



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

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[www.portlandonline.com/bds](http://www.portlandonline.com/bds)

**Date:** January 13, 2009  
**To:** Interested Person  
**From:** Matt Wickstrom, Land Use Services  
503-823-7840 / [WickstromM@ci.portland.or.us](mailto:WickstromM@ci.portland.or.us)

**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 this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

**CASE FILE NUMBER: LU 08-178164 AD**

**GENERAL INFORMATION**

**Applicant:** Cheri Fletcher-Powell  
ES & A Sign & Awning  
89975 Prairie Road  
Eugene, OR 97402

**Owners:** Edward L. & Janis M. Brabham  
2711 N Haskell Boulevard  
Dallas, TX 75204-2906

**Also Notify:** Ryan Mitchell  
7-Eleven Corporation  
20819 72<sup>nd</sup> Ave South, Suite 800  
Kent, WA 98032

**Site Address:** 11310 NW ST HELENS RD

**Legal Description:** TL 600 0.17 ACRES, SECTION 03 1N 1W  
**Tax Account No.:** R961030040  
**State ID No.:** 1N1W03AA 00600  
**Quarter Section:** 1918

**Neighborhood:** Linnton, contact Kerrigan Gray at 503-778-2444  
**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212

**Zoning:** EG1 (General Employment 1)

**Case Type:** AD (Adjustment Review)  
**Procedure:** Type II, an administrative decision with appeal to the Adjustment Committee.

**Proposal:**

The site contains a convenience store with a marquee sign, one free-standing sign and surface parking. The applicant has requested to replace the existing marquee sign at the convenience store. An existing 3-foot by 3-foot sign is located in the center of the west elevation of the marquee and contains the business name (7-Eleven). Painted wall highlights (horizontal stripes) are located on either side of the sign and extend the full length of the west elevation of the marquee. This elevation of the marquee is illuminated with external down-lighting. Horizontal stripes are also located along a 1-foot 3-inch north elevation of the marquee and along a 1-foot 3-inch south elevation of the marquee. The horizontal stripes do not convey a message or image so this area is not included as part of the total area of the existing sign. The north and south marquee elevations are not currently illuminated.

The replacement sign will consist of approximately 13 sign cabinets on the west elevation; a central 3-foot by 3-foot cabinet will contain the business name. Flanking this central cabinet will be a total of 12 cabinets (6 on each side) that will contain a horizontal stripe pattern. Because the horizontal stripes are within sign cabinets, they are required to be included in the total area of the replacement sign. No cabinets or lighting are proposed to be placed on the north or south sides of the marquee.

The total area of all proposed cabinets on the west side of the marquee will be approximately 252 square feet (3 feet high and 84 feet long). These sign cabinets will be internally illuminated. For signs attached to buildings in the EG1 zone, the Sign Code allows a maximum size allocation of 1 square foot per 1-foot of primary building wall if a free-standing sign is also on the same street frontage. The west (primary) building wall of the store is approximately 87.5 feet in length. Therefore, for this convenience store a maximum size allocation of approximately 87.5 square feet is allowed. The applicant requests approval of an Adjustment to increase the allowed sign area of the replacement signs from 87.5 square feet to 252 square feet.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 32. The relevant approval criteria are the Adjustment Review Criteria of Section 32.38.030.C of the City of Portland Sign Code.

**ANALYSIS**

**Site and Vicinity:** The 7,560 square foot site is developed with a convenience store, a surface parking lot and a freestanding sign. The site is located along NW St. Helens Road. The surrounding vicinity is primarily developed with industrial type buildings although there is a vacant commercial building to the north of the site. The property to the west of the site across NW St. Helens Road is steeply sloped and forested. The site to the south is developed with a single-story industrial building.

**Zoning:** The site is zoned EG1 (General Employment 1). The EG1 zone allows a wide range of employment opportunities without potential conflicts from interspersed residential uses. The emphasis of the zone is on industrial and industrially-related uses. EG1 areas generally have smaller lots and a grid block pattern. The area is mostly developed, with sites having high building coverages and buildings which are usually close to the street. Retail Sales and Services uses are allowed in the EG1 zone provided the floor area plus the exterior display and storage area is no more than 60,000 square feet or the floor area ratio is more than 1:1.

**Land Use History:** City records indicate there are no prior land use reviews for this site.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **December 8, 2008**. The Bureau of Environmental Services, Development Review Section of Portland Transportation, the Life Safety and Site Development Sections of BDS as well as the Fire, Water

and Parks Bureaus responded with no concerns (Exhibit E-1).

