



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

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**Date:** October 25, 2012  
**To:** Interested Person  
**From:** Shawn Burgett, Land Use Services  
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## **NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has **approved** a proposal in your neighborhood. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

### **CASE FILE NUMBER: LU 12-172004 NU**

#### **GENERAL INFORMATION**

**Applicant:** Jim Gilbert & Lorraine Gardner / One Green World / 503-651-3737  
28696 S Cramer Road / Molalla, OR 97038

**Owner:** Timothy M Meinig / Jeanne Meinig Trust  
8032 SE 140th Dr / Portland, OR 97236-6611

**Site Address:** 6469 & 6481 SE 134TH AVE

**Legal Description:** LOT 18 TL 2400, LAMARGENT PK NO 2; LOT 18 TL 2300, LAMARGENT PK NO 2

**Tax Account No.:** R466205260, R466205320

**State ID No.:** 1S2E23AB 02400, 1S2E23AB 02300

**Quarter Section:** 3744

**Neighborhood:** Pleasant Valley, contact Linda Bauer at 503-761-2941.

**District Coalition:** East Portland Neighborhood Office, Richard Bixby at 503-823-4550.

**Plan District:** Johnson Creek Basin – South subdistrict

**Zoning:** R5a (Single Family Residential 5,000 with “a” alternative desing denisty overlay)

**Case Type:** NU (Nonconforming Situation Review)

**Procedure:** Type II, an administrative decision with appeal to the Hearings Officer.

#### **Proposal:**

The site is currently zoned for residential use (R5), but has been home to an oil furnace and furnace parts company with warehouse, shipping and receiving for home heating and oil distribution since 1928. The applicant has provided documentation that this use has remained continuous since this site was annexed by the City of Portland in 1994; a use classified as an “Industrial Service” use per Zoning Code Chapter 33.920.300. Zoning Code section 33.258.050.B (Nonconforming uses) states that a change of use to a use in a different use category which is prohibited by the base zone may be allowed through a nonconforming situation review (Zoning Code section 33.258.080). In addition, Nonconforming uses may expand under certain circumstances (33.258.050.C).

The applicant is proposing to locate a portion of their nursery business “One Green World” on

this site through a Nonconforming Situation Review (the Company is currently located near Molalla, Oregon with offices in downtown Portland). The proposed activities include:

- Mail order nursery business offering plants to home gardeners.
- Local customers will have the opportunity to pick up their plants at this location.
- Operation would include the company's phone and internet sales department and will serve as the headquarters of One Green World.
- Utilize the warehouse and office building for the shipping department, internet and phone sales, will call and retail drop-in sales.

The house fronting SE 134<sup>th</sup> Avenue would be used as an administrative office. The Warehouse and Office Building will be used for the shipping department, internet and phone sales and for will call and retail drop in sales. The barn in the rear of the property would be used to house a walk in cooler that would keep bare root plants dormant for late spring shipments. The compressor for the cooler would be enclosed to minimize noise. The applicant has also proposed to construct a temporary green house in the rear of the property, less than 15 ft. in height and meeting all setback standards. The Greenhouse would be used to protect tender plants in the winter. The home heating and oil distribution center will no longer operate on this site.

The new business would operate:

- Monday-Friday from 8am to 5pm, and on Saturday from 9am to 5pm.
- Estimated 15-20 daily weekday vehicle trips would be generated between January and May during the busy season, with 25-40 on Saturday. This number would decrease 50% during the non-busy season.
- 4-5 employees would work at the site, and plants would be delivered 1-3 times per week via a small truck from the Company's farm near Molalla.
- No significant off site impacts from noise, vibration, dust, odor, glare and smoke would occur. No significant external changes to the existing buildings are proposed.

Based on the activities described above, the new business would be categorized as Warehouse and Freight Movement with accessory Retail Sales and Service uses.

**Relevant Approval Criteria:**

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

- Nonconforming Situation Review, 33.258.080 B.

