



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

FROM CONCEPT TO CONSTRUCTION

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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** March 22, 2013  
**To:** Interested Person  
**From:** Kathleen Stokes, Land Use Services  
503-823-7843 / [Kathleen.Stokes@portlandoregon.gov](mailto:Kathleen.Stokes@portlandoregon.gov)

## **NOTICE OF A TYPE II PROPOSAL IN YOUR NEIGHBORHOOD**

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

Because we must publish our decision within 28 days, **we need to receive your written comments by 5 p.m. on April 12, 2013.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 13-128250 AD, in your letter. It also is helpful to address your letter to me, Kathleen Stokes.

## **CASE FILE NUMBER: LU 13-128250 AD**

**Applicant:** Greg Shepherd  
Xera Plants Inc.  
PO Box 633  
Tualatin OR 97062

**Owner:** Norman A Creitz  
8799 SW Becker Drive  
Portland, OR 97223

**Site Address:** 1114 SE CLAY ST

**Legal Description:** BLOCK 122 N 45' OF LOT 1, STEPHENS ADD  
**Tax Account No.:** R794015050  
**State ID No.:** 1S1E02CA 15000  
**Quarter Section:** 3231

**Neighborhood:** Hosford-Abernethy, contact Joanne Stainbrook at 503-231-9245.  
**Business District:** Central Eastside Industrial Council, contact Peter Fry at 503-274-1415.  
**District Coalition:** Southeast Uplift, contact Bob Kellett at 503-232-0010.

**Plan District:** Central City - Central Eastside  
**Zoning:** EXd (Central Employment, with a Design Overlay)

**Case Type:** Adjustment Review  
**Procedure:** Type II, administrative decision with appeal to Adjustment Committee.

**Proposal:** The applicant is proposing to locate a retail/wholesale nursery operation on this site in an EX zone in the Central Eastside Industrial Area. The property is developed with a small building, with an area on the west side of the structure that is covered by an awning, enclosed

on two sides and open to the air on the other two sides. The site also contains a completely open paved area, which is proposed to be used for plant display. The EX zone does not allow outdoor storage or display. Exceptions to this regulation are approved through Adjustment Reviews, when all of the applicable approval criteria are met, or if the criteria can be met through Conditions of Approval. Therefore, the applicant is requesting approval of an Adjustment to Code Section 33.140.245 to allow the paved area to be used for the display (and possibly storage) of plants.

**Relevant Approval Criteria:** To be approved, this proposal must comply with the approval criteria of 33.805.040 A.-F., Adjustments, cited below.

- A.** Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and
- B.** If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in a 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
- 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; and
- D.** City-designated scenic resources and historic resources are preserved; and
- E.** Any impacts resulting from the adjustment are mitigated to the extent practical; and.
- F.** If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. This application was submitted on March 15, 2013 and determined to be complete on March 20, 2013.

#### **DECISION MAKING PROCESS**

The Bureau of Development Services will make a decision on this proposal.

We will consider your comments, and

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

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

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be extended at the request of the applicant.

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

#### **APPEAL PROCESS**

If you disagree with the Bureau of Development Services administrative decision, you can appeal the decision to the Adjustment Committee. This review body will hold a public hearing