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on December 8, 2008. One written response has been received from notified property owners in response to the proposal. The response came from the property owner to the south of the site. It states no objections to the proposal. The property owner states that he will agree with the proposal provided 7-Eleven “adds two or three bright night lights on the east (south) side of the building”. The lights are intended to create a safer environment and to illuminate a walkway which leads to the nearby railroad tracks.

*Staff response: As the lights are not directly related to the approval criteria which applies to the proposed sign, installation of the lights cannot be conditioned as part of this land use review. Nonetheless, staff understands that the owner of the convenience store and the neighbor are in communication about adding the safety lights on the south side of the building.*

## **SIGN CODE APPROVAL CRITERIA**

### 32.38.030.A Adjustment Review – Purpose.

Sign adjustments are intended to allow flexibility to the sign regulations while still fulfilling the purpose of the regulations. The specific approval criteria allow signs that enhance the overall character of an area or allow for mitigation of unusual site conditions.

### 32.38.030.C Adjustment Review

Sign adjustments will be approved if the review body finds that the applicant has shown that the criteria of Paragraph C.1. or 2, below are met.

1. Area enhancement. The applicant must meet criteria C.1.a & b. and either C.1.c. or d.
  - a. The adjustment for the proposed sign will not significantly increase or lead to street level sign clutter, to signs adversely dominating the visual image of the area, or to a sign that will be inconsistent with the objectives of a specific plan district or design district; and

**Findings:** The proposed increase in signage will not significantly increase or lead to street level clutter or adversely dominate the visual image of the area because the proposed signage is consistent with the current graphic elements and sign on the west façade of the store. The existing graphic elements on the store’s west elevation marquee include the existing 7-Eleven sign in the center, plus the horizontal stripes on either side. Incidentally, these horizontal stripes on both sides of the 7-Eleven sign are not categorized as sign area because they are not within sign cabinets. The total area of the graphic elements (the 7-Eleven sign and the horizontal stripes) on the west of façade of the building equals approximately 262.5 square feet in size.

Under the new proposal, the horizontal stripes will be within sign cabinets, so they will be categorized as sign area. The proposed signage on the west elevation of the marquee will measure approximately 3 feet high by 84 feet long, resulting in approximately 252 square feet of signage. Although the proposed sign area exceeds the Sign Code allowance for sign area, it constitutes a 4% reduction to the existing graphic area on the west-facing portion of the marquee. The replacement sign on the west elevation will be internally illuminated. However, the existing sign and painted wall stripes on the west elevation are currently illuminated by external down-lighting. The applicant states that the internal illumination of the replacement sign will be similar in lighting effect and intensity to the down-lighting of the existing sign, and to the internal illumination of the existing pole sign. With a similar lighting intensity to the existing conditions and a reduced graphic area, it is reasonable to conclude that the proposed signage on the west elevation will not significantly increase street level sign clutter.

It is also important to note that the proposed signage on the west marquee elevation will not affect any nearby residential uses as the residentially zoned sites across the street are undeveloped. The site is not located within a plan district or design district.

Based on the information above, this criterion is met.

- b. The sign will not create a traffic or safety hazard; and

**Findings:** The applicant notes that the proposed signage consists of a wall signage that is illuminated, but does not flash, scroll, or rotate on the storefront. The sign is static illumination that is lit only during nighttime hours and the lighting is concealed behind the sign faces. The end result will be a lighting effect and intensity that is almost the same as the existing storefront down-lighting. Furthermore, the applicant notes that the proposed illuminated storefront signage is relative in lumen intensity to the lighted pole sign on site, which does not create a traffic or safety hazard. In addition, the Bureau of Transportation (PDOT) has responded that they have no concerns with the requested adjustment for the replacement wall signage. Based on this information, this criterion is met.

- c. The adjustment will allow a unique sign of exceptional design or style that will enhance the area or that will be a visible landmark; or
- d. The adjustment will allow a sign that is more consistent with the architecture and development of the site.

**Findings:** The proposed Adjustment will allow a sign that is more consistent with the architecture and development of the site. The proposed signage is consistent with what exists at the site now, with the exception that the type of lighting will be internal rather than external. In addition, approval of the adjustment will allow the wall signage to match the existing internally illuminated pole sign and its graphics. This criterion is met.

