



**MULTNOMAH COUNTY**  
**LAND USE AND TRANSPORTATION PROGRAM**  
1600 SE 190<sup>TH</sup> Avenue Portland, OR 97233  
PH: 503-988-3043 FAX: 503-988-3389  
<http://www.co.multnomah.or.us/landuse>

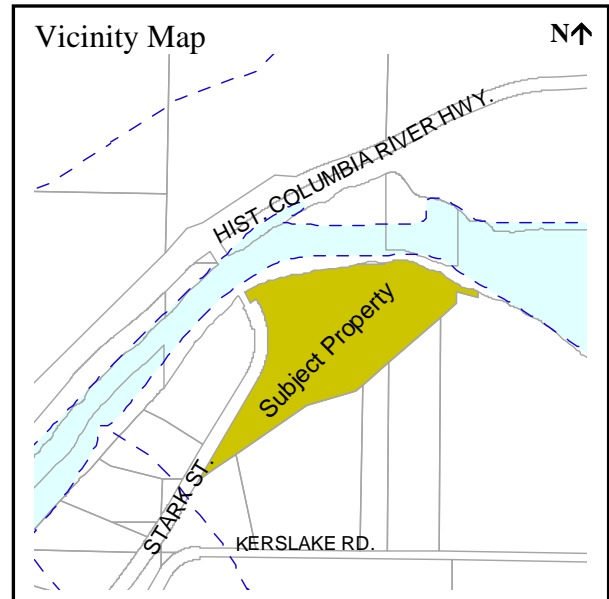
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## NOTICE OF DECISION

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

**Case File:** T2-10-006  
**Permit:** Modification of Conditions of a Prior Case  
**Location:** 29330 SE Stark St.  
Tax Lot 100, Section 06AC,  
Township 1 North, Range 4 East, W.M.  
**Applicant:** Junki Yoshida  
**Owner:** Junki & Linda Yoshida  
**Base Zone:** Commercial Forest Use (CFU)  
**Applicable Overlay:** Significant Environmental Concern for Wildlife Habitat (SEC-h)



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**Summary:** To reconfigure the parking area approved in Case T3-07-003 for the private park related to wedding ceremonies and other park functions in the CFU Zone and SEC-h Overlay.

**Decision:** Approved with conditions

Unless appealed, this decision is effective May 11, at 4:30 PM.

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Issued by:

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

For: Karen Schilling- Planning Director

Date: Tuesday, April 27, 2010

**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 plummeg, Staff Planner at 503-988-3043, ext. 29152.

**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 May 11, 2010 at 4:30 pm.**

**Applicable Approval Criteria:** Multnomah County Code (MCC): Multnomah County Code (MCC): MCC 36.2000-.2110 Commercial Forest Use Zone, MCC 36.4100-.4215: Off-Street Parking and Loading, and MCC 36.700-.7060: Design Review

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 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. Conditions of approval in Case T3-07-003 continue to apply unless directly amended by this decision.
2. Approval of this land use permit is based on the submitted and plan. No work shall occur under this permit other than that which is specified within this decision and the documents submitted or specified in subsequent land use permits. It shall be the responsibility of the property owners(s) to comply with these documents and the limitations of approval described herein as well as the previous approval T3-

07-003. All vehicles related to the use shall be parked on site (on the property) and shall not exceed 50 passenger vehicles. The parking shall be supervised and assisted by parking attendants during events. [MCC 36.2085, MCC 36.4180(A)(3), MCC 36.4175, MCC 4205 and MCC 36.7050]

