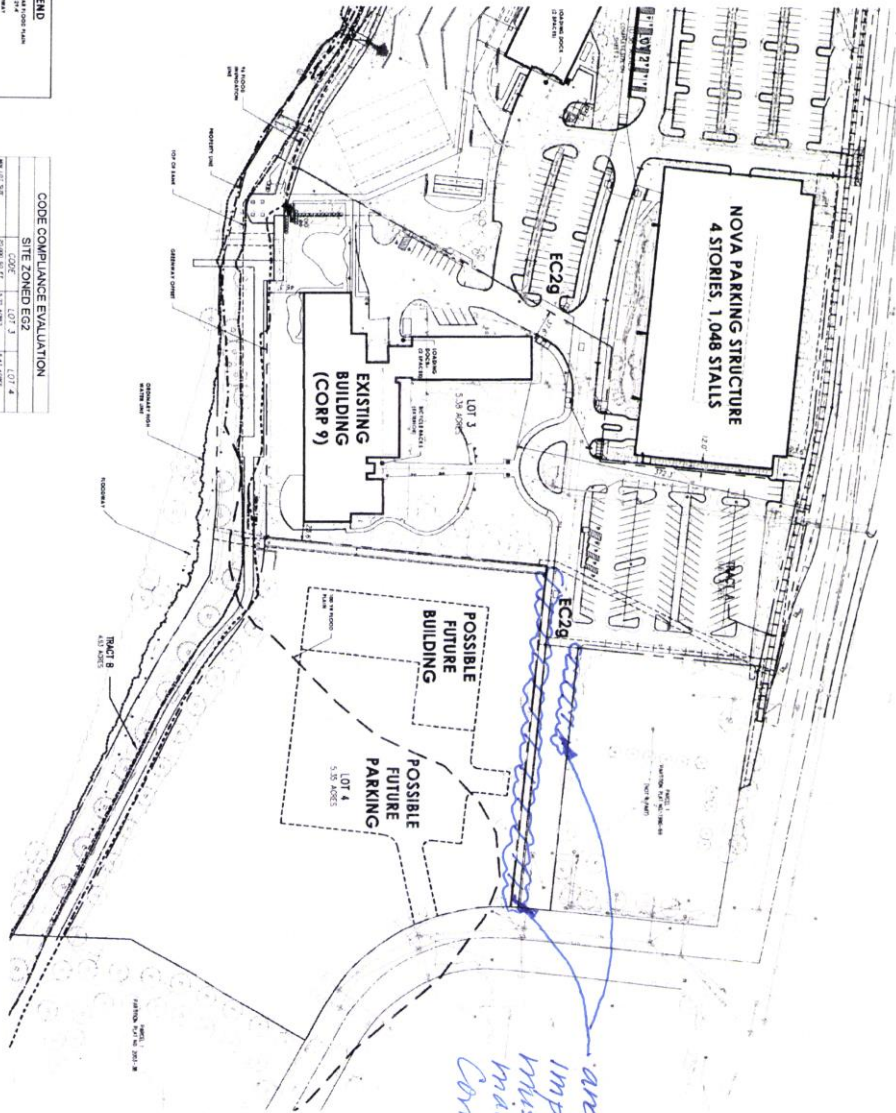
[illegible]

TABLE OF USES	
SITE ZONED EC2	
	LOT 3
MAXIMUM LOT AREA	60,000
MINIMUM LOT AREA	5,000
MINIMUM LOT AREA	5,000

NOTE: SEE PLAT FOR EASEMENT INFORMATION



areas where improvements must be made per Condition F.1

4 7	1750	DATE NO	REVISIONS	DESIGNED JL
				CHECKED JL
			DATE JUN 2018	CHECKED



Harper  
Houf Peterson  
Righellis Inc.

205 SE Spokane Street Suite 200 Portland, OR 97202  
phone 503 222 1111 www.bigo.com fax 503 222 1179

EXISTING CONDITIONS  
DTNA CAMPUS LAND DIVISION  
PORTLAND, OREGON

15.282141  
Exhibit C.8