



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: T2-08-060

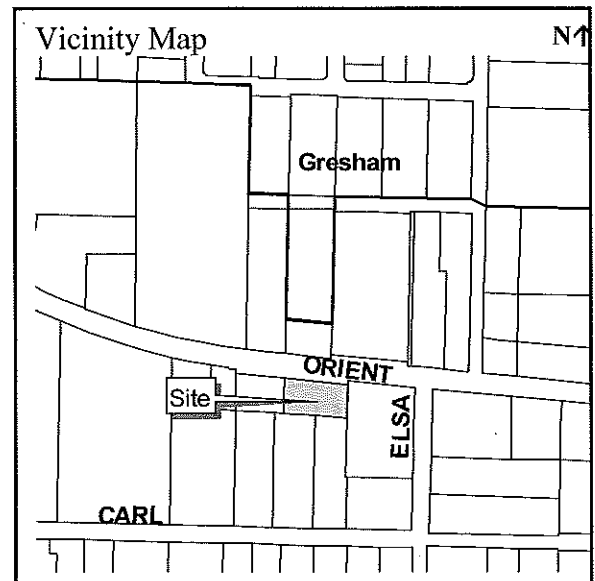
Permit: Adjustment, Design Review,
Verification & Restoration of a
Nonconforming Use & Road Rule
Variance

Location: 27730 SE Orient Drive
TL 1601, Sec 24A, T 1S, R 3E, W.M.
Tax Account #R31640-5100

Applicant: Ed Day

Owner: Deborah & Ed Day

Base Zone: Orient Commercial Industrial (OCI)



- Summary:** Applicant is proposing the following:
1. An Adjustment to reduce the required front yard setback from 30 ft to 21 ft to legalize the existing setback on the addition completed in 1988;
 2. Verification and Restoration of a Nonconforming Use and Structure to repair damage caused by a backhoe to the building;
 3. Design Review to reconfigure the parking lot due to the distance between the building and front property line; and
 4. Road Rules Variance to maintain two access points onto Orient Drive.

Decision: Approved with Conditions.

Unless appealed, this decision is effective Friday, August 14, 2009, at 4:30 PM.

Issued by:

By: *Lisa Estrin*
Lisa Estrin, Planner

For: Karen Schilling- Planning Director and
Brian Vincent - County Engineer

Date: Friday, July 31, 2009

Instrument Number for Recording Purposes: # 27462996

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 Decision contains the findings and conclusions upon which the decision is based, along with any conditions of approval. For further information on this case, contact Lisa Estrin, Staff Planner at 503-988-3043, ext. 22597.

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 Friday, August 1, 2009 at 4:30 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): *Orient Commercial Industrial* - MCC 36.3550 Dimensional Standards and Development Requirements, MCC 36.3570 Lot of Record, MCC 36.3580 Off-Street Parking and Loading, & MCC 36.3585 Access.

Off-Street Parking & Loading - MCC 36.4100 through MCC 36.4215

Design Review - MCC 36.7000 through MCC 36.7215

Adjustments - MCC 36.7601 through MCC 36.7611

Verification & Restoration of a Nonconforming Use - § 36.7204 Verification of Nonconforming Use Status, § 36.7209 Restoration or Replacement due to Fire, Other Casualty or Natural Disaster.

Road Rules Variance - § 4.200 Number, §16.100, § 16.200 General Variance Criteria, §16.225 Access Variance Standards.

Copies of the referenced Multnomah County Code (MCC) 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 (2) 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. After the decision is final and prior to building permit sign-off, the property owner shall record the Notice of Decision cover sheet through the conditions of approval with the County Recorder along with a copy of the site plan (Exhibit A.16). The Notice of Decision shall run with the land. Proof of recording shall be made prior to the issuance of any permits and a copy filed with Land Use Planning. Recording shall be at the applicant's expense. [MCC 37.0670]
2. Within 6 months of this decision becoming final, the two driveway approaches to Orient Drive shall be paved with asphalt from the fog line to the property line. Prior to work commencing in the public right-of-way, the property owners or their representative shall obtain a permit from the Transportation Department. [Multnomah County Road Rules 6.00]
3. At the time that the nonconforming use is altered or expanded, the parking lot shall be paved with two inches of blacktop on a four-inch crushed rock base or six inches of Portland cement. [MCC 36.4180 (A)(1)]
4. At the time that the parking & maneuvering areas are paved, all parking spaces and maneuvering areas shall be marked in accordance with the approved site plan (Exhibit A.16). The markings shall be continually maintained. [MCC 36.4180(C)]
5. Within 6 months of this decision becoming final, parking, loading and vehicle maneuvering areas shall be physically separated from the street and adjacent landscape areas as delineated on the approved site plan (Exhibit A.16). Due to possible contact with vehicles, any materials used to create a curb shall be at least four inches in height and secured to prevent movement. [MCC 36.4180(B)]
6. At the time that the parking & maneuvering areas are paved, all stormwater created from the new impervious surfaces within the parking lot and maneuvering areas shall be handled and disposed of on site. [MCC 36.4180 (D)]
7. Any existing or proposed artificial lighting on the site 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 within a public right-of-way. [MCC 36.4185]
8. Within 6 months of the final decision, the property owners shall have installed the landscaping shown on the approved site plan (Exhibit A.16). [MCC 36.7055(C)]
9. All landscaping shown on the approved site plan (Exhibit A.16) shall be continuously maintained [MCC 36.7055(C)(5)] Provision shall be made for watering planting areas where such care is required to maintain the plants in a living condition. [MCC 36.7055(C)(4)]

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

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

FINDINGS OF FACT

FINDINGS: Written findings are contained herein. The Multnomah County Code (MCC) criteria and Comprehensive Plan Policies are in **bold** font. Staff analysis and comments are identified as '**Staff:**' and address the applicable criteria. Staff comments may include a conclusionary statement in *italic*.

