



MULTNOMAH COUNTY OREGON
LAND USE AND TRANSPORTATION PROGRAM
1600 SE 190TH Avenue Portland, OR 97233
PH: 503-988-3043 FAX: 503-988-3389
http://www.co.multnomah.or.us/dbcs/LUT/land_use

NOTICE OF DECISION

This notice concerns a Planning Director Decision on the land use case(s) cited and described below.

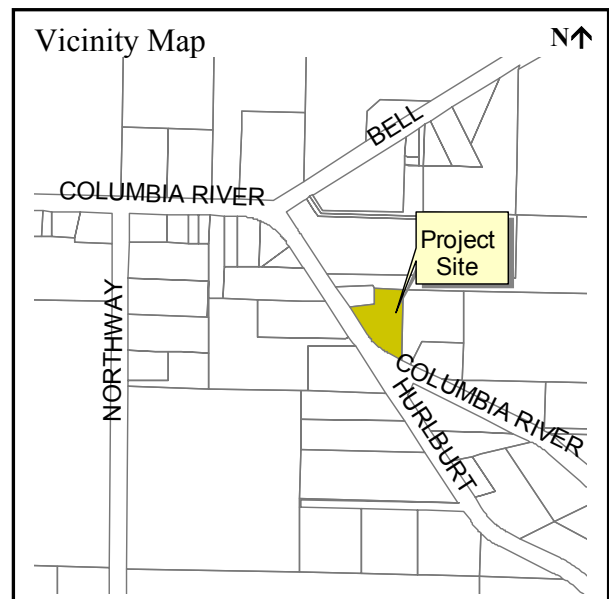
Case File: T2-03-059

Permit: Design Review

Location: 32525 Historic Columbia River Highway
TL 300, Sec 04BB, T 1S, R 4E, W.M.
Tax Account #R99404-0080

Applicant: Jamie Schell
32525 Historic Columbia River Highway
Corbett, OR 97019

Owner: Joseph & Diane Sidebottom
32525 Historic Columbia River Highway
Corbett, OR 97019



Summary: Request for Design Review to establish a small country retail gift and antique shop. The conditional use permit was previously review as case T3-03-004.

Decision: Approved with conditions.

Unless appealed, this decision is effective Friday, February 27, 2004, at 4:30 PM.

Issued by:

By: _____
Lisa Estrin, Planner

For: Karen Schilling- Planning Director

Date: Friday, February 13, 2004

Opportunity to Review the Record: A copy of the Planning Director Decision, and all evidence submitted associated with this application, is available for inspection, at no cost, at the Land Use Planning office during normal business hours. Copies of all documents may be purchased at the rate of 30-cents per page. The Planning Director's Decision contains the findings and conclusions upon which the decision is based, along with any conditions of approval. For further information on this case, contact Lisa Estrin, Staff Planner at 503-988-3043.

Opportunity to Appeal: This decision may be appealed within 14 days of the date it was rendered, pursuant to the provisions of MCC 37.0640. An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Land Use Planning offices at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision cannot be appealed to the Land Use Board of Appeals (LUBA) until all local appeals are exhausted.

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Friday, February 27, 2004 at 4:30 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): 35.7005 through 35.7060 Design Review, 35.4120 through 35.4215 Off-Street Parking.

Copies of the referenced Multnomah County Code sections can be obtained by contacting our office at 503-988-3043 or by visiting our website at http://www.co.multnomah.or.us/dbcs/LUT/land_use.

Scope of Approval

1. Approval of this land use permit is based on the submitted written narrative(s) and plan(s). No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein.
2. **Pursuant to MCC 37.0690, this land use permit expires two years from the date the decision is final if; (a) development action has not been initiated; (b) building permits have not been issued; or (c) final survey, plat, or other documents have not been recorded, as required. The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 37.0690 and 37.0700. Such a request must be made prior to the expiration date of the permit.**

Conditions of Approval

The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in parenthesis.

1. Prior to Certificate of Occupancy/Operation for the Country Store, the property owner shall submit a Final Design Review Plan showing the additional landscaping of condition no. 2, curbing of condition no. 6, and the lighting details of condition no. 7.
2. Prior to Certificate of Occupancy/Operation for the Country Store, the property owner shall install five, 5 gallon sized evergreen shrubs directly across from the parking spaces within the lawn area and within 10 feet of the drive aisle edge to screen or disrupt the view of the spaces from the Historic Columbia River Highway for vehicles traveling eastbound. [MCC 35.7050(A)(7)]