3. No parking of trucks or equipment, no placement of materials, structures or the conducting of any business activity shall be permitted in any required parking space (pickup trucks exempt). [MCC 36.4125 (B)].
4. The property owners shall plant and maintain shrubs at less than three feet in height not more than five feet apart located between the parking aisles for the center island and in the areas adjacent to the parking area labeled landscaping. Existing trees shown on the plan, included as Exhibit A.2, to remain shall be maintained and not removed. [MCC 36.7055 (C)(3)(c) and. MCC 36.7050(A)(4)]
5. Required landscaping areas shown on the plan, included as Exhibit A.2, shall be continuously maintained in living condition. Provisions shall be made for watering planting areas where such care is required to maintain the plants in a living condition [MCC 36.7055 (C)(5) and MCC 36.7055 (C)(4)].
6. If any archaeological artifacts are discovered during construction, work shall stop immediately, until a qualified archaeologist analyzes them and the project is approved to continue by the State Historic Preservation Office and proper federal authorities. [MCC 36.4500]
7. The parking area shall be grass and gravel mix due to the use being intermittent of no more than 20 events per year. Bumper barriers shall be placed along the outer boundary of the parking area and the inner island to provide barriers limiting the vehicles to the parking area and protecting the landscaping. [MCC 36.4180]
8. No signs shall be installed or used for the park use, other than directional signs. Handicap parking and facilities signs shall be posted adjacent to those uses and parking labeled on the paved area. Directional signs shall comply with the following provisions [MCC 36.4190, MCC 36.7490 and MCC 36.7505(J)]:
  - Maximum Sign Face Area: Six Square Feet
  - Types of Signs Allowed: Free Standing, Fascia, Projecting, Painted Wall
  - Maximum Height: Free Standing 42 Inches, Fascia and Projecting 8 Feet
  - Lighting: Indirect or Internal
  - Extensions into R/W: Not Allowed
  - Flashing Lights: Not Allowed
  - Electronic Message Centers: Not Allowed
  - Moving or Rotating Parts: Not Allowed
9. 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 of the driveway extension by installing construction fencing around the trees at the drip lines. [MCC 36.7050(A)(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. Project Description**

**Staff:** The application is a request to reconfigure the parking area approved in Case T3-07-003 for the private park related to wedding ceremonies and other park functions (Exhibit A.2). Case T3-07-003 approved with conditions a Community Service Conditional Use Permit, Significant Environmental Concern for Habitat Permit and Design Review Permit for a private park to conduct wedding ceremonies and other park uses such as family reunions, bird watching events, company retreats and charity fund raisers on a property in the Commercial Forest Use (CFU) Zone District and within the SEC-h Overlay District. While there are other SEC Overlays on the property the parking area is outside the overlays. The proposed reconfigured is to provide a better and safer flow of vehicles. The proposed reconfigured parking area will be located in the same area as the parking area approved in Case T3-07-003 with exception of the handicap parking spaces which will be located closer to the park use area and the existing restroom facilities. While the parking area is within the Significant Environmental Concern for Wildlife Habitat (SEC-h) Overlay this type of permit review is not required because the proposal is just changing the configuration of the parking area with no greater impacts the overlay concerns.

### **2. PROPERTY DESCRIPTION**

**Staff:** The subject property is 12.01 acres (according to County Assessment Records, Exhibit B.1), located along Stark Street adjacent to the Sandy River and just southeast of the Stark Street Bridge. The property is a little over a mile by road from the City of Troutdale. The Columbia River Gorge National Scenic Area's (NSA) along the Sandy River reaches upriver to the Stark Street Bridge. The subject property is not within the NSA. The Sandy River Wild and Scenic River ends near the northeast corner of the property.

The river bank rises up steeply from the river then forms a relatively flat bench that makes up the subject property on which the proposed use will be located. Along the southeastern property line a canyon rock wall rises up nearly vertical a hundred feet high then levels out. Above the canyon wall to the south and southeast is predominately farmland on land zoned Exclusive Farm Use (EFU) with some residential uses mixed in. Along Stark Street to the southwest within the canyon the properties are zoned Rural Residential and are predominately used as large lot residential properties (Exhibit 2.2). Directly across Stark Street is the Riverside Restaurant.

The opposite side of the river has similar topography with a steep river bank, a bench and nearly vertical canyon rock wall. In the canyon area across the river is Dabney State Park as well as the Historic Columbia River Highway. This area, across the river, is zoned Commercial Forest Use – 4 (CFU-4). Above the canyon wall is farmland zoned EFU. Downstream about a third of a mile, the river canyon widens. The area within the canyon, which is on the other side of the river, is predominately residential use, zoned Gorge General Residential – 5 (GGR-5) within the National Scenic Area.

