



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (revised 09/22/08)

Board Clerk Use Only

Meeting Date: _____
Agenda Item #: _____
Est. Start Time: _____
Date Submitted: _____

Agenda Title: **Approval of Auto Wrecker Certificate for Michael Doane of R.S. Davis Recycling, Inc, 28425 SE Orient Drive, Gresham**

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date:	<u>July 30, 2009</u>	Amount of Time Needed:	<u>Consent Calendar</u>
Department:	<u>Community Services</u>	Division:	<u>Land Use & Transportation</u>
Contact(s):	<u>Lisa Estrin</u>		
Phone:	<u>503.988.3043</u>	Ext.: <u>22597</u>	I/O Address: <u>455/116</u>
Presenter(s):	<u>Consent Calendar</u>		

General Information

1. What action are you requesting from the Board?

Approval of an auto wrecking yard certificate for R.S. Davis Recycling, Inc. at 28425 SE Orient Drive. The license would be valid from date of issuance to December 31, 2011.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

R.S. Davis Recycling Inc. is currently operating as Orient Auto Parts at 28425 SE Orient Drive. The business was recently sold and a new wrecker certificate must be issued. On June 4, 2009 the Board approved the renewal of a wrecker certificate for Rex & June Davis operating as Orient Auto Parts. Orient Auto Parts has been authorized by Multnomah County at this location since 1977. As part of the business transfer, R.S. Davis Recycling, Inc. must apply for a business certificate through the Department of Motor Vehicles. In order for the business certificate to be approved, the local governing body must authorize the business pursuant to ORS 822.140. The current proposal complies with County and State regulations for a wrecking yard certificate (Case No. T1-09-021). Multnomah County's approval is required on the attached DMV Application for Business Certificate as a Dismantler of Motor Vehicles or Salvage Pool Operator. The original DMV Application for Business Certificate and the enclosed original surety bond must be returned to the business owner

after a decision has been rendered.

3. Explain the fiscal impact (current year and ongoing).

None.

4. Explain any legal and/or policy issues involved.

In order for R.S. Davis Recycling, Inc. to operate as a Dismantler of Motor Vehicles or Salvage Pool Operator, the transfer must be approved.

5. Explain any citizen and/or other government participation that has or will take place.

R.S. Davis, Inc. has submitted all the materials necessary for the renewal application. Land Use Planning staff has contacted both the Multnomah County Sheriff's Office and the County's Assessment and Taxation Office to obtain information required by MCC 15.202. No other participation by citizens or governments has taken place. To date, no complaints have been received regarding the existing business at this time.

Required Signature

**Elected Official or
Department/
Agency Director:** _____

Date: _____



Staff Report
Determination of Compliance
2009 Wrecker Certificate
R. S. Davis Recycling, Inc.
28425 SE Orient Drive

Case# T1-09-021

This Staff Report and Determination of Compliance are made pursuant to the requirements specified by Multnomah County Code (MCC) Section 15.200-15.207 Wrecker Certificates. An application for a Wrecker Certificate as required by the State of Oregon Department of Motor Vehicles was submitted on July 8, 2009 by Michael Doane of R.S. Davis Recycling Inc., 28425 SE Orient Drive.

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 Certificate renewals shall include a copy of the Wrecker Certificate issued by the Oregon Department of Transportation for the prior year.
2. If there are any changes to the property during the year prior to renewal of Wrecker Certificate, applications for future Wrecker Certificate 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 Certificate renewals.
4. Any application for a Wrecker Certificate 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), (4) and (5) are addressed below:

A. Compliance with the requirements of Oregon Revised Statutes (ORS) 822.110 (MCC 15.202(B)(3)):

822.110 Dismantler certificate; refusal to issue; duplicate certificate.

(1) Except as provided in subsection (2) of this section, the Department of Transportation shall issue a dismantler certificate to any person if the person meets all of the following requirements:

Finding: Staff has found no evidence or indication that the dimensions of the wrecking yard have been expanded beyond that of the existing Wrecker Certificate. The applicant has submitted a site plan clearly identifying the dimensional boundaries of the wrecking yard (fenced and/or screened areas) in relation to property lines and setbacks. A site visit conducted by land use staff on July 14, 2009 confirmed the existing dimensions of the wrecking yard. 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 took photos on July 14, 2009 demonstrating the area outside the establishment is clear and clean. Photos are contained in the permanent case file. There has been no indication since that time of the establishment not being kept clear and clean.