3. For the first two years after the new vegetation is planted, the property owner shall manually water the newly planted area to establish the trees and plants. Trees and shrubs that die shall be replaced, in-kind, by the following growing season for the life of the commercial use of the site. [MCC 35.7055(C)(4) and 35.7055(C)(5)].
4. Prior to issuance of the Certificate of Occupancy and Operation of the Business, all physical improvements required under this Design Review approval or the Conditional Use Permit shall be improved and in place. [MCC 35.4135]
5. Prior to issuance of the Certificate of Occupancy and Operation of the Business, the property/business owner shall demonstrate that the area utilized for the parking, loading and maneuvering of customer's vehicles has been surfaced with two inches of blacktop on a four inch crushed rock base or six inches of portland cement or other material providing a durable and dustless surface capable of carrying a wheel load of 4,000 pounds. The parking spaces and traffic arrows shall also be marked on the pavement [MCC 35.4180]
6. Prior to issuance of the Certificate of Occupancy and Operation of the Business, the property/business owner shall provide a 4 inch or greater curb around the outer boundary of a parking area. [MCC 35.4180(B)(2)]
7. Prior to installation of the lights, the property/business owner shall provide to planning staff, specific details including brochures or photographs regarding the types of light fixtures to be installed on the west side of the commercial building. Any artificial lighting which is installed on the commercial building shall be shielded or deflected so as to not shine into adjoining dwellings and so as not to create a hazard to the traveling public on the Historic Columbia River Highway or adjacent street. [MCC 35.4185]
8. Prior to issuance of the Certificate of Occupancy and Operation of the Business, the property/business owner shall install the drainage improvements for the parking area and accessory building. All water from these impervious surfaces shall be directed to an on-site system. [MCC 35.7050(A)(6)]

Notice to Mortgagee, Lien Holder, Vendor, or Seller:

ORS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser.

Findings of Fact

FINDINGS: Written findings are contained herein. The Multnomah County Code criteria and Comprehensive Plan Policies are in **bold** font. The applicants statements are identified below as ‘**Applicant:**’. Staff comments and analysis are identified as ‘**Staff:**’ and address the applicable criteria. Staff comments may include a conclusionary statement in *italic*.

1.0 Description of Project:

Staff: In a previous application, the property owner/applicant was granted a Conditional Use Permit to convert an accessory building to a Country Retail/Gift Shop. As required by Multnomah County Code 35.7010 and 35.7020, a Design Review application must be reviewed and approved prior to the issuance of building permits or use of the subject property for the shop. The applicant has submitted in this application and materials to address the Design Review requirement. As part of Design Review, staff will consider the design of the parking lot, pedestrian movements and landscaping.

1.01 *Proof of Ownership*

MCC 37.0550 Initiation of Action

Except as provided in MCC 37.0760, Type I – IV applications may only be initiated by written consent of the owner of record or contract purchaser. PC (legislative) actions may only be initiated by the Board of Commissioners, Planning Commission, or Planning Director.

Staff: The proposed project is located on Tax Lot 300, Section 04BB, Township: 1 South, Range: 4 East. Assessment & Taxation records show that the land is owned by Joseph & Diane Sidebottom. The property owners have granted approval for Jamie Schell to make application for the Design Review application to establish a small Country Gift Shop on the property (Exhibit A.5). This criterion has been met.

2.0 DESIGN REVIEW

2.01 35.7005 Elements of Design Review Plan

The elements of a Design Review Plan are: The layout and design of all existing and proposed improvements, including but not limited to, buildings, structures, parking and circulation areas, outdoor storage areas, landscape areas, service and delivery areas, outdoor recreation areas, retaining walls, signs and graphics, cut and fill actions, accessways, pedestrian walkways, buffering and screening measures.

2.02 35.7010 Design Review Plan Approval Required

No building, grading, parking, land use, sign or other required permit shall be issued for a use subject to this section, nor shall such a use be commenced, enlarged, altered or changed until a final design review plan is approved by the Planning Director, under this ordinance.

2.03 35.7030 Design Review Plan Contents

(A) Any preliminary or final design review plan shall be filed on forms provided by the Planning Director and shall be accompanied by such drawings, sketches and descriptions as are necessary to describe the proposed development.

(B) Contents:

- (1) Preliminary Site Development Plan;**
- (2) Preliminary Site Analysis Diagram;**
- (3) Preliminary Architectural Drawings, indicating floor plans and elevations;**
- (4) Preliminary Landscape Plan;**
- (5) Proposed minor exceptions from yard, parking, and sign requirements; and**
- (6) Design Review Application Fee, as required under the applicable fee schedule in effect at time of application;**

(C) A preliminary site analysis diagram may be in freehand form and shall generally indicate the following characteristics:

- (1) Relation to adjacent lands;**
- (2) Location and species of trees greater than six inches in diameter at five feet;**
- (3) Topography;**
- (4) Natural drainage;**
- (5) Significant wildlife habitat;**
- (6) Information about significant climatic variables, including but not limited to, solar potential, wind direction and velocity; and**
- (7) Natural features and structures having a visual or other significant relationship with the site.**

Applicant: Site plan #1 shows distance from buildings to adjacent lands, location and species of trees greater than 6" in diameter, topography, and natural drainage. There is no significant wildlife habitat on the site. There are no significant climatic variables or natural features and structures having any significant relationship to the site.