### **3. COMMERCIAL FOREST USE**

#### **Off-Street Parking and Loading.**

**MCC 36.2085:** Off-street parking and loading permitted as an accessory use shall be provided as required by MCC 36.4100 through 36.4215

**Staff:** A reconfiguration of the parking area requires a review through a Modification of Conditions of a Prior Case of the Off-Street Parking requirements under MCC 36.4100 through 36.4215 and the Design Review requirements under MCC 36.7000 through 36.7060. Findings for the applicable code sections are in the following sections of this decision. The reconfiguration of the parking area is proposed to provide for same amount of parking spaces as approved in Case T3-07-003. The proposal will reconfigure the parking area within the same approved area with no increased impact on neighboring properties, on-site sewage disposal, stormwater disposal. Given the findings below, the proposed reconfiguration of the parking area meets the Off-Street Parking and Loading requirements.

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

#### **4.1. Location of Parking and Loading Spaces**

**MCC 36.4130 (A)** Parking spaces required by this Section shall be provided on the lot of the use served by such spaces.

**Staff:** The plans show the required parking spaces located on the property of the park uses served by the parking spaces (Exhibit 1.2). This standard is met.

#### **4.2. Standards of Measurement**

**MCC 36.4160 (A)** Square feet means square feet of floor or land area devoted to the functioning of the particular use and excluding space devoted to off-street parking and loading.

**MCC 36.4160 (B)** When a unit or measurement determining the number of required off-street parking or off-street loading spaces results in a requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and any fraction over one-half shall require one off-street parking or off-street loading space.

**Staff:** The parking requirements will use this standard.

#### **4.3. Design Standards: Scope**

**MCC 36.4165 (A)** The design standards of this section shall apply to all parking, loading, and maneuvering areas except those serving a single or two-family residential dwelling or mobile home on an individual lot.

**MCC 36.4165 (B)** All parking and loading areas shall provide for the turning, maneuvering and parking of all vehicles on the lot. After July 26, 1979 it shall be unlawful to locate or construct any parking or loading space so that use of the space requires a vehicle to back into the right-of-way of a public street.

**Staff:** The design standards of this section apply to the parking, loading and maneuvering areas. The proposed development provides parking areas turning, maneuvering and parking of all vehicles in the lot (except for handicap and loading which are on the property in a different location closer to the park use area). The parking is designed so that there will be no backing into the road. These standards are met.

#### **4.4. Dimensional Standards**

**MCC 36.4175 (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.**

**MCC 36.4175 (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.**

**MCC 36.4175 (C) Loading spaces shall meet the following requirements:**

- (1) Minimum width: 12 feet – Minimum depth: 25 feet**
- (2) Minimum vertical clearance shall be 13 feet.**

**Staff:** The reconfigured parking plan shows parking that meets the nine foot width and exceeds the 18 foot depth requirements for parking spaces. The proposed parking spaces are shown for most of the parking spaces as about 70 degree angle parking with a few at 90 degree. The aisle width is a minimum of about 30 feet (Exhibit 1.2). The proposed loading spaces exceed the 12 foot width and the 25 foot depth requirements. Vertical clearance is met. This standard is met.

#### **4.5. Improvements**

**MCC 36.4180 (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.**
- (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 unmarked if the parking of vehicles is supervised.**

**MCC 36.4180 (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.

**MCC 36.4180 (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.**

**MCC 36.4180 (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:** The applicant is proposing the parking field for intermittent use. The previous approval was for no more than 20 events per year which will use the parking area. That limitation still applies. Given intermittent park use, staff finds that the proposed use is similar to an amusement park, race track, or stadium. Such an intermittent use may be surfaced with gravel or grass and spaces may be unmarked if the parking of vehicles is supervised. The gravel/grass surface will allow drainage within the parking area. A condition will require no more than the proposed 20 events a year and require parking to be supervised. The parking is separated from the street by a substantial distance with existing landscaping and by the driveway, thus no curbing is necessary. Bumper barriers will need to be placed along the outer boundary of the parking area and the inner island to provide a barrier limiting the vehicles to the parking area and protecting the landscaping. This standard will be required to be met through a condition if an approval is gained.

