



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

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**Date:** November 10, 2022  
**To:** Interested Person  
**From:** David Besley, Land Use Services  
503-865-6715 / David.Besley@portlandoregon.gov

**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 mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

**CASE FILE NUMBER: LU 22-177117 AD**

**GENERAL INFORMATION**

**Applicant:** Chris Slovick,  
Ramsay Signs Inc  
9160 SE 74th Avenue  
Portland OR 97206  
Email: [permits@ramsaysigns.com](mailto:permits@ramsaysigns.com)  
Phone: 971-334-3033

**Owner:** Leathers Limited Partnership  
255 Depot St  
Fairview, OR 97024-3875

**Party of Interest:** Darin Hauer,  
Ramsay Signs Inc  
9160 SE 74th Avenue  
Portland OR 97206

**Site Address:** 16331 SE POWELL BLVD

**Legal Description:** TL 11500 0.21 ACRES LAND & IMPS SEE R338284 (R993071801) FOR BILLBOARD, SECTION 07 1S 3E

**Tax Account No.:** R993071800  
**State ID No.:** 1S3E07CB 11500  
**Quarter Section:** 3447

**Neighborhood:** Centennial, contact Daniel Bramske at [dbramske@gmail.com](mailto:dbramske@gmail.com)  
**Business District:** Midway, contact [info@midwaybusiness.org](mailto:info@midwaybusiness.org).  
**District Coalition:** East Portland Community Office, contact at [info@eastportland.org](mailto:info@eastportland.org)

**Plan District:** None

**Zoning:** CE (Commercial Employment), CM1 (Commercial/Mixed Use 1)

**Case Type:** AD (Adjustment Review – 2 concurrent Adjustments)  
**Procedure:** Type II, an administrative decision with appeal to the Adjustment Committee.

**Proposal:**

The Oregon Department of Transportation (ODOT) is proposing a road improvement project in the location of an existing gas station pricing sign. Because of this, the applicant is proposing to relocate the sign from the CE zoned portion of this split-zoned site (to the east) to the CM1 zoned portion of the site (to the west). Only one freestanding sign per arterial street frontage is allowed in this zone (Section 32.32.020, Table 2). Because there is also an existing billboard on site, an Adjustment is requested to allow two freestanding signs on this site. Also, the CM1 zone allows a freestanding sign no greater than 50 sq.ft. and 15 feet in height (Section 32.32.020, Table 2). A second Adjustment is requested to increase the maximum allowed freestanding sign size to approximately 83 sq.ft. and 19 feet -10 inches in height.

Note: While a new sign is not being proposed (an existing sign is being relocated), approval through Adjustment review is required in part because the non-conforming sign rights were lost when the sign's price info was switched to digital without the benefit of a sign permit. This is considered a structural alteration per Section 32.22.020.GGG. Additionally, the CE and CM1 zones have different signage requirements.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 32. Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria a. through d. of Section 32.38.030.C, Adjustment Criteria, have been met.

## ANALYSIS

**Site and Vicinity:** The subject property is located on the northwest corner of the SE Powell Boulevard and SE 164<sup>th</sup> Avenue intersection and is developed with an approximately 1,231 square foot gas station with vehicle access along both of these streets. The site is split-zoned; the eastern approximately 80 percent of the site zoned CE and the western approximately 20 percent of the site is zoned CM1. As noted above, there is an existing freestanding sign at the southeastern corner of the site, which is proposed to be relocated, and there is an existing billboard on the western portion of the site, which is proposed to remain. The surrounding area includes a residential manufactured dwelling park to the south and Commercial/Mixed-Use development to the north, east and west.

**Zoning:** The Commercial Employment (CE) zone is a medium-scale zone intended for sites along corridors with a Neighborhood Collector or higher traffic classification, especially along civic corridors that are also Major Truck Streets or Priority Truck Streets. This zone is generally not appropriate in designated centers, except on a site that is currently developed in an auto-oriented manner and where more urban development is not yet economically feasible. The zone allows a mix of commercial uses, including auto-accommodating development and drive-through facilities, as well as some light manufacturing and distribution uses that have few off-site impacts. The emphasis of this zone is on commercial and employment uses, but residential uses are also allowed. Buildings in this zone will generally be up to four stories tall. This zone is intended to allow for development with auto-accommodating configurations, while also including pedestrian oriented design features that support transit and pedestrian access.