Staff: Staff concurs.

2.04

(D) A preliminary site development plan may be in freehand form and shall generally indicate the following as appropriate to the nature of the use:

- (1) Access to site from adjacent rights-of-way, streets, and arterials;**
- (2) Parking and circulation areas;**

- (3) Location and design of buildings and signs;**
- (4) Orientation of windows and doors;**
- (5) Entrances and exits;**
- (6) Private and shared outdoor recreation spaces;**
- (7) Pedestrian circulation;**
- (8) Outdoor play areas;**
- (9) Service areas for uses such as mail delivery, trash disposal, above-ground utilities, loading and delivery;**
- (10) Areas to be landscaped;**
- (11) Exterior lighting;**
- (12) Special provisions for handicapped persons; and**
- (13) Other site elements and spaces which will assist in the evaluation of site development.**

Applicant: Site plan #1 shows access to site from the Historic Columbia River Hwy, parking and circulation areas, location of buildings. Site plan #2 shows orientation of windows, doors, entrances and exits. Private recreation and play spaces are not applicable to this project. Pedestrian circulation is showed on site #1. Service areas such as mail delivery, trash disposal and above ground utilities are shown on site plan #1. Areas to be landscaped and exterior lighting are shown on site plan #1. Special provisions for handicap persons are a parking space shown on site plan #1. There are no steps or inclines to enter into the building.

Staff: Applicant has provided the above information, except for sign locations. No signage has been proposed as part of this application. A separate sign review will need to occur prior to installation of signs.

2.05 **(E) The preliminary landscape plan shall indicate:**

- (1) The size, species, and approximate locations of plant materials to be retained or placed on the site; and**
- (2) Proposed site contouring.**

Applicant: On site plan #1, indicates the size, species and locations of plant material to be retained or placed on the site. Contour of site is to be left natural (naturally drains toward collection basin and into drain field.)

Staff: Staff concurs.

2.06 **35.7040 Final Design Review Plan**

Following receipt by the applicant of the summary findings and conclusions under MCC 35.7035, the applicant may submit a revised preliminary design review plan or shall file with the Planning Director a final design review plan, which shall contain the following, drawn to scale:

- (A) Site Development and Landscape Plans, indicating the locations and specifications of the items described in MCC 35.7030 (D) and (E), as appropriate;**
- (B) Architectural drawings, indicating floor plans, sections, and elevations; and**

(C) Proposed minor exceptions from yard, parking, and sign requirements.

(D) When the Planning Director determines that immediate execution of any feature of an approved final design review plan is impractical due to climatic conditions, unavailability of materials or other temporary condition, the Director shall, as a precondition to the issuance of a required permit under MCC 35.7010 through 35.7025, require the posting of a performance bond, cash deposit, or other surety, to secure execution of the feature at a time certain.

Applicant: A final design review plan, drawn to scale will be submitted to the Planning Director following the summary findings and conclusions drawn from the preliminary design review plan.

Staff: A condition of approval has been included requiring that the applicant file a Final Design Review Plan showing the additional improvements listed under the Conditions of Approval.

2.07 **35.7050 Design Review Criteria**

(A) Approval of a final design review plan shall be based on the following criteria:

(1) Relation of Design Review Plan Elements to Environment.

(a) The elements of the design review plan shall relate harmoniously to the natural environment and existing buildings and structures having a visual relationship with the site.

Applicant: Building is in existence. The design plan relates harmoniously to the natural environment and the existing house, which is also on the site. They will share a visual relationship including matching exterior paint and similar landscaping.

Staff: The applicant is utilizing an existing accessory structure and rehabilitating it to convert to the Country Retail Shop. The parking for the use has been placed north on this existing structure which will screen the parking from a portion of the Historic Columbia River Highway while allowing most of the site to be available for landscaping and the residential use.

This criterion has been met.

2.08 **(b) The elements of the design review plan should promote energy conservation and provide protection from adverse climatic conditions, noise, and air pollution.**

Applicant: The design will promote energy conservation and will provide protection from adverse climatic conditions, noise and air pollution.

Staff: The reuse of an existing accessory structure has preserved and conserved natural resources which are a form of energy conservation. The location of the parking spaces adjacent to the building will allow customers to rapidly enter the building to get out of the strong east winds of the Gorge.