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

Finding: Based on staff's field inspection on July 14, 2009, no dismantling or altering of vehicles outside the fenced area of the business was evident.

(i) Stores or displays any motor vehicles or major component parts or conducts the motor vehicle dismantling business outside of the building, enclosure or barrier of the place of business.

Finding: Based on staff's field inspection on July 14, 2009, no activities related to the business were evident outside of the fenced area.

(k) Except as otherwise provided in this paragraph, fails to keep the business hidden or adequately screened by the terrain 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 the rules of the Director of Transportation. This paragraph does not apply to a business that is:

(A) Located in an area zoned for industrial use under authority of the laws of this state; or

(B) A business established before June 30, 1967.

(L) Expands or moves any place of business approved under a dismantler certificate or opens any additional locations for the business without obtaining a supplemental certificate under ORS 822.125 or obtaining an additional dismantler certificate.

Finding: The site visit conducted by staff on July 14, 2009 confirmed that an arborvitae hedge and a site obscuring fence screen vehicles from adjacent roads and properties.

C. Compliance with zoning regulations (MCC 15.202(B)(5)):

Finding: The subject property is zoned Orient Commercial-Industrial, but wrecking yards are not a listed use in the zone. The wrecking yard was determined to be a nonconforming use on April 5, 1977 and January 15, 1987 and remains so. 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 MC1-62 listed for the subject parcel. All evidence suggests the business is in compliance with zoning regulations.



DEPARTMENT OF TRANSPORTATION
DRIVER AND MOTOR VEHICLE SERVICES
1905 LANA AVE NE, SALEM OREGON 97314

APPLICATION FOR BUSINESS CERTIFICATE

AS A DISMANTLER OF MOTOR VEHICLES OR
SALVAGE POOL OPERATOR

FEE: \$450

CERTIFICATE NUMBER

EFFECTIVE DATE

EXPIRATION DATE

- PLEASE TYPE OR PRINT LEGIBLY WITH INK.
- SEE PAGE 4 FOR INSTRUCTIONS FOR COMPLETING A DISMANTLER APPLICATION.
- ANY ALTERATION OF LINE 3 VOIDS LOCATION APPROVAL.

ORIGINAL RENEWAL

1 LEGAL NAME OF APPLICANT (OWNER, PARTNERSHIP, LLC OR CORPORATION NAME) R.S. Davis Recycling, Inc.		OREGON REGISTRY NUMBER (IF LLC OR CORPORATION) 121571-11	
2 BUSINESS NAME OF APPLICANT (IF ASSUMED BUSINESS NAME OR TRADE NAME)		OREGON REGISTRY NUMBER (IF USING ASSUMED BUSINESS NAME OR TRADE NAME)	BUSINESS TELEPHONE (503) 655-5433
3 MAIN BUSINESS LOCATION (STREET AND NUMBER) 28425 SE Orient Drive		CITY Gresham	ZIP CODE 97080
4 MAILING ADDRESS 10105 SE Mather Road		CITY Clackamas	STATE OR
		ZIP CODE 97015	

5 CHECK ORGANIZATION TYPE:
 Individual Partnership LLC Corporation: If corporation, list the state under whose law business is incorporated: **Oregon**

6 a) THE DIMENSIONS OF THE PROPERTY ON WHICH THE BUSINESS IS LOCATED ARE 541 ft. X 227 ft.
 b) ORS 822.115(4) requires applicants to file a **description of the location** of the dismantling yard. Accordingly, please file a plat map or other description of the location of the premises..

