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Recordation requested by  
and after recordation return  
to:

Port of Portland  
121 N.W. Everett Street  
P.O. Box 3529  
Portland, OR 97208  
Attention: Manager Property  
& Development Services

Recorded in the County of Multnomah, Oregon

C. Swick, Deputy Clerk

Total : 204.00

2000-106906 08/03/2000 01:35:10pm ATESL

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### NOTICE OF REPLACED AND SUPERSEDED SWAN ISLAND INDUSTRIAL PARK STANDARDS FOR DEVELOPMENT

The undersigned hereby gives notice of those Swan Island Industrial Park Standards for Development, attached hereto as Exhibit A and by this reference incorporated herein, which replace and supersede those Swan Island Industrial Park Standards for Development recorded on September 24, 1976, in Book 1128, page 2249, in the records of Multnomah County, Oregon. Such Standards for Development, as replaced and superseded, affect certain real property located in Multnomah County, Oregon, including without limitation the real property described in Exhibit B attached hereto and by this reference incorporated herein.

Dated this 2nd day of August, 2000.

THE PORT OF PORTLAND

APPROVED AS TO LEGAL  
SUFFICIENCY

By: [Signature]  
As Its: Senior Director

By: [Signature]  
Counsel for Port of Portland

STATE OF OREGON )

COUNTY OF MULTNOMAH )

This instrument was acknowledged before me on August 2, 2000, by E. B. Seligson,  
as Senior Director of the Port of Portland, a port district of the State of Oregon.

[Signature]

Notary Public for Oregon

My commission expires on 12-27-03



38

CHICAGO

**EXHIBIT A**  
**REPLACED AND SUPERSEDED**  
**SWAN ISLAND INDUSTRIAL PARK STANDARDS FOR DEVELOPMENT**

**(See attached)**

COPY

## **Exhibit A**

# **Swan Island Industrial Park**

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## **Standards For Development**

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Adopted by:  
Port of Portland Commission  
April 13, 1970

Performance Standards  
Revised July, 1976

Revised April, 1994

These Standards for development replace and  
supercede those Swan Island Industrial Park  
Standards for Development Recorded on  
September 24, 1976 in Book 1128, Page 2249,  
Multnomah County Records

SWAN ISLAND INDUSTRIAL PARK

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## PART I

### INTRODUCTION

The Standards for Development have been prepared in order to provide control and guidance of development at The Port of Portland's Swan Island Industrial Park. The implementation of these standards will improve the working efficiency and visual amenities of the developable areas while providing latitude and flexibility to serve a wide range of commercial and industrial users. The Port intends to attract commercial and industrial users through reasonable standards and not to impose undue hardships to location of industrial and commercial activities. The standards will provide protection from undesirable development and will enhance property values. The Port considers these standards to be minimum, assuming firms locating at its facilities will wish to do the finest possible job in their own self-interest.

In recognition of the need to respond in a flexible manner over a number of years while developing the Swan Island Industrial Park, the standards have been kept general in content. The Port will rely on a plan review procedure to ensure the intent of the standards is met.

The development of sites at the Swan Island Industrial Park shall conform to the standards of The Port of Portland and other appropriate governing bodies such as Multnomah County, the City of Portland, and the State of Oregon.

## PART II

### STATEMENT OF PURPOSE

The Standards for Development at the Swan Island Industrial Park accomplish the following purposes:

Outline the level of excellence the Port expects in the development of the Swan Island Industrial Park's lands.

Maximize the potential of each site at the Swan Island Industrial Park while minimizing natural environmental losses.

Structure development at the Swan Island Industrial Park towards a high quality continuity, while allowing freedom for innovation and creativity by each individual tenant, thus protecting the investment of tenants and the Port.

Insure compliance with appropriate Federal, state and local codes, ordinances and directives.

Outline the required levels of maintenance, performance and operation which will maintain a high quality development over time.

Insure the maximum convenience, safety and identity for each tenant plus creation of a pleasant area for people to work and relax.

PART III  
DEFINITION OF TERMS

PORT OF PORTLAND COMMISSION

The governing nine-person board, appointed by the Governor of Oregon, establishes and controls the policies and activities of The Port of Portland.

DEVELOPMENT STANDARDS

Guidelines for the development of individual sites in a manner which will enhance the working efficiency and visual amenities of the total area, while providing latitude and flexibility for the individual developer.

PERFORMANCE STANDARDS

Guidelines which are provided in order to avoid the creation of nuisance or unsanitary conditions within Port-developed area.

MAINTENANCE STANDARDS

Guidelines which are provided to outline the required level of upkeep and repair for structures and the surrounding property.

TENANT

Individuals and organizations which have either leased or purchased property which is subject to regulation or control by The Port of Portland.

PROPERTY LINE

The boundary which describes the extent of a particular parcel of land as described in the leasing document or deed. The term "property line" shall be used interchangeably with the term "Lease line."

BUILDING SETBACK LINE

A line beyond which a building cannot be constructed. The building setback line is referenced by and measured from the property line.

## PRELIMINARY PLAN

Plans submitted to The Port of Portland for initial approval prior to detailed planning and design. Included are a site use plan, basic floor plans, elevations and sections plus a rendering of all proposed improvements.

## FINAL PLANS

Final plans are defined as those which have been approved by the proper local jurisdiction for a building permit. They shall include complete architectural and engineering working drawings, specifications, landscape development plans, sign plans and a construction schedule.

## COMMERCIAL

Land for use to serve the public such as retail merchandising, offices, housing and service outlets intended for the ultimate consumer.

## INDUSTRIAL

Land for use to serve industry such as warehousing and manufacturing not intended to serve the ultimate consumer.

## PERMANENT-TYPE CONSTRUCTION

Structures or ground facilities constructed with the intent of providing service over the length of the lease agreement, with use of materials and methods of construction which under normal conditions of use will maintain their appearance and functionality. Trailers, mobile offices and other similar temporary structures are not considered as permanent-type construction.



