



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

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Date: March 17, 2017
To: Interested Person
From: Lauren Russell, Land Use Services
503-823-7817/Lauren.Russell@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 April 7, 2017**. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 16-282680 AD, in your letter. It also is helpful to address your letter to me, Lauren Russell. You can also e-mail your comments to me at my e-mail address identified above.

CASE FILE NUMBER: LU 16-282680 AD

Applicant: Dave Spitzer
DMS Architects Inc.
2325 NE 19th Ave
Portland, OR 97212

Owner: Top Tree LLC
12433 SE Scherrer St
Happy Valley, OR 97086

Site Address: 10215 SE FOSTER RD

Legal Description: BLOCK 14 LOT 8 LAND & IMPS SEE R215723 (R551002501) FOR BILLBOARD, MCKINLEY PK

Tax Account No.: R551002500

State ID No.: 1S2E15CC 07300

Quarter Section: 3641

Neighborhood: Lents, contact Judy Low at pmsi_92@hotmail.com

Business District: Lents Grown Business Association.

District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.

Plan District: Johnson Creek Basin - Flood Risk

Other Designations: None

Zoning: EG2 – General Employment 2

Case Type: AD – Adjustment Review

Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal:

The applicant proposes to open a new marijuana dispensary in the existing one-story building on the subject site. In addition to restriping the parking area in front of the building, the applicant proposes to add 3 new parking spaces in a new parking area at the rear of the building. Because the subject site is within the Johnson Creek Basin Plan District's Flood Risk area, which limits the amount of impervious surface on a site to 50%, the proposed rear parking area would utilize pervious pavement.

Per Zoning Code Section 33.266.130.G.2.d and Table 266-5, where a surface parking area abuts an R zone lot line, 5 feet of landscaping meeting the L3 standard of chapter 33.248 must be provided. The L3 standard requires enough high evergreen shrubs to form a screen 6 feet high and in addition, one large tree is required per 30 linear feet, one medium tree per 22 linear feet, or one small tree per 15 linear feet of landscaped area.

There is a 41-foot section of the east and west property line adjacent to the proposed rear parking area. Each would require 2 large, 2 medium, or 3 small trees. The applicant proposes to plant 2 medium trees along the west property line, which covers more than 41 linear feet, and no trees along the east property line. There is a 43'-4" section of the north property line adjacent to the proposed rear parking area, which would require 2 large, 2 medium, or 3 small trees. The applicant proposes to plant 1 medium tree, which covers 22 of the 43'4". The perimeter landscaping along the west and north property lines would be at least 5 feet deep; however a 31-foot section along the east property line would be 3-feet deep. Because the L3 landscape standard is not fully met along the north and east property lines, the applicant requests the following Adjustments:

- Reduce the number of medium trees along the site's north property line from 2 to 1;
- Reduce the number of medium trees along the site's east property line from 2 to 0; and
- Reduce the width of the perimeter landscaping along 31 feet of the site's east property line from 5 feet to 3 feet.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33.805.040.

33.805.040 Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. below 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
- D.** City-designated scenic resources and historic resources are preserved; **(not applicable)** 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. **(not applicable)**

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 December 6, 2016 and determined to be complete on March 13, 2017.

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.

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.

