



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

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**Date:** March 11, 2011  
**To:** Interested Person  
**From:** Kristin Cooper, Land Use Services  
503-823-7547

## **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 reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

### **CASE FILE NUMBER: LU 11-107091 AD**

#### **GENERAL INFORMATION**

**Applicant:** SN Properties Partnership  
1121 SW Salmon St  
Portland, OR 97205  
  
Jennifer Kimura  
VLMK Consulting Engineers  
3933 SW Kelly Avenue  
Portland, OR 97239

**Site Address:** 7543 N UPLAND DR; 7615 N UPLAND DR

**Legal Description:** TL 1300 4.26 ACRES, SECTION 06 1N 1E; TL 4700 4.57 ACRES, SECTION 06 1N 1E; TL 1200 0.96 ACRES, SECTION 06 1N 1E

**Tax Account No.:** R941061240, R941061300, R941061360

**State ID No.:** 1N1E06B 1300, 1N1E06BD 4700, 1N1E06B 1200

**Quarter Section:** 1923

**Neighborhood:** St. Johns, contact Clinton J Doxsee at 503-741-9859.  
**Business District:** Columbia Corridor Assoc., contact Peter Livingston at 503-796-2892.  
**District Coalition:** North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099.

**Zoning:** IG2/IG2b

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

#### **Proposal:**

The applicant is requesting adjustments to three development standards triggered by a new Manufacturing and Production tenant in an existing industrial warehouse building: reduce the minimum number of required parking spaces on the site from 174 spaces to 110 spaces,

reduce the amount of required interior parking lot landscaping on the tenant's portion of the site from 3,420 square feet to 2,085 square feet and reduce the amount of screening landscaping required within the "b" buffer overlay zone from 20 feet of L3 (high screen landscaping) to the level provided with the existing landscaping. No existing landscaping in the buffer area is proposed to be removed.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the Adjustment Review approval criteria of Chapter 33.805.040.A-F of the Portland Zoning Code.

**ANALYSIS**

**Site and Vicinity:** The existing warehouse building is part of an industrial development on a loop road north of N Columbia Boulevard. The warehouse is a single-story building with loading dock doors along the west elevation. The IG2-zoned industrial area continues to the north and west of the site along the railroad tracks and Columbia Slough. It is surrounded to the east and south by R5-zoned single-family residential development. These residential uses are buffered somewhat from the industrial development with a slight change in elevation and mature landscaping. The 211,782 square foot warehouse building is located on a 426,453 square foot site. The right-of-way along N. Columbia Boulevard is unusually wide and contains landscaping required by a previous land use review.

**Zoning:** The IG2 zone is one of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zone provides areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. 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. The "b" overlay is intended to provide additional buffering between nonresidential and residential zones.

**Land Use History:** City records indicate that prior land use reviews include a 1995 adjustment land use review (LUR 95-00540 AD) approving a reduction in the minimum number of required parking spaces from 90 to 79 and a reduction in required perimeter setback and landscaping for parking and loading areas associated with an addition to the warehouse building.

**Summary of Applicant's Statement:** An aluminum extrusion press operator manufacturing tenant is proposed to occupy 124,321 square feet of an existing warehouse building. This business utilizes large press machines and aluminum tubes, which require a large space within the building without a large number of employees. The applicant estimates that the plant will ultimately employ 100 people, with the largest shift having 45 people. The remainder of the building will stay in warehouse use. The applicant is proposing to provide more than the required level of landscaping along the N Upland Drive street frontage in place of additional interior parking lot landscaping and is proposing to infill some landscaping along the western portion of the site in the "b" buffer overlay zone.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **February 11, 2011**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Bureau of Transportation Engineering
- Water Bureau
- Fire Bureau
- Urban Forestry
- Site Services and Plan Review Sections of the Bureau of Development Services

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on February 11, 2011. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## ZONING CODE APPROVAL CRITERIA

### 33.805.010 Purpose

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

### 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

**Findings:** The applicant is requesting three Adjustments: a reduction in the minimum number of required parking spaces, reduction in the amount of required interior parking lot landscaping and reduction in amount of landscaping within the “b” buffer overlay zone along the western property line.

