



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

1900 SW 4th Avenue, Suite 5000
Portland, Oregon 97201
503-823-7300
Fax 503-823-5630
TTY 503-823-6868
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

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 08-180056 AD

GENERAL INFORMATION

Applicant: William Steen
Modern Building Systems Inc
PO Box 110
Aumsville, OR 97325

Owner Representative: Kyle Wochnick
Portland Fire & Rescue
4800 NE 122nd Av
Portland OR 97230

Site Address: 4800 NE 122ND AVE

Legal Description: TL 900 3.64 ACRES LAND & IMPS SEE -0691, SECTION 23 1 N 2 E
Tax Account No.: R942230690
State ID No.: 1N2E23BC 00900
Quarter Section: 2543

Neighborhood: Argay, contact Valerie Curry at 503-256-5579
Business District: Columbia Corridor Association, contact Gregg Weston at 503-287-8686
Parkrose Business Association, contact Alison Stoll at 503-823-3156.
District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550

Plan District: Columbia South Shore - Southern Industrial

Zoning: IG2h (General Industrial 2 with an Aircraft Landing Zone overlay)

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

Proposal:

The applicant proposes one Adjustment associated with plans to locate an approximately 1,400 square foot modular building in the southern part of this site behind the existing building. In this location, the Portland Zoning Code requires that a 6-foot wide pedestrian connection (sidewalk) connect the main entrance of each building on the site to the nearest sidewalk. The applicant requests one Adjustment to allow the pedestrian connection for the modular building to connect to a rear door of the existing building via a paved area to the west of the proposed modular building.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of 33.805.040 A-F, Adjustments.

ANALYSIS

Site and Vicinity: The site is approximately eight acres located at the northeast corner of NE 122nd Avenue and NE Sandy Boulevard. The site is currently developed with a fire station and firefighter training facilities. The majority of the site is paved and used for vehicle area (both parking and fire truck training areas). A two-story fire training building is located on the eastern half of the property. Several small one-story buildings are located on the western half of the property, near the south property line. A 40-space parking lot with landscaping is located just north of the buildings, with vehicle access from NE 122nd Avenue. Development to the north and west of the site is generally industrial in nature, with one-story buildings and large sites. Northeast Sandy Boulevard in the area of the site is located on a berm well above the level of the NE 122nd Avenue roadway. A railway corridor is also located along NE Sandy Boulevard. This provides a visual screen and physical barrier between the site and surrounding industrial area, and the residential and commercial areas located immediately south of NE Sandy Boulevard.

Zoning: The site is zoned General Industrial 2 (IG2). The IG2 zone provides areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. Fire stations and training facilities are classified as Basic Utilities by the Zoning Code and are Conditional Uses in the IG2 zone. A Conditional Use Review is not required for the building because it is less than 1,500 square feet in floor area.

Land Use History: City records indicate that prior land use reviews include the following:

LUR 91-00066 CU: Approval of a Conditional Use review for a fire station and accessory training facility for firefighters.

LUR 94-00731 CU: Approval of a Conditional Use review to expand the existing parking area from 12 to 40 spaces.

LUR 95-00508 CU: Approval of a Conditional Use review to relocate the previously approved 880-square foot, two-story fire training building within the site.

LU 03-178931 CU AD: Approval of a Conditional Use review to allow a new EMS Training Center at the site, including construction of a building located along the NE 122nd Avenue frontage of the site. Approval of two Adjustments to reduce the required street building setback and to modify the pedestrian connection standards.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **December 11, 2008**.

The following Bureaus have responded:

- The Development Review Section of Portland Transportation as well as the Fire, Water and Parks Bureaus responded with no concerns (Exhibit E-1).
- The Life Safety Section of BDS responded that a separate building permit is required for the work proposed, the existing discharge shall provide direct and unobstructed access to the public way and at least one accessible route shall be provided within the boundary of the site from public transportation stops, accessible parking spaces, passenger loading and drop off zones, and public streets or sidewalks to an accessible entry (Exhibit E-2).

Staff response: An accessible route which is entirely hard surfaced is shown on the site plan.

- The Site Development Section of BDS responded with no objections to the proposed Adjustment. The response includes information concerning stormwater infiltration, stormwater facilities and erosion control. The response also includes information concerning guidelines for commercial modular structures (Exhibit E-3).
 - The Bureau of Environmental Services responded with no objections to the proposed Adjustment. The response includes information concerning sanitary services, stormwater management and water resources, and building permit requirements (Exhibit E-4).
- The Multnomah County Drainage District responded that approval is granted by the agency (Exhibit E-5).