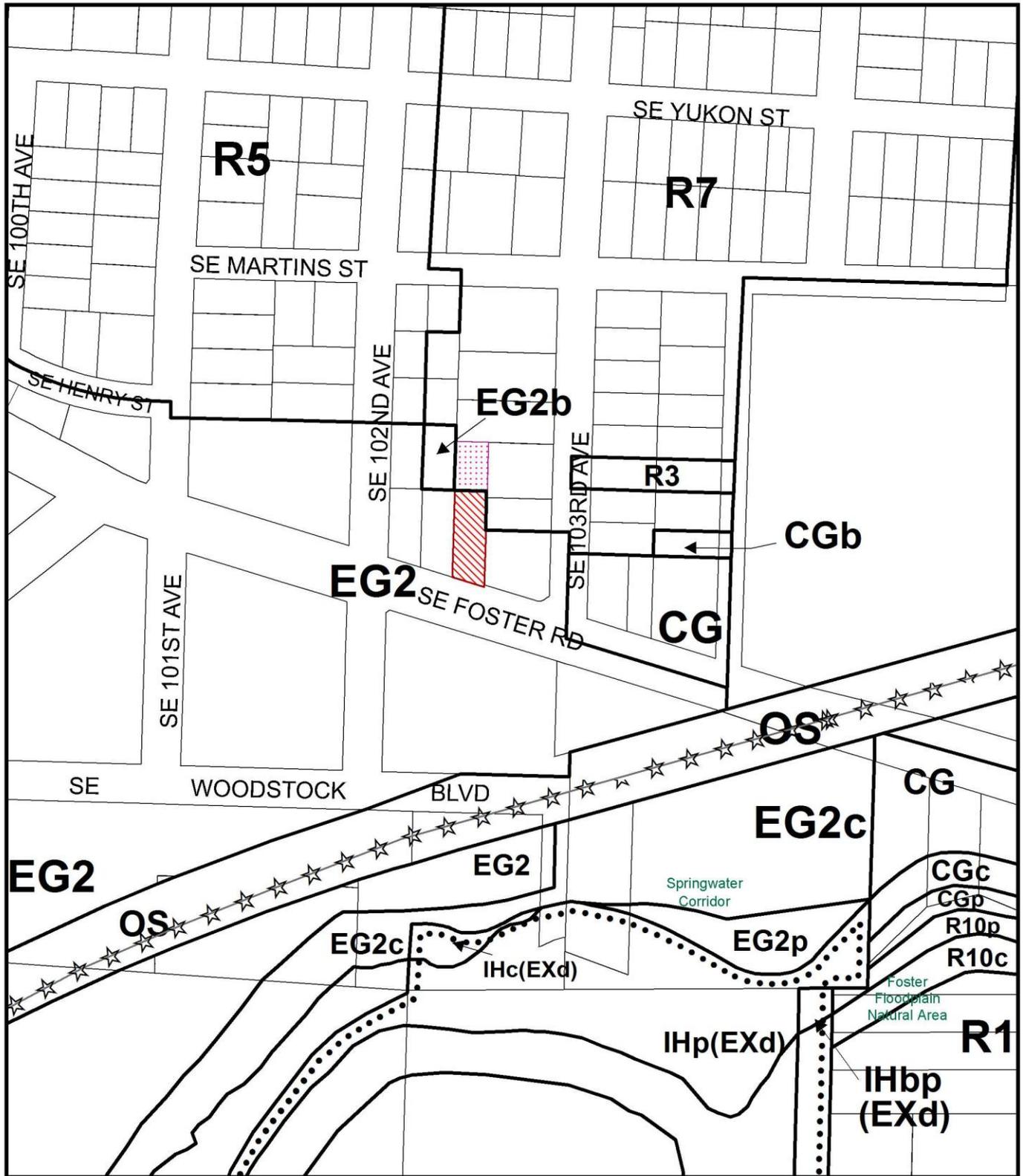
APPEAL OF THE FINAL CITY DECISION

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
Site Plan



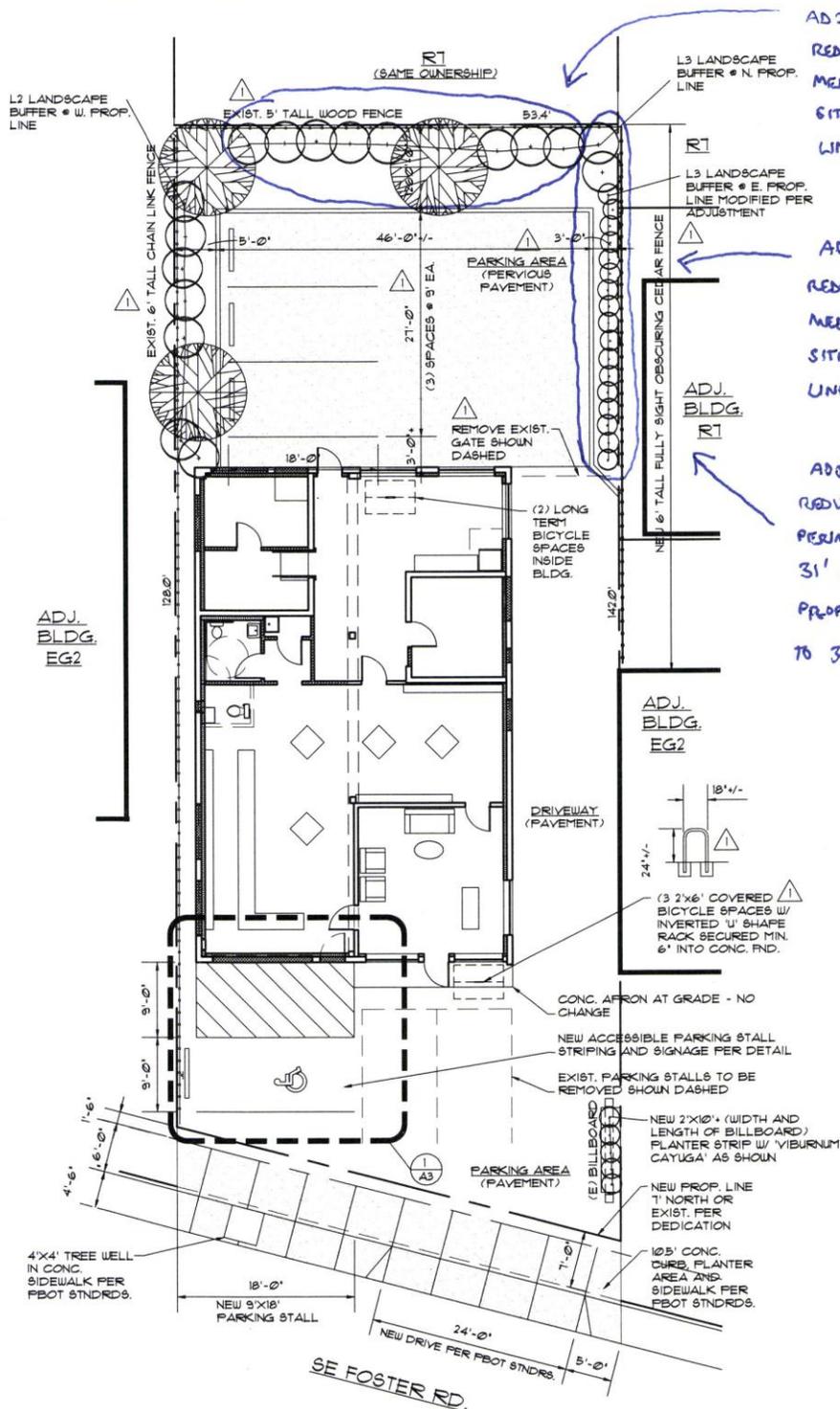
ZONING

-  Site
-  Also Owned Parcels
-  Recreational Trails



This site lies within the:
JOHNSON CREEK BASIN PLAN DISTRICT
FLOOD RISK SUBDISTRICT

File No.	<u>LU 16-282680 AD</u>
1/4 Section	<u>3641</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S2E15CC 7300</u>
Exhibit	<u>B</u> (Dec 11, 2016)



ADJUSTMENT REQUEST TO REDUCE THE NUMBER OF MEDIUM TREES ALONG THE SITE'S NORTH PROPERTY LINE FROM 2 TO 1.

ADJUSTMENT REQUEST TO REDUCE THE NUMBER OF MEDIUM TREES ALONG THE SITE'S EAST PROPERTY LINE FROM 2 TO 0.

ADJUSTMENT REQUEST TO REDUCE THE WIDTH OF THE PERIMETER LANDSCAPING ALONG 31' OF THE SITE'S EAST PROPERTY LINE FROM 5' TO 3'.

1 OVERALL SITE PLAN

1" = 20'

LANDSCAPE STANDARDS @ NORTH PARKING AREA

- L2 STANDARD AT WEST PROP. LINE - 5' SOIL/PLANTER W/ 6' CURB @ INSIDE EDGE. (1) MEDIUM TREE AND 3' TALL EVERGREEN HEDGE AND GROUND COVER
