

**MULTNOMAH COUNTY****LAND USE AND TRANSPORTATION PROGRAM**1600 SE 190<sup>TH</sup> Avenue Portland, OR 97233

PH: 503-988-3043 FAX: 503-988-3389

[http://www.co.multnomah.or.us/dbcs/LUT/land\\_use](http://www.co.multnomah.or.us/dbcs/LUT/land_use)

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## NOTICE OF DECISION

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

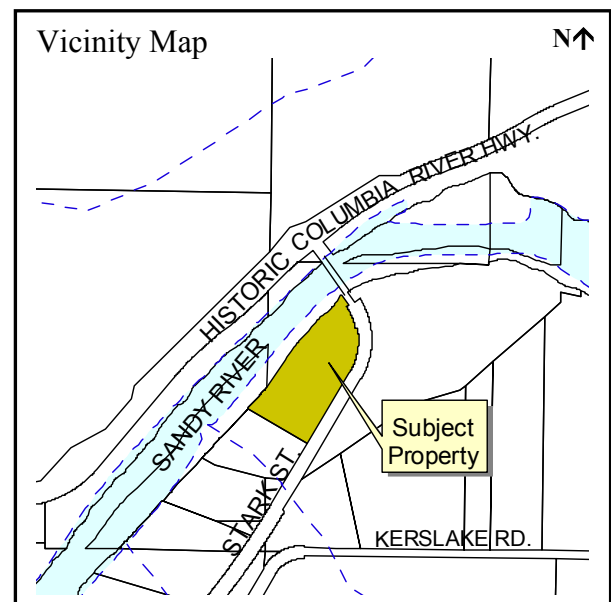
**Case File:** T2-03-083 (case number corrected)

**Permit:** Design Review and Sign Review

**Location:** 29311 SE Stark  
TL 00700, Sec 6AC, T1S, R4E, W.M.  
Tax Account #R994060640

**Applicant** Junki Yoshida  
8440 NE Alderwood. STE A  
Portland, Oregon 97220

**Owner:** Virginia Goodwin  
7244 SW Durham Rd. #990 Bldg  
Portland, OR 97224



**Summary:** Design review for a restaurant and associated development approved in case T2-02-088 and request for a minor exception to the required front-yard for parking and placement of signage.

**Decision:** Approved with conditions a Design Review Plan, a Minor Exception for front-yard setback for parking and Sign Review.

Unless appealed, this decision is effective **Monday, October 18, 2004 at 4:30 pm.**

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Issued by:

By: \_\_\_\_\_  
George A. Plummer, Planner

For: Karen Schilling- Planning Director

Date: Monday, October 4, 2004

**Site plan**

**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 George A. Plummer, 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 Monday, October 18, 2004 at 4:30 pm.**

**Applicable Approval Criteria:** Multnomah County Code (MCC): Chapter 37, MCC 36.3100-.3185: Rural Residential, MCC 36.7000 - .7060: Design Review, MCC 36.4100-4215: Off-Street Parking and Loading and MCC 36.7400-7505: Signs.

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](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. **Within 30 days of this decision becoming final and prior to building permit sign-off, the applicant shall record the Notice of Decision including the Conditions of Approval (pages 1-5) of this decision with the County Recorder. The Notice of Decision shall run with the land. Proof of recording shall be provided to Multnomah County Land use Planning prior to . Recording shall be at the applicant's expense. Failure to record the Notice of Decision within the above 30 day time period shall void the decision (MCC 37.0670).**

2. All trees not marked for removal on the submitted plan, included as Exhibit 1.12, shall be protected during the construction phases of the project. During excavation for the building foundation, sewage system and stormwater system and in preparing the surface for the driveway/parking areas, caution shall be exercised to not disturb tree roots outside the areas slated for the development. The property owner shall inform the project General Contractor and Construction Site Manager of this condition and inform them the project has a high priority to protect as many of the trees as possible. Prior to beginning work on the site all heavy equipment operators shall be made aware of the goal to protect these trees. To protect trees and their roots the following items shall be implemented:
  - Prior to the first phase of development the building construction area and staging area shall be fenced to prevent heavy equipment from entering other areas;
  - The staging area shall be located in the existing gravel parking area;
  - Perimeters of other development areas be fenced prior to any earth work to protect surrounding trees; these include the sewage disposal system, the stormwater system, the parking, loading and access drives;
  - A plan showing the fencing of these areas according to the phases of the development shall be submitted prior to building permit review;
  - The location of this fencing shall protect drip-line perimeters of protected trees to the greatest extent possible and installed nearest the grading and/or excavation as possible. (MCC 11.15.7850 (A)(4)); and
  - After fencing is installed and prior to any earth work the property owner shall request an inspection of the fencing from County Land Use Planning.
3. All trees not marked for removal on the submitted plan included as Exhibit 1.12 shall be protected and maintained in a living condition. If any of the trees become diseased or damaged, such that they become a threat to public safety as determined by an arborist, they can be removed. Any trees authorized for removal but shall be replaced with a six foot tree of the same species or similar native species (conifer for conifer, etc). (MCC 11.15.7850 (A)(4))
4. Shrubs and bushes shown along the south and west edge of the access drive shall be evergreen and at least four feet tall to provide screening of vehicles headlights. (MCC 11.15.7850 (A)(7))
5. Landscaping shall be continuously maintained. (MCC 11.15.7855(C)(5))
6. On going conditions for use of parking and loading spaces:
  - A. Required parking spaces shall be available for the parking of vehicles of customers, occupants, and employees without charge or other consideration.
  - B. No parking of trucks, equipment, materials, structures or signs or the conducting of any business activity shall be permitted on any required parking space.
  - C. A required loading space shall be available for the loading and unloading of vehicles concerned with the transportation of goods or services for the use associated with the loading space.
  - D. Loading areas shall not be used for any purpose other than loading or unloading.
  - E. It shall be unlawful to store or accumulate equipment, material or goods in a loading space in a manner which would render such loading space temporarily or permanently incapable of immediate use for loading operations. (MCC 11.15.6110)
7. Required parking and loading areas shall be shown on the building plans reviewed for the building permit. These plans shall show 67 parking spaces (MCC 11.15.6142). No parking related to the property shall be allowed along the Stark Street (MCC 11.15.6128). Traffic directions on access drives shall be plainly marked (MCC 11.15.6128). Parking spaces shall be marked (MCC

11.15.6132(C)). Handicapped parking shall be marked, labeled and maintained as required by ADA and handicap ramps shall be clear of obstructions ((MCC 11.15.7850 (A)(3)). Required parking and loading areas shall be improved and placed in condition for use before the grant of a Certificate of Occupancy (MCC 11.15.6114).

8. The free standing sign shall be installed as represented in Exhibit 1.5 and 1.6 or with a different business name with not more than an additional five letters (MCC 11.15.7850 (A)(9) and (MCC 11.15.7942(A)). Signs on the site shall be limited to the free standing sign approved by this decision and to directional signs covered under the following condition and defined in MCC 11.15.7982(J)). Additional signage or changes to signage not covered by this decision requires a new sign review
9. Directional signs on the property shall not exceed a maximum area of six square feet per sign, height of 42 inches (free standing) or 8 feet (Fascia and Projecting) and shall have indirect or internal lighting if lit. (MCC 11.15.7974 MCC 11.15.7982(J))

**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 AND CONCLUSIONS**

This decision is based on the findings and conclusions in the following section.