#### **4.6. Signs**

**MCC 36.4190 Signs, pursuant to the provisions of MCC 36.7465.**

**MCC 36.7490 Directional Signs.**

**Directional signs shall comply with the following provisions:**

**Maximum Sign Face Area: Six Square Feet**

**Types of Signs Allowed: Free Standing, Fascia, Projecting, Painted Wall**

**Maximum Height: Free Standing 42 Inches, Fascia and Projecting 8 Feet**

**Extensions into R/W: Not Allowed**

**Lighting: Indirect or Internal**

**Flashing Lights: Not Allowed**

**Electronic Message Centers: Not Allowed**

**Moving or Rotating Parts: Not Allowed**

**MCC 36.7505(J) Sign Related Definitions: Directional Sign - A permanent sign which is designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property to which the public is directed.**

**Staff:** The applicant proposed no signage for the proposed use. However directional signs may be needed such as parking area signs, loading area signs. Handicap parking signs and handicap restroom signs are required. This standard is met through conditions.

#### **4.7. Design Standards: Setbacks**

**MCC 36.4195 (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.

**MCC 36.4195 (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 submitted plan meets the required 30 foot front yard abutting the street will not be used for parking, loading, vehicle maneuvering or as an access drive other the driveway connecting directly to the street. The submitted plans do not show any alteration or relocation of the driveway thus this finding does not address the driveway. This standard is met.

#### **4.8. Landscape and Screening Requirements**

**MCC 36.4200 (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 landscaped areas requirements of MCC 36.7055(C)(3) to (7) apply the parking, loading and maneuvering areas of the proposed development. This standard is met by the proposed plan.

#### **4.9. Minimum Required Off-Street Parking Spaces**

\* \* \*

##### **MCC 36.4205(B) Public and Semi-Public Buildings and Uses**

- (1) Auditorium or Meeting Room (except schools) - One space for each 60 square feet of floor area in the auditorium or, where seating is fixed to the floor, one space for each four seats or eight feet of bench length.**
- (2) Church - One space for each 80 square feet of floor area in the main auditorium or, where seating is fixed to the floor, one space for each four seats or eight feet of bench length.**
- (3) Church Accessory Use - In addition to spaces required for the church, one space for each ten persons residing in such building.**
- (4) Club or Association - These shall be treated as combinations of uses such as hotel, restaurant, auditorium etc., and the required spaces for each separate use shall be provided.**
- (5) Senior High School and Equivalent Private and Parochial School - One space for each 56 square feet of floor area in the auditorium or, where seating is fixed to the floor, one space for each eight seats or 16 feet of bench length, or one space for each ten seats in classrooms, whichever is greater.**
- (6) College, University, Institution of Higher Learning and Equivalent Private or Parochial School - One space for each five seats in classrooms or 45 square feet of floor area.**
- (7) Primary, Elementary, or Junior High and Equivalent Private or Parochial School - One space for 84 square feet of floor area in the auditorium, or one space for each 12 seats or 24 feet of bench length, whichever is greater.**



- (8) Kindergarten, Day Nursery, or Equivalent Private or Parochial School - One driveway, designed for continuous flow of passenger vehicles for the purpose of loading and unloading children plus one parking space for each two employees.

**MCC 36.4205(C) Retail and Office Uses**

- (1) Store, Supermarket, and Personal Service Shop - One space for each 400 square feet of gross floor area.  
(2) Service and Repair Shop - One space for each 600 square feet of gross floor area.  
(3) Bank or Office, including Medical and Dental - One space for each 300 square feet of gross floor area.  
(4) Restaurant, Coffee Shop, Tavern or Bar - One space for each 100 square feet of gross floor area.  
(5) Mortuary - One space for each four chapel seats or eight feet of bench length.

\* \* \*

**MCC 36.4205 (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:** In the previous Case T3-07-003 approval we concurred with the applicant that the proposed use is similar to a church use and with the applicant's calculation for number of required parking spaces. In Case T3-07-003 approval 50 parking spaces were approved. The applicant proposed 50 parking spaces for the reconfigured parking lot. The proposed parking area meets this standard.

**5. DESIGN REVIEW**

**5.1. Elements of Design Review Plan**

**MCC 36.7005:** The elements of a Design Review Plan are: The layout and design of all existing and proposed improvements, including but not limited to, buildings, structures, parking and circulation areas, outdoor storage areas, landscape areas, service and delivery areas, outdoor recreation areas, retaining walls, signs and graphics, cut and fill actions, accessways, pedestrian walkways, buffering and screening measures.

**Staff:** The submitted site parking reconfiguration plan includes the information needed for this decision (Exhibit 1.3).

