



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

**Date:** August 12, 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 09-129197 NU**

**GENERAL INFORMATION**

**Applicant:** Jay Laviolette  
3228 NE 80th  
Portland, OR 97213

**Property Owner:** Dennis R and Cheryl J Clary  
7205 NE M L King Blvd  
Portland, OR 97211

**Representative/  
Contact Person:** Mark Meek  
Markram Properties, LLC  
10121 SE Sunnyside Rd., Suite 300  
Clackamas, OR 97015

**Site Address:** 7205 NE M L KING BLVD

**Legal Description:** LOT 10&11 BLOCK 12, LOVES ADD  
**Tax Account No.:** R512501980  
**State ID No.:** 1N1E15AA 04200  
**Quarter Section:** 2330

**Neighborhood:** Piedmont, contact Brian Borrello at 503-286-3557  
**Business District:** North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321  
**District Coalition:** North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099

**Zoning:** R1dh (Residential 1,000 with a Design overlay and an Aircraft Landing Zone overlay)

**Case Type:** NU (Nonconforming Situation Review)  
**Procedure:** Type II, an administrative decision with appeal to the Hearings Officer.

**Proposal:**

Based on City records this site is currently occupied by a Vehicle Repair use. Vehicle Repair is prohibited in the R1 zone; however in May 2009, the applicant established legal, nonconforming rights which allow the Vehicle Repair use to continue operations. Sites with documented nonconforming use “grandfather” rights may apply for a Nonconforming Situation Review to request to change the nonconforming use to another use which is also prohibited in the zone. In this case the applicant’s representative has requested to add another nonconforming use, a lawnmower repair business which is classified by the Portland Zoning Code as a Retail Sales and Services use. As part of the co-location of the lawnmower repair business at the site, the property owner plans repairs and improvements to the existing building. The applicant requests a Nonconforming Situation Review to add a Retail Sales and Service use to the existing Vehicle Repair use at this site.

**Relevant Approval Criteria:**

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

- 33.258.080.B Nonconforming Situation Review

**ANALYSIS**

**Site and Vicinity:** This approximately 10,000 square foot site is developed with a single-story building with about 5 bay doors and an office area. The building is built to the north and west property lines and a large paved area is located between the building and NE Martin Luther King Jr. Boulevard and NE Buffalo Street. A 6-foot tall chain link fence is located along the street property lines and the current curb cut from NE Buffalo Street is approximately 50 feet wide.

**Zoning:** The site is zoned R1dh (Residential 1,000 with a Design overlay and an Aircraft Landing Zone overlay). The R1 zone allows multi-dwelling residential development up to a maximum density of one unit per 1,000 square feet of site area, and requires a minimum density of one unit per 2,000 square feet for sites less than 10,000 square feet in area. The “d” overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. The “h” overlay limits the height of structures and vegetation in the vicinity of the Portland International Airport.

Lawnmower repair businesses are classified as Retail Sales and Service uses. In the R1 zone, Retail Sales and Service uses are prohibited; however, sites with a documented non-conforming use may request to change or alter the legally established nonconforming uses at the site through a Nonconforming Situation Review.

**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 **June 18, 2009**. The following Bureaus have responded:

- The Bureau of Environmental Services responded with information on sanitary services, stormwater management and building permit requirements. The response also mentions potential soil contamination at the site and as a result landscaping which was mentioned as potential mitigation for the proposal will not be required (Exhibit E-1).
- The Site Development Section of BDS responded with no objections to the proposal. The response notes that the gutters and downspouts of the building may need to be improved (Exhibit E-2).
- The Water Bureau replied with no objections to the proposal. The response also includes information about water service at the site (Exhibit E-3).
- The Life Safety Section of BDS responded that a building permit is required to change the use of a building to a different occupancy (Exhibit E-4).

