



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner  
Paul L. Scarlett, Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** August 13, 2014  
**To:** Interested Person  
**From:** Amanda Rhoads, Land Use Services  
503-823-7837 / [Amanda.Rhoads@portlandoregon.gov](mailto:Amanda.Rhoads@portlandoregon.gov)

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

Development has been proposed in your neighborhood. The proposed development requires a land use review. The proposal, review process, and information on how to respond to this notice are described below. A copy of the site plan and zoning map is 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 September 3, 2014.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 14-164952 AD, in your letter. It also is helpful to address your letter to me, Amanda Rhoads. You can also e-mail your comments to me at my e-mail address identified above.

## **CASE FILE NUMBER: LU 14-164952 AD**

**Applicant:** Calvin Mertz  
Furst Construction Company Inc  
10138 S 460 W  
South Jordan, UT 84095

**Owner:** Old Dominion Freight Line Inc  
500 Old Dominion Way  
Thomasville, NC 27360-8923

**Representative:** Lindzi Bell  
Legend Engineering  
52 W 100 N  
Herber, UT 84032

**Site Address:** 146 N GERTZ RD

**Legal Description:** BLOCK 3 LOT 2 SPLIT LEVY & SPLIT MAP R314442 (R941032060), DELTA MEADOWS; TL 800 1.30 ACRES, SECTION 03 1N 1E; TL 900 1.25 ACRES, SECTION 03 1N 1E; TL 200 24.64 ACRES LAND & IMPS SPLIT LEVY & SPLIT MAP R146538 (R204703600) SEE R314443 (R941032061) FOR BILLBOARD, SECTION 03 1N 1E; TL 300 5.19 ACRES, CANCEL INTO R314442 / SECTION 03 1N 1E, TL 300 5.19 ACRES

**Tax Account No.:** R204703600, R941030580, R941030630, R941032060, R941032720  
**State ID No.:** 1N1E03C 00100, 1N1E03DC 00800, 1N1E03DC 00900, 1N1E03D 00200, 1N1E03D 00300

**Quarter Section:** 2030

**Neighborhood:** East Columbia NA, contact Maryhelen Kincaid at 503-286-3354.  
**Business District:** Columbia Corridor Association, contact Peter Livingston at 503-796-2892.  
**District Coalition:** North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099.  
**Plan District:** None  
**Zoning:** IG2ch, IG2h – General Industrial 2 with “h” Aircraft Landing Overlay Zone. Part of the site has a “c” Environmental Conservation Overlay Zone  
**Case Type:** AD – Adjustment Review  
**Procedure:** Type II, an administrative decision with appeal to the Adjustment Committee.

**Proposal:**

The applicant is constructing a truck dock and office on an industrial property in North Portland. The original approved building plans from 2013 included a required 25-foot-deep L3 high-screen landscape buffer on the east side between the property and Martin Luther King, Jr. Blvd., a state highway. The Oregon Department of Transportation (ODOT) holds a 30-foot easement on the slope from the highway to the property, in the location of the proposed L3 landscaping. No disturbance is allowed in this easement.

The applicant requests an Adjustment to Zoning Code Section 33.140.245.C and Table 140-6 to reduce the amount of landscaping for Exterior Storage from 25 feet of L3 to 0 feet. In place of the L3 landscaping, the applicant proposes to plant 31 medium trees along approximately 970 linear feet along the east edge of the property, out of the easement area but between the street and the parking lot. Other plantings for stormwater management are also planned in this area.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33. Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. of Section 33.805.040, Adjustment Approval Criteria, have been met.

- 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 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
- 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 *(not applicable)*
- D.** City-designated scenic resources and historic resources are preserved; *(not applicable)*
- 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 June 4, 2014 and determined to be complete on August 8, 2014.