**5.2. Design Review Plan Approval Required**

**MCC 36.7010:** No building, grading, parking, land use, sign or other required permit shall be issued for a use subject to this section, nor shall such a use be commenced, enlarged, altered or changed until a final design review plan is approved by the Planning Director, under this ordinance.

**Staff:** The applicant has applied for an Administrative Modification of a Prior Case which includes a Design Review element related to the reconfiguration of the parking area. The applicant has submitted the final plan for this review.

**5.3. Design Review Plan Contents**

**5.3.1. MCC 36.7030(D)(2) Parking and circulation areas;**

**Staff:** This information was included on the plan. This standard is met.

**5.3.2. MCC 36.7030(D)(7) Pedestrian circulation;**

**Staff:** The submitted plans show a walkway for pedestrian circulation. This standard is not met.

**5.3.3. MCC 36.7030(D)(9) Service areas for uses such as mail delivery, trash disposal, above-ground utilities, loading and delivery;**

**Staff:** The submitted reconfigured plans show a change in the loading area closer to the park area. The other items are not applicable for this review. This standard is met.

**5.3.4. MCC 36.7030(D)(10) Areas to be landscaped;**

**Staff:** The submitted reconfigured plans show landscaping is required in the parking area. This standard is been met by a condition.

**5.3.5. MCC 36.7030(D)(12) Special provisions for handicapped persons;**

**Staff:** The submitted reconfigured plans show the handicapped parking area adjacent to the park area and the handicap restrooms. This standard is met by a condition.

**5.3.6. MCC 36.7030(D)(13) Surface and storm water drainage and on-site waste disposal systems; and**

**Staff:** The submitted reconfigured plans show the parking in the same area approved by the prior case. The parking surface is not impervious thus no revision to the stormwater disposal is needed. This standard has been met.

**5.4. Design Review Criteria**

**MCC 36.7050 (A): Approval of a final design review plan shall be based on the following criteria:**

**5.4.1. MCC 36.7050 (A) (I) Relation of Design Review Plan Elements to Environment.**

**MCC 36.7050 (A) (I) (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.**

**MCC 36.7050 (A) (I) (b) The elements of the design review plan should promote energy conservation and provide protection from adverse climatic conditions, noise, and air pollution.**

**MCC 36.7050 (A) (I) (c) Each element of the design review plan shall effectively, efficiently, and attractively serve its function. The elements shall be on a human scale, interrelated, and shall provide spatial variety and order.**

**Staff:** The parking area was previous approved in Case T3-07-003 in the same area as having met these criteria. Given the only changes are to the design layout of the parking lot layout there are no changes in the relations to the natural environment, existing development, the visual relationship with the site, the energy conservation, climatic conditions, noise or air

pollution. This criterion was met by the previous approval thus is met by this proposed change. The revised plan effectively, efficiently, and attractively serve its function on a human scale interrelated, and shall provide spatial variety and order for the parking of the approved use, the park. These criteria are met.

**5.4.2. MCC 36.7050 (A) (2) Safety and Privacy - The design review plan shall be designed to provide a safe environment, while offering appropriate opportunities for privacy and transitions from public to private spaces.**

**Staff:** The proposed reconfigured parking plan has a vegetative canyon wall buffer between it and the neighboring residential property to the south and east. The river buffers the property to the north. The site is fenced and existing landscaping buffers the property from the road. These buffers provide for privacy transition from public to private space. This criterion is met.

**5.4.3. MCC 36.7050 (A) (3) Special Needs of Handicapped - Where appropriate, the design review plan shall provide for the special needs of handicapped persons, such as ramps for wheelchairs and Braille signs.**

**Staff:** The proposed reconfigured parking includes moving the handicapped parking area closer to the park area and adjacent to the handicap restrooms. This criterion is met.

**5.4.4. MCC 36.7050 (A) (4) Preservation of Natural Landscape - The landscape and existing grade shall be preserved to the maximum practical degree, considering development constraints and suitability of the landscape or grade to serve their functions. Preserved trees and shrubs shall be protected during construction.**

**Staff:** The proposed reconfigured parking shows the existing landscape and grade is entirely preserved and is to be maintained. No additional grading will be needed to establish the parking area. This criterion is met.