This criterion has been met.

- 2.09 **(c) Each element of the design review plan shall effectively, efficiently, and attractively serve its function. The elements shall be on a human scale, inter-related, and shall provide spatial variety and order.**

Applicant: Each element of the design plan serves its function.

Staff: The Country Retail Shop is approximately 540 square feet and the structure utilizes slightly less than 1 percent of the property. The total area of the site used for this commercial use (building, parking, vehicle movements, storm water) is less than 20 percent of the total site. The building and parking are very efficiently laid out to minimize the area needed for this use and on a human scale.

This criterion has been met.

- 2.10 **(2) Safety and Privacy – The design review plan shall be designed to provide a safe environment, while offering appropriate opportunities for privacy and transitions from public to private spaces.**

Applicant: The design provides a safe environment. The transition from public to private space is appropriate. The distance for the private residence to the public parking area is roughly 60 feet. The distance from the private residence to the public building is roughly 100 feet.

Staff: The commercial activities are grouped together in the southeast corner of the property. The existing single family dwelling is about 95 feet away from the commercial building. This grouping allows the residential use to be separate from the commercial activities.

This criterion has been met.

- 2.11 **(3) Special Needs of Handicapped – Where appropriate, the design review plan shall provide for the special needs of handicapped persons, such as ramps for wheelchairs and braille signs.**

Applicant: There are no ramps necessary to provide access for handicap persons. Braille signs will be posted where appropriate.

Staff: The parking and building entrances are on a similar level so that wheel chair ramps are not necessary. A handicap space is proposed in the parking area and will serve the need of handicap people using the commercial portion of the site.

This criterion has been met.

- 2.12 **(4) Preservation of Natural Landscape – The landscape and existing grade shall be preserved to the maximum practical degree, considering development constraints and suitability of the landscape or grade to serve their functions. Preserved trees and shrubs shall be protected during construction.**

Applicant: The existing natural landscape will be preserved 100%. No trees or shrubs will be removed to accommodate for this public use.

Staff: Staff concurs.

- 2.13 **(5) Pedestrian and Vehicular circulation and Parking – The location and number of points of access to the site, the interior circulation patterns, the separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and structures, shall be designed to maximize safety and convenience and shall be harmonious with proposed and neighboring buildings and structures.**

Applicant: There is 1 point of access to the site shown on site plan #1. The circulation patterns are shown on site plan #1.

Staff: Access to the site is via a 30 ft driveway entrance and aisle adjacent to the commercial building. Parking is located immediately adjacent to the commercial use on the north side of the building. With the limited traffic generation of this use, pedestrians should be able to utilize the paved drive aisle for a walking path. If not, they can walk a short distance through a grassed area to the building.

This criterion has been met.

- 2.14 **(6) Drainage – Surface drainage systems shall be designed so as not to adversely affect neighboring properties or streets.**

Applicant: All of the surface drainage will be handled on the site and will not adversely affect neighboring properties and streets.

Staff: Water from the paved area will be directed to a catch basin in the parking lot area and dispersed over a large lawn area on the site. The lawn area is approximately 80 ft by 120 ft. Rainwater generated from the commercial building will be directed to a drywell or soakage trench to the east of the building. This detention feature is approximately 35 feet away from the property line to the east. The area is currently and will remain in vegetation. No water has been directed to the Historic Highway or adjacent properties.

This criterion has been met.

- 2.15 **(7) Buffering and Screening – Areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking, and similar accessory areas and structures shall be designed, located, buffered or screened to minimize adverse impacts on the site and neighboring properties.**

Applicant: Mail, refuse and utility wires have a minimum effect on the site. These items are shown on site plan #1.

Staff: The parking is screened from the Historic Highway for vehicles traveling west. Vehicles traveling east on the Highway will be able to see the parking until reaching the middle of the property. The placement of 4 or 5, three to four foot tall evergreen shrubs directly across from the parking spaces will help to screen or disrupt the view of the spaces from the highway for vehicles traveling eastbound. A condition of approval will be added requiring this vegetation. The service to the commercial building has been undergrounded from the dwelling to the commercial building. The only overhead line on the property leads to

the dwelling and is outside the purview of this design review application. The trash facility for the commercial building will be shared with the dwelling and is stored north of the garden area and over 250 ft from the building. No new mail box will be added for the commercial operation. No loading zone is required due to the size of the commercial operation.

As conditioned, this criterion has been met.

- 2.16 **(8) Utilities – All utility installations above ground shall be located so as to minimize adverse impacts on the site and neighboring properties.**

Applicant: The electrical wire onto the site is the only above ground utility on the site. This wire is in existence and has no impact on the site or neighboring properties.