**Staff Report Formatting Note:** To address Multnomah County Code requirements staff provides findings as necessary, referenced in the following section. Headings for each category of finding are underlined. Multnomah County Code language is referenced using a **bold** font. The Applicant's narrative, when provided, follows in *italic font*. Planning staff analysis and findings follow the **Staff** label. Staff conclusions follow the findings and are labeled **Conclusion**. At the end of the report, Exhibits are described. The applicant's submittals are included and made part of this decision under the category: Exhibit 1...

### **1. DESCRIPTION OF APPLICATION PROPOSAL :**

**Applicant:** *On November 11, 2002, Mr. Junki Yoshida ("the Applicant") submitted an application to Multnomah County ("the County") for the alteration of a non-conforming use (Case #T2-02-088) at 29311 Stark Street in Troutdale, Oregon. The Applicant proposed to remove an existing 60-seat restaurant, adjacent campground and outdoor uses, and replace them with a new 100-seat restaurant.*

*CDA Consulting, Inc. was engaged by Mr. Yoshida in the fall of 2003 to complete the application process for alteration of the non-conforming use ("NCU"). The application was amended on October 10, 2003; County approval became effective on December 31, 2003. Following this approval, the Applicant submitted materials for Design Review (Case #T2-03-083), Project Description*

*In accordance with approved permits, the Applicant proposes to replace an existing 60-seat restaurant, campground and outdoor facilities with a new 100-seat restaurant, with outdoor seating for up to 50 patrons. The existing 60-seat restaurant, parking area and driveway would be removed. All existing exterior uses, including the campground, recreational facilities, outbuildings and outdoor stage would also be removed. The 100-seat restaurant would be a new building that would include a new parking area. The 100-seat restaurant would be located at 62 ft. elevation, approximately 13 ft. above the 100-year floodplain. The restaurant would be family-oriented, with a deck for outdoor dining along the river side of the building.*

*The Applicant's intent is to create a project that is in harmony with the unique setting, and to enhance the natural beauty of the neighborhood as well as the scenic highway. Although some trees will be removed to construct the proposed new use, the intent is to maintain all other trees and to landscape the area with native vegetation to enhance wildlife habitat, particularly for birds.*

**Staff:** The proposal is a request for a Design Review with front-yard minor exception for a replacement, expansion, and alteration of a non-conforming restaurant (approved in Case T2-02-088) and Sign Review.

### **2. SITE AND VICINITY CHARACTERISTICS**

**Applicant:** *The 5.87-acre site (including land in the Sandy River claimed by the State of Oregon) is located on the south bank of the Sandy River, where the Stark Street Bridge crosses the river and fronts on Stark Street. The site address is 29311 SE Stark Street in Troutdale, Oregon. The*

*legal description is Map 1S 4E 06AC, tax lot 700. The site is currently zoned Rural Residential by the County. A portion of the site along the Sandy River is within the 100-year floodplain, as shown on the Flood Insurance Rate Map for Multnomah County, Panel 238 of 550, June 15, 1982.*

*The site is in a rural area along the historic Columbia River Highway and Stark Street. This is a rural area that is characterized by high bluffs along the Sandy River, with scattered houses and businesses. The site has been occupied by a restaurant, campground and picnicking facilities since at least the 1950's, preceding the zoning of the area.*

**Staff:** The subject property is 4.8 acres in size, according to County Assessment Records (Exhibit 2.1), is located along the Sandy River and Stark Street southwest of the bridge. The property is a little over a mile by road from the City of Troutdale.

The river bank rises up steeply about 30 feet from the river then forms a relatively flat bench that's about 400 feet wide on which the proposed development will be located. On the other side of Stark Street the canyon rock wall rises nearly vertical a hundred feet high then levels out. The opposite side of the river has similar topography with a steep river bank, a bench and rock wall. Along Stark Street within the canyon properties are predominately used as large lot residential properties. On the other side of the river the canyon is narrow with just the Historic Columbia River Highway within the canyon. Where the canyon widens the properties downstream on the east side of the river are developed as residential properties. State Park land is located directly upstream on the opposite side of the river. On the bluffs above the canyon is predominately farmland with some residential uses to the southeast of the site.

Currently the site consists of a park like setting with central building (tavern/restaurant), a fenced area with a stage adjacent to the building. The central building is used as a tavern/restaurant with several additions including a kitchen, a prep area and storage rooms.

### **3. APPLICABLE APPROVAL CRITERIA**

**Staff:** The applicable criteria for this case are under MCC Chapters 37 and 11.15. These are the code criteria that were in effect at the time of application for the Non-Conforming Use Replacement, Expansion and Alteration Permit (Case T2-02-088) was approved.

While Ordinance 1001 creating Chapter 36 has since been adopted for the area the subject property is within, the new code does not apply for this case. Ordinance 1001, Section 9 states:

“Time extension for submittal of applications for Design Review, Hillside Development Permits, and Grading and Erosion Control Permits for certain Type II and III decisions. A time extension until January 1, 2004 shall be allowed for submitting applications for Design Review, Hillside Development Permits, and Erosion Control Permits under the applicable provisions of MCC 11.15 and MCC 29.300. Those applications shall be "follow-up applications" to developments already approved as Type II or III decisions in which application for the development was submitted prior to January 1, 2003 and the approval has not expired under the provisions of MCC 37.0690, 37.0700, or 37.0750.”

The section quoted above allows for submittal of the Design Review and Grading and Erosion Control application to be reviewed under the Code that exist when the application, MCC 11.15, was submitted for Case T2-02-088 as long as those application were submitted prior to January 1,

2004. This application for Design Review was submitted December 30, 2004, thus this case is reviewed under the following Code sections:

- MCC 11.15.2202-.2230 Rural Residential (RR);
- MCC 11.15.7805-.7870 Design Review;
- MCC 11.15.6100-.6148 Off-Street Parking and Loading;
- MCC 11.15.7902-.7982 Signs.

### 3. **OWNERSHIP**

**MCC 37.0550: 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.**

**Staff:** County Assessment records show the property owner as Virginia Goodwin. Ms Goodwin has signed the application form (Exhibit 1.1).

### 4. **TYPE II CASE PROCEDURES**

**Staff:** The application was submitted December 30, 2003 and was deemed incomplete in a letter dated January 29, 2004. Addition items were submitted June 24, 2004 and the application was deemed complete as of that date. On July 29, 2004 the applicant request the 150 day clock be tolled until one week after more information was submitted. Additional materials were submitted August 26, 2004 reactivating the 150 day clock on September 2, 2004.

Opportunity to Comment notice was mailed August 30, 2004. The notice was mailed to all owners of properties within 750 feet of the subject property. The property owners were given 14-days to provide comments on the application (MCC 37.0530). Comments were received from:

- William M. Hooker, 29555 SE Kerslake Rd., Troutdale, OR 97060 (Exhibit 3.1); and
- Donna and Gerry Wage, 29233 Stark Street, Troutdale, OR 97060 (Exhibit 3.2).

