



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

Carmen Rubio, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7310
TTY: (503) 823-6868
www.portland.gov/bds

Date: March 22, 2023
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 22-181310 AD

GENERAL INFORMATION

Applicant: Peter Reedijk
Sea Reach Ltd
146 NE Yamhill Street
Sheridan OR 97378

Owner/Agent: Ashley Evans
Oregon Humane Society
1067 NE Columbia Blvd
Portland, OR 97211-1411

Owner: Portland City of
1120 SW 5th Ave #1000
Portland, OR 97204

Site Address: 1067 NE COLUMBIA BLVD

Legal Description: TL 200 7.06 ACRES, SECTION 11 1N 1E; TL 1800 4.01 ACRES, SECTION 11 1N 1E; TL 100 0.04 ACRES, SECTION 11 1N 1E

Tax Account No.: R941110100, R941110860, R941110940

State ID No.: 1N1E11CD 00200, 1N1E11DC 01800, 1N1E11CD 00100

Quarter Section: 2231, 2232

Neighborhood: Sunderland, contact sandral@cnncoalition.org

Business District: Columbia Corridor Association, contact at mking@columbiacorridor.org

District Coalition: Central Northeast Neighbors, contact Alison Stoll at alisons@cnncoalition.org

Plan District: None

Zoning: IG2hk, IHhk (General Industrial 2 "IG2" and Heavy Industrial "IH" with Aircraft Landing "h" and Prime Industrial "k" overlay zones)

Case Type: AD (Adjustment Review – 3 concurrent Adjustments)

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

Proposal:

The applicant is proposing comprehensive signage as part of a multiple-property expansion to the Oregon Humane Society facilities, and has requested three sign Adjustments as follows:

1. Increase the maximum allowed freestanding signs from 1 (per 300' NE Columbia Boulevard arterial length) to 9 (4 new "vehicle direction" signs, 4 new "gate identification" signs, and 1 existing/updated site identification sign) (Section 32.32.020, Table 2);
2. Increase the maximum allowed freestanding sign size limit from 200 sq.ft. to approximately 307 sq.ft. (18.48 sq.ft. for each of the 4 "vehicle direction" signs, 26.83 sq.ft. for each of the 4 "gate identification" signs, and 126 sq.ft. for the existing/updated site identification sign) (Section 32.32.020, Table 2); and
3. Allow 6 free standing signs (the 4 "vehicle direction" signs and the 2 "gate identification" signs along NE 14th Place) outside of the NE Columbia arterial (per Section 32.32.030.F.2) because they are set back from the arterial street frontage.

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 a full block site bordered on the north by NE Argyle Drive, on the east side by NE 14th Place, on the south side by NE Columbia Boulevard, and on the west side by NE 11th Avenue. Most of the 628,896 square foot site is zoned IG2hk; however, the southwest corner (approximately 135 feet north-to-south by 500 feet east-to-west) is zoned IHhk. An existing freestanding sign at the southeastern corner of the site (along NE Columbia Blvd) for a different business which is no longer there (Michelin) is proposed to be reduced in size, and updated to reflect the current business. There are five other existing signs on site which are proposed to be removed (Exhibit C.4). The surrounding area includes a mix of industrial uses and associated development.

Zoning:

General Industrial 2

The General Industrial zones are two of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zones provide areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. The development standards for each zone are intended to allow new development which is similar in character to existing development. The intent is to promote viable and attractive industrial areas. IG2 areas generally have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street

Heavy Industrial

This zone is one of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zone provides areas where all kinds of industries may locate including those not desirable in other zones due to their objectionable impacts or appearance. The development standards are the minimum necessary to assure safe, functional, efficient, and environmentally sound development.

The “h” (Aircraft Landing) “k” (Prime Industrial) overlay zones will not be impacted by the Adjustment proposal for signage.

