



Parkrose
School District



August 17, 2023

(Sent Electronically)

To: Chief Sara Boone, Portland Fire & Rescue
Director Rebecca Esau, Portland Bureau of Development Services
Director Adena Long, Portland Parks & Recreation

Dear Chief Boone, Director Esau, and Director Long,

On behalf of the Parkrose Neighborhood Association, thank you for your respective attention to reported issues at 12350 NE Sandy Blvd. in the City of Portland. We appreciate your staff's care in responding to the fire on that site on July 19th, 2023 and your assistance to test some of the materials collected from the fires. We understand the dangers posed to your staff by having to respond to these issues and recognize the bravery of your staff to still take care of Portland residents in the face of these dangers.

Currently, community members are still testing affected property and materials from the fire. We understand that there is an active fire investigation and a class action lawsuit filed in Multnomah County against several parties, including the property owner and the tenant.

Given the seriousness and the extreme changes of the site's circumstances, we request that the City of Portland pause any issuance of permits regarding the site.

We also request that the City invoke its authority pursuant to City Code 33.262.100 (Off-Site Impacts, Documentation in Advance). Under this City Code, the applicant must submit a plan that identifies the anticipated off-site impacts of property use(s) in industrial zones and prevents and mitigates these off-site impacts to neighboring uses and to public health and safety. Some of these impacts are no longer hypothetical or speculative.

Residents have already been affected by the site. City of Portland staff time and taxpayer money have already been spent to respond to incidents at the site. The code explicitly allows the City to empower the Director of Bureau of Development Services to hold permits until these conditions are met by the applicant in order to protect the health and safety of residents, businesses, and our first responders. Using the authority in this existing City Code is also consistent with the City of Portland's Comprehensive Plan provisions adopted to protect the community.



We believe these actions to be reasonable in light of multiple incidents at the site. Using existing authority entrusted in the BDS Director provides a clear path for businesses that wish to build and operate here in our City. It helps these businesses work with residents, community institutions, schools, and existing businesses to prevent and mitigate risk from proposed demolition, construction, and operation.

Thank you for your attention to the matter. Please do not hesitate to contact us if you have any questions or request further information.

Sincerely,

Brenda Rivas, Parkrose School District Board Chair

Michael Lopes Serrao, Parkrose School District Superintendent

Lillian Erwin, Argay Terrace Neighborhood Association (ATNA) Board President

Appendix

Portland City Code, 33.262.100 – Off-Site Impacts:

<https://www.portland.gov/sites/default/files/code/33.262-off-site-impacts.pdf>

City of Portland 2035 Comprehensive Plan, *Updated through March 2020*:

https://www.portland.gov/sites/default/files/2019-08/comp_plan_intro.pdf

Portland Mercury, "Before Fire, City Inspectors Warned Former Kmart Site Owners of Code Violations." August 2, 2023.

<https://www.portlandmercury.com/news/2023/08/02/46640444/before-fire-city-inspectors-warned-former-kmart-site-owners-of-code-violations>

Willamette Week, "*Parkrose Resident Files Class Action Lawsuit Against Owner of Vacant Kmart Over Debris From Blaze.*" July 27, 2023.

<https://www.wweek.com/news/courts/2023/07/27/parkrose-resident-files-class-action-lawsuit-against-owner-of-vacant-kmart-over-debris-from-blaze/>



OPB, "Kmart fire debris positive for asbestos, DEQ tells East Portland residents to avoid stirring it up." July 21, 2023.

<https://www.opb.org/article/2023/07/21/kmart-east-portland-fire-debris-asbestos-warning/>

Portland Bureau of Transportation, "2040 Freight Demographics, Equity & Environmental Justice – Part 1." February 2022:

https://www.portland.gov/sites/default/files/2022/2040freight_demographics_equity_and_environmental_justice_part-i.pdf

The Impact Project Policy Brief Series, "Storing Harm: The Health and Community Impacts of Goods Movement Warehousing and Logistics" January, 2012.

<https://envhealthcenters.usc.edu/wp-content/uploads/2016/11/Storing-Harm.pdf>