

LOT 7 AND TRACT "C" OF THE PLAT OF RIVERNORTH, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 1 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, STATE OF OREGON

DATE: NOVEMBER 6, 2007
 JOB NO. 07-079 P:\07-079\07-079C0.DWG

- LEGEND**
- - FOUND MONUMENT AS NOTED
 - - FOUND MONUMENT FROM THE PLAT OF "RIVERNORTH"
 - - SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "W.B. WELLS & ASSOC. INC." ON NOVEMBER 14, 2007.
 - FD - FOUND
 - IR - IRON ROD
 - W/PPC - WITH YELLOW PLASTIC CAP



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- SHEET 2 - PARKING LEVEL
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- SHEET 20 - CROSS SECTION A-A
- SHEET 21 - SURVEYOR'S CERTIFICATE, CERTIFICATE OF COMPLETION, DECLARATION, ACKNOWLEDGMENT, AND APPROVALS
- SHEET 22 - SURVEYOR'S CERTIFICATE, CERTIFICATE OF COMPLETION, DECLARATION, ACKNOWLEDGMENT, AND APPROVALS

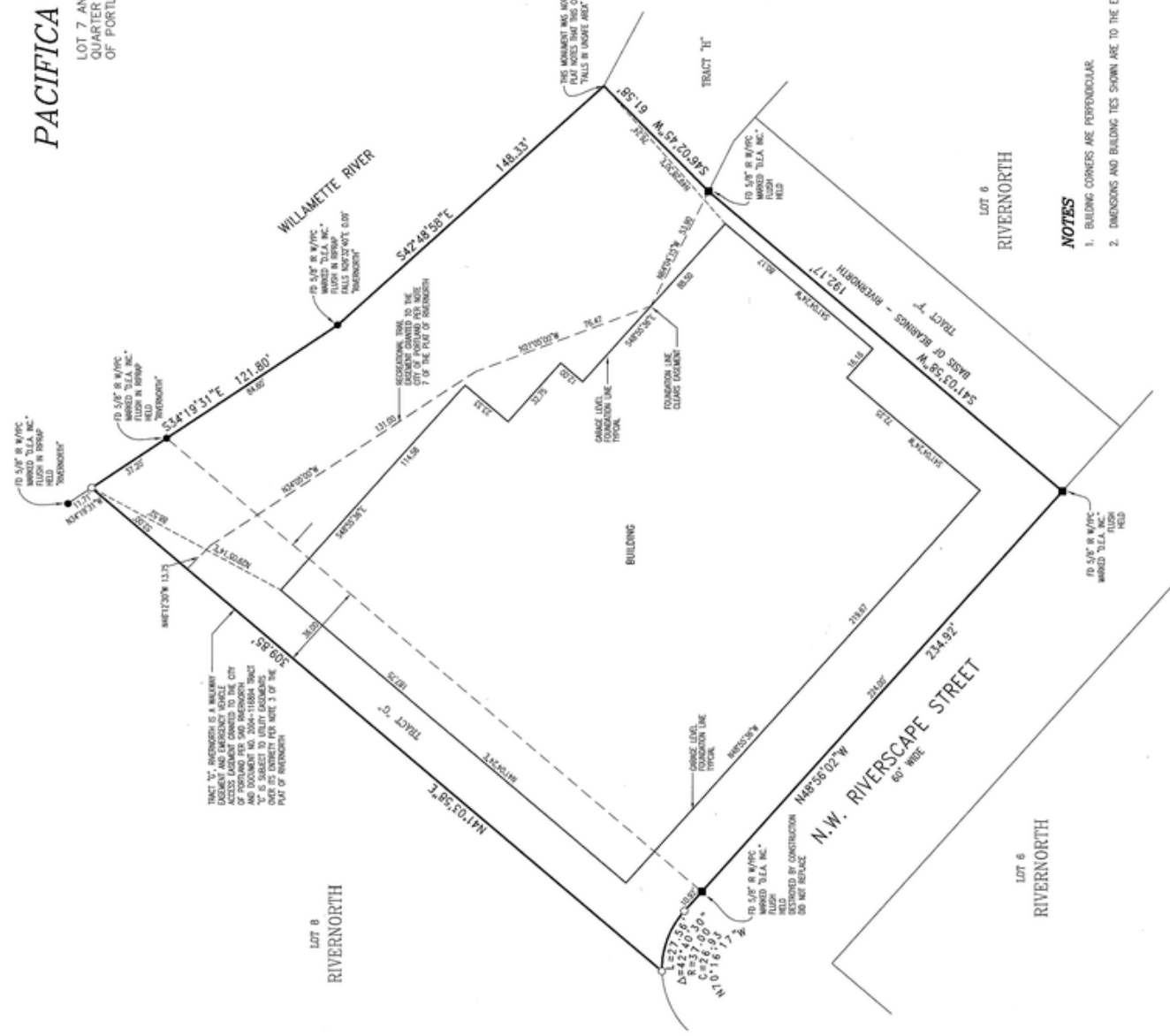


I HEREBY CERTIFY THAT THIS PLAT OR SURVEY WAS PREPARED USING THE FOLLOWING INSTRUMENT NO. 514654 ON OCE NO. 888342

I HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAT



SHEET 1 OF 22
 JOB NO. 07-079 P:\07-079\07-079C0.DWG PCS



- NOTES**
1. BUILDING CORNERS ARE PERPENDICULAR.
 2. DIMENSIONS AND BUILDING TIES SHOWN ARE TO THE EXTERIOR PERIMETER OF THE FOUNDATION LINE.

PACIFICA AT RIVERSCAPE CONDOMINIUMS

LOT 7 AND TRACT "C" OF THE PLAT OF RIVERNORTH, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 1 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, STATE OF OREGON

DATE: NOVEMBER 6, 2007
JOB NO. 07-079 P:\07-079\07-079\03.DWG

NOTES

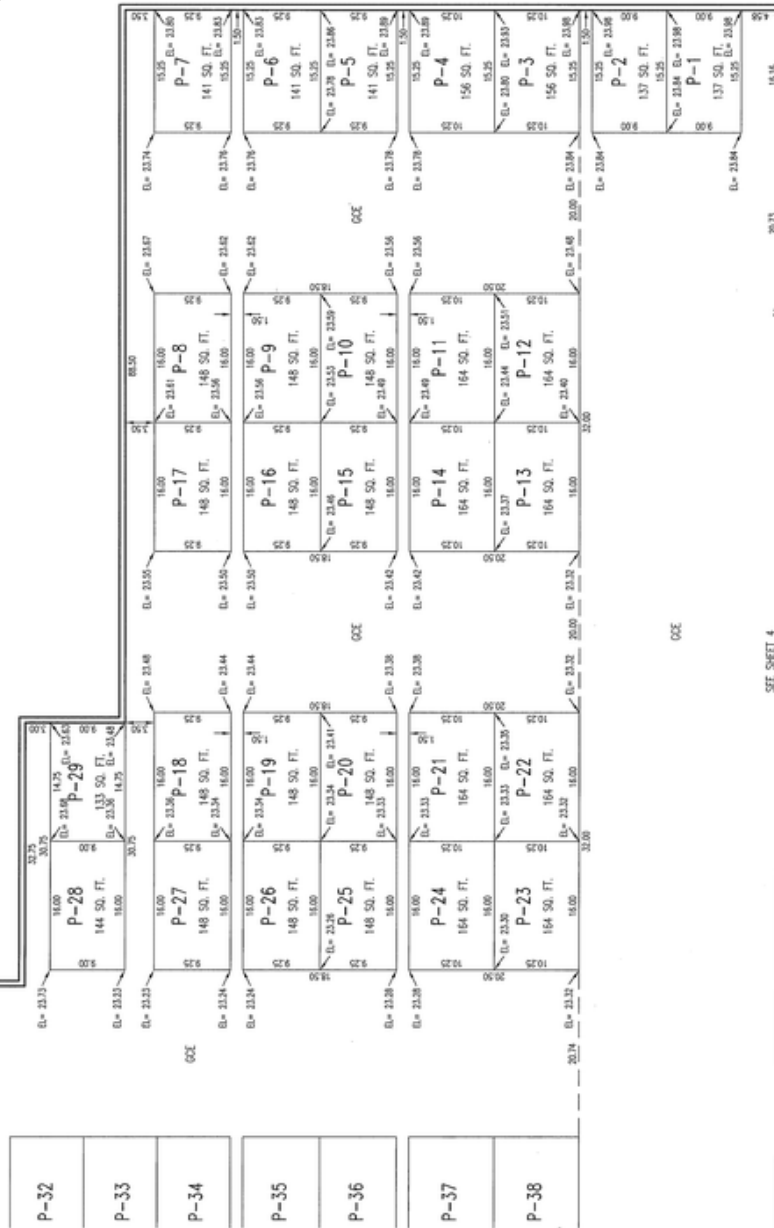
- BUILDING CORNERS ARE PERPENDICULAR.
- ELEVATIONS ARE BASED ON CITY OF PORTLAND BENCHMARK NO. 2491, A ROUND 3-1/2" BRASS DISC LOCATED NORTHEAST OF N.W. FRONT AVENUE ALONG THE EXTENSION OF N.W. 9TH AVENUE CENTERLINE. ELEVATION = 31.497 FEET, CITY OF PORTLAND DATUM.
- THE VERTICAL PLANE (UPPER VERTICAL LIMIT) OF PARKING UNITS IS 7.00 FEET ABOVE THE CONCRETE SURFACE FLOOR, PER SECTION 4.3.3(1) OF THE CONDOMINIUM DECLARATION.



SCALE: 1" = 10'

LEGEND

- 50, FT. - SQUARE FEET
- EL. - ELEVATION
- OC - GENERAL COMMON ELEMENT
- P - PARKING UNIT



W.B. WELLS
REGISTERED PROFESSIONAL LAND SURVEYOR
4230 NE FREMONT STREET
PORTLAND, OREGON 97213
PHONE: 503.944.8888 FAX: 503.944.8888
e-mail address: info@wbwells.com

REGISTERED PROFESSIONAL LAND SURVEYOR
WELLS
DATE: 11/06/07
JOB NO. 07-079
DESK: J. WACKAI
23427

SHEET 2 OF 22
JOB NO. 07-079 P:\07-079\07-079\03.DWG PCS

I HEREBY CERTIFY THAT THIS PLAT OR SURVEY WAS PREPARED USING THE HENLEY-PACKARD PRODUCT NO. 51645A ON OCE NO. 868342

I HEREBY CERTIFY THIS TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL PLAT

PARKING LEVEL
EXTERIOR WALLS 0.67' HIGH

SEE SHEET 4

SEE SHEET 3

LOT 7 AND TRACT "C" OF THE PLAT OF RIVERNORTH, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 1 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, STATE OF OREGON

DATE: NOVEMBER 6, 2007

JOB NO. 07-079 P:\07-079\07-07900.DWG

NOTES

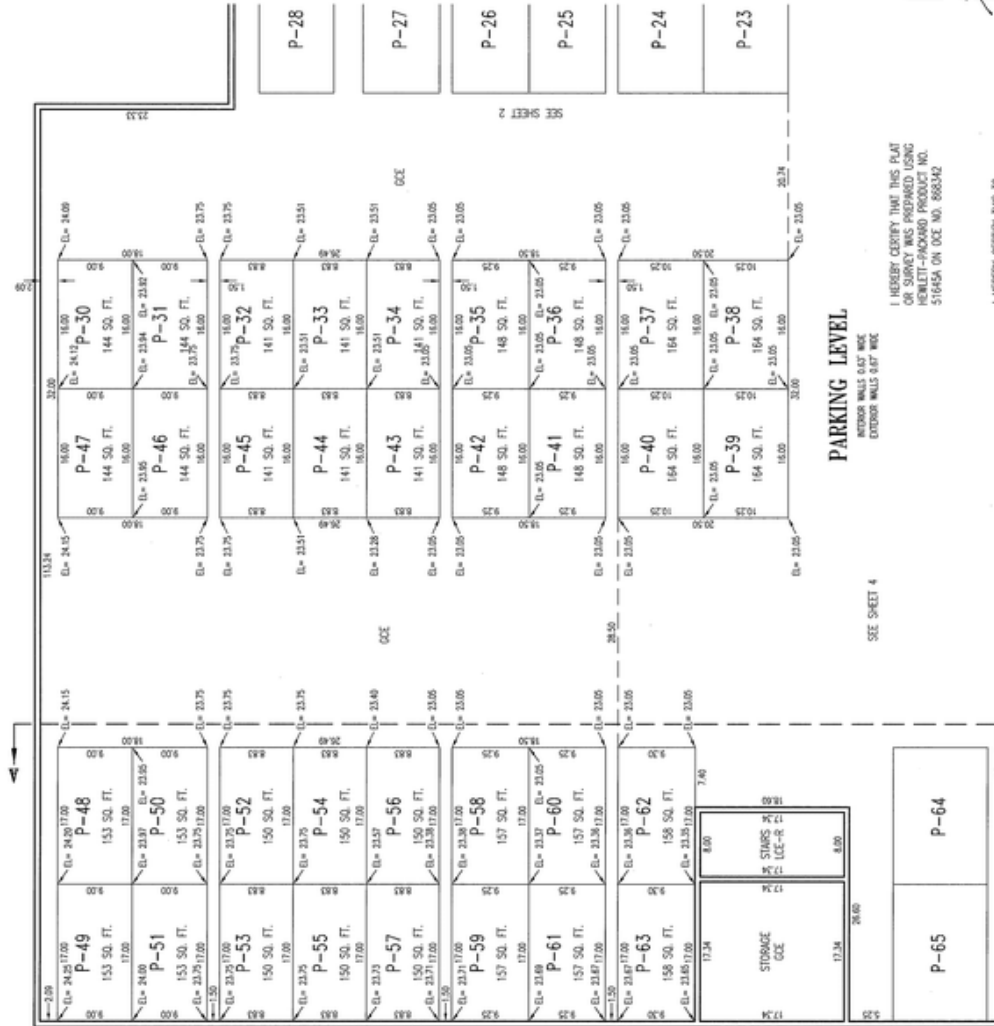
1. BUILDING CORNERS ARE PERPENDICULAR.
2. ELEVATIONS ARE BASED ON CITY OF PORTLAND BENCHMARK NO. 2491, A FOUND 2-177 BRASS DISC LOCATED INTERSECTING OF N.W. FRONT AVENUE, ALONG THE EXTENSION OF N.W. 5TH AVENUE CENTERLINE. ELEVATION = 31.497 FEET, CITY OF PORTLAND DATUM.
3. THE VERTICAL PLANE (UPPER VERTICAL LIMIT) OF PARKING UNITS IS 7.00 FEET ABOVE THE CONCRETE SURFACE FLOOR, PER SECTION 4.3(b) OF THE CONDOMINIUM DECLARATION.

LEGEND

- 50. FT. - SQUARE FEET
- EL - ELEVATION
- GCE - GENERAL COMMON ELEMENT
- LCE-R - LIMITED COMMON ELEMENT RESIDENTIAL
- P - PARKING UNIT



SCALE 1" = 10'



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 e-mail address: info@wbwells.com

SHEET 3 OF 22
 JOB NO. 07-079 P:\07-079\07-07900.DWG PCS

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
 JULY 2005
 DEKRON, V. MACKAY
 73457

I HEREBY CERTIFY THAT THIS PLAT OR SURVEY WAS PREPARED USING HENLETT-PACKARD PRODUCT NO. 51945A ON OCE NO. 868342

I HEREBY CERTIFY THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL PLAT

EXPRES 12-31-08

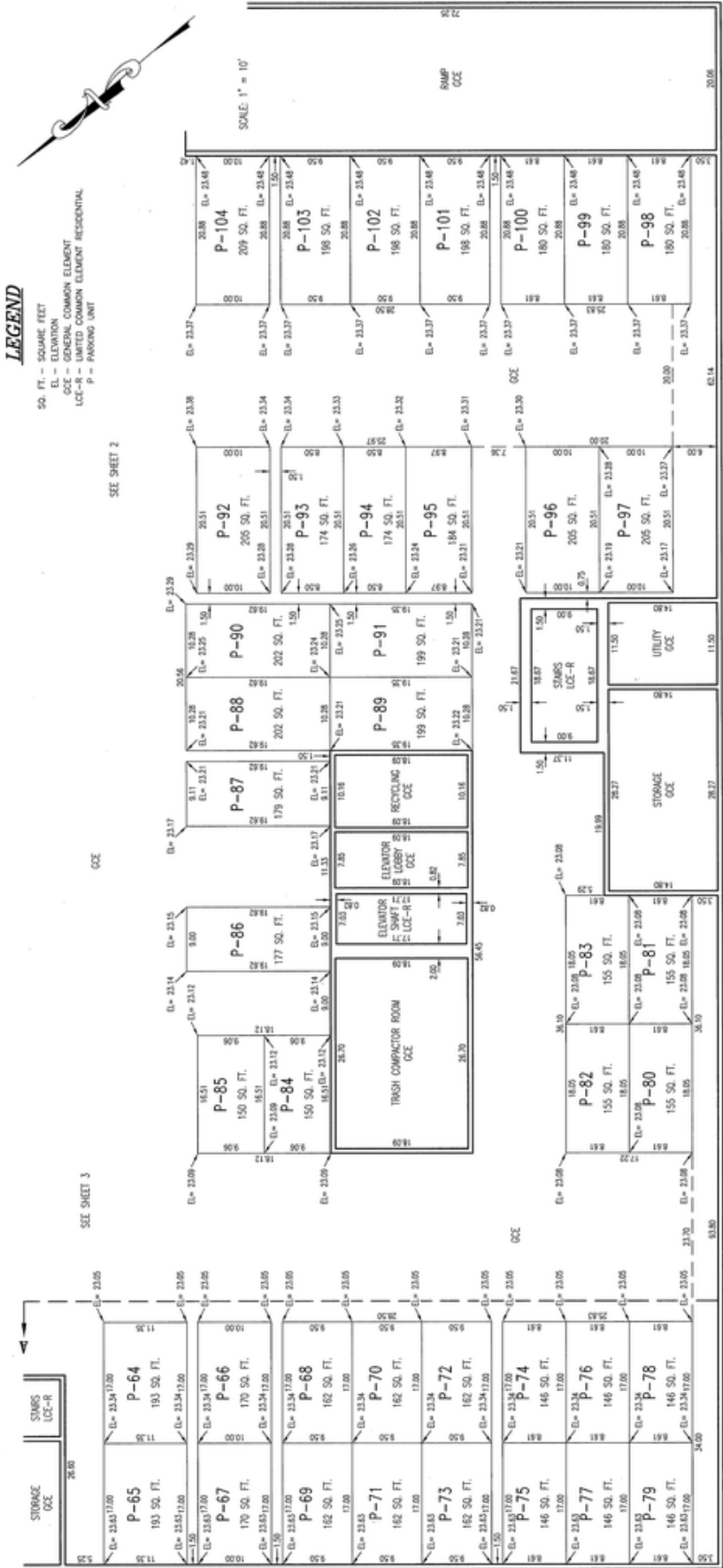
PACIFICA AT RIVERSCAPE CONDOMINIUMS

LOT 7 AND TRACT "G" OF THE PLAT OF RIVERNORTH, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 1 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, STATE OF OREGON

DATE: NOVEMBER 6, 2007
JOB NO. 07-079 P:\07-079\07-079C0.DWG

NOTES

- BUILDING CORNERS ARE PERPENDICULAR.
- ELEVATIONS ARE BASED ON CITY OF PORTLAND BENCHMARK NO. 2481. A ROUND 6-1/2" BRASS DISC LOCATED NORTHEAST CORNER OF N.W. FRONT ALLEGE ALONG THE EXTENSION OF N.W. 9TH AVENUE CENTERLINE. ELEVATION = 31.497 FEET, CITY OF PORTLAND DATUM.
- THE VERTICAL PLANE (UPPER VERTICAL LIMIT) OF PARKING UNITS IS 7.00 FEET ABOVE THE CONCRETE SURFACE FLOOR, PER SECTION 4.2(b) OF THE CONDOMINIUM DECLARATION.



LEGEND

- SQ. FT. - SQUARE FEET
- EL. - ELEVATION
- GCE - GENERAL COMMON ELEMENT
- LCE-R - LIMITED COMMON ELEMENT RESIDENTIAL
- P - PARKING UNIT

PARKING LEVEL

INDOOR WALLS 6.5' WIDE, OR AS NOTED
OUTDOOR WALLS 6' WIDE

I HEREBY CERTIFY THAT THIS PLAN OR SURVEY WAS PREPARED USING HEMLETT-PACARD PRODUCT NO. 516454 ON OCE NO. 868342

I HEREBY CERTIFY THIS TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL PLAN



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e-mail address: info@wbwells.com

REGISTERED PROFESSIONAL LAND SURVEYOR
Jeffrey M. Mackay
JULY 15, 2005
DEKONEN 34627

EXPRES 12-31-08

PACIFICA AT RIVERSCAPE CONDOMINIUMS

LOT 7 AND TRACT "C" OF THE PLAT OF RIVERNORTH, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 1 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, STATE OF OREGON

DATE: NOVEMBER 6, 2007

JOB NO. 07-079 P:\07-079\07-079C.DWG

NOTES

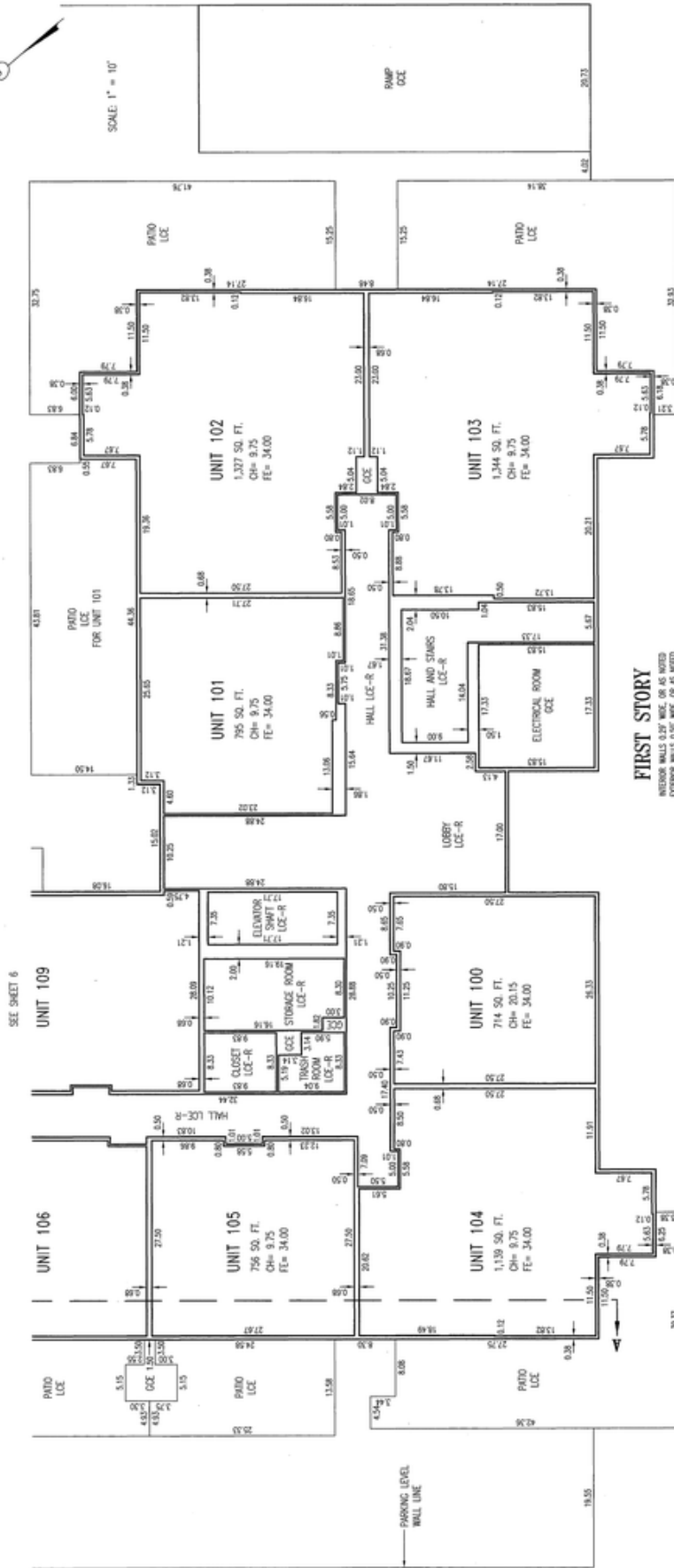
- BUILDING CORNERS ARE PERPENDICULAR.
- ELEVATIONS ARE BASED ON CITY OF PORTLAND BENCHMARK NO. 2491, A 1000 2-1/2" BRASS DISC LOCATED IN VICINITY OF N.W. FRONT CORNER OF ADJACENT RIVERSCAPE CONDOMINIUM. ELEVATION = 31.497 FEET, CITY OF PORTLAND DATA.
- INTERIOR VERTICAL MEASUREMENTS ARE FROM SUBFLOOR TO UNFINISHED CEILING. INTERIOR HORIZONTAL MEASUREMENTS ARE FROM STUO TO STUO, WHICH THEY ACCUR.
- PATIOS ARE LIMITED COMMON ELEMENTS AND ARE ASSIGNED TO THE UNIT TO WHICH THEY ACCUR.

LEGEND

- 50. FT. - SQUARE FEET
- CH - CEILING HEIGHT
- FE - FLOOR ELEVATION
- LCE - LIMITED COMMON ELEMENT
- GCE - GENERAL COMMON ELEMENT
- LCE-R - LIMITED COMMON ELEMENT RESIDENTIAL



SCALE 1" = 10'



FIRST STORY

INTERIOR WALLS 5/8" WIDE, OR AS NOTED
EXTERIOR WALLS 5/8" WIDE, OR AS NOTED

I HEREBY CERTIFY THAT THIS PLAT OR SURVEY WAS PREPARED USING HENKLETT-POCARD PRODUCT NO. 51645A ON OCE NO. 888342

I HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAT

REGISTERED PROFESSIONAL LAND SURVEYOR
 JEFFREY M. HARRIS
 OREGON
 JULY 12, 2005
 DEKORON T. HAKKAI
 EXPIRES 12-31-08

W.B. WELLS and associates, inc.
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 e-mail address: info@wbwells.com

SHEET 5 OF 22

JOB NO. 07-079

P:\07-079\07-079C.DWG PCS

PACIFICA AT RIVERSCAPE CONDOMINIUMS

LOT 7 AND TRACT "C" OF THE PLAT OF RIVERNORTH, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 1 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, STATE OF OREGON

DATE: NOVEMBER 6, 2007

JOB NO. 07-079 P:\07-079A\07-079C.DWG

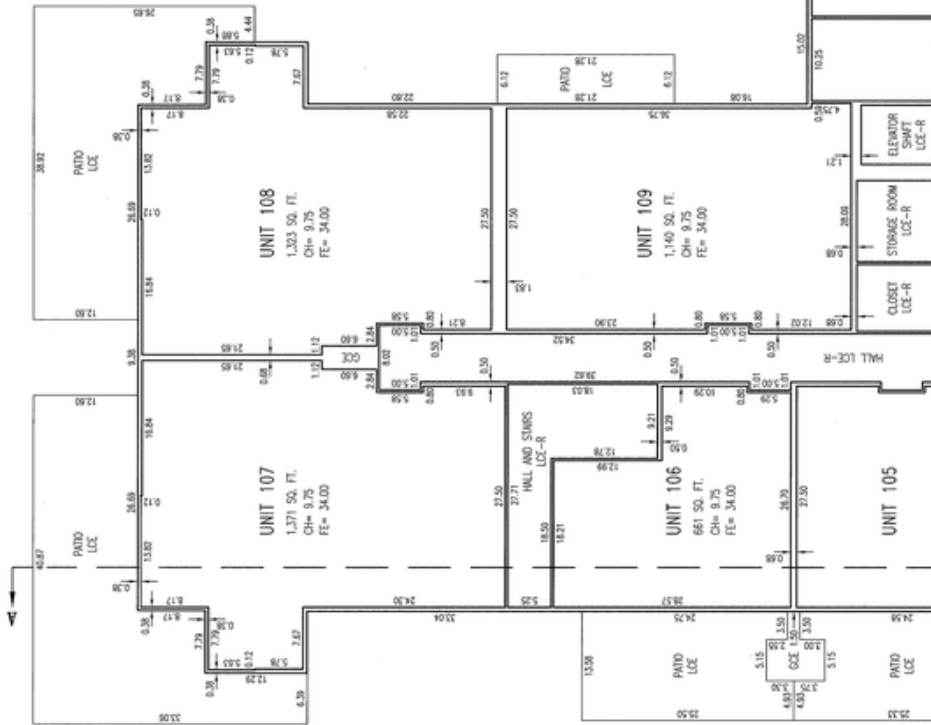
LEGEND

- 50. FT. - SQUARE FEET
- CH - CEILING HEIGHT
- FE - FLOOR ELEVATION
- LCE - LIMITED COMMON ELEMENT
- GCE - GENERAL COMMON ELEMENT
- LCE-R - LIMITED COMMON ELEMENT RESIDENTIAL

NOTES

1. BUILDING CORNERS ARE PERPENDICULAR.
2. ELEVATIONS ARE BASED ON CITY OF PORTLAND BENCHMARK NO. 2491. A FOUND 2-1/2" BRASS DISC LOCATED NORTHEAST OF N.W. FRONT CORNER, ALONG THE EXTENSION OF N.W. 5TH AVENUE. CONTRIBUTIVE ELEVATION = 51.697 FEET, CITY OF PORTLAND DATA.
3. INTERIOR VERTICAL MEASUREMENTS ARE FROM SUBFLOOR TO UNFINISHED CEILING. INTERIOR HORIZONTAL MEASUREMENTS ARE FROM STUD TO STUD.
4. PATIOS ARE LIMITED COMMON ELEMENTS AND ARE ASSIGNED TO THE UNIT TO WHICH THEY ADJOIN.