The purpose for the minimum number of required parking spaces, as stated in Section 33.266.110.A of the Zoning Code, is as follows:

*The purpose of required parking spaces is to provide enough on-site parking to accommodate the majority of traffic generated by the range of uses which might locate at the site over time. Sites that are located in close proximity to transit, have good street connectivity, and good pedestrian facilities may need little or no off-street parking. Transit-supportive plazas and bicycle parking may be substituted for some required parking on a site to encourage transit use and bicycling by employees and visitors to the site. The required parking numbers correspond to broad use categories, not specific uses, in response to this long term emphasis. Provision of carpool parking, and locating it close to the building entrance, will encourage carpool use.*

The proposal will equally meet the purpose of the minimum number of required parking spaces based on the following findings:

- The applicant will provide 110 off-street parking spaces on this site. The conversion of a portion of the building from warehouse to a manufacturing use, coupled with a small amount of additional floor area proposed in a mezzanine, would require 174 off-street parking spaces (the number of required parking spaces was reduced by 11 through a previous adjustment). While manufacturing uses typically involve more intense use of a property and more employees than warehouse uses, it is unlikely that the existing building will be used for this more intense level of manufacturing due to the cost of upgrading the building to the required seismic and occupancy status required for more intense use. The tenant currently proposed for this building was granted a building code appeal to retain a storage occupancy status due to the limited number of employees. Because the employee characteristics are

closer to a warehouse use than a manufacturing use, the applicant proposes an adequate number of parking spaces for the projected number of employees.

- If operations in the building do change in the future and additional parking demand is present on the site, there is space available for current loading and storage areas to be converted to parking.
- There is bus service on N Columbia Boulevard with service approximately every 30 minutes in the morning and afternoon rush hours.
- The applicant is proposing to meet the carpool and long-term bicycle parking requirements of the Zoning Code.

The purpose for the minimum amount of interior parking lot landscaping, as stated in Section 33.266.130.A of the Zoning Code, is as follows:

*The setback and landscaping standards:*

- *Improve and soften the appearance of parking areas;*
- *Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;*
- *Provide flexibility to reduce the visual impacts of small residential parking lots;*
- *Direct traffic in parking areas;*
- *Shade and cool parking areas;*
- *Reduce the amount and rate of stormwater runoff from vehicle areas;*
- *Reduce pollution and temperature of stormwater runoff from vehicle areas; and*
- *Decrease airborne and waterborne pollution.*

The proposal will equally meet the purpose of the minimum amount of interior parking lot landscaping based on the following findings:

- The applicant is proposing perimeter landscaping along the N Upland Drive street frontage to the high screen (L3) standard rather than the low screen (L2) standard required by the Zoning Code. The existing trees and proposed higher shrubs will screen the parking, exterior storage and loading areas on the site from the street along the west property line.
- The frontage along N Columbia Boulevard is screened by an unusually large public right-of-way and landscaping area required by a previous adjustment land use review.
- The existing trees and additional trees proposed in new interior parking lot landscaping islands will serve to shade and cool the parking areas. New islands and trees are proposed in the parking areas not adjacent to the driveway entrances to the site. The applicant is proposing a water quality swale to cool and treat stormwater runoff from the site.
- The parking areas on the site are for the most part along street property lines where the higher perimeter landscape standard compensates for the reduced amount of interior parking lot landscaping while allowing the tenant to maximize the areas used for parking without compromising the overall function of the site.

The purpose for the minimum amount of landscaping in the “b” buffer overlay zone, as stated in Section 33.266.130.A of the Zoning Code, is as follows:

*The Buffer overlay zone requires additional buffering between nonresidential and residential zones. It is used when the base zone standards do not provide adequate separation between residential and nonresidential uses. The separation is achieved by restricting motor vehicle access, increasing setbacks, requiring additional landscaping, restricting signs, and in some cases by requiring additional information and proof of mitigation for uses that may cause off-site impacts and nuisances.*

The proposal will equally meet the purpose of the buffer overlay landscaping based on the following findings:

- The buffer overlay zone area is located along the eastern property line next to an undeveloped City right-of-way (N Burr Avenue). Because of the right-of-way and City ownership of a strip of land next to it, the closest residential properties are approximately 60 feet from the industrial development. In addition, there is a fire access road along the back of the building, so the building and industrial activities are approximately 100 feet from the residential development.
- In addition to the horizontal distance between the industrial activities and residential uses, there is a grade change between the industrial uses and residential uses in that the industrial uses are located approximately ten feet below the N Burr Avenue right-of-way and residential uses. This difference in grade serves to further buffer the residential uses from the industrial activity.
- Existing landscaping in the “b” buffer overlay area and undeveloped N Burr Avenue right-of-way provides additional buffer between industrial activities and residential uses. The “b” buffer overlay requires screening to the high screen (L3) standard. The applicant is proposing to provide additional high screen shrubs to meet the standard. Existing trees in this area are grouped, but meet the number required to achieve the standard. The applicant is not proposing to infill groundcover plants or to fill in the entire 25 foot buffer area with new landscape materials. However, the existing landscaping, proposed infill and change of grade still provide adequate buffer.