- The Fire and Parks Bureaus responded with no concerns (Exhibit E-5).
- The Development Review Section of Portland Transportation responded with information on street classifications and an evaluation of the Nonconforming Situation Review approval criteria which relate to transportation-specific issues (Exhibit E-6).

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on June 18, 2009. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## ZONING CODE APPROVAL CRITERIA

### 33.258.080.B Nonconforming Situation Review – 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.

**Findings:** In May 2009, the applicant's representative established legal, nonconforming rights which allow a Vehicle Repair use to continue operations at this multi-dwelling residentially zoned site. The applicant has since applied for a Nonconforming Situation Review to allow another nonconforming use, a lawnmower repair business, to occupy up to 100 percent of the site. Lawnmower repair is classified as a Retail Sales and Service use and in order to be approved must meet the approval criteria found below.

a. The hours of operation.

The applicant has submitted information stating that the current Vehicle Repair use operates Monday through Friday from 8:00 AM to 6:00 PM and on Saturdays from 9:00 AM to 4:00 PM. The submitted narrative states that the hours of operation for the lawnmower repair business would be no different. Because the hours of operation will remain the same, there will be no net increase in overall detrimental impacts over the previous and in this case current Vehicle Repair use. It should be noted that these hours of operation refer to business hours and not hours when employees may be at the site. For this reason, it is important to point out that employees may be at the site as much as an hour before and after the hours listed above. It is also important to point out that nonconforming uses may not extend their hours of operation into the period of 11:00 PM to 6:00 AM. Based on this information, this criterion is met.

b. Vehicle trips to the site and impacts on surrounding on-street parking.

The Development Review Section of Portland Transportation (PBOT) reviewed the proposal for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17 and for potential impacts upon transportation services. With regard to the vehicle trips to the site, PBOT consults the Institute of Transportation Engineers (ITE) Trip Generation Manual. PBOT notes that the relevant factor to determine the net increase in potentially detrimental impacts for the proposed use is the evening peak hour trip generation. In other words, will the new use increase vehicle trips to an unacceptable level at the time of day when the most vehicle trips typically occur. The PBOT reviewer recognized that the applicant is seeking approval for the eventual 100 percent conversion of the site from the existing Vehicle Repair use to the proposed Retail Sales and Service use. The reviewer points out that there are minor differences between the use categories in the Portland Zoning Code and those in the ITE

manual. For instance the Zoning Code classifies auto upholstery shops as Vehicle Repair whereas the ITE classifies these uses as Automotive Services. The Zoning Code classifies lawnmower repair as Retail Sales and Services whereas the ITE classifies these uses as Specialty Retail. The PBOT response states that utilizing the ITE Manual indicates that the proposed Specialty Retail use will result in an increase of four vehicle trips to the site during the evening peak hours of vehicle travel, as opposed to the existing Automotive Services use. The four additional trips cannot be considered a minimal impact and therefore mitigation is necessary in order to alleviate the impact. The response describes the NE Buffalo Street frontage of the site as having an expansive curb cut for a wide driveway and notes that wide driveways can create a non-inviting environment for pedestrians. As mitigation, PBOT recommends that the applicant reduce the curb cut/driveway along NE Buffalo and that it be at least 25 feet from the Buffalo/Martin Luther King Jr. corner of the site (as practical as possible). This will result in a more suitable pedestrian environment as one is walking towards Martin Luther King Jr. (a City Walkway) along NE Buffalo. In order to ensure that this mitigation occurs, a condition of approval has been added to this review. The PBOT response also notes that to further address the issue of vehicle trips, PBOT recommends that any other future uses on the site shall be limited to Specialty Retail in order to ensure that a potential future use of the site does not generate an excessive amount of vehicle trips. The response lists other uses which the ITE categorizes as Specialty Retail such as shops that specialize in quality apparel, hard goods and services such as real estate offices, dance studios and florists. These uses most closely correspond to the uses found in the Personal-service oriented and Repair-oriented subcategories of the Retail Sales and Service use category of the Portland Zoning Code. Therefore, in order to comply with PBOT's intent to limit the potential future uses of the site to those which will not increase the amount of PM peak hour vehicle trips beyond what has been deemed acceptable as part of this review, a condition of approval is necessary. The condition states that future Retail Sales and Service use of the site is limited to those uses which are classified within the Personal-service oriented and Repair-oriented subcategory of the Retail Sales and Service use category.