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

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

**APPEAL OF THE FINAL CITY DECISION**

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

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

**Enclosures:**

Zoning Map  
Site Plan  
Perspective Drawing



# ZONING



Site



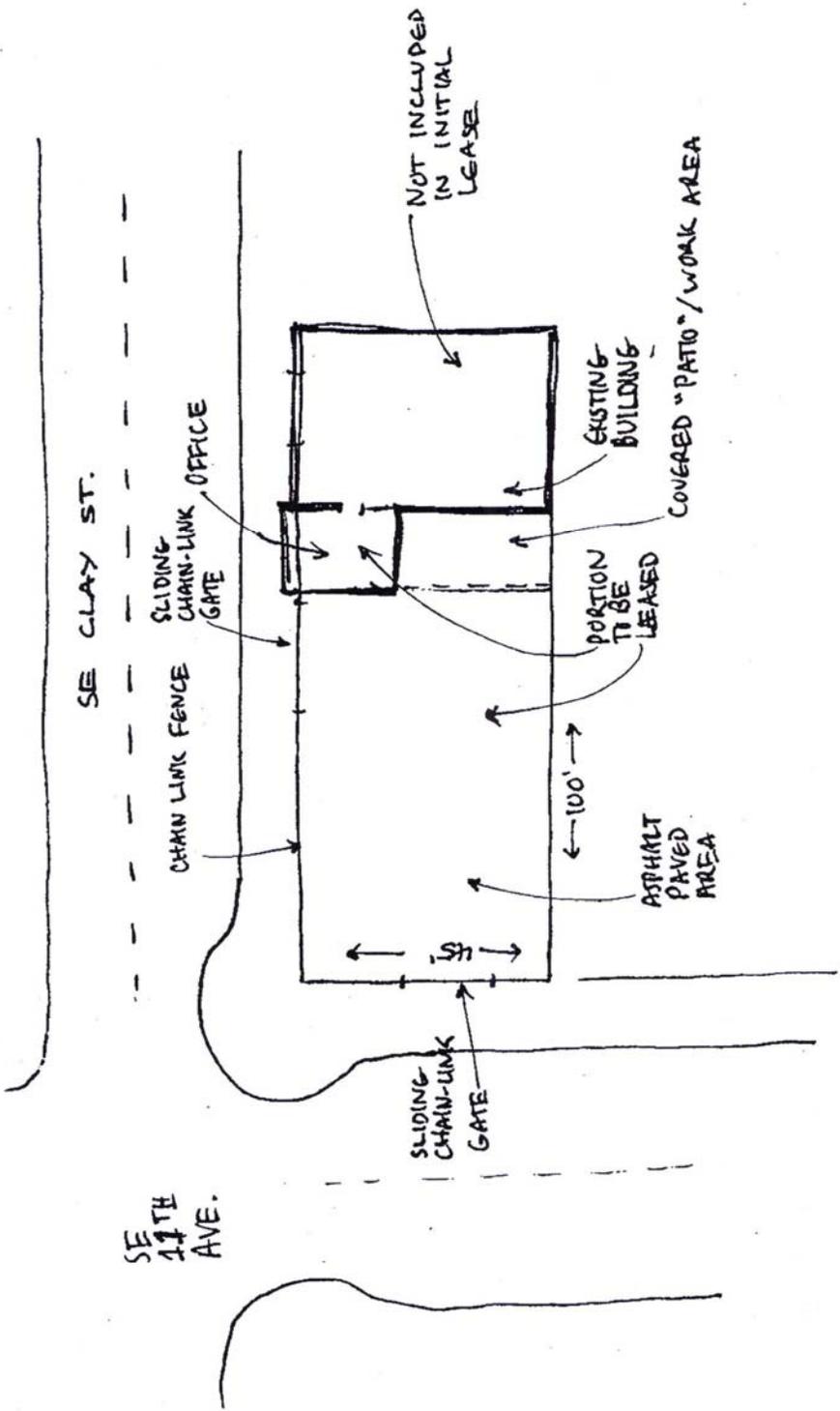
NORTH

This site lies within the:  
CENTRAL CITY PLAN DISTRICT

File No.	<u>LU 13-128250 AD</u>
1/4 Section	<u>3231</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S1E02CA 15000</u>
Exhibit	<u>B (Mar 18, 2013)</u>

1114 SE CLAY ST. PORTLAND, OR 97214

XERA PLANTS, INC.



LU 13-128250 AD

DESIGN / MERCHANDIZING  
CONCEPT FOR 1114 SECLAY  
XERA PLANTS INC.

COVERED WORK AREA  
W/ WARM-SEASON CHECK-OUT

DISPLAY  
BOOTH

11TH  
AVE

MOVABLE SHELVING  
FOR SMALLER PLANTS

SOME LARGER SIZED PLANTS  
DISPLAYED IN AN ORDERLY  
FASHION ON GROUND

RE-PURPOSED LARGE  
WOODEN WIRE SPOOLS  
TO DISPLAY PLANT  
COLLECTIONS

EXISTING  
SIGN

LARGE DECORATIVE  
DISPLAY CONTAINERS  
WITH NATIVE DISPLAY  
SPECIMENS



OFFICE

ENTRY  
GATE/  
LOADING ZONE

S.E. CLAY ST

LU 13-128250 AD