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on December 11, 2008. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Title 33.805.10 Purpose of Adjustments

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. 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. Adjustments may also be used when strict application of the code's regulations would preclude all use of the site. Adjustment reviews provide flexibility for unusual situations and to allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

33.805.40 Adjustment Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. stated below are met.

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

Findings: The applicant requests one Adjustment to allow the pedestrian connection for a new modular building to be located in the southern portion of the site to connect into the existing pedestrian circulation system rather than directly to the nearest sidewalk. The purpose of the pedestrian standards in the Columbia South Shore plan district is listed below:

Purpose 33.515.257 Pedestrian Standards

The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in developments in the employment zones. They ensure a direct pedestrian connection between abutting streets and buildings on the site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent sites, where feasible.

In order to evaluate the proposed Adjustment to waive the pedestrian connectivity standards for the new building, it is first important to consider the use of the building as well as its modular design. The building will be used as classroom space to support the fire fighter training function of the site. It is therefore not a building which the general public will access. It is instead a building which students and fire personnel will access. As these individuals would already be familiar with the site, the need for a delineated and specific pedestrian connection is considerably less. Furthermore, because the building is modular and could eventually be moved, there is less need to create a permanent pedestrian connection, especially one which connects directly to the nearest sidewalk. In order to ensure that the proposed building continues to serve as accessory to a training facility and therefore the alternative pedestrian connection adequate, a condition of approval has been added to this review. The condition states that a pedestrian connection must be

established for the modular building, or a new Adjustment Review requested, if the site is no longer used as a training facility.

The pedestrian route proposed by the applicant to connect the building entrance to NE 122nd Avenue involves the pedestrian exiting the new modular building, walking west over a paved area, entering a rear door to the existing building, walking through the internal hallway in that building and then exiting through the main entrance which is connected to NE 122nd Avenue by a paved sidewalk. It is important to note that although the area to the west of the proposed modular building is paved with asphalt the area is not used for vehicle maneuvering or the parking of vehicles so pedestrian safety should not be of concern. The pedestrian route proposed by the applicant adequately provides a usable pedestrian connection for the proposed building and use of the building as well as an adequate connection between this building and the street. Connections to other activities on the site are adequate as well. Pedestrians can access the main building via the pedestrian route described above and the parking area is located immediately east of the proposed building and is therefore easily accessible.

Based on this information, this criterion is met.

- B.** If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or 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

Findings: The site is located on NE 122nd Avenue. The Transportation System Plan classifies NE 122nd Avenue in this location as a District Collector, a Community Transit Street, a City Bikeway, a City Walkway, a Local Service Truck Street, a Major Emergency Response Street and an Urban Road. The site is separated from NE Sandy Boulevard by existing rail road tracks and therefore is not adjacent to that street. A reviewer from the Bureau of Transportation reviewed the proposal and responded with no concerns. Based on this information and considering that a pedestrian route between NE 122nd Avenue and the proposed building has been identified, the proposal should not be considered inconsistent with the classifications of NE 122nd Avenue. The site and areas north and west of the site are zoned Industrial, the proposal will not restrict the use of industrial character of the area. This criterion is met.

- E.** Any impacts resulting from the adjustment are mitigated to the extent practical; and

Findings: No impacts have been identified nor are they anticipated to result from the requested adjustment. No mitigation is required therefore this criterion is met.

- 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.
D. City designated scenic resources and historic resources are preserved; and
F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resources and resource value as is practical.

Findings: Only one adjustment is requested, the site does not contain any identified scenic or historic resources and the site is not located in an environmental zone; therefore, these criterion are not applicable.

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.

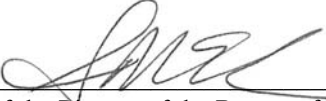
CONCLUSIONS

The applicant proposes one Adjustment to the pedestrian standards of the Columbia South Shore plan district in association with plans to locate a modular structure on this site. As noted in this report, the proposal is able to meet the Adjustment approval criteria based on the intended use and modular construction of the building, the identified pedestrian route to access the building and the paved surface which pedestrians will use but which is not used as vehicle area. With approval requiring that the permit drawings substantially conform with the site plan attached, the request meets the applicable criteria and should be approved.