SCALE: 1" = 10'



SEE SHEET 5

FIRST STORY

INTERIOR WALLS 0.50" WIDE, OR AS NOTED
EXTERIOR WALLS 0.50" WIDE, OR AS NOTED

I HEREBY CERTIFY THAT THIS PLAN OR SURVEY WAS PREPARED USING THE FOLLOWING INSTRUMENTS:
HEWLETT-PACKARD PRODUCT NO. 51645A ON OCE NO. 668342

I HEREBY CERTIFY THIS TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL PLAN

REGISTERED PROFESSIONAL LAND SURVEYOR
JAMES WELLS
JULY 2005
DEKORUM T. MALICKAI
72427
EXPIRES 12-31-08



W.B. WELLS
W.B. WELLS & ASSOCIATES
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e-mail address: info@wbwells.com

SHEET 6 OF 22

JOB NO. 07-079 P:\07-079A\07-079C.DWG PCS

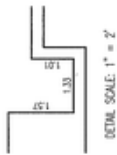
LOT 7 AND TRACT "G" OF THE PLAT OF RIVERNORTH, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 1 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, STATE OF OREGON

DATE: NOVEMBER 6, 2007
 JOB NO. 07-079 P:\07-079\07-07902.DWG

NOTES

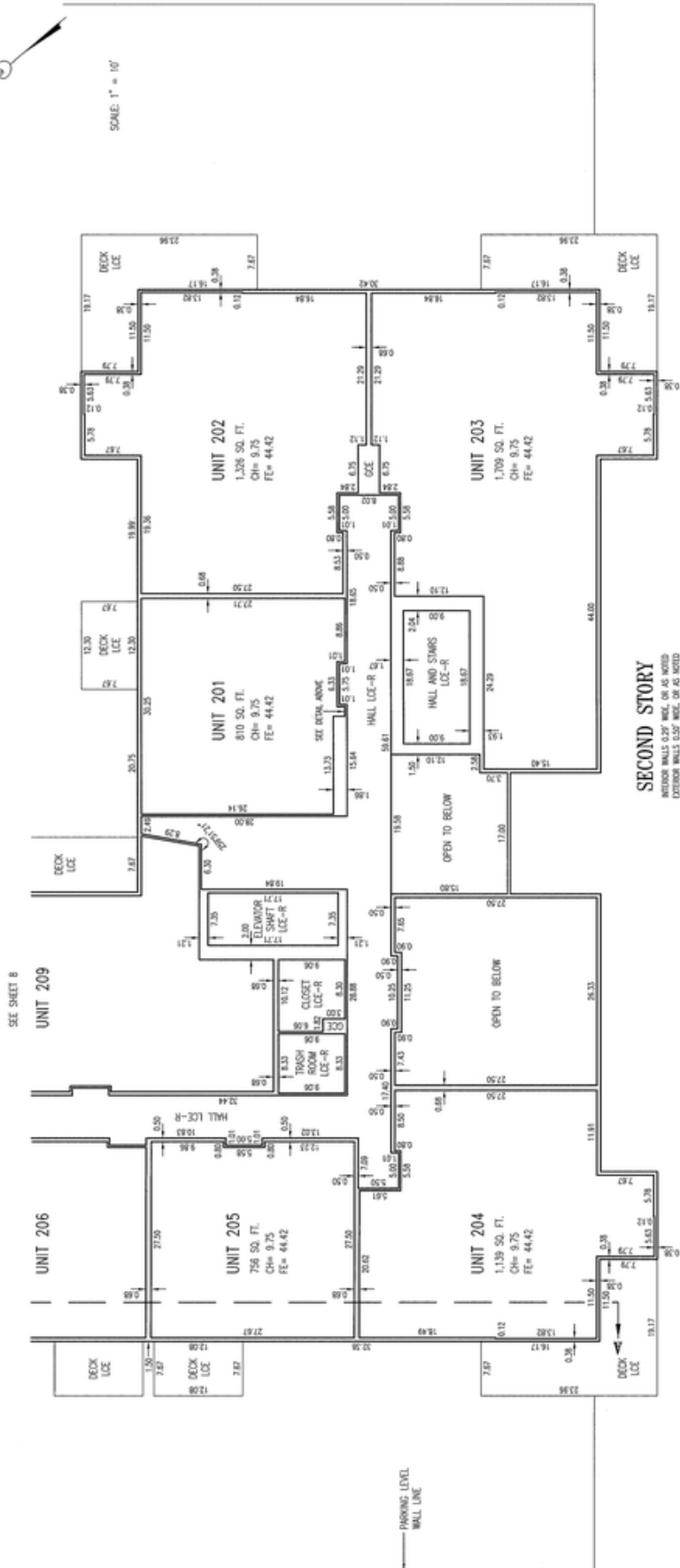
- BUILDING CORNERS ARE PERPENDICULAR.
- ELEVATIONS ARE BASED ON CITY OF PORTLAND BENCHMARK NO. 2401. A FOUND 7'-1 1/2" BRASS DISC LOCATED NORTHEAST OF N.W. FRONT AVENUE, ALONG THE EXTENSION OF N.W. 5TH AVENUE CENTERLINE. ELEVATION = 31.497 FEET, CITY OF PORTLAND DATUM.
- INTERIOR VERTICAL MEASUREMENTS ARE FROM SUBFLOOR TO UNFINISHED CEILING. INTERIOR HORIZONTAL MEASUREMENTS ARE FROM STUD TO STUD, WHICH THEY APPLY.
- DECKS ARE LIMITED COMMON ELEMENTS AND ARE ASSIGNED TO THE UNIT TO WHICH THEY ADJOIN.

DETAIL



LEGEND

- SO, FT. - SQUARE FEET
- CH - CEILING HEIGHT
- FE - FLOOR ELEVATION
- LCE - LIMITED COMMON ELEMENT
- GCE - GENERAL COMMON ELEMENT
- LCE-R - LIMITED COMMON ELEMENT RESIDENTIAL



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 e-mail address: info@wbwells.com

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
 JERRY GERRY
 JULY 11, 2005
 DEKRON, OREGON
 73427
 EXPRES 12-31-08

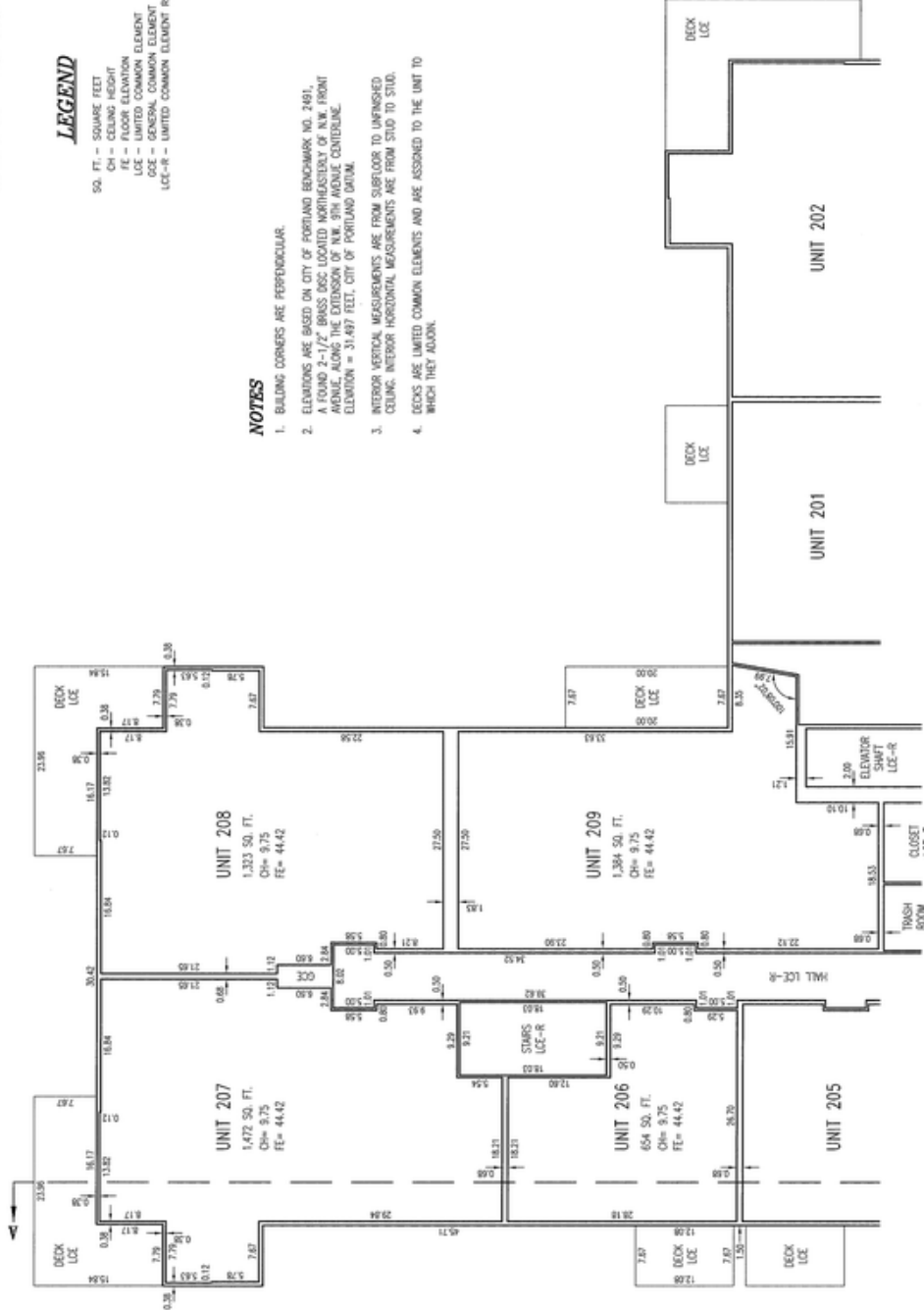
I HEREBY CERTIFY THAT THIS PLAT OR SURVEY WAS PREPARED USING HEMLETT-PACKARD PRODUCT NO. 51545A ON OCE NO. 88834Z

I HEREBY CERTIFY THIS TO BE THE ORIGINAL PLAT COPY OF THE ORIGINAL PLAT

BOOK 1292 . PAGE 13
PACIFICA AT RIVERSCAPE CONDOMINIUMS

LOT 7 AND TRACT "G" OF THE PLAT OF RIVERNORTH, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 1 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, STATE OF OREGON

DATE: NOVEMBER 6, 2007
 JOB NO. 07-079 P:\07-079\07-079CD.DWG



LEGEND

- SQ. FT. - SQUARE FEET
- CH - CEILING HEIGHT
- FE - FLOOR ELEVATION
- LCE - LIMITED COMMON ELEMENT
- LCE - GENERAL COMMON ELEMENT
- LCE-R - LIMITED COMMON ELEMENT RESIDENTIAL

NOTES

1. BUILDING CORNERS ARE PERPENDICULAR.
2. ELEVATIONS ARE BASED ON CITY OF PORTLAND BENCHMARK NO. 2491. A FOUND 2'-1/2" BRASS LCGS LOCATED NORTHWESTLY OF N.W. FRONT CORNER, ALONG THE EXTENSION OF THE FRONT YARD CENTRELINE. ELEVATION = 31.687 FEET, CITY OF PORTLAND DATA.
3. INTERIOR VERTICAL MEASUREMENTS ARE FROM SUBFLOOR TO UNFINISHED CEILING. INTERIOR HORIZONTAL MEASUREMENTS ARE FROM STUD TO STUD.
4. DECKS ARE LIMITED COMMON ELEMENTS AND ARE ASSIGNED TO THE UNIT TO WHICH THEY ADJOIN.

SCALE 1" = 10'



SECOND STORY
 INTERIOR WALLS 0.50" THICK, OR AS NOTED
 EXTERIOR WALLS 2.00" THICK, OR AS NOTED

SEE SHEET 7



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 e-mail address: info@wbwells.com

SHEET 8 OF 22

JOB NO. 07-079 P:\07-079\07-079CD.DWG PGS

PACIFICA AT RIVERSCAPE CONDOMINIUMS

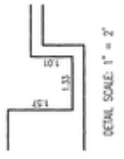
LOT 7 AND TRACT "G" OF THE PLAT OF RIVERNORTH, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 1 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, STATE OF OREGON

DATE: NOVEMBER 6, 2007
JOB NO. 07-079 PA\07-079A\07-079C.DWG

NOTES

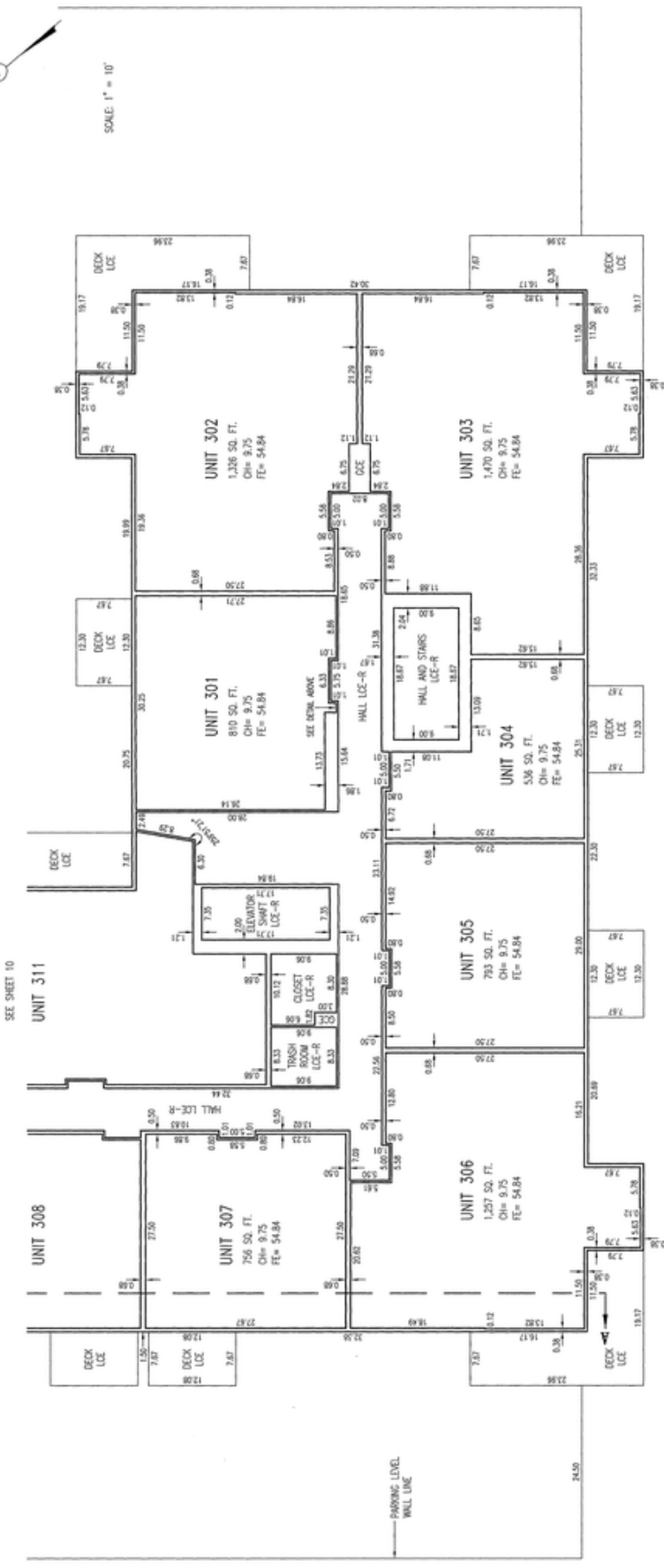
- BUILDING CORNERS ARE PERPENDICULAR.
- ELEVATIONS ARE BASED ON CITY OF PORTLAND BENCHMARK NO. 2491, A FOUND 2-1/2" BRASS DISC LOCATED NORTHEASTWARTLY OF N.W. FRONT CORNER OF THE EXTENSION OF N.W. 5TH AVENUE CENTERLINE. ELEVATION = 31.697 FEET, CITY OF PORTLAND DATA.
- INTERIOR VERTICAL MEASUREMENTS ARE FROM SUBFLOORS TO UNFINISHED CEILING. INTERIOR HORIZONTAL MEASUREMENTS ARE FROM ST10 TO ST10 WHICH THEY ADJAC.
- DECKS ARE LIMITED COMMON ELEMENTS AND ARE ASSIGNED TO THE UNIT TO WHICH THEY ADJAC.

DETAIL



LEGEND

- SQ. FT. - SQUARE FEET
- CH - CEILING HEIGHT
- FE - FINISH ELEVATION
- LCE - LIMITED COMMON ELEMENT
- GCE - GENERAL COMMON ELEMENT
- LCE-R - LIMITED COMMON ELEMENT RESIDENTIAL



THIRD STORY

I HEREBY CERTIFY THAT THIS PLAN OR SURVEY WAS PREPARED USING ELECTRONIC MEASUREMENT PROJECT NO. 51645A ON DATE NO. 080804E

I HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAN



W.B. WELLS and Associates, Inc.
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E-MAIL ADDRESS: info@wbwells.com

REGISTERED PROFESSIONAL LAND SURVEYOR
COURT NO. 00113001
JULY 12, 2005
DENVER, COLORADO
EXPIRES 12-31-08

PACIFICA AT RIVERSCAPE CONDOMINIUMS

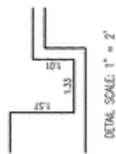
LOT 7 AND TRACT "G" OF THE PLAT OF RIVERNORTH, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 1 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, STATE OF OREGON

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NOTES

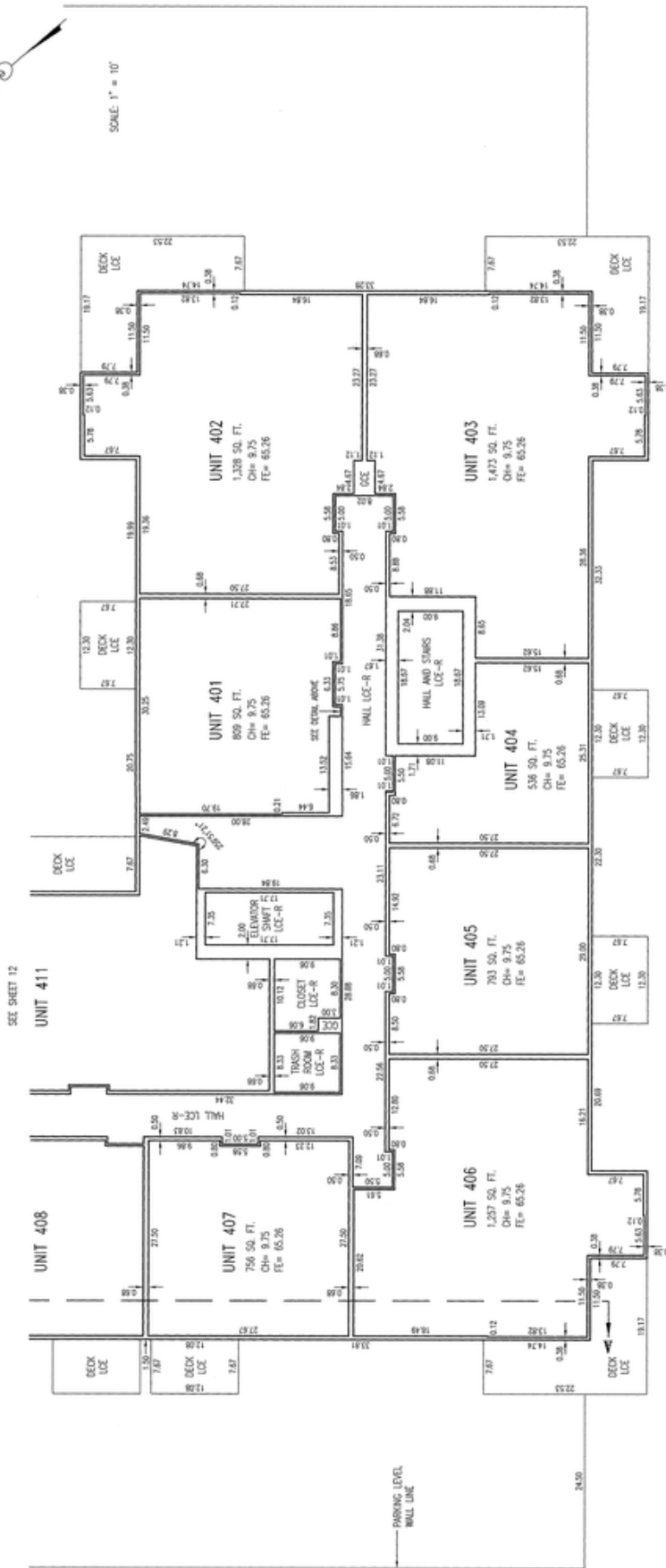
- BUILDING CORNERS ARE PERPENDICULAR.
- ELEVATIONS ARE BASED ON CITY OF PORTLAND BENCHMARK NO. 2491, A FOUND 2-1/2" BRASS DISC LOCATED NORTHEASTERLY OF N.W. FRONT AVENUE, ALONG THE EXTENSION OF N.W. 5TH AVENUE CENTERLINE. ELEVATION = 31.487 FEET, CITY OF PORTLAND DATUM.
- INTERIOR VERTICAL MEASUREMENTS ARE FROM SUBFLOOR TO UNFINISHED CEILING. INTERIOR HORIZONTAL MEASUREMENTS ARE FROM STUD TO STUD WHICH THEY APPLY.
- DECKS ARE LIMITED COMMON ELEMENTS AND ARE ASSIGNED TO THE UNIT TO WHICH THEY APPLY.

DETAIL



LEGEND

- SQ. FT. = SQUARE FEET
- CH = CEILING HEIGHT
- FE = FLOOR ELEVATION
- LCE = LIMITED COMMON ELEMENT
- LCE-R = LIMITED COMMON ELEMENT RESIDENTIAL



FOURTH STORY

I HEREBY CERTIFY THAT THIS PLAN OR SURVEY WAS PREPARED USING HERBERT-PANASO PRODUCT NO. 51454A ON OCE. NO. 668342

I HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAN



W.B. WELLS and Associates, Inc.
 BUSINESS-SURVEYORS-PLANNERS
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REGISTERED PROFESSIONAL LAND SURVEYOR
 W.B. WELLS
 OREGON
 DENVER, CO. LICENSE NO. 23427
 EXPIRES 12-31-08

PACIFICA AT RIVERSCAPE CONDOMINIUMS

LOT 7 AND TRACT "C" OF THE PLAT OF RIVERNORTH, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 1 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, STATE OF OREGON

DATE: NOVEMBER 6, 2007
JOB NO. 07-079 P:\07-079\07-07900.DWG

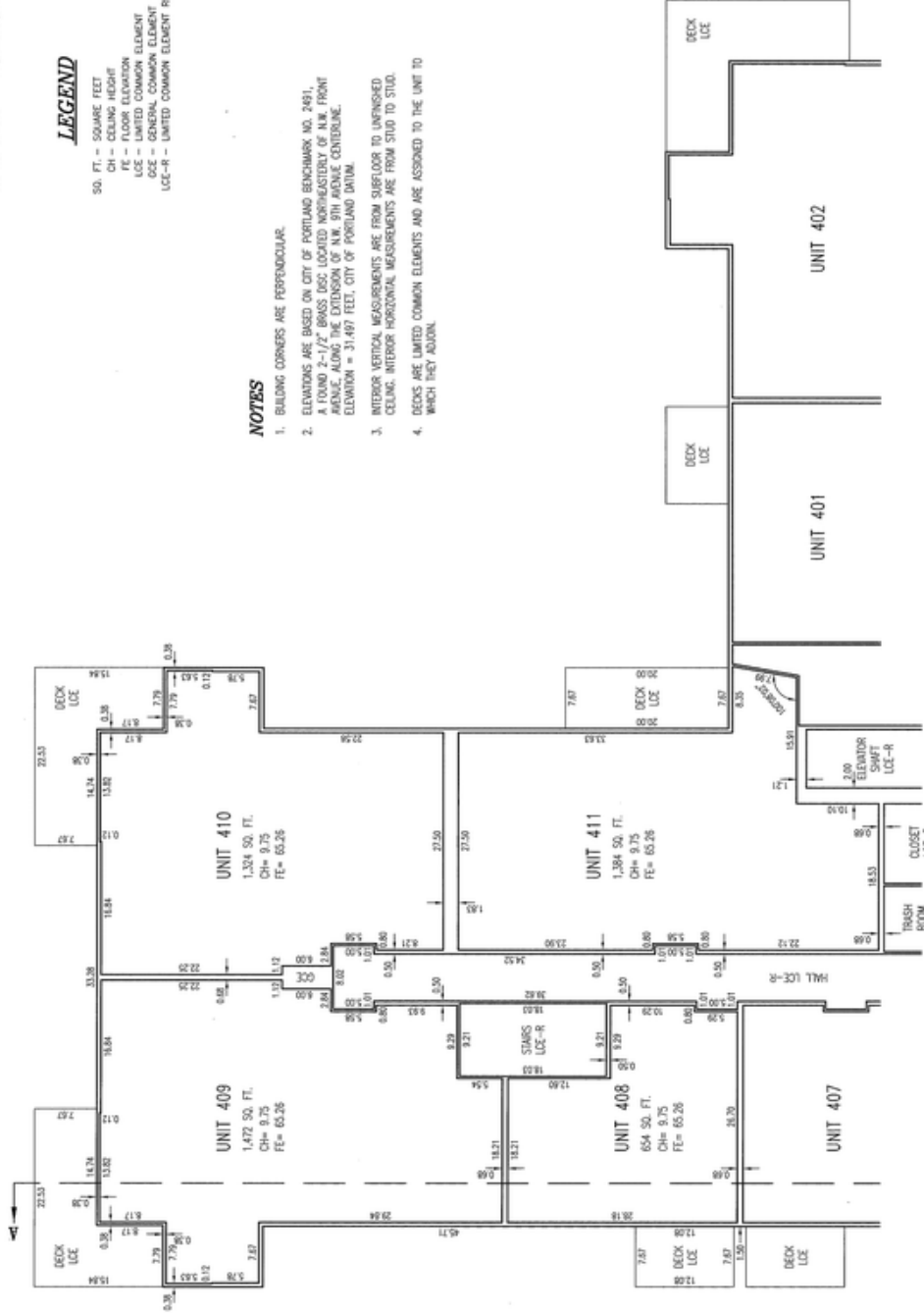
LEGEND

- SO. FT. - SQUARE FEET
- CH - CEILING HEIGHT
- FE - FLOOR ELEVATION
- LCE - LIMITED COMMON ELEMENT
- GCE - GENERAL COMMON ELEMENT
- LCE-R - LIMITED COMMON ELEMENT RESIDENTIAL

NOTES

1. BUILDING CORNERS ARE PERPENDICULAR.
2. ELEVATIONS ARE BASED ON CITY OF PORTLAND BENCHMARK NO. 2491. A TYPICAL 2-1/2" BRASS DISC LOCATED NORTHWESTERLY OF N.W. FRONT CORNER, ALONG THE EXTENSION OF N.W. 3TH AVENUE CENTRUM. ELEVATION = 31.897 FEET, CITY OF PORTLAND DATA.
3. INTERIOR VERTICAL MEASUREMENTS ARE FROM SUBFLOOR TO UNFINISHED CEILING. INTERIOR HORIZONTAL MEASUREMENTS ARE FROM STUD TO STUD, WHICH THEY ADJACENT.
4. DECKS ARE LIMITED COMMON ELEMENTS AND ARE ASSIGNED TO THE UNIT TO WHICH THEY ADJACENT.

SCALE 1" = 10'



SEE SHEET 11

FOURTH STORY
INTERIOR WALLS 0.50" WICK, OR AS NOTED
EXTERIOR WALLS 0.50" WICK, OR AS NOTED

I HEREBY CERTIFY THAT THIS PLAN OR SURVEY WAS PREPARED USING HENKLEY-PACARD PRODUCT NO. 51645A ON DCE NO. 686342

I HEREBY CERTIFY THIS IS ONE OF THE ORIGINALS AND THIS IS A COPY OF THE ORIGINAL PLAN



W.B. WELLS & ASSOCIATES, INC.
REGISTERED PROFESSIONAL LAND SURVEYORS
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e-mail address: info@wbwells.com

SHEET 12 OF 22

JOB NO. 07-079 P:\07-079\07-07900.DWG PCS

LOT 7 AND TRACT "C" OF THE PLAT OF RIVERNORTH, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 1 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, STATE OF OREGON

DATE: NOVEMBER 6, 2007
 JOB NO. 07-079 P:\07-079\07-079\00.DWG

NOTES

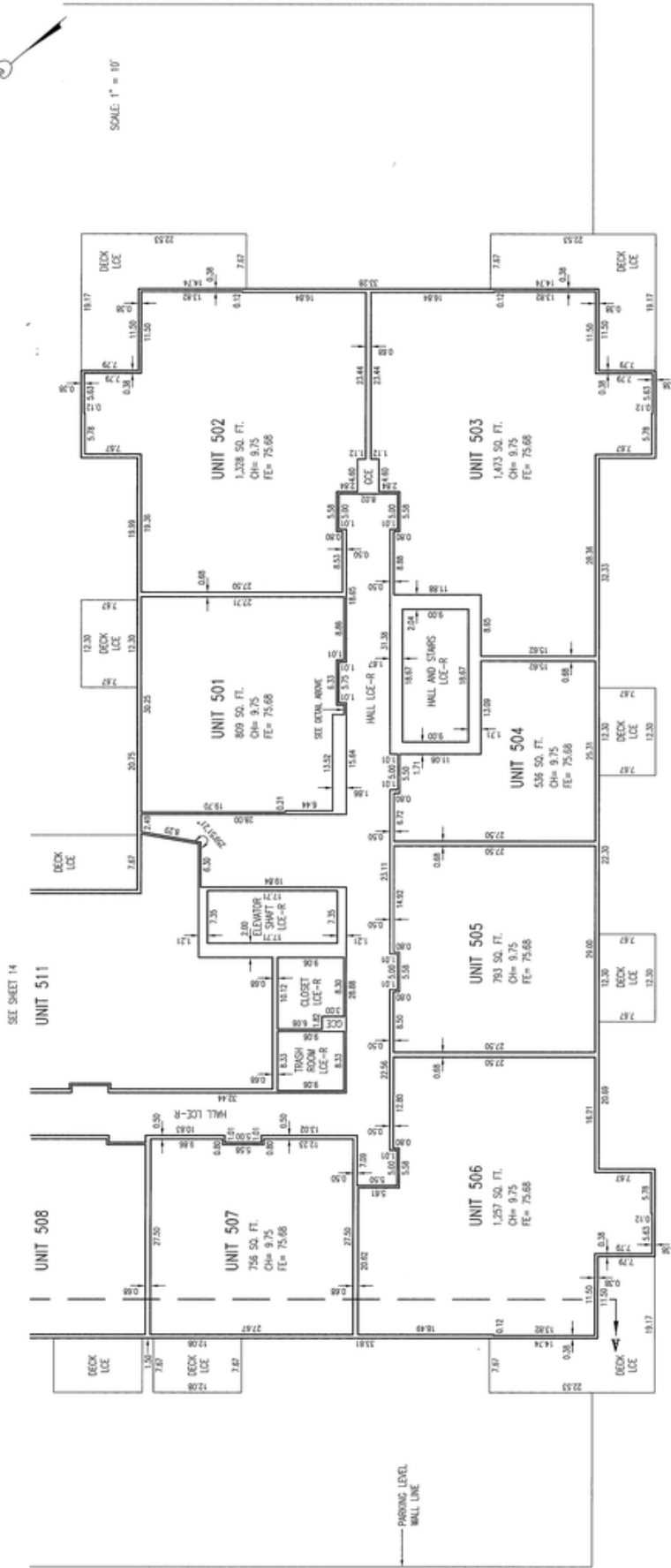
1. BUILDING CORNERS ARE PERPENDICULAR.
2. ELEVATIONS ARE BASED ON CITY OF PORTLAND BENCHMARK NO. 2491. A FOUND 2-1/2" BRASS DISC LOCATED NORTHEAST OF N.W. FROM AVENUE ALONG THE EXTENSION OF N.W. 9TH AVENUE CENTERLINE. ELEVATION = 31.497 FEET, CITY OF PORTLAND DATUM.
3. INTERIOR VERTICAL MEASUREMENTS ARE FROM SURFLOOR TO UNFINISHED CEILING. INTERIOR HORIZONTAL MEASUREMENTS ARE FROM STUD TO STUD, WHICH THEY ADJAC.
4. DECKS ARE LIMITED COMMON ELEMENTS AND ARE ASSIGNED TO THE UNIT TO WHICH THEY ADJAC.