## ANALYSIS

**Site and Vicinity:** The 40,039 square foot lot is developed with a single-story residence that was built in 1939. The property is also developed with a barn and warehouse located behind the house and a gravel parking area north of the existing house adjacent to SE 134<sup>th</sup> Ave. SE 134<sup>th</sup> Ave is improved with a paved road with gravel shoulders and no sidewalk or curbs. The property directly north of the subject site measures approximately 37,200 sq. ft and is vacant. This property is zoned for multi-family (R2) type development which would currently allow one unit per 2,000 square feet of site area. The properties to the south, west and east of the subject site are all zoned R5 (single family residential, 5,000 sq. ft.). The homes located directly west of the subject site along SE Glenwood St. were built between 1989 and 1990. SE Glenwood St. extends to the western boundary of the subject site and dead ends at this location. Three of the four homes located south of the subject site were built in the 1940's, while another was built in 1961. SE 134<sup>th</sup> Ave is classified as a Community Transit street at this location.

**Zoning:** The R5 designation is one of the City's single-dwelling zones which is intended to preserve land for housing and to promote housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing.

**Land Use History:** City records indicate Multnomah County case file MCF 151-57 ZC, a land use review from 1957 denied a proposal at that time to expand the existing business, which confirms that the property was in commercial use at that time.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **September 13, 2012**. The following Bureaus have responded with no issues or concerns:

- BDS Site Development
- Urban Forestry

The **Bureau of Transportation Engineering** responded with the following comments:

From information provided by the applicant, it appears that vehicle trips to and from the site will either be about the same or less during the busy months of operation. The value of the proposed site improvements do not trigger frontage improvements under the “significant alteration” provisions of Title 17.88.020. There will be no dedications or street improvements required for this project. No objection to approval. Exhibit E-2 contains additional details.

The **Fire Bureau** responded with the following comment:

A separate building permit is required for this proposal. All applicable Fire Code requirements will apply during the review of the permit. Please review the current Fire Code for fire related requirements. Exhibit E-4 contains additional details.

The **Life Safety Plans Reviewer** responded with the following comment:

The following comments are intended to provide the applicant with preliminary Building Code information that could affect future Building Permit reviews. Comments are based on The Oregon Structural Specialty Code, The Oregon Mechanical Specialty Code, or The Oregon Residential Specialty Code. A separate Building Permit is required for the work proposed and the proposal must be designed to meet all applicable building codes and ordinances. It is recommended the applicant visit the Development Services Center to research the current Occupancy Classification and Building Code requirements associated with a possible change of occupancy, including but not limited to: seismic upgrades and system development fees. A Building Permit is required to change the use of a building to a different occupancy classification, and the building must be made to comply with building code requirements for the proposed new use or occupancy. It is recommended that the applicant contact Ben Howell (503) 823-4539 for more information. Alternative methods and materials may be approved by the Administrative Building Code Appeal Board. Exhibit E-7 contains additional details.

The **Water Bureau** responded with the following comments:

The Water Bureau has no concerns regarding the requested Nonconforming Situation Review for the proposed change in use, for the property located at 6469 SE 134th Ave. There are two existing services which provide water to this location and they are as follows:

1. 6469 SE 134th Ave – 5/8” metered service (Serial #11495018, Account #2957290900)
2. 6481 SE 134th Ave – 5/8” metered service (Serial #20604716, Account #2981886200)

The above two listed services are provided water from the existing 4” DI water main in SE 134th Ave. The estimated static water pressure range for this location is 52 psi to 65 psi at the existing service elevation of 284 ft. Exhibit E-3 contains additional details.

The **Bureau of Environmental Services (BES)** responded with the following comments:

BES takes no exception to approval of the Nonconforming Situation application. Note that any future proposed redevelopment of the site will be subject to BES standards and requirements during the permit review process.

The following information relates to specific site conditions or features that may impact the proposed project.

