

**Staff Report
Determination of Compliance
2015-2018 Wrecker License Renewal
Orient Auto Parts and Recycling
28425 SE Orient Drive**

Case #T1-2015-4289

This Staff Report and Determination of Compliance is made pursuant to the requirements specified by Multnomah County Code (MCC) Section 15.200-15.207 Wrecker Certificates. An application for renewal of a Wrecker (Dismantler) Certificate as required by the State of Oregon Department of Motor Vehicles was submitted on June 17, 2015 by Michael Doane of Orient Auto Parts and Recycling.

I. Conditions of Approval:

1. The applicant shall obtain a Business Certificate as a Dismantler of Motor Vehicles (Dismantler Certificate) from the Oregon Department of Transportation. Applications for future Dismantler Certificate renewals shall include a copy of the Dismantler Certificate issued by the Oregon Department of Transportation the prior year.
2. If there are any changes to the property during the year prior to renewal of Dismantler Certificate, applications for future Dismantler 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 Dismantler Certificate renewals.
4. Any application for a Dismantler 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:**
 - (a) The person establishes that the area in which the business is located and the place of business to be approved under the dismantler certificate for use in the motor vehicle dismantling business are zoned for industrial use or subject to another zoning classification that permits the type of business conducted by the dismantler.**
 - (b) The person pays the fee required under ORS 822.700 for issuance of a dismantler certificate.**
 - (c) The person completes the application for a dismantler certificate described under ORS 822.115.**
 - (d) The person delivers to the department any approvals by local governments required under ORS 822.140.**
 - (e) The person delivers to the department a bond or letter of credit that meets the requirements of ORS 822.120.**
- (2) The department may refuse to issue a dismantler certificate to a person if:**
 - (a) The person has previously had a dismantler certificate or identification card revoked, canceled or suspended under ORS 822.145; or**
 - (b) The department determines that the application contains false or misleading information.**
- (3) The department may issue a duplicate dismantler certificate to a person who has lost or destroyed an original dismantler certificate if the person:**
 - (a) Has complied with the requirements of this section for issuance of a certificate; and**
 - (b) Is within the renewal period of the original dismantler certificate.**

Finding: The property is zoned Orient Commercial-Industrial, however, wrecking yards are not a listed use in the zone. The wrecking yard was determined to be a non-conforming use on April 5, 1977 and January 15, 1987. Additionally, Multnomah County Case T2-09-066 verified and approved an alteration of the non-conforming use. All current evidence suggests the business is in compliance with zoning regulations.

The applicant has provided a Surety Bond by Contractors Bonding and Insurance Company (CBIC) with an effective date of August 1, 2015 to July 31, 2018 that has met the requirements of ORS 822.110(1)(e). Compliance with the requirements of ORS 822.110 (1)(b-e),(2), and (3) will be ensured by obtaining a Dismantler Certificate issued by the Oregon Department of Transportation, a condition of this determination.

B. Compliance with the business locational provisions of ORS 822.135 (MCC 15.202(B)(4)):

822.135 Improperly conducting motor vehicle dismantling business; penalty.

- (1) A person commits the offense of improperly conducting a motor vehicle dismantling business if the person holds a dismantler 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 dismantler certificate by the procedure under ORS 822.125.**

Finding: Staff has found no evidence or indication that the dimensions of the wrecking yard have been expanded beyond that of the existing Dismantler 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 9, 2015 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 staff took photos on July 9, 2015 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 9, 2015, no dismantling or altering of vehicles outside the fenced area of the business was evident. Furthermore, there has been no indication since then that the dismantling or altering of vehicles has taken place outside the premises of the business.

- (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 9, 2015 no activities related to the business were evident outside of the fenced area. Furthermore, there has been no indication since then that any business activities have taken place outside the fenced premises of the business.

- (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.

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- (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 9, 2015 confirmed that both natural vegetation and a site-obscuring fence screen vehicles from the adjacent roadway. The rear of the property, facing Powell Valley Road, contains a chain link fence with privacy slats and

a hedge of conifer trees. However, there is a significant break in the conifer tree line of roughly 50-feet. The recycling center is viewable in the tree gap.

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, January 15, 1987 and on January 19, 2010 in County case file T2-09-066. Case file T2-09-066 and 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. All evidence suggests the business is in compliance with zoning regulations.

III. Notification:

The applicant sent background check request to the County Sheriff's Office on July 14, 2015. The background checks were approved and confirmed by email received on July 17, 2015. A copy of the Sheriff's email is contained in the permanent case file.

The previous Wrecker (Dismantler) Certificate renewal was approved with a condition that taxes shall be kept current prior to approval of future Dismantler Certificate renewals. No outstanding taxes are associated with the property according to Multnomah County Division of Assessment, Records and Taxation office on July 10, 2015.

IV. Recommendation:

The staff of the Land Use Planning Section respectfully recommends that the above Dismantler Certificate renewal be approved, based upon findings that the business satisfies the applicable requirements contained in MCC 15.200-15.207, ORS 822.110, and ORS 822.135 and continues to retain a non-conforming status.

Dated this 20th day of July, 2015.



By: Lindsey Nesbitt, Senior Planner
For: Adam Barber, Interim Planning Director