DETAIL



LEGEND

- SO. FT. - SQUARE FEET
- CH - CEILING HEIGHT
- FE - FLOOR ELEVATION
- LCE - LIMITED COMMON ELEMENT
- GCE - GENERAL COMMON ELEMENT
- LCE-R - LIMITED COMMON ELEMENT RESIDENTIAL



FIFTH STORY

I HEREBY CERTIFY THAT THIS PLAT OR SURVEY WAS PREPARED USING HENLETT-PACKARD PRODUCT NO. 51645A ON OCE NO. 888342

I HEREBY CERTIFY THIS TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL PLAT

W.B. WELLS
 REGISTERED PROFESSIONAL LAND SURVEYOR
 4230 NE FREMONT STREET
 PORTLAND, OREGON 97213
 PHONE: 503.944.8854 FAX: 503.944.8858
 e-mail address: info@wbwells.com



REGISTERED PROFESSIONAL LAND SURVEYOR
 OREGON NO. 24427
 W.B. WELLS
 4230 NE FREMONT STREET
 PORTLAND, OREGON 97213

SHEET 13 OF 22

JOB NO. 07-079 P:\07-079\07-079\00.DWG PCS

PACIFICA AT RIVERSCAPE CONDOMINIUMS

LOT 7 AND TRACT "G" OF THE PLAT OF RIVERNORTH, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 1 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, STATE OF OREGON

DATE: NOVEMBER 6, 2007
 JOB NO. 07-079 P:\07-079\07-079CD.DWG

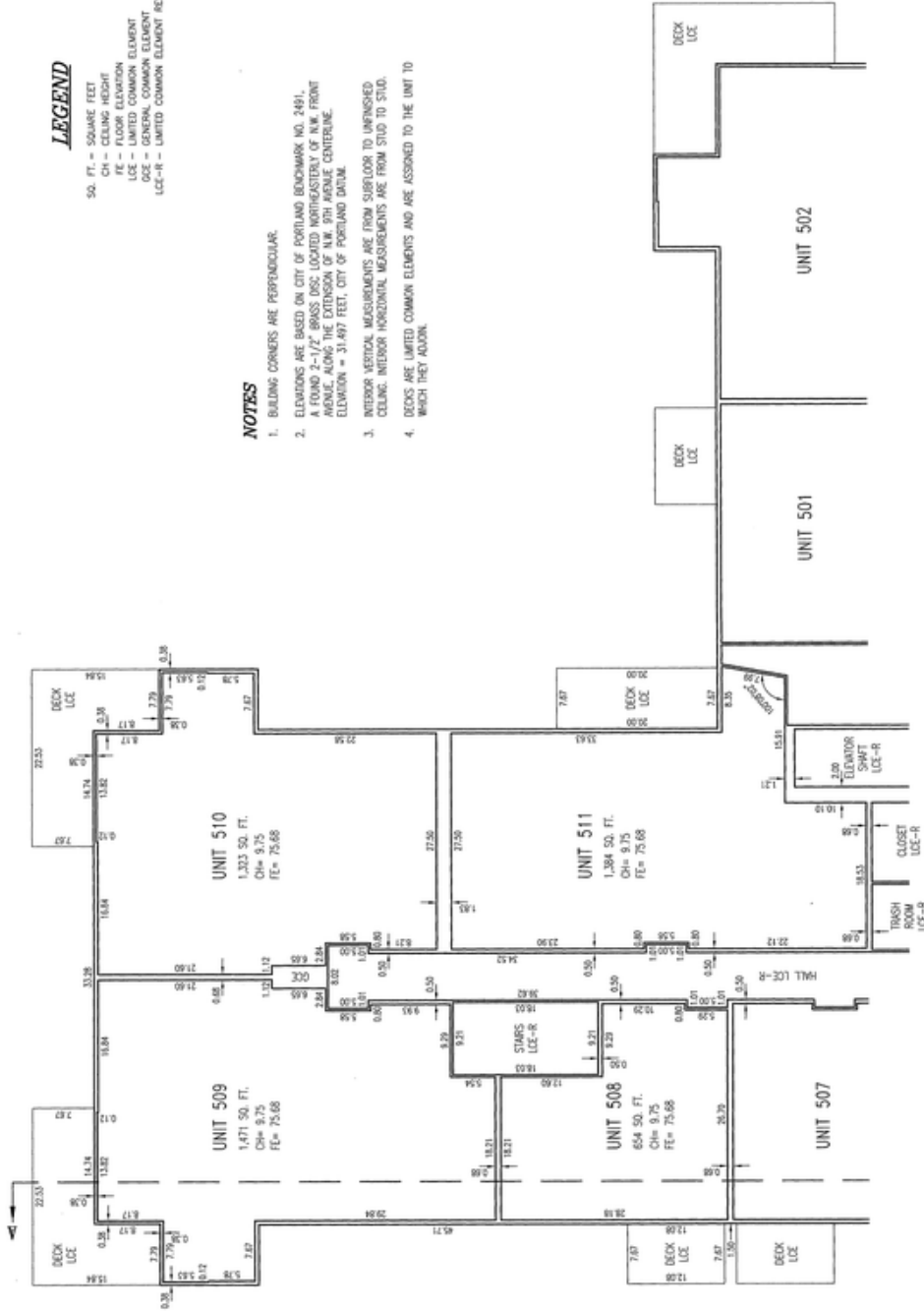
LEGEND

- 50 FT. = SQUARE FEET
- FE = FLOOR ELEVATION
- CE = CEILING ELEVATION
- LCE = LIMITED COMMON ELEMENT
- GCE = GENERAL COMMON ELEMENT
- LCE-R = LIMITED COMMON ELEMENT RESIDENTIAL

NOTES

1. BUILDING CORNERS ARE PERPENDICULAR.
2. ELEVATIONS ARE BASED ON CITY OF PORTLAND BENCHMARK (NO. 249), A FOUND 2-1/2" BRASS DISC LOCATED NORTHEAST OF N.W. FRONT CORNER, ALONG THE EXTENSION OF N.W. 3RD AVENUE CENTERLINE. ELEVATION = 31.497 FEET, CITY OF PORTLAND DRAW.
3. INTERIOR VERTICAL MEASUREMENTS ARE FROM SUBFLOOR TO UNFINISHED CEILING. INTERIOR HORIZONTAL MEASUREMENTS ARE FROM STUD TO STUD.
4. DECKS ARE LIMITED COMMON ELEMENTS AND ARE ASSIGNED TO THE UNIT TO WHICH THEY ADJOIN.

SCALE: 1" = 10'



FIFTH STORY

INTERIOR WALLS 0.50" WIDE, OR AS NOTED
 EXTERIOR WALLS 0.50" WIDE, OR AS NOTED

SEE SHEET 13

I HEREBY CERTIFY THAT THIS PLAT OR SURVEY WAS PREPARED USING THE BEST AVAILABLE METHODS AND INFORMATION AVAILABLE TO ME AT THE TIME AND EXACT COPY OF THE ORIGINAL PLAT

REGISTERED PROFESSIONAL LAND SURVEYOR
 W.B. WELLS
 OREGON
 JULY 12, 2005
 DENVER, COLORADO
 EXPIRES 12-31-08

I HEREBY CERTIFY THAT THIS PLAT OR SURVEY WAS PREPARED USING THE BEST AVAILABLE METHODS AND INFORMATION AVAILABLE TO ME AT THE TIME AND EXACT COPY OF THE ORIGINAL PLAT

W.B. WELLS and associates, Inc.
 ENGINEERS/SURVEYORS/PLANNERS
 4220 NE FREMONT STREET
 PORTLAND, OREGON 97213
 PHONE (503) 284-9987 FAX (503) 284-9308
 E-MAIL ADDRESS: info@wbwells.com

JOB NO. 07-079 P:\07-079\07-079CD.DWG PCS
 SHEET 14 OF 22

PACIFICA AT RIVERSCAPE CONDOMINIUMS

LOT 7 AND TRACT "G" OF THE PLAT OF RIVERNORTH, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 1 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, STATE OF OREGON

DATE: NOVEMBER 6, 2007
JOB NO. 07-079 P:\07-079\07-079C0.DWG

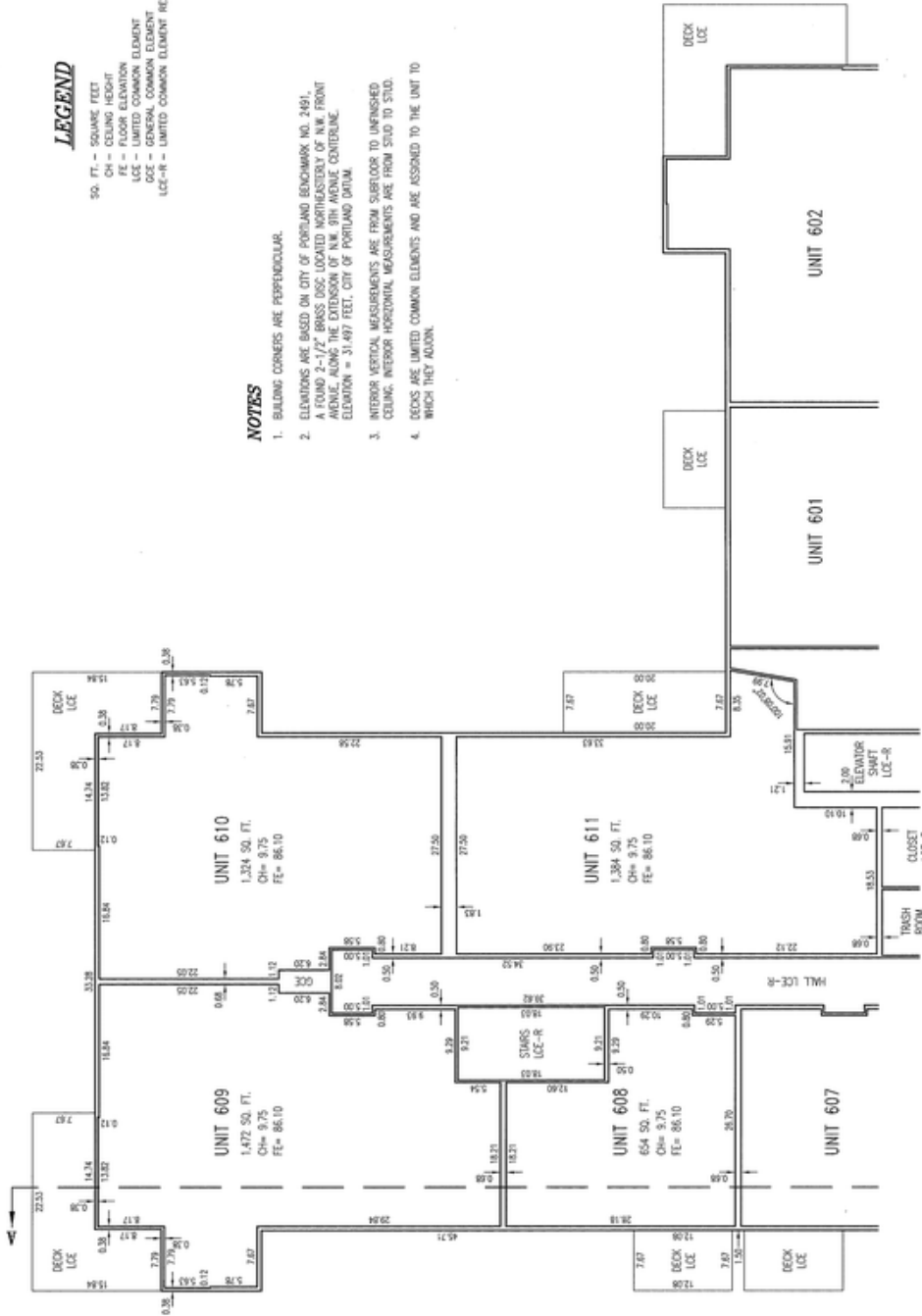
LEGEND

- SO. FT. - SQUARE FEET
- CH - CEILING HEIGHT
- FE - FLOOR ELEVATION
- LCE - LIMITED COMMON ELEMENT
- GCE - GENERAL COMMON ELEMENT
- LCE-H - LIMITED COMMON ELEMENT RESIDENTIAL

NOTES

1. BUILDING CORNERS ARE PERPENDICULAR.
2. ELEVATIONS ARE BASED ON CITY OF PORTLAND BENCHMARK NO. 2491. A ROUND 2-1/2" BRASS DISC LOCATED NORTHWESTLY OF N.W. FRONT CORNER, ALONG THE EXTENSION OF THE ADJACENT CONTIGUOUS ELEVATION = 31.697 FEET, CITY OF PORTLAND DATA.
3. INTERIOR VERTICAL MEASUREMENTS ARE FROM SUBFLOOR TO UNFINISHED CEILING. INTERIOR HORIZONTAL MEASUREMENTS ARE FROM STUD TO STUD.
4. DECKS ARE LIMITED COMMON ELEMENTS AND ARE ASSIGNED TO THE UNIT TO WHICH THEY ADJOIN.

SCALE: 1" = 10'



SEE SHEET 15

SIXTH STORY

INTERIOR WALLS 0.50" WICK, OR AS NOTED
EXTERIOR WALLS 0.50" WICK, OR AS NOTED

I HEREBY CERTIFY THAT THIS PLAN OR SURVEY WAS PREPARED USING HENKLETT-PACKARD PRODUCT NO. 51945A ON OCE NO. 868342

I HEREBY CERTIFY THIS TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL PLAN

REGISTERED PROFESSIONAL LAND SURVEYOR
JULY 11, 2005
DEXTRON T. MACKAY
734927
EXPIRES 12-31-08



W.B. WELLS and Associates, Inc.
ENGINEERS/SURVEYORS/PLANNERS
4239 NE FREMONT STREET
PORTLAND, OREGON 97213
PHONE: 503/944-9988 FAX: 503/944-8330
e-mail address: info@wbwells.com

SHEET 16 OF 22

PACIFICA AT RIVERSCAPE CONDOMINIUMS

LOT 7 AND TRACT "G" OF THE PLAT OF RIVERNORTH, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 1 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, STATE OF OREGON

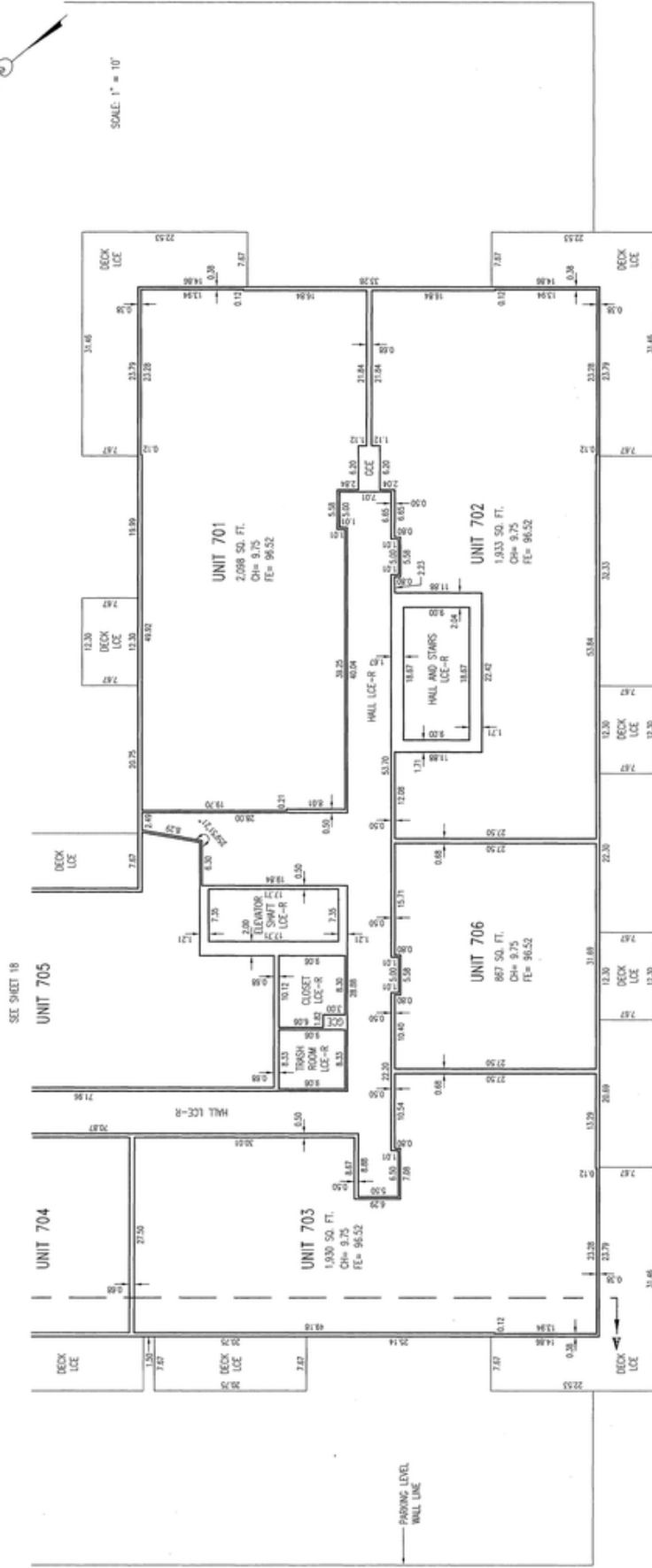
DATE: NOVEMBER 6, 2007
JOB NO. 07-079 P:\07-079\07-079K0.DWG

NOTES

- BUILDING CORNERS ARE PERPENDICULAR.
- ELEVATIONS ARE BASED ON CITY OF PORTLAND BENCHMARK NO. 2491, LOCATED AT THE CORNER OF THE INTERSECTION OF FRONT AVENUE AND THE EXTENSION OF N.W. 9TH AVENUE. CENTERLINE ELEVATION = 314.87 FEET, CITY OF PORTLAND DATUM.
- INTERIOR VERTICAL MEASUREMENTS ARE FROM SUBFLOOR TO UNFINISHED CEILING. INTERIOR HORIZONTAL MEASUREMENTS ARE FROM STUD TO STUD, WHICH THEY ADJAC.
- DECKS ARE LIMITED COMMON ELEMENTS AND ARE ASSIGNED TO THE UNIT TO WHICH THEY ADJAC.

LEGEND

- SQ. FT. - SQUARE FEET
- CH - CEILING HEIGHT
- FE - FLOOR ELEVATION
- LCE - LIMITED COMMON ELEMENT
- GCE - GENERAL COMMON ELEMENT
- LCE-R - LIMITED COMMON ELEMENT RESIDENTIAL



SEVENTH STORY

I HEREBY CERTIFY THAT THIS PLAN OR SURVEY WAS PREPARED USING THE FOLLOWING DATA:
HEWLETT-PACKARD PRODUCT NO. 51655A, ON DATE 12/12/05

I HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAN

REGISTERED PROFESSIONAL LAND SURVEYOR
JACK L. WELLS
JULY 12, 2005
DENVER, CO. LICENSE NO. 33927
EXPIRES 12-31-08



W.B. WELLS and associates, inc
ENGINEERS/SURVEYORS/PLANNERS
4230 NE FREMONT STREET
PORTLAND, OREGON 97213
PHONE: 503-284-9888 FAX: 503-284-8330
e-mail address: info@wbwells.com

PACIFICA AT RIVERSCAPE CONDOMINIUMS

LOT 7 AND TRACT "C" OF THE PLAT OF RIVERNORTH, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 1 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, STATE OF OREGON

DATE: NOVEMBER 6, 2007
JOB NO. 07-079 P:\07-079\07-079K03.DWG

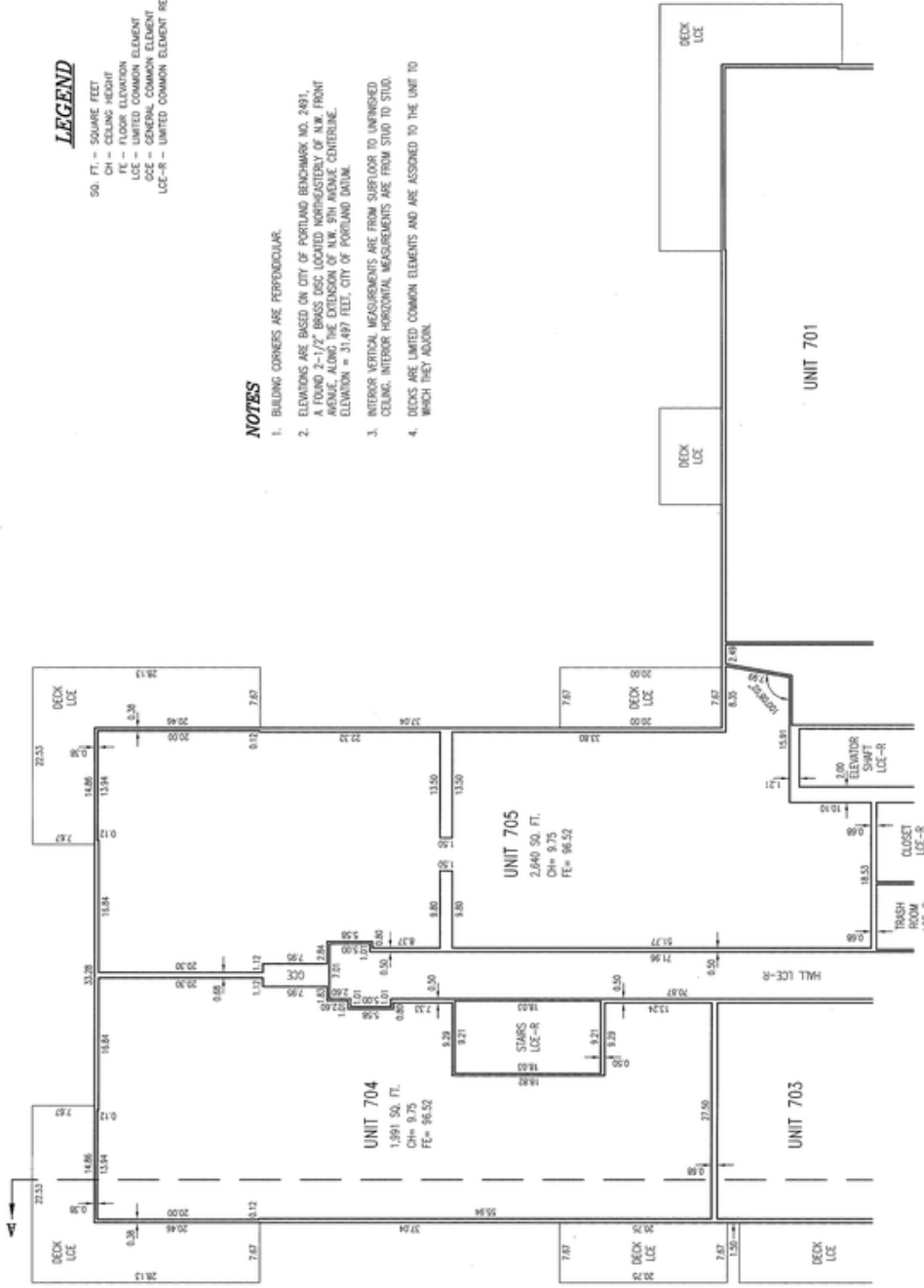
LEGEND

- SO. FT. - SQUARE FEET
- CH - CEILING HEIGHT
- FE - FLOOR ELEVATION
- LCE - LIMITED COMMON ELEMENT
- GCE - GENERAL COMMON ELEMENT
- LCE-R - LIMITED COMMON ELEMENT RESIDENTIAL

NOTES

1. BUILDING CORNERS ARE PERPENDICULAR.
2. ELEVATIONS ARE BASED ON CITY OF PORTLAND BENCHMARK NO. 2491. A FOUNDED 2-1/2" BRASS DISC LOCATED NORTHWESTERLY OF N.W. FRONT CORNER, ALONG THE EXTENSION OF N.W. 9TH AVENUE CENTRELINE. ELEVATION = 31.487 FEET, CITY OF PORTLAND DATA.
3. INTERIOR VERTICAL MEASUREMENTS ARE FROM SUBFLOOR TO UNFINISHED CEILING. INTERIOR HORIZONTAL MEASUREMENTS ARE FROM STUD TO STUD.
4. DECKS ARE LIMITED COMMON ELEMENTS AND ARE ASSIGNED TO THE UNIT TO WHICH THEY ADJOIN.

SCALE 1" = 10'



SEE SHEET 17

SEVENTH STORY
INTERIOR WALLS 0.50" WICK, OR AS NOTED
EXTERIOR WALLS 0.50" WICK, OR AS NOTED

I HEREBY CERTIFY THAT THIS PLAN OR SURVEY WAS PREPARED USING HENLETT-PACKARD PRODUCT NO. 51645A ON DCE NO. 698342

I HEREBY CERTIFY THIS TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL PLAN

REGISTERED PROFESSIONAL LAND SURVEYOR
JERRY L. WELLS
JULY 2004
DEXTRON, UT, MACKAY 73457
EXPIRES 12-31-08



W.B. WELLS
REGISTERED PROFESSIONAL LAND SURVEYOR
4029 NE FREMONT STREET
PORTLAND, OREGON 97213
PHONE: 503.344.8888 FAX: 503.344.8880
e-mail address: info@wbwells.com

SHEET 18 OF 22

LOT 7 AND TRACT "G" OF THE PLAT OF RIVERNORTH, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 1 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, STATE OF OREGON

DATE: NOVEMBER 6, 2007
 JOB NO. 07-079 P:\07-079\07-079KCD.DWG

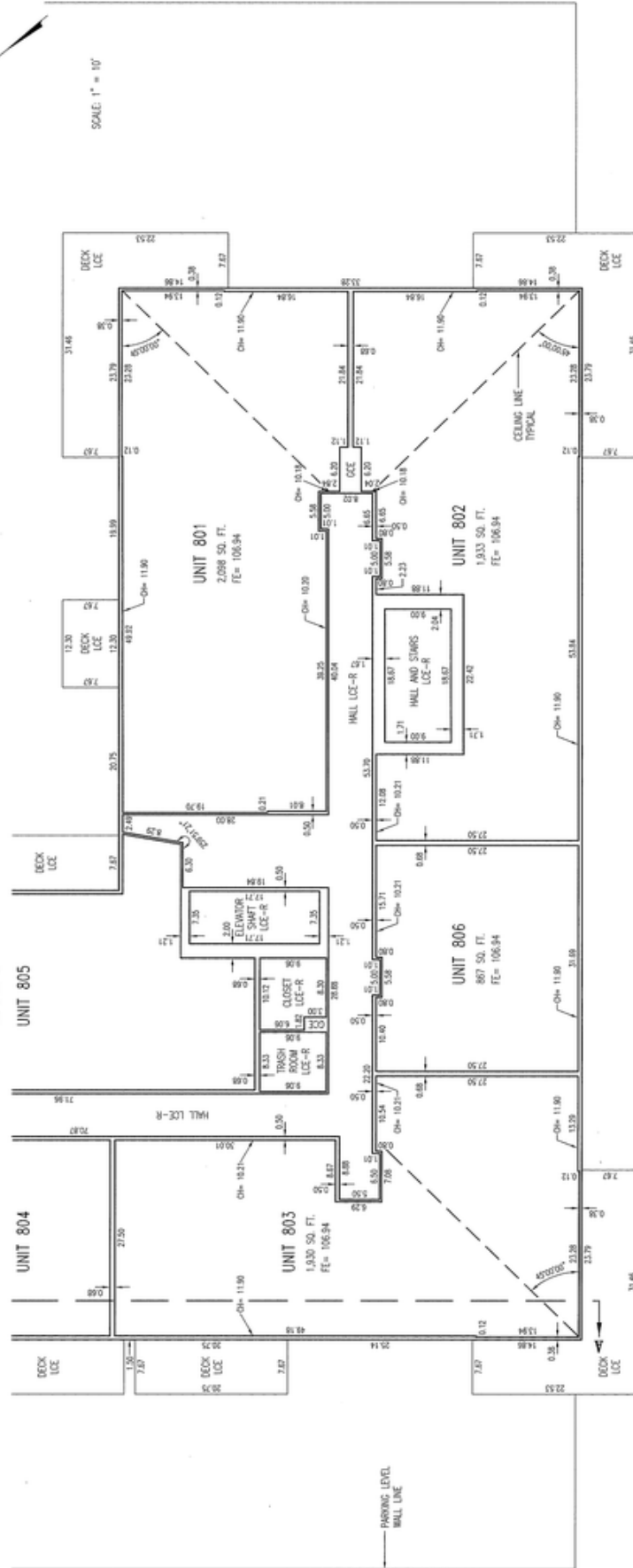
NOTES

1. BUILDING CORNERS ARE PERPENDICULAR.
2. ELEVATIONS ARE BASED ON CITY OF PORTLAND BENCHMARK NO. 2491. A FOUND 2-1/2" BRASS DISC LOCATED 108' EAST OF N.W. FRONT AVENUE, ALONG THE EXTENSION OF N.W. 9TH AVENUE CENTERLINE. ELEVATION = 31.487 FEET, CITY OF PORTLAND DATUM.
3. INTERIOR VERTICAL MEASUREMENTS ARE FROM SUBFLOOR TO UNFINISHED CEILING. INTERIOR HORIZONTAL MEASUREMENTS ARE FROM STUD TO STUD, WHICH THEY ADJACENT.
4. DECKS ARE LIMITED COMMON ELEMENTS AND ARE ASSIGNED TO THE UNIT TO WHICH THEY ADJACENT.