Mr. Hooker addresses noise levels associated with music from the current use. Noise levels are addressed under Subsection 6.2.1 of this Decision.

The Wages addressed concerns about traffic congestion at the point of access, lighting leaving the site and in conversations Ms. Wage has addressed concern about removal of trees. These issues are addressed in finding later in this decision; access safety is addressed under Subsection 6.2.2, lighting is addressed under Subsection 9.14, and tree removal is addressed under Subsection 6.2.1.

### 5. **DESIGN REVIEW**

#### 5.1 **Design Review Plan Approval Required**

**MCC 11.15.7815 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.**

**Staff:** The proposed project, replacing the restaurant requires a Design Review Permit.



## 5.2 11.15.7850 Design Review Criteria

### 5.2.1 MCC 11.15.7850 (A)(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.
- b. The elements of the design review plan should promote energy conservation and provide protection from adverse climatic conditions, noise, and air pollution.
- 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:** *(a) The design review plans include elements that relate harmoniously to the natural environment, promote energy conservation, provide protection from noise, and effectively and efficiently serve their function. For example, the restaurant is designed to take advantage of views of the Sandy River (see Figure 1). The existing natural landscape along the Sandy River, as well as the area on the north end of the site near the Stark Street bridge, will remain as riparian natural areas (see Figure 2). Approximately 150 native trees would be planted on the site to enhance the relationship between the restaurant and the natural environment. New trees would provide shade, habitat and visual buffers, and generally improve site aesthetics.*

*(b) All new structures would comply with the Uniform Building Code (“UBC”) and are intended to promote energy conservation. The restaurant would not support any activities that would create air pollutants as a result of operations. In addition, as part of the alteration of the NCU, the Applicant has agreed to maintain the noise level below 75 decibels.*

*(c) Elements of the building are on a human scale; the structure of the building is a single with a daylight basement in the back. All American Disabilities Act (“ADA”) access would be provided by a one-story, main level building to effectively and efficiently give barrier-free access to restaurant facilities. The building itself has been designed so that the overall architecture is consistent with a wooded area (see Figure 6 and Figure 8). New landscaping would include native plant species, and is proposed for all sides of the parking area, including central islands. The parking area is separated from Stark Street by a 20 foot landscaped strip. The landscaping creates visual buffers of the parking lot from off-site, as well as providing spatial variety and order.*

**Staff:** The applicant has designed the project to protect as many trees as possible in implementing the development approved in Case T2-02-088. The driveway access and parking area has been designed to avoid removal of several large Douglas fir trees. Protecting these trees will provide a setting where there is a harmonious blend between the natural environment and the built environment. Energy conservation measures that are required by the Uniform Building Code must be followed for new buildings. There should be no significant increase in air pollution due to the requested use. Condition of Approval Number 3 of Case T2-02-088 (Exhibit 2.6) limits noise generated by the reviewed use to not exceed 75 decibels for “sound eliminating from the site due to entertainment or outdoor gatherings.” That decibel limitation can be measured at the property line. In Case T2-02-088 this noise level as considered adequate protection from noise pollution. There should no other noise pollution of any significant level resulting from the proposed use. The proposed structure will be seen as a predominately a one story building with a 640 square foot mezzanine dining area. The building will have a basement storage area below ground level. The design presents the building on a human scale blending it into the landscaping through the

preservation of existing vegetation and by provide significant additional landscape plantings (Exhibit 1.14 ). The elements of the proposed development are inter-related with pedestrian pathways connecting the parking and the restaurant building's covered entranceway. The overall design presents spatial variety through preservation of existing vegetation and landscaping interspersed throughout the development. The development provides order through the locational setting designs of the access drive, parking, pedestrian pathways and the location of the restaurant in relation to the built environment and the natural setting. This standard has been met by the project design.

**5.2.2 MCC 11.15.7850 (A)(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 of the site facilities has multiple safety accommodations for patrons. These accommodations include handicapped ramps and handicapped parking spaces, as well as Braille signs outside the toilet rooms. Damaged and diseased trees would be removed as part of the construction process to avoid endangering patrons or the property. The site entrance has been relocated to provide more site distance for vehicles on Stark Street, and widened to provide a safer turning radius. On-site traffic circulation would be clearly marked and one-directional within the parking area. In addition, the Applicant will develop a fire and emergency access drive near the Stark Street bridge. Fire protection for the site would generally be improved through the proposed water systems. The south end of the property would be buffered with trees and other landscaping to provide privacy for off-site residences near that area. The Applicant would also maintain the existing County fence near the Sandy River to protect riparian areas and habitat values.*

**Staff:** County Transportation reviewed the proposed use for Case T2-02-088 and commented that the entrance needed to be moved further from the Stark Street Bridge than the current access. The entrance is shown on the submitted plan (Exhibit 1.8) at 83 feet from the southwest property line. James Gelhar, Engineer 1, County Transportation, in a memorandum dated September 14, 2004 (Exhibit 2.4) states that proposed new driveway "provides appropriate sight distance." The proposed access driveway is consistent with County Transportation's recommendations.

The applicant is proposing landscaping along the driveway to obscure views of the vehicles entering and leaving the property. The existing fencing on the property along the southwest and front property lines will be maintained. The applicant's proposal includes a fire and emergency access drive near the Stark Street bridge. This access will be of value if for some reason the main entrance was blocked during an emergency or is there was a need for emergency access to the river. The proposal provides for designated pedestrian crossings and paths to provide for pedestrian safety. The proposal meets this standard.

**5.2.3 MCC 11.15.7850 (A)(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:** *The proposed improvements would fully comply with American Disabilities Act ("ADA") building code requirements. The parking area would have handicapped parking spaces and accessory signs denoting such provisions. Braille signs would be installed outside the toilet facilities. Ramps would be provided to give handicapped access to the outside deck.*

**Staff:** The proposal shows handicapped parking and ramps. The applicant states that other amenities will be provided for the special needs of handicapped within the building. The proposed development will be reviewed in the building permit process for ADA requirements. This standard is met by the submitted plans, by the building permit requirements and by a condition of approval that handicap access is provided and maintained.

**5.2.4 MCC 11.15.7850 (A)(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:** *Considering the proposed development, it is practical to preserve and maintain the existing natural landscape along the Sandy River, as well as the area on the north end of the site near the Stark Street bridge (see Figure 2, Landscape Plan). The landscape plan also identifies individual on-site trees that would be preserved. Existing trees that are healthy and not otherwise impacted by the development will be preserved. Preserved trees, shrubs and natural areas would be protected during the construction process.*

**Staff:** The applicant is proposing to remove only trees necessary for the development and those that are diseased or damaged. The applicant has designed the project to protect as many trees as possible in implementing the development approved in Case T2-02-088. The driveway access and parking area has been designed to avoid removal of several large Douglas fir trees. A condition of approval can require the existing trees that are not marked for removal on the plans be protected (Exhibit 1.12 ).