With regard to the impact to surrounding on-street parking, PBOT does not anticipate that the proposed change of use will result in patrons of the proposed lawnmower repair business utilizing the available on-street parking supply any more than the current patrons of the existing auto repair facility. The condition of approval which requires a reduction to the width of the existing curb cut/driveway along NE Buffalo Street could result in an additional on-street parking space. Furthermore, with ample on-site parking available to patrons, spillover parking along NE Buffalo Street is unlikely.

The response concludes that with the conditions of approval noted above, "PBOT can conclude that there will be no net increase in overall transportation-related detrimental impacts on the surrounding area". Based on this information, this criterion is met.

c. Noise, vibration, dust, odor, fumes, glare, and smoke.

According to information submitted the Vehicle Repair use, currently called Sporty Auto Upholstery, involves "work on boats, RV's, motorcycles, and automobiles". The business stores vehicles on site, dismantles them, and reassembles. They use adhesives, sewing machines, compressors, drills, saws and hand tools to perform this work. The narrative also notes that the lawnmower repair business "provides repairs and servicing to the general public for their small engine machinery (lawnmowers, chainsaws, weed trimmers, edgers etc.)". The work is done on-site, in the shop bays. The only power tools used are a compressor and bench grinder for sharpening bays. Based on this information and according to the applicant "with regard to 'noise' there will not be any noticeable difference". Similar types of equipment are used for uses which fall in the Repair-oriented subgroup of the Retail Sales and Service use category, such as lawnmower repair. It is also important to point out that the building has no openings, windows, vents, fans or speakers on the sides of the structure which face the residential lots to the north and west of the site. This also helps decrease the potential for any increase in noise. Similarly, no new equipment is likely

to be introduced with the lawnmower repair business or other repair-oriented retail business which would increase vibration beyond that which is associated with a Vehicle Repair business. Also, activities which result in odor, fumes, glare or smoke are not commonly associated with Vehicle Repair uses, these impacts would also not be associated with the repair of smaller products such as lawnmowers or those defined as repair-oriented retail uses. Based on this information, this criterion is met.

d. Potential for increased litter.

Vehicle Repair businesses typically do not result in litter when operated in a responsible manner. The same can be said for businesses categorized in the repair-oriented uses. While some retail uses such as coffee shops or fast food restaurants do result in litter, those which repair materials or provide services typically do not. As a side note, the narrative states that “Jay’s Lawnmower service also disposes of all his recyclable oil and gasoline” with a local company and averages less than 55 gallons per year. Based on this information, this criterion is met.

e. The amount, location, and nature of any outside displays, storage, or activities.