- L3 STANDARD @ NORTH PROP. LINE - 10' SOIL/PLANTER W/ 6' CURB @ INSIDE EDGE. (2) MEDIUM TREES AND 6' TALL EVERGREEN HEDGE AND GROUND COVER
- L3 STANDARD @ EAST PROP. LINE - MODIFIED PER ADJUSTMENT - 2' WIDE SOIL/PLANTER W/ 6' CURB @ INSIDE EDGE. FULLY SIGHT OBTUSCURING CEDAR FENCE TO 6' TALL. 6' TALL EVERGREEN HEDGE

LOT SUMMARY

LOT SIZE (BOTH LOTS)	10,850 SF	⚠
STRUCTURE SIZE:	2,280 SF	
*PAVEMENT AREA:	2,220 SF	
TOTAL IMPERVIOUS AREA:	4,480 SF	

ONLY CHANGE THIS PERMIT TO IMPERVIOUS AREA IS REDUCTION BY 20 SF FOR LANDSCAPING AROUND FRONT MONUMENT SIGN

PLANT LIST

APPROVED TREES: RED MAPLE (ACER RUBRUM)

APPROVED HEDGES/SHRUBS: ITALIAN CYPRESS (CUPRESSUS SEMIPERVIRENS - @ EAST PROP. LINE), VIBURNUM (VIBURNUM 'CATUGA' - @ NORTH AND WEST PROP. LINES)

APPROVED GROUND COVERS: KINKIKINICK, BEARBERRY (ARCTOSTAPHYLOS UVA URSI)

OTHER TREES, SHRUBS OR GROUND COVERS AS LISTED IN THE CITY OF PORTLAND'S TREE AND LANDSCAPING MANUAL ARE ACCEPTABLE AS WELL