Staff: Staff concurs.

- 2.17 **(9) Signs and Graphics – The location, texture, lighting, movement, and materials of all exterior signs, graphics or other informational or directional features shall be compatible with the other elements of the design review plan and surrounding properties.**

Applicant: Signs and informational or directional features will be compatible to the surrounding area.

Staff: No signage is proposed. Prior to its installation, the property/business owner will need to obtain a sign permit for any freestanding or wall sign to be installed on the site. The signage will need to meet the applicable criteria under MCC 35.7400 through 35.7505.

- 2.18 **35.7055 Required Minimum Standards**

(C) Required Landscape Areas

The following landscape requirements are established for developments subject to design review plan approval:

- (1) A minimum of 15% of the lot area shall be landscaped; provided, however, that computation of this minimum may include areas landscaped under subpart 3 of this subsection.**

Applicant: More than 15% of the total lot is currently landscaped.

Staff: The subject site is 0.65 (28,314 sq. ft) acres in size. Fifteen percent of the site would be 4,217.1 square feet of landscaping. The western side of the property is currently and will remain in lawn area and is approximately 10,164 square feet in area. In addition, the area behind the dwelling and to the east of the commercial building is in landscaping (Exhibit A.1).

This criterion has been met.

- 2.19 **(2) All areas subject to the final design review plan and not otherwise improved shall be landscaped.**

Applicant: All areas that are not otherwise improved will be landscaped.

Staff: All areas not used for the dwelling or commercial improvements are shown on the site to remain in landscaping (Exhibit A.1)

This criterion has been met.

2.20 **(3) The following landscape requirements shall apply to parking and loading areas:**

(a) A parking or loading area providing ten or more spaces shall be improved with defined landscaped areas totaling no less than 25 square feet per parking space.

(b) A parking or loading area shall be separated from any lot line adjacent to a street by a landscaped strip at least 10 feet in width, and any other lot line by a landscaped strip at least 5 feet in width.

(c) A landscaped strip separating a parking or loading area from a street shall contain:

- 1. Street trees spaces as appropriate to the species, not to exceed 50 feet apart, on the average;**
- 2. Low shrubs, not to reach a height greater than 3'0", spaced no more than 5 feet apart, on the average; and**
- 3. Vegetative ground cover.**

(d) Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.

(e) A parking landscape area shall have a width of not less than 5 feet.

Applicant: Not applicable. Only 2 parking spaces will be provided. No parking area is adjacent to a street.

Staff: The parking area has two parking stalls so no landscaping needs to be provided in the parking area. The parking area is approximately 40 feet from the east (side) property line, 20 feet from the south (front) property line, 140 feet from the northwestern (side) property line and 170 feet from the north (rear) property line. As the parking area is laid out the commercial building separates it from the Highway. No street trees, shrubs or vegetative cover specified under (c) above is required due to the layout design (Exhibit A.1). No landscaping is required under (a) so (d) and (e) are not applicable.

This criterion has been met.

2.21 **(4) Provision shall be made for watering planting areas where such care is required.**

Applicant: Water is currently on the site and is available for watering landscaped areas, which require such care.

Staff: A condition of approval has been included that all newly planted vegetation be water for the first two years or until it is established.

This criterion has been met through a condition of approval.

2.22 **(5) Required landscaping shall be continuously maintained.**

Applicant: Landscaping will be continuously maintained.

Staff: A condition of approval has been added to ensure compliance with this criterion.

This criterion has been met through a condition of approval.

2.23 **(6) Maximum height of tree species shall be considered when planting under overhead utility lines.**

Applicant: No trees will be planted under utility lines overhead.

Staff: Staff concurs.

2.24 **(7) *Landscaped* means the improvement of land by means such as contouring, planting, and the location of outdoor structures, furniture, walkways and similar features.**

2.25 § 35.7060 **Minor Exceptions: Yard, Parking, Sign, and Landscape Requirements**

(A) In conjunction with final design review plan approval, the Planning Director may grant minor exceptions from the following requirements:

Applicant: No minor exceptions are requested.

Staff: Staff concurs.

3.0 **OFF-STREET PARKING AND LOADING - OP**

3.01 35.4120 **Plan Required**

A plot plan showing the dimensions, legal description, access and circulation layout for vehicles and pedestrians, space markings, the grades, drainage, setbacks, landscaping and abutting land uses in respect to the off-street parking area and such other information as shall be required, shall be submitted in duplicate to the Planning Director with each application for approval of a building or other required permit, or for a change of classification to O-P.

Applicant: See site plans 1-2.

Staff: The applicant has provided this information as part of Exhibits A.1 and A.2.

This criterion has been met.