**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.

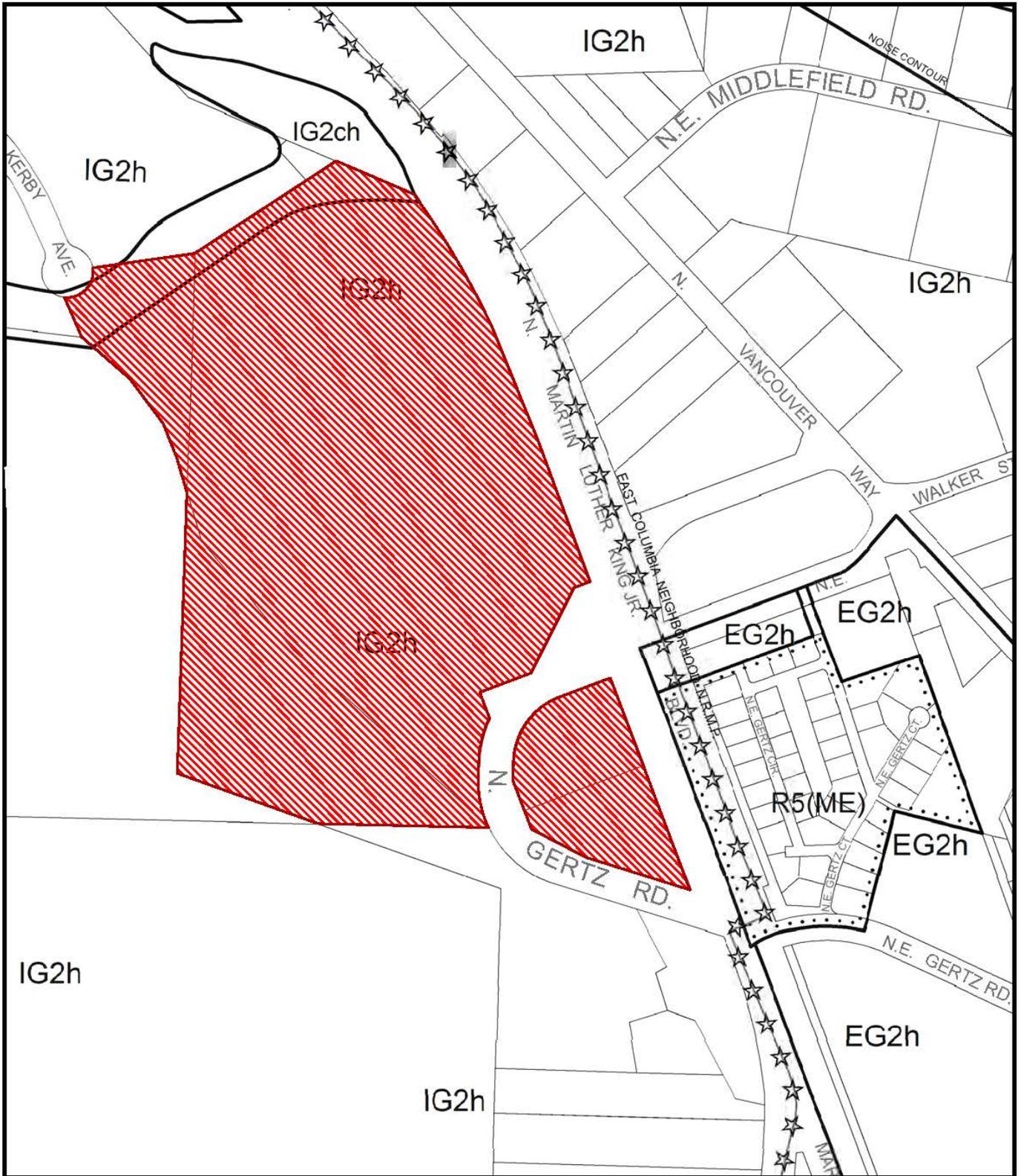
#### **APPEAL OF THE FINAL CITY DECISION**

After an appeal hearing, the review body decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283. 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  
Overall Site Plan  
Landscape Plan – North Section (L-1)  
Landscape Plan – South Section (L-2)  
Landscape Cross-Sections (L-4)

