



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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
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Date: January 31, 2013
To: Interested Person
From: Mark Bello, Land Use Services
503-823-7810 / Mark.Bello@portlandoregon.gov

NOTICE OF A TYPE II PROPOSAL IN YOUR NEIGHBORHOOD

Development has been proposed in your neighborhood. The proposed development requires a land use review. The proposal, review process, and information on how to respond to this notice are described below. A copy of the site plan and zoning map is attached. I am the staff person handling the case. Please call me if you have questions regarding this proposal. Please contact the applicant if you have questions regarding any future development on the site.

Because we must publish our decision within 28 days, **we need to receive your written comments by 5 p.m. on February 21, 2013.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 13-107727 AD, in your letter. It also is helpful to address your letter to me, Mark Bello.

CASE FILE NUMBER: LU 13-107727 AD

ECO TECH TRUCK PARKING ADJUSTMENT

Applicant: Peter Fry
2153 SW Main St #105
Portland OR 97205

Don Francis
Eco Tech LLC
PO Box 11630
Portland, OR 97211

Owner: David V Wolfe
4126 SW 54th Pl
Portland, OR 97221

Site Address: 7302 N RICHMOND AVE

Legal Description: BLOCK 3 LOT 11-14, SEVERANCE ADD
Tax Account No.: R756201030
State ID No.: 1N1W12AB 02800
Quarter Section: 2122

Neighborhood: St. Johns, contact Jennifer Levy at jenniferlevy@stjohnspdx.org.
Business District: St. Johns Business Boosters, contact John Englund at 503-247-9113.
District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099.

Plan District: St. Johns

Zoning: CSd, Commercial Storefront zoning with “d” design overlay

Case Type: AD Adjustment review

Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal:
 The applicant proposes to use this site for environmental services (industrial services). Interior work would occupy a 5,766 square foot building at the southwest corner of the lot. Service trucks would be parked in a parking lot on the east half of the 26,000 sq. ft. site.

Eco Tech now uses five medium duty trucks and anticipates adding two more in the next few years. (Medium trucks have a single rear axle and dual rear wheels.) The medium duty trucks are used to transfer materials and tools to the job site. An adjustment is required to allow these seven medium trucks on site as the zoning code does not otherwise allow these trucks in the CS, Commercial Storefront zone.

The site is bounded by N. Richmond Avenue to the west, N. Jersey to the north, and N. Ivanhoe to the south. The CSd-zoned site abuts R1d zoned multi-dwelling development to the east. Access to the parking lot is via N. Ivanhoe.

The applicant proposes no exterior alterations and does not request design review approval.

Relevant Approval Criteria:

The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations.

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

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

A. Purpose. The parking and storage of trucks and equipment is regulated to ensure that it will be consistent with the desired character of the commercial zones and to limit adverse effects on adjacent residential lands. (Section 33.130.255)

Desired Character of the CS zone:

The Storefront Commercial (CS) zone is intended to preserve and enhance older commercial areas that have a storefront character. The zone intends that new development in these areas will be compatible with this desired character. The zone allows a full range of retail, service and business uses with a local and regional market area. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. The desired character includes areas which are predominantly built-up, with buildings close to and oriented towards the sidewalk especially at corners. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged. (Section 33.130.030)

- B. If in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

Street Classifications

- *North Richmond is classified as a Transit Access Street, District Collector Traffic Street, and Bikeway, North Richmond is the eastern perimeter of the St. Johns Pedestrian*

District.

- *N. Jersey and N. Ivanhoe are local service streets.*

- C.** If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; [not applicable as only one adjustment is requested] and
- D.** City-designated scenic resources and historic resources are preserved; [not applicable, no such resources are mapped on this site] and
- E.** Any impacts resulting from the adjustment are mitigated to the extent practical.
- F.** If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable. [Not applicable as the site is not in an environmental zone]

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. This application was submitted on January 22, 2013 and determined to be complete on January 28, 2013.

DECISION MAKING PROCESS

The Bureau of Development Services will make a decision on this proposal. We will consider your comments, and

- Approve the proposal.
- Approve the proposal with conditions.
- Deny the proposal.

The neighborhood association listed on the first page of this notice may take a position on this application. They may also schedule an open meeting prior to making their recommendation to the Bureau of Development Services. Please contact the person listed as the neighborhood contact to determine the time and date of this meeting.

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 extended at the request of the applicant.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

APPEAL PROCESS

If you disagree with the Bureau of Development Services administrative decision, you can appeal the decision to the Adjustment Committee. This review body will hold a public hearing for the appeal. When the decision is mailed, the criteria used to make the decision and information on how to file an appeal will be included. If you do not send any comments, you can still appeal the decision. There is a 14-day deadline to file an appeal beginning on the day the decision is mailed. The reason for the appeal must be specifically defined in order for the review body to respond to the appeal. If an appeal is filed, you will be notified of the time and location of the appeal hearing.

There is a fee charged for appeals. Recognized neighborhood associations may qualify for an appeal fee waiver.

APPEAL OF THE FINAL CITY DECISION

After an appeal hearing, the review body decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Suite 235, Salem, OR 97301. The phone number for LUBA is 1-503-373-1265. Issues that may provide the basis for an appeal to LUBA must be raised prior to the comment deadline or prior to the conclusion of the hearing if a local appeal is requested. If you do not raise an issue with enough specificity to give the Bureau of Development Services an opportunity to respond to it, that may also preclude an appeal to LUBA on that issue.

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).

Enclosures:

Zoning Map
Site Plan