The Commercial/Mixed Use 1 (CM1) zone is a small-scale zone intended for sites in dispersed mixed use nodes within lower density residential areas, as well as on neighborhood corridors and at the edges of neighborhood centers, town centers and regional centers. The zone is also appropriate in core commercial areas of centers in locations where older commercial storefront buildings of 1 to 2 stories are predominant. This zone allows a mix of commercial and

residential uses. The size of commercial uses is limited to minimize impacts on surrounding residential areas. Buildings in this zone will generally be up to three stories tall. Development is intended to be pedestrian-oriented and compatible with the scale and characteristics of adjacent residentially zoned areas or low-rise commercial areas.

**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 **September 28, 2022**. The following Bureaus have responded as follows:

- The Life Safety Review Section of the Bureau of Development Services (BDS) responded with no concerns regarding the Adjustment review, and noted that a separate Sign Permit is required for the work proposed and the proposal must be designed to meet all applicable building codes and ordinances (Exhibit E.1); and
- ODOT supports the proposed location of the sign and notes that there are right of way acquisitions on this property that impact the Powell Blvd. frontage and the southwest corner of the site, near the proposed sign installation (Exhibit E.2).

The following Bureaus have responded with no concerns (Exhibit E.3):

- The Site Development Review Section of BDS; and
- The Fire Bureau.

**Neighborhood Review:** No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## ZONING CODE APPROVAL CRITERIA

The Title 32 Sign Code Adjustments are subject to the approval criteria from Sign Code Section 32.38.030.C.1.

## SIGN CODE ADJUSTMENTS

### Title 32.38.030.C Adjustment Approval Criteria

- A. Purpose.** Sign Adjustments are intended to allow flexibility to the sign regulations while still fulfilling the purpose of the regulations. The specific approval criteria allow signs that enhance the overall character of an area or allow for mitigation of unusual site conditions.
- B. Procedures.** The Adjustment procedures stated in Chapter 33.805, Adjustments, apply to sign Adjustments. However, the approval criteria of this section are used, rather than of those of Chapter 33.805 of the Zoning Code.
- C. Approval criteria.** Sign Adjustments will be approved if the review body finds that the applicant has shown that the criteria of Paragraph C.1. or C.2, below are met.
  1. Area enhancement. The applicant must meet criteria C.1.a. and b. and either C.1.c. or d.
    - a. The Adjustment for the proposed sign will not significantly increase or lead to street level sign clutter, to signs adversely dominating the visual image of the area or to a sign that will be inconsistent with the objectives of a specific plan district or design district; and

**Findings:** The applicant has requested two Adjustments to the Sign Code standards to increase the maximum allowed freestanding signs per arterial street frontage from one freestanding sign to two, and to increase the maximum allowed freestanding sign size

from 50 sq.ft. and 15 feet in height to approximately 83 sq.ft. and 19 feet -10 inches in height in order to relocate an existing gas station pricing sign from the CE zoned portion of this split-zoned site (to the east) to the CM1 zoned portion of the site (to the west). The relocation of the sign is necessary because ODOT is proposing a road improvement project in the location of the existing gas station pricing sign.

The properties along SE Powell Blvd. are commercially developed and include a mix of freestanding signs, wall/fascia signs, and portable signs. While billboards are less common in the direct vicinity, no changes are proposed to the existing billboard on site. No additional signs are proposed on site, and the existing pricing sign will be relocated about 100 feet to the west rather than replaced with a new or larger sign. It is essential for gas stations to have freestanding pricing signs on site and relocating the existing pricing sign will not adversely dominate the visual image of the area; therefore, this criterion is met.

- b. The sign will not create a traffic or safety hazard; and

**Findings:** As noted above, the sign is proposed to be relocated about 100 feet to the west and, thus, farther away from the SE Powell Boulevard and SE 164th Avenue intersection than the existing sign. It will also be about 2 feet farther from the SE Powell Boulevard right-of-way (to the south) than the existing sign and will therefore improve line-of-site as compared to the existing sign. For these reasons, the proposed sign relocation will not create traffic or safety hazards; therefore, this criterion is met.