- *Johnson Creek Basin Plan District, South Subdistrict:* Zoning Code Section 33.537.140, Johnson Creek Basin Plan District, South Subdistrict Development Standards, states that no more than 50% of any site may be developed in impervious surface. Pervious area allows rain water to infiltrate into the ground, thereby slowing the stream response and reducing the amount of stormwater that enters the stream network, which minimizes damage to property caused by flooding. This groundwater recharge is critical to maintain summertime baseflow and improve water temperature in Johnson Creek. Pervious area is also important to the health of the Johnson Creek Watershed, as it helps prevent pollutants and erosive flows from entering Johnson Creek.
- *Mature Trees:* The site contains mature trees which are beneficial because they intercept at least 30% of precipitation that falls on the canopy, filter stormwater, help prevent erosion, and provide shade which cools the air and stormwater runoff. It is difficult to mitigate for the removal of mature trees as it can take decades for new trees to provide equivalent benefits. BES recommends that future development at this site include measures to preserve as many of the site's existing trees as possible. Financial incentives for existing trees taller than 15 feet on private property may be available for ratepayers who register with [Clean River Rewards](#), the City's stormwater discount program. Call 503-823-1371 for more information.

Exhibit E-1 contains additional details.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on September 13, 2012. One written response of support has been received from the Neighborhood Association (exhibit F-1) in response to the proposal.

## ZONING CODE APPROVAL CRITERIA

### NONCONFORMING SITUATION REVIEW

#### 33.258.010 Purpose of Nonconforming Situation Regulations

Nonconforming situations are created when the application of a specific zone to a site changes, or a zoning regulation changes. As part of the change, existing uses, density, or development might no longer be allowed. The intent of the change is not to force all non-complying situations to be immediately brought into conformance. Instead, the intent is to guide future uses and development in a new direction consistent with City policy, and, eventually, bring them into conformance.

Legal nonconforming status is based on whether the situation was allowed when established, and if it has been maintained over time. This chapter also provides a method to review and limit nonconforming situations when changes to those situations are proposed. The intent is to protect the character of the area by reducing the negative impacts from nonconforming situations. At the same time, the regulations assure that the uses and development may continue and that the zoning regulations will not cause unnecessary burdens.

Nonconforming situations that have a lesser impact on the immediate area have fewer restrictions than those with greater impacts. Nonconforming uses in residential zones are treated more strictly than those in commercial, employment or industrial zones to protect the livability and character of residential neighborhoods.

#### 33.258.050 Nonconforming Uses

- B. Change of use.** A change to another use in the same use category is allowed by right, provided that the off-site impact standards of Chapter 33.262, Off-Site Impacts, are met. The applicant must document in advance that the nonconforming use will meet the off-site impact standards. For changes of use within the same use category which do not meet the off-site impact standards, the change may be allowed through a nonconforming situation review. A change to a use in a different use category which is prohibited by the base zone

may be allowed through a nonconforming situation review. In R zones, a change from a nonconforming nonresidential use to an allowed residential use that exceeds the allowed density may be allowed through a nonconforming situation review. An example of this is conversion of a storefront in an R7 zone (nonconforming use) to a triplex (allowed use, nonconforming residential density).

- C. Expansions.** Nonconforming uses may expand under certain circumstances. Exterior improvements may expand by increasing the amount of land used. Changing the exterior use, for example from parking to storage, is an expansion of exterior storage. Adding parking spaces to an existing lot is also an expansion.

Expansion of nonconforming uses and development is generally limited to the area bounded by the property lines of the use as they existed two years before the use became nonconforming. The property lines are the lines nearest to the land area occupied by the nonconforming use and development and its accessory uses and development, moving in an outward direction. Property lines bound individual lots, parcels, and tax lots; a site or ownership may have property lines within it. The applicant must provide evidence to show the location of property lines as they existed two years before the use became nonconforming. In OS and R zones, expansions of floor area or exterior improvements, when proposed within the property lines as they existed two years before the use became nonconforming, may be approved through a nonconforming situation review.