1.00 PROPERTY DESCRIPTION & HISTORY:

Applicant: In 1986 when I purchased this property, Multnomah County required a 10' dedication along the road length of the property.

In 1988 I constructed a permitted, to code, addition on the east end of the existing building. In doing so, a setback issue was created due to the loss of the 10' in 1986. This problem was not caught at the time, so I now need to do this paperwork to address this setback issue to legalize the addition portion of the building. The existing building, built prior to 1986, is grandfathered due to its being in place at the time of the dedication.

The addition, having been done to code, and properly permitted, does not pose any structural, electrical, or environmental threat to the area. The addition has been in place, without incidence or complaint, since 1988....20 years.

When I first purchased the property in 1986 I submitted all land use papers, narratives, photos, site plans, etc, as required for allowing the use of the property for my appliance repair business (parts, sales & service). When I had the east end addition built, I submitted all criteria as required and was permitted to build. In both instances my building(s) were deemed appropriate to the area.

The buildings have met all code requirements for use as OCI property.

The parking lot, septic, fire, police, and water were all deemed acceptable. Nothing has changed at the property since those approvals except for the finding of the setback problem. I am submitting the paperwork as required to approve the east end addition that is in existence. Nothing is being changed.

Staff: The subject property is an 18,246 sq. ft site with an existing 2,200 sq. ft commercial building. In 1986, a conditional use permit (CU 1-86) was approved allowing an appliance sales and service business on the subject site. A ten foot wide road dedication was required as part of CU 1-86 conditions of approval. In 1988, a building permit was issued to construct an addition to the building. The completed addition did not meet the 30 ft. front yard setback. The site plan submitted by the property owner in 1988 failed to include the 1986, ten-foot right-of-way dedication on the plan. The building addition ended up only 21 ft. from the front property line. At present, the building remains occupied with the appliance sales and service use. The business has existed on the site since 1986.

2.00 PROJECT DESCRIPTION:

Staff: The proposed application will resolve the issues created by the 10 ft road dedication to the County in 1986 and the incorrect site plan submitted by the applicant in 1988 for the building addition. When the 10 ft of property was dedicated to the County, it made it impossible to install the approved landscaping and parking as required by DR 86-02-02. The 1988 site plan showed the building addition would meet the 30 ft front yard setback as the building would be setback from the front property line by 47 ft. Unfortunately, the site plan did not correctly represent the location of the front property line and the building addition is a minimum of 21 ft. from the front property line. Since the site plan was incorrect, the applicant has applied for an Adjustment to authorize a reduction of the front yard setback by 30% to 21+/- ft. The property owners are requesting to verify the nonconforming use of the site and to restore the building due to a accident during a tank removal project on the site. In addition, the application contains a request for Design Review to redesign the parking lot and a Road Rule Variance

to maintain an existing second access point to Orient Drive.

3.00 ORIENT COMMERCIAL INDUSTRIAL (OCI)

3.01 § 36.3550 DIMENSIONAL STANDARDS AND DEVELOPMENT REQUIREMENTS.

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

(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.

(C) The minimum yard requirement shall be increased where the yard abuts a street having in-sufficient 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: Orient Drive is designated as a Rural Arterial by the County’s Functional Classification System. As a condition of approval of the 1986 conditional use approval for the appliance sales and service use, the property owner dedicated 10 feet of public right-of-way for the public transportation improvements along Orient Drive. Per the County’s Road Official, no additional dedication is necessary at this time.

The original portion of the building was constructed in 1950 prior to zoning. Its front yard was reduced to 24 ft-2 inches by the 10 ft right-of-way dedication in 1986. This is a nonconforming setback pursuant to MCC 36.7200. The 1988 building addition is located 21 ft – 1.5 inches from the front property line. No variance or adjustment was granted at the time of construction, so, at present, it is not in compliance with the above minimum yard dimensions. The applicant has applied for an Adjustment to the front yard dimension to legalize the front yard setback for the 1988 addition. See Section 5.00 for additional findings regarding the Adjustment. The application has met the Adjustment criteria to reduce the front yard setback from 30 ft to 21 ft. *These criteria are satisfied.*

3.02 § 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;

(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.

Staff: The subject site consists of the eastern 180.23 ft of Lot 1, Block 10 of the Gillis Subdivision. This parcel was created in April 1955 prior to zoning with the recording of the deed in Book 1722, Page 41 (Exhibit B.8). *The subject parcel is a Lot of Record.*

3.03 § 36.3580 OFF-STREET PARKING AND LOADING.

Off-street parking and loading shall be provided as required by MCC 36.4100 through 36.4215.

Staff: The Revised Site Plan (Exhibit A.11) meets the applicable code criteria of MCC 36.4100 through 36.4215. The minimum required parking for a repair facility is one parking space per 600 sq. ft. of area. The redesigned parking area has six parking spaces. The building is being parked at one parking space per 400 sq. ft. See Section 4.00 below for additional information. *This criterion is satisfied.*

3.04 § 36.3585 ACCESS.

All lots and parcels in this district shall abut a street, or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles, except as provided for Lots of Record at MCC 36.3570(B).

Staff: The property fronts on to Orient Drive and has met the Transportation Road Rules except as discussed below in Section 8.00 granting a Road Rules Variance. *This criterion is satisfied.*

4.00 OFF-STREET PARKING AND LOADING CRITERIA

4.01 § 36.4115 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.

§ 36.4120 PLAN REQUIRED.

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

§ 36.4125 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.

