


**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.multco.us/landuse>

# NOTICE OF DECISION

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

**Case File:** T2-2011-1804

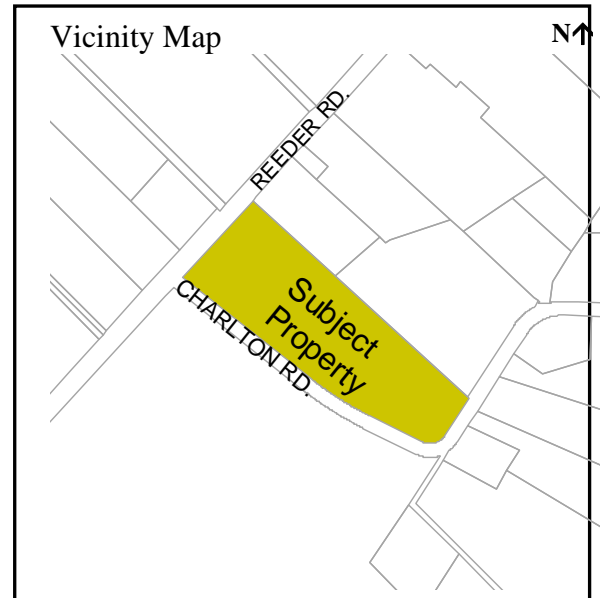
**Permit:** Temporary Use Permit

**Location:** 14445 NW Charlton  
Tax Lot 100, Sec 17D,  
Township 2 North, Range 1 West, W.M.  
Tax Account #R971170110

**Applicant:** Matt Mahaffy

**Owner:** Scappoose School District

**Base Zone:** Multiple Use Agriculture – 20 (MUA-20)



**Summary:** Request to temporarily place for a period of not more than one year one modular building housing two classrooms.

**Decision:** Approved with Conditions

Unless appealed, this decision is effective December 16, 2011 , at 4:00 PM.

Issued by:

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

For: Karen Schilling- Planning Director

Date: December 2, 2011

**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 George Plummer, 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 December 16, 2011 at 4:00 pm.**

**Applicable Approval Criteria:** Multnomah County Code (MCC): MCC 34.0510: Temporary Permits

Copies of the referenced Multnomah County Code (MCC) and Multnomah County Road Rules (MCRR) 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> or <http://web.multco.us/transportation-planning>.

### **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 one year from the date the decision is final pursuant to MCC 34.0510 which **does not allow for an extension.**

### **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. This Temporary Use Permit allows for the placement of a two classroom modular unit (building) at Sauvie Island School for the period of one year from the date this decision becomes final. The temporary modular unit (building) shall be removed after one year, unless its placement is approved for a longer period through Community Service Conditional Uses and Design Review Permits. [MCC 34.0510 (A)]

### **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.

**Note:** Once this decision is final, application for building permits may be made with the City of Portland. When ready to have building permits signed off, the applicant shall call the Staff Planner, George Plummer, at (503) 988-3043 ext. 29152, for an appointment for review and approval of the conditions and to sign the building permit plans. Please note, Multnomah County must review and sign off the building permits before the applicant submits building plans to the City of Portland. Five (5) sets each of the site plan and building plans are needed for building permit sign off. At the time of building permit review, a fee of \$53.00 will be collected. In addition, an erosion control inspection fee of \$77.00 may be required.

### **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:** Request to temporarily place for a period of not more than one year one modular building housing two classrooms (Exhibits A.1 – A.9) on a property in the Multiple Use Agriculture – 20 (MUA-20) Zone District in the Sauvie Island/Multnomah Channel Rural Plan Area (Exhibit B.3).

#### **2. PROPERTY DESCRIPTION**

**Staff:** The subject property is located at the intersection of Reeder Road and Charlton Road (Exhibit B.2) and it has a shallow slope of about three percent or less. The property has been used for a school use for many years. On June 17, 1981 Multnomah County Planning approved a Design Review, Case DR 80-06-13, for the Sauvie Island School for expansion of the school (Exhibit B.5). In 1996 Multnomah County approved a Community Service Conditional Use Request, Case CS 4-96, for expansion of the school use through the addition of two modular units (Exhibit B.6). That CS permit approved a school use for a maximum of 200 students in preschool and K – 8<sup>th</sup> grades. These two modular units were placed on the property after that approval, however were removed a few years later. The 200 student limit and K – 8<sup>th</sup> grades continues to be in effect for the school with the septic system capacity designed for that population.

