



Department of Business and Community Services
MULTNOMAH COUNTY OREGON

Land Use and Transportation Program
1600 SE 190th Avenue
Portland, Oregon 97233-5910
(503) 988-3043

Staff Report
Determination of Compliance
2004 Wrecker's License Renewal
Orient Auto Parts, INC
28425 SE Orient Dr

This Staff Report and Determination of Compliance is made pursuant to the requirements specified by Multnomah County Code (MCC) 15.200 et. seq. Wrecker Certificate as authorized by ORS 822.140. An application for renewal of a Wrecker Certificate as required by the State of Oregon Department of Motor Vehicles was submitted by Orient Auto Parts, 28425 SE Orient Drive, Gresham, OR 97080 on December 9, 2003.

I. Conditions of Approval:

1. The applicant shall obtain a Business Certificate as a wrecker of motor vehicles from the Oregon Department of Transportation. Applications for future wrecker's license renewals shall include a copy of the prior years wreckers certificate issued by the Oregon Department of Transportation.
2. If there are any changes to the property during the year prior to renewal of wrecker certification, applications for future wrecker's license renewals shall include submittal of a site plan, drawn to scale, showing the revisions. Expansion of the dimensions of the wrecking yard shall not occur without prior approval of the County.
3. Taxes shall be kept current prior to approval of future wrecker's license renewals.
4. Any application for a wreckers license or renewal must be reviewed by staff and presented to the Board of County Commissioners as required under MCC 15.200 et. seq.

II. Applicable Zoning Considerations:

The applicable zoning considerations as specified in MCC 15.202(B)(3) and (5) are addressed below:

A. Compliance with the requirements of ORS 822.110:

The Oregon Department of Transportation shall issue a wrecker certificate to any person if the person meets all of the following requirements:

- (1) The person must establish that the area approved under the wrecker certificate for use in a wrecking business meets one of the following:**
 - (a) The area is more than 1,100 feet from the nearest edge of the right of way of any state highway.**
 - (b) The business conducted within the area is hidden or adequately screened by the terrain or other natural objects or by plantings, fences or other natural objects or by plantings, fences or other appropriate means, so as not to be visible from the main traveled way of the highway, in accordance with rules adopted by the director.**
 - (c) The area and the business thereon are located in an area zoned for industrial use under authority of the laws of this state.**
- (2) The person must pay the fee required under ORS 822.700 for issuance of a wreckers certificate.**
- (3) The person must complete the application for a wrecker certificate described under ORS 822.115.**
- (4) The person must deliver to the department any approvals by local governments required under ORS 822.140.**
- (5) The person must deliver to the department a bond or letter of credit that meets the requirements of ORS 822.120.**

Finding: Recent site inspections by staff demonstrated that both natural vegetation and a fence screen vehicles from adjacent roads consistent with ORS 822.110 (1)(b). Staff has stated that the site is screened by arborvitae, evergreen trees, and high fencing. The applicant has provided a Surety Bond by Contractors Bonding and Insurance Company (CBIC) with a dated effectiveness of January 1, 2004 to December 31, 2004. Compliance with the requirements of ORS 822.110 (2)-(5) will be ensured by obtaining a Wreckers Certificate issued by the Oregon Department of Transportation.

B. Compliance with the business locational provisions of ORS 822.135:

- (1) A person commits the offense of improperly conducting a wrecking business if the person holds a wrecker certificate issued under ORS 822.110 and the person does any of the following:**
 - (b) Expands the dimensions of or moves any of the person's places of business or opens any additional places of business without obtaining a supplemental wrecker certificate by the procedure under ORS 822.125.**

Finding: Staff has determined that the dimensions of the wrecking yard have not been expanded beyond that of the existing Wreckers Certificate. The applicant stated that no changes to the wrecking yard have occurred in the last year. This was verified by visual inspection by Land Use Planning Staff on December 19, 2003. The site plan submitted clearly identifies the dimensional boundaries of the wrecking yard (fenced and/or screened areas) in relation to property lines. A new site plan is required if changes are made to the site during the year prior to renewal of wrecker certification. Expansion of the dimensions of the wrecking yard shall not occur without prior approval of the County.

(g) Fails to keep the premises on the outside of the establishment clear and clean at all times.

Finding: The Land Use Planning Section has determined through a site visit on December 19, 2003 that the area outside the establishment is clean and clear. All material and activity relating to the wrecking yard are taking place within the confines of the wrecking yard property and fences and causing no additional external visual impact.

(h) Conducts any wrecking, dismantling or altering of vehicles outside the building, enclosure or barrier on the premises of the business.

Finding: Based on the Land Use Planning Section's site inspections, no dismantling, altering, or storage of wrecked vehicles outside the fenced area of the business was evident.

C. Compliance with zoning regulations:

Finding: The wrecking yard was determined to be a non-conforming use on April 5, 1977 and January 15, 1987. Evidence within the Multnomah County file labeled Auto Wrecking – 28425 SE Orient Drive, contains a record that an auto wrecker business has occupied the site continuously and in compliance with zoning regulations since 1977. Examination of Department land use inventory maps and zoning maps indicates that the business was in existence on the property prior to 1977. The land use map shows the site with a case file MC 1-62 listed for the subject parcel.

III. Notification:

Notice of this application was sent to the Multnomah County Sheriff on December 19, 2003. A recommendation of approval from the County Sheriff's Office was received on February 3, 2004.

The 2003 Wrecker Renewal License was approved with a condition that "Taxes shall be kept current prior to approval of future wrecker's license renewals." As of January 26, 2004, the owners have paid all of their taxes for 2003 as per an email from Multnomah County Assessment and Taxation received February 3, 2004.

IV. Recommendation:

The staff of the Land Use Planning Section respectfully recommends that the above license renewal be approved, subject to conditions, based upon findings that the business satisfies the applicable requirements contained in MCC 15.200 et. seq. and ORS 822.110, ORS 882.135 and continues to retain a non-conforming status

Dated this 4th day of February, 2004,

A handwritten signature in black ink, appearing to read "Don Kienholz", written over a horizontal line.

By Don Kienholz, *Planner*
For: Karen Schilling, *Planning Director*

ORIENT AUTO PARTS INC.
381425 SE ORIENT DR.
GREENHAW, OR

east ← — west

Orient Drive

← Driveway 1150 ft — Driveway —

customer parking
140 ft

Auto Storage
Area

Auto Storage
Area

building

100 ft

50 ft

776'

234'

Powell Valley Rd.