3.02 35.4135 **Improvements Required**

(A) Required parking and loading areas shall be improved and placed in condition for use before the grant of a Certificate of Occupancy under MCC 35.0525, or a Performance Bond in favor of Multnomah County equivalent to the cost of completing such improvements shall be filed with the Planning Director.

(B) Any such bond shall include the condition that if the improvement has not been completed within one year after issuance of the Certificate of Occupancy, the bond shall be forfeited.

Any bond filed hereunder shall be subject to the approval of the Planning Director and the County Attorney.

Applicant: Required parking and loading areas will be improved and placed in condition before the Certificate of Occupancy is granted.

Staff: A condition of approval has been included with this decision specifying that all required improvements be completed prior to issuance of the Certificate of Occupancy and Operation of the Business.

This criterion will be met through a condition of approval.

3.03 35.4160 Standards of Measurement

(A) *Square feet* means square feet of floor or land area devoted to the functioning of the particular use and excluding space devoted to off-street parking and loading.

(B) When a unit or measurement determining the number of required off-street parking or off-street loading spaces results in a requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and any fraction over one-half shall require one off-street parking or off-street loading space.

3.04 35.4165 Design Standards: Scope

(A) The design standards of this section shall apply to all parking, loading, and maneuvering areas except those serving a single or two-family residential dwelling or mobile home on an individual lot.

(B) All parking and loading areas shall provide for the turning, maneuvering and parking of all vehicles on the lot. After July 26, 1979 it shall be unlawful to locate or construct any parking or loading space so that use of the space requires a vehicle to back into the right-of-way of a public street.

Applicant: All traffic on the site will have space to turn, maneuver and park on the lot. No parking spaces will be located so that a vehicle would be required to back into the right-of-way.

Staff: The design standards of the Off-Street Parking section apply to that portion of the site used for the commercial operation only.

3.05 35.4170 Access

(A) Where a parking or loading area does not abut directly on a public street or private street approved under MCC 35.7700 et. seq., the Land Division Chapter, there shall be provided an unobstructed paved drive not less than 20 feet in width for two-way traffic, leading to a public street or approved private street. Traffic directions therefore shall be plainly marked.

Applicant: An unobstructed paved drive 25' in width is provided onto the Historic Columbia River Hwy. Traffic Directions will be plainly marked.

Staff: The driveway leading to the parking area starts out with a width of at least 25 feet immediately adjacent to the Historic Columbia River Highway. As the drive aisle travels northward, it is reduced to 20 feet in width along the frontage of the commercial building and then is widened out to over 25 feet behind the parking spaces (Exhibit A.1).

This criterion has been met.

- 3.06 **(B) Parking or loading space in a public street shall not be counted in fulfilling the parking and loading requirements of this section. Required spaces may be located in a private street when authorized in the approval of such private street.**

Applicant: No parking or loading spaces will be provided on the public street.

Staff: Staff concurs.

3.07 **35.4175 Dimensional Standards**

(A) Parking spaces shall meet the following requirements:

- (1) At least 70% of the required off-street parking spaces shall have a minimum width of nine feet, a minimum length of 18 feet, and a minimum vertical clearance of six feet, six inches.**
- (2) Up to 30% of the required off-street parking spaces may have a minimum width of eight-and-one-half feet, a minimum length of 16 feet, and a vertical clearance of six feet if such spaces are clearly marked for compact car use.**
- (3) For parallel parking, the length of the parking space shall be 23 feet.**
- (4) Space dimensions shall be exclusive of access drives, aisles, ramps or columns.**

Applicant: 100% of the parking spaces meet the minimum width of 9' and minimum length of 18' with a vertical clearance greater than 6.5'.

Staff: The site plan shows that the parking spaces will be a minimum of 9 feet wide by 18 feet long and meet the vertical clearance requirement (Exhibit A.1). All proposed parking spaces are 90 degrees to the drive aisle. No obstructions are shown within the minimum parking space area.

This criterion has been met.

- 3.08 **(B) Aisle width shall be not less than:**

- (1) 25 feet for 90 degree parking,**
- (2) 20 feet for less than 90 degree parking, and**
- (3) 12 feet for parallel parking.**
- (4) Angle measurements shall be between the center line of the parking space and the center line of the aisle.**

Applicant: Aisle width is 25' for 90-degree parking.

Staff: The aisle width adjacent to the parking spaces is over 25 feet in width (Exhibit A.1).

3.09 **(C) Loading spaces shall meet the following requirements:**

(1)

District	Minimum Width	Minimum Depth
All	12 Feet	25 Feet

(2) Minimum vertical clearance shall be 13 feet.

Applicant: No loading spaces will be needed.

Staff: No loading spaces are required pursuant to MCC 35.4210 below.