## PART IV

### SUBMITTAL OF PLANS

#### GENERAL INFORMATION

All plans and correspondence concerning submission of plans for original construction as well as additions or remodeling shall be made to The Port of Portland's Property Management Representative at least 45 days prior to commencing construction . The following sections outline those materials which are to be submitted to The Port. Caution should be exercised not to proceed with final plans or construction until approval has been received from the Port. Commencement of construction will be permitted only after approval of the final plans, issuance of a building permit by the proper local jurisdiction, and execution of the Warranty Deed or delivery of the lease document.

Unless otherwise indicated, whenever data are submitted to The Port for approval, the following number of copies shall be submitted:

- |      |  |                         |
|------|--|-------------------------|
| I.   | General Information Forms                | 4 copies                |
| II.  | Preliminary Plan                         |                         |
|      | Site use plans                           | 4 copies ) 2 will be    |
|      | Basic floor plan, elevations and section | 4 copies) returned with |
|      | Rendering                                | 1 copy ) notations      |
| III. | Final Plans (all parts)                  | 6 copies ) 4 will be    |
|      |  | returned so             |
|      |  | a building              |
|      |  | permit may              |
|      |  | be obtained             |

#### MATERIALS FOR SUBMISSION

##### I. Tenant Information Forms

To permit The Port to evaluate each development project, the tenant information form provided by The Port shall be filled out in its entirety (see attached sample form). The tenant information form shall be attached to the preliminary plans when submitted to The Port for approval.

##### II. Preliminary Plans

Preliminary plans shall consist of the following:

A. Detailed site use plan - Use a minimum scale of one inch equals 20 feet, or 1/16 inch equals one foot (minimum print size 22 x 34) to show:

1. The location, size and setback dimensions of all improvements proposed for the site.
2. Proposed driveway and curb cuts with an arrow indicating vehicular traffic patterns into and out of the site and to and from all loading berths and parking areas.
3. The layout of vehicle parking with areas designated for employee cars, visitor's cars, company trucks, delivery trucks, etc. Parking areas for both initial and full development shall be indicated.
4. Show all areas to be landscaped with a schematic description of the general type (trees, shrubs, grass, etc.), height and extent of all landscaping (indicating screening, trees, identification direction signs and barriers).
5. The location and identification of utilities which cross Port-owned property to serve the building and the site, including gas, electricity, telephone, water, sewers, etc.
6. Other site information, including streets, property lines and dimensions, location and description of fences, yard and street lights, and any other site features or conditions.
7. Location of special appurtenances, including: transformers, dynamometers, incinerators, gas pumps, wash racks, weighing scales, storage racks, loading docks, storage tanks, etc.

B. Basic Floor Plans, Elevations and Sections - indicate the type of construction, materials and colors.

C. A rendering of all Proposed Improvements.

### III. Final Plans

The final plans shall consist of the following:

A. Complete architectural and engineering working drawings.

B. Complete specifications.

- C. Landscape development plans - indicate the names of all ground covers and plants, their dimensions, locations, quantities, spacing, irrigation facilities and other landscape construction details together with specifications describing the work.
- D. Identification sign plans - Provide sufficient illustration to include size, type of material, color, language and location of all signs.
- E. Construction schedule.
- F. All plans shall be certified and signed by an architect or engineer licensed in the State of Oregon and shall become the property of the Port upon submission free from any claim or lien of any party.

#### NOTICE TO PROCEED TO OBTAIN A BUILDING PERMIT

The Port will issue a Notice to Proceed only after execution of the Warranty Deed or delivery of the lease document and approval of final plans and specifications. No work shall be undertaken until all municipal and other governmental permits and authorizations required with respect to the work have been procured and paid for. Procurement of such consents, permits, and authorizations shall be subsequent to the Port's approval.

#### FUTURE REMODELING AND ADDITIONS

Plans shall be submitted to The Port for any construction, remodeling, alterations, or additions undertaken. Approval by The Port shall not relieve the lessee of his/her obligation to obtain the necessary permits for alteration or construction.

## PART V

### PLAN REVIEW POLICY

The Port of Portland will review all plans submitted in order to insure conformance with the Port's Standards for Development. The Port will accept or reject the proposed plans based upon its review of the intent of the Standards, the available facts regarding the particular project, and the best interests of all concerned property owners. The review process will consider the unique aspects of each of the tenants requirements. The review process is also designed to assist individual tenants in following the proper procedures in order to avoid delay or inconveniences in the execution of plans.

As outlined in the "Submittal of Plans" section, The Port will review both the preliminary and final plans. The review of plans will consider two distinct areas:

A review of conformance to the sections of the standards which outline detailed requirements such as setbacks, height restrictions and other specific numerical requirements.

A review of subjective design elements such as buildings, site layout, and landscaping will be carried out to insure compliance with the intent of The Port to provide a quality development. Design will be reviewed with respect to compatibility to the surrounding development, use of indigenous materials, and functional efficiency.

In no event shall any approval, conditional or absolute, by the Port or any Commissioner, director, officer, employee, or agent of the Port be deemed a representation, covenant, or warranty by the Port or that any materials approved or the work contemplated thereby or any conditions imposed are or will be safe, practical, or adequate for the uses proposed or that the same will comply with or satisfy applicable law, and no consent, approval, or acquiescence by the Port or other party shall relieve the lessee or property owner from any of its obligations to act at all times and to construct any improvements in accordance with all applicable federal, state, and local laws, rules, and regulations, and to design and construct the development project in such a manner at its sole risk, cost, and expense.

## PART VI

### VARIANCE REQUESTS

The Port recognizes that situations do arise which may warrant exception to the standards as published herein. A written request shall be submitted to The Port's Property Management Representative stating the variance requested and the applicable section of the standards.