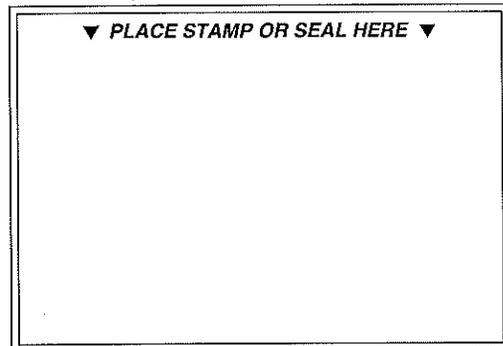
7 **By signing this application you are also certifying that:**

1. The right of way of any highway adjacent to the area proposed for approval to conduct the dismantling business is used for access to the premises and public parking;
2. You maintain a building or enclosure or other barrier at least six feet high for the purpose of conducting the dismantling business;
3. You will not store any vehicles or vehicle parts or conduct the dismantling business outside of the building, enclosure or barrier;
4. The business is hidden and adequately screened by the terrain or other natural objects or by plants, fences or other appropriate means so as not to be visible from the main traveled way or the highway except as permitted by ORS 822.135.

8 **LOCAL GOVERNMENT APPROVAL (CITY / COUNTY)**
 By signing this application you are authorizing a dismantler business to be conducted at the location listed on Line 3 of this application. **If a dismantler business cannot be conducted at that location, or if any of the conditions below are not met, do not sign this approval.**

I CERTIFY THAT THE GOVERNING BODY OF THE CITY COUNTY OF _____ HAS:

- A) APPROVED THE APPLICANT AS BEING SUITABLE TO ESTABLISH, MAINTAIN OR OPERATE A MOTOR VEHICLE DISMANTLING BUSINESS (ORIGINAL APPLICATIONS ONLY).
- B) DETERMINED THAT THE LOCATION OR PROPOSED LOCATION MEETS THE REQUIREMENTS FOR THAT LOCATION UNDER ORS 822.110.
- C) DETERMINED THAT THE LOCATION DOES NOT VIOLATE ANY APPLICABLE PROVISION OF ORS 822.135.
- D) APPROVED THE LOCATION AND DETERMINED THAT THE LOCATION COMPLIES WITH ANY REGULATIONS ADOPTED BY THE JURISDICTION UNDER ORS 822.140.



I ALSO CERTIFY THAT I AM AUTHORIZED TO SIGN THIS APPLICATION AND AS EVIDENCE OF SUCH AUTHORITY DO AFFIX HEREON THE SEAL OR STAMP OF THE CITY OR COUNTY.

9 NAME	TITLE	PHONE NUMBER ()
10 SIGNATURE X		DATE

Complete the section(s) below and sign.

(Be sure to attach a separate sheet to show additional owners.)

- List the primary owner, partners, LLC members or corporate officers below.
- If a member of a limited liability company (LLC) is a corporation, the president must provide information below.
- If a partner of a partnership is a corporation, the president must provide information below.
- If corporation or LLC, then Oregon registered agent name and address required below.

11	OREGON REGISTERED AGENT NAME Frank H. Hilton Jr.		TELEPHONE NUMBER (503) 224-6440		
	12	OREGON REGISTERED AGENT STREET ADDRESS 851 S.W. 6th Ave #1500		CITY Portland	STATE OR
13		OREGON REGISTERED AGENT MAILING ADDRESS (IF DIFFERENT)		CITY	STATE

OWNERSHIP INFORMATION

14	PRINT NAME OF OWNER / PARTNER / LLC MEMBER / CORPORATE OFFICER Michael Joseph Doane		TITLE President	RESIDENCE TELEPHONE NUMBER (503) 637-3420	
	15	DATE OF BIRTH 10-22-1956	DRIVER LICENSE NUMBER 1956775	STATE OF ISSUANCE Oregon	
16		RESIDENCE ADDRESS 33407 SE Wildcat Mountain Drive		CITY Eagle Creek	STATE OR
	17	MAILING ADDRESS (IF DIFFERENT) P.O. Box 546		CITY Eagle Creek	STATE OR