§ 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

Staff: In 1986, a Design Review application was approved for the parking lot and street access on the subject site. The approved design cannot be utilized due to the lack of distance between the public right-of-way and the building. A new parking lot design is needed in order to provide the required parking spaces on the property. The proposed parking and maneuvering areas must be provided on the lot and meet the applicable parking codes listed in MCC 36.4100 et al.

4.02 § 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.

Staff: Due to the location of the building in relation to the front property line, a 20-ft. wide

unobstructed drive cannot be provided. The revised site plan (Exhibit A.11) has a 19-ft. drive. A one-foot minor exception pursuant to MCC 36.7060 is approved; see Section 6.23 for additional findings. *This criterion is satisfied.*

4.03 § 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.

(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,

Staff: The parking spaces on the revised site plan (Exhibit A.11) meet the minimum width of 9 ft. and the minimum length of 18 ft. and will have a minimum vertical clearance of six ft., six inches. The parking spaces have maneuvering area that meets or exceeds the 25 ft. aisle width.

4.04 § 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.

(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.

Staff: In 1988, Design Review 86-02-02 allowed the parking lot to be gravel surfaced for the existing use. Since the activity is not being intensified at this time, staff finds that the parking lot may remain graveled except for the approaches to the public right-of-way which must have an asphalt surface to prevent gravel from leaving the site. In the future, if the nonconforming use is intensified, the parking lot will need to be surfaced to the above standard (A)(1). A condition of approval is included requiring the parking lot be paved at the time the use is allowed to be altered to a new use or intensified. *As conditioned, this criterion is satisfied.*

4.05 (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.

Staff: The revised site plan (Exhibit A.11) shows that the parking spaces will be separated from the landscaping and adjoining property by curbing. The drive aisle between two access points will have a curb installed along the front property line to reduce and define the drive access points on to and off of the property. The curbing will be constructed of concrete, railroad ties or a similar material approved by planning staff. This curbing will act to channel vehicle traffic to one of the two access points to/from Orient Drive. The outer boundary of the parking lot will also be curbed as shown on the plan (Exhibit A.11). In the northwest corner of the property, three to four ft. tall posts will be installed along with shrubbery to restrict vehicle access into this landscaped area. A condition of approval is included requiring the installation of the curbing and landscaping within six months of this decision becoming final. *As conditioned, these criteria are satisfied.*

4.06 (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.

Staff: Marking on gravel is not permanent. Marking on the permanent curbing will delineate the individual parking spaces until such time as the parking lot is paved. At the time of paving, the individual parking spaces will need to be marked on the asphalt and arrows painted on the access drive to delineate two-way vehicle movement. The revised site plan indicates the required future marking on the plan. *As conditioned, this criterion is satisfied.*

4.07 (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.

Staff: At present, the parking lot and maneuvering areas will be gravel. No surface water should collect from this pervious condition. A condition of approval is included requiring that when the parking lot is paved, an approved stormwater system shall be provided for the disposal of all surface water created from these new impervious areas on the lot. *As conditioned, this criterion is satisfied.*

4.08 § 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.

Staff: Lighting will be added to the building to light the parking area. A condition of approval has been included requiring that the lights be shielded or deflected so as to not shine onto other properties or create a hazard to the traveling public on any street. *As conditioned, this criterion is satisfied.*

4.09 § 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: The revised site plan (Exhibit A.11) has a linear drive aisle within the front yard setback area. The layout of the plan does not have vehicle maneuvering areas other than the linear drive as it is not necessary for vehicle movements in the small parking lot. The linear drive aisle serves two driveways. No walkways are proposed from the front property line to the building. *These criteria are satisfied.*

4.10 § 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).

Staff: The revised site plan (Exhibit A.11) is in compliance with MCC 36.7055(C)(3) to (7). See additional findings in Sections 6.14 to 6.21 below. *This criterion is satisfied.*

4.11 § 36.4205 MINIMUM REQUIRED OFF-STREET PARKING SPACES.

(C) Retail and Office Uses

(I) Store, Supermarket, and Personal Service Shop - One space for each 400 square feet of gross floor area.

§ 36.4210 MINIMUM REQUIRED OFF-STREET LOADING SPACES.

(A) Commercial, Office or Bank

Square foot of Floor or Land Area	Minimum Loading Spaces Required
Under 5,000	0

Staff: The subject building is 2,200 sq. ft. The revised site plan shows six parking spaces. The property owners are choosing to park the building at one parking space per 400 sq. ft of gross floor area exceeding the minimum requirement. No loading zone is required. *These criteria are satisfied.*

5.00 ADJUSTMENT CRITERIA

5.01 § 36.7601 PURPOSE

(C) The Adjustment review process provides a mechanism by which certain dimensional standards may be modified no more than 40 percent if the proposed development continues to meet the intended purpose of the regulations. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the regulation.

Staff: The applicant has requested a 30% reduction of the 30 ft front yard setback to legalize the 24-ft. by 40-ft. addition to an existing building. The addition continues the original building face.

In 1988, a building permit (Exhibit A.12) was approved for the addition to a nonconforming building. Unfortunately, there was an error in the site plan as to where the front property line actually existed. This Adjustment application will authorize the reduced front yard and correct

the error.