As proposed, the Adjustment requests equally meet the intent of the minimum number of parking spaces, minimum amount of interior parking lot landscaping and amount of landscaping required in the “b” buffer overlay zone requirements, and this criterion is met.

- 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

**Findings:** The requested Adjustments are consistent with the classifications of the adjacent streets and the desired character of the area. The site is located within a Freight District, as classified by the Bureau of Transportation’s Transportation System Plan. N Columbia Boulevard is a Priority Truck Street, Community Transit Street and Regional/Major City Traffic Street. Granting the requested adjustments will insure the site remains viable as an industrial development by allowing the applicant to provide as much on-site parking as possible along the perimeter of the site while still preserving the function of the site for trucks and equipment.

As stated above, IG2-zoned areas are Industrial Sanctuary areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. The intent of the development standards is to promote viable and attractive industrial areas. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street. The warehouse building at the site is set back significantly from both street frontages. No change is proposed to the setbacks or amount of building coverage. While providing adequate buffering for the nearby residential uses, the development as proposed results in an attractive and functional industrial site.

As the proposal is consistent with the classifications of the adjacent streets and the desired character of the area, this criterion is met.

- 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

**Findings:** Three adjustments are requested in this proposal. The stated purpose of the zone is to provide areas for industrial uses to locate and the development standards are to promote viable and attractive industrial areas. The adjustment requests in combination result in a project that is more consistent with the overall purpose of the zone by allowing the applicant to more efficiently lay-out the site to meet the needs of the existing building and proposed tenant. Adequate parking for the existing building and proposed tenant is provided along the perimeter of the site. Perimeter landscaping is provided in excess of the standard to provide additional screening along the N Upland street property line while changes in grade, wider than required distances and existing landscaping provide screening along other property lines.

As the proposal is consistent with the overall purpose of the zone, this criterion is met.

**D.** City-designated scenic resources and historic resources are preserved; and

**Findings:** City-designated scenic resources are identified on the Official Zoning Maps with a lower case “s,” and historic resources are identified either with a dot or as being within the boundaries of a Historic or Conservation district. Because there is neither a scenic nor historic resource designation on the site, this criterion is not applicable.

**E.** Any impacts resulting from the adjustment are mitigated to the extent practical; and

**Findings:** As indicated in responses to Approval Criteria A, B and C, the proposal is consistent with the intended purposes of the regulations being adjusted. The applicant is proposing a high landscape standard in the perimeter parking lot landscaping and a water quality swale to mitigate for reduced interior parking lot landscaping. The change in grade at the site, distance between uses and existing and proposed landscaping mitigate for the reduction in the quantity of landscape materials provided in the “b” buffer overlay area.

As such, any impacts resulting from the adjustment are mitigated to the extent practical, and therefore this criterion is met.

**F.** If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

**Findings:** Environmental overlay zones are designated on the Official Zoning Maps with either a lowercase “p” (Environmental Protection overlay zone) or a “c” (Environmental Conservation overlay zone). As there are no environmental overlay zones mapped on site, this criterion is not applicable.

## 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

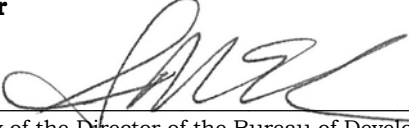
The applicant has demonstrated that the applicable approval criteria have been met. The request to reduce the minimum number of parking spaces provides adequate parking for the existing building and projected number of employees. The layout of the site and site conditions provide adequate buffer and landscaping, while allowing for the ongoing efficient function of the site for industrial uses as desired by the zoning.

**ADMINISTRATIVE DECISION**

Approval of adjustments to reduce the minimum number of required parking spaces on the site from 174 spaces to 110 spaces (33.266.110), reduce the amount of interior parking lot landscaping on the tenant's portion of the site from 3,420 square feet to 2,085 square feet (33.266.130) and reduce the amount of screening landscaping required within the "b" buffer overlay zone from 20 feet of L3 (high screen landscaping) to the level provided with the existing landscaping (33.410.040), per the approved site plans, Exhibits C-1 through C-2, signed and dated March 10, 2011, subject to the following conditions:

- 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.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 11-107091 AD."

**Staff Planner: Kristin Cooper**

**Decision rendered by:**  **on March 8, 2011**

By authority of the Director of the Bureau of Development Services

**Decision mailed: March 11, 2011**

**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 January 25, 2011, and was determined to be complete on **February 11, 2011**.

*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 January 25, 2011.