18	CERTIFYING SIGNATURE OF OWNER SHOWN ON LINE 14 ABOVE <i>X Michael Joseph Doane</i>			DATE 7-1-09	
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19	PRINT NAME OF OWNER / PARTNER / LLC MEMBER / CORPORATE OFFICER		TITLE	RESIDENCE TELEPHONE NUMBER ()	
	20	DATE OF BIRTH	DRIVER LICENSE NUMBER	STATE OF ISSUANCE	
21		RESIDENCE ADDRESS		CITY	STATE
	22	MAILING ADDRESS (IF DIFFERENT)		CITY	STATE

23	CERTIFYING SIGNATURE OF OWNER SHOWN ON LINE 19 ABOVE <i>X</i>			DATE	
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24	PRINT NAME OF OWNER / PARTNER / LLC MEMBER / CORPORATE OFFICER		TITLE	RESIDENCE TELEPHONE NUMBER ()	
	25	DATE OF BIRTH	DRIVER LICENSE NUMBER	STATE OF ISSUANCE	
26		RESIDENCE ADDRESS		CITY	STATE
	27	MAILING ADDRESS (IF DIFFERENT)		CITY	STATE

28	CERTIFYING SIGNATURE OF OWNER SHOWN ON LINE 24 ABOVE <i>X</i>			DATE	
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29 **Please attach (staple) copies of ALL owners, partners, LLC members or corporate officers official photo ID's (driver license or state issued Identification card ONLY). If the residence address on the photo ID is different than the residence address listed on Page 2, submit a statement explaining why the addresses do not match.**

Copy must be legible.

False certification is a Class B misdemeanor under ORS 162.085 and is punishable by six months in jail, a fine of up to \$1,000 or both. In addition, DMV sanctions against you or your dismantler certificate may be imposed. With this in mind... I certify that I am the owner, a partner, an LLC member, or a corporate officer of this business and that all information on this application is accurate and true. I certify that the right of way of any highway adjacent to the location listed above is used for access to the premises and public parking.



CHANGE RIDER

Home Office:
1213 Valley Street
P.O. Box 9271
Seattle, WA 98109-0271

*For the CBIC branch
nearest you, call toll-free:*
(888) 283-2242
(888) 293-2242 FAX

TO BE ATTACHED TO AND FORM A PART OF BOND NO. 804328

ISSUED BY CONTRACTORS BONDING AND INSURANCE COMPANY

ON BEHALF OF R. S. DAVIS RECYCLING INC.

IT IS UNDERSTOOD AND AGREED THAT THE FOLLOWING IS CHANGED TO READ AS FOLLOWS:
ADDING AN ADDITIONAL LOCATION:

28425 SE ORIENT DR.
GRESHAM, OR. 97080

THIS COVERAGE IS TO BE EFFECTIVE JUNE 25TH, 2009

SIGNED, SEALED AND DATED THIS 25TH DAY OF JUNE, 2009

CONTRACTORS BONDING AND INSURANCE COMPANY

ATTORNEY-IN-FACT KAREN ALGER



SURETY BOND

▼ BOND NUMBER ▼

804328

NOTE: TO BE COMPLETED BY BONDING COMPANY. FAILURE TO ACCURATELY COMPLETE THIS FORM WILL CAUSE DELAY. PLEASE TYPE OR PRINT LEGIBLY WITH INK.

LET IT BE KNOWN:

THAT R. S. DAVIS RECYCLING INC. (OWNER, PARTNERS, LLC OR CORPORATION NAME)

DOING BUSINESS AS _____ (ASSUMED BUSINESS NAME, IF ANY)

HAVING PRINCIPAL PLACE OF BUSINESS AT 10105 SE MATHER RD., CLACKAMAS, OR. 97015 (ADDRESS, CITY, STATE, ZIP CODE)

WITH ADDITIONAL PLACES OF BUSINESS AT _____ (ADDRESS, CITY, STATE, ZIP CODE)

_____ (ADDRESS, CITY, STATE, ZIP CODE)

STATE OF OREGON, AS PRINCIPAL(S), AND CONTRACTORS BONDING AND INSURANCE COMPANY (SURETY NAME)