- c. The Adjustment will allow a unique sign of exceptional design or style that will enhance the area or that will be a visible landmark; or
- d. The Adjustment will allow a sign that is more consistent with the architecture and development of the site.

**Findings for d:** The proposed size, new location, and total number of signs is compatible with the existing gas station development on site and, as noted above, freestanding pricing signs are essential to the gas station use; therefore, this criterion is met. (Since C.1.d is found to be met, C.1.c does not need to be addressed.)

2. Site difficulties.

**Findings:** The applicant is pursuing the Sign Adjustment criterion identified under Paragraph C.1 versus C.2. Therefore, this criterion does not apply.

## 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 has requested two Adjustments to the Sign Code standards to increase the maximum allowed freestanding signs per arterial street frontage from one freestanding sign to two, and to increase the maximum allowed freestanding sign size from 50 sq.ft. and 15 feet in height to approximately 83 sq.ft. and 19 feet -10 inches in height in order to relocate an existing gas station pricing sign from the CE zoned portion of this split-zoned site (to the east) to the CM1 zoned portion of the site (to the west). The relocation of the sign is necessary because ODOT is proposing a road improvement project in the location of the existing gas station pricing sign.

The properties along SE Powell Blvd. are commercially developed and include a mix of freestanding signs, wall/fascia signs, and portable signs. No additional signs are proposed on site, and the existing pricing sign will be relocated about 100 feet to the west rather than replaced with a new or larger sign. It is essential for gas stations to have freestanding pricing signs on site and relocating the existing pricing sign will not adversely dominate the visual image of the area. Because it will be relocated farther away from the SE Powell Blvd. and SE 164th Ave. intersection, and about 2 feet farther from the SE Powell Boulevard right-of-way than the existing sign, it will improve line-of-site as compared to the existing sign. Therefore, the proposal will not create traffic or safety hazards. The proposal meets the applicable approval criteria and should be approved.

## ADMINISTRATIVE DECISION


Approval of two Adjustments to

1. Increase the maximum allowed freestanding signs per arterial street frontage from one freestanding sign to two (Section 32.32.020, Table 2); and
2. Increase the maximum allowed freestanding sign size from 50 sq.ft. and 15 feet in height to approximately 83 sq.ft. and 19 feet -10 inches in height (Section 32.32.020, Table 2)

for the relocation of an existing gas station pricing sign, per the approved site plans, Exhibits C.1 through C.2, signed and dated November 4, 2022, subject to the following conditions:

- A. As part of the building permit application submittal, each of the required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 22-177117 AD. No field changes allowed."

**Staff Planner: David Besley**



**Decision rendered by:** \_\_\_\_\_ **on November 4, 2022.**

By authority of the Director of the Bureau of Development Services

**Decision mailed: November 10, 2022**

**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 August 25, 2022, and was determined to be complete on September 23, 2022.

*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 August 25, 2022.

*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 did not waive or extend the 120-day review period. (Unless further extended by the applicant, **the 120 days will expire on: January 21, 2023.**)

**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 Adjustment Committee, and if appealed a hearing will be held. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. Appeals must be received **by 4:30 PM on November 28, 2022. The completed appeal application form must be emailed to [LandUseIntake@portlandoregon.gov](mailto:LandUseIntake@portlandoregon.gov) and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. **An appeal fee of \$250 will be charged.** Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for Office of Community and Civic Life recognized organizations for the appeal of Type II and IIX decisions on property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

If you are interested in viewing information in the file, please contact the planner listed on the front of this decision. The planner can provide some information over the phone. Please note that only digital copies of material in the file are available for viewing. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at <https://www.portlandoregon.gov/citycode/28197>.

**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 Adjustment Committee 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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, 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 Adjustment Committee 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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **November 28, 2022** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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.

**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
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Elevation/Detail Drawing (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Life Safety Review Section of BDS
  - 2. ODOT
  - 3. Bureaus responding with "no concerns" (Fire Bureau and Site Development Review Section of BDS)
- F. Correspondence: none
- G. Other:
  - 1. Original LU Application and Receipt
  - 2. Incomplete letter from staff to applicant, sent September 9, 2022

**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).**