The Port will evaluate the merits of each request on an individual basis.

COPY

## PART VII

### INSPECTION OF FACILITIES

The Port of Portland will conduct inspections of the site during the construction period to determine conformance with the approved final plans. Changes made after the Notice to Proceed is Issued, which affect the approved plans shall be submitted to The Port for prior approval.

COPY

## PART VIII

### DEVELOPMENT STANDARDS

#### SWAN ISLAND INDUSTRIAL PARK

##### I. LAND USE ZONING

- A. All portions of the Industrial Park are within the City of Portland IGZI, General Manufacturing Zone. Therefore, all uses prohibited in that zoning classification shall likewise be prohibited in this Industrial Park.
- B. No noxious or offensive trade, business or activity shall be conducted within the Industrial Park, nor shall anything be done therein which may be or become a nuisance to the Industrial Park.
- C. The Industrial Park shall not be used for any race tracks of any kind; maintenance, use or operation of any slaughter house; junk, rags, paper or metal salvage, storage, processing or treatment; wrecking and salvage yard for building materials; or amusement park.
- D. No retail use unless specifically approved by The Port of Portland.

##### II. Buildings

###### A. Design

All buildings shall be designed by an architect or engineer registered in the State of Oregon. Contemporary architectural styles are strongly encouraged. "Period Building" architectural elements will be critically reviewed.

###### B. Setbacks

###### 1. Front Yard

No buildings will be constructed within 50 feet of the front property line.

###### 2. Side and Rear Yards

The side yard setback shall be a minimum of 25 feet. The rear yard setback shall be a minimum of 10 feet.

3. Setback Reduction

The front yard setback may be reduced to a minimum of 25 feet, provided that the portion of the building closer than the 50-foot line shall make a positive contribution to the overall design. The Port will be the sole judge of such design, but will, in general, consider office structures, outdoor court areas, and other particularly attractive portions of the main structure as eligible for the modified setback.

4. Railroads

- (a) The front yard setback lying between that portion of the building served by a railroad and the property line adjacent to a railroad lead track may be reduced to 27 feet.
- (b) When a railroad right-of-way is adjacent to the rear property line, the building or any part thereof shall be no closer than 14½ feet from the nearest right-of-way line. The 14½ foot strip is to be permanently reserved as a continuous easement along the railroad right-of-way for use by any company requiring railroad spur service.
- (c) The front, rear and side yard setbacks shall be increased when it is necessary to allow space for more than one railroad spur.

5. Corner Lots

All yard areas adjacent to streets shall be designated front yards.

6. Small Lots

In the case of lots one acre or less with more than 150 feet of frontage, the front setback may be reduced to 25 feet.

C. Heights and Lot Coverage

The maximum height of any structure shall be 45 feet. Building height or any portion thereof within the 50-foot setback area shall not exceed twenty (20) feet.

Exceptions to the above height restrictions such as utility structures, tower, etc., will be reviewed by The Port on an individual basis.



The maximum area that may be covered by the principal building, accessory buildings and future additions to either shall not exceed fifty (50) percent of the total area of the lot, or forty (40) percent for buildings over two stories.

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D. Building Materials

a. GENERAL

Tenants are encouraged to use materials that compliment structures in the immediate vicinity. Materials that may be used are concrete, exposed, aggregate concrete, glass, brick, tile, natural stone, concrete block, wood, and metal subject to the criteria outlined in paragraph d below. Material samples may be required to be submitted for review. The type, style, and color of all exterior materials shall be submitted to the Port for approval. Earth and water tone colors shall be required to meet Willamette Greenway standards.

b. EXTERIOR AND DETAILS

- (1) All exterior surfaces shall have a finished treatment. The use of two or more colors is strongly encouraged to enhance the building exterior and to create design accents. Building and architectural details (including flashing and down spouts) shall have a color that complements or accents the main building.
- (2) The use of fascias, canopies, and other multi-dimensional exterior features should be in proportion to the wall heights and building mass. The framing for overhangs shall be concealed by the use of soffits or other architectural treatment.
- (3) Building walls exceeding 300 feet in overall length shall have the facade staggered a minimum depth of 24" at least once every 300 feet in order to relieve the visual monotony and scale of a large mass.

c. BUILDING TYPE

All buildings shall be of permanent-type construction. Trailers, mobile offices, and other temporary structures will not be allowed except for use during construction.

d. METAL-CLAD BUILDINGS

All proposed metal-clad buildings or metal building features receive special scrutiny by the Port to ensure that both structural and aesthetic standards are met. The intent of the review is to promote projects which are compatible with existing development in Swan Island, and projects which will present and maintain an attractive appearance through time.

(1) REVIEW PROCEDURES

Plans for all metal-clad buildings shall be reviewed and approved by the Port prior to fabrication. The building design, material, and finishing specifications and a sample of the exterior metal surfacing shall be submitted to the Port at the time of preliminary plan review.

(2) GUIDELINES FOR METAL-CLAD BUILDINGS

- (a) Metal building systems of stock design are not compatible with Swan Island development and shall not be permitted.
- (b) In terms of facade design, metal shall not be used as the primary architectural element but only as an accent in conjunction with glass, wood, concrete, and/or masonry.
- (c) Appropriate materials for exterior metal paneling shall be anodized or factory finished aluminum, weathering steel, and galvanized or otherwise coated steel. All galvanized or coated steel shall have a factory-applied baked paint finish. An unpainted galvanized finish shall not be permitted.
- (d) The baked paint finish shall be resistant to chalking, fading, and film failure. Weathering steel will be allowed to develop its natural oxide coloring. No exterior finish with a potential to cause glare will be permitted.
- (e) Ribbed wall panels shall have an architecturally pleasing profile. Panels with a corrugated, crimped, or any ribbed pattern presenting an agricultural or military appearance shall not be permitted.
- (f) All sheet metal paneling shall be of sufficient gauge and quality to provide a rigid exterior surface.
- (g) All structural supports shall be concealed. Only interior fasteners shall be permitted.
- (h) A parapet, fascia, or comparable architectural detail shall be provided to screen pitched roofs, roof-mounted utilities, and varying roof lines.