## 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 purpose of the regulation is met. The addition of the proposed sign elements along the west-facing portion of the marquee will result in a wall sign area of approximately 252 square feet which exceeds the maximum wall sign area of approximately 87.5 square feet. However, the proposed signage constitutes an approximately 4 percent reduction in graphic area on the west façade of the building. As a result the proposed sign elements will comply with the approval criteria for sign adjustments and the requested Adjustment should be approved. Approval of a sign permit is still required, after the decision is final and has been recorded with Multnomah County.

## ADMINISTRATIVE DECISION

Approval of an Adjustment to Section 33.32.020 and Table 32.32-2 of the City of Portland Sign Code, to allow the sign area on the west (street-facing) façade of the building to total approximately 252 square feet, per the approved site plans, Exhibits C-1 through C-2, signed and dated January 8, 2009, 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 and C.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-178164 AD."

**Decision rendered by:**  **on January 8, 2009**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: January 13, 2009**

**Staff Planner: Matt Wickstrom**

**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 November 17, 2008, and was determined to be complete on December 1, 2008.

*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 November 17, 2008.

*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 Adjustment Committee, which will hold a public hearing. Appeals must be filed **by 4:30 PM on January 27, 2009** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the 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. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. 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 contact the receptionist at 503-823-7967 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 Adjustment Committee 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 Adjustment Committee 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 **January 28, 2009 – (the day following the last day to appeal)**.
- 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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

**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:

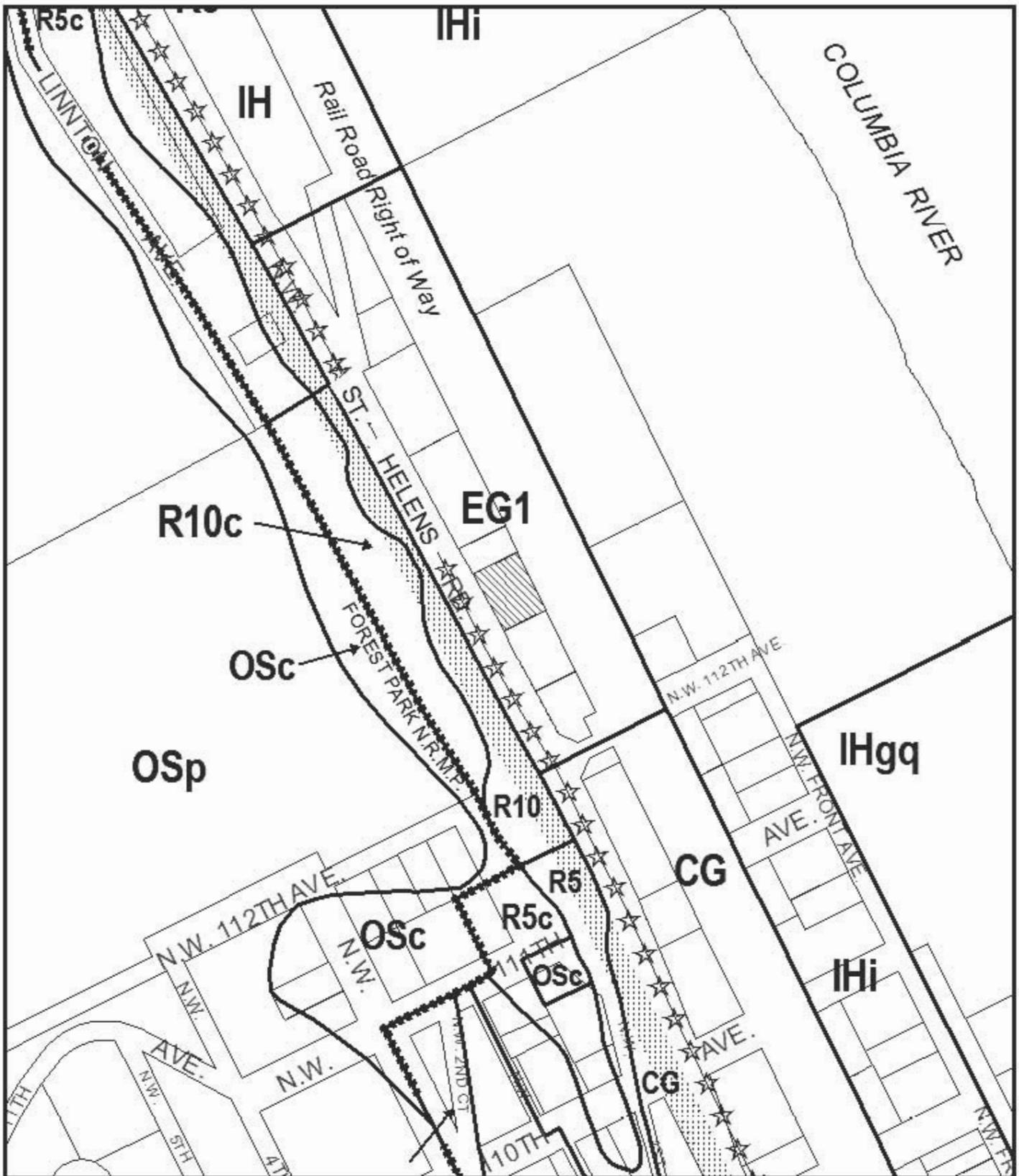
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement and Original LU Application
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. West Elevation Drawing (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Summary sheet of agency responses
- F. Correspondence:
  - 1. L. Ashley Burfield, owner of 11212 NW St. Helens Road, support for proposal contingent on additional lighting installed on south facade
- G. Site History Research