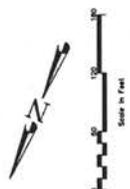


# ZONING

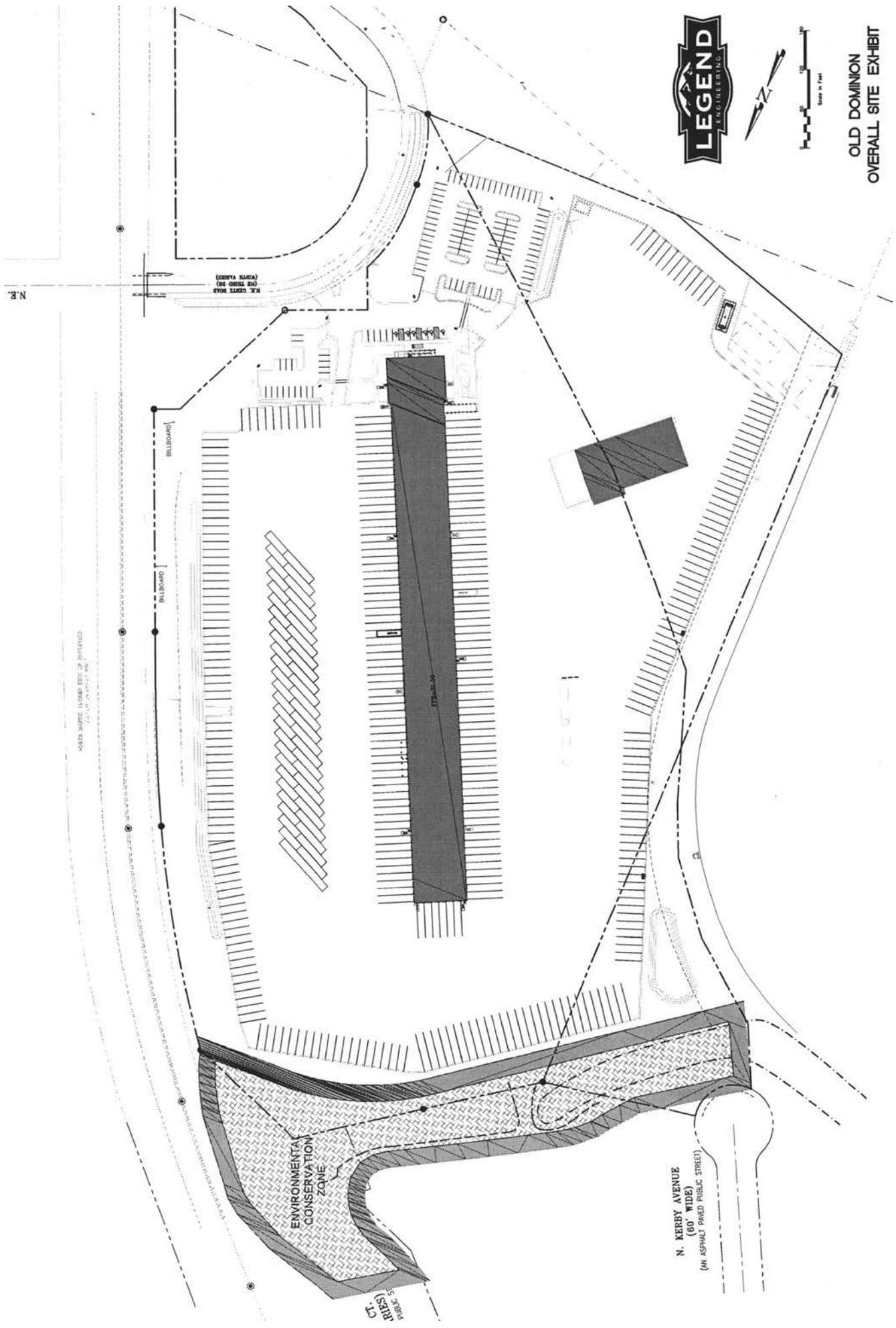
-  Site
-  Recreational Trail



File No. LU 14-164952 AD  
 1/4 Section 2029,2030,2130  
 Scale 1 inch = 300 feet  
 State\_Id 1N1E03D 200  
 Exhibit B (Jun 05,2014)



OLD DOMINION  
OVERALL SITE EXHIBIT



OWNER'S SHOWN IN ORDER OF PREFERENCE  
DATE: 10/15/2014

PAGE 5  
SHEET 1

N. KERBY AVENUE  
(60' WIDE)  
(AN ASPHALT PAVED PUBLIC STREET)

ENVIRONMENTAL  
CONSERVATION  
ZONE

BILLBOARD

BILLBOARD

M.K. CREEK ROAD  
(ONE THIRD MILE  
(NINE TENTH MILE))

N.E.

NO.	REVISION	DATE

LEGEND ENGINEERING, LLC  
 12 WEST 100 NORTH  
 SUITE 200, LEO KASSIR  
 PORTLAND, OREGON 97202  
 PHONE: 503-654-4828  
 TOLL FREE FAX: 1-866-310-9972  
 WWW.LEGENDENGINEERING.COM