According to information submitted in the narrative, vehicles are currently stored on site and dismantled, meaning that outdoor storage and work activities already occur on site. As the lawnmower repair business has already started functioning on site, the storage of lawnmowers has also been observed in the southeast corner of the site. However, since the outdoor storage of vehicles is currently allowed on site, this cannot be considered an increase in detrimental impacts, rather it is the exterior storage of a different item. The manner in which the lawnmowers are stored also implies; however, that some may be for inspection by customers, or in other words, for sale. As exterior display of vehicles is not associated with a Vehicle Repair use, this should be considered an increase in detrimental impacts and mitigation is necessary. In order to properly mitigate for the exterior display of lawnmowers as well as the exterior storage several conditions of approval have been included with this review. First, the chain link fence which surrounds the street-frontages of the site does not provide for adequate aesthetics. Therefore, as part of this review, a condition of approval has been included which requires that the chain link fence be replaced by an approximately 6-foot tall wrought iron fence – this will result in a more attractive but secure fence which will improve the overall aesthetics of the site. Considering this condition of approval, the type of land use review requested and the presence of a nonconforming 6-foot tall chain link fence along the street property line, the replacement of that fence with a wrought iron fence is considered comparable and superior and within the scope of this land use review. Second, it is important to note that exterior Vehicle Repair is allowed at the site but the applicant’s narrative states that the repair of lawnmowers will occur in the service bays (inside the building). This presents a reasonable trade-off, to allow the exterior display of lawnmowers but to include a condition of approval which restricts the repair of the lawnmowers to inside the building. It is important to also condition that any exterior display of lawnmowers or sales activities must be accessory to the overall repair business and must be restricted to just the southeast corner of the site shown on the site plan. Finally, it is necessary to mention that these conditions apply only to lawnmowers, the exterior display of any other materials associated with potential future repair-oriented businesses at the site are not allowed but may be requested through a Nonconforming Situation Review, provided nonconforming rights are still demonstrated. Based on this information, including the conditions of approval, this criterion is 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.

**Findings:** As the site is located within an R zone, the request to allow Repair-oriented Retail Sales and Service uses at the site must meet the approval criteria found below.

a. Building scale, placement and façade.

The proposal to add lawnmower repair or other repair-oriented uses at the site will not impact the building scale or placement – no alterations of that magnitude are proposed. The applicant does propose to “make some improvements to the building, such as painting, maintain/upgrade the siding, and put up a different façade (basically a facelift)”. Based on staff’s observation of the building, these improvements are necessary and will help further mitigate for the potential detrimental impacts associated with the potential combination of uses at the site, the exterior storage or the exterior display of lawnmowers on site. However, it is difficult to include conditions of approval for “facelift” type improvements since many such as painting do not require permits. Therefore, a general condition of approval is included with this review and it is noted that this condition likely cannot be evaluated as part of the plan check process and cannot be monitored over time. The condition states that “improvements must be made to the exterior of the building which include upgrading the siding and exterior finish materials and painting the exterior façade. Unless otherwise not required by the building code, these improvements should meet current building code requirements for upgrades to an existing structure”. Based on this condition, this criterion is met and mitigates for other aspects of this approval such as allowance for the exterior display of lawnmowers.

b. Parking area placement.

For the Vehicle Repair use, parking currently occurs within the paved area of the site. This is not proposed to change as part of this review; therefore, there will be no increase in detrimental impacts and this criterion is met.

c. Buffering and the potential loss of privacy to abutting residential uses.

The existing building currently extends along the full west property line which is shared with a residential use, therefore the buffering is accomplished through the building wall. The existing building also extends along most of the north property line which also accomplishes buffering. For the portion of the shared north property line where on site activities are not buffered or screened by the existing building, the conditioned wrought iron fence will provide an aesthetically pleasing separation between the site and the lot to the north. Furthermore, any change of use from Vehicle Repair to lawnmower repair or another repair-oriented business will not result in any decreased privacy as the activities and intensity of use at the site are comparable. This criterion is met.

d. Lighting and signs. The applicant is not proposing any lighting or signs as part of this land use review. Any proposal to alter the existing sign will need to meet the regulations of the Sign Code, Title 32, or receive approval through an Adjustment Review. 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 applicant requested a Nonconforming Situation Review for the establishment of a lawnmower repair business at this site which, based on current records, was occupied by a nonconforming Vehicle Repair use. As noted in this report, the request to change the use and/or add an additional Repair-oriented Retail Sales and Service use meets the applicable approval criteria with conditions to replace the nonconforming chain-link fence with a wrought

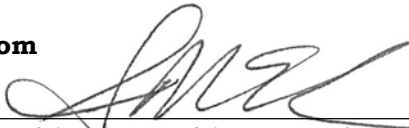
iron fence and to make exterior improvements. With approval requiring that permit drawings substantially conform with the site plan attached, the request meets the applicable approval criteria and should be approved.