**Staff Comments:** Nonconforming use status for this site and purposes for review requirements:

The applicant provided evidence that documented the property had been used as an oil furnace and furnace parts company with warehouse, shipping and receiving for home heating and oil distribution continuously since 1994 when the property was annexed by the City of Portland from Multnomah County. It has been determined that the heating and oil distribution business is classified as an "Industrial Service" use per Zoning Code Chapter 33.920.300. The applicant indicated that the oil furnace and furnace parts company has been on the site since 1928 (exhibit G-4).

Standard evidence has been provided including zoning maps showing that the property was zoned residential (LR-5) when it was annexed to the City of Portland from Multnomah County in June of 1994. Multnomah County case file MCF 151-57 ZC, a land use review from 1957 denied a proposal at that time to expand the existing business, which confirms that the property was in commercial use at that time (exhibit G-2). Telephone directories, property insurance correspondence, business licenses and lease agreements were all submitted as standard evidence to verify that the non-conforming use was maintained over time (exhibit G-4).

This proposal is to locate a new use (mail order portion of nursery business) on this residential site which is defined as Warehouse and Freight Movement and Retail Sales and Service uses, both which are prohibited. The proposal includes utilizing the house fronting SE 134<sup>th</sup> Avenue as an administrative office. The existing warehouse and office building will be used for the shipping department, internet and phone sales and for will call and retail drop in sales. The barn in the rear of the property will be used to house a walk in cooler that would keep bare root plants dormant for late spring shipments. The compressor for the cooler would be enclosed to minimize noise. The applicant has also proposed enlarge the use by constructing a temporary green house in the rear of the property, less than 15 ft. in height and meeting all setback standards. The Greenhouse would be used to protect tender plants in the winter.

Discussion of the proposed use and the proposed changes to the development on the site will be addressed in the findings for the approval criteria for the requested Nonconforming Situation Review below.

**33.258.080 Nonconforming Situation Review**

**A. Procedure.** A nonconforming situation review is processed through a Type II procedure.

**B. Approval criteria.** The request will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

1. With mitigation measures, there will be no net increase in overall detrimental impacts (over the impacts of the previous use or development) on the surrounding area taking into account factors such as:
  - a. The hours of operation;
  - b. Vehicle trips to the site and impact on surrounding on-street parking;
  - c. Noise, vibration, dust, odor, fumes, glare, and smoke;
  - d. Potential for increased litter; and
  - e. The amount, location, and nature of any outside displays, storage, or activities; and

**Findings:** The following are comparisons of the proposed operations and the most recent situation for the site:

- The regular hours that the business will be open to public will be less than the previous tenant, Meinig-Crown Oil Company which often operated Monday through Saturday from 8AM to 8PM (or later). The proposed nursery hours are Monday through Friday, from 8AM to 5PM, and Saturday 9AM to 5PM. The sheet metal fabrication, installation, refrigeration and heating equipment repair that also took place on the site that was also associated with the overall business operation took place Monday through Saturday from 8AM to 5PM (Exhibit A-2).
- The applicant stated that Meinig-Crown Oil Company owners estimated that they had 8 to 9 company vehicles assigned to installers, 2 servicemen, a plumber and one supervisor. In addition, there were two oil trucks delivering oil to residential customers. In addition to these vehicles, each departing and returning at least once a day, there were 6 to 10 daily delivery trucks from wholesale suppliers. Customers would also frequent the site to purchase sheet metal and furnace parts, or pay bills. During the busy season (November-April), up to 24 contractors would visit the site daily. During the busiest times the business would employ 10 to 12 employees at this location, with a minimum of 3 to 4 employees during the slower times (Exhibit A-2).
- In comparison, the applicant estimated that the new Nursery related use on the site would generate 15-20 daily vehicle trips between January and May (during the busy season), with 25-40 trips on Saturday. This number would decrease 50% during the non-busy season. In addition 4-5 employees would work at the site, and plants would be delivered 1-3 times per week via a small truck from the Company's farm near Molalla. The applicant indicated that along the main entrance to the property there is a parking area for ten cars. The driveway to the existing house provides two additional spaces for employee vehicles. In addition, there are three on street parking spaces available along the frontage of the property along SE 134<sup>th</sup> Ave. It is not expected that the on street parking would be needed on a regular basis. However, the availability of this parking, together with the parking that is provided on site indicates that there should be an adequate supply of vehicle parking for the proposed activities on the site (Exhibit A-1).
- No noticeable impacts from noise, vibration, dust, odor, fumes, glare or smoke are expected from the proposed use, as all operations are contained within the buildings. The previous business on the site used a large commercial air compressor that was very loud and used delivery trucks with diesel engines that also generated lots of noise. In comparison, the new proposed use will utilize the barn in the rear of the property to house a walk in cooler that would keep bare root plants dormant for late spring shipments. The compressor for the cooler would be enclosed to minimize noise. (Exhibit A-1)