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 **January 20, 2023**. The following Bureaus have responded as follows:

- The Portland Bureau of Transportation (PBOT) responded with no concerns regarding the Adjustment review, and included information about the street classification and Title 17 requirements (Exhibit E.1);
- 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.2); and
- The Bureau of Environmental Services (BES) responded with no concerns regarding the Adjustment review, noting that the project does not trigger pollution reduction and flow control requirements of the Stormwater Management Manual (Exhibit E.3).

The following Bureaus have responded with no concerns (Exhibit E.4):

- The Site Development Review Section of BDS;
- The Water Bureau; 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 is proposing comprehensive signage as part of a multiple-property expansion to the Oregon Humane Society (OHS) facilities. The proposed signage includes wall/fascia signs (which meet the size limitations and are not subject to the Adjustment requests), 4 new freestanding “vehicle direction” signs, 4 new freestanding “gate identification” signs, and 1 freestanding site identification sign, which is existing and is proposed to be reduced in size and updated. The applicant has requested three Adjustments to the Sign Code standards to increase the maximum allowed freestanding signs per arterial street frontage from 1 freestanding sign to 9, to increase the maximum allowed freestanding sign size limit from 200 sq.ft. to approximately 307 sq.ft., and to allow 6 free standing signs (the 2 “gate identification” signs along NE 14th Place and all 4 “vehicle direction” signs) away from the NE Columbia arterial.

Regarding the current parking situation and the proposed “gate identification” signs, the applicant notes:

“There is confusion as to which of the public entrances should be used to access different facilities (some facilities are only accessible by one entrance). To improve safety and reduce cross traffic in the parking lots, OHS would like to designate a number to each entrance. These entrance numbers will be incorporated into OHS’s public outreach and used to educate visitors to quickly and intuitively get them to the proper entrance that is closest to their final destination. The entrance numbers will also be used to direct delivery vehicles to the proper driveway for drop-offs and can be used to communicate with law enforcement in case of emergency.” (Exhibit A.1)

The OHS complex has one arterial street frontage along NE Columbia Boulevard with approximately 900 linear feet of street frontage. Of the 9 proposed freestanding signs, 3 of them are not along NE Columbia Blvd, but along NE 14th Place, the local service street along the east edge of the site. Six freestanding signs dispersed over about 900 feet of street frontage is reasonable and uncluttered, particularly given the nature of the facility (a nonprofit focused on pet adoption, education, and veterinary care) and the volume of visitors, volunteers, and staff. Further, all 4 of the vehicular directional signs are proposed to be located within the parking lots to better direct people attempting to locate specific areas within the complex. While technically visible from the adjacent rights-of-way, these signs are clearly interior to the site and focused on aiding in wayfinding for visitors to the site, rather than being outwardly focused. Dispersing the freestanding signs throughout the complex allows for clear wayfinding without cluttering the appearance of the site from the street level (see Exhibits C.1, C.2, and C.3 for overall site dispersal).

As part of the comprehensive signage proposal, the applicant will remove the 5 existing freestanding signs with a total of 66 sq.ft. (Exhibit C.4) as well as 45 sq.ft. of the existing 171 sq.ft. site identification sign (see Exhibit C.1). The square footage of the new signs includes 18.48 sq.ft. for each of the 4 “vehicle direction” signs, 26.83 sq.ft. for each of the 4 “gate identification” signs, and 126 sq.ft. for the existing/updated site identification sign. While the proposed signs exceeds the 200 sq.ft. freestanding sign limit by approximately 107 sq.ft., the site is 628,896 sq.ft. in area, which is substantially larger than the average industrial site in this area. The freestanding sign limitation is not proportional to the size of the lot. Given the size of the site and the proposed expansion, which includes two new buildings (a hospital and a rescue and behavior center) and several new parking/vehicular access areas, the overall signage area and the signage locations requested will not significantly increase or lead to street level sign clutter and will not adversely dominate the appearance of the area.