We are concerned that tree roots can be damaged by heavy equipment during construction phase of such a project. A high level of care should be exercised during excavation for the building foundation. Care should be taken in preparing the surface for the driveways and parking to not disturb roots outside the areas where pavement and curbs will be installed. The Site Construction Manager should understand these goals and make it a high priority to protect as many of the trees as possible. Heavy equipment operators should be made aware of the goal to protect these trees. The construction area and staging area should be fenced to prevent heavy equipment from entering other areas to protect tree roots. In absence of a plan showing this protection, a condition of approval can require plans showing the fencing of the building construction area, the staging area, the limits of grading for the drives and parking and the excavation for the sewage disposal system and stormwater system prior to building permit review. The location of this fencing should protect drip-line perimeters of protected trees as much as possible. This standard can be met through conditions of approval.

**5.2.5 MCC 11.15.7850 (A)(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:** *The pedestrian and vehicular circulation and parking have been designed to maximize safety for patrons. There is one driveway for the public to access the site, and on site circulation for vehicles would be provided for as shown in Figure 1. The site entrance has been relocated and widened to improve sight clearance and provide 390 feet of sight distance for vehicles on Stark Street. The patterns and areas for pedestrian and vehicular traffic are in proportion to the*

*size of the restaurant. To provide additional safety, an emergency access near the Stark Street bridge would be provided for fire and other emergency services. Landscaping is proposed for all sides of the parking area, including central islands, and is compatible with the surrounding natural areas.*

**Staff:** The applicant proposes one public vehicular access to the site with an interior circulation plan. The plans show pedestrian pathways and marked crossing. There are no neighboring buildings or structures. This standard has been met by the submitted plan.

**5.2.6 MCC 11.15.7850 (A)(6): Drainage - Surface drainage systems shall be designed so as not to adversely affect neighboring properties or streets.**

**Applicant:** *Surface drainage facilities are designed to contain and treat all run-off within the site boundaries, and would not adversely affect neighboring properties or streets. These facilities are identified on Figure 4.*

**Staff:** The plans show a system designed by a registered engineer to meet the needs for infiltration of stormwater for a 25 years storm event. The proposed development meets this standard.

**5.2.7 MCC 11.15.7850 (A)(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:** *The loading and refuse storage facilities would be located on the north side of the restaurant, and would be screened from off-site locations. The parking area would be buffered by landscaped strips, including a buffer from Stark Street, as required by the County. The existing fence would be maintained and would run the full length of the east and south property lines.*

**Staff:** The proposal includes a buffer 83 feet from the closest point of the access driveway and 210 feet to the parking area from the adjacent neighboring property. The landscape plans show that shrubs and bushes will line the access drive. These shrubs and bushes will need to be evergreen species to provide year round screening. They will need to be tall enough to provide screening of light from headlights for the neighboring properties. Staff measured some vehicle headlight heights and determined that a four foot height would be needed to provide the screening. All of the built development, other than the septic system, the access drive, some pathways and a pond, will be at least 200 feet from the adjacent residential property. This standard can be met with a condition of approval requiring shrubs and bushes along the south and western side of the access drive to be evergreen species and tall enough to provide screening of headlights from the SUV style vehicles

**5.2.8 MCC 11.15.7850 (A)(8): Utilities - All utility installations above ground shall be located so as to minimize adverse impacts on the site and neighboring properties.**

**Applicant:** *The Applicant does not propose to install any new above ground utilities.*

**Staff:** No new above ground utilities are proposed. The proposal meets this standard.

**5.2.9 MCC 11.15.7850 (A)(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:** *The proposed sign is compatible with the other elements of the design review plan. The sign would installed outside the entrance drive along the fence. It would be a monument-type sign, with some illumination provided.*

**Staff:** The applicant is proposing free standing sign consisting of a section of stone face wall as a support structure with the address on the stone face and 1-foot 2-inch letter mount on the mantel of the wall. The stone wall will line up with the metal fence surrounding the entrance. The letter of the are proposed to be aluminum. The sign is will be lit with indirect lighting from below. The sign will be presented as element of entrance fencing. The applicant has stated there is still some uncertainty about the name of the business so the length of the name may change. Given the proposed type of sign the addition of up to five letters would not change this finding. More than five letters would begin to change the presentation in relation to compatibility and other design elements. New finding would need to be made under this standard if the applicant would decide to change the sign more than five letters or change the shape.. The proposed signage meets this standard. A sign using different letters and an additional five letters would meet this standard.

**6. REQUIRED MINIMUM STANDARDS**

**6.1 MCC 11.15.7855(C)(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:** *Fifteen percent of 5.87 acres is approximately 0.88 acres, or 38,354 square feet. The areas proposed for new landscaping, along with existing natural areas to be retained, easily exceed the minimum requirement of 15% lot area landscaping at a highly conservative, rough estimate of 2.5 acres coverage (see Figure 2). For example, landscaping associated with the parking area covers more than 15,000 square feet; landscaping and existing natural areas on the south end of the site exceed 32,000 square feet; and on the west and north sides of the site (above the ordinary high water mark), landscaping and existing natural areas exceed 32,000 square feet.*

**Staff:** We concur with the applicant that this standard is met by the proposed development.

**6.2 MCC 11.15.7855(C)(2): All areas subject to the final design review plan and not otherwise improved shall be landscaped.**

**Applicant:** *All areas subject to the final design review plan and not otherwise improved will be landscaped in accordance with the landscape plan identified as Figure 2.*

**Staff:** The proposed plans show that all areas subject to the final design review plan and not otherwise improved are landscaped. The proposed plans show this standard is met.

**6.3 MCC 11.15.7855(C)(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:
  - i. Street trees spaces as appropriate to the species, not to exceed 50 feet apart, on the average;
  - ii. low shrubs, not to reach a height greater than 3'0", spaced no more than 5 feet apart, on the average; and
  - iii. 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:** *(a) A total of 69 parking spaces would be provided on site, requiring 1,725 square feet of landscaping to meet the requirements of MCC 11.15.7855(C)(3). Landscaping in the front yard alone exceeds 8,000 square feet, fully addressing the above requirement.*

*(b) The parking area is separated from Stark Street by a 20 foot landscaped strip. Landscaping strips along the lot lines greatly exceed the 5-foot minimum width.*

*(c) The landscaped strip along Stark Street would include Katsura trees and Douglas fir, spaced less than 50 feet apart (see Figure 2). At a minimum, shrubs would include dogwoods and roses, placed not more than 3 feet apart, and a groundcover of Oregon grape and Kinnikinnik.*

*(d) Landscaping in the parking area is well distributed. There is a landscaped strip abutting the street, landscaping along the entry drive, and two landscaped islands within the parking lot. (e) All parking landscaped areas would be a minimum of 20 feet wide.*

**Staff:** The applicant's narrative and the plans submitted 8/25/04 (Exhibit 1.8 and 1.14) demonstrate that the proposal meets this standard.