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: June 11, 2011.**

**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, which will hold a public hearing. Appeals must be filed **by 4:30 PM on March 25, 2011** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

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).

**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 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, 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 must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **March 28, 2011**
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder’s office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034



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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

**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:

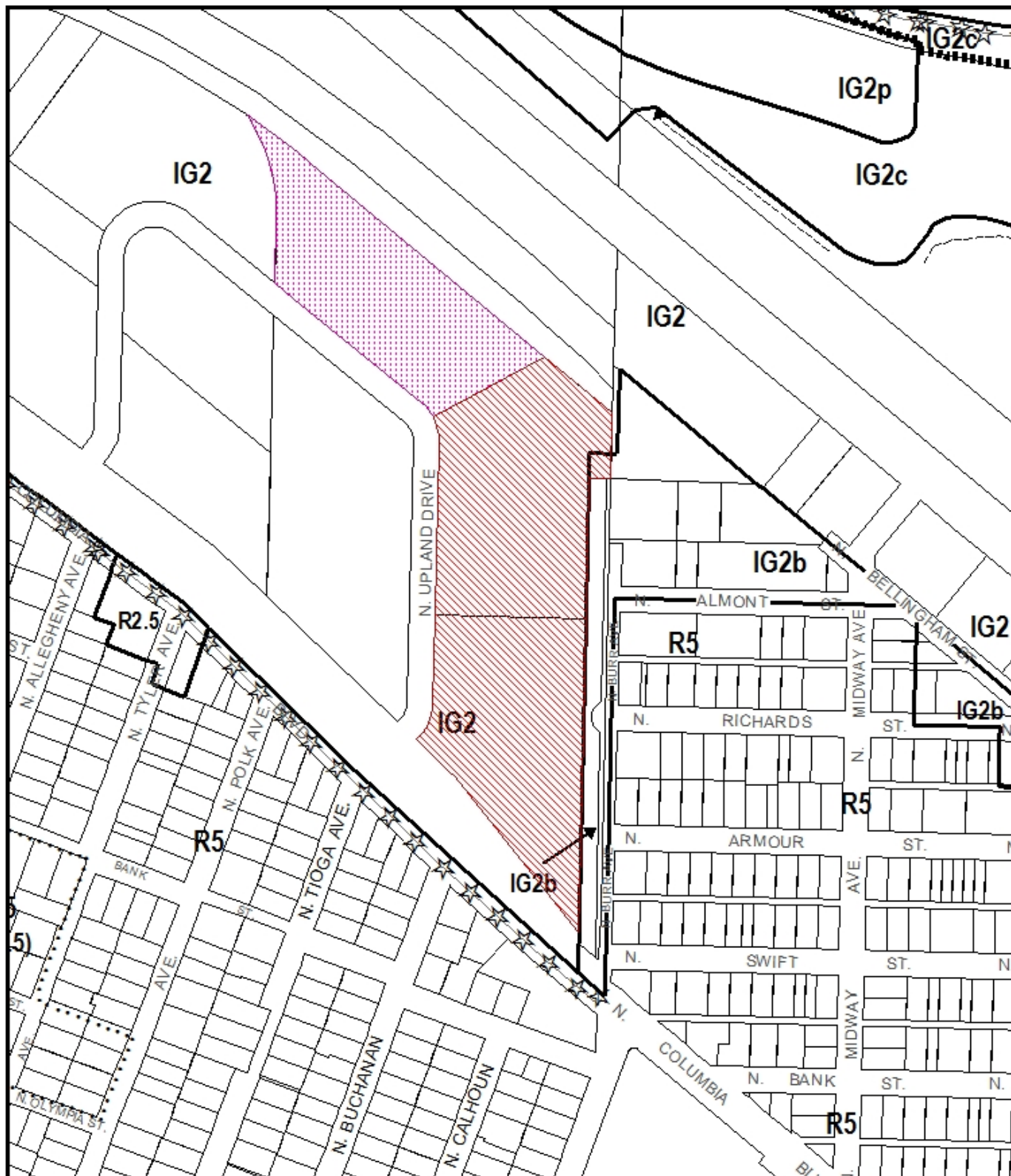
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Landscape Plan (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Bureau of Transportation Engineering and Development Review
  - 3. Water Bureau
- F. Correspondence:
- G. Other:
  - 1. Original LU Application
  - 2. Site History Research

**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).**



# ZONING

Site  
 Also Owned



File No.	LU 11-107091 AD
1/4 Section	1923,2023
Scale	1 inch = 300 feet
State_Id	1N1E06BD 4700
Exhibit	B (Jan 27,2011)