LEGEND

- SO. FT. - SQUARE FEET
- CH - CEILING HEIGHT
- FE - FLOOR ELEVATION
- LCE - LIMITED COMMON ELEMENT
- GCE - GENERAL COMMON ELEMENT
- LCE-R - LIMITED COMMON ELEMENT RESIDENTIAL

SEE SHEET 20



EIGHTH STORY
 INTERIOR WALLS 0.50" WIDE, OR AS NOTED
 EXTERIOR WALLS 0.50" WIDE, OR AS NOTED

REGISTERED
**PROFESSIONAL
 LAND SURVEYOR**

W. B. Wells
 W. B. WELLS
 4230 NE FREMONT STREET
 PORTLAND, OREGON 97213
 PHONE: 503.944.8888 FAX: 503.944.8908
 e-mail address: info@wbwells.com



EXPIRES 12-31-08

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL PLAT

I HEREBY CERTIFY THAT THIS PLAT OR SURVEY WAS PREPARED USING HENKELT-PACKARD PRODUCT NO. 516454 OR OCE NO. 868342

SHEET 19 OF 22

PACIFICA AT RIVERSCAPE CONDOMINIUMS

LOT 7 AND TRACT "G" OF THE PLAT OF RIVERNORTH, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 1 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, STATE OF OREGON

DATE: NOVEMBER 6, 2007

JOB NO. 07-079 P:\07-079\07-079C0.DWG

LEGEND

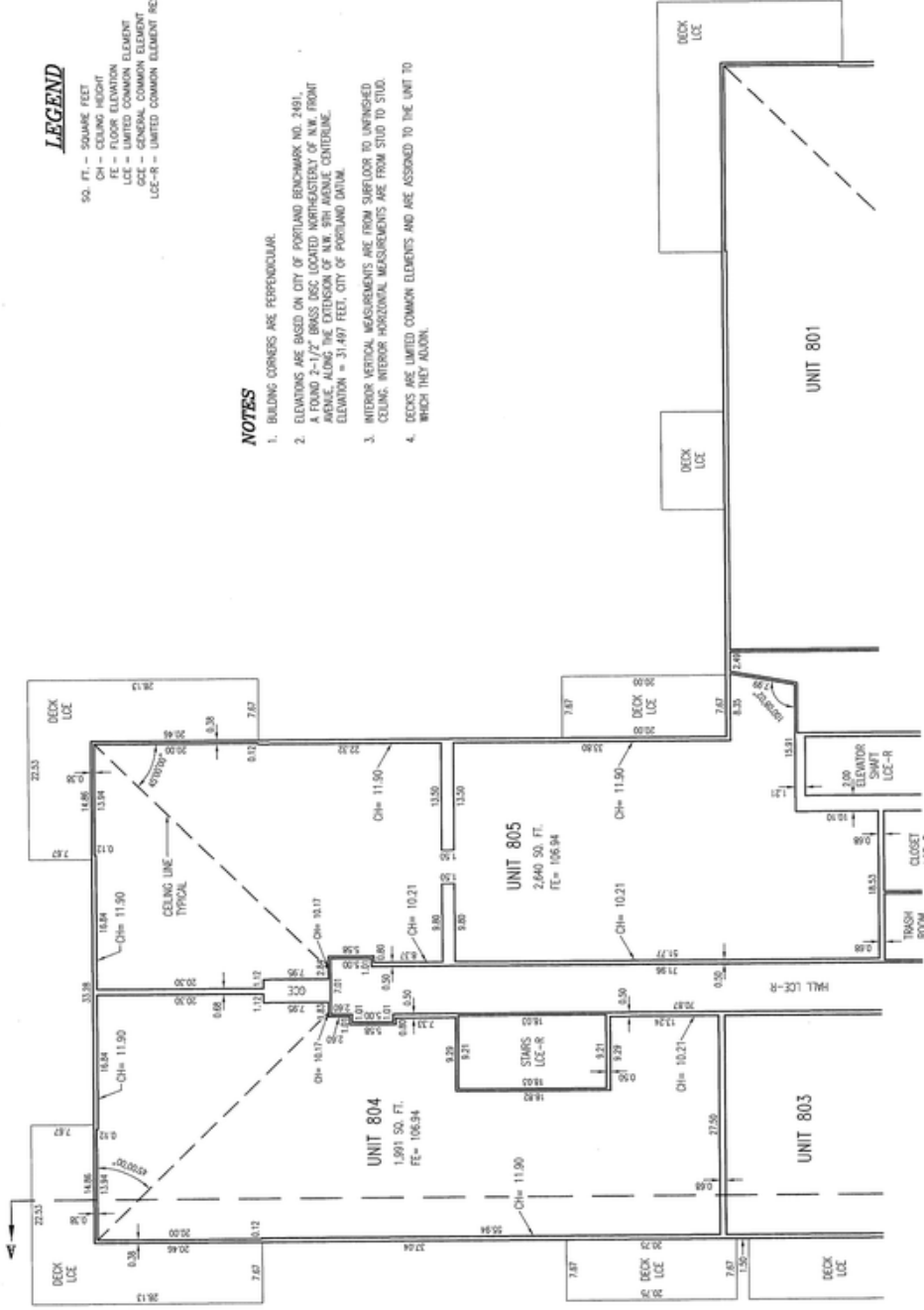
- sq. ft. - SQUARE FEET
- CH - CEILING HEIGHT
- FE - FLOOR ELEVATION
- LCE - LIMITED COMMON ELEMENT
- LCE - GENERAL COMMON ELEMENT
- LCE-14 - LIMITED COMMON ELEMENT RESIDENTIAL



SCALE: 1" = 10'

NOTES

1. BUILDING CORNERS ARE PERPENDICULAR.
2. ELEVATIONS ARE BASED ON CITY OF PORTLAND BENCHMARK NO. 2461. A POINT 7'-17" ABOVE THE CORNER OF N.W. FRONT PLAT OF SECTION 28, TOWNSHIP 1 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, STATE OF OREGON. ELEVATION = 31.487 FEET, CITY OF PORTLAND DATUM.
3. INTERIOR VERTICAL MEASUREMENTS ARE FROM SURFLOOR TO UNFINISHED CEILING. INTERIOR HORIZONTAL MEASUREMENTS ARE FROM STUD TO STUD.
4. DECKS ARE LIMITED COMMON ELEMENTS AND ARE ASSIGNED TO THE UNIT TO WHICH THEY ADJOIN.



EIGHTH STORY

I HEREBY CERTIFY THAT THIS FLOOR PLAN OR SURVEY WAS PREPARED USING THE HEMLETT-HANCOCK PRODUCT NO. 51645A ON JOB NO. 068542

I HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAN



W.B. WELLS and associates, Inc.
 ENGINEERS/SURVEYORS/PLANNERS
 4230 NE FREMONT STREET
 PORTLAND, OREGON 97213
 PHONE (503) 284-7400 FAX (503) 284-8838
 E-mail address: info@wbwells.com

SHEET 20 OF 22
 JOB NO. 07-079 P:\07-079\07-079C0.DWG PCS

PACIFICA AT RIVERSCAPE CONDOMINIUMS

LOT 7 AND TRACT "C" OF THE PLAT OF RIVERNORTH, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 1 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, STATE OF OREGON

DATE: NOVEMBER 6, 2007
JOB NO. 07-079 P:\07-079\07-079K0.DWG

NOTES

1. ELEVATIONS ARE BASED ON CITY OF PORTLAND BENCHMARK NO. 2491, A POINT 7'-172.8665' DIST. LOCATED NORTHEASTERLY OF N.W. CORNER OF SECTION 28, TOWNSHIP 1 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, STATE OF OREGON. ELEVATION = 31.497 FEET, CITY OF PORTLAND DATUM.

LEGEND

- FE - FLOOR ELEVATION
- OCE - GENERAL COMMON ELEMENT
- LCE-R - LIMITED COMMON ELEMENT RESIDENTIAL

SCALE 1" = 10'

EIGHTH STORY	UNIT 803 FE = 106.94		UNIT 804 FE = 106.94	
SEVENTH STORY	UNIT 703 FE = 95.52		UNIT 704 FE = 95.52	
SIXTH STORY	UNIT 606 FE = 84.10	UNIT 607 FE = 85.10	UNIT 608 FE = 85.10	UNIT 609 FE = 85.10
FIFTH STORY	UNIT 506 FE = 75.68	UNIT 507 FE = 75.68	UNIT 508 FE = 75.68	UNIT 509 FE = 75.68
FOURTH STORY	UNIT 406 FE = 65.26	UNIT 407 FE = 65.26	UNIT 408 FE = 65.26	UNIT 409 FE = 65.26
THIRD STORY	UNIT 306 FE = 54.84	UNIT 307 FE = 54.84	UNIT 308 FE = 54.84	UNIT 309 FE = 54.84
SECOND STORY	UNIT 204 FE = 44.42	UNIT 205 FE = 44.42	UNIT 206 FE = 44.42	UNIT 207 FE = 44.42
FIRST STORY	UNIT 104 FE = 34.00	UNIT 105 FE = 34.00	UNIT 106 FE = 34.00	UNIT 107 FE = 34.00
PARKING LEVEL	OCE			

CROSS SECTION A-A

I HEREBY CERTIFY THAT THIS PLAT OR SURVEY WAS PREPARED USING THE HELMUT-PACARD PRODUCT NO. 516454 ON OCE NO. 868342

I HEREBY CERTIFY THIS TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL PLAT



W.B. WELLS
Professional Land Surveyor
4230 NE FREMONT STREET
PORTLAND, OREGON 97213
PHONE: 503.944.8844 FAX: 503.244.8806
e-mail address: info@wbwells.com

SHEET 21 OF 22

JOB NO. 07-079 P:\07-079\07-079K0.DWG PCS

PACIFICA AT RIVERSCAPE CONDOMINIUMS

LOT 7 AND TRACT "G" OF THE PLAT OF RIVERNORTH, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 1 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, STATE OF OREGON

DATE: NOVEMBER 6, 2007
JOB NO. 07-079 P:\07-079\07-079C0.DWG

SURVEYOR'S CERTIFICATE

I, GEORGINA I. MACKAY, CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LAND REPRESENTED ON THE ANNEXED MAP OF "PACIFICA AT RIVERSCAPE CONDOMINIUMS", SAID LAND BEING DESCRIBED AS FOLLOWS:

LOT 7 AND TRACT "G" OF THE PLAT OF RIVERNORTH, MULTNOMAH COUNTY PLAT RECORDS, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 1 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, STATE OF OREGON, CONTAINING 70,966 SQUARE FEET.

CERTIFICATE OF COMPLETION

I, GEORGINA I. MACKAY, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PLAT OF "PACIFICA AT RIVERSCAPE CONDOMINIUMS" FULLY AND ACCURATELY DEPICTS THE BOUNDARIES OF THE UNITS OF THE BUILDING AND THAT THE CONSTRUCTION OF THE UNITS AND BUILDING AS DEPICTED ON THE PLAT WAS COMPLETED AS OF NOVEMBER 6, 2007.

I HEREBY CERTIFY THAT THIS PLAT OR SURVEY WAS PREPARED USING HEINLETT-PACARD PRODUCT NO. 51645A ON OCE NO. 888342

I HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAT



DECLARATION

KNOW ALL PEOPLE BY THESE PRESENTS THAT RIVERSCAPE LLC, AN OREGON LIMITED LIABILITY COMPANY, OWNER OF THE LAND DESCRIBED HEREON, HEREBY DECLARES THE ANNEXED MAP OF "PACIFICA AT RIVERSCAPE CONDOMINIUMS", AS RECORDED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE, TO BE A TRUE AND CORRECT MAP AND PLAN THEREOF, AND HEREBY COMMIT SAID LAND TO THE OPERATION OF OREGON CONDOMINIUM ACT, CHAPTER 92, DIVISION 100, STATUTES, SUBJECT TO THE PROVISIONS OF OREGON REVISED STATUTES 100.005 TO 100.025.

RIVERSCAPE LLC,
AN OREGON LIMITED LIABILITY COMPANY

BY: [Signature]
TM RALSTON, MEMBER/MANAGER

APPROVALS

APPROVED THIS 31st DAY OF January, 2008
COUNTY SURVEYOR, MULTNOMAH COUNTY, OREGON

BY: [Signature]

ALL TAXES, FEES, ASSESSMENTS OR OTHER CHARGES AS PROVIDED BY O.S. 100.110 HAVE BEEN PAID AS OF 3/16/08, 2008
DIRECTOR, DIVISION OF ASSESSMENT AND TAXATION

BY: [Signature]
DEPUTY

STATE OF OREGON)
COUNTY OF MULTNOMAH) SS

I DO HEREBY CERTIFY THAT THE ATTACHED CONDOMINIUM PLAT WAS RECORDED FOR RECORD AND RECORDED

IN BOOK 1292, 2008, AT 11:59 AM
COUNTY RECORDING OFFICE

BY: [Signature]
DOCUMENT NO. 2008-016144

ACKNOWLEDGMENT

STATE OF OREGON)
COUNTY OF MULTNOMAH) SS

THIS IS TO CERTIFY THAT ON THIS 21st DAY OF December, 2007 BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, PERSONALLY APPEARED TM RALSTON, MEMBER AND MANAGER OF RIVERSCAPE LLC, AN OREGON LIMITED LIABILITY COMPANY WHO DID SAY THAT HE IS THE IDENTICAL PERSON NAMED IN THE FOREGOING DECLARATION, AND THAT SAID DECLARATION WAS EXECUTED BY RIVERSCAPE LLC, AND THAT HE EXECUTED SAID DECLARATION FREELY AND VOLUNTARILY.

[Signature]
NOTARY SIGNATURE
Bill MacCabe
NOTARY PUBLIC - OREGON
COMMISSION NO. A495812
MY COMMISSION EXPIRES July 6, 2010

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO CREATE A CONDOMINIUM PLAT OF LOT 7 AND TRACT "G" OF THE PLAT OF "RIVERNORTH", MULTNOMAH COUNTY PLAT RECORDS.

MONUMENTS SHOWN AS FOUND WERE TIED FROM A RANDOM TRAVERSE ON NOVEMBER 14, 2007. LOT 7 WAS ESTABLISHED BY HOLDING PLAT MONUMENTS AS SHOWN. TRACT "G" WAS ESTABLISHED BY LOT CORNER PLAT BEARINGS AND DISTANCES. MONUMENTS WERE SET AT THE MISSING LOT CORNERS OF TRACT "G".



CITY OF PORTLAND
Office of the City Auditor
1221 SW Fourth Avenue, Room 140
Portland, OR 97204-1987

Recorded in the County of Multnomah, Oregon
Total : C. Swick, Deputy Clerk 51.00
2002-081265 05/06/2002 12:34:02pm ATLJH
A77 8 REC DOR OLIS
40.00 10.00 1.00

I hereby certify this Land Use Document No. 01-00618 SU GW (Appealed)
to be a complete and exact copy of the original as the same appears on file and
of record in my office and in my care and custody on MAY 02 2002 .

GARY BLACKMER
Auditor of the City of Portland

By *[Signature]*
Deputy

RETURN TO CITY AUDITOR
131/140/Auditor's Office

8

**ORDER OF COUNCIL ON APPEAL OF A
HEARINGS OFFICER'S DECISION
LUR 01-00618 SU GW, RIVERSCAPE 12-LOT SUBDIVISION**

Consider the appeals of Northwest Industrial Neighborhood Association, Northwest District Association and the Pearl District Neighborhood Association against Hearings Officer's decision to approve a major land division with greenway review for the Riverscape 12-lot subdivision at 2100 WI/NW Front Avenue.

APPLICANTS: Port of Portland (Property Owner)
121 NW Everett Street
Portland, OR 97209
Contact: Bill Bach

Tim Ralston, Riverscape LLC (Applicant)
931 SW King Avenue
Portland, OR 97201

**APPLICANT'S
REPRESENTATIVE:** Jeff Bachrach, Ramis Crew Corrigan & Bachrach (Attorney)
1727 NW Hoyt Street
Portland, OR 97209

Larry Porter, The Porter Company, Inc. (Consultant)
5510 SW Dover Loop
Portland, OR 97225

LOCATION: 2100 WI / NW Front Avenue

TAX ACCOUNT NO.: R883803920; R883804040; R215000010; R766004290

STATE ID NO.: 1N1E28DB 100; 1N1E28DB 200; 1N1E28D 300; 1N1E28DD 100

QUARTER SECTION: 2828

NEIGHBORHOODS: Northwest District Association
Within 1000' Pearl District, Overlook, Eliot

DISTRICT COALITION: Neighbors West / Northwest (W / NW)

BUSINESS DISTRICT: Northwest Industrial NA

ZONING: RX dg (High density multi-dwelling zone with Design and River General
Greenway overlay zones)

Central City Plan District, River District Subdistrict Recreational Trail
Designation.

LAND-USE REVIEW: Type III SU GW (Major Land Division with Greenway Review)

HEARINGS OFFICER'S DECISION: Approval of a tentative plan for a 12-lot subdivision on this site,
including a Greenway Review.

APELLANT: Northwest Industrial Neighborhood Association, Northwest District Association and the
Pearl District Neighborhood Association.

Order of Council
01-00618 SU GW
March 20, 2002
Page 2

PROPOSAL: The applicant proposed to subdivide this 15-acre site into 12 lots for medium to high-density residential development with some mixed-use (commercial or office) components. The minimum density for the RX zone in this location is one dwelling unit per 2,000 square feet of net site area (enforced as each lot is developed). Maximum density in the RX zone is determined by Floor Area Ratios (there is no maximum number of units). Based on the lots proposed, it can be estimated that at least 298 dwelling units would be required within this site. The applicant has tentative plans to develop between 690 and 1,150 residential units. Several new 60-foot-wide public streets are proposed to serve the development. Public walkway easements would also connect NW Front Avenue with a recreational trail that would follow the river's edge.

The application was the first step toward the design and development of the site. This land use review establishes the basic framework for the site by establishing the preliminary location of lots, streets, public walkways, and utility easements. The applicant proposes a phased approach to the platting and development of the site, whereby the required public improvements would be staged in 3 steps (Phases). No specific development is proposed on any of the lots at this time.

The property, known as "Terminal 1", consists of one-quarter mile of Willamette River frontage with an existing seawall and docks. The Port of Portland has historically used the site as a marine terminal. Extending from the sea wall along the southern two-thirds of the site is a large deck supported by wooden pilings. The deck and pilings would be removed back to the existing seawall. This demolition proposal is the subject of a separate Land Use Review Application (LUR 01-00682 GW). There are two existing warehouses on the site that will also be removed. Extending along the northern one-third of the shoreline is a large concrete pier that would be retained and incorporated into the design and development of proposed Lots 10 and 12.

The Multnomah County Sheriff currently leases space for a River Patrol boathouse located in the cove to the northwest of the site. Existing land access to the Sheriff's facility is via the proposed Lot 12. It is anticipated that the Sheriff's use would be enhanced and enlarged in conjunction with the design and development of Lot 12.

This subdivision proposal is considered a Major Land Division because more than 10 lots would be created, and because a public street is proposed. Greenway Review is required because the site is within the Greenway overlay zone. Preliminary plans for required recreational trail improvements are shown on the attached plans.

The site is within the design ("d") overlay. No Design Review is required at this time because no specific development is proposed that is subject to Design Review. Street improvements that meet City engineering standards are exempt from Design Review (33.420.041.C). The specific buildings and any non-standard right-of-way improvements and trails will be subject to applicable design overlay requirements at the time that each phase of the project develops.

On February 14, 2002, at a regular Council session at 2:00 PM the Council considered the appeals of Northwest Industrial Neighborhood Association, Northwest District Association and the Pearl District Neighborhood Association against the Hearings Officer's decision to approve a major land division with greenway review.

The hearing was opened in City Council Chambers, 1221 SW Fourth Avenue, on February 14, 2002 at 2:00 p.m., following Council discussion, a tentative decision was made to deny the Northwest Industrial Neighborhood Association, Northwest District Association and the Pearl District Neighborhood Association appeal and uphold the Hearings Officer's decision with a condition and directed staff to prepare findings, and scheduled final action and adoption for 2:00 p.m. on March 14, 2002.

Based on evidence in the record, on March 14, 2002, the City Council adopted revised Findings and made a final decision in **Case File 01-00618 SU GW**, by this reference made a part of this Order, approves a 12-Lot subdivision with public streets, to be platted in 3 phases, in substantial conformance with the Tentative Plan and Phasing Plan, including a minimum 50 foot Greenway setback along Lots 1, 2, 4, 6, 8, 10 and the easterly boundary of Lot 12 and a minimum 25 foot setback along the northerly boundary of Lot 12 (Exhibit C.2), and subject to conditions A through G below:

Approval of a concurrent Greenway Review for the proposed Tentative Plan, including:

- Approval for the general location of a recreational trail alignment; and
- Approval for required site preparation work shown on the Tentative Grading Plan (Exhibit C.3) and ground stabilization/ground improvement structures described in the geotechnical report (Exhibit A.3)

Greenway Review approval is subject to conditions A.4, A.6, A.7, B.8, C.1, C.4, F.1 through F.6, and F.10

A. Final Plats must include the following:

Notes:

1. The final plats for each phase shall include the statement: **"This plat is subject to the conditions imposed by the City of Portland in File Number LUR 01-00618 SU GW."**

Streets

2. Public street dedications shall be shown within Phases 2 and 3 in substantial conformance with the proposed Tentative Plan Exhibit C.2, as approved by the City Engineer.
3. For Phases 2 and 3, final street names shall be provided for the new public streets as approved by the City Engineer.

Easements

4. All easements shall be noted on the final plats including the purpose of the easement.
5. All utility easements shall be shown in conformance with the requirements of the City Engineer. Public sewer easements must be dedicated for all public sewers on private property prior to plat approval.
6. Public walkway and emergency vehicle easements shall be provided on the final plats, in substantial conformance with the proposed Tentative Plan (Exhibit C.2).
7. A public recreational trail easement agreement shall accompany the final plat submittals. The agreement shall:
 - Be consistent with the City's standard public recreational trail easement agreement; and
 - Reference Condition F.3 of this decision, and specify that final easement locations will be determined as part of the Design Review/Greenway Review for development on each lot (generally consistent with the location of trail improvements shown on the Tentative Facilities Plan (Exhibit C.5), subject to modifications necessary to respond to the factors listed in Condition F.3); and
 - Incorporate provisions ensuring public recreational trail easements/rights-of-way are granted/dedicated prior to building permit approval for development on each river-facing lot.

The agreement must be approved as to form by the City Attorney prior to final plat approval.

B. Prior to Final Plat Approval. The following conditions shall be met prior to final plat approval of each phase (as specified).

Streets and Performance Guarantees
(must be met to the satisfaction of the City Engineer)

1. Prior to approval of the final plat for Phase 1, the applicant shall provide a performance guarantee and agreement for all necessary modifications and/or improvements to the existing traffic signal at the NW 15th Avenue/ NW Front Avenue intersection and improvement of NW Front Avenue adjacent to Lot 1, substantially consistent with the interim frontage improvements described in the adopted findings for Section 34.70.020 (incorporated into this report).
2. Prior to approval of the plat for Phase 2, the applicant shall provide a performance guarantee and agreement for improvements to NW 16th Avenue and improvement of NW Front Avenue adjacent to Lot 3, substantially consistent with the interim frontage improvements described in the adopted findings for Section 34.70.020 (incorporated into this report).
3. Prior to approval of the final plat for Phase 3, the applicant shall provide a performance guarantee and agreement for improvements to NW 17th Avenue, NW 18th Avenue, NW Riverscape Avenue, and modification/improvement of the existing traffic signal at NW 17th Avenue and improvement of NW Front Avenue adjacent to Lots 5, 7, 9, 11, and 12, substantially consistent with the interim frontage improvements described in the adopted findings for Section 34.70.020(incorporated into this report).
4. The applicant shall cooperate and make all reasonable efforts to assist in the issuance of a Final Order from ODOT Rail Division addressing removal of three spur tracks and appurtenances in NW Front Avenue currently serving the Terminal 1 site. The applicant's cooperation shall include financial responsibility for the full cost of the track removal. If the Final Order has been obtained to allow removal of the spur tracks, then the applicant shall be responsible for removing the spur tracks as part of the improvements to NW Front Avenue as allowed by the Final Order.
5. Prior to approval of any final plat phase creating new public street right of way, the applicant shall provide documentation by a licensed engineer and geologist that the area to be dedicated does not contain contaminated soils. If contaminated soils are present, then prior to final plat approval the applicant must provide a soils report and treatment plan for soil removal or treatment acceptable to the City Engineer. A financial guarantee for any work necessary to remedy the problem will also be required.

Utilities

6. Prior to final plat approval of each phase, water system plans must be approved by the Water Bureau and Fire Bureau.
7. Prior to final plat approval of each phase, each lot within that phase must be shown to have a means of access and individual connection to a public sanitary sewer. The applicant shall provide an engineered design, financial guarantee (bond) and engineering fees to BES prior to final plat approval.
8. Development of this site requires a Public Works Permit to extend and/or relocate public storm and sanitary sewers. BES must receive an engineered design, financial guarantee (bond) and engineering fees prior to plat approval of each phase that requires public storm and sanitary sewer extension or relocation. Except for the existing outfalls, no new storm or sanitary sewer connections shall extend closer to the river than 25 feet from the river's top of bank, unless otherwise approved through Greenway Review.

Site Preparation

9. Within each phase, any buildings, structures, or uses to remain on the site shall be accurately located on a supplemental survey presented to the Office of Planning and Development Review prior to final plat approval of each phase. All buildings, structures, or uses to remain shall meet all applicable Zoning Code standards relative to the proposed new lot lines, or document an approved land use review allowing variation from the standard in question. No accessory structures are allowed on any lot without a primary structure. Copies of applicable City inspection reports shall be provided OPDR documenting any required

building/structure demolition prior to final plat approval.

In Water Structures

10. Ownership and maintenance responsibility for the existing pier structure to remain within the Willamette River must be agreed upon prior to recording the final plat for Phase 3, as follows:
 - Documentation shall be provided in a form acceptable to the City Attorney that identifies ownership of the pier structure.
 - If the pier structure is to be owned in common by more than one lot within this subdivision, then a maintenance agreement shall be executed identifying and assigning maintenance obligations for the pier structure. If required, the maintenance agreement shall be reviewed by the City Attorney and the Office of Planning and Development Review prior to final plat of Phase 3.
 - A maintenance agreement is not required if ownership of the pier is assigned to one lot, or if a public agency agrees to accept maintenance responsibility.
11. Prior to or concurrent with issuance of building permits for development of buildings or structures on the lots which own the pier structure, documentation must be submitted to the Office of Planning and Development Review showing that any required in-water leases and state permits are in place to the satisfaction of the Division of State Lands

C. Ground Improvements. Ground improvements shall be made addressing the soil liquefaction hazards identified in the GRI report dated January 18, 2001 (Exhibit A.3).

1. Ground improvements may take the form of the vibro-replacement (stone columns) described in the GRI report (Exhibit A.3), or a structurally equivalent improvement, as approved by the Site Development Section of the Office of Planning and Development Review.
2. Final ground improvement plans shall be accompanied by a design-specific geotechnical report prepared by a licensed engineer addressing the findings and recommendations in the GRI report dated January 18th, 2001 (Exhibit A.3).
3. Ground improvements necessary to stabilize each *phase* of the plat must be completed (with permits having received final inspection approval) prior to any other development within the respective phase, unless otherwise approved by Site Development. All required ground improvements within each *lot* must be completed (with permits having received final inspection approval) prior to any occupancy of buildings or structures on that lot.
4. As part of any permit application submittal, these conditions shall be included with each set of permit drawings. The sheet on which this information is printed shall be labeled "Zoning Compliance Page - Case File # 01-00618 SU GW". All requirements shall be graphically represented in the site plan, construction management plan or landscaping plan and shall be labeled "required".

D. Street and Infrastructure Improvements within New Public Rights-of-Way. The applicant shall improve the new public streets shown on Exhibit C.2 to the River District standards, as approved by the City Engineer.

1. Street improvements shall provide for street trees to the requirements of the Urban Forester.
2. The requirements of the Bureau of Environmental Services for sanitary sewers shall be met as part of the street project.
3. All street improvements shall include public drainage improvements meeting the requirements of the Stormwater Management Manual and Sewer Design Manual as approved by BES.

4. The applicable requirements of the Portland Fire Bureau and Water Bureau for water and fire services shall be met as part of the street project.

E. Demolition or Relocation of Existing Structures. Prior to final plat approval for each phase, any existing structures within that phase located within proposed public rights of way (other than approved right-of-way improvements) shall be removed or relocated in conformance with applicable City standards.

1. A demolition permit is required if buildings or structures are removed. A copy of the final inspection shall be presented to the Office of Planning and Development Review prior to final plat approval as evidence of building removal.
2. The applicant shall meet the requirements of the Environmental Soils Section of the Office of Planning and Development Review for decommissioning and/or capping any existing sanitary sewer utilities serving any existing structures to be removed or relocated.