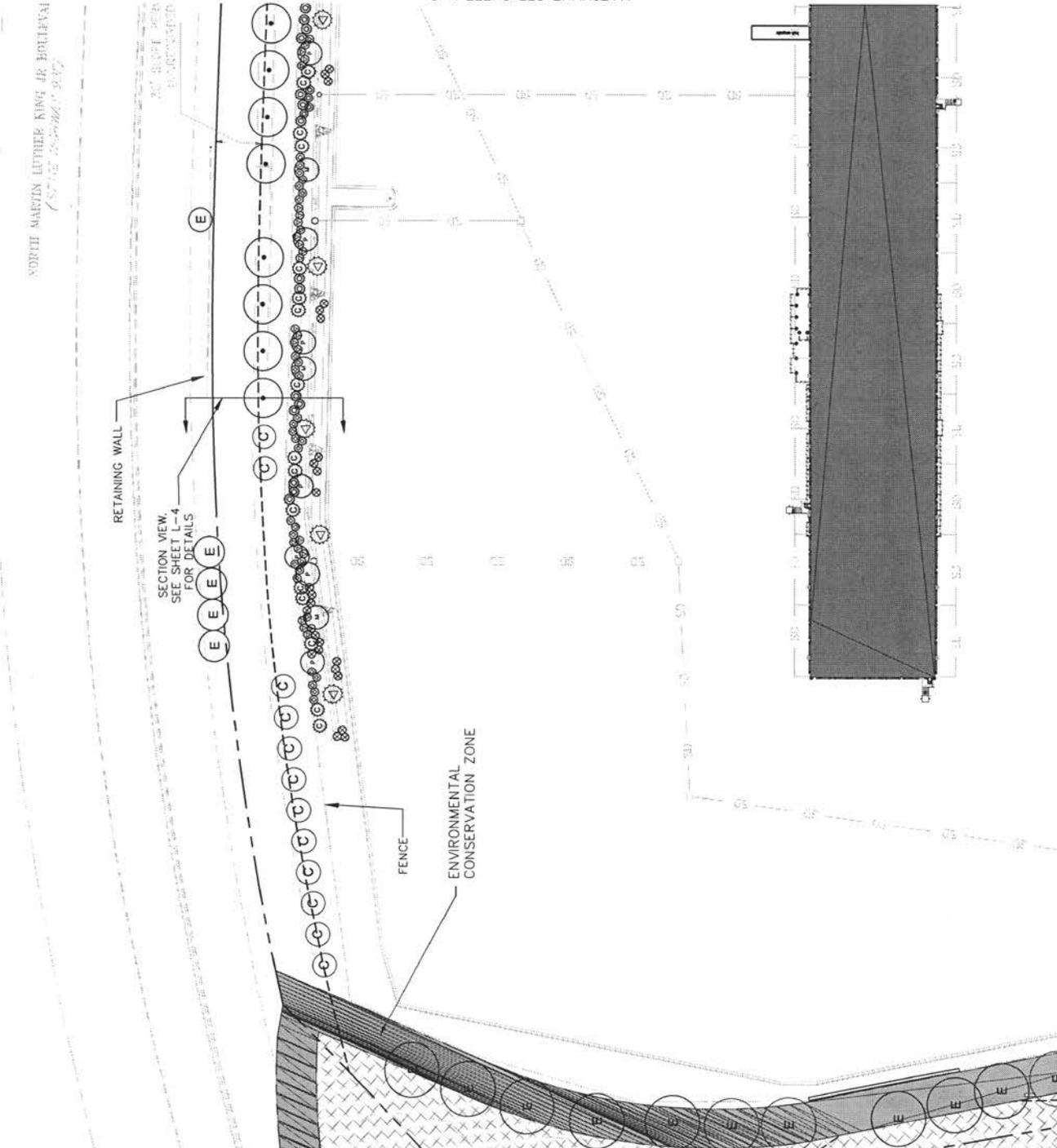
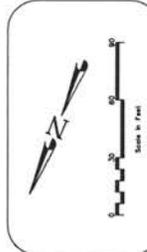
OLD DOMINION FREIGHT LINES  
 LANDSCAPE EXHIBIT  
 PORTLAND, OREGON

SHEET  
**L-1**  
 TOTAL SHEETS



LOT LINES (PROPERTY)  
 EXISTING CURB AND GUTTER  
 PROPOSED CURB AND GUTTER  
 PROPOSED STORM DRAIN LINE  
 EXISTING STORM DRAIN LINE