3.10 **35.4180 Improvements**

(A) Surfacing

(1) All areas used for parking, loading or maneuvering of vehicles shall be surfaced with two inches of blacktop on a four inch crushed rock base or six inches of portland cement or other material providing a durable and dustless surface capable of carrying a wheel load of 4,000 pounds.

Applicant: All areas used for parking and maneuvering are surfaced with a minimum of 3" of asphalt. This provides for a durable and dustless surface capable of carrying a wheel load of 4,000 pounds.

Staff: A condition of approval has been included requiring that the property/business owner demonstrate that the areas used for parking loading and maneuvering of customer's vehicles has met the above criterion prior to operation of the business.

Through a condition of approval, this criterion will be met.

3.11 **(B) Curbs and Bumper Rails**

(1) All areas used for parking, loading, and maneuvering of vehicles shall be physically separated from public streets or adjoining property by required landscaped strips or yards or in those cases where no landscaped area is required, by curbs, bumper rails or other permanent barrier against unchanneled motor vehicle access or egress.

Applicant: All areas of parking and maneuvering are physically separated by the existing building.

Staff: All parking areas are separated from the Historic Columbia River Highway and adjoining properties by required front, side and rear yards of the Rural Center district (Exhibit A.1).

This criterion has been met.

- 3.12 **(2) The outer boundary of a parking or loading area shall be provided with a bumper rail or curbing at least four inches in height and at least three feet from the lot line or any required fence.**

Applicant: The outer boundary of the parking area will be outlined with a minimum 4" bumper rail such as railroad ties or timbers.

Staff: A condition of approval has been included requiring that this improvement be completed prior to operation of the business.

Through a condition of approval, this criterion will be satisfied.

- 3.13 **(C) Marking – All areas for the parking and maneuvering of vehicles shall be marked in accordance with the approved plan required under MCC 35.4120, and such marking shall be continually maintained.**

Applicant: All areas of the parking and maneuvering areas will be marked in accordance with the approved plan. This marking will be continuously maintained.

Staff: Staff concurs.

- 3.14 **(D) Drainage – All areas for the parking and maneuvering of vehicles shall be graded and drained to provide for the disposal of all surface water on the lot.**

Applicant: All surfaced areas are graded and drained into a catch basin and disposed of on the lot below the drain field.

Staff: Staff concurs.

- 3.15 **(E) Covered Walkways – Covered walkway structures for the shelter of pedestrians only, and consisting solely of roof surfaces and necessary supporting columns, posts and beams, may be located in an O-P district. Such structures shall meet the setback, height and other requirements of the district which apply.**

Applicant: No permanent covered walkway will be added.

Staff: Staff concurs.

- 3.16 **35.4185 Lighting**

Any artificial lighting which may be provided shall be shielded or deflected so as to not shine into adjoining dwellings or other types of living units, and so as not to create a hazard to the traveling public on any street.

Applicant: Two porch lights will be added to each side of the main entrance on the west side of the building. One motion light will be added to the peak on the west side of the building. Artificial lighting which will be added, will be shielded or deflected as so not to shine onto adjoining dwellings or other living units and will not create a traffic hazard (see site plan #2.).

Staff: A condition of approval has been added to this decision requiring that the applicant provide graphic details on the lighting to be utilized on the west side of the commercial building to demonstrate that the light will be shielded or deflected as so not to shine onto

adjoining properties and the Highway.

Through a condition of approval, this criterion will be met.

3.17 **35.4195 Design Standards: Setbacks**

(A) Any required yard which abuts upon a street lot line shall not be used for a parking or loading space, vehicle maneuvering area or access drive other than a drive connecting directly to a street.

Applicant: No parking or loading will abut upon a public street.

Staff: The parking area is behind the proposed commercial building and does not utilize any area of the front yard setback except for the driveway leading to the Highway (Exhibit A.1).

This criterion has been met.

3.18 **(B) A required yard which abuts a street lot line shall not be paved, except for walkways which do not exceed 12 feet in total width and not more than two driveways which do not exceed the width of their curb cuts for each 150 feet of street frontage of the lot.**

Applicant: There is no paving in the area of the required yard, which abuts the street.

Staff: The front yard setback is crossed by the driveway leading to the commercial building and shared by the existing single family dwelling. A few stepping stones will also be placed on the east side of the driveway for access to the mail box and for pedestrians coming to the site from the Highway. No other pavement is proposed.

This criterion has been met.

3.19 **35.4200 Landscape and Screening Requirements**

(A) The landscaped areas requirements of MCC 35.7055(C)(3) to (7) shall apply to all parking, loading or maneuvering areas which are within the scope of design standards stated in MCC 35.4165(A).

Applicant: Requirements will be met.