1201 NE Lloyd Blvd., SUITE 360 PORTLAND, OR 97232 (ADDRESS, CITY, STATE, ZIP CODE) (503) 287-6000 TELEPHONE NUMBER

A CORPORATION ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF Washington, AND AUTHORIZED TO TRANSACT A SURETY BUSINESS IN THE STATE OF OREGON, AS SURETY, ARE HELD AND FIRMLY BOUND UNTO THE STATE OF OREGON IN THE PENAL SUM OF \$10,000 FOR THE PAYMENT OF WHICH THE PRINCIPAL(S) AND SURETY JOINTLY AND SEVERALLY BIND THEMSELVES, THEIR RESPECTIVE SUCCESSORS, AND ASSIGNS.

WHEREAS, THE PRINCIPAL(S) IS APPLYING FOR A DISMANTLER CERTIFICATE ISSUED BY THE OREGON DEPARTMENT OF TRANSPORTATION.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT, WHEN THE ABOVE NAMED PRINCIPAL(S) IS ISSUED A DISMANTLER CERTIFICATE TO CONDUCT A MOTOR VEHICLE DISMANTLING BUSINESS IN THIS STATE, SAID PRINCIPAL(S) MUST CONDUCT SUCH BUSINESS WITHOUT FRAUD OR FRAUDULENT REPRESENTATION, AND WITHOUT VIOLATION OF ANY OF THE PROVISIONS OF THE OREGON VEHICLE CODE SPECIFIED IN ORS 822.120, THEN AND IN THAT EVENT THIS OBLIGATION TO BE VOID, OTHERWISE TO REMAIN IN FULL FORCE AND EFFECT UNLESS CANCELED PURSUANT TO ORS 742.366(2).

THIS BOND IS EFFECTIVE AS OF THE DATE THE PRINCIPAL(S) IS ISSUED A DISMANTLER CERTIFICATE BY THE OREGON DEPARTMENT OF TRANSPORTATION UNTIL DEPLETED BY CLAIMS PAID, UNLESS THE SURETY SOONER CANCELS THE BOND. THIS BOND MAY BE CANCELED BY THE SURETY GIVING WRITTEN NOTICE OF SUCH CANCELLATION TO THE DRIVER AND MOTOR VEHICLES DIVISION OF THE OREGON DEPARTMENT OF TRANSPORTATION. THIS BOND SHALL EXPIRE UPON EXPIRATION OF THE DISMANTLER CERTIFICATE, BUT MAY BE RENEWED UPON THE RENEWAL OF THE CERTIFICATE.

THIS BOND SHALL BE ONE CONTINUOUS OBLIGATION AND THE LIABILITY OF THE SURETY SHALL BE LIMITED TO THE AMOUNT OF THE PENALTY OF THIS BOND REGARDLESS OF WHETHER THIS BOND IS RENEWED OR OTHERWISE CONTINUED IN EFFECT UPON ITS ORIGINAL TERM,

THIS BOND IS EFFECTIVE JANUARY 1ST, 2009 AND EXPIRES DECEMBER 31ST, 2011. (BOND MUST EXPIRE ON THE LAST DAY OF THE MONTH.)
(MONTH, DAY, YEAR) (MONTH, DAY, YEAR)

-- ANY ALTERATION VOIDS THIS BOND --

IN WITNESS WHEREOF, THE SAID PRINCIPAL AND SAID SURETY HAVE EACH CAUSED THESE PRESENTS TO BE EXECUTED BY ITS AUTHORIZED REPRESENTATIVE OR REPRESENTATIVES AND THE SURETY CORPORATE SEAL TO BE HEREUNTO AFFIXED

THIS 12TH (DAY) DAY OF SEPTEMBER (MONTH), 2008 (YEAR)

SIGNATURE OF OWNER, PARTNER OR CORPORATE OFFICER

X

TITLE

SIGNATURE OF SURETY (AUTHORIZED REPRESENTATIVE)