- The proposed use is not likely to generate any litter.
- No outside displays, storage or activities are proposed. The existing sign identifying the current business will be replaced by a new sign identifying the proposed business. Signs for the business would need to meet the requirements of Title 32, the Portland Sign Code. In comparison, the previous use on the site stored company equipment including: trucks, trailers, oil tanks, dump boxes for scrap metal, small containers for recycling, pallets, pipe racks with pipes and concrete mixing stations. The previous business on the site also did the following outdoor activities: oil pumping, loading material on pallets, equipment maintenance and repair, along with equipment assembly (Exhibit A-2).

The impacts on the surrounding residential area will not increase as a result of the proposed change in use. Traffic is not expected to increase. The on-site parking will accommodate the clients and staff that are expected on a regular basis, so there should be no impacts on the availability of street parking in the surrounding area.

Therefore, with this condition, this criterion can be met.

2. If the nonconforming use is in an OS or R zone, and if any changes are proposed to the site, the appearance of the new use or development will not lessen the residential character of the OS or R zoned area. This is based on taking into account factors such as:
  - a. Building scale, placement, and facade;
  - b. Parking area placement;
  - c. Buffering and the potential loss of privacy to abutting residential uses; and
  - d. Lighting and signs, and

**Findings:** The proposed structures are in keeping with the scale and placement of development that is allowed within the R5 zone. The detached house is currently used by the current owner as an office; the applicant proposes to continue the use of the home as an administrative office. The warehouse building was previously used for manufacturing and industrial uses. One Green World proposes to use this building for its shipping department, internet and phone sales; along with will call and retail drop in sales. In addition, the barn in the rear of the property previously used for machinery repair, will house a walk in cooler that will keep bare root plants dormant for late spring shipments. The compressor for the cooler will be enclosed to minimize noise. The proposed alterations to the development include a temporary green house in the rear of the property within the southwest corner, less than 15 ft. in height and meeting all setback standards. The Greenhouse would be used to protect tender plants in the winter.

These proposed changes will maintain the existing characteristics of the site. No changes are proposed to the onsite parking areas.

There will be no need for any additional buffering for the closest residential uses, because the use will have either the same or fewer impacts as the previous business that was located on the site. The Greenhouse proposed (see exhibit A-2) on the site will meet all applicable setback and height regulations for the R5 zone. There is an existing chain link fence that separates the subject site from the residential properties surrounding the site. The previous business on the site parked large vehicles in the area (see Exhibit G-5) where the Greenhouse is proposed on the site (within the southwest corner). The greenhouse will be less of a detrimental impact to the surrounding residential homes than the large vehicles that were previously located in the southwest corner of the site and had associated engine noise and fumes. The proposed greenhouse will also provide the residential homes with an additional "green" buffer from the non conforming use proposed on the site. The business activities are proposed to occur inside and use of the parking lot will only occur in daytime hours.

Any signs for the business will be required to meet the standards of Title 32 or 33.258 and so are not expected to detract from the residential character of the area. The applicant indicated that minimal outside security lighting is currently in operation and no changes are anticipated. Any changes to the lighting that is on the site will meet the off-site impact standards of Code Section 33.262, which prevents excessive glare. Therefore, the appearance of the proposed addition will not lessen the residential character of the R zone and, with the conditions noted above, this criterion can be met.