CALEOCEDRUS DECURRENS "INCENSE CEDAR"  
 CARRINUS BETULUS "ASTATA"  
 NYSSA SYLVATICA "WILDOKE"  
 MYRTICA CALIFORNICA "PACIFIC WAX MYRTLE"  
 TILIA PALMATA "WESTERN RED CEDAR"  
 SALIX SITCHOUSS "SITKA WILLOW"  
 CORNUS SERICEA "RED-TWIG DOGWOOD"  
 POPULUS TREMULOIDES "QUAKING ASPEN"  
 MALUS FUSCA "PACIFIC CHAMAPPLE"  
 RIBES SANGUINEUM "RED FLOWERING CURRANT"  
 MAHONIA AQUIFOLIUM "TALL ORANGE GRAPE"  
 OSMORHIZA SANDWICHENSIS "OREGON RED-STEM  
 CEMANOTHUS"  
 EXISTING TREES

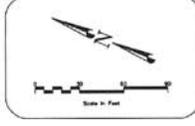
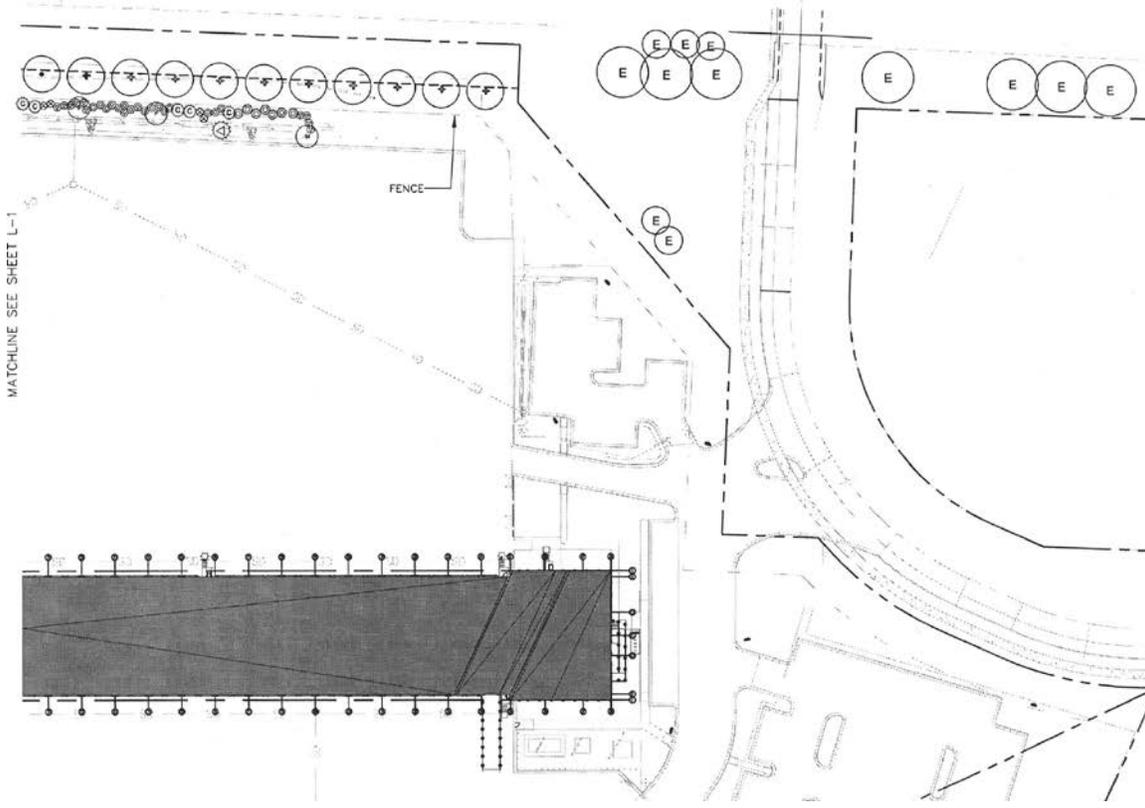


PACIFIC HWY EAST  
(OR90E, N. MK 3r 116d)

# LEGEND

- LOT LINES (PROPERTY)
- EXISTING CURB AND GUTTER
- PROPOSED CURB AND GUTTER
- PROPOSED STORM DRAIN LINE
- EXISTING STORM DRAIN LINE
- EXISTING STORM DRAIN LINE
- CALEDONIS DECURRENS "INDIAN CEDAR"
- CARPINUS BETULUS "ASTIGATA"
- NYSSA SILVATICA "WILDPIRE"
- NYSSA CALIFORNICA "PACIFIC WAX MYRTLE"
- TRILIX PUGATA "WESTERN RED CEDAR"
- SALIX SITCHENSIS "SITKA WILLOW"
- CORNUS SERICEA "RED-TWIG DOGWOOD"
- POPULUS TREMULOIDES "QUAKING ASPEN"
- MALUS FUSCA "PACIFIC CRABAPPLE"
- RIBES SANGUINEUM "RED FLOWERING CURRANT"
- MORONGIA AQUIFOLIUM "TALL ORANGE GRAPE"
- CEANOTHUS SANGUINEUS "OREGON RED-STEM CEANOTHUS"
- EXISTING TREES