**The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).**



# ZONING

 Site



NORTH

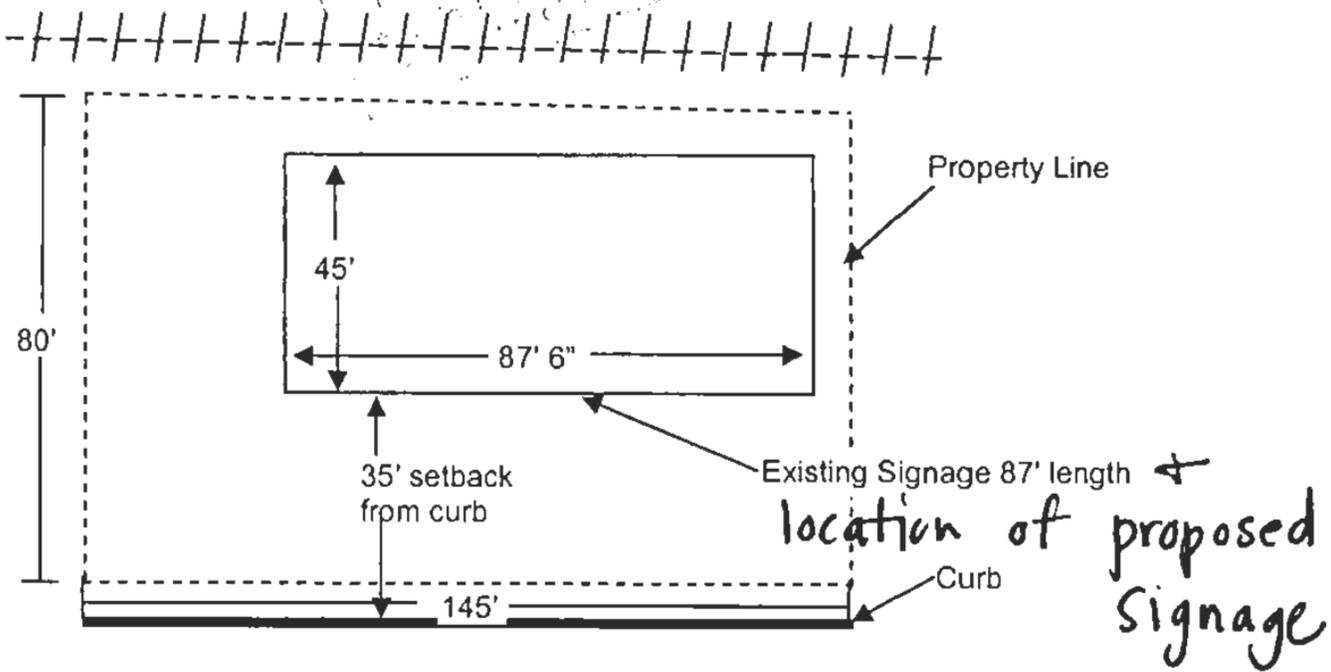
File No.	LU 08-178164 AD
1/4 Section	1918
Scale	1 inch = 200 feet
State_Id	1N1W03AA 600
Exhibit	B (Nov 19, 2008)

Site Plan For:  
7-Eleven #14491  
11310 NW St. Helens Rd.  
Linnton, OR 97231

Scale: 1/2" = 20'  
Property Line= - - - - -



City of Portland - Bureau of Development Services  
\*Approved\*  
Date 1/8/09  
MLW  
Project: 11310 NW St. Helens Rd. - 7-Eleven #14491  
Additional zoning review required: No