**6.4 MCC 11.15.7855(C)(4): Provision shall be made for watering planting areas where such care is required.**

**Applicant:** *Irrigation of plant materials would be provided by a fully automatic underground system, to be designed and built by the landscape contractor.*

**Staff:** This standard is met through proposed automated irrigation.

**6.5 MCC 11.15.7855(C)(5): Required landscaping shall be continuously maintained.**

**Applicant:** *The landscaping would be maintained regularly by the Applicant.*

**Staff:** The standard can be met through a condition of approval landscaping shall be continuously maintained.

**6.6 MCC 11.15.7855(C)(6):Maximum height of tree species shall be considered when planting under overhead utility lines.**

**Applicant:** *This section primarily relates to conflicts that might occur in easements rights-of-way. No trees are proposed to be planted within the Stark Street right-of-way and therefore no conflicts with overhead utility lines will occur.*

**Staff:** We concur that no conflict will occur between planted trees and overhead utilities. This standard is met.

**6.7 MCC 11.15.7855(C)(7): Landscaped means the improvement of land by means such as contouring, planting, and the location of outdoor structures, furniture, walkways and similar features.**

**Applicant:** *The Applicant acknowledges the meaning of “landscaped” and has applied it as such in the landscape plan.*

**Staff:** When landscaping is required we have used this definition of landscaping.

**7. DESIGN REVIEW MINOR EXCEPTIONS: SIGN REQUIREMENTS**

**7.1 MCC 11.15.7860(A) In conjunction with final design review plan approval, the Planning Director may grant minor exceptions from the following requirements:**

**1. Dimensional standards for yards as required in the primary district;**

\* \* \*

**Applicant:** *The Applicant requests a minor exception for the front yard requirement of the primary district. The minimum front yard dimension in the rural residential zone is 30 feet (MCC 11.15.2218(C)).*

**Staff:** The applicant requests a minor exception to reduce the 30 foot front yard dimensional standard by 25 percent to a 22.5 foot setback to use the additional area for parking.

**7.2 11.15.7860(B) Except under subsection (A)(5) above, no minor exception shall be greater than 25% of the requirement from which the exception is granted.**

**Applicant:** *The Applicant requests a minor exception for the front yard requirement of 25%. This is the maximum amount permitted through a minor exception. The Rural Residential District front yard requirement is 30 feet. Applying this minor exception to the 30-foot front yard requirement would allow a 22.5-foot front setback. The applicant requests a minor exception allowing for a 22.5-foot front yard setback.*

**Staff:** The applicant is proposing a minor exception to the front-yard setback to reduce the required yard 25 percent from 30 feet to 22.5 feet.

- 7.3 **11.15.7860(C)(1)** In the case of a minor yard exception, the Planning Director shall find that approval will result in:
- a. More efficient use of the site;
  - b. Preservation of natural features, where appropriate;
  - c. Adequate provision of light, air, and privacy to adjoining properties; and
  - d. Adequate emergency accesses

**Applicant:** *a. The existing site has no front yard setback. The current parking lot extends to the front property line. Allowing a 22.5-foot setback would allow for a more efficient use of the property by reducing the number of mature trees that would otherwise be removed if a greater setback were required. It is estimated that ten mature trees will be saved as a result of this minor exception. Additionally, this minor exception would allow for the restaurant to be built 7.5 feet further upland, allowing for a more efficient design to be achieved by increasing the distance of the development from the riparian corridor to the west.*

*b. The minor exception will preserve approximately ten mature Douglas Fir trees and provide greater buffers to the riparian area of the Sandy River.*

*c. This request will increase light and air factors in the development site over the existing conditions, as there is currently no front yard setback. This request has no impact on light, air and privacy, as there are no adjoining structures within proximity to this setback area.*

*d. The proposed design increases fire and emergency services access. One additional access point is provided and the primary access location has been move further to the south to accommodate greater vision clearance. This request will have no negative impacts on emergency access.*

**Staff:** The proposed 25 percent reduction of the front yard dimensional standard would allow for a vegetated island to be established between the restaurant entrance and the parking area. This would allow the applicant to preserve several large conifer trees by providing a landscaped island for the trees. The exception would allow the parking lot to be developed in an area which is currently used for parking and is devoid of vegetation. Granting the exception would allow for movement of the parking 8.5 feet closer to the right-of-way (reducing the setback to 22.5 feet) and away from areas which have large conifers and further away from the river. The applicant has committed to fully landscaping the area between the parking and the right-of-way with a substantial amount of landscape plantings including 20 Douglas fir, 10 Katsura trees a broad leaf deciduous (Exhibit 1.14) The proposed exception will not affect the light, air or privacy of the adjoining property. Emergency access will be provided through the primary access or through the emergency access should the primary be blocked (Exhibit 1.8).

## **8. OFF-STREET PARKING AND LOADING**

- 8.1. **General Provisions:** In the event of the erection of a new building or an addition to an existing building, or any change in the use of an existing building, structure or land which results in an intensified use by customers, occupants, employees or other persons, off-street parking and loading shall be provided according to the requirements of this Section.

**Applicant:** *The Applicant is authorized and permitted to replace an existing 60-seat restaurant, campground and outdoor facilities with a new 100-seat restaurant. The 100-seat restaurant*



would be a new building that would include a new parking area. Therefore, the requirements of MCC 11.15.6100-6148 are applicable.

**Staff:** The development approved in Case T2-02-088 includes a new building thus off-street parking and loading must be provided as required by this section. The applicant has submitted an off-street parking plan.

- 8.2. MCC 11.15.6104 O-P Classification: Land classified as Off-Street Parking and Loading (O-P) on the Zoning Map shall not be used for any purpose other than off-street parking and loading without a change of district as provided in MCC .8205 through .8295.”**

**Applicant:** *The site is classified with an O-P zoning overlay.*

**Staff:** The property is not designated with an O-P on the Zoning Map.

- 8.3. MCC 11.15.6106 Continuing Obligation: The provision for and maintenance of off-street parking and loading facilities without charge to users shall be a continuing obligation of the property owner. No building or any other required permit for a structure or use under this or any other applicable rule, ordinance or regulation shall be issued until satisfactory evidence in the form of a site development plan, plans of existing parking and loading improvements, a deed, lease, contract or similar document is presented demonstrating that the property is and will remain available for the designated use as a parking or loading facility**

**Applicant:** *The off-street parking and loading areas would be provided without charge to users. Figure 4 provides plans for parking and loading improvements.*

**Staff:** Following is a review of the parking and loading for the proposed building. Once approved the parking and loading plan will be required as a continuing obligation of the property owner unless amended through a future review.

- 8.4. MCC 11.15.6108 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:** *Figure 1, Figure 2 and Figure 4 are plans that show the above required information.*

**Staff:** The applicant has submitted plans that contain the required information.

- 8.5. MCC 11.15.6110 Use of Space:**
- A. Required parking spaces shall be available for the parking of vehicles of customers, occupants, and employees without charge or other consideration.**
  - B. No parking of trucks, equipment, materials, structures or signs or the conducting of any business activity shall be permitted on any required parking space.**

- C. A required loading space shall be available for the loading and unloading of vehicles concerned with the transportation of goods or services for the use associated with the loading space.
- D. Except for residential and local commercial districts, loading areas shall not be used for any purpose other than loading or unloading.
- E. In any district, it shall be unlawful to store or accumulate equipment, material or goods in a loading space in a manner which would render such loading space temporarily or permanently incapable of immediate use for loading operations.