1. Size

- (a) Minimum size of lot will be 1,000 square feet.
- (b) Maximum size - Large parking areas shall be divided into sections containing not more than 60 parking spaces each and divided by five (5) foot landscaped divider strips.

2. Aisle width shall be no less than 25 feet for 90 degree parking, 20 feet for 60 degree and 45 degree parking, and 12 feet for parallel parking.

3. Minimum size for individual parking spaces will be 8½ by 20 feet for employees parking in industrial area, 9½ by 20 feet for visitor parking, and 9½ by 23 feet for parallel parking. All spaces will have a minimum of six feet six inches of vertical clearance.

E. Screening

A three-foot high screen shall be maintained to screen all parking from the front property line. Adequate screening shall be interpreted as either natural or architectural material which obscures the line of sight from the street. The parking screening requirement may be combined with the regular setback landscaping requirements. The adequacy of the screening will be determined by The Port.

F. Surfacing

All parking areas shall be paved with a dust-free all weather surface, such as asphaltic paving, be graded and drained to provide for the disposal of all surface water on the site, and of a strength adequate for the traffic expected. All parking stalls and direction of traffic shall be clearly marked on the paved surface.

IV. Loading

A. Setbacks

Rail and truck loading operations shall be permitted in the rear or sides of the buildings, but shall not occur within the side or rear yard setbacks. Loading in the front yard will not be allowed closer than 25 feet from the front property line.

E. ROOF TREATMENT

The Port shall approve the color and location of all exposed utilities, towers, conveyors, antennas, vents, processing equipment, and any other roof-mounted objects which rise above the roof line. All such exposed equipment shall be completely screened from view. The roof shall be designed to present an attractive appearance from the street, river, and Mocks Crest. Sound absorbing insulation materials shall be used in all exterior ducts.

F. SITE LAYOUT

Placement of structures on sites shall be carried out in such a manner as to maximize the potential of the individual sites. Provisions shall be made for circulation within the site and the access of emergency vehicles.

III. Parking

A. Setbacks

1. Front Yard

There shall be no parking facility closer than 15 feet to the front yard property line.

2. Side Yard

No parking facilities shall be closer than five feet to the side property lines.

B. On-Street Parking

No on-street parking will be permitted.

C. Parking Space Requirements

One parking space will be provided for each three employees on the major and next largest shift or two spaces for each three employees on the major shift, whichever is larger. This requirement can be submitted to The Port for review if other modes of transportation are made available to the employees.

D. Parking Lot Layout

The design and layout of all parking lots shall conform with the requirements of the appropriate local ordinances. The basic requirements for layout of a parking lot shall be as follows:

B. Screening

A sight-obscuring screen shall be provided on the front street side of all loading areas. The adequacy of this screening will be determined by The Port.

C. On-Street Loading

No on-street loading or maneuvering will be permitted.

V. Storage

A. Setback

When a railroad right-of-way is adjacent to the rear property line, permanently placed storage shall be no closer than 14 ½ foot strip is to be permanently reserved as an easement for railroad spur service.

B. Flammables

The storage and handling of flammable liquids shall comply with these standards and the rules and standards of the Oregon State Fire Marshall's Office, the Interstate Commerce Commission, and the standards enforced by the appropriate local jurisdiction. No above-ground storage of petroleum products will be allowed unless properly protected.

C. Screening

A sight-obscuring screen shall be provided for all storage areas. The adequacy of this screening will be determined by The Port.

VI. Utilities

A. Location

All utilities shall be brought into the site and to the buildings underground. Pad-mounted electrical transformers shall be located and screened so as to prevent viewing from any public street. Permits shall be obtained for all utilities crossing Port property.

B. Easements

Permits for easements shall be obtained for all utilities crossing Port property, including sanitary sewer, storm sewer, water, gas, electricity and telephone from The Port of Portland. Conditions for such permits shall provide that:

1. Any interruption in the service of a Port facility such as a railroad track during the construction of utilities shall be coordinated with The Port.
2. Any required removal and replacement of Port trackage in connection with the construction of utilities shall be by a Port-approved contractor and shall be in conformance with Port specifications.
3. Backfilling, compaction and surface finish in Port-owned property shall be in conformance with the applicable Port specification.
4. As-built drawings of the underground utilities within the easement area shall be furnished to the Port after completion of installation.
5. The company agrees to indemnify The Port, its Commissioners, agents and employees from any and all claims and damages which may arise directly or indirectly from the use of the easement area.

VII. Signs

- A. All signs are subject to Port approval prior to installation.
- B. No flashing or rotating signs will be permitted.
- C. Buildings Signs

Signs on roofs, fences, or painted on exterior faces of buildings are prohibited. One sign is permitted to be placed upon the outside wall of the building, for each street frontage on a single tenant building. Signs shall not extend above the eaves or parapet of that wall and shall not exceed in size five percent of the wall it is placed on. Signs shall not be placed or externally illuminated in a manner which is detrimental to neighboring occupancies or to the safe movement of ground traffic. Sign colors and details shall be submitted to The Port for approval prior to installation.

D. Free-Standing Signs

No free-standing advertising signs or billboards will be permitted except a single identification sign approved by The Port. Details of any free-standing sign shall be submitted to The Port. The sign shall conform to the appropriate jurisdictions ordinance or code and in general shall not exceed four feet in height or 16 square feet in surface area.

VIII. Access

A. Setbacks

Curb cuts providing access to and from the site shall be a minimum of 20 feet from the adjacent property lines and/or ten feet from the curb radius for corner lots.