F. The following conditions are applicable to development on individual lots:

1. Initial land use review and building permit applications for development on each lot shall include detailed lot-specific designs for both the greenway trail improvements on that lot (for lots that have greenway trail frontage), and all improvements within pedestrian/emergency vehicle access easements shown on Exhibit C.2.
2. Within each lot, all greenway trail and pedestrian walkway/emergency vehicle access easements shall be fully improved prior to any occupancy of buildings or structures on that lot.
3. On river-facing lots, prior to building permit issuance, a public recreational trail easement shall be granted to the City landward of the river's top of bank, consistent with agreements required by Condition A.7. The following factors must be considered in making the final determination of the location and size of the recreational trail upon all riverfront lots, including Lot 12.
 - The recreational trail may be located entirely within, partially within, or completely outside the greenway setback area; and
 - The location of the recreational trail must take advantage of the cove to the north of Lot 12 as it is a significant environmental factor; and
 - The location of the recreational trail must protect views to the river (from both the trail and from NW Front Avenue); and
 - The recreational trail must be of such size to accommodate at least a 20 foot wide improved walkway meeting recreational trail standards as referenced in 33.272.030; and
 - The recreational trail must accommodate emergency access; and
 - Where a building includes ground-floor commercial or other non-residential uses, there may be no encroachment of those uses (such as restaurant tables, outdoor displays, etc.) into the proposed recreational trail area or within the greenway setback area.
 - The recreational trail must be sensitive to views of the river from the trail; and
 - Viewpoints may encroach into the Greenway setback if approved through Greenway and Design Review.
 - This condition shall not preclude secondary paths or walkways that provide access to the water's edge, floating structures in the water, or other docks/piers as long as it/they are approved through Greenway and Design Review.

This condition shall be applied through the Design and/or Greenway Reviews applicable to development on each of the individual river-facing lots.

4. Where non-residential uses are provided on lots abutting the greenway trail, those uses shall not encroach into the greenway trail easement. Any restaurant or food-service related outdoor seating areas shall be separated from the trail easement area by landscape and/or building design features that discourage

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encroachment.

5. On Lot 1, the following factors must be considered in making the final determination of the design of improvements within the southern-most pedestrian/ emergency access/bridge maintenance easement (adjacent to the Fremont Bridge):
- This easement area should function as an appropriate and attractive connection from the riverfront to the rest of the Pearl District via the interim trail along NW Thurman; and
 - The design of this easement area shall complement the design of the intersecting greenway trail.

This condition shall be applied through any Design and/or Greenway Reviews applicable to development on Lot 1.

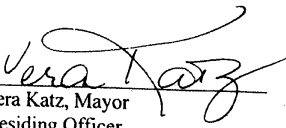
6. Buildings shall be set back at least 12 feet from the pedestrian walkway/emergency vehicle access easements that run perpendicular to the river, as shown on the Tentative Plan (Exhibit C.2). Minor encroachments up to 5 feet into this setback may be approved as part of Design Review/Greenway Review for development of the proposed building (for example, bay windows, eaves, awnings, balconies, and other minor projections).
7. The requirements of the City of Portland's Stormwater Management Manual shall be met, as approved by BES.
8. Building permit applications for development of any buildings or structures on each lot shall be accompanied by a design-specific geotechnical report prepared by a licensed engineer addressing the recommendations in the GRI report dated January 18th, 2001 (Exhibit A.3). The reports shall contain a specific evaluation of the foundation/pile supports associated with each building.
9. All required "ground improvements" within each lot shall be completed (with permits having received final inspection approval) prior to occupancy of any buildings or structures on that lot. See condition C.3.
10. As part of any permit application submittal, these conditions shall be included with each set of permit drawings. The sheet on which this information is printed shall be labeled "Zoning Compliance Page - Case File #01-00618 SU GW". All requirements shall be graphically represented in the site plan, construction management plan or landscaping plan and shall be labeled "required".
- G. The Proposed Terminal One South Subdivision is a "single new project," as contemplated by Section 33.120.100B.3.f. The applicant proposes to transfer commercial development rights between the buildings to be constructed on each of the lots. The transfers will be implemented as follows:

Pursuant to Section 33.120.100B.3, certain commercial uses are allowed by right in the RX zone if they occupy no more than 20 per cent of the total floor area of a building, exclusive of parking. After a building on one of the proposed 12 lots receives a certificate of occupancy, if that building is not utilizing the full 20% allowance for commercial uses, then the unused square footage can be transferred by the owner to another lot in the subdivision. To accomplish the transfer, the owners of both the transferring lot and the receiving lot will have to record appropriate deed restrictions or covenants in accord with Section 33.120.100.3.f(4).

IT IS SO ORDERED:

MAR 20 2002

Date


Vera Katz, Mayor
Presiding Officer

Hearing of March 14, 2002, 2:00 p.m. Session

5602

RECORDING SHEET COUNTY RECORDER'S COPY

LAND USE REVIEW APPLICANT

Your LUR decision may be recorded on or after: May 4, 2002
You must record your decision on or after this date, as required by the Portland Zoning Code.

If you would like to record by mail, please send:

- The two recording documents and attached decision.
- A check payable to: Multnomah County Recorder in the amount of: \$ 46.00
(\$16 for recording sheet, \$5 per page of decision, each side if 2-sided)
- A self-addressed, stamped envelope.

Mail to: Multnomah County Recorder, PO Box 5007, Portland OR 97208

FOR MULTNOMAH COUNTY RECORDER USE ONLY

Please stamp the Applicant's copy of the recording sheet and give to the applicant.

Please stamp the County Recorder's copy of the recording sheet and return with attached decision to:

City of Portland, OPDR
299/4500/OPDR LUR

MULTNOMAH COUNTY RECORDER STAMP HERE

Recorded in the County of Multnomah, Oregon

C. Swick, Deputy Clerk

Total : 46.00

2002-084154 05/09/2002 01:27:28pm ATLJH

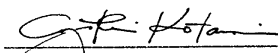
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I hereby certify Land Use Review Document, No. LUR 01-00682 GW
to be a complete and exact copy of the original as the same appears on file and of record in my office and in my care and custody.

Susan Feldman, Principal Planner
City of Portland
Office of Planning & Development Review
1900 SW Fourth Ave, #4500
Portland, OR 97201

5/2/02

Date


Representative

THIS DOCUMENT IS FOR THE COUNTY RECORDER

County Recorders Recording Sheet 10/16/01

5-9-02



**Office of Planning
and
Development Review
Land Use Review Division**

1900 SW Fourth Ave. Suite 5000
Portland, Oregon 97201
Telephone: 503-823-7300
TDD: 503-823-6868
FAX: 503-823-5630
www.opdr.ci.portland.or.us

Date: April 19, 2002
To: Interested Person
From: Eric Engstrom, Land Use Review

**NOTICE OF A REVISED TYPE II DECISION ON A
PROPOSAL IN YOUR NEIGHBORHOOD**

The original decision for this land use review was mailed on March 25th, 2002. Since that time the Office of Planning and Development Review and the Bureau of Environmental Services have determined that Condition F should be modified. This is a notice of a revised decision. Condition F concerns specific erosion control measures that would be installed as the demolition occurs. The reasons for this change are included in this notice. If you disagree with the revision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LUR 01-00682 GW

GENERAL INFORMATION

Applicant Info: Bill Bach, Port of Portland (Property Owner)
121 NW Everett Street
Portland, OR 97209
(503) 944-7254

Tim Ralston, Riverscape LLC (Applicant)
931 SW King Avenue
Portland, OR 97201
(503) 221 5343

Representatives: Jeff Bachrach, Ramis Crew Corrigan & Bachrach (Attorney)
1727 NW Hoyt Street
Portland, OR 97209
(503) 222-4402

Larry Porter, The Porter Company, Inc. (Consultant)
5510 SW Dover Loop
Portland, OR 97225
(503) 977-0497

Site Address: 2100 WI/NW Front Avenue

Legal Description: Lots 11 through 20 of the River Block of Watson's Addition (TL100 and TL300); EXC PT IN ST, Lots 21 through 25 of River Block 2, Doscher's Addition INC RIP RTS OUT TO HRBR LINE (TL 200); Tax Lot 100 (portions of Lots 2 through 12), Block 37, Sherlock's Addn.

Tax Account No.: R883803920; R883804040; R215000010; R766004290
State ID No.: 1N1E28DB 100; 1N1E28DB 200; 1N1E28D 300; 1N1E28DD 100
Quarter Section: 2828

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- Neighborhoods:** Northwest District Association, contact John Bradley at (503) 227-7484
- Within 1000'** Pearl District, contact Steve Pinger at (503) 827-7050
Overlook, contact George Spaulding at (503) 283-6999.
Eliot, contact Pauline Bradford at (503) 281-6635.
- Business Districts:** Northwest Industrial NA, contact Kent Studebaker at (503) 227-6638
- Within 1000'** Nob Hill Business Association, Libby Hartung at (503) 226-0363
Pearl District Business Association, Todd Breslau at (503) 227-3400
Lower Albina Council, Kurt Widmer at (503) 331-7241.
- District Coalition:** Neighbors West/Northwest (W/NW), contact David Alred at (503) 223-3331
- Zoning:** RX dg (High density multi-dwelling zone with Design and River General Greenway overlay zones)
- Central City Plan District, River District Subdistrict
Recreational Trail Designation
- Case Type:** GW (Greenway Review)
- Procedure:** Type II Procedure, an administrative decision with possible appeal to the Land Use Hearings Officer

This application was determined to be complete on November 8, 2001, but was put on hold until February 4th while the applicant made revisions to the plans.

Proposal:

The property, known as "Terminal 1", consists of one-quarter mile of Willamette River frontage with an existing seawall and docks. The Port of Portland has historically used the site as a marine terminal. Extending out from the sea wall along the southern two-thirds of the site is a large deck/wharf supported by wooden pilings. The applicant proposes to demolish the wharf and pilings back to the existing seawall. Along the northern one-third of the site is a large concrete pier that would be retained and incorporated into future development that would occur on this site. Greenway Review is required because the proposed demolition is a change to land and dock structures in the water.

Although the site is within the Design overlay zone, Design Review is not required because total demolition of a structure is not listed in the Zoning Code as an activity that requires Design Review (33.420.041).

Additional redevelopment of the upland portions of this site was proposed through a separate land division application (Case number 01-00618 SU GW). That separate case addresses the subdivision process and the layout of future development on the site.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the criteria of Title 33. The applicable criteria are found in Portland City Code Section 33.440.350 (Greenway Approval Criteria, including the Willamette Greenway Design Guidelines).

Zoning: The site is zoned RXdg - High Density Residential, with a Design and Greenway General overlay. The site is within the River District subarea of the Central City Plan District. There is also a public recreational trail designation on the site.

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ZONING CODE APPROVAL CRITERIA

This notice includes an analysis of the code sections related to the specific change being made with this revised decision. For a full analysis of the entire proposal, and all other relevant approval criteria, see the original decision.

33.440.350.G. Development riverward of the greenway setback. The applicant must show that the proposed development or fill riverward of the greenway setback will comply with all of the following criteria:

1. The proposal will not result in the significant loss of biological productivity in the river;
2. The riverbank will be protected from wave and wake damage;
3. The proposal will not:
 - a. Restrict boat access to adjacent properties;
 - b. Interfere with the commercial navigational use of the river, including transiting, turning, passing, and berthing movements;
 - c. Interfere with fishing use of the river;
 - d. Significantly add to recreational boating congestion; and
4. The request will not significantly interfere with beaches that are open to the public.

Findings: Subparagraphs 1 through 4 are addressed below:

Biological Productivity

The proposal to remove an existing wharf will result in a substantial improvement in biological productivity in the shallow water zone riverward of the greenway setback. This increase in productivity will result from the removal of approximately 3.1 acres of covered, pile-supported deck, which presently shades the river edge along approximately 1,370 linear feet of river frontage. Much of the shaded area is in water less than -20 feet (Columbia River Datum). Areas less than -20 feet are especially productive with respect to salmon and trout food production.

Redevelopment of this site provides the opportunity for a significant improvement of the biological productivity of the river, by the removal of decrepit piers and their piling back to the existing seawall, and by creating the opportunity for further modifications to the shoreline as new development occurs. Demolition of existing structures is one of the first steps in allowing re-development of the site.

The potential detrimental impacts of this proposal relate to the process of demolition, and the management of that process – for example, the impact of debris and sediment entering the river, and the impact of in-water work. The applicant has provided a demolition plan that addresses these potential impacts as follows:

- Demolition will occur in steps to minimize potential for asphalt debris falling into the river. An excavator will be used to "peel back" the asphalt from the surface of the wharf before other demolition occurs.
- All of the equipment used to demolish the wharf will be land-based, and not located in the water.
- The exposed pilings will be removed one at a time by breaking them off at or below the mud line using a land-based crane. This is a standard procedure used by the Port of Portland in other locations. Complete removal of the creosote pilings was considered. To completely remove them it would be necessary to inject air at their base to break the suction that holds them into the mud. This option was rejected because the process might disturb long-buried sediments and possible toxic contaminants. In addition, retaining the buried portions of the piles helps stabilize the seawall that will remain.

- In addition to support piles, there are three large concrete firewalls spaced under the wharf. They extend at a right angle to the seawall (each is several feet thick, 25 feet high, and 80 to 100 feet long). Based on a recent survey of sediment elevations under the wharf, two of these walls should be completely out of the water during the summer months. Only one wall will be partially submerged. These walls are too large to be saw-cut, so they will have to be removed with a wrecking ball. For the wall that extends into the water, cables will be attached to the outer portions prior to breaking the wall up into sections — so that these large pieces can be dragged from the water and not left in the river channel.
- Work will be done during approved ODFW in-water work windows.
- To avoid potential spills, no fuel or lubricants will be stored within 300 feet of the river's edge during the demolition process.

In addition to these measures, the Bureau of Environmental Services (BES) provided additional comments related to the potential demolition impacts. BES stated that the applicant should also install a sediment curtain (or boom) around the wharf from bank to bank to capture as much sediment and floatable material as possible. Originally BES also requested that the applicant install a Sedimat of other geotextile fiber mat on the bottom of the work area and them removed following construction and properly disposed of. The intent of this requirement was to help capture materials that will settle out during construction. Upon further consideration of the proposal, it was determined that the extent of in-water work was relatively minor, and the expected impacts did not justify a requirement to install a Sedimat/geotextile fiber mat. BES did conclude, however, that the sediment curtain was still necessary to meet applicable erosion control requirements. As a result, BES suggests that Condition F in the original decision be reworded.

The Bureau of Environmental Services also suggested that the applicant be prepared with contingency plans in case any equipment or other toxic materials enter the waterway with this activity.

With the measures described above, the proposed demolition should not have any detrimental impact on the biological productivity of the river.

Protection from Wave/Wake Damage

The existing riverbank is protected from wave and wake damage either by a concrete sea wall or by rock riprap. No change in these existing bank protection facilities are planned as a result of the proposed demolition.

Impact on Boat Access/Navigation/Fishing/Boating Congestion

- The proposal will not interfere with boat access to adjacent properties on either the north or south ends of the property. After removal of the 3.1 acres of pile-supported decking, small boats will be able to access the area that is presently inaccessible due to the piles.
- The proposal will not interfere with commercial navigation use of the river. As discussed above, the removal of 3.1 acres of existing pile support decking will increase space for turning, transiting and passing.
- The proposal will not interfere with fishing use of the river. Fishing could occur in the area that is presently inaccessible due to densely spaced piling. Thus, some improvement in fishable area should result from the proposal.
- The proposal will not significantly add to recreational boating congestion. The additional river space provided by the removal of the 3.1 acres of pile-supported deck will provide more space for recreational boaters and help to alleviate congestion in the immediate vicinity of the proposed development.

Beach Access

The site includes 1,859 lineal feet of various edge conditions to the Willamette River. There are some narrow mud beaches present during low water conditions, but they have historically not been open to the public due to the marine terminal uses present on the site. The former industrial, storage and shipping uses of the site had resulted in a river frontage that was totally

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inaccessible to the public. Most of the shoreline at this location is inaccessible due to steep rip-rap embankments, the existing wharf, and a concrete seawall.

Redevelopment of this site provides a significant opportunity to create improved public access to the water. Demolition of existing structures is one of the first steps in allowing re-development of the site.

"Criterion G" Conclusions

For the reasons stated above, this criterion is met, subject to the condition that the proposed demolition take place as described, and in conformance with revised BES recommendations. As described above, a number of Best Management Practices must be carried out to address potential environmental impacts.

DEVELOPMENT STANDARDS

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

CONCLUSIONS

The applicant proposes to demolish an existing wharf on this site. This demolition is related to a proposal to re-develop this site for residential and mixed use development. The applicant's redevelopment proposal was the subject of a recent Subdivision and Greenway Review to establish a framework for future redevelopment. Demolition of existing marine terminal structures is one of the first steps in the redevelopment process.

As described in this revised report, and in the original decision, the proposed demolition meets the applicable greenway approval criteria. Many of the approval criteria and guidelines are not applicable, because demolition is the only activity proposed with this review.

The criteria that are applicable include criteria related to the biological impact of the proposed demolition. In general, demolition of the existing wharf is seen as a positive change in that it will remove a structure above an area of shallow water. Shallow water areas represent important habitat for threatened salmon and trout species. There is concern among fisheries scientists that the existence of docks over shallow water may create habitat for other fish that prey on salmon and trout. Removal of the wharf therefore provides a potential improvement in salmon/trout habitat.

One concern discussed above relates to construction management techniques used during the demolition process. The applicant has provided a detailed description of the demolition process. The relevant concerns can be addressed if the demolition occurs as proposed, and with conditions as recommended by the Bureau of Environmental Services (and revised with this notice).

REVISED ADMINISTRATIVE DECISION

Approval of Greenway Review to allow the demolition of an existing deck/wharf structure, in substantial conformance with Exhibit A.4 signed and dated March 25th, 2002, subject to the following conditions:

- A. A demolition permit is required. As part of the demolition permit application submittal, the following development-related conditions (B through G) must be noted on each of the required site plans or included as a sheet in the numbered set of plans. The sheet on which

5-9-02

this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LUR 01-00682 GW." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

- B. All work will be conducted during the approved Oregon Department of Fish and Wildlife (ODFW) work period for the Willamette River, unless otherwise approved by ODFW. The approved work periods are from December 1 to January 31 and from June 1 through October 31.
- C. Asphalt and concrete surfacing will be removed from the deck of the wharf prior to demolition of the underlying superstructure.
- D. Construction debris, concrete, asphalt, wood or other construction debris that fall into the river will be recovered/removed from the river as part of the demolition process.
- E. Concrete firewalls will be demolished as described in Exhibit A.4. The construction management details described on page 9 of Exhibit A.4 (item 4 under Section 2.4) shall be printed on the required Zoning Compliance Page.
- F. During the demolition process, a sediment curtain and boom shall be installed around the wharf from bank to bank to capture as much sediment and floatable material as possible.
- G. As part of the demolition permit application, the applicant shall submit contingency plans to the Bureau of Environmental Services describing actions that will be taken in the event any equipment or other toxic materials enter the waterway during the demolition process. The contingency plans must receive BES approval prior issuance of the required demolition permit.

Staff Planner: Eric Engstrom

Revised Decision rendered by: Susan Feldman on April 18, 2002

Revised Decision filed April 19th, 2002. Decision mailed April 19th, 2002.

This application was determined to be complete on November 8th, 2001, but additional details were provided by the applicant with additional submittals on February 4th and March 14th, 2002.

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 Office of Planning and Development Review has independently reviewed the information submitted by the applicant and has included this information only where the Office of Planning and Development Review has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Office of Planning and Development Review with input from other City and public agencies.

Appealing this decision. This revision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed by **4:30 PM on May 3rd, 2002** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fourth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. Recognized neighborhood associations and low-income individuals appealing a decision for their personal residence may qualify for an appeal fee waiver. Assistance in filing the appeal and information on fee waivers is available from OPDR in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing your appeal; please allow 3 working days for fee waiver approval. Fee waivers for neighborhood associations require a vote of the authorized body of your association. Please see the appeal form for additional information.

5-9-02

RECORDING SHEET COUNTY RECORDER'S COPY

LAND USE REVIEW APPLICANT

Your LUR decision may be recorded on or after: October 12, 2002
You must record your decision on or after this date, as required by the Portland Zoning Code.

If you would like to record by mail, please send:

- The two recording documents and attached decision.
- A check payable to: Multnomah County Recorder in the amount of: \$ 91.00
(*\$16 for recording sheet, \$5 per page of decision, each side if 2-sided*)
- A self-addressed, stamped envelope.

Mail to: Multnomah County Recorder, PO Box 5007, Portland OR 97208

FOR MULTNOMAH COUNTY RECORDER USE ONLY

Please stamp the Applicant's copy of the recording sheet and give to the applicant.

Please stamp the County Recorder's copy of the recording sheet and return with attached decision to:

City of Portland, OPDR
299/4500/OPDR LUR

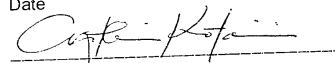
Recorded in the County of Multnomah, Oregon
C. Swick, Deputy Clerk
Total : 91.00
2002-185480 10/16/2002 11:58:16am ATKLM
A77 16 REC DOR OLIS
80.00 10.00 1.00

I hereby certify Land Use Review Document, No. LU 02-126821 GW EF
to be a complete and exact copy of the original as the same appears on file and of record in my office and in my care and custody.

Susan Feldman, Principal Planner
City of Portland
Office of Planning & Development Review
1900 SW Fourth Ave, #4500
Portland, OR 97201

10/8/02

Date



Representative

THIS DOCUMENT IS FOR THE COUNTY RECORDER

County Recorders Recording Sheet 10/16/01

16

10-16-02



**Office of Planning
and
Development Review**
Land Use Review Division

1900 SW Fourth Ave. Suite 5000
Portland, Oregon 97201
Telephone: 503-823-7300
TDD: 503-823-6868
FAX: 503-823-5630
www.opdr.ci.portland.or.us

Date: September 27, 2002
To: Interested Person
From: Eric Engstrom, Land Use Review Section
503-823-0977

**NOTICE OF A TYPE II DECISION ON A PROPOSAL IN
YOUR NEIGHBORHOOD**

The Office of Planning and Development Review has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 02-126821 GW EF

GENERAL INFORMATION

Applicant Info: Tim Ralston, Riverscape LLC (Property Owner, Applicant)
931 SW King Avenue
Portland, OR 97201
(503) 221-5343

Bill Bach, Port of Portland (Property Owner)
121 NW Everett Street
Portland, OR 97209
(503) 944-7254

Representatives: Jeff Bachrach, Ramis Crew Corrigan & Bachrach (Attorney)
1727 NW Hoyt Street
Portland, OR 97209
(503) 222-4402

Larry Porter, The Porter Company, Inc. (Consultant)
5510 SW Dover Loop
Portland, OR 97225
(503) 977-0497

Site Address: 2100 WI/NW Front Avenue

Legal Description: Lots 11 through 20 of the River Block of Watson's Addition (Tax Lots 100, 101, 102, 300, 301, 302); Lots 21 through 25 of River Block 2, Doscher's Addition (Tax Lots 200, 201, 202); Sherlock's Addn., Block 37, portions of Lots 2 through 12 (Tax Lot 100).

Tax Account No.: R215000010, R766004290, R883803920, R883804040, R883803930, R883803940, R883804050, R883804060, R215000030, R215000050

State ID No.: 1N1E28DB 00200, 1N1E28DB 00100, 1N1E28DD 00100, 1N1E28D 00300, 1N1E28DD 00101, 1N1E28DD 00102, 1N1E28D 00301, 1N1E28D 00302, 1N1E28DB 00201,

IN1E28DB 00202

- Quarter Section:** 2828
- Neighborhoods:** Northwest District Association, contact John Bradley at (503) 227-7484
- Within 1000'** Pearl District, contact Patricia Gardner at 503-827-0505.
Overlook, contact Jerry Lindsey at 503-281-5765..
Eliot, contact Pauline Bradford at (503) 281-6635.
- Business Districts:** Northwest Industrial NA, contact Kent Studebaker at (503) 227-6638
- Within 1000'** Nob Hill Business Association, Libby Hartung at (503) 226-0363
Pearl District Business Association, Todd Breslau at (503) 227-3400
Lower Albina Council, Kurt Widmer at (503) 331-7241.
- District Coalition:** Neighbors West/Northwest (W/NW), contact David Alred at (503) 223-3331
- Zoning:** RX dg (High density multi-dwelling zone with Design and River General Greenway overlay zones)

Central City Plan District, River District Subdistrict
Recreational Trail Designation
- Case Type:** GW, EF, AD (Greenway Review with concurrent Excavation and Fill Review, and Zoning Code Adjustment)
- Procedure:** Type II Procedure, an administrative decision with possible appeal to the Land Use Hearings Officer

Proposal: The subject property consists of 15.66 acres located along the west bank of the Willamette River between the Fremont Bridge and a small inlet about ¼ of a mile northwest of the bridge. The property is commonly referred to as Terminal One South. Historically this site has been used as a marine terminal.

The applicant proposes to carry out mass excavation and grading on the site, in preparation for future development. The proposed work includes the excavation of approximately 2,750 cubic yards of material, and the placement of approximately 5,500 cubic yards of fill. Included within the proposed fill will be approximately 2,750 cubic yards of crushed concrete generated from demolition activities on the site. The applicant plans to eventually develop the site with high-density residential development with some commercial or mixed-use components (the development of buildings on the site is not proposed with this land use review).

Four recent Land Use Reviews are also associated with this site. LUR 01-00618 SU GW approved a tentative plan for a 12-lot phased subdivision on the site - though no Final Plat has been submitted for City review. LUR 01-00682 GW approved demolition of the existing wharf on the river-facing portion of the site. LU 02-126821 GW EF and LU 02-135500 GW EF approved excavation and fill related to the removal of contaminated soils from a portion of the site. The proposed general site grading work would follow the previously approved demolition and soil cleanup activities.

Excavations and fills in residential zones that are over 1,000 cubic yards require Excavation and Fill Review. Greenway Review is required because the site is located in the Greenway overlay zone.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33:

- 33.440.350 (Greenway Approval Criteria, including the applicable
- 33.830.050 (Excavation and Fill Approval Criteria)

10-16-02

Willamette Greenway Design
Guidelines)

This application was determined to be complete on June 28, 2002.

ANALYSIS

Site and Vicinity: The site abuts the Willamette River immediately downstream of the Fremont Bridge (Interstate 405). The property is 300 to 450 feet deep, and about 1,850 feet long. With the exception of the riverbank, the site is relatively flat, with elevations ranging from 29 to 35 feet above sea level (NGVD). The 100-year floodplain elevation at this point in the Willamette River is 28.3 feet above sea level (NGVD). The ordinary high water line is approximately 17 feet above sea level (NGVD).

There were a variety of existing port-oriented improvements on the upland portion of the site, including several railroad spurs, several large warehouses, and a water tower. Demolition of these improvements is underway. Most of the site is paved. There is a large concrete pier extending into the river from the northern corner of the site. In the cove northwest of the site is a floating dock used by the Sheriff's office. There are several large-diameter sewer and stormwater outfall pipes that cross the site in easements.

Immediately southeast of the site is the Fremont Bridge. Traffic lanes of the bridge are elevated about 125 to 175 feet above the ground surface. Beyond the bridge is an office complex with a parking lot. A short segment of completed greenway trail ends at the bridge. To the northwest of the site is another Port of Portland terminal, with a large wharf and several warehouses. Beyond the Port of Portland facilities, the neighborhood to the west of this site is an Industrial Sanctuary (zoned IH). Across the river to the northeast is the Overlook Bluff and the Albina Yards - a large regionally-important railroad switching yard. To the south of the site is an area of industrial warehouses, offices, and industrial buildings, with a more traditional 200-foot by 200-foot block pattern. To the southeast of the site is a large area where a former rail yard is being redeveloped for mixed use and high density residential uses (the River District).

Zoning: The site is zoned RXdg - High Density Residential, with a Design and Greenway General overlay. The site is within the River District subarea of the Central City Plan District. There is also a public recreational trail designation on the site.

The **RX Zone** is a high-density multi-dwelling zone. Allowed housing developments are characterized by a very high percentage of building coverage. The major types of new housing development will be medium and high rise apartments and condominiums, often with allowed retail, institutional, or other service oriented uses. Generally, RX zones will be located near the center of the city where transit is readily available and where commercial and employment opportunities are nearby. RX zones will usually be applied in combination with the Central City Plan District.

The **Design Overlay Zone** promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review or compliance with the Community Design Standards. In addition, Design Review or compliance with the Community Design Standards ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

The **Greenway** regulations are intended to:

- Protect, conserve, enhance, and maintain the natural, scenic, historical, economic, and recreational qualities of lands along Portland's rivers;
- Establish criteria, standards, and procedures for the development of land, change of uses, and the intensification of uses within the greenway;

- Increase public access to and along the Willamette River for the purpose of increasing recreational opportunities, providing emergency vehicle access, assisting in flood protection and control, providing connections to other transportation systems, and helping to create a pleasant, aesthetically pleasing urban environment; and
- Implement the City's Willamette Greenway responsibilities as required by ORS 390.310 to 390.368.

The Public Recreational Trail requirements are intended to:

- Increase recreational opportunities within the City of Portland and connect these recreational opportunities with a regional recreational trail system;
- Increase public access along the Willamette River and to other significant natural resource areas;
- Provide emergency vehicle access;
- Provide access to increase public safety;
- Assist in flood protection and control;
- Assist in shoreline anchoring;
- Support alternative modes of transportation;
- Provide connections to other transportation systems;
- Implement the City's Comprehensive Plan policies regarding public recreational trails;
- Help create a pleasant, aesthetically pleasing urban environment; and
- Provide consistent standards for trail development.

The Central City Plan District implements the Central City Plan and other plans applicable to the Central City area. These other plans include the Downtown Plan, the River District Plan, the University District Plan, and the Downtown Parking and Circulation Policy. The Central City Plan District implements portions of these plans by adding code provisions which address special circumstances existing in the Central City area.

Land Use History: City records indicate that prior land use reviews include the following:

02-116179 GW EF and LU 02-135500 GW EF
Greenway and excavation/fill reviews to approve environmental cleanup activities (removal of contaminated soil from the site).

01-00682 GW
A greenway review approved demolition of the large wharf located along the river-facing edge of the site. Demolition activities are underway.

01-00618 SU GW
A subdivision proposal with concurrent greenway review was submitted in September of 2001. That subdivision would divide the site into 12 lots, with several new public streets. The preliminary subdivision approval was granted by the Hearings Officer on January 4th, 2002. An appeal was filed, but City Council upheld the decision in a public hearing on February 14th, 2002.

