

Staff Report
Determination of Compliance
2003 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 30, 2002.

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.

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, 2003 to December 31, 2003. 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. 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 visual inspection 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 visual 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:

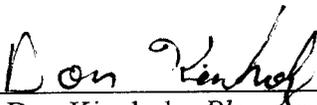
Notice of this application was sent to the Multnomah County Sheriff on January 23, 2003. A recommendation of approval from the County Sheriff's Office was received on January 23, 2003 by returning a clear background check.

The 2002 Wrecker Renewal License was approved with a condition that "Taxes shall be kept current prior to approval of future wrecker's license renewals." No taxes are currently owed on the property according to an email from a representative of the Multnomah County Assessment and Taxation sent on January 23, 2003.

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 30th day of January, 2003,


By Don Kienholz, *Planner*
For: Susan Muir, *Planning Director*



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

APPLICATION FOR BUSINESS CERTIFICATE AS A WRECKER OF MOTOR VEHICLES OR SALVAGE POOL OPERATOR

CERTIFICATE NUMBER

EXPIRATION DATE

- INSTRUCTIONS:**
- PLEASE TYPE OR PRINT LEGIBLY WITH INK.
 - ALL OWNERS MUST SIGN AND SUBMIT THIS APPLICATION WITH YOUR SURETY BOND AND THE REQUIRED FEE TO DMV BUSINESS LICENSE UNIT, 1905 LANA AVE NE, SALEM OR 97314
 - ANY ALTERATION OF LINE 2 VOIDS LOCATION APPROVAL.

FEE: \$150

ORIGINAL RENEWAL

1 **NAME OF ASSUMED BUSINESS NAME, FILL IN OREGON REGISTRY NUMBER** Orient Auto Parts Inc. **OREGON REGISTRY NUMBER**

2 **MAIN BUSINESS LOCATION (STREET AND NUMBER)** 28425 SE Orient Dr. **CITY** Gresham **ZIP CODE** 97080 **COUNTY** Multnomah

3 **MAILING ADDRESS** 28425 SE Orient Dr. **CITY** Gresham **STATE** Or **ZIP CODE** 97080

A SEPARATE APPLICATION MUST BE COMPLETED FOR EACH ADDITIONAL LOCATION FROM WHICH YOU OPERATE YOUR BUSINESS.

4 **CHECK ORGANIZATION TYPE:** CORP. L.L.C. INDIVIDUAL PARTNERSHIP **IF CORPORATION, LIST THE STATE UNDER WHOSE LAW BUSINESS IS INCORPORATED** Oregon **IF LLC or CORP., FILL IN OREGON REGISTRY #** 495683-89

If you have more than two partners, corporate officers or LLC members, call (503) 945-5052 for instructions.

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 wrecker 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.

5 **PRINT NAME** Rex M. Davis **TITLE** Pres. **RESIDENCE TELEPHONE** (503) 663-7466

6 **DATE OF BIRTH** 5/25/55 **DRIVER LICENSE NUMBER** 1784307 **STATE OF ISSUANCE** Oregon

7 **RESIDENCE ADDRESS** 39131 SE Hudson Rd. **CITY** Sandy **STATE** Or **ZIP CODE** 97055

8 **MAILING ADDRESS (IF DIFFERENT FROM RESIDENCE)** same

9 **CERTIFYING SIGNATURE OF OWNER SHOWN ON LINE 5 ABOVE** X *Rex Davis* **DATE** 12/19/02

10 **PRINT NAME** June J. Davis **TITLE** Shareholder **RESIDENCE TELEPHONE** (503) 637-6851

11 **DATE OF BIRTH** 6/22/37 **DRIVER LICENSE NUMBER** 984691 **STATE OF ISSUANCE** Oregon

12 **RESIDENCE ADDRESS** 40860 SE Kitzmiller Rd. **CITY** Eagle Creek **STATE** Or **ZIP CODE** 97022

13 **MAILING ADDRESS (IF DIFFERENT FROM RESIDENCE)** same

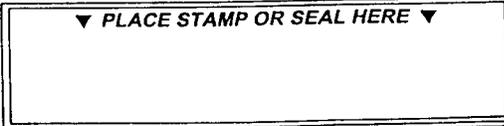
14 **CERTIFYING SIGNATURE OF OWNER SHOWN ON LINE 10 ABOVE** X *June J. Davis* **DATE** 12/19/02

15 **THE DIMENSIONS OF THE PROPERTY ON WHICH THE BUSINESS IS LOCATED ARE** 500 ft. X 1150 ft.