5.02 § 36.7606 SCOPE

(A) Dimensional standards that may be modified under an Adjustment review (modified no more than 40 percent) are yards, setbacks, forest practices setbacks, buffers, minimum front lot line length, flag lot pole width, cul-de-sac length, cul-de-sac turnaround radius, and dimensions of a private street, except the following:

Staff: The proposed dimensional standard to be modified is the front yard for the subject property. *This criterion is satisfied.*

5.03 § 36.7611 ADJUSTMENT APPROVAL CRITERIA

The Approval Authority may permit and authorize a modification of no more than 40 percent of the dimensional standards given in MCC 36.7606 upon finding that all the following standards in (A) through (E) are met:

(A) Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Staff: The purpose of *Yards* is specified under MCC 36.0005 which indicates “*The purpose of yards between buildings and property lines is to provide space, light, air circulation, and safety from fire hazards.*” The building at its eastern edge is 21 ft from the front property line. At the northwest corner of the building, the distance is 24 ft between the building and front property line. The reduced yard allows the front elevation of the building addition to maintain a straight linear line as it faces the street. The building is setback 43 ft from the travel lane, but only 21 to 24 ft. from the front property line. This creates adequate space & light and air circulation for the property. The proposed drive aisle between the building and the property line will be graveled. This creates a fire safety zone between the building and the public right-of-way should the building catch fire. A fire would not be able to spread towards the traveling public easily. *This criterion has been met.*

5.04 (B) Any impacts resulting from the adjustment are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage; and

Staff: The reduced yard is the front yard of the property. No impacts have been identified that result from the adjustment due to the mitigation proposed. The property owners have proposed new landscaping to screen the property from the adjoining properties. This landscaping should provide added privacy to the site and its adjoining neighbors. The Transportation Department has determined that the public right-of-way for Orient Drive is of sufficient width for the road classification. No additional dedication will be necessary from this property. *No impacts have been identified.*

5.05 (C) If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zoning district; and

Staff: Only one adjustment has been requested to legalize the existing addition. *This criterion is not applicable.*

5.06 (D) If the properties are zoned farm (EFU) or forest (CFU), the proposal will not

force a significant change in, or significantly increase the cost of, accepted forestry or farming practices on the subject property and adjoining lands; and

Staff: The property is zoned Orient Commercial Industrial (OCI). *This criterion is not applicable.*

5.07 (E) If in a Rural Residential (RR) or Rural Center (RC) zone, the proposal will not significantly detract from the livability or appearance of the residential area.

Staff: OCI is a Rural Center zoning. The subject property is developed with a commercial building and will be maintained as a commercial building. The use and building has been there since 1988. Additional landscaping will be added to the site to buffer the parking area. An Opportunity to Comment was mailed to surrounding property owners. No comments were received. It does not appear that there would be any livability issues. *This criterion is satisfied.*

6.00 DESIGN REVIEW CRITERIA

6.01 § 36.7010 DESIGN REVIEW PLAN APPROVAL REQUIRED.

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

Staff: In 1986, DR 86-02-02 was approved for the subject site. Unfortunately, the parking lot layout approved in that review can not be implemented without encroaching into the public right-of-way. The property owner has applied for a new Design Review application to modify the layout of the parking lot to correct the situation. Upon approval of the Design Review, the parking lot will be modified to come into compliance with current regulations.

6.02 § 36.7050 DESIGN REVIEW CRITERIA.

(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.

Staff: The existing building is located near the center of the property. The proposed parking lot will distribute the spaces on both sides of the building. This will allow a large landscape buffer area to be created between the parking area and the adjacent residential property to the west. On the eastern side of the building, a 8 ft landscape planter and a 3 to 4 ft tall wood fence will be constructed or screening vegetation added between the east property line and the proposed two parking spaces to buffer the residential use on the adjacent property to the east (See Section 5.07) The rear yard of the property will be maintained in grass and a grove of trees will be installed in the southwest corner of the property, while maintaining three maple trees and two fir trees along the southern property line. The additional landscaping will improve the natural environment on the site and livability on the adjacent parcels. *This criterion is satisfied.*

6.03 (b) The elements of the design review plan should promote energy conservation and provide protection from adverse climatic conditions, noise,

and air pollution.

Staff: The location of the parking lot in relation to adjacent properties minimizes impacts from the fumes and noise generated from vehicles coming from the site to adjacent residential uses. The proposed trees, shrubs, lawn will help to reduce the impact of noise and air pollution generated from the site. *This criterion is satisfied.*

- 6.04** **(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.**

Staff: The proposed parking lot layout utilizes the site in the most effective and efficient manner. The existing improvements (building & septic system) sit near the center of the property. The proposed parking layout allows access to the building from the east and west sides of the property. Trucks will be able to enter the site, unload and maneuver without hindering traffic on Orient Drive. Walkways will be constructed between the parking spaces and the building to reduce pedestrian/vehicle conflicts. The landscaping will be a mixture of evergreen & deciduous trees to create spatial variety. *This criterion is satisfied.*

- 6.05** **(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.**

Staff: The location of the parking spaces will be lighted to provide security during winter months. Visitors to the site can travel along either of the two walkways to the front of the building and enter the retail area safely without significant vehicle interaction. The proposed landscaping will screen the commercial activity from adjacent residential properties. The design of the parking area limits access to and from the site to reduce vehicle conflicts from private property to public right-of-way. *This criterion is satisfied.*

- 6.06** **(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.**

Staff: The size of the building and use does not trigger the requirement of a separate handicap parking space. The existing retail entrance is wheel chair accessible. *This criterion is satisfied.*

- 6.07** **(4) Preservation of Natural Landscape - The landscape and existing grade shall be pre-served 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.**

Staff: As many of the existing trees as possible have been preserved through the new parking lot design. On the eastern side of the property, trees will need to be removed to construct the two parking spaces, but these trees are in decline and will need to be removed regardless. *This criterion is satisfied.*

- 6.08** **(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.**

Staff: In 1986, two driveway access points were authorized to Orient Drive from the subject site. The proposed parking lot layout utilizes these existing access points. Vehicles entering the site have two parking spaces on the eastern side of the building and four parking spaces on the west. Visitors leaving their cars can walk on a four-foot wide walkway leading to the building entrances. This increases pedestrian safety. *This criterion is satisfied.*

- 6.09** **(6) Drainage - Surface drainage and stormwater 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.**

Staff: As currently designed, the parking lot remains gravel, which allows stormwater to be absorbed directly on the site. If the site is allowed to intensify in the future, the parking lot will need to be paved. At that time, the stormwater generated will need to be handled on the site. A condition of approval has been included for the future improvements. *As conditioned, this criterion is satisfied.*

- 6.10** **(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.**

Staff: The building and its related facilities exist on the site. No modification to the building is proposed. The parking lot will have landscaping on at least two sides. Fencing will screen vehicle lights from adjoining properties. *This criterion is satisfied.*

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

Staff: The utilities exist on the site and were found to minimize any adverse impacts via Design Review 86-02-02. *This criterion is satisfied.*

- 6.12** **(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.**

Staff: No signage is proposed at this time.