A number of requirements (conditions of approval) were attached to City Council's approval of the preliminary subdivision plan (LUR 01-00618). One condition of approval (C.4) requires the applicant to install ground improvements to stabilize the ground on this site to mitigate seismic hazards (liquefaction danger during an earthquake). Within each phase of the development, these ground improvements must be made prior to any other development, unless otherwise approved by the Site Development Section of OPDR.

01-00521 GW
A 2001 Greenway Review approved construction of the West Side Combined Sewer Overflow (CSO) tunnel and pipeline project. The CSO Pipe is a 14-foot diameter below-grade tunnel connecting from SW Clay Street along Front Avenue to the Swan Island Pump Station. The tunnel is designed to capture sewage overflows from Portland combined sewers and direct that overflow to treatment facilities. The project is mandated by The Oregon Department of

Environmental Quality (DEQ). The CSO tunnel will be located under NW Front Avenue, and impacts the site in two places:

- About 150 feet northwest of NW 17th Avenue intersection OPDR-approved plans show an access shaft (manhole). All construction related to this shaft will be within the right-of-way.
- Just northwest of the Fremont Bridge will be the Fremont Conduit Diversion, a vertical drop structure, and a series of connected pipes and manholes.

There are no conditions of approval from the CSO project review that would impact the present proposal.

99-00995 GW and 01-00111 AD

Two recent land use reviews were related to a proposal to locate kitchen support facilities for a boat moorage located on another portion of the same site. These cases were withdrawn.

98-01041 DZ

A 1998 Design Review approved partial demolition of several warehouses on the site. Design Review was required because the demolitions were only partial. The new exterior walls on several of the buildings were required to be finished to match existing exterior surfaces. These buildings will be completely removed with redevelopment of this site.

D 37-81

An additional 3.5 feet of right-of-way was dedicated to NW Front Avenue in 1981. There were no conditions associated with this approval.

CU 100-75 and CU 75-71

Two land use reviews for excavation and fill were approved within the site in 1971 and 1975. There are no other records or specific plans related to these cases on file with the City.

ZC 4684

There is a record of a Zone Change review covering a large area of West Portland, including this site. No additional documentation of this case is available.

Agency Review: The following Bureaus have responded with no issues or concerns:

- Bureau of Transportation Engineering
- Water Bureau
- Fire Bureau

Portland Parks and Recreation Urban Forestry Division provided comments regarding street trees, which will be required with street construction and development of the site. See Exhibit E.6 for details.

The **Bureau of Environmental Services (BES)** responded with several comments.

- BES notes that additional public works permits will be required to install infrastructure. BES also notes that they will not issue the applicable public works permits until the seismic related ground improvements are addressed to the satisfaction of OPDR.
- Additional comments were provided by the Source Control Section of BES, concerning discharge of stormwater, construction dewatering, and DEQ permitting.

Please see Exhibit E-1 for additional details.

The **Site Development Section of OPDR** provided comments regarding geotechnical concerns. Please see Exhibit E.4 for additional details.

The Oregon Department of Fish and Wildlife (ODFW) provided comments regarding riparian restoration and enhancement. See Exhibit E.7 for details.

- ODFW has commented on this project due to the proximity of the site to the Willamette River, which is a significant wildlife resource – particularly for fish rearing and migration.
- ODFW requests that the riparian buffer at least 75 feet wide within this site be restored to include a buffer of native vegetation along the river.
- ODFW suggests that concrete materials should not be placed within the riparian area.
- ODFW staff are available to provide technical review of grading and planting plans.
- Stormwater that will be directed to the Willamette River should be subject to appropriate management prior to discharge.

Staff Response: As discussed in the "Land Use History" section of this report, there have been several previous land use reviews that have impacted this site. LUR 01-00618 SU GW established the basic framework for development of the site by approving the division of the site into 12 separate lots, and establishing a network of pedestrian easements and public streets that will serve future development. That review also established a framework for designing and installing greenway improvements, including recreational trails and landscaping. No specific trail or riparian landscape design has been approved at this point, however.

As development is proposed on each lot, that development will be subject to additional greenway and design review to establish final landscaping plans. City Council's decision for LUR 01-00618 established specific guidelines that will be used to establish the final location/design of riverfront trails. The applicant has preliminarily proposed a 50-foot setback area, with existing concrete seawalls to remain. This design, however, is not final. The proposed grading contemplated with this review will not preclude riparian revegetation. The Portland Zoning Code has specific landscaping standards that must be met within the greenway setback area as the site develops.

Neighborhood Review: A "Notice of Proposal in Your Neighborhood" was mailed on June 28th, 2002. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Greenway Review

33.440.310 Where Greenway Review Applies

Unless exempted in 33.440.320 below, the following items are subject to greenway review:

- A. New development;
- B. Exterior alterations to development, including the removal of trees and shrubs and the application of herbicides;
- C. A change of use or development within or riverward of the greenway setback, where the use or development is no longer river-dependent or river-related;
- D. Changes to the land and structures in the water, including excavations and fills, bridges, and docks; and
- E. The dedication or extension of rights-of-way and any new development or improvements in rights-of-way when within the River Natural zone or within or riverward of the greenway setback.

Findings: Grading, excavation, and fill activities are considered exterior alterations, and changes to the land (identified under paragraphs B and E above). Therefore, Greenway Review is required.

33.440.320 Exemptions from Greenway Review

Greenway review is not required for any of the situations listed below. The situations listed below are still subject to the Greenway development standards. The situations are:

- A. As illustrated in Figure 440-2, alterations to development in the River Industrial zone that are outside of the areas listed below:
1. The greenway setback;
 2. Riverward of the greenway setback;
 3. Within 50 feet landward of the greenway setback; or
 4. Within 50 feet of River Natural zoned land;
- B. Alterations to development landward of the greenway setback when not in or within 50 feet of River Natural zoned land, that either do not require a building permit or are valued at less than \$25,000;
- C. Changes to the interior of a building where there are no exterior alterations;
- D. Development of or changes to the greenway trail or access paths provided that all development standards including the standards of 33.272, Recreational Trails, are met. Development of or changes in a viewpoint or view corridor, as indicated on Map 440-1, will require greenway review;
- E. Activities allowed by the base zone which are usual and necessary for the use and enjoyment of an existing house, including the modification of existing accessory structures or facilities, and the construction of driveways;
- F. Excavations and fills under 50 cubic yards;
- G. The normal maintenance and repair necessary for an existing development;
- H. Dredging, channel maintenance, and the removal of gravel from rivers;
- I. Emergency procedures necessary for the safety or protection of property;
- J. The placement of up to 4 single piles, or 2 multiple-pile dolphins for each 100 feet of shoreline for an existing river-dependent or river-related use;
- K. Signs; and
- L. Removal of vegetation identified as nuisance plants on the Portland Plant List.

Findings: The site is not within the River Industrial zone. Grading, excavation, and fill activities require Site Development permits, and the proposed development is valued at more than \$25,000. The proposed activity is not an activity that is "usual or necessary for the enjoyment of an existing home". The proposed activity is not considered a change to the interior of a building. The proposed excavation/fill is over 50 cubic yards. The proposed work is not considered dredging, normal maintenance and repair, or an emergency procedure. New piles will not be placed within the river with this proposal. No signs are proposed. The proposed work does not involve removal of nuisance vegetation - as there is no significant vegetation on this site.

The proposed work does not fit within any of the above-described exemptions. Therefore, Greenway Review is required.

33.440.350 Greenway Approval Criteria

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

Findings: Each criterion is discussed below.

- B. **For all greenway reviews.** The Willamette Greenway Design Guidelines must be met for all greenway reviews.

Findings: There are 8 design guidelines, as follows:

- A - Relationship of Structures to the Greenway Setback Area;
- B - Public Access;
- C - Natural Riverbank and Riparian Habitat;
- D - Riverbank Stabilization;
- E - Landscape Treatments;
- F - Alignment of the Greenway Trail;

G – Viewpoints; and
H – View Corridors.

Each of these guidelines is discussed below.

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

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

Findings: This application relates to site preparation, demolition, grading, excavation, and fill within the site. No new structures are proposed with this application. Therefore, this guideline is not applicable.

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

Findings: This application relates to site preparation, demolition, grading, excavation, and fill within the site. No other new development or pedestrian circulation systems are proposed or required. This site was subject to a separate subdivision application (LUR 01-00618 SU GW) that established the framework for future development of the site. This issue will be addressed with future land use reviews that will be required prior to the full development of the site. Therefore, this guideline is not applicable to this review.

Issue C. Natural Riverbank and Riparian Habitat: This issue *“applies to situations where the river bank is in a natural state, or has significant wildlife habitat, as determined by the wildlife habitat inventory.”* These guidelines call for the preservation and enhancement of natural banks and areas with riparian habitat.

Findings: The riverbank at this location is not in a natural state. This site is identified as Site 15.11a and 15.11b within the Lower Willamette River Wildlife Habitat Inventory. This area received a “Rank V” designation due to low wildlife habitat values and because the site was dominated by heavy industrial marine terminal uses, and because the shoreline is significantly modified with wharves, piers, and engineered rock embankments. This guideline is not directly applicable to this site.

Issue D. Riverbank Stabilization Treatments: This issue *“applies to all applications for Greenway Approval.”* This guideline promotes bank treatments for upland developments that conserve riparian habitat to the maximum extent practical.

Findings: This application relates to site preparation, demolition, grading, excavation, and fill within the site. No new riverbank stabilization treatments are proposed or required at this time. This site was subject to a separate subdivision application (LUR 01-00618 SU GW) that established the framework for future development of the site. The applicant has not proposed any change to the river bank with this application. Therefore, this guideline is not applicable to this review.

Issue E. Landscape Treatments: This issue *“applies to all applications for Greenway Approval which are subject to the landscape requirements of the Greenway chapter of Title 33 Planning and Zoning of the Portland Municipal Code.”* These guidelines call for landscaping treatments which create a balance between the needs of both human and wildlife populations.

These guidelines call for landscaping treatments which create a balance between the needs of both human and wildlife populations:

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

Findings: This application relates to site preparation, demolition, grading, excavation, and fill within the site. The attached plans illustrate the portions of the site where work will occur.

Code Requirements

Section 33.440.200 (Application of Greenway development Standards) states that "changes to the land or development" are subject to the greenway development standards, which include landscaping requirements. Although the subdivision approval generally envisions that landscaping would occur in conjunction with the development of buildings and other improvements on the site, the Zoning Code technically requires that landscaping occur with any change in the land. The grading plan proposed with this application constitutes a change in the land. Therefore, the proposed work would normally trigger greenway setback landscaping.

The greenway landscaping standards are found in section 33.440.230 of the Zoning Code. Those standards would specify the following landscaping in this context:

- One tree every 20 feet of river frontage;
- One shrub per 25 square feet of land riverward of the greenway setback; and
- Remaining areas riverward of the greenway setback must be vegetated with groundcovers;

This greenway review would normally consider the configuration of those plantings.

Context of the Proposed Work

This site was recently subject to a separate subdivision application (LUR 01-00618 SU GW) that sets in motion the framework for future development of the site. As part of the subdivision review, the purchaser of this site (Riverscape LLC) submitted a preliminary greenway planting plan showing the conceptual location of future plantings. That review, however, did not result in final approval of the landscape plans presented. The conceptual plans were reviewed during the subdivision review to determine general feasibility of the subdivision layout - rather than the specific feasibility of the planting plans submitted. During that review process, the Hearings Officer found that the landscaping proposed by Riverscape LLC can meet the requirements of this guideline. Council agreed with the Hearings Officer on appeal.

The Hearings Officer and City Council's recent decision on Riverscape LLC's subdivision proposal is relevant to the present review because it provides context for the eventual planned use of this site. The present review is occurring in order to consider one action within a series of actions leading to the full development of this site. The site preparation work proposed by the applicant is necessary before the site can be developed for residential uses.

Consideration of Guideline E

OPDR planning staff have advised both Riverscape LLC and the Port of Portland that a strict reading of the Zoning Code would require that greenway plantings be installed in conjunction

with site preparation. Having said that, however, planning staff recognize that planting at this stage in the development process may not be appropriate, for several reasons:

- This guideline states that landscape plantings should create an environment which recognizes both wildlife and human use. In order to design landscaping on the site that recognizes human use, it would be preferable to design that landscaping in conjunction with the design of the buildings and walkways that will eventually be built here.
- The guideline states that landscaping should provide for an adequate transition between upland and riparian areas. Given that the specific development designs of the abutting upland areas have not yet been reviewed, the present review does not provide adequate context to determine if that objective is met.

Greenway Planting Exceptions

The greenway setback landscaping standards include an exception that allows OPDR to waive planting requirements where it is found that they would substantially interfere with river-dependant or river-related use or development.

Conclusions

The proposed site preparation work is related to the decommissioning of the Port facilities that have stood on this site for many years. In addition, greenway trail planning is underway for this site, in connection with the subdivision review and final plat review process. The greenway trail is defined as river-related in the Zoning Code. Planting vegetation on the site at this time would substantially interfere with the future greenway trail corridor - because specific plans for the greenway corridor on this site are in the process of being developed, but are not complete. Further greenway trail planning is required, as outlined in the City Council order approving the tentative subdivision plan for this site. It would be inappropriate to require plantings until the specific greenway plans for the site are finalized as envisioned in the recent subdivision decision. Therefore, OPDR may waive compliance with 33.440.230 in this situation, for the proposed site preparation work. Landscaping standards will apply to subsequent development activity once the required greenway plans for the anticipated development have been approved.

This guideline is met, for the reasons explained above. The decision in this case will include a statement that the standards of 33.440.230 are waived for purposes of this specific site preparation project.

Issue F. Alignment of Greenway Trail: This issue *"applies to all applications for Greenway Approval with Greenway Trail shown on the property in the Willamette Greenway Plan."* These guidelines give direction in the proper alignment of the greenway trail and call for consideration of habitat protection, the physical features of the site and the necessity of maintaining year-round use of the trail.

Findings: This application relates to site preparation, demolition, grading, excavation, and fill within the site. This site was subject to a separate subdivision application (LUR 01-00618 SU GW) that established the framework for future development of the site, including dedication of required greenway trail easements on this site. Greenway trail dedication within this site was made a condition of approval of that separate land use review, LUR 01-00618 SU GW. Provided the greenway trail dedication is provided as set forth in LUR 01-00618 SU GW, this criterion will be met.

In addition, it should be noted that there is no impact from the proposed site preparation activity that would logically lead to a need for a trail dedication at this time (i.e. there is no legal nexus, and any such requirement would not be proportional to the impact of the proposed work). As a result, outside of the subdivision process occurring on this site, no trail can be required as a result of the proposed activity.

Issue G. Viewpoints: This issue *"applies to all applications for Greenway Approval with a public viewpoint shown on the property in the Willamette Greenway Plan and for all applications proposing to*

locate a viewpoint on the property". These guidelines provide direction about the features and design of viewpoints, as required at specific locations.

Findings: This application relates to site preparation, demolition, grading, excavation, and fill within the site. This site was subject to a separate subdivision application (LUR 01-00618 SU GW) that established the framework for future development of the site, including dedication of required greenway trail easements on this site. A public viewpoint is identified in the Greenway Plan abutting this site – under the Fremont Bridge, adjacent to Lot 1 of the approved subdivision. A Greenway Review and Design Review will be required for development of buildings within the site – and will include consideration of the relationship of those structures to the abutting viewpoint. Because greenway trail dedication within this site was already made a condition of approval of a separate land use review, and because no other new development is proposed at this time that would generate a need for a trail, this guideline is not applicable to this review.

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

Findings: The Willamette Greenway Plan does not include a designated view corridor from or across this property. This issue is not applicable.

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

Findings: This site is not within the River Industrial Zone. This criterion is not applicable.

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

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

Findings: This site is not within the River Natural Zone, or within 50 feet of a River Natural Zone. These criteria are not applicable.

E. Development within the greenway setback. The applicant must show that the proposed development or fill within the greenway setback will not have a significant detrimental environmental impact on Rank I and II wildlife habitat areas on the riverbank. Habitat rankings are found in the Lower Willamette River Wildlife Habitat Inventory.

Findings: This site does not contain or abut any Rank I or Rank II wildlife habitat areas on the riverbank. This criterion is not applicable.

G. Development riverward of the greenway setback. The applicant must show that the proposed development or fill riverward of the greenway setback will comply with all

of the following criteria:

1. The proposal will not result in the significant loss of biological productivity in the river;
2. The riverbank will be protected from wave and wake damage;
3. The proposal will not:
 - a. Restrict boat access to adjacent properties;
 - b. Interfere with the commercial navigational use of the river, including transiting, turning, passing, and berthing movements;
 - c. Interfere with fishing use of the river;
 - d. Significantly add to recreational boating congestion; and
4. The request will not significantly interfere with beaches that are open to the public.

Findings: No excavation, grading, or fill activities are proposed at this time within the water or on the banks of the river. Erosion control measures will be implemented throughout the site to ensure soil from the site does not erode into either the adjacent street, adjacent properties, or the river (see Erosion Control and De-watering Plans, sheets 7 and 8).

The existing river bank is protected from wave or wake damage either by a concrete sea wall or by rock riprap. No change in these existing bank configurations is proposed at this time.

The proposal will not interfere with boat access, navigation, or fishing - because no work is proposed within the river or on the river bank. Erosion control plans will ensure that fisheries resources will not be impacted by the proposed grading.

There are no public beaches within this site.

Therefore, the above-listed criteria have been met.

Excavation and Fill Review

33.830.010 Purpose

The regulations of this chapter are designed to ensure that excavations and fills:

- Will not cause any nuisance or safety problems or loss of development potential in residential and open space areas; and
- Will not have a significant negative impact on any natural resource values in these areas.

The technical and engineering concerns for excavations and fills are addressed by other Bureaus as part of the building permit process.

33.830.050 Approval Criteria

Requests for excavations and fills review will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

- A. Potential on-site or off-site safety hazards will be mitigated, through the use of fencing or other measures;

Findings: The site is gated and fenced to prevent unauthorized entry. As noted in the "Land Use History" section of this report, this site is subject to ongoing environmental cleanup activities to remove contaminated soil from portions of the site. Because the proposed grading would occur in areas that contain contaminated soil, there would be a potential safety hazard unless environmental cleanup is completed first. A condition of approval is required to ensure all cleanup activity has been completed before grading occurs within the contaminated areas. With this condition, potential on-site hazards are mitigated. This criterion is met.

B. The hours and total duration of operation will be limited to reduce the impacts on the neighborhood:

Findings: Surrounding uses are primarily industrial and commercial in nature. Existing residential uses are over ½ mile away. Excavation and fill activities will occur during normal business hours, and in conformance with Title 18, Noise Control. This criterion can be met, with the condition that relevant noise control requirements are met (Title 18 of Portland City Code).

C. Off-site dust and dirt will be kept to a reasonable minimum;

Findings: As noted in the proposed Erosion Control and Dewatering Plan (Sheets 7 and 8), measures will be taken to reduce erosion that might occur as a result of remedial activities. Depending on weather conditions, dust is possible. Water will be applied to dampen soil if necessary to control dust. Adjacent roadway surfaces with tracked soil will be promptly cleaned. During the construction period, all erosion control facilities will be inspected daily. This criterion can met, with the condition that the applicant obtains a Site Development Permit and complies with relevant Erosion and Sediment Control Regulations (Title 10 of Portland City Code).

D. The final contours and surface condition of the site will not preclude future development for uses allowed in the base zone; and

Findings: This site was subject to a separate subdivision application (LUR 01-00618 SU GW) that established the framework for future development of the site. The approved tentative subdivision plan envisions 12 lots within this site, to be accessed via a grid of public streets, pedestrian walkways, and a greenway trail. The proposed grading plan generally corresponds to the area that will become a public street if the approved tentative subdivision plan received final plat approval. The Portland Office of Transportation (PDOT) has reviewed the proposed grading and has no objections. The proposed grading will establish rough grades for the proposed public streets. Final street improvements will be subject to additional permit review by PDOT.

The Site Development Section of OPDR has reviewed the proposed grading plan and commented that the subdivision approval for this site requires the applicant (as a condition of approval) to carry out ground improvements based on the recommendations of a geotechnical report prepared by GRI (Exhibit G.4). This issue was discussed in the "Land Use History" section of this report. The condition of approval adopted by City Council required installation of ground improvements within each phase of the subdivision before any other development within that phase, unless otherwise approved by the Site Development Section.

The required ground improvements were described during the subdivision review as subsurface stone columns. They were to be installed on a portion of the site to address seismic hazards - particularly the danger of soil liquefaction during an earthquake, and the possibility of lateral soil movement resulting from that liquefaction. According to the site Development Section, the process of installing these subsurface improvements can cause significant localized vibration and possibly some settling. As a result, the Site Development Section believes that the timing/sequencing of the required ground improvements must be closely coordinated with the timing/sequencing of other site improvements. There is a concern that as more improvements are constructed on the site, it will become impractical to install the necessary ground improvements. If sewer and water infrastructure were installed before the necessary ground improvements, there is a concern that those facilities would be damaged during the subsequent ground improvement work.

The applicant has submitted additional geotechnical analysis to the Site Development Section of OPDR (Exhibit G.5, Supplemental Geotechnical Engineering Report, Dated September 16, 2002, GeoPacific Engineering, Inc). That report includes a recommendation that grading can safely proceed at this time, and that the grading will not preclude or significantly complicate later installation of the required ground improvements. The Site Development Section is currently reviewing the GeoPacific report. Site Development staff have stated that some site preparation work will most likely be feasible prior to installation of the ground improvements. Site Development staff recommend that this land use review be approved, provided that an initial

technical review of the GeoPacific report is completed before grading permits are issued. Based on that technical review, Site Development staff anticipate being able to reach an agreement with the applicant concerning the planned timing of required ground improvements. To address this issue, Site Development staff suggest conditions of approval consistent with the geotechnical requirements imposed by City Council with the preliminary subdivision approval. With these conditions carried forward, this criterion can be met.

E. Disruptions to the natural drainage pattern will be mitigated, and will not result in mud or sediment entering the City's stormwater disposal system, rivers, creeks, sloughs, or other identified waterbodies.

Findings: The site is paved with concrete and asphalt. There is little or no vegetation present. There will be no significant disruption of natural drainage patterns on the site. The proposed activities are subject to the requirements of the City's Erosion and Sediment Control Manual (per Title 10). Erosion control measures will include inlet protection, silt fencing or compost berms, a gravel construction entrance, a sedimentation pond, an infiltration basin, and post-construction hydroseeding. This criterion can be met, with the condition that the applicant obtains a Site Development Permit and complies with relevant Erosion and Sediment Control Regulations (Title 10 of Portland City Code).

DEVELOPMENT STANDARDS

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

CONCLUSIONS

The applicant proposes to carry out demolition, mass grading, excavation, and fill in preparation for the eventual development of streets, infrastructure, and buildings.

A redevelopment proposal was the subject of a recent Subdivision and Greenway Review to establish a framework for future redevelopment of this site (LUR 01-00618 SU GW). Permits have already been issued for the demolition of existing buildings on the site, and for removal of contaminated soil. In addition, a Greenway Review has been approved for demolition of the large wharf on the river-facing edge of the site.

As described in this report, the proposed activity meets the applicable Greenway Review and Excavation/Fill Review approval criteria. Many of the approval criteria and guidelines are not applicable.

The landscaping requirements of 33.440.230 will not be applied to the proposed site preparation work, based on a finding that such landscaping would substantially interfere with the greenway corridor planning process that is underway for this site. This finding is made based on the Willamette Greenway Design Guidelines. Guideline E provides a basis for concluding that planting at this time would not be appropriate given that site planning for the expected subdivision is still underway. This issue is discussed in detail on page 9 of this report.

Conditions of approval require that:

- The applicant obtain necessary City permits and comply with relevant sections of the Erosion and Sediment Control Code, and Noise Control Codes applicable to construction activities (Titles 10 and 18);

- Environmental cleanup work be completed before the proposed grading is allowed on contaminated portions of the site; and
- Ground Improvement work related to the future development of this site proceed in a timely manner.

With these conditions, the proposed site preparation work should be approved.

ADMINISTRATIVE DECISION

Approval of a Greenway Review and an Excavation/Fill Review to allow demolition, mass grading, excavation, and fill on the site. Approved work is shown on Exhibits C.3 through C.9, signed and dated September 25, 2002. Approval is subject to conditions A through D below.

The landscaping requirements of 33.440.230 shall not apply to the proposed site preparation work.

- A. The applicant must obtain a Site Development Permit. A note shall be printed on all drawings submitted for permit approval stating that **"This permit is subject to the conditions imposed by The City of Portland in Case File No. LU 02-126821 GW EF"**
- B. Final erosion control plans must comply with all relevant provisions of Title 10 of Portland City Code (Erosion and Sediment Control Regulations). Approved activities must be carried out in conformance with Title 18 of Portland City Code (Noise Control).
- C. Within each of the contaminated soil areas identified on Exhibit C.5, the proposed grading, excavations, or fills may not occur until such time as: (1) soil removal activities described in the DEQ-approved Removal Action Plan for that area has been completed; (2) a corresponding Final Removal Action Report has been submitted to and accepted by DEQ (or equivalent documentation has been provided showing that no further action is required by DEQ in that area) and; (3) applicable City permits for the work described in the Removal Action Plan for that area has received final inspection approval by the City. Temporary fencing must be used to separate the proposed excavation, grading, and fill activities from the contaminated soil areas until the actions described in (1), (2), and (3) above have occurred.
- D. Ground improvements necessary to stabilize the site must be carried out in conformance with Condition C of LUR 01-00618 SU GW. Consistent with that condition, the Site Development Section of OPDR may allow the proposed site preparation, excavation, and fill to proceed prior to the installation of ground improvements provided that (1) based on technical review it is determined that the proposed work can be safely carried out in a manner that will not interfere with the feasibility of installing the required ground improvements and (2) unless otherwise approved by the Site Development Section, the applicant provides a performance guarantee and agreement for the ground improvements. The agreement shall specify the timing of the ground improvements.

Staff Planner: Eric Engstrom

Decision rendered by: Susan Feldman on September 25, 2002

Decision filed September 26, 2002;

Decision mailed September 27, 2002

This application was determined to be complete on June 28th, 2002.

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 Office of Planning and Development Review has independently reviewed the information submitted by the applicant and has included

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After Recording, Return Document To:

Tim Ralston
931 SW King Avenue
Portland OR 97205

Send Tax Statements To:

Tim Ralston
931 SW King Avenue
Portland OR 97205

Recorded in MULTNOMAH COUNTY, OREGON
C. Swick, Deputy Clerk
F98 6 ATLJH
Total : 49.00

2003-153507 07/02/2003 08:37:35am

SPECIAL WARRANTY DEED WITH RESTRICTIVE COVENANTS

THE PORT OF PORTLAND, a port district of the State of Oregon (hereinafter "Grantor"), conveys and specially warrants to TIMOTHY R. RALSTON (hereinafter "Grantee"), the real property described on **Exhibit A**, attached hereto and incorporated herein, together with all improvements thereon (hereinafter the "Property"). The Property is free of encumbrances created or suffered by Grantor, except as specifically set forth herein.

The true, actual, and whole consideration for the transfer is Two Million Four Hundred Thousand Dollars and no/100 (\$2,400,000).

The Property is conveyed subject to the exceptions, exclusions, encumbrances, and stipulations which are ordinarily part of a standard owner's policy of title insurance (unless caused or suffered by Grantor) and subject to the Special Exceptions 1 through 19, shown on **Exhibit B**, attached hereto and incorporated herein (collectively referred to as "Permitted Encumbrances").

I. RESTRICTIVE COVENANTS, INCLUDING LIMITATION ON LIABILITY OF GRANTOR

1.1 Environmental Liability

Part of the consideration for the Grantor's conveyance of the Property by this Deed is Grantee's agreement, on Grantee's behalf and on behalf of Grantee's successors and assigns, regarding certain limitations on the Grantor's obligation to investigate and remediate Hazardous Substances on the Property, including without limitation a \$500,000 limitation on the Grantor's liability for certain Hazardous Substance contamination discovered on the Property after the execution and delivery of this Deed and a release of the Grantor as to such contamination to the extent it costs in excess of \$500,000 to remediate, as such limitations are more fully expressed in the Sale Agreement and Receipt for Earnest Money between the Grantor and Grantee, as amended, a copy of which Agreement may be obtained upon written request made to the Port of Portland, P.O. Box 3529, Portland, Oregon 97208, Attention: Legal Department.

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7-1-03

1.2 Covenants Intended to be Binding; Enforcement

It is distinctly covenanted and agreed between the parties that all of the Restrictive Covenants and provisions herein expressed shall be held to bind Grantee, its successors and its assigns and run with the land conveyed hereby and all of its subsequent owners and occupants. The foregoing restrictive covenants may be enforced by Grantor, its successors or its assigns either by action at law or by suit in equity.

2. SEVERABILITY

If any provision of this Deed is held to be invalid or unenforceable, the remainder of this Deed, or the application of such provision to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each provision of this Deed shall be valid and enforceable to the fullest extent permitted by law. If any provision of this Deed is found to be generally unenforceable but is partially enforceable, then the provision shall be automatically amended so that it may be enforced to the fullest extent allowed by law.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

IN WITNESS HEREOF, Grantor has caused this Deed to be signed by its Executive Director this 26 day of June, 2003.

THE PORT OF PORTLAND

By: 
Bill Bach, Corporate Real Estate Manager

7-1-03

STATE OF OREGON)
)
COUNTY OF MULTNOMAH)

This instrument was acknowledged before me on June 26, 2003, by Bill Bach as the Corporate Real Estate Manager of the Port of Portland.