The properties along NE Columbia Blvd. are developed primarily with industrial businesses and include a mix of freestanding signs and wall/fascia signs. The appearance of the proposed signage will be consistent with that of other businesses in the area. This site is not within any plan districts or design districts.

For these reasons, this criterion is met.

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

Findings: The freestanding signs are not proposed to be located in the rights-of-way. PBOT reviewed sight distance diagrams submitted by the applicant (Exhibit C.7) and responded with no traffic or safety concerns regarding the Adjustment requests.

As noted in the findings above, the size, count, and locations of the proposed signs would not lead to street level sign clutter. The size, count, and locations are appropriate for a public facility of this size, and in the context where many of the signs are focused on internal wayfinding.

For the reasons stated above, the proposal does not create a traffic or safety hazard. 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: Approval of these Adjustments would enable OHS to update their sign program and ensure that visitors can navigate the building complex and parking areas effectively and present information to visitors where it is needed, away from the busy NE Columbia Boulevard arterial. The design of the signs themselves are functional, clear, and have a vernacular consistent with the architecture on site and the surrounding industrial neighborhood.

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 proposal to increase the number of freestanding signs; to increase the allowed size of the freestanding signage; and to allow freestanding signs to be located away from an arterial street would not significantly lead to street level clutter, would not adversely dominate the visual image of the area, and would not create a traffic or safety hazard. The proposal would allow signs that are more consistent with the architecture and development of the site. The applicant has demonstrated that the applicable approval criteria have been met. Because the approval criteria are met, the proposal should be approved.

ADMINISTRATIVE DECISION

Approval of the following three Adjustments to the Sign Code, for comprehensive signage as part of an expansion to the Oregon Humane Society facilities:

1. Increase the maximum allowed freestanding signs from 1 (per 300' NE Columbia Boulevard arterial length) to 9 (4 new "vehicle direction" signs, 4 new "gate identification" signs, and 1 existing/updated site identification sign) (Section 32.32.020, Table 2);
2. Increase the maximum allowed freestanding sign size limit from 200 sq.ft. to approximately 307 sq.ft. (18.48 sq.ft. for each of the 4 "vehicle direction" signs, 26.83 sq.ft. for each of the 4 "gate identification" signs, and 126 sq.ft. for the existing/updated site identification sign) (Section 32.32.020, Table 2); and
3. Allow 6 free standing signs (the 2 "gate identification" signs along NE 14th Place and the 4 "vehicle direction" signs) outside of the NE Columbia arterial (per Section 32.32.030.F.2) because they are set back from the arterial street frontage.

The above Adjustments are granted per the approved plans, Exhibits C.1 through C.3, signed and dated March 7, 2023, subject to the following condition:

- A. As part of the building permit application submittal, each of the 4 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.3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 22-181310 AD. No field changes allowed."

Staff Planner: David Besley



Decision rendered by: _____ **on March 7, 2023.**
By authority of the Director of the Bureau of Development Services

Decision mailed: March 22, 2023

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 September 7, 2022, and was determined to be complete on January 17, 2023.

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 September 7, 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: May 17, 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 April 5, 2023. The completed appeal application form must be emailed to 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 **April 5, 2023** 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 Identification Sign (Site Plan + Details) [attached]
 2. Vehicle Direction Signs (Site Plan + Details) [attached]
 3. Gate Identification Signs (Site Plan + Details) [attached]
 4. Signs to be removed
 5. Supplemental Free-Standing Sign Details
 6. Wall Mounted Sign Inventory
 7. Site Distance Diagram
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. PBOT
 2. Life Safety Review Section of BDS
 3. Bureau of Environmental Services
 4. Bureaus responding with "no concerns" (Water Bureau, Fire Bureau, and Site Development Review Section of BDS)
- F. Correspondence: None
- G. Other:
 1. Original LU Application Original LU Application and Receipt
 2. Incomplete letter from staff to applicant, sent September 23, 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).