3. If the nonconforming use is in a C, E, or I zone, and if any changes are proposed to the site, the appearance of the new use or development will not detract from the desired function and character of the zone.

**Findings:** The proposal is in a residentially zoned area. This criterion does not apply.

## 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

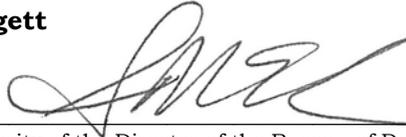
The proposed change of uses and alterations to the development for this site meet all of the relevant approval criteria for the required Nonconforming Situation Review. There will be no anticipated increase in the impacts to the surrounding residential area, over the impacts that were created by the previous use. The proposed alterations to the development on the site will not lessen the residential character of the R zoned area. In accordance with the site plan, the proposal can be approved.

## ADMINISTRATIVE DECISION

Approval of a Nonconforming Situation review to allow Warehouse and Freight Movement and associated Retail Sales and Service on the site, per the approved site plan, Exhibit C-1, signed and dated October 23, 2012, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 12-172004 NU."

**Staff Planner: Shawn Burgett**

**Decision rendered by:**  **on October 23, 2012**

By authority of the Director of the Bureau of Development Services

**Decision mailed: October 25, 2012**

**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 August 15, 2012, and was determined to be complete on **September 6, 2012**.

*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 August 15, 2012.

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

**Conditions of Approval.** If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

**Appealing this decision.** This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on November 8, 2012** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please 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](http://www.portlandonline.com).

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Hearings Officer an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

**Recording the final decision.**

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **November 9, 2012**.
- A building or zoning permit will be issued only after the final decision is recorded.

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  
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

**Expiration of this approval.** An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

A. Applicant's Statement

1. Narrative dated 8/13/12, (includes attached applicant exhibits A-F)
2. Narrative and photos dated 9/4/12 (includes attached applicant exhibits G-J)
3. Historical Photos of site

B. Zoning Map (attached)

C. Plans/Drawings:

1. Site Plan (attached)
2. Elevation drawings of proposed Greenhouse and existing buildings on the site

D. Notification information:

1. Mailing list

2. Mailed notice

E. Agency Responses:

1. Bureau of Environmental Services
2. Bureau of Transportation Engineering and Development Review
3. Water Bureau
4. Fire Bureau
5. Site Development Review Section of BDS
6. Bureau of Parks, Forestry Division
7. Life Safety