Lorali R. Sinnen

Notary Public for Oregon

My Commission Expires: 01-30-2006

3 - SPECIAL WARRANTY DEED
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Exhibit A

A parcel of land lying above the line of Ordinary High Water, situated in River Block 2, "Doscher's Addition to the City of Portland" and Block 37, "Sherlock's Addition to the City of Portland" located in the Southwest one-quarter of Section 28, Township 1 North, Range 1 East, Willamette Meridian, City of Portland, Multnomah County, Oregon, being more particularly described as follows:

Commencing at a point on the Northeasterly right-of-way line of NW Naito Parkway (aka NW Front Avenue, 43.50 feet from centerline) on the Southeasterly line of Lot 11 of the River Block of "Watson's Addition to the City of Portland"; thence, along said Northeasterly right of way line the following five (5) courses: 1) North 48°56'02" West, 1167.46 feet; 2) thence South 41°03'58" West, 1.50 feet; 3) thence North 48°56'02" West, 23.50 feet; 4) thence North 41°03'58" East, 1.50 feet; 5) thence North 48°56'02" West, 126.14 feet to the True Point Of Beginning; thence continuing along said Northeasterly right of way line of NW Naito Parkway the following four (4) courses: 1) North 48°56'02" West, 154.39 feet; 2) thence North 47°10'47" West, 257.34 feet; 3) thence North 49°18'04" West, 94.56 feet; 4) thence North 47°10'47" West, 77.40 feet; thence, departing said Northeasterly right of way line and running along the Ordinary High Water Line of the Willamette River, established at elevation 17.0 feet per the National Geodetic Vertical Datum of 1929 as adjusted in 1947, the following thirteen (13) courses: 1) North 42°49'12" East, 2.81 feet; 2) thence South 47°10'48" East, 19.00 feet; 3) thence North 57°30'51" East, 29.57 feet; 4) thence North 77°57'05" East, 34.57 feet; 5) thence North 48°18'01" East, 65.03 feet; 6) thence North 44°01'42" East, 206.87 feet; 7) thence North 47°48'58" East, 90.91 feet; 8) thence North 80°38'00" East, 35.85 feet; 9) thence South 50°02'51" East, 65.56 feet; 10) thence South 44°50'16" East, 128.41 feet; 11) thence South 34°19'31" East, 133.51 feet; 12) thence South 42°48'58" East, 148.33 feet; 13) thence South 62°43'48" East, 14.08 feet; thence, departing said Ordinary High Water Line, South 41°12'50" West 402.88 feet to the Northeasterly right of way line of NW Naito Parkway and the True Point Of Beginning, containing 226,032 square feet (5.189 acres) more or less.

The basis of bearings in this description is Multnomah County Record of Survey number 58466, recorded January 29, 2003.

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**EXHIBIT B
ENCUMBRANCES**

- 1) Taxes, including the current fiscal year, not assessed because of Port of Portland and Tri-Met exemptions. If the exempt status is terminated under the statute prior to the date on which the assessment roll becomes the tax roll in the year in which said taxes were assessed, an additional tax may be levied. Property ID# R519518, Account # R215000050; Map No. 1N1E28DB, Tax Lot 00202; Property ID# R269771, Account # R766004290; Map No. 1N1E28DB, Tax Lot 00100; Property ID# R269772, Account # R766004291; Map No. 1N1E28DB, Tax Lot 00100-A1; Property ID# R269773, Account # R766004292; Map No. 1N1E28DB, Tax Lot 00100-A2, and Property ID# R269774, Account # R766004293; Map No. 1N1E28DB, Tax Lot 00100-A3.
- 2) Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of the Willamette River.
- 3) Any adverse claims based upon the assertion that the Willamette River has changed in location.
- 4) Any adverse claims based on the assertion that any portion of said land has been created by artificial means or has accreted to such portions so created.
- 5) Rights established pursuant to ORS 274.905, et seq to all or any portion of the herein described premises created by artificial means.
- 6) Ownership of the State of Oregon lying below the high water mark of the Willamette River.
- 7) Spur tracts as revealed by the Multnomah County Assessors Map.
- 8) Covenants, conditions, restrictions and easements, but omitting restrictions, if any, based on race, color, religion, sex, handicap, familial status or national origin, unless and only to the extent that said covenant, (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons, as contained in Ordinance No. 148474, recorded October 19, 1979, Book 1392, Page 2296.
- 9) The premises herein described were included within the boundaries of the River District Urban Renewal Plan as revealed by instrument recorded November 19, 1998, Recorder's Fee No. 98211526, and as amended by instrument recorded April 8, 1999, Recorder's Fee No. 99071635.
- 10) Covenants, conditions, restrictions and easements, but omitting restrictions, if any, based on race, color, religion, sex, handicap, familial status or national origin, unless and only to the extent that said covenant, (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons, as contained in LUR 98-01041 DZ, recorded March 2, 1999, Recorder's Fee No. 99042638.
- 11) Covenants, conditions, restrictions and easements, but omitting restrictions, if any, based on race, color, religion, sex, handicap, familial status or national origin, unless and only to the extent that said covenant, (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons, as contained in Land Use Document No. 01-00618 SU GW, recorded May 6, 2002, Recorder's Fee No. 2002-081265.

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- 12) Covenants, conditions, restrictions and easements, but omitting restrictions, if any, based on race, color, religion, sex, handicap, familial status or national origin, unless and only to the extent that said covenant, (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons, as contained in Land Use Review Document No. LUR 01-00682, recorded May 9, 2002, Recorder's Fee No. 2002-084154.
- 13) State of Oregon Well Ownership Information Form, including the terms and provisions thereof, recorded June 18, 2002, Recorder's Fee No. 2002-108735.
- 14) State of Oregon Well Ownership Information Form, including the terms and provisions thereof, recorded June 18, 2002, Recorder's Fee No. 2002-108736.
- 15) State of Oregon Well Ownership Information Form, including the terms and provisions thereof, recorded June 18, 2002, Recorder's Fee No. 2002-108737.
- 16) State of Oregon Well Ownership Information Form, including the terms and provisions thereof, recorded June 18, 2002, Recorder's Fee No. 2002-108738.
- 17) Covenants, conditions, restrictions and easements, but omitting restrictions, if any, based on race, color, religion, sex, handicap, familial status or national origin, unless and only to the extent that said covenant, (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons, as contained in Land Use Review Document No. LU 02-126821 GW EF recorded October 16, 2002, Recorder's Fee No. 2002-185480.
- 18) Covenants, conditions, restrictions and easements, but omitting restrictions, if any, based on race, color, religion, sex, handicap, familial status or national origin, unless and only to the extent that said covenant, (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons, as contained in Land Use Review Document No. LU 02-135500 GW EF recorded October 18, 2002, Recorder's Fee No. 2002-187179.
- 19) Easement and Equitable Servitude between The Port of Portland, Timothy R. Ralston, and Oregon Department of Environmental Quality including terms and provisions thereof, dated June 6, 2003 and recorded June 9, 2003, Recorder's Fee No. 2003-131362.

\\POFES\PROPDEV-PVT\LEGAL\CLOSINGS\RIVERSCAPE CLOSING 3\RIVERSCAPE CLOSING 3 DEED.DOC

7-1-03

LAND USE REVIEW APPLICANT

Your LU decision may be recorded on or after: July 28, 2003
 You must record your decision on or after this date, as required by the Portland Zoning Code.

If you would like to record by mail, please send:

- The two recording documents and attached decision.
- A check payable to: Multnomah County Recorder in the amount of: \$ 31.00
 (\$16 for recording sheet, \$5 per page of decision, each side if 2-sided)
- A self-addressed, stamped envelope.

Mail to: Multnomah County Recorder, PO Box 5007, Portland OR 97208

FOR MULTNOMAH COUNTY RECORDER USE ONLY

Please stamp the Applicant's copy of the recording sheet and give to the applicant.

Please stamp the County Recorder's copy of the recording sheet and return with attached decision to:

City of Portland, BDS
 299/4500/BDS LUR

Recorded in MULTNOMAH COUNTY, OREGON
 C. Swick, Deputy Clerk

A77	4		ATTDS
Total :		31.00	

2004-193255 10/25/2004 11:44:06am

I hereby certify Land Use Review Document, No. LU 03-102995 DZM GW
 to be a complete and exact copy of the original as the same appears on file and of
 record in my office and in my care and custody.

Rebecca Esau, Principal Planner
 City of Portland
 Bureau of Development Services
 1900 SW Fourth Ave, #4500
 Portland, OR 97201

7/22/03
 Date

[Signature]
 Representative

THIS DOCUMENT IS FOR THE COUNTY RECORDER

4

10-25-04



City of Portland
Bureau of Development Services
 Land Use Review Division

1900 SW Fourth Ave. Suite 5000
 Portland, Oregon 97201
 Telephone: 503-823-7300
 TDD: 503-823-6868
 FAX: 503-823-5630
 www.bds.ci.portland.or.us

Date: July 11, 2003
To: Interested Person
From: Ruth Selid, Land Use Review, 503-823-7726

**FINAL DECISION BY THE DESIGN COMMISSION
 RENDERED ON June 26, 2003**

**CASE FILE NUMBER: LU 03-102995 DZM GW
 PC # 02-141742**

(Riverscape Condominiums for Blocks 4, 5 & 6)

GENERAL INFORMATION

Applicant:

Tim Ralston, owner
 931 SW King Ave
 Portland, OR 97205

Jeff Bachrach, Attorney
 Ramis Crew Corrigan & Bachrach
 1727 NW Hoyt Street
 Portland, OR 97209

Port Of Portland, owner
 P O Box 3529
 Portland, OR 97208-3529

Representative: Jim Bodoia, Architect
 Mithun
 1201 Alaskan Way, Suite 200
 Seattle, WA 98101

Site Address: Riverscape off NW 19th and Front Avenue

Legal Description: BLOCK 2TL 200 LOTS 21-25, DOSCHERS ADD; TL 100 BLOCK 37ALSO SEE -4291 THRU -4293, SHERLOCKS ADD; RIVER BLOCK TL 100 LOT 11-14, WATSONS ADD; RIVER BLOCK TL 300 LOT 14-20, WATSONS ADD; RIVER BLOCK TL 101 LOTS 11-13, WATSONS ADD; RIVER BLOCK TL 102 LOTS 13 & 14, WATSONS ADD; RIVER BLOCK TL 301 LOTS 14-16, WATSONS ADD; RIVER BLOCKLOT 16-20 TL 302, WATSONS ADD; BLOCK 2LOT 21-24 TL 201, DOSCHERS ADD; BLOCK 2LOT 24&25 TL 202, DOSCHERS ADD

Tax Account No.: R215000010, R766004290, R883803920, R883804040, R883803930, R883803940, R883804050, R883804060, R215000030, R215000050
State ID No.: 1N1E28DB 00200, 1N1E28DB 00100, 1N1E28DD 00100, 1N1E28D 00300, 1N1E28DD 00101, 1N1E28DD 00102, 1N1E28D 00301, 1N1E28D 00302, 1N1E28DB 00201, 1N1E28DB 00202
Quarter Section: 2828

Neighborhood: Northwest District, contact John Bradley at 503-227-7484.
Business District: Northwest Industrial, contact Kent Studebaker at 503-227-6638.

10-25-04

District Coalition: Neighbors West/Northwest, contact David Allred at 503-223-3331.

Plan District: Central City - River District

Zoning: RXDg, Multi-dwelling with Design and Greenway overlays

Case Type: DZM GW, Design Review with Modifications and Greenway Review

Procedure: Type III, with a public hearing before the Design Commission. The decision of the Design Commission can be appealed to City Council.

Proposal:

Applicants propose to develop townhouse style residences on three blocks of the Riverscape subdivision for the Terminal 1 Site. Along with the 71 town-homes would be Greenway improvements, four pedestrian corridors running perpendicular to the Greenway, and below-grade garages within units accessed via shared drive courts.

Each block is arranged with two groups of three townhouse buildings sharing central parking courts, and separated by a mid-block pedestrian mews for private access to some of the residences. Other residences would have front doors and terraces facing the pedestrian corridors that separate the blocks, or facing the Greenway, and three southerly units for each block would have front doors and driveways along NW Riverscape Avenue. Five curb cuts are proposed for each block, with two to serve the drive courts and three to serve individual unit two-car garages.

Greenway improvements include the required minimum 25-foot greenway setback area, with the seawall and a 20-foot wide concrete promenade; a second 25-foot setback area (approved in the recent Subdivision) would be developed as a public/private transition area including required Greenway landscaping, walkways, portions of townhouses, and private terraces.

The 4 pedestrian corridors each have a special design treatment with landscaping and hard surface paving with a minimum of 20 feet clear for fire access within each 60-foot pedestrian right of way. Encroachments into the required 12-foot setbacks on each side of the pedestrian corridors include terraces, front stoops, balconies, and 2-story building bays for 19 units.

Modifications Through Design Review are requested: 1) to allow the required recycling area to be provided in each dwelling unit rather than in central areas; 2) to allow all of the required Greenway landscaping to occur land-ward of the 25-foot Greenway setback area; and 3) to reduce the required 20'-0" two-way access to an 18'-0" wide two-way access for the common parking areas at three locations.

Density note: The minimum density for this zone is one dwelling unit per 2,000 SF of site area. This proposal relies on the site area being 112,114 SF, which would require only 57 units. This site area is based on dedicating to PDOT as right-of-way the 20-foot width of the Greenway walkway, for the full length of the Greenway on-site, as well as 10' on each side of the blocks within the view corridors. If these areas are not included as dedicated tracts or separate tracts, they are included in the site area, which would total 152,000 SF requiring 76 dwelling units.

Approval Criteria:

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

- 33.825 Design Review
- 33.510 Central City Plan District
- 33.440 Willamette Greenway
- Central City Fundamental, River District Special, and Greenway Design Guidelines

This application was determined to be complete on April 24, 2003.

10-25-04

DESIGN COMMISSION DECISION

It is the decision of the Design Commission to approve Design Review for:

Approval of the proposal for 71 dwelling units and Willamette Greenway development;

Approval of a softscape/permeable path for the secondary greenway pedestrian pathway; and

Approval of Modifications through Design Review:

- 1) to allow the required recycling area to be provided in each dwelling unit rather than in central areas;
- 2) to allow all of the required Greenway landscaping to occur land-ward of the 25-foot Greenway setback area; and
- 3) reduction of the 20'-0" wide two-way drive aisle to 18'-0".

All subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through D) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 03-102995 DZM GW." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. Walkways will be a minimum of 5' wide, but may be 4' wide within the central courtyards.
- C. A variety of native trees, at least 75%, will be used along the Greenway promenade and the pedestrian corridors.
- D. Terraces fronting the Greenway Promenade will not have walls or fences greater than 3'-6".

=====
By: Mike McCulloch
Mike McCulloch, Design Commission Chair

Application Filed: January 23, 2003
Decision Rendered: June 26, 2003
Decision Mailed: July 11, 2003

Decision Filed: July 10, 2003

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on intake date, and was determined to be complete on **April 24, 2003**.

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 intake date.

10-25-04

RECORDING SHEET COUNTY RECORDER'S COPY

LAND USE REVIEW APPLICANT

Your LU decision may be recorded on or after: September 10, 2003
You must record your decision on or after this date, as required by the Portland Zoning Code.

If you would like to record by mail, please send:

- The two recording documents and attached decision.
- A check payable to: Multnomah County Recorder in the amount of: \$ 31.00
(*\$16 for recording sheet, \$5 per page of decision, each side if 2-sided*)
- A self-addressed, stamped envelope.

Mail to: Multnomah County Recorder, PO Box 5007, Portland OR 97208

FOR MULTNOMAH COUNTY RECORDER USE ONLY

Please stamp the Applicant's copy of the recording sheet and give to the applicant.

Please stamp the County Recorder's copy of the recording sheet and return with attached decision to:

City of Portland, BDS
299/4500/BDS LUR

MULTNOMAH COUNTY RECORDER'S STAMP HERE

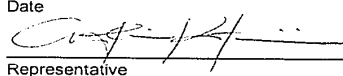
Recorded in MULTNOMAH COUNTY, OREGON
C. Swick, Deputy Clerk
A77 4 ATADS
Total : 31.00
2004-193256 10/25/2004 11:44:06am

I hereby certify Land Use Review Document, No. LU 03-121264 DZ GW
to be a complete and exact copy of the original as the same appears on file and of record in my office and in my care and custody.

Rebecca Esau, Principal Planner
City of Portland
Bureau of Development Services
1900 SW Fourth Ave, #4500
Portland, OR 97201

9/8/03

Date


Representative

THIS DOCUMENT IS FOR THE COUNTY RECORDER

County Recorders Recording Sheet 7/16/03

4

10-25-04



City of Portland
Bureau of Development Services
Land Use Review Division

1900 SW Fourth Ave. Suite 5000
Portland, Oregon 97201
Telephone: 503-823-7300
TDD: 503-823-6868
FAX: 503-823-5630
www.bds.ci.portland.or.us

Date: August 26, 2003
To: Interested Person
From: Ruth Selid, Land Use Review *RS*
503-823-7726

FINAL DECISION BY THE DESIGN COMMISSION
RENDERED ON August 21, 2003

CASE FILE NUMBER: LU 03-121264 DZ GW
PC # 02-141357
(Riverscape Condominiums Blocks 2 & 3)

GENERAL INFORMATION

Applicant: Dan Grunewald, c/o Appollo Homes Tel: 503-209-9410
4805 SW Oleson Rd
Portland, OR 97225

Port Of Portland
P O Box 3529
Portland, OR 97208-352

Ralston Investments
Tim Ralston, developer Tel: 503-221-5353
931 SW King Ave
Portland, OR 97205

Appollo Homes Inc.
1315 NW 185th Ave #204
Beaverton, OR 97006-1947

Representative: Jim Bodoia, architect Tel: 206-623-3344
Mithun
1201 Alaskan Way, Suite 200
Seattle, WA 98101

Site Address: NW Front Avenue at NW 16th Avenue

Legal Description: BLOCK 2 TL 200 LOTS 21-25, DOSCHERS ADD; BLOCK 37 TL 100
ALSO SEE -4291 THRU -4293, SHERLOCKS ADD; RIVER BLOCK TL 100
LOT 11-14, WATSONS ADD; RIVER BLOCK TL 300 LOT 14-20,
WATSONS ADD; RIVER BLOCK TL 101 LOTS 11-13, WATSONS ADD;
RIVER BLOCK TL 102 LOTS 13 & 14, WATSONS ADD; RIVER BLOCK TL
301 LOTS 14-16, WATSONS ADD; RIVER BLOCK LOT 16-20 TL 302,
WATSONS ADD; BLOCK 2 LOT 21-24 TL 201, DOSCHERS ADD; BLOCK
2 LOT 24&25 TL 202, DOSCHERS ADD

10-25-04

Tax Account No.: R215000010, R766004290, R883803920, R883804040, R883803930, R883803940, R883804050, R883804060, R215000030, R215000050
State ID No.: 1N1E28DB 00200, 1N1E28DB 00100, 1N1E28DD 00100, 1N1E28D 00300, 1N1E28DD 00101, 1N1E28DD 00102, 1N1E28D 00301, 1N1E28D 00302, 1N1E28DB 00201, 1N1E28DB 00202

Quarter Section: 2828

Neighborhood: Northwest District, contact John Bradley at 503-227-7484.
Business District: Northwest Industrial, contact Kent Studebaker at 503-227-6638.
District Coalition: Neighbors West/Northwest, contact David Allred at 503-223-3331.

Plan District: Central City - River District

Zoning: RXdg, Multi-Dwelling with Design and Greenway overlays.

Case Type: DZM GW, Design Review with Modifications & Greenway Review
Procedure: Type III, with a public hearing before the Design Commission. The decision of the Design Commission can be appealed to City Council.

Proposal:

Applicants propose to develop townhouse style residences on two lots of the Riverscape subdivision for the former Terminal 1 site of the Port of Portland. Along with the 34 town-homes would be Greenway improvements, two pedestrian corridors, and eight surface parking spaces, as well as below-grade unit garages accessed via shared drive courts. One curb cut on NW 16th Avenue is proposed to serve the drive courts and the individual unit garages. Each block is arranged with a mid-block mews for private access to some residences, running between NW Front Avenue and the proposed new Greenway promenade.

Greenway improvements include the required minimum 25-foot Greenway setback with 20-foot wide promenade and a 5-foot area that includes seating alcoves and landscaping. A second 25-foot area land-ward of the required Greenway would be developed as a public/private transition area. This area would include most of the required Greenway landscaping plus additional landscaping, a 5-foot wide secondary walkway, front entrances with 8' by 15' private terraces for six dwelling units, and 2-story high portions of buildings (4.5' deep by 15' wide) for the six units.

The approved land division for this site (by City Council, case LU 01-00618) created 36-foot wide pedestrian/utility/view corridors running perpendicular to the Willamette River, to include public pedestrian easements, landscaping, and amenities. In addition, a 12-foot building setback was adopted on each side of the corridors, where minor encroachments of building and site elements may be allowed if approved through Design Review.

Modifications Through Design Review are requested: 1) to allow required Greenway landscaping including all trees and most of the shrubs to be located land-ward of the 25-foot Greenway setback area; and 2) to reduce the width of the central pedestrian walkways from 5' to 4'.

DESIGN COMMISSION DECISION

It is the decision of the Design Commission to approve Design Review for 34 town-homes, Greenway improvements, two pedestrian corridors, and eight surface parking spaces, as well as below-grade unit garages accessed via shared drive courts.

10-25-04

Greenway improvements include the required minimum 25-foot Greenway setback with 20-foot wide promenade and a 5-foot area that includes seating alcoves and landscaping. A second 25-foot area land-ward of the required Greenway would be developed as a public/private transition area; and

Approval of the following Modification requests:

- 1) to allow required Greenway landscaping including all trees and most of the shrubs to be located land-ward of the 25-foot Greenway setback area; and
- 2) 2) to reduce the width of the central pedestrian walkways from 5' to 4'.

Approvals per Exhibits C.1-C-36, signed, stamped, and dated August 21, 2003, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (A - F) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE- Case File LU 03-121264 DZM GW. All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. No field changes allowed.
- C. A variety of native trees, at least 75%, will be used along the Greenway promenade and the pedestrian corridors.
- D. Terraces facing the Willamette Greenway promenade will not have walls or fences more than 3' 6" in height.
- E. Railings or fences that may be needed to secure the ends of the Greenway and Pedestrian corridor improvements as each block develops will use the same materials as railings and fences used within the site, and may not be chain link fencing.
- F. Paving materials for the secondary greenway path will be uniform among Blocks 3 through 6, so that the paving used in first block developed sets the material to be used throughout.

=====
By: Lloyd Lindley *6/28*
Lloyd Lindley, Design Commission Vice-Chair

Application Filed:

Decision Rendered: August 21, 2003

Decision Filed: August 22, 2003

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on intake 5/20/03, and was determined to be complete on 6/10/03.

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

10-25-04

RECORDING SHEET COUNTY RECORDER'S COPY

LAND USE REVIEW APPLICANT

Your LU decision may be recorded on or after: August 30, 2005
 You must record your decision on or after this date, as required by the Portland Zoning Code.

If you would like to record by mail, please send:

- The two recording documents and attached decision.
- A check payable to: Multnomah County Recorder in the amount of: \$ 36.00
 (\$16 for recording sheet, \$5 per page of decision, each side if 2-sided)
- A self-addressed, stamped envelope.

Mail to: Multnomah County Recorder, PO Box 5007, Portland OR 97208

FOR MULTNOMAH COUNTY RECORDER USE ONLY

Please stamp the Applicant's copy of the recording sheet and give to the applicant.

Please stamp the County Recorder's copy of the recording sheet and return with attached decision to:

City of Portland, BDS
299/4500/BDS LUR

MULTNOMAH COUNTY RECORDER STAMP HERE

Recorded in MULTNOMAH COUNTY, OREGON
 C. Swick, Deputy Clerk

A77 5 ATMCS


Total : 36.00

2005-196013 10/12/2005 10:33:27am

I hereby certify Land Use Review Document, No. LU 05-119743 DZM GW
 to be a complete and exact copy of the original as the same appears on file and of record in my office and in my care and custody.

Rebecca Esau, Principal Planner
 City of Portland
 Bureau of Development Services
 1900 SW Fourth Ave, #4500
 Portland, OR 97201

8/26/05
 Date


 Representative

THIS DOCUMENT IS FOR THE COUNTY RECORDER

5



City of Portland
Bureau of Development Services
Land Use Services Division

1900 SW Fourth Ave. Suite 5000
Portland, Oregon 97201
Telephone: 503-823-7300
TDD: 503-823-6868
FAX: 503-823-5630
www.bds.ci.portland.or.us

Date: August 15, 2005
To: Interested Person
From: Kristen Minor, Land Use Services
503-823-7972

FINAL DECISION BY THE DESIGN COMMISSION
RENDERED ON August 4, 2005

CASE FILE NUMBER: LU 05-119743 DZM GW
PC # 04-069483

Rivernorth Lot 7/Pacifica

GENERAL INFORMATION

Applicant: Y & G Investments LLC, Listed owner
4248 Galewood
Lake Oswego, OR 97035

Tim Ralston, Ralston Development Corp, Applicant Tel: 503-221-5353
931 SW King
Portland, OR 97205

Representatives: Trina Whitman, WRG Design, Inc., Contact Tel: 503-419-2500
5415 SW Westgate Drive, Ste 100
Portland, OR 97221

Greg Mitchell, LRS Architects, Architect Tel: 503-221-1121
1121 SW Salmon, Ste 100
Portland, OR 97205

Site Address: NW Riverscape Street (riverward of NW Front, "Terminal One")
Legal Description: LOT 7, RIVERNORTH **Tax Account No.:** R-70897-0450
State ID No.: 1N1E28D 00320 **Quarter Section:** 2828

Neighborhood: Northwest District, contact John Bradley at 503-227-7484.
District Coalition: Neighbors West/Northwest, contact David Allred at 503-823-4288.
Plan District: Central City Plan District- River (sub)District
Zoning: RXdg, Central Residential with design and greenway overlay
Case Type: DZM GW, Design Review with Modification(s) and Greenway Review
Procedure: Type III, with a public hearing before the Design Commission. The decision of the Design Commission can be appealed to City Council.

Proposal:

The applicant is requesting design review and greenway review approval for a new 8-story mixed-use development, containing 74 residential units, a 748-sf retail space, structured parking for 118 vehicles on one underground level, and public and private landscaped areas including an extension of the Willamette Greenway Trail. The site area includes the Lot 7 area

as well as the design of two pedestrian tracts north and south of the lot, but also includes the whole of the existing 400-foot long dock, which is constructed over the water with a connection from Lot 7 and another at Lot 8.

The building is to be "L"-shaped, with the two legs extending along the street (west) frontage and along the north frontage. The walls of the building will be predominantly glass, with vertical metal panel elements and a strong projecting metal and concrete cornice. Glass railings are used at projecting concrete balconies all around the building, with black metal frames as at the window systems. Around the base, a series of yellow brick walls create three-story "bays." Three mechanical enclosures are to be set back from the roof edges.

The parking garage underneath the building is to extend from the south property line of lot 7 to the center of the easement between Lots 7 and 8, and from the front property line to a stepped line approximately following the greenway setback (25 feet from top of bank). Access to the garage is to be south of the building, with one full-size loading space adjacent to the ramp along the south property line. Within the garage, 117 residential parking spaces, one van-sized loading space, and 20 long-term bicycle parking spaces are proposed. Four short-term bicycle racks are located south of the building entry.

The area above the garage is to be developed with a southeast-facing plaza incorporating raised planters, benches, a pergola, and scored concrete paving. Raised treewells are to be included along the north-side pedestrian easement for a series of "street" trees, and small columnar trees are to be planted outside of the edge of the garage within the south-side pedestrian easement. Two separate Greenway trails are to be developed; one 8 feet wide on the site within the typical greenway setback, and the other out onto the existing pier. Although no landscaping can be developed on the pier, the applicant is proposing to resurface the pier with a smooth hardscape, install new steel tube railings, provide new benches, and install new column lights. Art sculptures are also to be located on the pier.

A series of conditions of approval were placed on the entire 12-lot Riverscape subdivision with the approval of the 2001 land division review (LUR 01-00618 SU GW). These conditions will still be applicable to the currently proposed development on Lot 7.

Modifications through Design Review are requested for the following:

- Pedestrian standards. Section 33.120.255.B.2(c) requires paths to be raised or separated from an auto lane where the two are parallel and adjacent. If bollards are used as a separation, they may be no further apart than 5 feet on center. The applicant proposes a front driveway "drop-off" loop separated from the pedestrian walk by bollards at 8 to 13 feet spacing.
- Location of vehicle area. Table 266-3 does not allow vehicle areas between a building and any street in RX. The proposal includes a drop-off driveway between the building and the street.
- Stacked parking. Section 33.266.100.F requires the presence of attendants for stacked parking areas. The proposal includes 18 pairs of tandem spaces with no attendant, but each pair is to be in a single condominium ownership.
- Loading area screening. Table 266-7 requires loading areas to comply with a 5-ft minimum setback from a lot line, with L4 landscaping (high screen with wall). The applicant proposes an 8-foot decorative screening wall and trellis piece next to the loading area on the south lot line, with landscaping within the pedestrian easement (outside the site area).
- Loading entry/exit in forward motion. Section 33.266.310.F stipulates that loading vehicles must enter and exit the site in a forward motion. The applicant proposes one loading space where a vehicle will have to back up onto the street to exit.
- Size of Loading Space. Section 33.266.310.C.2 requires two full-size loading spaces for a mixed-use building of this size. The applicant proposes one full-size and one van-sized loading space.

Density note: The maximum density for this area of central city is 2:1, but another 3:1 is achievable through bonuses or transfer (adjacent lots in the same ownership are under-density). The proposal is at the 2:1 FAR.

Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code, as well as any conditions of approval from prior land use cases on the site that may be applicable to the current development. The applicable approval criteria are:

- Chapter 33.420 Design Overlay Zone
- Chapter 33.825 Design Review
- Chapter 33.440 Greenway Overlay Zone
- Willamette Greenway Design Guidelines
- Chapter 33.272 Public Recreational Trails
- River District Design Guidelines
- Central City Fundamental Design Guidelines
- Chapter 33.120, Multi-dwelling Zones
- Section 33.825.040, Modifications That Will Better Meet Design Review Requirements

DESIGN COMMISSION DECISION

It is the decision of the Design Commission to approve Design Review and Greenway Review for a new 8-story mixed-use building with one level of below-grade parking.