- 6.13** **(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.**
- (2) All areas subject to the final design review plan and not otherwise improved shall be landscaped.**

Staff: All areas not utilized for the parking lot or the building are in grass and will be landscaped (Exhibit A.16). The amount of landscaping is approximately 40% of the site. *This*

criterion is satisfied.

6.14 (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.

Staff: Six parking spaces are proposed. No landscaped planters are required within the landscape area. The parking spaces on the eastern side of the property are separated from the neighboring property by an eight foot landscaped planter. The parking spaces on the west side are separated from the adjacent residential property by a 28 to 40 ft landscaped planter. *These criteria are satisfied.*

6.15 (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.

Staff: The landscaping within the front yard area has two trees within its 35 ft length and shrubbery will be installed to meet the above requirement. The area will be maintained in lawn or other ground cover. *This criterion is satisfied.*

6.16 (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.

Staff: The landscape will be separated from parking spaces and vehicle movement areas by curbing. The landscaping is spread around all of the parking areas (Exhibit A.16). *This criterion is satisfied.*

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

Staff: The landscaped planters exceed 5 ft in width (Exhibit A.16). *This criterion is satisfied.*

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

Staff: The property owner has indicated that all new landscaping will be hand-watered during the dry season to ensure that the plants survive.

6.19 (5) Required landscaping shall be continuously maintained.

Staff: A condition of approval has been included to remind the property owners of this requirement. Maintenance includes replacement of dead/dying material. *As conditioned, this*

criterion is satisfied.

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

Staff: There are no overhead lines to consider in tree species choice where the trees are proposed.

- 6.21 (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: All areas outside of the parking lot area will be landscaped by adding groundcover, shrubs and trees to these areas.

- 6.22 (D) When the Planning Director determines that immediate execution of any feature of an approved final design review plan is impractical due to climatic conditions, unavailability of materials or other temporary condition, the Director shall, as a precondition to the issuance of a required permit under MCC 36.7010 through 36.7020, require the posting of a performance bond, cash deposit, or other surety, to secure execution of the feature at a time certain.(Moved from .7040)**

Staff: Due to the fact that this decision is occurring during the Summer season, the planting of the shrubs and trees need to occur in the Fall or early Winter 2009. A condition of approval is included that the vegetation be planted within six months of this decision becoming final.

- 6.23 § 36.7060 MINOR EXCEPTIONS: YARD, PARKING, SIGN, AND LANDSCAPE REQUIREMENTS.**

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

(2) Dimensional standards for off-street parking as required under MCC 36.4170 and 36.4175;

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

(C) Approval of a minor exception shall be based on written findings, as required in this subpart.

(2) In the case of a minor exception to the dimensional standards for off-street parking spaces or the minimum required number of off-street parking spaces, the Planning Director shall find that approval will provide adequate off-street parking in relation to user demands. The following factors may be considered in granting such an exception:

(a) Special characteristics of users which indicate low demand for off-street parking (e.g., low income, elderly);

(b) Opportunities for joint use of nearby off-street parking facilities;

(c) Availability of public transit;

(d) Natural features of the site (topography, vegetation, and drainage) which would be adversely affected by application of required parking standards.

Staff: A Minor Exception is required to MCC 36.4170 to reduce the width of the drive aisle between the two driveways from the required 20 ft wide to 19 ft wide (5% reduction). The location of the existing building and the existing addition in relation to the front property line does not allow a 20-ft. drive aisle unless no curbing is installed to define the two drive access points. A 19-ft. drive aisle will allow two-way traffic along the front of the building so that either parking area can be accessed on the site and is adequate to provide the purpose of the requirement under MCC 36.4170. *These criteria are satisfied.*

7.00 NONCONFORMING USE CRITERIA

7.01 § 36.7205 RESTORATION OR REPLACEMENT DUE TO FIRE, OTHER CASUALTY OR NATURAL DISASTER.

(A) After verification of the status of a nonconforming use pursuant to the applicable provisions of MCC 36.7215, the Planning Director may authorize restoration or replacement of that nonconforming use based on findings that:

(1) The restoration or replacement is made necessary by fire, other casualty or natural disaster, and

Staff: On October 31, 2008, a contractor backed a backhoe into the existing building, knocking a portion of the structure off of its foundation. The damage to the building qualifies as an "other casualty". *This criterion is satisfied.*

7.02 (2) The restoration or replacement must be commenced within one year from the date of occurrence of the fire, casualty or natural disaster.

Staff: On April 24, 2009, work began to restore the building to its previous location and condition. The casualty occurred on October 31, 2008. Work commenced within one year. *This criterion is satisfied.*

7.03 (B) Any decision on restoration or replacement of a nonconforming use due to fire, other casualty or natural disaster shall be processed as a Type II permit as described in MCC Chapter 37.

Staff: This application is being processed as a Type II decision. *This criterion is satisfied.*

7.04 § 36.7215 VERIFICATION OF NONCONFORMING USE STATUS.

(A) The Planning Director shall verify the status of a nonconforming use upon application for a determination by an owner on application for any land use or other permit for the site, or on finding there is a need for a determination (e.g., on learning of a possible Code violation). The determination shall be based on findings that the use:

(1) Was legally established and operating at the time of enactment or amendment of this Zoning Code, and

Staff: The original 30-ft. wide by 42-ft. long building was established on the site in 1950. This is prior to establishment of zoning in the area. In 1986, the applicant established an appliance retail sales and repair shop via Conditional Use Permit 1-86. On December 12, 2002 the County adopted the Orient Commercial Industrial (OCI) zone on the subject property. On that day, the appliance sales and repair business became nonconforming as the business does not primarily support the needs of residents of the rural area. Many of the businesses customers

come from the near by City of Gresham and other urban areas. *This criterion is satisfied.*

7.05 (2) Has not been abandoned or interrupted for a continuous two year period.

MCC 36.7215(F) An applicant may prove the existence, continuity, nature and extent of the nonconforming use only for the 10-year period immediately preceding the date of application. Evidence proving the existence, continuity, nature and extent of the use for the 10-year period preceding application creates a rebuttable presumption that the use, as proven, lawfully existed at the time the applicable zoning ordinance or regulation was adopted and has continued uninterrupted until the date of application.

Staff: The applicant has provided evidence that Ed Day's Appliance Repair has operated at the subject site for at least the last ten years (Exhibit A.17) as allowed by MCC 36.7215(F).

7.06 (B) The Planning Director shall verify the status of a nonconforming use as being the nature and extent of the use at the time of adoption or amendment of the Zoning Code provision disallowing the use. When determining the nature and extent of a nonconforming use, the Planning Director shall consider:

(1) Description of the use;

Staff: Ed Day's Appliance Repair repairs appliances for residential and commercial purposes and sells parts and repaired appliances from a show room. The business repairs all major household appliances such as refrigerators, stoves, washers & dryers & commercial appliances.

7.07 (2) The types and quantities of goods or services provided and activities conducted;

Staff: The business sells parts for appliances, sells repaired appliances and repairs appliances.

7.08 (3) The scope of the use (volume, intensity, frequency, etc.), including fluctuations in the level of activity;

Staff: The business operates from 8 am to 9 pm Monday through Saturday. Customer hours stop at 5 pm and repairing of appliance continues until 9 pm. The business has two people operating it.

7.08 (4) The number, location and size of physical improvements associated with the use;

Staff: One building occupies the site. The building is a total of 2,200 sq. ft. The parking lot is being redesigned (See Sections 4.00 & 6.00 above for more information) and will have six parking spaces. A 4-ft walkway will be constructed adjacent to the east and west sides of the building. The remainder of the area on the site will be placed in landscaping pursuant to MCC 36.7000 et al.

7.09 (5) The amount of land devoted to the use; and

Staff: The subject site is 0.42 of an acre (approximately 18,295.2 sq. ft). Most all of the site is utilized for the parking, vehicle maneuvers, landscaping and building.

7.10 (6) Other factors the Planning Director may determine appropriate to identify the nature and extent of the particular use.

Staff: As this is a typical sales and service use, no other factors are necessary.

- 7.11 (7) A reduction of scope or intensity of any part of the use as determined under MCC 36.7215 (B) for a period of two years or more creates a presumption that there is no right to resume the use above the reduced level. Nonconforming use status is limited to the greatest level of use that has been consistently maintained since the use became nonconforming. The presumption may be rebutted by substantial evidentiary proof that the long-term fluctuations are inherent in the type of use being considered.

Staff: The business has maintained the size, scope and use of the property since the time it became nonconforming in 2002.

- 7.12 (C) In determining the status of a nonconforming use, the Planning Director shall determine that, at the time of enactment or amendment of the Zoning Code provision disallowing the use, the nature, scope and intensity of the use, as determined above, was established in compliance with all land use procedures, standards and criteria applicable at that time. A final and effective County decision allowing the use shall be accepted as a rebuttable presumption of such compliance.

Staff: The appliance repair business was authorized in 1986 by Conditional Use Permit 01-86.

8.00 ROAD RULE VARIANCE CRITERIA

- 8.01 § 4.200: Number - Reducing the number of existing and proposed access points on Arterials and Collectors and improving traffic flow and safety on all County roads will be the primary consideration when reviewing access proposals for approval. One driveway access per property will be the standard for approval. Double frontage lots will be limited to access from the lower classification street. Shared access may be required in situations where spacing standards cannot be met or where there is a benefit to the transportation system.

Staff: The request is for a second driveway accessing the property from the SE Orient Drive (a Rural Arterial). *A variance is necessary to approve a second driveway.*

- 8.02 § 16.100 A: Multnomah County Code 29.507 provides for a variance by the County Engineer from County standards and requirements when written documentation substantiates that the requested variance is in keeping with the intent and purpose of County Code and adopted rules, and the requested variance will not adversely affect the intended function of the County road system or related facilities. A variance approval may include mitigation measures as conditions of approval.

Staff: The applicant requests a Variance to the Road Rules for a second access point to Orient Drive for the property. The applicant has submitted documentation that substantiates that the requested variance is in keeping with the intent and purpose of County Code and adopted rules and the requested variance will not adversely affect the intended function of the County road system or related facilities (see findings below).

- 8.03 § 16.200 General Variance Criteria: In order to be granted a variance, the applicant must demonstrate that:

A. Special circumstances or conditions apply to the property or intended use that do not apply to other property in the same area. The circumstances or conditions may relate to the size, shape, natural features and topography of the property or the location or size of physical improvements on the site or the nature of the use

compared to surrounding uses;

Staff: The applicants state that, “This property is zoned OCI (Orient Commercial Industrial). There are only a handful of properties thus zoned. Due to the size and layout of the property, a single driveway would prohibit the safe use of the area by larger delivery vehicles. If parking was to be incorporated on the west side of the building, then there is no place safe for a big rig or larger delivery van to back up or turn around.”

The subject property has a long-term commercial use on the property. The existing commercial building is located in the center of the property with the existing septic system installed to the west of the building that prevents vehicle circulation around the building (Exhibit A.11). Large commercial vehicles coming to the property need the second driveway to eliminate the need of backing into the property and blocking traffic on Orient Drive. In 1986, the County approved the use of the property for an appliance repair and parts shop in the building and authorized two access points to Orient Drive. The prior approval of the two access points is a special condition that applies to this OCI property that does not apply to the Multiple Use Agriculture – 20 properties in the area. *This criterion is satisfied.*

8.04 B. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant and extraordinary hardship would result from strict compliance with the standards;

Staff: In 1986, the County authorized the use of two access points onto Orient Drive from the subject site. The applicant’s business requires the delivery of materials and goods from larger commercial vehicles. If the second access point is not authorized, the applicant has indicated that accessing the site for larger vehicles will no longer be safe and will impact the authorized use of the property for appliance repair. This would be an extraordinary hardship that would result from the strict compliance with the standards. *This criterion is satisfied.*

8.05 C. The authorization of the variance will not be materially detrimental tot the public welfare or injurious to other property in the vicinity, or adversely affect the appropriate development of adjoining properties;

Staff: The subject property currently has two access points onto Orient Drive. Larger commercial vehicles are able to access the site without having to back into or out of the property blocking Orient Drive. While Orient Drive is a Rural Arterial, the maintenance of a second access point onto Orient Drive will not be materially detrimental as it is an existing condition and no complaints have been received from surrounding property owners during the comment period for this application. Impact of a second driveway access to the SE 312th Avenue, a local access road, would be minor and would not be materially detrimental to the public welfare or injurious to other property in the vicinity, or adversely affect the appropriate development of adjoining properties. The local access road is a small gravel road with little traffic and a slow travel speed. A condition of approval can require that the driveway be kept clear of storage so it can be fully accessed by a vehicle for parking and unloading. This criterion is met through conditions.

8.06 D. The circumstances of any hardship are not of the applicant’s making.

Staff: In 1986, the property owners obtained permission to build two driveways on the subject site. The location of the existing septic system and building prevents the construction of a circular drive aisle. These improvements existed prior to the property owners purchasing the property. Large vehicles coming to the site need the second driveway so that the public right-

of-way is not used for vehicle movements. *This standard is satisfied.*

- 8.07 § 16.225 Access Variance Standards:** Exceptions to access standards may be made by the County Engineer when spacing or other safety considerations make non-standard access acceptable. In addition to the variance requirements of Section 16.200 of these Rules, the applicant will be required to demonstrate that the proposed variance will not negatively impact the safety or capacity of the transportation system for a variance to be granted. The following are examples of variances that may be considered along with specific criteria that must be addressed before such a variance can be granted.

A. Multiple Access Points: The County Engineer may allow multiple access points when all spacing standards can be met, or when the additional access(es) will not negatively impact the safety or functionality of the transportation system and a single access point cannot reasonably serve a site. Movement restrictions, such as right-in, right-out, may be placed on accesses to protect the safety and/or functionality of the transportation system.

Staff: The driveways are approximately 102 feet apart (centerline to centerline). In this portion of Orient Drive is designated as a Rural Arterial of the County's Functional Classification Map. The Multnomah County Design Standards specifies a 90 meter (295.3 ft) spacing between driveways along a Rural Arterial. The County Engineer reviewed the proposed two driveway locations and found that they will not negatively impact the safety or functionality of the transportation system. In addition, the property owners have presented evidence that a second driveway is needed to allow for large vehicle access to the site. Due to the location of the septic system and buildings, a circular drive aisle cannot be constructed on the site to accommodate large vehicles entering and leaving the site without blocking Orient Drive. The transportation engineers found that no movement restrictions were necessary to maintain safety or functionality of Orient Drive. *This standard is satisfied.*

- 8.08 B. Access Spacing:** If it is not feasible to access a site and meet the access spacing standards, access may be located so as to provide the best access spacing possible. The County Engineer may require additional measures to mitigate substandard access spacing, such as a median or other restrictions.

Staff: The County Engineer has determined that the existing driveway locations are the best access spacing possible for the subject site. No restrictions have been imposed on these driveway access points.

9.00 CONCLUSION

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Adjustment, Design Review and Road Rules Variance. The property owners have verified the existence of a Nonconforming Use on the subject site. This approval is subject to the conditions of approval established in this report.

10.00 EXHIBITS

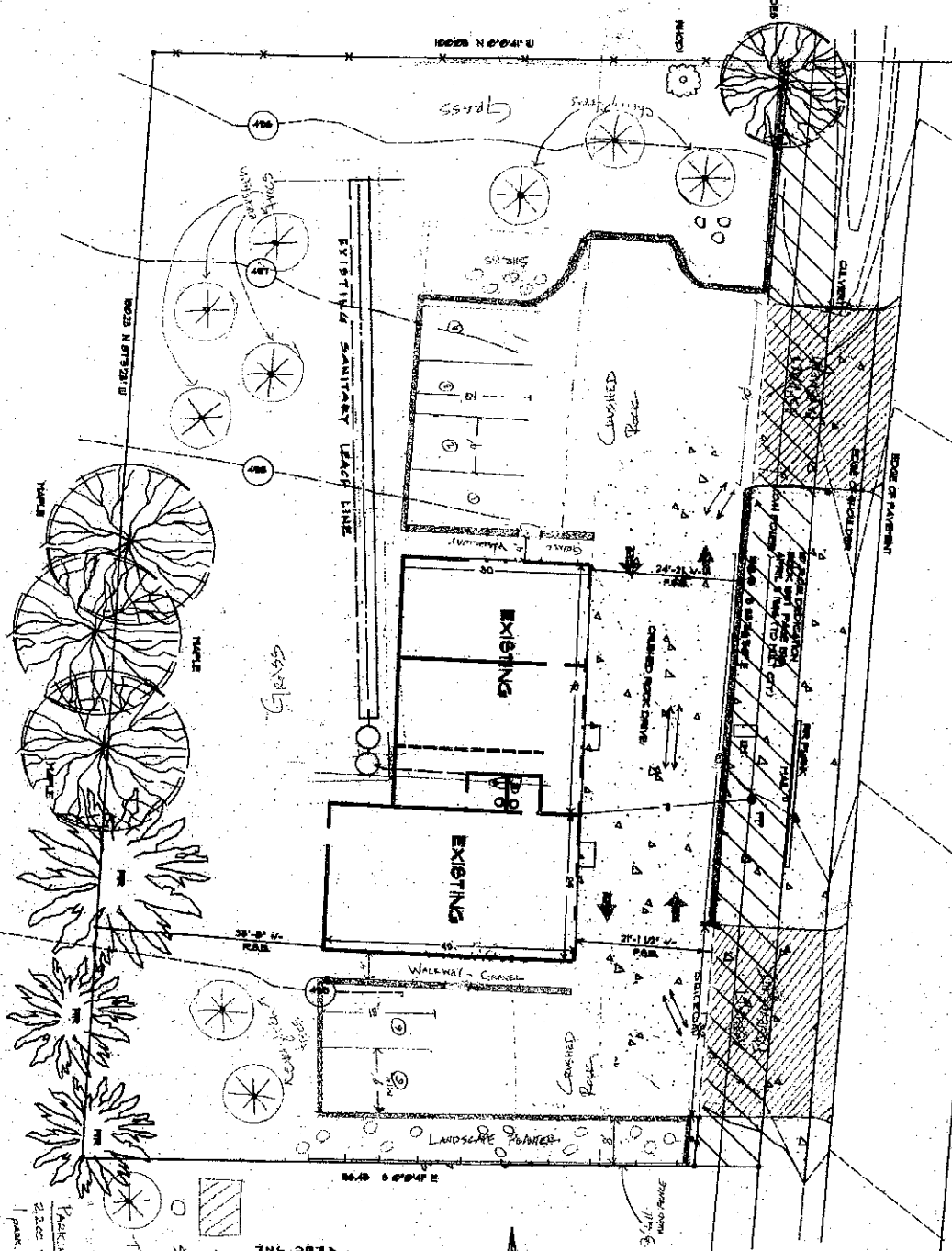
- 'A' Applicant's Exhibits
- 'B' Staff Exhibits
- 'C' Procedural Exhibits

Exhibits with a "*" after the exhibit # have been included as part of the mailed decision. All other exhibits are available for review in Case File T2-08-060 at the Land Use Planning office.

EXHIBIT #	# OF PAGES	DESCRIPTION OF EXHIBIT	DATE RECEIVED/ SUBMITTED
A.1	1	General Application Form	9/10/08
A.2	1	Site Plan	9/10/08
A.3		Photographs of existing site and surrounding properties	9/10/08
A.4	1	Narrative addressing code criteria	9/10/08
A.5	1	Fire District Form	9/10/08
A.6	1	Police Form	9/10/08
A.7	3	On-Site Sewage Form	9/10/08
A.8	1	Copy of Current Deed recorded in Book 2746, Page 2996	9/10/08
A.9	1	Copy of A&T Map from First American Title Insurance Company of Oregon designating property.	9/10/08
A.10	1	Authorization of Application by Deborah Day	9/11/08
A.11	1	Revised Site Plan	7/10/09
A.12	2	1988 Building Permit form & Inspection Record with Site Plan	7/10/09
A.13	2	Narrative for Road Rules Variance	4/6/09
A.14	1	Air Photo with Various Dimensions	4/6/09
A.15	1	Gresham View of Property dated 1/31/06	4/6/09
A.17		Business License Information	
'B'	#	STAFF EXHIBITS	DATE
B.1	2	A&T Property Information for 1S3E24A - 01601	9/10/08
B.2	2	Deed for Road Purposes recorded in Book 1897, Page 1310 on April 9, 1986	7/10/09
B.3	1	Building Permit for 1986 Remodel for Appliance Sales & Service business & Floor Plan	7/10/09
B.4	1	1962 Zoning Map for 1S3E24 NE1/4	1962
B.5	1	Gillis Subdivision Map	1912
B.6	1	Boundary Survey 55197	11/14/1996
B.7	1	Land Use Card for CU 1-86	2/4/1986

'C'	#	ADMINISTRATION & PROCEDURES	DATE
C.1	1	Incomplete Letter	10/10/08
C.2	1	180 Day Acceptance Letter	4/5/09
C.3	1	Complete Letter – Day 1 (April 21, 2009)	5/4/09
C.4	3	Opportunity to Comment	5/4/09
C.5	23	Administrative Decision	7/31/09

SE ORIENT DRIVE
(ROAD NO 109)



SITE PLAN
SCALE: 1" = 10'-0"
DATE: 9-10-05
APPLICANT: BO CAT
PROJECT: BO CAT
PROJECT NO: 1000
PROJECT ADDRESS: 1000
PROJECT CITY: 1000
PROJECT STATE: 1000
PROJECT ZIP: 1000
JOB ADDRESS: 1000
TITLE: SE ORIENT DRIVE
TULSA COUNTY, OKLAHOMA 74109

2" wide pipe
bunker
2.200 500 FT
1 park space / 100 sq ft
6 parking spaces

RECEIVED
09 MAY -4 AM 9:34
PLANNING SECTION