## **ADMINISTRATIVE DECISION**

Approval of a Nonconforming Situation Review (33.258.080.B) to allow Repair-oriented uses within the Retail Sales and Service use category to replace or operate in conjunction with Vehicle Repair uses at this site, per the approved site plans, Exhibits C-1, signed and dated August 5, 2009, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through G) 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 09-129197 NU." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The existing 6-foot tall chain link fence must be replaced by a 3.5-foot to 6-8 foot tall black wrought iron fence. Replacement of the nonconforming 6-foot tall chain link fence with a wrought iron fence is allowed as part of this Nonconforming Situation Review.
- C. Future Retail Sales and Service use of the site is limited to those uses which are classified within the Personal-service oriented and Repair-oriented subcategory of the Retail Sales and Service use category in the Portland Zoning Code. Vehicle Repair uses may remain at the site provided nonconforming rights are maintained.
- D. As part of the Building Permit review for the necessary development-related improvement to the site, the applicant must reduce the width of the existing curb cut/driveway along the NE Buffalo Street frontage of the site to 20 feet and the new curb cut/driveway shall measure at least 25 feet from the NE Buffalo Street/NE Martin Luther King Jr. Boulevard corner of the site, as determined as practical by PBOT. An over-the-counter permit from PBOT must be obtained for the driveway reconstruction.
- E. Lawnmower repair or the repair of other items allowed as part of the Repair-oriented subgroup of the Retail Sales and Service use category must occur inside the building or within the bays of the building.
- F. Any exterior display of lawnmowers must be accessory to the lawnmower repair business and must only occur within the area shown on the attached site plan. The exterior display of other goods or materials is not allowed without approval through a Nonconforming Situation Review provided that nonconforming rights can be documented.
- G. Improvements must be made to the exterior of the building which include upgrading the siding and exterior finish materials and painting the exterior façade. Unless not required by the Building Code, these improvements should meet current building code requirements for upgrades to an existing structure as determined by the Building Plans Examiner.

**Staff Planner: Matt Wickstrom**

**Decision rendered by:**  **on August 10, 2009**

By authority of the Director of the Bureau of Development Services

**Decision mailed: August 12, 2009**

**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 May 18, 2009, and was determined to be complete on June 16, 2009.

*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 May 18, 2009.

*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 requested that the 120-day review period be extended by 13 days Exhibit A-3. Unless further extended by the applicant, **the 120 days will expire on: October 27, 2009.**

**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 August 26, 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 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 **August 27, 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;

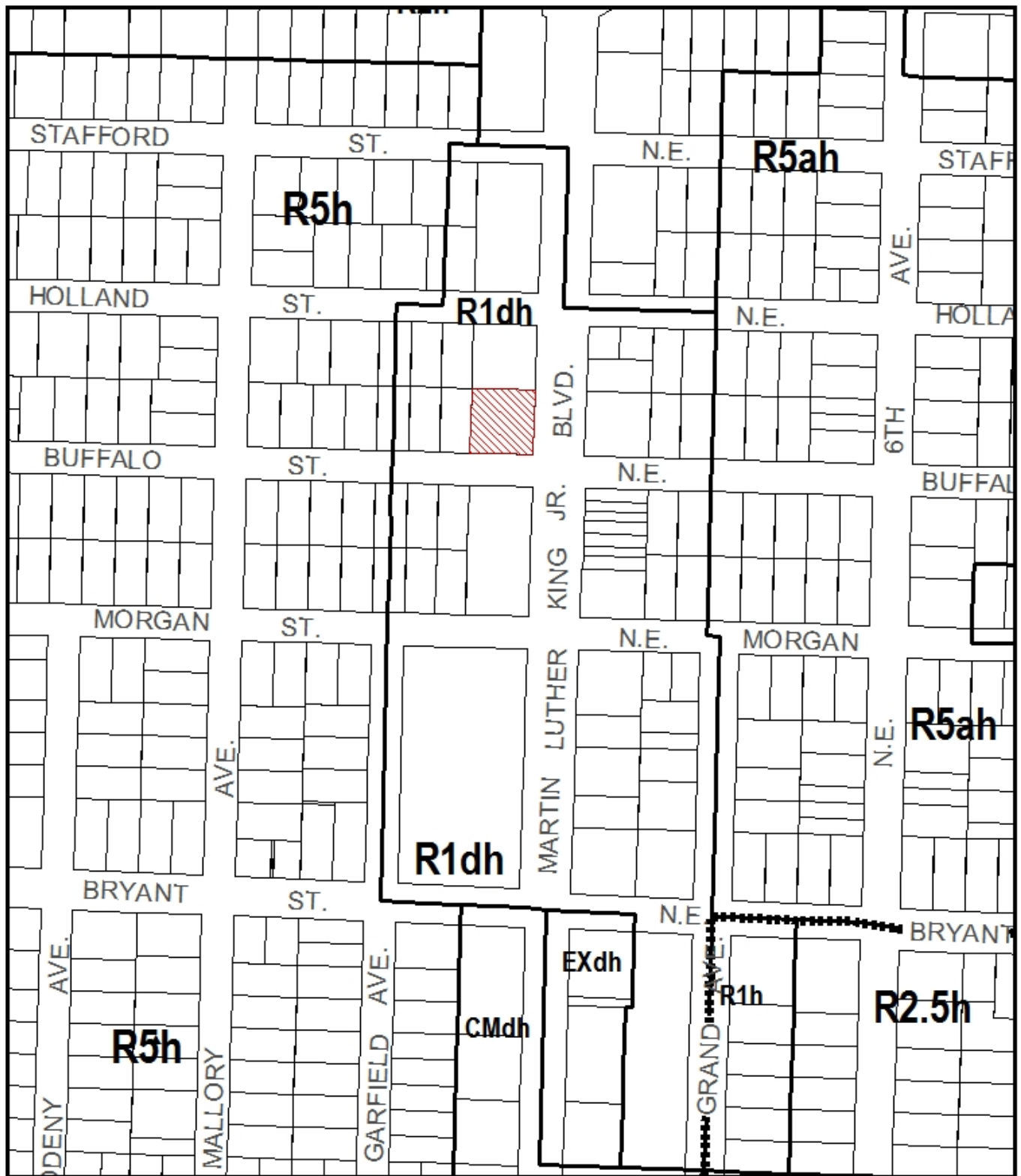
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement and Original LU Application
  - 1. Incomplete letter from Matt Wickstrom to Mark Meek dated June 5, 2009
  - 2. Supplemental submittal dated June 9, 2009
  - 3. Request to extend the decision deadline dated July 23, 2009
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
  - 3. Mailing list – corrected comment deadline
  - 4. Mailed notice – corrected comment deadline
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Site Development Section of BDS
  - 3. Water Bureau
  - 4. Life Safety Section of BDS
  - 5. Summary of agency responses
  - 6. Development Review Section of the Bureau of Transportation
- 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 503-823-7300 (TTY 503-823-6868).**



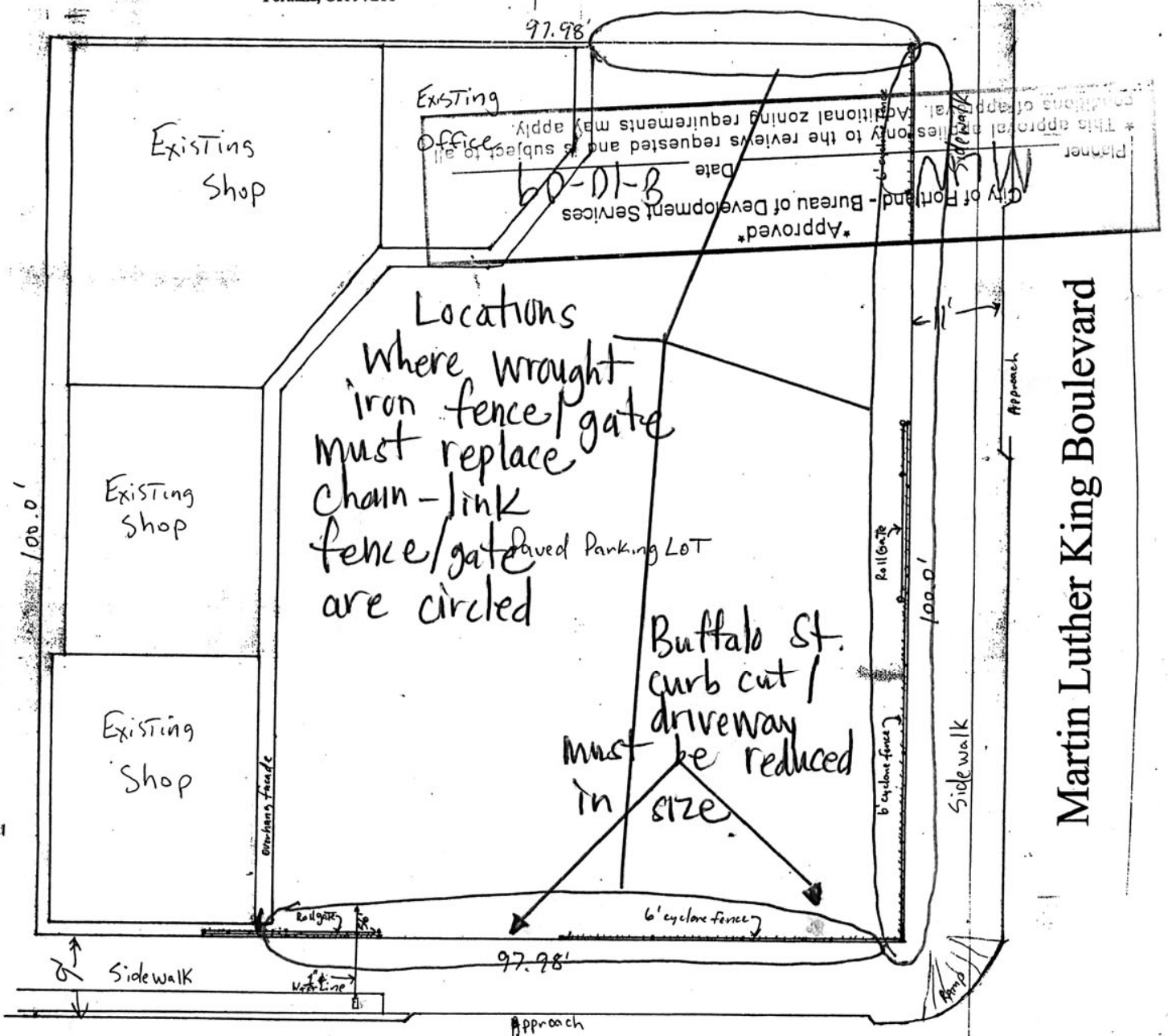
# ZONING

 Site



File No. LU 09-129197 NU  
 1/4 Section 2330,2331  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E15AA 4200  
 Exhibit B (May 19,2009)

**PROJECT ADDRESS**  
 7205 NE Martin Luther King Blvd  
 Portland, OR 97211



Approved\*  
 City of Portland - Bureau of Development Services  
 Date 8-11-09  
 \*This approval applies only to the review requested and is subject to all conditions of approval. Additional zoning requirements may apply.

Martin Luther King Boulevard