Approval of the following Modification requests:

- Pedestrian standards. (Section 33.120.255.B.2(c): The applicant proposes a front driveway “drop-off” loop separated from the pedestrian walk by bollards at 8 to 13 feet spacing.
- Location of vehicle area. (Table 266-3): The proposal includes a drop-off driveway between the building and the street.
- Stacked parking. (Section 33.266.100.F): The proposal includes 18 pairs of tandem spaces with no attendant, but each pair is to be in a single condominium ownership.
- Loading area screening. (Table 266-7) The applicant proposes an 8-foot decorative screening wall next to the loading area on the south lot line, with landscaping within the pedestrian easement (outside the site area).
- Loading entry/exit in forward motion. (Section 33.266.310.F) The applicant proposes one loading space where a vehicle will have to back up onto the street to exit.
- Size of Loading Space. (Section 33.266.310.C.2) The applicant proposes one full-size and one van-sized loading space.

Approvals per Exhibits C.1-C-49, signed, stamped, and dated August 11, 2005, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B-C) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 05-1119743 DZM GW." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. Se'lux MTR pole lights, at the same height and spacing used at adjacent Greenway segments to the south, must be continued along the pier.
- C. No field changes allowed.

=====

By: Michael McCulloch, ym
Michael McCulloch, Design Commission Chair

Application Filed: April 5, 2005

Decision Rendered: August 4, 2005

Decision Filed: August 5, 2005

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on April 5, 2005, and was determined to be complete on April 15, 2005.

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 April 5, 2005.

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

Some of the information contained in this report was provided by the applicant. As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. This report is the final decision of the Design Commission with input from other City and public agencies.

Conditions of Approval. This approval 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.

Appeal of this decision. This decision is final unless appealed to City Council, who will hold a public hearing. Appeals must be filed by 4:30 pm on August 29, 2005 at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fourth floor. Information and assistance in filing an appeal is available from the Bureau of Development Services in the Development Services Center or the staff planner on this case. You may review the file on this case at our office, 1900 SW Fourth Avenue, Suite 4500, Portland Oregon, 97201.

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 City Council is final; any further appeal is to the Oregon Land Use Board of Appeals (LUBA).

RECORDING SHEET COUNTY RECORDER'S COPY

LAND USE REVIEW APPLICANT

Your LU decision may be recorded on or after: May 24, 2006
You must record your decision on or after this date, as required by the Portland Zoning Code.

If you would like to record by mail, please send:

- The two recording documents and attached decision.
- A check payable to: Multnomah County Recorder in the amount of: \$ 71.00
(\$16 for recording sheet, \$5 per page of decision, each side if 2-sided)
- A self-addressed, stamped envelope.

Mail to: Multnomah County Recorder, PO Box 5007, Portland OR 97208

FOR MULTNOMAH COUNTY RECORDER USE ONLY

Please stamp the Applicant's copy of the recording sheet and give to the applicant.

Please stamp the County Recorder's copy of the recording sheet and return with attached decision to:

City of Portland, BDS
299/4500/BDS LUR

MULTNOMAH COUNTY RECORDER STAMP HERE

Recorded in MULTNOMAH COUNTY, OREGON
C. Swick, Deputy Clerk

A77 12 ATMCS
Total : 71.00

2006-139198 07/28/2006 12:50:04pm

I hereby certify Land Use Review Document, No. LU 06-106233 DZ
to be a complete and exact copy of the original as the same appears on file and of record in my office and in my care and custody.

Rebecca Esau, Principal Planner
City of Portland
Bureau of Development Services
1900 SW Fourth Ave, #4500
Portland, OR 97201

7/27/06
Date
P. Pastet
Representative

THIS DOCUMENT IS FOR THE COUNTY RECORDER

12



City of Portland
Bureau of Development Services
Land Use Services Division

1900 SW Fourth Ave. Suite 5000
Portland, Oregon 97201
Telephone: 503-823-7300
TDD: 503-823-6868
FAX: 503-823-5630
www.bds.ci.portland.or.us

Date: May 24, 2006
To: Interested Person
From: Kristen Minor, Land Use Services; 503-823-7972

**NOTICE of FINAL FINDINGS,
CONCLUSIONS & DECISION
OF THE CITY OF PORTLAND DESIGN COMMISSION ON AN
APPEALED ADMINISTRATIVE DECISION (Type II Process)**

**CASE FILE NUMBER: LU 06-106233 DZM
LOCATION: Riverscape Lot 7**

The administrative decision for this case was appealed to the Design Commission by the NWDA (the neighborhood association).

The Design Commission denied the appeal, but modified the administrative decision of approval. The original analysis, findings and conclusions have been revised by the Design Commission and follow.

GENERAL INFORMATION

Applicant: Riverscape LLC, Listed Owner
ATTN: Tim Ralston (503) 221-5353
931 SW King Ave
Portland, OR 97205-1319

WRG Design, Inc., Owner's Representative
ATTN: Trina Whitman (503) 419-2500
5415 SW Westgate Drive, Ste 100
Portland, OR 97221

Representative: LRS Architects, Applicant and Architect
ATTN: Greg Mitchell (503) 221-1121
1121 SW Salmon, Suite 100
Portland, OR 97205

Site Address: NW Riverscape Street
Legal Description: LOT 7, RIVERNORTH
State ID No.: 1N1E28D 00320
Quarter Section: 2828
Tax Account No.: R708970450

Neighborhood: Northwest District, contact John Bradley at 503-227-7484.
District Coalition: Neighbors West/Northwest, contact David Allred at 503-823-4288.
Plan District: Central City - River (sub)District
Zoning: RXdg, Central Residential with design review and greenway overlays
Case Type: DZM, Design Review with Modification
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal: The applicant seeks design review approval for proposed alterations to a previously-approved (but not yet constructed) mixed-use development on Lot 7 of the Riverscape subdivision, reviewed and approved by Design Commissioners under LU 05-119743 DZM GW. The alterations proposed to the 8-story condominium building and site elements that were reviewed and approved by staff included using honed colored concrete block in an ashlar pattern with 4" and 8" nominal units on the building, rather than Norman brick; revising brick planter walls in the plaza and around the building to site-cast architectural concrete; changing the aluminum window system finish from black painted finish to black anodized finish; and revising the "summer" and "winter" pavilions from masonry to cast-in-place concrete.

At this time, the applicant has withdrawn the concrete block material, and will use Norman brick at the building's masonry elements and at the site pavilions. A precast coping detail has also been submitted for the site-cast concrete planter walls.

Other proposed revisions include:

- Lowering all masonry "arch" elements on the base of the building from three stories to two stories, and simplifying the horizontal steel corner detailing,
- Adding an accessible ramp between the plaza level and the south-side pedestrian walkway,
- Minor landscape bed changes along the front of the building due to below-grade garage reductions,
- Deleting the trellis over the traffic ramp, replacing with two "pier" elements, and
- Reducing the length of some of the decks on the building, and reducing window area corresponding to deck reduction on all elevations.

A **Modification through Design Review** is requested to Loading area screening. Table 266-7 requires loading areas to comply with a 5-ft minimum setback from a lot line, with L4 landscaping (high screen with wall). The applicant proposes an 8-foot decorative screening wall and trellis piece next to the loading area on the south lot line, with landscaping within the pedestrian easement (outside the site area).

Because elements proposed as mitigation for a previously-approved Modification request are now to be altered or removed, the Modification is now re-proposed and addressed. Exterior alterations to existing (or to previously-approved) structures on sites with "d" overlay require design review.

Relevant Approval Criteria:

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

- | | |
|--|--|
| ▪ Chapter 33.420 Design Overlay Zone | ▪ River District Design Guidelines |
| ▪ Chapter 33.825 Design Review | ▪ Central City Fundamental Design Guidelines |
| ▪ Chapter 33.440 Greenway Overlay Zone | ▪ Section 33.825.040, Modifications That |
| ▪ Chapter 33.120, Multi-dwelling Zones | Will Better Meet Design Review Requirements |

ANALYSIS

Site and Vicinity: This vacant site was formerly owned by the Port of Portland and used as a marine terminal, along with the rest of the surrounding "Terminal One" stretching north from the Fremont Bridge up to a cove where the Multnomah County Sheriff leases space for a River Patrol boathouse. The site is the second lot from the north, and does not directly front onto NW Naito (Front) Avenue, but is accessed via Riverscape Street, which is newly constructed. The site is approximately between NW 17th and NW 18th Avenues, if they continued north. The site is 60,286 square feet in size. A pier, about 400 feet long, is located between 42 and 66 feet from the water's edge. Its south end connects to the south end of the site along the river.

Zoning: The Central Residential (RX) zone is a high density multi-dwelling zone which allows the highest density of dwelling units of the residential zones. Density is not regulated by a

maximum number of units per acre. Rather, the maximum size of buildings and intensity of use are regulated by floor area ratio (FAR) limits and other site development standards. Generally the density will be 100 or more units per acre. Allowed housing developments are characterized by a very high percentage of building coverage. The major types of new housing development will be medium and high rise apartments and condominiums, often with allowed retail, institutional, or other service oriented uses. Generally, RX zones will be located near the center of the city where transit is readily available and where commercial and employment opportunities are nearby. RX zones will usually be applied in combination with the Central City plan district.

Land Use History: City records indicate that prior land use reviews include **LU 01-00618 SU GW**; a subdivision and greenway review for the entire Terminal 1 site (about 12 acres). **LUR 01-00682 GW** approved the demolition of a wharf along the river's edge at the southern 2/3 of the site. The final plat for the subdivision was reviewed and approved under **FP 01-00618**. **LU 02-126821 GW EF** approved grading, excavation, and fill. The 34-unit condominium development proposed for Lots 2 and 3 was approved with conditions by the Design Commission in 2003 under **LU 03-121264 DZ GW**. Changes to the approved designs for Lots 2 and 3 were then approved, with conditions, under **LU 03-166610 DZ**. A 71-unit development for Lots 4, 5, and 6 was approved with conditions by the Design Commission also in 2003 under **LU 03-102995 DZM GW**. The development on Lot 7 was reviewed and approved by Design Commission under **LU 05-119743 DZM GW** in 2005. Finally, a Design Advice Request (not a land use case) for possible changes to the Lot 7 development as well as for new development on Lot 8 was heard by the Design Commission in 2006 under **LU 06-164634 DA**. The specific alterations now proposed in this review, as well as other alterations, were discussed and reviewed by the Design Commission as part of that Design Advice Request. As a result, the applicant included in the current proposal only those items which the Commission indicated would be approvable, and did not propose items which the Commission indicated would be problematic.

Agency Review: A "Notice of a Proposal in Your Neighborhood" was mailed on **February 10, 2006**. The following Bureaus have responded with no issues or concerns:

- Fire Bureau
- Bureau of Development Services, Life Safety Division (Permitting)
- Bureau of Transportation Engineering

The Bureau of Environmental Services responded with the following comments: "Please also refer to Land Use Review response #LU 05-119743 and Pre-application response #PC 04-069483. Stormwater, sanitary, and pollution control requirements as outlined in these responses shall still be required in their entirety." Multiple other comments were included in the response as to Building Permit Issues, many of which (but not all) were included in the LU-05 response. Please see Exhibit E-1 for additional details.

Neighborhood Review: A "Notice of a Proposal in Your Neighborhood" was mailed on February 10, 2006. A written response was received from the Neighborhood Association in response to the proposal.

The NWDA sent a response dated March 2, 2006, objecting to the proposed changes [Exhibit F.1]. Specific concerns raised by the neighborhood include:

- The loading area modification request was approved specifically because of mitigating elements, including an overhead trellis, plantings, and fencing. The removal of these mitigating elements in the proposal throws this Modification approval into question.
- The landscape design "significantly cheapens" the previously approved plans.
- The stairway leading down to the Greenway area seems to impinge more on the Greenway itself.
- The proposal weakens the corners, base, and roofline of the building.
- The axial relationship between the building and the river elements is also weakened, by removing the "focusing" stairs and eliminating vertical elements along this axis.
- The material changes cheapen the project and do not meet either the River District goals or the Central City Design guidelines. More specifically;

- B5 "Make Plazas Parks and Open Spaces Successful" is not met since site cast concrete rather than masonry or brick will "turn this plaza into a sea of concrete."
- C2 "Promote Quality..." is not met since thin, anodized aluminum windows and concrete block rather than Norman brick are not high quality. Reductions to decks and roof eaves, lowering of the corner masonry elements and reduction of corner steel details will "present a building without a true base or top."

The neighborhood suggested that the applicants follow through with a Master Planning process for this site and Lot 8.

[Staff note]: The building's windows are proposed to change their finish only (not the material). The specific loading area Modification has been revisited in this proposal (see Modification Findings and Conditions of Approval). The Design Commission's final approval in LU 05-119743 did include the stair and other plaza elements in the location they are shown in now. Finally, roof eaves are not proposed to be reduced. Please also see findings for all relevant guidelines.

ZONING CODE APPROVAL CRITERIA

Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

Section 33.825.055 Design Review Approval Criteria

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

Findings: The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because of the site's location, the applicable design guidelines are the Central City Fundamental Design Guidelines and River District Guidelines.

River District Design Guidelines and Central City Fundamental Design Guidelines

The River District is planned to become a place that is remarkable within the region. The area is intended to grow rich with special and diverse qualities that are, or will become characteristic of Portland. Further, the River District will accommodate a significant portion of the region's population growth. The plan calls for the creation of a new community of dense neighborhoods, housing a resident population of over 15,000 people, and providing jobs, services, and recreation to this population and others. This area is intended to emphasize the joy of the river, connections to it, and create a sense of community. The goals frame the urban design direction for Central City and River District development.

The Central City Fundamental Design Guidelines and the River District Design Guidelines focus on general categories. **(A) Portland Personality**, addresses design issues and elements that reinforce and enhance Portland's character. **(B) Pedestrian Emphasis**, addresses design issues and elements that contribute to a successful pedestrian environment. **(C) Project Design**, addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas**, provides design guidelines for the four special areas of the Central City.

River District Design Goals

1. Extend the river into the community to develop a functional and symbolic relationship with the Willamette River.
2. Create a community of distinct neighborhoods that accommodates a significant part of the region's residential growth.
3. Enhance the District's character and livability by fostering attractive design and activities that give comfort, convenience, safety and pleasure to all its residents and visitors.
4. Strengthen connections within River District, and to adjacent areas.

Central City Plan Design Goals

1. Encourage urban design excellence in the Central City;
2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City's districts;
4. Promote the development of diversity and areas of special character within Central City;
5. Establish an urban design relationship between the Central City's districts and the Central City as a whole;
6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
7. Provide for the humanization of the Central City through promotion of the arts;
8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;
9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

The Design Commission has considered all guidelines and has addressed only those guidelines considered applicable to this project.

A1. Integrate the River. Orient architectural and landscape elements including, but not limited to lobbies, entries, balconies, terraces, and outdoor areas to the Willamette River and greenway. Develop access ways for pedestrians that provide connections to the Willamette River and Greenway.

A1-1. Link the River to the Community. Link the Willamette River to the Community reinforcing the river's significance. This guideline may be accomplished by:

- a. Organizing land areas, and groupings of buildings to visually define the river's linkage to the community;
- b. Focusing and articulating roadways and pedestrian ways to emphasize the river.
- c. Developing projects that celebrate the river, and contribute to creating centers of interest and activity that focuses on the Willamette; or
- d. Connecting the internal areas of the District to the Willamette Greenway Trail.

A2. Emphasize Portland Themes. When provided, integrate Portland-related themes with the development's overall design concept.

A4. Use Unifying Elements. Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

A5. Enhance, Embellish, and Identify Areas. Enhance an area by reflecting the local character within the right-of-way. Embellish an area by integrating elements in new development that build on the area's character. Identify an area's special features or qualities by integrating them into new development.

A5-1-8. Reinforce the Identity of the Waterfront Area. Reinforce the identity of the Waterfront area with design solutions that contribute to the character of the Waterfront and acknowledge its heritage. This guideline may be accomplished by:

- a. Recognizing the area's maritime history by incorporating remnants of industrial infrastructure and/or providing docking facilities for a cruise line;
- b. Orienting the new park areas to the neighborhood, and differentiating them from the more "public" river basin by providing facilities for physical activities as well as informal social gathering; or
- c. Integrating land uses and making development open and accessible. (All projects must comply with the Willamette Greenway Design Guidelines.)

Findings for A1, A1-1, A2, A4, A5 and A5-1-8: The proposal maintains the strong physical connections toward the river, with attractive landscaping and other amenities throughout the pedestrian environment. Landscaping as one moves toward the river still becomes more riparian and less formal in nature.

The proposed material change from yellow brick planters to a poured-in-place concrete will be consistent with the group of materials on the site. The addition of a precast coping at the top will add a finished appearance to the low concrete walls, consistent with the Central city and the expectations along the River frontage.

The expected character of both the north-side and the south-side pedestrian easements is to be "street-like," incorporating large canopied trees. The Katsura trees proposed along the south edge of the site are relatively small as far as street

trees, but they will benefit from being outside the boundary of the below-grade garage. With a less restricted root area, these trees will likely grow larger than they might have in the previous approval with the garage underneath. *These guidelines are met.*

A5-5. Incorporate Water Features. Incorporate water features or water design themes that enhance the quality, character, and image of the River District.

A5-6. Incorporate Works of Art. Incorporate works of art or other special design features that increase the public enjoyment of the District.

B4. Provide Stopping and Viewing Places. Provide safe, comfortable places where people can stop, view, socialize and rest. Ensure that these places do not conflict with other sidewalk uses.

B5. Make Plazas, Parks and Open Space Successful. Orient building elements such as main entries, lobbies, windows, and balconies to face public parks, plazas, and open spaces. Where provided, integrate water features and/or public art to enhance the public open space. Develop locally oriented pocket parks that incorporate amenities for nearby patrons.

Findings for A5-5, A5-6, B4, and B5: The southeast-facing exposure of the primary plaza space will create a sunny, protected area from which to enjoy views of the river. No changes are proposed to the water feature and the central sculptural element within it; these elements support the river-oriented character of the plaza. The proposed changes to the plaza at this time are material only; replacing the yellow brick at the planters with cast-in-place concrete. The proposed detail of the planter top shows a precast "cap", which will provide visual interest and will allow for the use of the planter edges as seating walls. *These guidelines are therefore met.*

A7. Establish and Maintain a Sense of Urban Enclosure. Define public rights-of-way by creating and maintaining a sense of urban enclosure.

A8-1. Design Fences, Walls and Gateways to be Seen over. Design fences, walls and gateways located between a building and the sidewalk to be seen over to allow for social interaction.

B2. Protect the Pedestrian. Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian. Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.

C1-1. Integrate Parking. Design surface parking and parking garage exteriors to visually integrate with their surroundings. This guideline may be accomplished by:

- a. Designing street facing parking garages to not express the sloping floors of the interior parking;
- b. Designing the sidewalk level of parking structures to accommodate active uses, display windows, public art or other features which enhance the structure's relationship to pedestrians; or
- c. Accommodating vending booths along sidewalks adjacent to parking facilities, when active ground level uses are not possible.

Findings for A7, A8-1, B2, and C1-1: The ramp to the below-grade parking, as well as the surface loading space, are located immediately south of the building along the street frontage. The applicant has altered some of the elements that previously worked to buffer and screen these vehicular areas from the pedestrian environment. In particular, the trellis above the parking ramp is to be replaced by a pair of masonry "markers" or piers at either side of the ramp, and the landscaping bed in front of the ramp and the loading area is also deleted. A small tree well is to replace the landscaped bed in the flat paved area between the two vehicular zones. The landscaped planter separating the ramp and loading is to remain, and now is no longer over the below-grade garage, so the plantings (bamboo) should be able to grow larger with additional root space. Because the plantings will provide a vertical backdrop from the sidewalk in either direction as one approaches these vehicular

areas, the bamboo will do more to screen and soften the vehicular areas than the trellis structure, with its spaced vertical poles, was doing. In addition, the removal of the trellis will also reduce the visual emphasis on the parking ramp. The two piers along the sidewalk will still serve to maintain a sense of urban enclosure along the sidewalk. *These guidelines are met.*

B1. Reinforce and Enhance the Pedestrian System. Maintain a convenient access route for pedestrian travel where a public right-of-way exists or has existed. Develop and define the different zones of a sidewalk: building frontage zone, street furniture zone, movement zone, and the curb. Develop pedestrian access routes to supplement the public right-of-way system through superblocks or other large blocks.

B1-1. Provide Human Scale to Buildings along Walkways. Provide human scale and interest to buildings along sidewalks and walkways.

Findings for B1 and B1-1: Along the street frontage, the applicant has pulled the below-grade garage back so as to allow for planting beds at grade next to the sidewalk. There are still raised planter beds as well, next to the building, but the grade-level plantings will not have a constrained root bed. The landscaping, especially trees, will therefore be larger and provide more shade and softening for pedestrians.

The site and architectural features of the building along the pedestrian frontages of the site are not proposed to change. These include windows and doors, lights, canopies, small signs, and terraces. *These guidelines are therefore met.*

C1. Enhance View Opportunities. Orient windows, entrances, balconies and other building elements to surrounding points of interest and activity. Size and place new buildings to protect existing views and view corridors. Develop building façades that create visual connections to adjacent public spaces.

C2-1. Increase River and Waterway View Opportunities. Increase river and waterway view opportunities to emphasize the River District ambiance. This guideline may be accomplished by:

- a. Designing and locating development projects to visually link their views to the river and /or waterways.
- b. Providing public stopping and viewing places which take advantage of views River District activities and features; or
- c. Designing and orienting River District open space and landscape areas to emphasize views of the river and waterways.

Findings for C1 and C2-1: While some balconies have been somewhat reduced in size, they still allow for view opportunities from every above-grade unit. The proposed dimensional reductions are not to the projection of the balconies, but to their length in some instances. *These guidelines are met.*

C2. Promote Quality and Permanence in Development. Use design principles and building materials that promote quality and permanence.

C3. Respect Architectural Integrity. Respect the original character of an existing building when modifying its exterior. Develop vertical and horizontal additions that are compatible with the existing building, to enhance the overall proposal's architectural integrity.

C4. Complement the Context of Existing Buildings. Complement the context of existing buildings by using and adding to the local design vocabulary.

C5. Design for Coherency. Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

Findings for C2, C3, C4, and C5: The replacement of the previously-approved yellow brick with poured-in-place concrete for the planters throughout the site will create a different aesthetic, but not one that will be out of place in the district. The concrete will visually tie in to many of the older warehouse and industrial buildings

west and north of the site. The brick at the pavilions and on the building also is a typical material in this area. The concrete may be more durable as a site material than the yellow brick, as well.

Proposed window finishes are now to be a black anodized, rather than a painted aluminum finish. The anodized finish is similar to a stain, rather than a thick coating, but will not be significantly different in appearance.

The 3-story masonry pieces wrapping each building corner have been reduced in height to 2 stories. Proportionally, this brings the base down to a slightly more balanced level. For an 8-story building, the proposed height of these base elements is appropriate. The linear steel elements "stitching" through these masonry pieces are important, since they not only provide a horizontal datum defining the base zone, but they also provide a smaller-scale detail at these larger masonry elements. The applicant is reducing the horizontals from the original three to only one. Two of these steel elements would seem commensurate with the one-story reduction in masonry height, but two horizontals appear too busy and too strongly horizontal with the changed base proportion. Accordingly, the single horizontal as proposed is a more appropriate design. *These guidelines are met.*

C6. Develop Transitions between Buildings and Public Spaces. Develop transitions between private development and public open space. Use site design features such as movement zones, landscape elements, gathering places, and seating opportunities to develop transition areas where private development directly abuts a dedicated public open space.

Findings: The design of the site elements along the public accessways leading out towards the river, as well as the river frontage of the site, have not changed in the proposal. Material changes of the planter walls are proposed, from a yellow brick to an architectural concrete. These concrete elements will still provide the same level of function and design coherency across the site. The public Greenway Trail and setback area, including the pier improvements as well as the secondary pathway, will transition into the semi-public plaza area by way of physical connections (stairs and a ramp), axial relationships, and the more formal layout of landscaping elements as one moves away from the Greenway. *This guideline is met.*

C7. Design Corners that Build Active Intersections. Use design elements including, but not limited to, varying building heights, changes in façade plane, large windows, awnings, canopies, marquees, signs and pedestrian entrances to highlight building corners. Locate flexible sidewalk-level retail opportunities at building corners. Locate stairs, elevators, and other upper floor building access points toward the middle of the block.

C8. Differentiate the Sidewalk-Level of Buildings. Differentiate the sidewalk-level of the building from the middle and top by using elements including, but not limited to, different exterior materials, awnings, signs, and large windows.

C9. Develop Flexible Sidewalk-Level Spaces. Develop flexible spaces at the sidewalk-level of buildings to accommodate a variety of active uses.

Findings for C7, C8, and C9: The proposal does not include changes to the layout of entries, the retail space, or any other plan changes. The masonry corner elements are to be lowered from 3 stories to 2, with some of the steel channel "straps" removed as well. These pieces highlight the building's corners, and still do so even with their reduction in size. *These guidelines are met.*

Modification

Section 33.825.070, Modifications Which Will Better Meet Design Review

Requirements: The review body may consider adjustments for site-related development standards as part of the design review process. These modifications are done as part of design review and are not required to go through the adjustment process. In order to

approve these modifications, the review body must find the applicant to have shown that the resulting development will better meet the design review objectives and will, on balance, be consistent with the purpose of the applicable regulations.

Modification Request: Table 266-7 requires loading areas to comply with a 5-ft minimum setback from a lot line, with L4 landscaping (high screen with wall). The applicant proposes an 8-foot decorative screening wall next to the loading area on the south lot line, with landscaping within the pedestrian easement (outside the site area). (Note: this treatment is unchanged from the Modification proposed and approved under LUR 05-119743).

Findings: "A minimum number of loading spaces are required to ensure adequate areas for loading for larger uses and developments. These regulations ensure that the appearance of loading areas will be consistent with that of parking areas. The regulations ensure that access to and from loading facilities will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way." (from Section 33.266.310.A, Purpose). The purpose statement for parking area screening is also relevant: "The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles. The setback and landscaping standards:

- Improve and soften the appearance of parking areas;
- Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;
- Direct traffic in parking areas;
- Shade and cool parking areas;
- Reduce the amount and rate of stormwater runoff from vehicle areas;
- Reduce pollution and temperature of stormwater runoff from vehicle areas; and
- Decrease airborne and waterborne pollution." (Section 33.266.130.A, Purpose).

The loading area is located along the south edge of the site, next to the pedestrian "street." While ordinarily the proximity of the loading to a high-use pedestrian area might prompt increased screening between the two uses, in this case more screening elements (as earlier versions of the proposal included) served to visually emphasize the loading area. The 6'-0" high decorative fence will provide visual screening of the loading area. There are also trees and shrubs proposed in front of the fencing along the pedestrian path. However, the applicant now shows only 2 trees in this edge between the loading area and the path, whereas 4 were initially approved. The paved area is shown slightly shorter than it was in the earlier approval, but the total number of trees along the south walkway are reduced from 11 to only 7. A minimum of 9 trees shall be required along the south property line in order to maintain a more consistent spacing and screening. Every effort should be made to place more trees between the path and the paved loading area. With this condition, the intent of the standard will be met.

The final proposal also better meets Design Guideline C5, Design for Coherency. Because the decorative fencing emphasizes the river-fronting character of the site as well as the design detailing of the building itself, the scheme allows better design consistency than might a standard wall with 5 feet of landscaping. Although the overhead trellis piece at the ramp next to the loading area beyond is now deleted as part of the current proposal, the planter between the two vehicular areas is no longer sitting above the garage. The bamboo in this planter, therefore, is likely to grow significantly larger due to its expanded root area. *With the condition that at least 9 trees shall be spaced along the south property line, the Modification approval criteria can be met by the scheme.*

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans

submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The applicant has revised the drawings, bringing the yellow Norman brick back onto the building as directed by the Design Commission. The use of brick at the two site pavilions, and a new precast cap detail at the site-cast concrete planter walls complete the alterations to the package of changes earlier approved by staff but appealed by the NWDA. With these changes, the Design Commission finds that the overall proposal can meet the River District Design Guidelines as well as the central City Fundamental Design Guidelines. With the condition that a minimum of 9 trees be located along the south pedestrian walkway, the Modification to the 5-foot minimum setback from a loading area can also be approved.

REVIEW BODY DECISION

It is the decision of the Design Commission to deny the appeal and modify the administrative decision of approval. Approval of the proposal to make material changes to the previously-approved site features and the building, revising:

- Brick planter walls in the plaza & around the building to site-cast architectural concrete with a precast coping, and
- Aluminum window system finish from black painted finish to black anodized finish.

Other approved revisions include:

- Lowering all masonry "arch" elements on the base of the building from three stories to two stories, and simplifying the horizontal steel corner detailing,
- Adding an accessible ramp between the plaza level and the south-side pedestrian walkway,
- Minor landscape bed changes along the front of the building due to below-grade garage reductions,
- Deleting the trellis over the traffic ramp, replacing with two "pier" elements, and
- Reducing the length of some of the decks on the building, and reducing window area corresponding to deck reduction on all elevations.

All approvals per the stamped drawings and site plans, Exhibits C-1 through C-36, signed and dated May 22, 2006, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related condition (B) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 06-106233 DZM." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. A minimum of 9 trees shall be located just south of the south property line, using as even a spacing as possible within the constraints of pathways and utilities.

Staff Planner: Kristen Minor

These findings, conclusions and decision were adopted by the Portland Design Commission on May 18, 2006.

By



Portland Design Commission

Mike McCulloch, Chair

Lloyd Lindley, Vice Chair

Date Final Decision Rendered/Mailed: May 24, 2006

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on January 31, 2006, and was determined to be complete on February 8, 2006. The scope of the review was changed, with new information submitted.

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 January 31, 2006.

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 waived the 120-day review period, as stated with Exhibit A-1.

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. This report is the final decision on the Design Commission with input from other City and public agencies.

Conditions of Approval. This approval 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.

Appeal of this decision. This decision is final and becomes effective the day the notice of decision is mailed (noted above). This decision may not be appealed to City Council; however, it may be challenged by filing a "Notice of Intent to Appeal" with the State Land Use Board of Appeals (LUBA) within 21 days of the date the decision is mailed, pursuant to ORS 197.620 and 197.830. A fee is required, and the issue being appealed must have been raised by the close of the record and with sufficient specificity to afford the review body an opportunity to respond to the issue. For further information, contact LUBA at the Public Utility Commission Building, 550 Capitol Street NE, Salem, OR 97310 [Telephone: (503) 373-1265].

Recording the final decision. This is the final local decision on this application. You may record this decision the day following the mailed/filed date shown above.

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

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

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

Expiration of this approval. This decision expires 3 years from the date it is recorded unless: