



MULTNOMAH COUNTY
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/landuse>

NOTICE OF DECISION

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

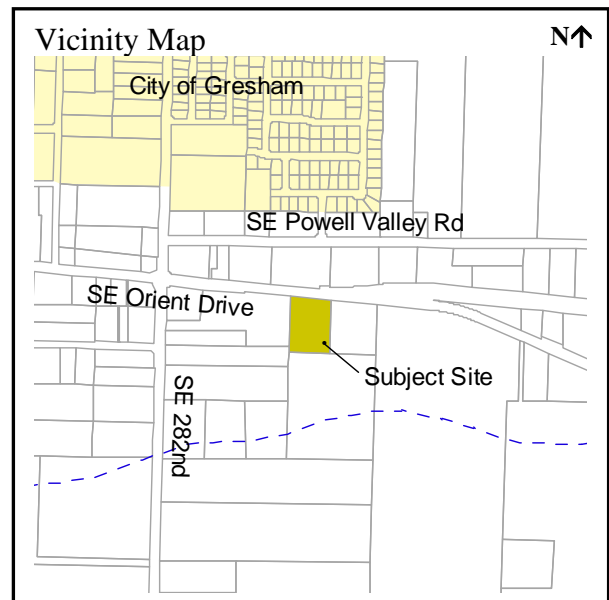
Case File: T2-07-027

Permit: Administrative Decision by the Planning Director & Design Review

Location: 28500 SE Orient Drive
TL 1000, Sec 19BC, T1S, R4E, W.M.
Tax Account #R99419-0100

Applicant: Grayson Karsten

Owner: United Agri Products (UAP)



Summary: Temporary placement of greenhouses to protect farm related products from inclement weather until it is feasible to construct a 60x90 foot permanent warehouse associated with the the existing agriculturally based business in the OCI zone.

Decision: Approved.

Unless appealed, this decision is effective Monday, December 1, 2008, at 4:30 PM.

Issued by:

By: _____
Don Kienholz, Planner

For: Karen Schilling- Planning Director

Date: Monday, November 17, 2008

Opportunity to Review the Record: A copy of the Planning Director's 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 Don Kienholz, Staff Planner at 503-988-3043 x29270.

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 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, December 1, 2008 at 4:30 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): 36.3525 Review Uses; 36.3527 Review use Approval Criteria; 36.3550 Dimensional Standards and Development Requirements; 36.3570 Lot of Record; 36.0005 Lot of Record; 36.7000 Design Review; 36.4100 Off-Street Parking and Loading.

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/landuse>.

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. **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 or 37.0700, as applicable. The request for a permit extension must be submitted prior to the expiration of the approval period.**

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. **Any new and replacement exterior lighting fixtures shall be of the "cut off" or fully shielded type so that no light is emitted above the horizontal and directed downward [MCC 36.3550(G) and 36.4185].**

2. Prior to building permit sign-off, the applicant/owner shall submit a copy of the recorded easement granting permission for the stormwater runoff to be collected and discharged to the property to the south [MCC 36.3550(E)(1) and (2)].
3. Prior to building permit sign-off, the applicant/owner shall dedicate a 5-foot slope/utility/drainage/sidewalk/landscaping/traffic control device easement along the property's Orient Drive road frontage for the benefit of Multnomah County [MCC 36.3585].
4. Traffic directional arrows shall be painted onto the pavement at the western access onto SE Orient Drive to clearly delineate the entrance and exit [MCC 36.4170(B)].
5. The owner shall continuously maintain all landscaped areas on the subject property. If the landscaping dies, the owner is responsible for replacing the vegetation with an in-kind tree or bush within 45 days[MCC 36.7055(C)(4) and (5)].
6. Prior to final occupancy of the warehouse, the eastern driveway access shall be permanently closed as required unless other arrangements are approved with the Transportation Specialist. You may call Ken Born, Multnomah County Transportation Specialist, at 503-5050 x29397 to discuss options available to you [MCC 37.0560].
7. Prior to building permit sign-off, the owner shall obtain an Access/Encroachment permit from Ken Born (503-5050 x29397), the County's Transportation Specialist for any and all work in the public right-of-way [MCC 36.3585].

NOTE: Once this decision is final, and all required conditions of approval required prior to sign-off are completed, application for building permits may be made. When ready to have building permits signed off, the applicant shall call the Staff Planner, Don Kienholz, at (503) 988-3043 extension 29270, to schedule an appointment for review and approval of the conditions and to sign the building permit plans. Please note, Multnomah County must review and sign off the building permits before the applicant submits building plans to the City of Gresham. Three (3) sets each of the site plan and building plans are needed for building permits signed off.

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: Written findings are contained herein. The Multnomah County Code criteria and Comprehensive Plan Policies are in **bold** font. Staff comments and analysis are identified as **Staff:** and follow Applicant comments identified as **Applicant:** to the applicable criteria. Staff comments include a conclusionary statement in *italic*.

1. **Project Description**

Staff: United Agri Products (UAP) is requesting the temporary placement of green houses on the subject property while preparing for the permanent placement of a 5400 square foot warehouse to add additional storage space for seed, fertilizer, and other agricultural wholesale products on the subject property. the temporary greenhouse structures will occupy the same area that the permanent structure will be located towards the southern end of the property.

2. **Site Characteristics**

Staff: The subject site is in the rural community of Orient, just south of the Gresham city limits, in a cluster of other small rural-oriented businesses outside the Urban Growth Boundary. The site contains a large warehouse and several outbuildings to support the agriculturally based business on the property. The majority of the property is paved for parking and traffic associated with the business. The property also has two entryways/access points to SE Orient Drive.

3. **Public Comment**

MCC 37.0530 Summary Of Decision Making Processes.

(B) Type II decisions involve the exercise of some interpretation and discretion in evaluating approval criteria. Applications evaluated through this process are assumed to be allowable in the underlying zone. County Review typically focuses on what form the use will take, where it will be located in relation to other uses and natural features and resources, and how it will look. However, an application shall not be approved unless it is consistent with the applicable siting standards and in compliance with approval requirements. 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. The Planning Director's decision is appealable to the Hearings Officer. If no appeal is filed the Planning Directors decision shall become final at the close of business on the 14th day after the date on the decision. If an appeal is received, the Hearings Officer decision is the County's final decision and is appealable to the Land Use Board of Appeals (LUBA) within 21 days of when the signed Hearings Officer decision is mailed pursuant to 37.0660(D).

Staff: the 14-day public notice was mailed on June 22, 2007. No written comments were received on the proposal.

Procedures met.

4. **Proof of Ownership**

MCC 37.0550 Initiation Of Action.

Except as provided in MCC 37.0760, 33.7785, 34.7785, 35.7785 and 36.7785, 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: County Assessment and Taxation records show United Agri Products Inc (UAP) as the owner of the property (Exhibit 1). Karsten Grayson signed the General Application form as the representative of UAP (Exhibit 2) authorizing an action to be taken on the property.

Criterion met

5. **Warehouse Storage Associated With an Agricultural Use Is an Allowed Use in the OCI Zone**

The commercial and industrial uses listed in this section may be permitted when found to meet the approval criteria in 36.3527 unless other approval criteria are listed for the use, and are subject to Design Review approval. Uses in this section shall be processed as Type II decisions pursuant to MCC 37.0510 through 37.0800.

MCC 36.3525(C) Commercial or industrial uses allowable in the EFU or CFU district, and agricultural support services. These uses shall not be subject to the small-scale low impact requirement that defines the commercial or industrial uses in (A) and (B) above.

Applicant: The applicant, United Agri Products (UAP), is a commercial business involved in wholesale trade only and a business that primarily serving the surrounding agricultural community. The business distributes agricultural and non-crop protection chemicals, seeds and fertilizers to growers and regional dealers. No creation or packaging of material occurs at this site.

Staff: The existing use on the property is an agricultural whole sale business that supplies farms with agricultural and non-crop protection chemicals, seeds, fertilizers etc. Because the business directly supports agricultural uses, it is an allowed use under this provision. Design Review standards are listed in Finding #7.

Criterion met.

6. **The Proposed Warehouse Meets the Review Use Approval Criteria**

MCC 36.3527 REVIEW USES APPROVAL CRITERIA.

- A. **(A) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farm or forest practices on surrounding lands devoted to farm or forest use; and**

Applicant: The proposed warehouse building addition is not a significant improvement and therefore will not cause a change in the cost of the surrounding land. The additional building will have no affect on the ability of the adjacent landowners to practice farm or forestry on their land.

Staff: The proposed warehouse would sit in roughly the middle of the property, at least 35-feet from any property line. The Exclusive Farm Use zone has a 10-foot side setback,

indicating that typical buildings within 10-feet of the property line will likely not impact an existing farm use. The subject building would not contain any emissions, noise, or pollution potential that would adversely impact a farm use. The existing business has been on the property for a number of years with no known impact to the adjacent farms and therefore an additional storage building would have no foreseeable impact on the farm uses that would require a significant change in agricultural practices or the cost to do business. The warehouse will store items bought in bulk. Sales volumes are not expected to change according to the applicant.

Criterion met.

- B. **(B) The proposed use will not, by itself or in combination with existing uses in the community, result in public health hazards or adverse environmental impacts that violate state or federal water quality regulation; and**

Applicant: The proposed building will not, by itself or in combination with the existing uses in the community, result in public health hazards or adverse environmental impacts that violates state or federal water quality regulation. With the addition of the warehouse the company will be able to store material in a climate controlled environment; therefore the risk of adverse environmental impacts will be limited.

Staff: The existing business deals with wholesale agricultural business which the additional warehouse space would support. The addition of this warehouse will not alter the nature of the business occurring on the property. No public health hazards are known to exist for the existing building nor are any adverse environmental impacts known that are related to the wholesale agriculture business. Stormwater runoff from the building has been considered and the Portland sanitarian office has reviewed the proposal and has not raised any health related concerns.

Criterion met.

- C. **(C) The proposed use will not, by itself or in combination with existing uses in the community, exceed the carrying capacity of the soil or of existing water supply resources and sewer services; and**

Applicant: The proposed building site is flat, presently paved in asphalt and adjacent to existing buildings. The space is to be used as a warehouse and will not contain public sewer hookups. Water supply resources will not be affected as no water use is planned for the proposed addition.

Staff: No rest room facilities are proposed to be included in the warehouse space so there will be no increase in on-site septic use. The water supply for the site will not be affected as no plumbing is proposed for the building. The site of the proposed building is already asphalt, which is impervious and has no soil carrying capacity. The applicant has submitted a stormwater certificate and statement explaining the existing storm water is discharged into a drainage system that traverses to the property to the south, which is in agricultural use. The owner, James Stanley, has signed a letter of authorization for the stormwater discharged from the proposed building to be diverted to his property as is currently happening. A condition of approval will require an easement be recorded to replace Mr. Stanley's letter of authorization for the stormwater discharge.

Criterion met.

- D. **(D) The proposed use will not create significant adverse effects on existing uses or permitted uses on adjacent land, considering such factors as noise, dust and odors.**

Applicant: The reason UAP desires the warehouse building is to create better buying power by allowing the business to buy in bulk at the right times of the year and be able to store more material on-site. Sales volumes or variety are not expected to change in any significant way as a result of the additional space. Therefore the warehouse addition will not alter the current function of the business and there will be no change in effects to adjacent land.

Furthermore, noise, dust and odors will likely be reduced from existing conditions by containing business operations indoors.

Staff: The proposed warehouse would supplement an existing business on the property. The warehouse will not increase the intensity of the business – only provide more storage for feed, seed, fertilizer and other items the agriculturally based business carries. It is not anticipated that additional storage space will increase any adverse effects associated with noise, dust and odors.

Criterion met.

- E. **(E) The proposed use will primarily support the needs of residents of the rural area or tourists visiting the area.**

Applicant: The business, UAP, serves local area farmers/agricultural producers and will continue to do so with the addition of the proposed warehouse.

Staff: Feed, seed, and fertilizer are clearly items associated with farm uses which are rural in nature. Based upon the applicant's information and product lines, the business already primarily supports the rural area and will continue to do so with the addition of warehouse space.

Criterion met.

7. **Design Review**

MCC 36.7030 DESIGN REVIEW PLAN CONTENTS.

- A. **(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;**

Staff: The applicant has provided the required information. See the submitted site plan (Exhibit 3) for the design of parking and traffic flow.

Criterion met.

- B. (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.**

Staff: The applicant has provided the required information on their site plan.

Criterion met.

- C. (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;**
 - (13) Surface and storm water drainage and on-site waste disposal systems; and**
 - (14) Other site elements and spaces which will assist in the evaluation of site development.**

Staff: The applicant has provided all the required elements on the site plan submitted October 23, 2008.

Criterion met.

- D. **(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.

Staff: The applicant has identified 15 pine trees and five birch trees on the site plan. No contouring is proposed as part of the project.

Criterion met.

36.7040 FINAL DESIGN REVIEW PLAN.

- E. **A final design review plan shall contain the following:**
- (A) Site Development and Landscape Plans drawn to scale, indicating the locations and specifications of the items described in MCC 36.7030 (D) and (E), as appropriate;**
 - (B) Architectural drawings, indicating floor plans, sections, and elevations;**
 - (C) Proposed minor exceptions from yard, parking, and sign requirements; and**
 - (D) A narrative and any other evidence needed to demonstrate compliance with the Design Re-view Criteria in section .7050, and the applicable Standards in .7055 or Minor Exceptions in .7060.**

Staff: The applicant has provided the landscaping items on the site plan and architectural drawings of both the temporary greenhouse and permanent warehouse. No exceptions are required for the location of either building.

Criterion met.

MCC 36.7050 DESIGN REVIEW CRITERIA.

- F. **(A) Approval of a final design review plan shall be based on the following criteria:**
- (I) 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: The proposed building will be adjacent to the existing warehouse structure and will provide for indoor storage of previously stored outdoor product – thereby placing the product out of sight.

Staff: The existing landscaping helps promote privacy from adjacent properties as well as provide a transition from hardscape to softscape.

Criterion met.

(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 proposed building will accomplish this by moving warehouse type operations indoors and thereby reducing noise and air pollution.

Staff: Indoor storage of the agricultural products indoors will prevent chemicals, nitrates and other substances from being exposed to wet weather, runoff and possible spreading to inappropriate locations, such as the stormwater system.

Criterion met.

(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: The proposed building will serve to store agriculture related product more safely and efficiently indoors thereby serving its function.

Staff: The existing layout of the property combined with the new storage structure (temporary and permanent) provide traffic flow, pedestrian flow, landscaping and functionality to the site in an effective and efficient manner while also providing privacy.

Criterion met.

(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 proposed building will provide a safe environment and storage facility for the employees to work in.

Staff: The reduction of the eastern access point onto the public road, designed traffic flow, and location of parking promotes safe interaction between automobiles and pedestrians as well as traffic leaving the site onto the public transportation system. The existing landscaping helps provide privacy for the site and adjacent properties.

Criterion met.

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

Applicant: The proposed design provides for a new handicap parking space in a location closest to the front door of the office building.

Staff: The applicant is clearly marking one parking spot as handicapped accessible.

Criterion met.

(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: All landscape and existing grade will be unaffected from the building addition – as the building is to be located above existing asphalt.

Staff: No landscaping is proposed to be removed.

Criterion met.

(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 parking arrangement shall be improved by providing new designated parking spaces adjacent to the existing office building.

Staff: All traffic flow is on the west side of the property. A second access onto SE Orient drive is on the east end of the property to help relieve traffic flow should the unusual situation of a critical mass of vehicles be located on the site that would hinder flow. The main access to SE Orient Drive is the western entry which is further away from the intersection of SE Dodge Park Boulevard, thus reducing the risk of traffic conflicts. The applicant has arranged the traffic flow to allow parking adjacent to the office, allowing customers and employees a direct route from their vehicles to the office and keeping them out of the way of incoming deliveries and on site movement of goods. Traffic is shown as two-way in an area that at its narrowest portion is 35-feet wide. This allows appropriate traffic flow and reduces the risk of automobile and pedestrian conflicts.

Criterion met.

(6) Drainage - Surface drainage and storm-water systems shall be designed so as not to adversely affect neighboring properties or streets. Systems that insure that surface run-off volume after development is no greater than before development shall be provided on the lot.

Applicant: The improvements will cause no change in existing impervious surface area and a new storm water system shall be used to convey the water to the existing drainage ditch minimizing impact on the adjacent land.

Staff: Drainage on the site will be unaltered since the area the temporary green house then permanent warehouse will be located is covered in asphalt. The applicant has submitted an agreement with the neighboring property that the stormwater currently generated on site can continue to be conveyed to the adjacent property. Construction of either structure will not alter the agreement.

Criterion met.

(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 purpose of the proposed building is for storage which will screen and minimize and adverse impacts on the site and neighboring properties.

Staff: The proposed structures are buffered and screened by the existing warehouse, a separate and existing storage building, and nine pine trees.

Criterion met.

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

Applicant: The proposed storage building can be serviced with power from an adjacent building. There is no planned water or sewer service.

Staff: No new utilities will be located on site as a result of the new warehouse buildings.

Criterion met.

(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 improvements include no changes to the signs of graphics used.

Staff: No new signs or other graphics are being proposed as part of this application.

Criterion met.

G. MCC 36.7055 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: Approximately 40% of the lot area is landscaped and/or undeveloped.

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

Applicant: Not applicable for the proposed improvements.

(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.

Applicant: Not applicable due to their not being this many parking or loading spaces.

(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.

Applicant: This condition is met.

(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: Landscaping not applicable as there are no changes to parking/impervious areas.

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

Applicant: Landscaping care shall be continued as it is presently.

(5) Required landscaping shall be continuously maintained.

Applicant: Landscaping care shall be continued as it is presently.

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

Applicant: Overhead utilities lines will be considered in all aspects of proposed construction.

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

Staff: The applicant has established in their narrative and on the site plan that they have provided the required landscaping requirements for the proposal. The minimum landscaping necessary is 15% of the lot area. The lot is roughly 87,210 square feet which would require 13,080 square feet of landscaped area. As seen on their Design Review site plan, the property has roughly 16,900 square feet of area landscaped. A condition of approval shall require continual maintenance of the landscaped area.

Criteria met.

8. **Off-Street Parking Standards**

A. **MCC 36.4130 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.

Applicant: New parking spaces are shown on the site plan.

Staff: The applicant has identified parking spaces on the site plan.

Criterion met.

B. **MCC 36.4170 ACCESS.**

(A) Where a parking or loading area does not abut directly on a public street or private street approved under MCC 36.7700 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.

(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: The existing paved western entrance is 35' in width as shown on all the plans. There are no parking or loading spaces on a public or private road.

Staff: Staff concurs with the applicant. The western access onto the public road is 35-feet in width. The eastern access point will be decommissioned as a condition of approval to meet the road rules regarding the number of access points onto a County right-of-way. The site does not have parking or loading areas that directly abuts the public road. A condition of approval shall require the traffic directions to be plainly marked.

Criterion met.

C. MCC 36.4175 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.

(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.

(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: The new parking spaces are shown on the site plan are to be a minimum of 9 ft wide and 18 ft long with a unobstructed vertical clearance. Dimensions are shown on the plan are exclusive of drives, aisles, ramps and columns. The aisle width for the parking is greater than 25 ft. The loading space shown on the site plan meets these dimension requirements. The proposed warehouse building had a vertical clearance of 10' to the eave.

Staff: As seen on the site plan, the parking spaces meet the dimensional requirements of being a minimum nine feet wide and 18 feet long. The new warehouse shall have one loading space that measures 25x15 and meets the minimum requirements. There is no overhang over the spaces to impede the overhead clearance.

Criteria met.

D. MCC 36.4180 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: Not applicable as the parking lot is already paved.

(2) Alternate porous surfacing systems which provide a durable dustless surface capable of carrying a wheel load of 4,000 pounds may be used instead of the blacktop or cement materials in (1) above when approved by the County Engineer. However, approaches to public rights-of-way shall be paved for a minimum distance of 21' from the fog line, or for a greater distance when required by the County Engineer.

Applicant: Not applicable.

(3) 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 un-marked if the parking of vehicles is supervised.

Applicant: Not applicable.

(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: Not applicable as the parking lot is currently separated from the adjoining property by a landscaped strip. The driveway entrance is to be permanently closed with a wire gate.

(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: Not applicable as the parking area is already built and will be unaltered by the construction of the proposed warehouse restructure.

(C) Marking - All areas for the parking and maneuvering of vehicles shall be marked in accordance with the approved plan required under MCC 36.4120, and such marking shall be continually maintained.

Applicant: New handicap parking and regular parking spaces are to be marked and maintained as part of this proposal.

Staff: Parking spaces are marked as a condition of approval.

(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: Not applicable as the parking lot is already built and will be unaltered by the construction of the proposed warehouse structure.

Staff: No additional impervious area is being added or altered as part of the proposal. Parking and maneuvering areas currently exist. Existing stormwater is collected from the site and discharged to a drain in the southwest corner of the property. An agreement with the property owner to the south allows the stormwater to be conveyed to the southern property's drainage system where it is then infiltrates the ground.

Criterion not applicable.

(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: Not applicable.

Staff: The parking area already paved and separated from the adjacent parking by a landscaped strip that is to be maintained as a condition of approval. Conditions of approval will also require the parking areas to be clearly marked, including the handicap space. There are no covered walkways.

Criteria met.

E. **MCC 36.4185 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: Any new lighting installed as part of the new proposed warehouse structure shall meet this requirement. No other new lighting sources are proposed on the site.

Staff: A condition of approval will require new and replacement exterior lighting to be shielded and hooded and directed downward.

F. **MCC 36.4195 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.

(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.

Staff: As seen on the submitted site plan, the parking area is not adjacent to the public street and is not within the setbacks. The site has areas of existing pavement and asphalt including an island near SE. Orient that separates the yard from the road.

Criteria met.

G. **MCC 36.4200 LANDSCAPE AND SCREENING REQUIREMENTS.**

(A) The landscaped areas requirements of MCC 36.7055 (C) (3) to (7) shall apply to all parking, loading or maneuvering areas which are within the scope of design standards stated in MCC 36.4165 (A).

Applicant: Additional landscaping not applicable for the proposed improvements as there will be no change in the parking or loading areas.

Staff: The applicant's site already meets the landscaping requirements as outlined in MCC 36.7055 and therefore no additional landscaping is required.

Criterion met.

H. **MCC 36.4205 MINIMUM REQUIRED OFF-STREET PARKING SPACES.**

(D) Manufacturing and Storage

(1) Manufacturing - One space for each two employee positions on the largest shift, or one space for each 800 square feet of non-storage gross floor area, whichever is greater.

(2) Storage - One space for each 5,000 square feet of storage area for the first 20,000 square feet, plus one additional space for each additional 50,000 square feet

(E) Unspecified Uses

Any use not specifically listed above shall have the requirements of the listed use or uses deemed most nearly equivalent by the Planning Director.

Staff: Warehousing and sale of agricultural products is not specifically listed. As such staff finds the use more closely resembles Storage under MCC 36.4206(D). The criterion requires the development have one space per 5,000 square feet of storage area for the first 20,000 square feet and one additional space for each additional 50,000 square feet of storage area. The total square footage dedicated to storage as calculated on the site plan is 13,950 square feet in three buildings (Existing and proposed. This takes into consideration the larger permanent proposed warehouse rather than the smaller temporary warehouse). With a parking space required for each whole 5,000 square feet, the project will require two parking spaces. As seen on the design review site plan, two parking spaces are required which fulfills this requirement.

Criterion met.

I. MCC 36.4210 MINIMUM REQUIRED OFF-STREET LOADING SPACES

(C) Manufacturing, Wholesale, Storage

Square foot of Floor or Land Area	Minimum Loading Spaces Required
Under 5,000	0
5,000 - 39,999	1
40,000 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 319,999	5
320,000 - 399,999	6
400,000 - 489,999	7
490,000 - 579,999	8
580,000 - 699,999	9
670,000 - 759,999	10
760,000 - 849,999	11
850,000 - 939,999	12
940,000 - 1,029,999	13
Over 1,030,000	14

Staff: As measured on the site plan, there is a total of 13,950 square feet dedicated to warehouse and storage. The graph above shows that 1 loading space is required for the subject property. The loading space for the site is located on the site plan adjacent to the new permanent warehouse.

Criterion met.

9. **The Proposed Structure Meets the Required Dimensional Standards**

MCC 36.3550 DIMENSIONAL STANDARDS AND DEVELOPMENT REQUIREMENTS.

All development proposed in this district shall comply with the applicable provisions of this section.

- A. **(A) Except as provided in MCC 36.3560, 36.3570, and 36.3575, the minimum lot size shall be one acre.**

Staff: The existing lot is 1.88 acres and no new lots are being created as part of this application.

Criterion met.

- B. **(B) Minimum Yard Dimensions - Feet**

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height - 35 feet

Minimum Front Lot Line Length - 50 feet.

Staff: The proposed warehouse is 35-feet to the closest property line. The building will be inspected for height at the time of building permit sign-off and will not be permitted to exceed 35 feet.

Criterion met.

- C. **(C) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The county Road Official shall determine the necessary right-of-way widths based upon the county “Design and Construction Manual” and the Planning Director shall determine any additional yard requirements in consultation with the Road Official.**

Staff: The proposed warehouse is more than 100-feet from the public road. No additional road dedication is required, although the Transportation Specialist has required a five foot slope/utility/drainage/sidewalk/landscaping/traffic control easement on the property (Exhibit 4).

Criterion met.

- D. **(D) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.**

Staff: The applicant is not proposing any such structures.

Criterion met.

- E. **(E) On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source, required parking, and yard areas shall be provided on the lot.**

1. **(1) Sewage and stormwater disposal systems for existing development may be off-site in easement areas reserved for that purpose.**

Staff: The existing system is located on site according to the Sanitarian's system site plan (Exhibit 5). The stormwater generated on the existing site is collected and distributed to the property to the south. The applicant has included written authorization demonstrating the agreement between both property owners to accept the existing and future stormwater runoff. A recorded easement will be required as a condition of approval.

Criterion met.

2. **(2) Stormwater/drainage control systems are required for new impervious surfaces. The system shall be adequate to ensure that the rate of runoff from the lot for the 10 year 24-hour storm event is no greater than that before the development.**

Staff: A stormwater certificate has been stamped and signed by Bruce W. Erickson, an Oregon Licensed Professional Engineer, that indicates no stormwater system is required. The existing system discharges into a drainage ditch that flows to the south of the property into a farm's detention system. The owner of that property has signed an authorization indicating they are aware of the existing system and that they acknowledge the use of that system by the subject property.

Furthermore, the site of the proposed warehouse is currently paved and is impervious. Construction of the warehouse will not increase the amount of impervious surface on the subject property.

A condition of approval shall require that a copy of a recorded drainage easement be submitted prior to building permit sign-off.

Criterion met.

- F. **(F) Grading and erosion control measures sufficient to ensure that visible or measurable erosion does not leave the site shall be maintained during development. A grading and erosion control permit shall be obtained for development that is subject to MCC Chapter 29.**

Staff: The proposed site is currently paved over and will not require earth disturbance or topographic changes to erect the warehouse.

Criterion met.

- G. **(G) New and replacement exterior lighting fixtures shall be of the "cut off" or fully shielded type so that no light is emitted above the horizontal.**

Staff: Lighting shall conform to this standard as a condition of approval.

Criterion met.

- H. **(H) New, replacement, or expansion of existing dwellings shall minimize impacts to existing farm uses on adjacent land (contiguous or across the street) by:**

(1) Recording a covenant that implements the provisions of the Oregon Right to Farm Law in ORS 30.936 where the farm use is on land in the EFU zone; or

(2) Where the farm use does not occur on land in the EFU zone, the owner shall re-cord a covenant that states he recognizes and accepts that farm activities including tilling, spraying, harvesting, and farm management activities during irregular hours occur on adjacent property and in the area.

Staff: The proposal does not include a replacement dwelling.

Criterion met.

10. **The Subject Property Is A Lot Of Record**

MCC 36.3570 LOT OF RECORD.

(A) In addition to the Lot of Record definition standards in MCC 36.0005, for the purposes of this district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:

- (1) July 10, 1958, SR and R zones applied;**
- (2) July 10, 1958, F-2 zone applied;**
- (3) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;**
- (4) October 6, 1977, RC zone applied, Ord. 148 & 149;**
- (5) October 13, 1983, zone change to RC for some properties, Ord. 395; Chapter 36 -**
- (6) May 16, 2002, Lot of Record section amended, Ord. 982**

(B) A Lot of Record which has less than the minimum lot size for new parcels or lots, less than the front lot line minimums required, or which does not meet the access requirement of MCC 36.3585, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

(C) Except as otherwise provided by MCC 36.3560, 36.3575, and 36.4300 through 36.4360, no sale or conveyance of any portion of a lot, other than for a public purpose, shall leave a

structure on the remainder of the lot with less than the minimum lot or yard requirements or result in a lot of less than the area or width requirements of this district.

(D) The following shall not be deemed to be a lot of record:

- (1) An area of land described as a tax lot solely for assessment and taxation purposes;**
- (2) An area of land created by the foreclosure of a security interest.**
- (3) An area of land created by court decree.**

MCC 36.0005 - Lot of Record

Lot of Record – Subject to additional provisions within each Zoning District, a Lot of Record is a parcel, lot, or a group thereof that, when created or reconfigured, (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws, or (c) complies with the criteria for the creation of new lots or parcels described in MCC 36.7785. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

(a) "Satisfied all applicable zoning laws" shall mean: the parcel, lot, or group thereof was created and, if applicable, reconfigured in full compliance with all zoning minimum lot size, dimensional standards, and access requirements.

(b) "Satisfied all applicable land division laws" shall mean the parcel or lot was created:

- 1. By a subdivision plat under the applicable subdivision requirements in effect at the time; or**
- 2. By a deed, or a sales contract dated and signed by the parties to the transaction, that was recorded with the Re-cording Section of the public office responsible for public records prior to October 19, 1978; or**
- 3. By a deed, or a sales contract dated and signed by the parties to the transaction, that was in recordable form prior to October 19, 1978; or**
- 4. By partitioning land under the applicable land partitioning requirements in effect on or after October 19, 1978; and**
- 5. "Satisfied all applicable land division laws" shall also mean that any subsequent boundary reconfiguration completed on or after December 28, 1993 was approved under the property line adjustment provisions of the land division code. (See Date of Creation and Existence for the effect of property line adjustments on qualifying a Lot of Record for the siting of a dwelling in the EFU and CFU districts.)**

(c) Separate Lots of Record shall be recognized and may be partitioned congruent with an "acknowledged unincorporated community" boundary which intersects a Lot of Record.

- 1. Partitioning of the Lot of Record along the boundary shall require review and approval under the provisions of the land division part of this Chapter, but not be subject to the minimum area and access requirements of this district.**
- 2. An "acknowledged unincorporated community boundary" is one that has been established pursuant to OAR Chapter 660, Division 22.**

Staff: The subject property shows up on the 1977 tax assessor's map as well as the 1977 zoning map when the property was zoned RC which had a 1-acre minimum lot size. Prior to that, it was zoned SR which had a 40,000 square foot minimum lot size. Therefore, the property is a Lot of Record.

Criteria met.

Conclusion

Considering the findings and other information provided herein, this application for an Administrative Decision by the Planning Director satisfies the applicable Multnomah County Zoning Ordinance requirements.

Exhibits

1. Multnomah County Assessment and Taxation Information Sheet
2. General Application Form
3. Applicant's Site and Design Review Plan
4. Transportation Memo
5. On Site Sewage Disposal Certification and Sanitarian's Septic Site Plan
6. Elevation Drawing of Temporary Storage Building/Greenhouse
7. Elevation Drawings of Permanent Storage Building (60x90 feet)