# NW St. Helens Rd. (US Hwy 30)

LU 08 - 178164 AD

Exhibit C-1

Elevation Plan for:  
 7-Eleven #14491  
 11310 NW St. Helens Rd.  
 Linnton, OR 97231

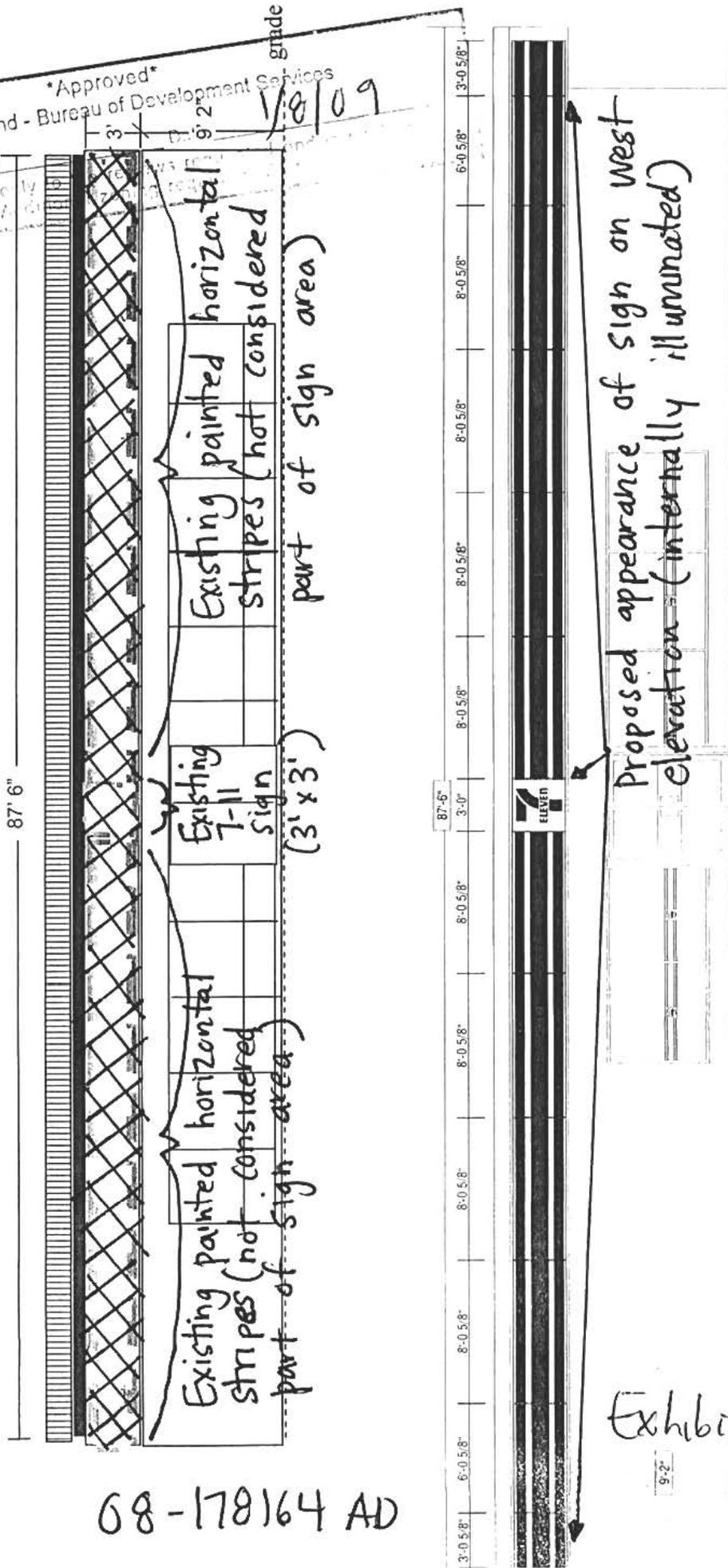
Scale: 1/2" = 5'

**West Elevation**

 = Proposed sign area  
 (252 sq. ft. of sign area on west elevation)

Color Key:  
 Existing Signage ———  
 Proposed Signage ———  
 Light Hood (to be removed) - - -

City of Portland - Bureau of Development Services  
 \*Approved\*  
 MLW  
 1/8/09



08-178164 AD

Exhibit C-2

PROVIDE & INSTALL NEW STRIPED FASCIA SIGN PANELS FOR EXISTING BUILDING FASCIA