**Applicant:** *The off-street parking and loading areas, shown on Figure 1, would be provided without charge to users. A loading space would be maintained, free of accumulated equipment, materials or goods, to facilitate loading and unloading of materials related to transportation of goods or services for the proposed facilities. The loading areas would not be used for any other purposes.*

**Staff:** The applicant's narrative states an understanding of these requirements. These requirements can be included as a condition of approval. This standard is met through conditions.

#### 8.6. MCC 11.15.6112 Location of Parking and Loading Spaces:

- A. Parking spaces required by this Section shall be provided on the lot of the use served by such spaces.

\* \* \*

- C. Loading spaces and vehicle maneuvering area shall be located only on or abutting the property served.

**Applicant:** All parking spaces are located within the site boundaries. Loading spaces and vehicle maneuvering areas are also located within the site boundaries.

**Staff:** The plans show the required parking, maneuvering and loading area will be on the property. The plans show the proposed development meets this standard.

#### 8.7. MCC 11.15.6114 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 .8725, 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 Counsel.

**Applicant:** *The parking and loading areas would be paved and prepared for use as part of the construction process and prior to receipt of a Certificate of Occupancy.*

**Staff:** The applicant states the required parking and loading area will be paved and prepared for use before occupancy. A condition of approval can require this standard be met.

**8.8. MCC 11.15.6116 Change of Use:**

- A. Any alteration of the use of any land or structure under which an increase in the number of parking or loading spaces is required by this Section shall be unlawful unless the additional spaces are provided.**
- B. In case of enlargement or change of use, the number of parking or loading spaces required shall be based on the total area involved in the enlargement or change in use.**

**Applicant:** *Parking spaces were calculated based on the total square footage dedicated to restaurant use.*

**Staff:** The applicant has proposed parking area based of the size the restaurant.

**8.9 MCC 11.15.6124 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.**

**Applicant:** *The square footage of floor area devoted to the functioning of the restaurant is 6,674 square feet. It does not include the parking and loading areas or the basement. The square footage includes the first floor area (i.e., kitchen, lounge, dining and waiting areas, conference areas, toilet rooms and mechanical circulation areas) and the mezzanine dining area (see Figure 7). The first floor is 6,116 square feet and the mezzanine dining area is 558 square feet. Square footage for the basement was not included in the calculation for parking spaces, as it includes storage, mechanical, locker room and office.*

**Staff:** The applicant calculated the required parking using the space in the building that will be occupied during peak business hours. We concur with this means of calculating the square foot standard for determining the parking requirements.

**8.10. MCC 11.15.6126 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:** *The design standards of this section are applicable to the proposed project. All parking and loading areas, as well as associated turning and maneuvering areas, are within the site boundaries.*

**Staff:** The submitted parking plans show turning, maneuvering and parking for all vehicles is on the property and will not require backing onto the road. This standard has been met by the submitted plans.

**8.11. MCC 11.15.6128 Access:**

- A. Where a parking or loading area does not abut directly on a public street or private street approved under MCC 11.45, 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.**
- 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:** *Parking and loading areas for the proposed project directly abut Stark Street. All parking and loading spaces would be within site boundaries.*

**Staff:** The proposed access is 24 feet wide for two way traffic. A condition of approval will require directional markings. No parking will be allowed along the Stark Street as a condition of approval.

**8.12. 11.15.6130 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.**
- B. Aisle width shall be not less than:**
  - 1. 25 feet for 90° parking,**
  - 2. 20 feet for less than 90° 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.**
- C. Loading spaces shall meet the following requirements:**
  - 1. Rural Residential Zone: minimum width - 12 feet and minimum depth 25 - feet**
  - 2. Minimum vertical clearance shall be 13 feet.**

**Applicant:** *A: Parking spaces would be 9 feet wide and 18 feet long, with a minimum vertical clearance of six feet, six inches. These dimensions exclude access drives, aisles, ramps and columns.*

*B: Parking would be 90° parking, also with an aisle width of 25 feet.*

*C: The site is in the Rural Residential district, indicted under “all others” in the above table. Therefore, minimum width requirements of 12 feet, and minimum depth requirements of 25 feet, would apply to this project. The proposed loading space would be 25 feet wide with a 12-foot wide loading dock, and a depth of 25 feet. Vertical clearance would be a minimum of 13 feet.*

**Applicant Addendum:** *Parking Spaces. The Tentative Site Plan shows 66 parking spaces on site. To provide one additional parking space (i.e., a total of 67 parking spaces), ten of the existing*

*“standard sized” parking spaces would be reconfigured as “compact” car stalls. The footage saved by reconfiguring to compact car stalls would be adequate to provide one additional parking space.*

**Staff:** The applicant’s narrative and plans demonstrate these standards have been met.

### **8.13. MCC 11.15.6132 Improvements:**

#### **8.13.1. MCC 11.15.6132(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.**
- 2. Large parking fields for intermittent uses such as amusement parks, race tracks, stadiums, and the like may be surfaced with gravel or grass and spaces may be unmarked if the parking of vehicles is supervised.**

**Applicant:** *All parking, loading and maneuvering areas on site would be paved surfaces that meet the above requirements for surfacing.*

**Staff:** The applicant’s narrative states an intent to meet this standard.

#### **8.13.2. MCC 11.15.6132(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.**
- 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 parking, loading and maneuvering areas are separated from Stark Street by landscaped yards. The outer boundaries of these areas will be provided with a wheel stop or curbing at least four inches high and 20 feet from the lot line.*

**Staff:** The amended plans submitted August 25, 2004 (Exhibit 1.8) show that the parking loading and maneuvering of vehicles is separated from the right-of-way by 22.5 feet approved through a minor exception in Section 7 of this decision. The plans also show curbing. The plans show these standards are met by the proposed development.

#### **8.13.3. MCC 11.15.6132(C) Marking: All areas for the parking and maneuvering of vehicles shall be marked in accordance with the approved plan required under MCC .6108, and such marking shall be continually maintained.**

**Applicant:** *Parking areas and spaces would be marked in accordance with the plan approved by the County under MCC .6108, and maintained continually.*

**Staff:** The submitted parking plans shows parking and maneuvering areas as marked. A condition of approval can require this standard be met on an ongoing basis.

**8.13.4. MCC 11.15.6132(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 parking areas would be paved and graded to direct surface water run-off to the northeastern portion of the property, where it would pass through detention and water quality mitigation facilities. These facilities are more specifically identified in Figure 4.*

**Staff:** The contour lines plans show that the parking and maneuvering area are graded to provide for channel water to the stormwater system.

**8.13.5. MCC 11.15.6132(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 covered walkways are proposed within the parking area except the canopy over the entrance of the building. As can be seen from the attached architectural drawings, the canopy consisting solely of roof surfaces and necessary supporting columns, posts and beams and is otherwise meets the setback, height and other requirements of the RR zone.*

**Staff:** No covered walkway is proposed.

**8.14. MCC 11.15.6134 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:** *Artificial lighting that meets the requirements of MCC 11.15.6134 would be provided, as shown in the enclosed photometric plan (see Figure 5). Lighting for the sign would be indirect, from low fluorescent sources shining up from the ground level. All other lighting would be designed to avoid shining off-site. Techniques to accomplish this standard include shielding and deflecting the light. The photometric plan identifies the luminaire levels expected to be achieved at the site.*

**Staff:** The applicant has submitted a lighting analysis in the form of a photometric plan showing no lamination on neighbor properties. The plans show some lamination of the street but his type of lighting would not create a hazard for the traveling public. The proposed development meets this standard.