ADMINISTRATIVE DECISION

Approval of an Adjustment to 33.515.257 to allow the pedestrian connection for the modular building to connect to a rear door of the existing building via a paved area to the west of the proposed building, per the approved site plan, Exhibit C-1 signed and dated January 7, 2009, subject to the following condition:

- A. As part of the building permit application submittal, the following development-related condition (B) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 08-180056 AD." All requirements must be graphically represented on the site plan, landscape plan, or other required plan and must be labeled "REQUIRED".
- B. A pedestrian connection must be established for the modular building, or a new Adjustment Review requested, if the site is no longer used as a training facility.

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 25, 2008, and was determined to be complete on December 8, 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 25, 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.

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:

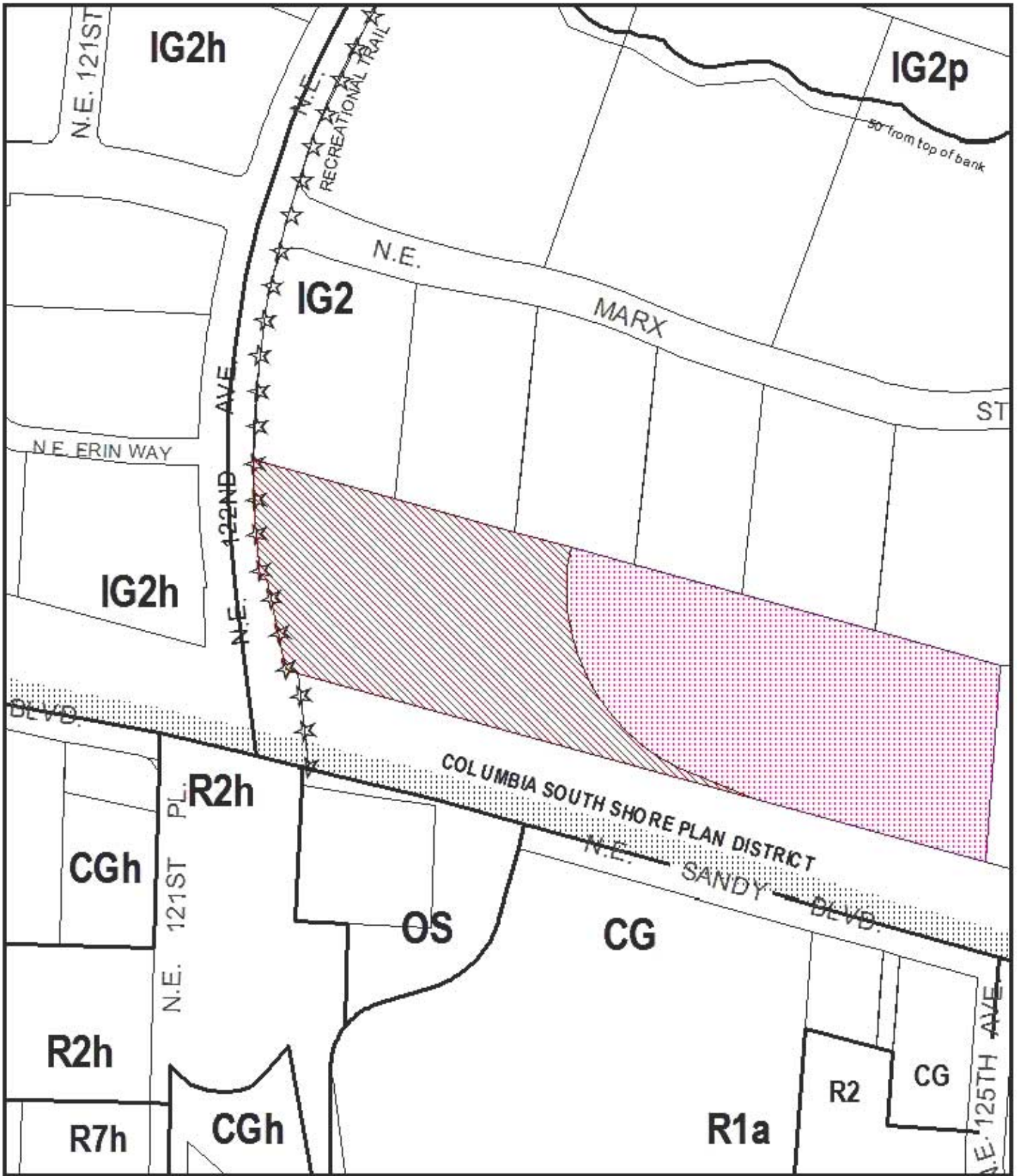
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations 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)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Summary sheet of agency responses
 - 2. Life Safety Section of BDS
 - 3. Site Development Review Section of BDS
 - 4. Bureau of Environmental Services
 - 5. Multnomah Drainage District #1
- F. Correspondence: None received
- 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).