MATCHLINE SEE SHEET L-1

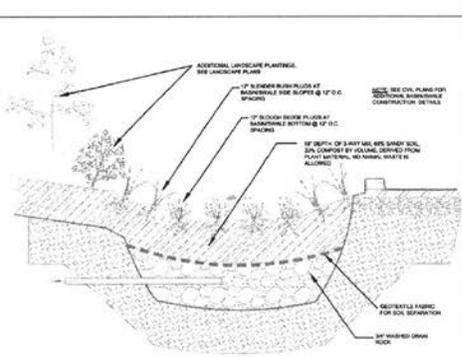
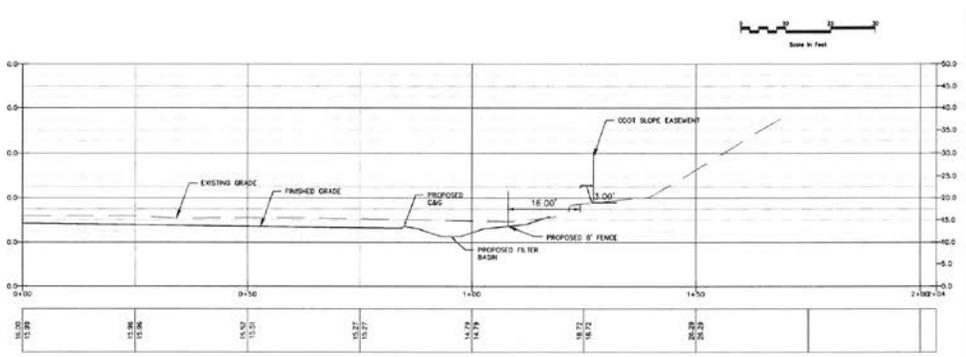
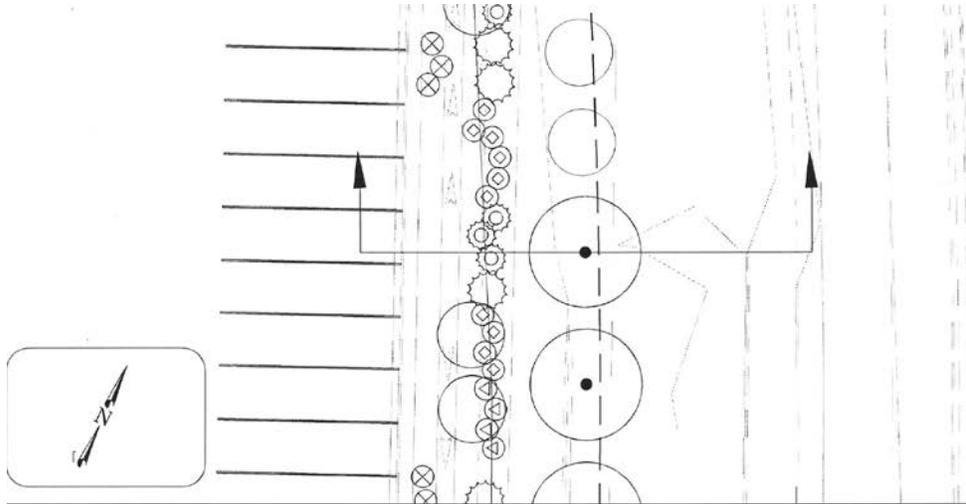


LEGEND ENGINEERING, LLC  
 50 WEST 100 AVENUE  
 PORTLAND, OREGON 97208  
 PHONE: 503.251.4000  
 FAX: 503.251.4972  
 WWW.LEGENDENR.COM

**LEGEND**  
 LANDSCAPE ARCHITECTS

OLD DOMINION FREIGHT LINES  
 LANDSCAPE EXHIBIT (2)  
 PORTLAND, OREGON

SHEET  
**L-2**



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**LEGEND**  
 LANDSCAPE ARCHITECTS

OLD DOMINION FREIGHT LINES  
 EAST SECTION EXHIBIT  
 PORTLAND, OREGON

SHEET  
**L-4**