B. Distance Apart

All curb cuts shall be at least 100 feet apart, measuring from the center line of each curb cut. There shall be no more than two curb cuts to the site from any one street. Additional curb cuts for corner lots will be subject to approval by The Port. Additional access for sites with excess of 500 feet of street frontage will be considered on a case-by-case basis.

C. Driveway Widths

There shall be an unobstructed driveway not less than twelve (12) feet in width for one-way traffic, and not less than twenty-four (24) feet in width for two-way traffic. The maximum curb cut for one driveway shall be 50 feet. The direction of traffic flow shall be clearly marked on the paved surface. The edge of a driveway shall be a minimum of ten feet from the nearest adjacent property line. There shall be no more than two driveways to the site from any one street.

D. Rail Spurs

1. Engineering Specifications

All rail access shall be constructed according to proper engineering specifications and subject to Port approval. A standard No. 9 turnabout and a maximum curvature of 16 degrees is recommended for all spur tracks.



C. Side Setbacks

An area 100 feet deep and ten feet wide on both sides of the property shall be landscaped. This landscape shall be designed to separate the properties and to screen the loading, parking and storage from the adjacent property.

D. Parking

All parking areas designed to accommodate more than 21 cars shall have a minimum of three percent of the surfaced area landscaped. This landscape may include the stripes used to divide the parking lot into sections of not more than 60 cars each, but shall not include landscaping required in the front and side yard setbacks.

E. Landscaping and Screening

Reference is made in the standards to areas that must be screened or landscaped. Landscape material or architectural screens shall be used where required to conceal from public view those areas used for parking, storage and loading. The effectiveness of the screening will be evaluated by The Port.

F. Undeveloped Areas

All undeveloped areas not otherwise landscaped shall be seeded and maintained at an average height not to exceed six inches.

G. Size

All landscape material shall be of sufficient initial size to provide the required degree of screening within three years after installation.

X. Area Lighting

Lighting shall be designed to enhance the overall character of Swan Island and shall promote safety, security, and efficiency throughout the site.

1. GENERAL REQUIREMENTS

- a. On-site lighting shall contribute to the safety and site security.
- b. Lighting levels, colors, and fixture types shall be consistent throughout the site and shall complement the architecture and landscaping.

2. Location

- (a) Easements will not be required for a railroad switch and turnout from a Port lead track; however, all plans for proposed turnouts are subject to Port approval prior to construction.
- (b) The cross-over connecting the user's spur to the main tracks shall be confined, if possible, to within the site and shall meet the requirements of the servicing railroad company.
- (c) Except in areas where railroad lead tracks are parallel to the street and located in front of a building, loading from railroad spur trackage is not permitted on any street front and must be confined to the side or rear of the building. All spurs permitted between the building and street shall be screened by landscaping or by other means approved by The Port.
- (d) The cost of materials and the installation of the switch, turnout and any alterations required to The Port's lead track shall be borne by the owner. All trackage constructed within The Port's right-of-way shall (i) be constructed by a Port-approved contractor, (ii) be in conformance with Port specifications, and (iii) be transferred to The Port by a bill of sale at no cost to The Port. The Port will maintain at its own expense the lead track, switches and spur tracks within The Port's right-of-way. However, the expense of relaying the spur rails, replacement of switches, and replacement of switch and spur rail ties within The Port's right-of-way shall be borne by the owner.

IX. Landscape

- A. The following landscape requirements are intended for the enhancement of individual tenants sites at The Port's Swan Island Industrial Park to ensure an attractive setting and increased land value. Planting and irrigation plans shall be submitted for approval by The Port. Planting and irrigation plans shall be stamped by a landscape architect registered in the State of Oregon. The design of all landscape will be evaluated by The Port for its compatibility with surrounding design, compatibility to the local environment and extend to which it satisfied screening requirements.
- B. Front Setbacks
  - 1. The minimum landscaping shall be an area equal to that of 100 percent of the standard 50-foot and 25 foot setback areas.

- c. The use of high-pressure sodium lamps is recommended, except as noted below.
- d. All lighting shall use cut-off fixtures. No lighting shall cast glare onto adjacent parking lots, buildings, and streets.
- e. Wooden light poles shall not be permitted.
- f. All light levels are to be considered "Average Maintained" utilizing factory certified maintenance factors.

COPY

## PART IX

### PERFORMANCE STANDARDS

The following performance standards shall apply to all tenants at The Port of Portland's Swan Island Industrial Park, the intent of these standards is to avoid creation of nuisance or unsanitary conditions within Port-developed facilities.

#### A. Property Use

The buildings and other facilities erected on the site and the uses to which the site is put, shall comply with the laws, statutes, regulations, ordinances, and rulings of the State of Oregon and other governing agencies having jurisdiction. The buildings and other facilities comprising the development shall comply with the site use plan as approved by The Port of Portland. Any subsequent changes in use will be subject to the approval of The Port.

#### B. Air Pollution

##### 1. Smoke

The emission of smoke from any chimney, stack, vent, opening or combustion process shall not be permitted, conforming to the measurement of Ringelmann zero.

##### 2. Open Burning

No open burning will be permitted.

##### 3. Odors

The emission of offensive odors in such quantities as to be readily detectable at any point beyond the property line is prohibited. Noxious, toxic and corrosive gas emissions shall be treated by full control techniques.

##### 4. Particulate Matter

The rate of emission of particulate matter from all sources within the property line of a lot shall not exceed a net figure of 30 grams per acre of lot area during any one hour.

All measurements of air pollution shall be by the procedures and with the equipment approved by the Columbia-Willamette Air Pollution Authority and the State Department of Environmental Quality or equivalent. Persons responsible for a suspected source of air pollution, upon the request of The Port, shall provide quantitative and qualitative information regarding the discharge that will adequately and accurately describe operation conditions. Any activity desiring to locate on Port property which is suspected of having potential air pollution problems shall be prepared to have its plans and specifications reviewed by the Columbia-Willamette Air Pollution Authority and the State Department of Environmental Quality prior to final approval of the plans by The Port of Portland.