**8.15. MCC 11.15.6136 Signs, pursuant to the provisions of 11.15.7964.**

**Applicant:** *All proposed signs meet applicable criteria provided in MCC 11.15.7964, as discussed in subsection 3.2 of this document.*

**Staff:** Signage standards in MCC 11.15.7964 are reviewed under Section 10 of this decision.

**8.16. MCC 11.15.6138 Design Standards- Setbacks:**

- A. Any required 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:** *A 20-foot front yard abuts Stark Street. An access drive would be installed to directly connect the street to the parking area on site. The 20-foot front yard was proposed in the site plan that was approved by the County as alteration of a non-conforming use in Case #T2-02-088; that decision became final on December 31, 2003*

**Staff:** Case T2-02-088 did not allowed for a for 20 foot front-yard setback from the property line. The applicant requests a minor exception for a 22.5 foot front-yard setback which was reviewed in Section 7 and is approved by the decision. The amended parking plans (Exhibit 1.8) show a 22.5 foot front-yard setback and show that there is no parking, loading space, vehicle maneuvering area or access drive other than the drive and a emergency drive connecting directly to a street or within the 22.5 foot front yard. The proposed development meets this requirement.

\* \* \*

- D. 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:** *The Rural Residential zone requires a 30-foot front yard. A parking lot currently exists at this site up to the property line. Through Case #T2-02-088, the Applicant's site plan identified a less non-conforming front yard width of 20 feet, which was approved as part of the application. A 20-foot front yard separation is identified within this site plan for parking areas abutting Stark Street. Other than the access drive to connect the street to the parking area, the yard would not be paved. The access drive would be 40-feet wide and would not exceed the width of the curb cut for the street frontage of the lot. A secondary "emergency access only" is provided for emergency service vehicles, but is only to be used in case of an emergency.*

**Staff:** The submitted plans show 20 foot front-yard setback is proposed as landscaped area and will not be paved. The submitted plans demonstrate this standard is met by the proposed development.

**8.17. MCC 11.15.6140 Landscape and Screening Requirements:**

- A. The landscaped areas requirements of MCC .7855(C)(3) to (7) shall apply to all parking, loading or maneuvering areas which are within the scope of design standards stated in MCC .6126(A).**
- B. Parking or loading spaces located within 50 feet of a property line of a lot in a residential or other district listed in MCC .2002 through MCC .2966 shall be separated from such property line by a sight-obscuring fence with height and materials suitable to meet the requirements of subsection MCC .7850(A)(7).**

**Applicant:** *The parking and loading areas are not within 50 feet of a property line of a lot in a residential or other district listed in MCC .2002 through MCC.2966. Therefore, the above standards are not applicable.*

**Staff:** There is no parking, loading or maneuvering areas located within 50 feet of a residential property line. This standard is met by the proposed development.

**8.18. MCC 11.15.6142 Minimum Required Off-Street Parking Spaces:**

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

**Applicant:** *For restaurants, MCC 11.15.6142(C)(4) requires at least one off-street parking space for each 100 square feet of gross floor area. The square footage of floor area is defined by MCC 11.15.6124 as the area devoted to the functioning of the restaurant. The square footage of floor area devoted to the functioning of the restaurant is 6,674 square feet. The square footage includes the first floor area (6,116 square feet) and the mezzanine dining area (558 square feet). Therefore, 67 parking spaces are required for the proposed project. The calculation for parking spaces does not include the basement, as it is only used for storage, locker room, mechanical and office. The Applicant proposes to provide a total of 69 parking spaces, which exceeds the above requirement by two parking spaces (see Figure 1).*

**Applicant Addendum: Parking Spaces.** *The Tentative Site Plan shows 66 parking spaces on site. To provide one additional parking space (i.e., a total of 67 parking spaces), ten of the existing “standard sized” parking spaces would be reconfigured as “compact” car stalls. The footage saved by reconfiguring to compact car stalls would be adequate to provide one additional parking space.*

**Staff:** Staff concurs with the applicant calculated required number of parking spaces as 67 required spaces. The applicant revised plans show 66 spaces, however the applicant has submitted a narrative statement submitted September 30, 2004 shown above. By reconfiguring 10 spaces into compact spaces the applicant gains five feet to apply to an additional space. There is enough area to make up the addition 3.5 feet for another parking space long the front parking row, for a total of 67 spaces. The applicant has demonstrated this standard can be met. Condition of approval will require it to be met.

**8.19 Minimum Required Off-Street Loading Spaces**

**A. Commercial...**

Square foot of Floor or Land Area	Minimum Loading Spaces Required
5,000 - 24,999	1

**Applicant:** *The proposed use is approximately 6,674 square feet, and therefore requires one loading space. The location of the loading space is on the north side of the restaurant, as shown in Figure 1*

**Staff:** We concur that one loading space is required. The submitted plans show one loading space. The proposed development meets this standard.



## 9. SIGNS

### 9.1. MCC 11.15.7942 Signs Generally in Rural Residential District

**For all uses and sites in the above listed zones, the following types, numbers, sizes and features of signs are allowed. All allowed signs must also be in conformance with the sign development regulations of MCC 11.15.7962 - .7978.**

**Staff:** The proposed signage is reviewed for conformance with development regulations of MCC 11.15.7962 - .7978.

### 9.2. MCC 11.15.7942(A) Free Standing Signs:

1. **Allowable Area** Free standing signs are allowed .25 square feet of sign face area per linear foot of site frontage, up to a maximum of 40 square feet.
2. **Number** One free standing sign is allowed per site frontage.
3. **Height** The maximum height of a free standing sign is 16 feet.
4. **Extension into the Right-Of-Way** Free standing signs may not extend into the right-of-way.

#### MCC 11.15.7982 (GG) Sign Related Definitions: Sign Face Area

1. The area of sign faces enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet surrounding the sign face (see Figure .7900 C). Sign area does not include foundations, supports, and other essential structures which are not serving as a backdrop or border to the sign. Only one side of a double faced sign is counted.
2. When a sign is on a base material and attached without a frame, such as a wood board or Plexiglas panel, the dimensions of the base material are to be used unless it is clear that part of the base contains no sign, related display or decoration.
3. When signs are constructed of individual pieces attached to a building wall, sign area is determined by a perimeter drawn (the greatest height multiplied by the greatest width) around all the pieces (See Figure .7900 D).
4. For sign structures containing multiple modules oriented in the same direction, the modules together are counted as one sign face (See Figure .7900 E).