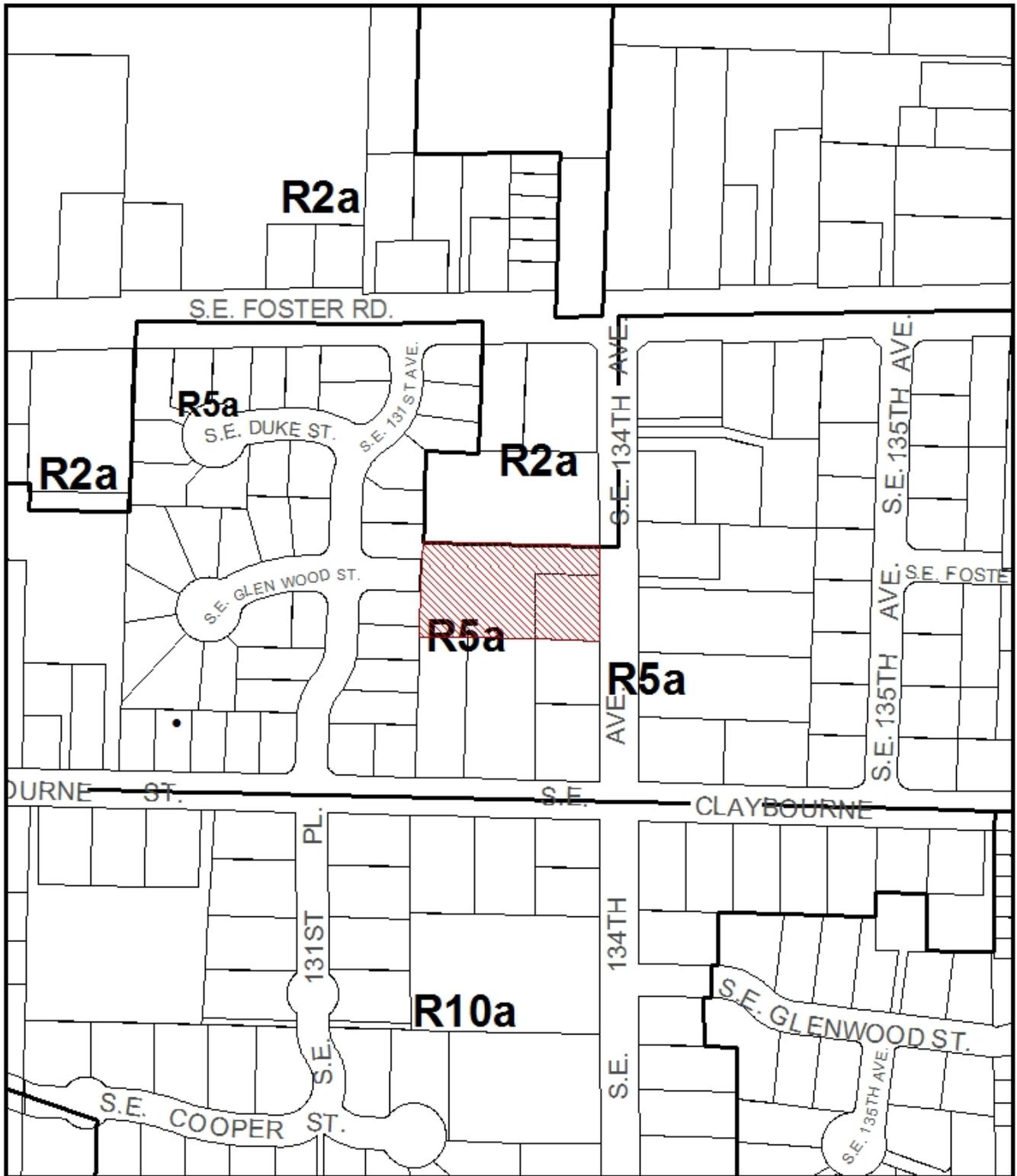
F. Correspondence:

1. Linda Bauer, Pleasant Valley Neighborhood Association, 9/28/12.

G. Other:

1. Original LU Application
2. Site History Research
3. Incomplete Letter dated 8/30/12
4. Correspondence from 12-155059 PR (which was withdrawn), documenting use, timeline of use and providing standard evidence (lease agreements, property insurance documentation, sales receipts, telephone directory documentation, County Zoning, etc.
5. GIS aerial view of site
6. E-mail correspondence dated 10/9/12 documenting estimated cost of site improvements