**5.4.5. MCC 36.7050 (A) (5) Pedestrian and Vehicular circulation and Parking - The location and number of points of access to the site, the interior circulation patterns, the separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and structures, shall be designed to maximize safety and convenience and shall be harmonious with proposed and neighboring buildings and structures.**

**Staff:** The site plans access, vehicular circulation and parking areas. Pedestrian walkway is shown to separate from maneuvering vehicles and parking area. This criterion is met.

**5.4.6. MCC 36.7050 (A) (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 runoff volume after development is no greater than before development shall be provided on the lot.**

**Staff:** The parking area is not impervious thus stormwater system is not necessary. This criterion is met.

**5.4.7. MCC 36.7050 (A) (7) Buffering and Screening - Areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and**

**parking, and similar accessory areas and structures shall be designed, located, buffered or screened to minimize adverse impacts on the site and neighboring properties.**

**Staff:** The proposed plan shows existing vegetative buffer between the road for the parking and loading areas. The neighboring properties to the south and east are buffered by the canyon wall as well as existing trees. To the north the use is buffered by the existing vegetation along the river. No new structures are proposed. This criterion is met.

## **5.5. Required Minimum Standards**

### **MCC 36.7055 (C): Required Landscape Areas**

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

#### **5.5.1. MCC 36.7055 (C)(1): A minimum of 15% of the lot area shall be landscaped; provided, however, that computation of this minimum may include areas landscaped under subpart 3 of this subsection.**

**Staff:** The existing landscaped areas on the property exceed the 15 percent requirement (Exhibit 1.2). This standard is met.

#### **5.5.2. MCC 36.7055 (C)(2): All areas subject to the final design review plan and not otherwise improved shall be landscaped.**

**Staff:** All areas on the property that are not improved or part of the wedding use are shown as landscaped on the plan. The plan shows this standard is met by the proposal.

#### **5.5.3. MCC 36.7055 (C)(3): The following landscape requirements shall apply to parking and loading areas:**

##### **5.5.3.1. MCC 36.7055 (C)(3)(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.**

**Staff:** While landscaping is required within the parking area through another standard, this standard is met by the proposal given the site is a predominately existing landscaped area surpassing these requirements. Additionally landscaping is proposed within the parking area that meets the requirements. The plan shows this standard is met by the proposal.

##### **5.5.3.2. MCC 36.7055 (C)(3)(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:** There is an existing landscaped area between the property and the parking area that meets this standard.

##### **5.5.3.3. MCC 36.7055 (C)(3)(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:** There is a significant area of trees between the street and the parking area. The plan does not show the rows of low shrubs that are not greater than 3'0" in height spaced that are no more than 5 feet apart, on the average (Exhibit 1.2). This requirement can be met through a condition of approval.

**5.5.3.4. MCC 36.7055 (C)(3)(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:** Landscaping is proposed to be installed uniformly throughout the parking areas. The plan shows this standard is met by the proposal.

**5.5.3.5 MCC 36.7055 (C)(3)(e): A parking landscape area shall have a width of not less than 5 feet.**

**Staff:** The plan shows this standard is met by the proposal.

**5.6.4. MCC 36.7055 (C)(4): Provision shall be made for watering planting areas where such care is required.**

**Staff:** A condition can require the property owners to maintain through watering when necessary the existing and new landscaping plants.

**5.7.5. MCC 36.7055 (C)(5): Required landscaping shall be continuously maintained.**

**Staff:** A condition of approval can require landscaping be continuously maintained. This standard can be required to be met as condition of approval.

\* \* \*

**5.8.6. MCC 36.7055 (C)(7): Landscaped means the improvement of land by means such as contouring, planting, and the location of outdoor structures, furniture, walkways and similar features.**

**Staff:** The existing landscaping meets this standard except in the parking and loading areas. In the parking and loading area landscaping planting can be required.

## **6. Conclusion**

Based on the findings and other information provided above, the applicant has carried the burden necessary for the approval of the Modification of Conditions of a Prior Case Permit to reconfigure the parking area related to the park use approved in Case T3-07-003 in the CFU zone. This approval is subject to the conditions of approval established in this report.

## 7. Exhibits

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	Application form	1/21/10
A.2	1	Revised plan for reconfigured parking area	1/21/10
‘B’	#	Staff Exhibits	Date
B.1	2	A&T Property Information	
B.2	1	A&T Tax Map with Property Highlighted	