**Applicant:** *The sign itself consists of letters that sit on top of a rock wall feature. The wall feature is incorporated into the alignment of the fence and since it serves the same purpose as a fence or wall, it is not included in the calculation for the size of the sign. The actual sign identifying Hagar's is 1'2" tall by 7'7" long (less than 10 square feet).*

**Staff:** The applicant is proposing free standing sign consisting of a section of stone face wall as a support structure with the address on the stone face and 1-foot 2-inch letter mounted on the mantel of the wall. The site frontage exceeds 700 feet thus the 40 square foot maximum is required. The sign measured 8.5 square feet in area measuring the letters mounted on the mantle. The applicant has stated there is still some uncertainty about the name of the business so the length of the name may change. Given the proposed type of sign the addition of up to five letters would not significantly change this finding. More than five letters begins to change the presentation and would need to be reviewed. There is one sign proposed. The height is less than seven feet. The sign is proposed to be located on the property, not in the right-of-way. These standards are met by the proposed sign.

**9.3. MCC 11.15.7942(B) Signs Attached to Buildings:**

- 1. Total Allowable Area** The total allowable area for all permanent signs attached to the building is determined as follows:  
Eighteen square feet of sign face area is allowed, or .25 square feet of sign face area per linear foot of the occupant's primary building frontage, whichever is more.
- 2. Individual Sign Face Area** The maximum size of an individual sign within the total allowable area limit is 50 square feet.
- 3. Types of Signs** Fascia, marquee, awning and painted wall signs are allowed. Projecting roof top and flush pitched roof signs are not allowed.
- 4. Number of Signs** There is no limit on the number of signs if within the total allowable area limit.
- 5. Extension into the Right-Of-Way** Signs attached to buildings may not extend into the right-of-way.

**Applicant:** *No signs would be attached to buildings for this project.*

**Staff:** No signage is proposed for attachment to the building.

**9.4. MCC 11.15.7942(C) Sign Features**

**Permanent signs may have the following features:**

- 1. Signs may be indirectly or internally illuminated.**
- 2. Electronic message centers are not allowed.**
- 3. Flashing signs are not allowed.**
- 4. Rotating signs are not allowed.**
- 5. Moving parts are not allowed.**

**Applicant:** *A permanent sign would be indirectly illuminated from either below or above. The sign would not flash or rotate, nor have any moving parts. No electronic message center is proposed.*

**Staff:** The applicant is proposing an indirectly illuminated sign that meets these standards.

**9.5. MCC 11.15.7942 D. Additional Signs Allowed** In addition to the sign amounts allowed based on the site and building frontages, the following signs are allowed in all zoning districts for all usages:

- 1. Directional signs pursuant to MCC 11.15.7974.**
- 2. Temporary lawn, banner and rigid signs.**

**MCC 11.15.7982 Sign Related Definitions: (J) Directional Sign** A permanent sign which is designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property to which the public is directed.

**Applicant:** *The above standards are not applicable to the project because no directional signs, temporary signs, or subdivisions are proposed at this time.*

**Staff:** While the applicant states this subsection is not applicable, directional signs will be needed at least for handicap parking and others may be needed to direct traffic or pedestrians.

## 9.6 MCC 11.15.7974 Directional Signs

Directional signs shall comply with the following provisions:

Table .7974 Directional Signs	
Maximum Sign Face Area	Six Square Feet
Types of Signs Allowed	Free Standing, Fascia, Projecting, Painted Wall
Maximum Height - Free Standing	42 Inches
Maximum Height - Fascia and Projecting	8 Feet
Extensions into R/W	Not Allowed
Lighting	Indirect or Internal
Flashing Lights	Not Allowed
Electronic Message Centers	Not Allowed
Moving or Rotating Parts	Not Allowed

**MCC 11.15.7982 (J) Directional Sign** - A permanent sign which is designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property to which the public is directed.

**Staff:** A condition of approval can require these standards be met.

## 10. CONCLUSION

**Staff:** The applicant has demonstrated the standards for the Design Review are met or can be met through conditions of approval for the proposed development.

## 11. EXHIBITS

### 11.1 Exhibits Submitted by the Applicant:

- Exhibit 1.1: Application forms submitted 12/30/03 (2 pages);
- Exhibit 1.2: Narrative including exhibits replacing previous narrative submitted 6/24/04 (56 pages);
- Exhibit 1.3: Photometric Plan submitted 6/24/04, oversized stored in the case file (1 page);
- Exhibit 1.4: Elevation drawings submitted 6/24/04, oversized stored in the case file (1 page);
- Exhibit 1.5: Floor plan drawings submitted 6/24/04, oversized stored in the case file (1 page);
- Exhibit 1.6: Site Boundary survey submitted 8/25/04, oversized stored in the case file (1 page);
- Exhibit 1.7: Topographic and Tree Survey submitted 8/25/04, oversized stored in the case file (1 page);
- Exhibit 1.8: Site Plan submitted 8/25/04, oversized stored in the case file (1 page);

- Exhibit 1.9: Grading and Erosion Control Plan submitted 8/25/04, oversized stored in the case file (1 page);
- Exhibit 1.10: Storm Drain Plan submitted 8/25/04, oversized stored in the case file (1 page);
- Exhibit 1.11: Existing Tree Plan submitted 8/25/04, oversized stored in the case file (1 page);
- Exhibit 1.12: Tree Removal and Preservation Plan submitted 8/25/04, oversized stored in the case file (1 page);
- Exhibit 1.13: Tree Report submitted 8/25/04, oversized stored in the case file (1 page);
- Exhibit 1.14: Landscape Plan submitted 8/25/04, oversized stored in the case file (1 page);
- Exhibit 1.15: Addendum to the narrative, in an email dated 9/29/2004 from Clay Moorhead submitted 9/30/04 (1 page);
- Exhibit 1.16: Sign site plan and elevation drawing submitted 9/29/2004 (2 pages);
- Exhibit 1.17: Addendum to the narrative, in a memorandum dated 9/29/200 from Clay Moorhead submitted 9/30/04 (2 pages);
- Exhibit 1.18: Email dated 9/30/2004 3:50 PM, from Clay Moorhead submitted 10/1/04 (1 page);
- Exhibit 1.19: Email dated 9/30/2004 5:00 PM from Clay Moorhead submitted 10/1/04 (1 page);
- Exhibit 1.20+: Addendum to the narrative, in a memorandum dated 9/30/200 from Clay Moorhead submitted 9/30/04 (3 pages);

## **11.2 Exhibits Provided by the County**

- Exhibit 2.1: County Assessment Record for the subject property (1page);
- Exhibit 2.2: Current County Zoning Map with subject property labeled (1 page);
- Exhibit 2.3: 2002 Aerial Photo showing subject property (1 page);
- Exhibit 2.4: Memorandum dated 9/27/02 from Mat Larsen, Transportation Planning Specialist, County Transportation (1 page)
- Exhibit 2.5: Memorandum dated 9/14/04 from James Gelhar, Engineer (Traffic), County Transportation (1 page)
- Exhibit 2.6: Case T2-02-088 (? Pages).

## **12.3. Exhibits Submitted by Others**

- Exhibit 3.1: William M. Hooker, 29555 SE Kerslake Rd., Troutdale, OR 97060 submitted 9/7/04 (4 pages);
- Exhibit 3.2: Donna and Gerry Wage, 29233 Stark Street, Troutdale, OR 97060 submitted 9/10/04 (1 page);