Staff: Staff concurs. Please see additional findings under MCC 35.7055(C)(3) through (7).

This criterion has been met.

3.20 **35.4205 Minimum Required Off-Street Parking Spaces**

(A) Residential Uses

(1) Single Family Dwelling – Two spaces for each dwelling unit.

(C) Retail and Office Uses

(1) Store, Supermarket, and Personal Service Shop – One space for each 400

square feet of gross floor area.

(4) Restaurant, Coffee Shop, Tavern or Bar – One space for each 100 square feet of gross floor area.

Applicant: Two spaces are provided for the single-family dwelling. See site plan #1. 1 handicap parking space and 1 standard parking space will be provided. See site plan #1.

Staff: Two parking spaces are shown adjacent to the single family dwelling to the north of the commercial area. The proposed Country Gift Shop is 540 square feet in size and would require 1 (actually 1.35, but practice is to round down) parking space. In the future, a portion of the Gift Shop may be used to serve espresso/pre-made bakery goods. This future use was approved as part of the conditional use permit for the site under T3-03-004 and may depending on the amount of area used require a 2nd parking space. The site plan currently shows 1 typical parking space and 1 ADA space for the Country Gift Shop as currently required. When the business owner begins to prepare to serve espresso, an additional parking space may be added to the north of the 1 proposed standard parking space. This additional space will be able to comply with all parking, backing, drive aisle and landscaping requirements listed under the Design Review and Off-Street Parking sections.

This criterion has been met.

3.21 35.4210 Minimum Required Off-Street Loading Spaces

(A) Commercial, Office or Bank

Square foot of Floor or Land Area	Minimum Loading Spaces Required
Under 5,000	0
5,000 - 24,999	1
25,000 - 59,999	2
60,000 - 99,999	3
100,000 - 159,000	4
160,000 - 249,999	5
250,000 - 369,999	6
370,000 - 579,999	7
580,000 - 899,999	8
900,000 - 2,999,999	9
Over 3,000,000	10

Applicant: No loading spaces will be needed.

Staff: The Country Gift Shop is 540 square feet in size as shown on the site plan and as approved in the conditional use permit (T3-03-004). No loading space is required.

This criterion has been met.

3.22 35.4215 Exceptions from Required Off-Street Parking or Loading Spaces

(A) The Planning Director may grant an exception with or without conditions for up to 30% of the required number of off- street parking or loading spaces, upon a finding by the Director that there is substantial evidence that the number of spaces required is inappropriate or unneeded for the particular use, based upon:

- (1) A history of parking or loading use for comparable developments;**
- (2) The age, physical condition, motor vehicle ownership or use characteristics or other circumstances of residents, users or visitors of the use; or**
- (3) The availability of alternative transportation facilities; and**
- (4) That there will be no resultant on-street parking or loading or interruptions or hazards to the movement of traffic, pedestrians or transit vehicles.**

(B) The Director shall file with the application for the building or other required permit, findings in support of any exception, including any conditions of approval.

(C) An exception in excess of 15% of the required number of spaces shall include a condition that a plan shall be filed with the application, showing how the required number of spaces can be provided on the lot in the future.

Applicant: No exceptions are necessary.

Staff: Staff concurs.

4.0 **Conclusion**

Based on the findings and other information provided above, the applicant has carried the burden necessary for Design Review in the Rural Center zoning district and as required by conditional use permit T3-03-004. This approval is subject to the conditions of approval established in this report.

5.0 **Administration and Procedures**

TYPE II CASE PROCEDURES

MCC 37.0530(B): ...Upon receipt of a complete application, notice of application and an invitation to comment is mailed to the applicant, recognized neighborhood associations and property owners within 750 feet of the subject tract. The Planning Director accepts comments for 14 days after the notice of application is mailed and renders a decision...

Staff: The application was submitted on September 25, 2003 and was deemed complete as on November 14, 2003. An "Opportunity to Comment" notice was mailed on November 18, 2003 to all properties within 750 feet of the subject properties in compliance with MCC 37.0530. No written comments were received.

6.0 **Exhibits**

6.01	Applicant's Exhibits – 'A'	Received
	A.1 Site Plan #1	11/10/03
	A.2 Site Plan #2	11/10/03
	A.3 Narrative Statements	11/10/03
	A.4 General Application Form	9/25/03
	A.5 Letter Authorizing Jamie Schell to Apply for the Design Review from Property Owners Joseph & Diane	2/12/04

	Sidebottom	
Staff's Exhibits – 'B'		Dated
B.1	Incomplete Letter	10/24/03
B.2	Complete Letter – Complete 11/14/03	11/18/04
B.3	Opportunity to Comment	11/18/03
B.4	Decision	2/13/04