



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

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Date: January 13, 2022

From: Marguerite Feuersanger, Land Use Services  
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## **REQUEST FOR RESPONSE**

**Case File: LU 21-004382 CU**  
**Pre App: PC # 20-124542**

This notice is being sent to all service and technical review agencies for their input on the proposal described below. Neighborhood Associations also receive this advance notice via e-mail. Your timely response, as indicated below, will help the assigned planner determine if applicable approval criteria can be met, or what conditions might be required.

- The approval criteria are listed below. Although we are interested in any comments you may have, please consider your response in terms of these criteria.
- All agencies are encouraged to use this as an opportunity to inform the applicant of any additional requirements that may be imposed by your agency during building permit phase – especially those that would significantly affect the proposal.
- Please note in your response which requirements are specifically associated with the applicable land use review approval criteria, and which requirements you have the independent authority to impose at time of building permits.
- Neighborhood Associations are encouraged to submit comments by the deadline noted below. To comment, you may write to Marguerite Feuersanger at 1900 SW Fourth Ave., Suite 4500, Portland, OR 97201. You can also e-mail your comments to me at my e-mail address identified above. After the staff report is published, please submit your comments to the Hearings Officer at 1900 SW Fourth Ave., Suite 3100, Portland, OR 97201 and fax them to 503-823-4347.

The Bureau of Development Services recommendation will be published ten days before the scheduled hearing date. You will also receive a Notice of Public Hearing for this proposal, with hearing date and time confirmed, mailed twenty days prior to the hearing.

- **Please send your response to BDS no later than: February 11, 2022** (If I receive comments after this date, I may not have enough time to include them in the staff report).
- **We must publish our report by: February 18, 2022**
- **A public hearing before the Hearings Officer is tentatively scheduled for Monday, February 28, 2022 at 1:30 pm**

**Applicant:** Erik Otto  
Univar Solutions Usa Inc.  
3950 NW Yeon Avenue  
Portland, OR 97210  
425-324-1275 erik.otto@Univar.com

**Owner:** Van Waters & Rogers Inc  
13155 Noel Rd #100  
Dallas, TX 75240-5050

**Site Address:** 3950 NW Yeon Avenue

**Legal Description:** TL 300 0.15 ACRES, SECTION 19 1N 1E; TL 1800 9.38 ACRES, SECTION 20 1N 1E; TL 200 0.15 ACRES, SECTION 19 1N 1E

**Tax Account No.:** R941191280, R941200170, R941191310

**State ID No.:** 1N1E19DD 00300, 1N1E20 01800, 1N1E19DD 00200

**Quarter Section:** 2625 & 2725

**Neighborhood:** NONE

**Business District:** Northwest Industrial, contact at board@nwindustrial.org

**District Coalition:** NONE

**Plan District:** Guilds Lake Industrial Sanctuary

**Zoning:** IHk. Heavy Industrial (IH) zone, Prime Industrial (k) overlay zone

**Case Type:** CU AD, Conditional Use and Adjustments

**Procedure:** Type III, with a public hearing before the Hearings Officer. The decision of the Hearings Officer can be appealed to City Council.

**Proposal:** The applicant requests Conditional Use review approval for proposed temporary storage of hazardous and nonhazardous waste-related material within an existing industrial building on the site. The waste-related materials will be stored in sealed containers within the existing building, accounting for 1,703 square feet of floor area and are identified on the attached site plan:

- Area 1 measures 27 by 33 feet (891 square feet); and
- Area 2 measures 29 feet by 28 feet (812 square feet).

All waste materials will be stored temporarily in sealed containers (10-day storage). Loading and unloading of the containers is proposed at an existing loading dock at the north side of building.

The main business on the site and within the industrial building is ChemCare, an organic and inorganic chemical and ingredient distribution facility. The facility receives chemicals in packages or in bulk by tanker truck or railcar. Chemicals may be blended, repackaged, and/or filled into bulk containers or drums for distribution. This chemical processing, storage, and distribution use is allowed by right in the IH zone. However, the proposal for temporary storage of waste-related materials in Areas 1 and 2 requires Conditional Use review per Section 33140.100, and Table 140-1.

The exterior of the site is used for vehicle and equipment storage and maneuvering. An existing 6-foot-tall fence is located at the perimeter of the site. The applicant proposes no changes to the site or building.

Waste-Related uses must satisfy Conditional Use criteria of Section 33.815.220 and comply with the regulations of Zoning Code Chapter 33.254. The applicant is requesting the following three Adjustments to these regulations:

1. Section 33.254.040, Processing of waste products. In the case of Waste-Related uses other than landfills and composting operations, all activities relating to the receiving, sorting, processing, storage, transfer, and shipping of wastes must take place entirely within enclosed structures. The transfer of waste products from one vehicle or container to another vehicle or container and the cleaning of such vehicles or containers must be done within a containment area designed to ensure that waste materials will be confined so as to not enter the groundwater or any water body. ***The applicant requests that the transfer of waste-related materials occur outside a building;***
2. Section 33.254.080, Setbacks, Landscaping and Screening. ***The applicant requests that the required minimum 100-foot perimeter setback, landscaping and screening requirements be waived;*** and
3. Section 33.254.090, Activities in Required Setbacks. ***The applicant requests that parking areas for trucks or equipment be located within the required setbacks.***

**Approval Criteria:**

To be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The applicable approval criteria are:

- Section 33.815.220.A through I, Mining and Waste-Related Uses (including the regulations of Chapter 33.254, Mining and Waste-Related Uses); and
- Section 33.805.040.A through F, Adjustments

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 filed, provided that the application is complete at the time of filing, or complete within 180 days. This application was filed on January 15, 2021 and determined to be complete on July 9, 2021.

It is important to submit all evidence to the Hearings Officer. City Council will not accept additional evidence if there is an appeal of this proposal.

Enclosures: Zoning Map, Site Plan, Focused Waste Storage Plan