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



# ZONING

 Site

 Historic Landmark



This site lies within the:  
JOHNSON CREEK BASIN PLAN DISTRICT

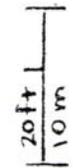
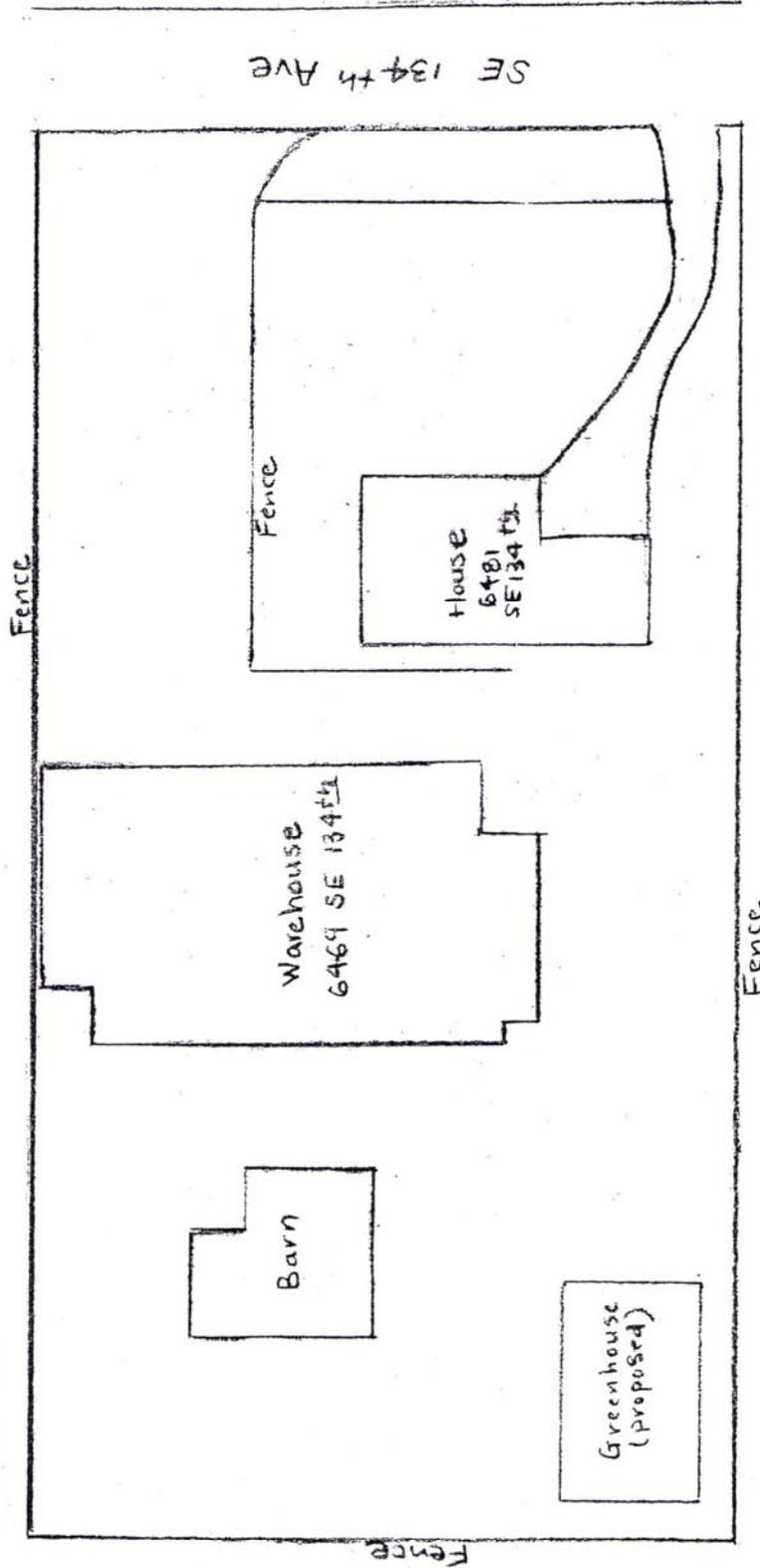
File No.	<u>LU 12-172004 NU</u>
1/4 Section	<u>3744</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S2E23AB 2300</u>
Exhibit	<u>B (Sep 12, 2012)</u>

Site Plan - Revised to Include Accessory Greenhouse Structure  
6469 SE 134<sup>th</sup> Ave  
6481 SE 134<sup>th</sup> Ave  
Portland, OR 97236

Case No: LU 12-172004  
Date: 09/04/12  
Project: One Green World  
Shipping & Sales Office



CASE NO. 12-172004 NH  
EXHIBIT C-1



1/2" = 20 ft

**\*Approved\***  
City of Portland - Bureau of Development Services  
Planner S. Burch Date 10/23/12  
\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.