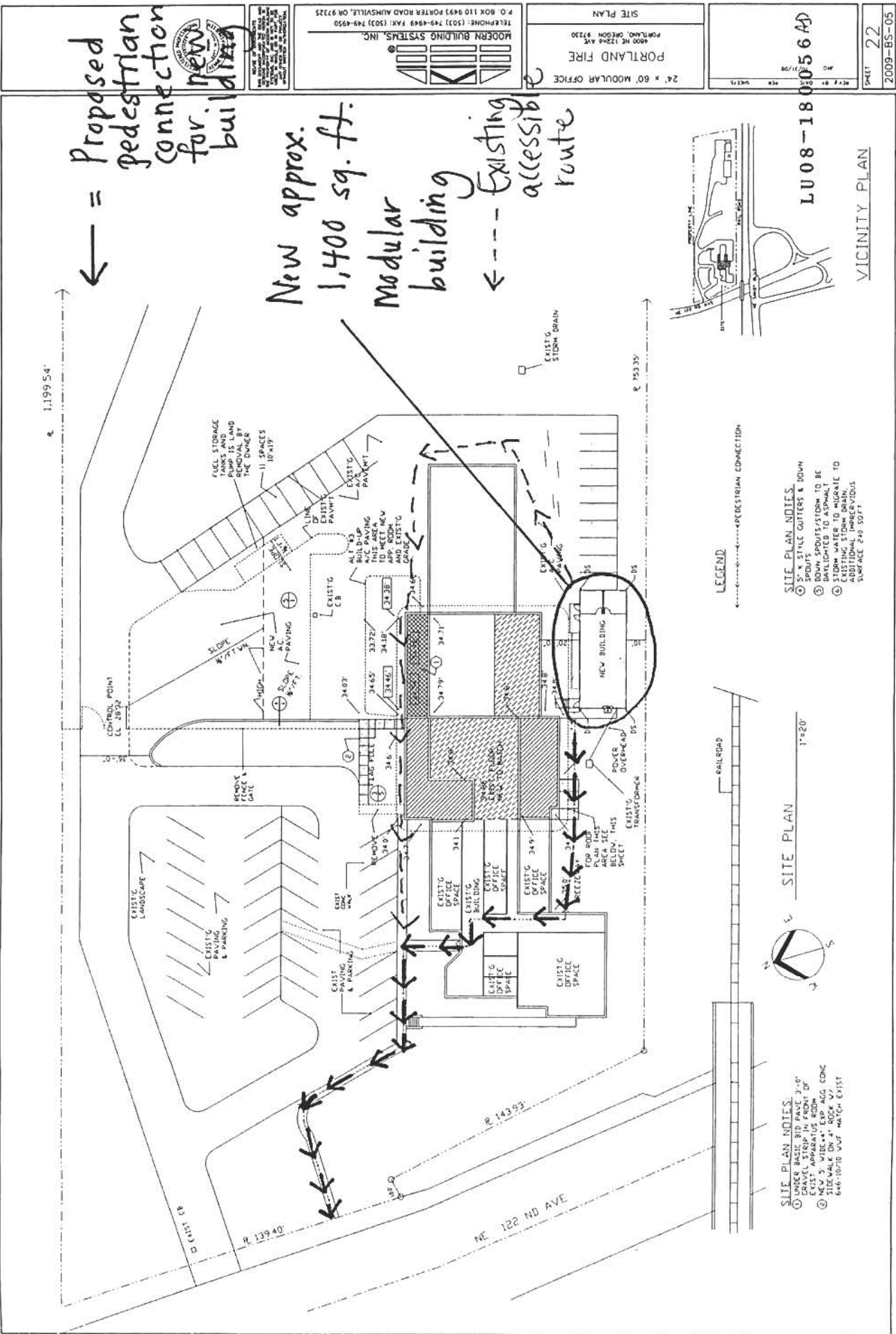
ZONING

-  Site
-  Also Owned



This site lies within the:
COLUMBIA SOUTH SHORE PLAN DISTRICT

File No.	<u>LU 08-180056 AD</u>
1/4 Section	<u>2543</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N2E23BC 900</u>
Exhibit	<u>B (Dec 8, 2008)</u>



Adjustment request to allow pedestrian connection for new building to connect into existing pedestrian circulation system rather than connect directly to sidewalk