C. Noise

The noise standard specifies the permissible sound pressure level in eight-octave bands. It is intended that in no single octave band shall the specified level be exceeded at any property line of the noise source. The purpose for such a noise standard is to discourage disturbing sounds produced for extended time periods.

<u>Octave Band</u> <u>Frequency in Cycles</u> <u>Per Second</u>	<u>Maximum Permitted Sound</u> <u>Level in Decibels</u>
20 to 75	74
75 to 150	66
150 to 300	59
300 to 600	55
600 to 1,200	53
1,200 to 2,400	53
2,400 to 4,800	52
4,800 to above	51

Such sound levels shall be measured with instrumentation conforming to the latest revision of standards set forth by the American Standards Association:

Sound Level Meter	224.3
Octave Band Filter Set	224.10

The instruments shall be calibrated in the field using procedures and calibrating instruments as recommended by the manufacturer of the equipment used. Noise making devices are excluded in these standards and noise created by highway vehicles, trains or aircraft is also excluded.

D. Vibration

No vibration which is discernible without instruments other than that caused by highway vehicles, trains, or aircraft shall be permitted beyond the property line of the use concerned.

E. Heat and Glare

All operations producing heat or glare, including exterior lighting, shall be conducted so that they do not create a nuisance beyond the property line of the site. All exterior lighting schemes shall be submitted to The Port to ensure that no conflict occurs with the airport's lighting and navigation equipment.

F. Waste Material

All materials, including wastes, shall be stored and all properties maintained in a manner which will not attract or aid the propagation of insects or rodents or in any way create a health hazard.

G. Water Pollution

No liquid waste disposal will be allowed on the site or into adjacent drainage ditches, sloughs or other waterways. The discharge of treated or untreated sewage or wastes into the sanitary sewer systems shall conform to the codes and ordinances of the appropriate local jurisdiction.

H. Handling of Dangerous Materials

The storage, handling and use of dangerous materials such as flammable liquids, incinerary devices, compressed gasses, corrosive materials and explosives shall be in accordance with the regulation and codes of the appropriate local jurisdictions, the State Fire Marshall, the National Fire Protection Association.

I. Insects and Rodents

All materials including wastes shall be stored and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create a hazard.

J. Prohibited Uses

1. All portions of the Industrial Park are within the City of Portland M-2, General Manufacturing Zone. Therefore, all uses prohibited in that zoning classification shall likewise be prohibited in this Industrial Park.
2. No noxious or offensive trade, business or activity shall be conducted within the Industrial Park, nor shall anything be done therein which may be or become a nuisance to the Industrial Park.

## PART X

### MAINTENANCE STANDARDS

The maintenance standards are designed to outline the required level of upkeep and repair for structures and the surrounding property. It is the intent of the maintenance standards to ensure that tenants maintain the property in an aesthetically pleasing manner in accordance with final approved plans.

#### A. Buildings

Exterior walls which have been painted or otherwise chemically treated shall not be allowed to become cracked, chipped, faded, or in any way seriously deteriorated. Materials that have been stained or otherwise treated to age naturally shall be allowed to do so. Broken windows, doors or other exterior members of structures shall be replaced promptly. Structures which are not in use shall be maintained as buildings in use or be removed from the premises.

#### B. Landscaped Areas

All plants will be maintained in a healthy, disease-free condition. Water and fertilizer shall be applied as necessary to maintain their normal color and rate of growth. Weak or broken branches shall be removed by pruning. Old flowers, seed pods, dead foliage and leaves shall not be allowed to accumulate. Plant beds shall be maintained in a weed and litter-free condition.

All landscape features shall be maintained in an attractive, effective manner at all times. Pools and fountains shall be kept full and in an operating condition. Flag poles shall be painted and flags flown at appropriate times. Sculpture or other types of art work shall be maintained in an operating condition.

Fencing and other architectural screens shall have damaged, broken or rotten members repaired or replaced. Materials that have paint or other chemical treatment subject to weathering shall not be allowed to become cracked, chipped, faded or in any way seriously deteriorated. Materials that have been stained or otherwise chemically treated to age naturally shall be allowed to do so.



C. Paved Areas

Paved areas such as truck loading or auto parking and driveways shall be checked to see that they are not broken, cracked, settled or otherwise in need of repair. Dirt and litter shall not be allowed to accumulate on paved surfaces. Grass, weeds and other plant materials that grow through the joints, cracks, etc., shall be removed. Areas covered with soft paving such as gravel, bark dust or wood chips shall be maintained in a weed-free condition and shall be kept reasonably smooth and litter free. All markings painted on paved surfaces shall be maintained in such a manner that they are clearly visible.

D. Signing

Signs shall not be allowed to become faded or deteriorated. Lighting for signs, whether internal or external, shall be maintained with burned out fixtures being replaced promptly. Signs which are no longer appropriate due to a change of service, product line or the tenant, shall be removed.

E. Lighting

All exterior lighting, whether for area lighting or architectural highlighting, shall be maintained at its designed level of illumination. Broken or burned out members shall be replaced promptly.

## PART XI

### ENFORCEMENT OF STANDARDS

#### LEASES

The Port, at its option, may treat any failure to repair or correct conditions which have caused the premises or facilities to fall below the requirements of Parts VIII, IX, or X of these standards for development as a default, or The Port in the alternative may proceed as follows:

If within thirty (30) days of written notice to the tenant, tenant has not begun to repair or correct the deficiencies stated in the notice, The Port may enter into a contract for the repair or correction of such deficiencies, and the tenant agrees to reimburse The Port for the reasonable costs of such repairs or corrections as determined by the contract amount plus ten percent (10%) for The Port's administrative expenses. Reimbursable amounts shall be deemed additional rent, and failure to pay such amounts within ten (10) days of invoice shall be deemed a default for failure to pay rent.