X

TITLE

ATTORNEY IN FACT

SURETY'S AGENT OR REPRESENTATIVE MUST COMPLETE THIS SECTION:

IN THE EVENT A PROBLEM ARISES CONCERNING THIS BOND, CONTACT:

NAME: CONTRACTORS BONDING AND INSURANCE COMPANY TELEPHONE NUMBER: 503 287-6000

ADDRESS: PO BOX 12053

CITY, STATE, ZIP CODE: PORTLAND, OR 97212-0053

APPROVED BY ATTORNEY GENERAL'S OFFICE

PLACE SURETY SEAL BELOW

[Empty space for Surety Seal]



DEPARTMENT OF TRANSPORTATION
DRIVER AND MOTOR VEHICLE SERVICES
1905 LANA AVE NE, SALEM OREGON 97314

INSTRUCTIONS FOR COMPLETING AN APPLICATION FOR A DISMANTLER CERTIFICATE (Originals and Renewals)

OFFICE HOURS for Business License Unit, in the Salem DMV Headquarters office,
in person are 8:00 – 4:30 p.m., Monday through Friday excluding holidays.

Read the entire application before completing it. This application will be returned to you if incomplete.

Submit your completed application and fees to:

DMV Business License Unit
1905 Lana Ave NE
SALEM OR 97314
Phone: 503-945-5052
Website: www.oregondmv.com

When submitting your application and fees at the customer service counter:

- If paying in cash, please have correct amount since Business License Unit has no way to make change.
- Make copies of your application for your records and copies of photo ID before you come to the counter.

Legal Name – If your business is a sole proprietorship, list your full name as the legal name. If your business is a partnership, list the full names of each partner or the partnership name. If your business is an LLC, list the name of the limited liability company (includes “LLC”) registered with The Secretary of State Corporation Division. If your business is a corporation, list the name of the corporation (includes: Inc, Corp, etc.) registered with The Secretary of State Corporation Division.

Business Name – If using an assumed business name or trade name, list the business name registered with The Secretary of State Corporation Division. Otherwise, your dismantler certificate will be issued using the legal name.

Oregon Registry Numbers – If you do not know your Oregon registry number(s), contact The Secretary of State Corporation Division at 503-986-2200

Main Business Location – Business location where dismantling business is (or will be) being conducted.

Type of Organization – Check your organization type and if a corporation, list the state under whose law the business is incorporated.

Description of the location of the dismantling business – To verify compliance with ORS 822.115 and 822.135, submit a plat map or other acceptable documentation that clearly shows compliance with all of these requirements. The dimensions of the property on which the business is located is also required.

Local Government Approval – An applicant must comply with any regulation established by a city or county under ORS 822.140 and must obtain the approval of the governing body of the city or county. Take this application to the applicable city or county office for their approval. Local listings may be found in the phone book under “zoning,” “land use” or “permits.” Some cities and counties charge a fee for signing the application.

Registered Agent – If your business is an LLC or a corporation, the registered agent’s name, street address and mailing address is required. Contact The Secretary of State Corporation Division for this information at 503-986-2200.

Ownership/Applicant's Certification Signature – Provide the name, residence address, mailing address and signature of owner, partners, LLC members or corporate officers on Page 2 (do not list CEOs, Chairs of the Board, General Managers, Directors, etc.). Every applicant listed on the application must provide a certifying signature.

Photo ID – Staple copies of each applicant’s official photo ID to this application. The copy must be legible. If the residence address on the photo ID and on Page 2 are not the same, attach a statement explaining why they do not match.

Bond – The bond required for a dismantler certificate is for \$10,000 and must be completed, signed and sealed by your bonding company. The owner, a partner, an LLC member or a corporate officer must sign the bond. The legal name, business name and business location on the bond must match the dismantler application. The bond must expire on the last day of the month.

Supplemental Location Using the Same Business Name – A separate supplemental application (Form 735-373A) must be completed for each additional location from which you operate dismantler business. You must conduct business at each supplemental location under the same name as the primary location.

If you have any questions, please contact Business License Unit at (503) 945-5052.