16 **APPROVAL**
By signing this application you are authorizing wrecker business to be conducted at the location listed on Line 2 of this application, as defined in ORS 822.100. If wrecker business (i.e.; wrecking, dismantling, disassembling or substantially altering vehicles) cannot be conducted here, 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 WRECKING YARD OR BUSINESS (ORIGINAL APPLICATIONS ONLY).
 - B) DETERMINED THAT THE LOCATION OR PROPOSED LOCATION MEETS THE REQUIREMENTS FOR LOCATION UNDER OREGON REVISED STATUTE 822.110.
 - C) DETERMINED THAT THE LOCATION DOES NOT VIOLATE ANY PROHIBITION UNDER OREGON REVISED STATUTE 822.135.
 - D) APPROVED THE LOCATION AND DETERMINED THAT THE LOCATION COMPLIES WITH ANY REGULATIONS ADOPTED BY THE JURISDICTION UNDER OREGON REVISED STATUTE 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.



17 **NAME** **TITLE** **PHONE NUMBER** ()

18 **SIGNATURE** **DATE**

WRECKER CERTIFICATE

WR3007

EXPIRES: DECEMBER 31, 2002

EFFECTIVE: JANUARY 2, 2002

**ORIENT AUTO PARTS INC
ISSUED TO> 28425 SE ORIENT DR
GRESHAM, OR 97080**

This business is authorized to engage in buying, selling, or dealing in vehicles for the purpose of wrecking in the state of Oregon under the provisions of ORS 822.110, and to exercise privileges granted by certificate under the provisions of ORS 822.125. To be valid, this certificate must be prominently posted at the business address listed above and is not valid at any other location. It is not valid if expired, revoked, canceled or suspended, under the provisions of ORS 822.045 and ORS 822.050.

Manager
Driver and Motor Vehicle Services Branch
Department of Transportation
Salon OR 97314

*** ALTERATION, MUTILATION OR ERASURE WILL VOID CERTIFICATE ***

Orient Auto Parts Inc.
381435 SE Orient Dr.
Eresham, OR

East ← West

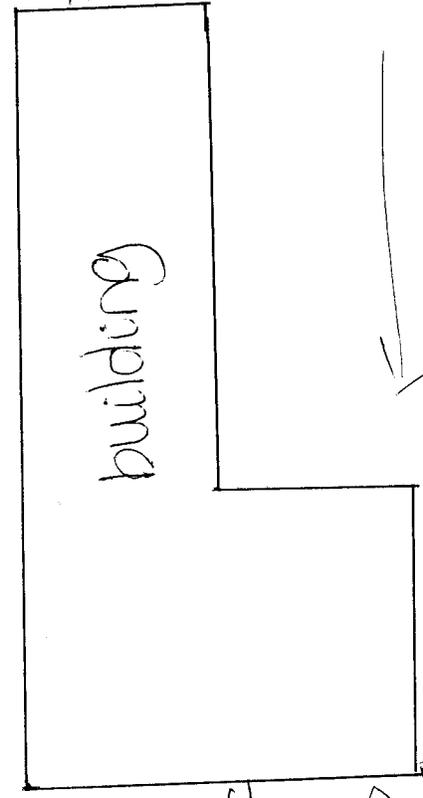
Orient Drive

1150 ft — Driveway —

Driveway

customer parking
140 ft

Auto Storage
Area



Auto Storage
Area

224' ←

←

200'

100 ft

776'

Powell Valley Rd.