The Port reserves the right for itself or designees to enter upon the premises for the purpose of repairing or correcting deficiencies.

#### SALES

The Port may enter upon the land sold and perform the required maintenance in the event it is not performed by the Buyer and the cost of performing such maintenance shall be paid by the Buyer.

**EXHIBIT B**

**PORTION OF REAL PROPERTY AFFECTED BY  
REPLACED AND SUPERSEDED  
SWAN ISLAND INDUSTRIAL PARK STANDARDS FOR DEVELOPMENT**

**(See attached)**

COPY

## EXHIBIT B

### LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN SECTIONS 17, 18, AND 20, TOWNSHIP 1 NORTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, IN THE CITY OF PORTLAND, COUNTY OF MULTNOMAH AND THE STATE OF OREGON, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT WHICH IS 1,262.39 FEET WEST AND 859.49 FEET SOUTH OF THE NORTHEAST CORNER OF SAID SECTION 20 SAID POINT BEING THE CENTERLINE ANGLE POINT OF N. LAGOON AVENUE; THENCE, ALONG THE CENTERLINE OF N. LAGOON AVENUE, NORTH 52°30'00" WEST, 695.35 FEET; THENCE NORTH 37°30'00" EAST, 40.00 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF N. LAGOON AVENUE AND THE **TRUE POINT OF BEGINNING** OF THE UPLANDS DESCRIPTION TO BE DESCRIBED, SAID POINT IS ALSO THE MOST WESTERLY CORNER OF THAT TRACT OF LAND RECORDED MARCH 20, 1967 IN BOOK 552, PAGE 1034, MULTNOMAH COUNTY DEED RECORDS; THENCE ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF N. LAGOON AVE. NORTH 52°30'00" WEST, 1,387.72 FEET TO A POINT OF INTERSECTION WITH THE NORTHEASTERLY EXTENSION OF THE NORTHWESTERLY RIGHT-OF-WAY LINE OF N. DOLPHIN ST.; THENCE, ALONG THE EXTENSION OF SAID RIGHT-OF-WAY LINE, SOUTH 37°30'00" WEST, 40.00 FEET; THENCE, DEPARTING SAID RIGHT-OF-WAY LINE AND RUNNING ALONG THE FORMER CENTERLINE OF VACATED N. LAGOON AVENUE AS RECORDED JUNE 21, 1985 IN BOOK 1832, PAGE 670, MULTNOMAH COUNTY DEED RECORDS, NORTH 52°30'00" WEST, 1,016.10 FEET; THENCE 170.00 FEET ALONG THE ARC OF A 818.51 FOOT RADIUS CURVE TO THE LEFT, CONCAVE TO THE SOUTHWEST, THROUGH A CENTRAL ANGLE OF 11°53'59" (THE LONG CHORD BEARS NORTH 58°26'59" WEST, 169.69 FEET) TO A POINT OF INTERSECTION WITH THE NORTHERLY EXTENSION OF THE WESTERLY LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO NORTHWEST MARINE IRONWORKS, INC. RECORDED DECEMBER 13, 1982, DEED BOOK 1633, PAGE 543, MULTNOMAH COUNTY DEED RECORDS; THENCE, DEPARTING SAID FORMER CENTERLINE AND RUNNING ALONG SAID WESTERLY LINE, SOUTH 15°32'47" WEST, 978.95 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF N. CHANNEL AVENUE (40.00 FEET FROM CENTERLINE); THENCE, ALONG THE RIGHT OF WAY LINE OF SAID N. CHANNEL AVENUE THE FOLLOWING EIGHT (8) COURSES: 1) THENCE NORTH 75°18'31" WEST, 147.62 FEET; 2) THENCE SOUTH 14°41'37" WEST, 80.00 FEET; 3) THENCE 144.21 FEET ALONG THE ARC OF A 58.00 FOOT NON-TANGENT RADIUS CURVE TO THE LEFT, CONCAVE TO THE NORTH, THROUGH A CENTRAL ANGLE OF 142°27'26" (THE LONG CHORD BEARS SOUTH 67°58'56" EAST 109.83 FEET) TO A POINT OF REVERSE CURVATURE; 4) THENCE 27.88 FEET ALONG THE ARC OF A 25.00 FOOT RADIUS CURVE TO THE RIGHT, CONCAVE TO THE SOUTH, THROUGH A CENTRAL ANGLE OF 63°54'10" (THE LONG CHORD BEARS NORTH 72°44'39" EAST, 26.46 FEET) TO A POINT OF TANGENCY; 5) THENCE SOUTH 75°18'23" EAST, 745.22 FEET; 6) THENCE NORTH 14°41'37" EAST, 0.50 FEET; 7) THENCE 141.39 FEET ALONG THE ARC OF A 355.21 FOOT RADIUS CURVE TO THE RIGHT, CONCAVE TO THE SOUTHWEST, THROUGH A CENTRAL ANGLE OF 22°48'24" (THE LONG CHORD BEARS SOUTH 63°54'11" EAST, 140.46 FEET); 8) THENCE SOUTH 52°30'00" EAST, 2,052.87 FEET; THENCE, DEPARTING SAID N. CHANNEL AVENUE RIGHT-OF-WAY LINE, SOUTH 37°30'00" WEST 502.71 FEET MORE OR LESS TO A POINT ON THE ORDINARY HIGH WATER LINE OF THE WILLAMETTE RIVER (ESTABLISHED AT ELEVATION 17.00 FEET ABOVE

MEAN SEA LEVEL); THENCE, NORTHWESTERLY AND NORTHEASTERLY ALONG THE ORDINARY HIGH WATER LINE THE FOLLOWING THIRTEEN (13) COURSES; 1) THENCE NORTH 58°42'58" WEST, 203.94 FEET; 2) THENCE NORTH 55°15'49" WEST, 269.30 FEET; 3) THENCE NORTH 54°07'41" WEST, 1003.11 FEET; 4) THENCE NORTH 52°51'41" WEST, 119.84 FEET; 5) THENCE NORTH 52°28'07" WEST, 195.03 FEET; 6) THENCE NORTH 48°04'10" WEST, 164.27 FEET; 7) THENCE NORTH 42°58'42" WEST, 136.49 FEET; 8) THENCE NORTH 51°51'27" WEST, 118.15 FEET; 9) THENCE NORTH 58°25'15" WEST, 125.97 FEET; 10) THENCE NORTH 49°16'43" WEST, 105.49 FEET; 11) THENCE NORTH 56°23'04" WEST, 125.84 FEET; 12) THENCE NORTH 43°53'35" WEST, 111.62 FEET; 13) THENCE NORTH 12°47'00" EAST, 27.29 FEET TO THE RIVERSIDE FACE OF AN EXISTING CONCRETE RETAINING WALL; THENCE, ALONG SAID RETAINING WALL, NORTH 53°28'42" WEST, 1843.21 FEET TO THE END OF SAID RETAINING WALL; THENCE, CONTINUING ALONG SAID ORDINARY HIGH WATER LINE THE FOLLOWING ELEVEN (11) COURSES, 1) THENCE NORTH 20°38'22" WEST, 30.58 FEET; 2) THENCE NORTH 27°24'49" EAST, 65.83 FEET; 3) THENCE NORTH 37°39'44" EAST, 73.19 FEET; 4) THENCE NORTH 25°27'22" EAST, 84.57 FEET; 5) THENCE NORTH 03°40'06" WEST, 80.02 FEET; 6) THENCE NORTH 03°08'50" EAST, 88.88 FEET; 7) THENCE NORTH 18°33'02" EAST, 97.19 FEET; 8) THENCE NORTH 42°50'55" EAST, 34.66 FEET; 9) THENCE NORTH 81°50'18" EAST, 53.67 FEET; 10) THENCE SOUTH 74°56'21" EAST, 414.25 FEET; 11) THENCE NORTH 45°23'27" EAST, 34.05 FEET TO A RETAINING WALL/CELL LINE; THENCE, ALONG SAID CELL LINE THE FOLLOWING ELEVEN (11) COURSES: 1) THENCE NORTH 15°21'35" EAST, 201.00 FEET; 2) THENCE SOUTH 74°38'25" EAST, 57.98 FEET; 3) THENCE NORTH 60°21'35" EAST, 38.14 FEET; 4) THENCE NORTH 15°21'35" EAST, 43.50 FEET; 5) THENCE NORTH 29°38'25" WEST, 33.27 FEET; 6) THENCE NORTH 74°38'25" WEST, 62.28 FEET; 7) THENCE NORTH 16°29'56" EAST, 409.89 FEET; 8) THENCE SOUTH 75°31'20" EAST, 200.46 FEET TO A POINT OF NON-TANGENCY (THE RADIAL BEARING BEING SOUTH 13°22'07" WEST); 9) THENCE 84.45 FEET ALONG THE ARC OF A 205.00 NON-TANGENT RADIUS CURVE TO THE RIGHT, CONCAVE TO THE SOUTHWEST, THROUGH A CENTRAL ANGLE OF 23°36'12" (THE LONG CHORD BEARS SOUTH 64°49'47" EAST, 83.85 FEET) TO A POINT OF NON-TANGENCY; 10) THENCE SOUTH 53°08'15" EAST, 56.69 FEET; 11) THENCE SOUTH 36°48'33" WEST, 50.81 FEET TO A POINT AT THE LAGOON SIDE FACE OF A CONCRETE RETAINING WALL; THENCE, ALONG THE FACE OF SAID RETAINING WALL, SOUTH 52°27'04" EAST, 1504.65 FEET TO THE END OF SAID RETAINING WALL; THENCE, ALONG SAID ORDINARY HIGH WATER LINE THE FOLLOWING SEVEN (7) COURSES: 1) SOUTH 18°13'01" WEST, 9.64 FEET; 2) THENCE SOUTH 55°59'25" EAST, 228.49 FEET; 3) THENCE SOUTH 47°33'08" EAST, 207.85 FEET; 4) THENCE SOUTH 66°22'48" EAST, 69.65 FEET; 5) THENCE SOUTH 51°51'06" EAST, 329.79 FEET; 6) THENCE SOUTH 52°55'19" EAST, 812.07 FEET; 7) THENCE SOUTH 51°21'15" EAST, 383.83 FEET TO THE WESTERLY LINE OF THE AFORESAID TRACT IN DEED BOOK 552 PAGE 1034; THENCE DEPARTING SAID ORDINARY HIGH WATER LINE AND RUNNING ALONG THE NORTHWESTERLY LINE OF SAID TRACT, SOUTH 37°30'00" WEST 161.33 FEET MORE OR LESS TO THE TRUE POINT OF BEGINNING, CONTAINING 90.22 ACRES MORE OR LESS.

SUBJECT TO THOSE EASEMENTS RECORDED IN DEED BOOK 1633, PAGE 456 AND 458, BOOK 2007, PAGE 122, BOOK 2048, PAGE 408, BOOK 2129, PAGE 524, BOOK 91, PAGE 407, BOOK 1023, PAGE 782 AND 784, BOOK 1055, PAGE 479, BOOK 1183, PAGE 1202, BOOK 1214, PAGE 713, BOOK 1308, PAGE 792, AND BOOK 1832, PAGE 670.

THE BEARINGS IN THIS DESCRIPTION ARE BASED UPON THE CENTERLINE OF N. LAGOON AVENUE AS SHOWN IN DEDICATION DEED RECORDED AUGUST 8, 1962 IN PARCEL 1, BOOK 2132, PAGE 479, MULTNOMAH COUNTY DEED RECORDS.

COPY