#### **3. MULTIPLE USE AGRICULTURE**

##### **Conditional Uses**

##### **3.1. MCC 34.2830 The following uses may be permitted when found by the approval authority to satisfy the applicable ordinance standards:**

**(A) Community Service Uses pursuant to the provisions of MCC 34.6000 through MCC 34.6230.**

**Staff:** Under Community Services Uses, MCC 34.6015(A)(20) lists school, private, parochial or public; educational institution as uses allowed through a Community Service Conditional Uses Permit. Should the Scappoose School District decide to make the modular unit placement permanent (beyond the one year temporary placement), expand the school building, increase the student population beyond 200 student or provide grades 9 – 12, a Community Service Conditional Uses Permit and Design Review Permit would be required. Currently the school operates under previous approvals discussed earlier. The school population is also limited by the

septic system carrying capacity which has been approved for the 200 student population limit (Exhibit B.6).

### **3.2. DIMENSIONAL REQUIREMENTS**

#### **MCC 34.2855(C): Minimum Yard Dimensions**

**Front: 30 feet, Side: 10, Street Side: 30 feet and Rear: 30 feet**  
**Maximum Structure Height – 35 feet**

**MCC 34.2855(D): 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:** The proposed modular unit is proposed to be placed with a 35 foot street yard minimum from the Charlton Road right-of-way line (Exhibit A.9). Charlton road has a 40 foot wide right-of-way (Exhibit B.2). Currently Charlton Road right-of-way width is substandard. Charlton Road right-of-way is a “Rural Local” road classification which has a standard minimum of 50 foot width. If the school applied to make the modular unit placement permanent or expand the school building an additional five foot right-of-way dedication would be required to bring that side of the road up to standard width. Thus the minimum yard requirement in MCC 34.2855(D) must increase from the 30 foot minimum to a 35 foot minimum. The most recent site plan shows a 35 foot minimum street side yard (about 55 feet from the center line of the road). The other yards are substantial more then the minimum yard requirement (Exhibit A.9). The proposed modular unit is one story in height (Exhibit A.4). *These standards are met.*

## **4. First Land Use Permit**

### **Temporary Permits -**

**MCC 34.0510 (A) Notwithstanding the limitations of use as established by this Chapter in each of the several districts, the Planning Director may issue temporary permits, valid for a period of not more than one year after issuance, for structures, or uses which are of a temporary nature, such as:**

**\* \* \***

**(6) Other uses of a temporary nature when approved by the Planning Director.**

**Staff:** The request is to place a temporary two classroom, modular unit on the school property. The Planning Director has determined that the proposed use can be placed as a temporary use for a period of up to one year from the final effective decision date of this permit. A condition of this permit will require the removal of the modular unit after one year, unless its placement is approved for a longer period through Community Service Conditional Uses and Design Review Permits. *This standard is met through a condition.*

## **5. TRANSPORTATION STANDARDS**

**Staff:** Due to the proposed use being temporary in nature, there is no known increase of transportation impacts at this time. Transportation impacts will be assessed and addressed if and

when the School District applies for a Community Service Conditional Use and Design Review Permits for a permanent placement of the unit or an expansion of the school.

## 6. CONCLUSION

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Sauvie Island School to place temporarily, a two classroom, modular unit on the school property in the MUA-20 Zone District. This approval is subject to the conditions of approval established in this report.

## 8.00 Exhibits

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	Application Form	8/4/11
A.2	2	Narrative	8/4/11
A.3	2	Site Plan (superseded)	8/4/11
A.4	2	Building Elevational Drawings	8/4/11
A.5	1	Fire District Review	8/4/11
A.6	1	Water Service form	8/4/11
A.7	3	Certificate of On-Site Sewage Disposal with signed site plan	9/12/11
A.8	1	Revised On-Site Sewage Disposal signed site plan	11/10/11
A.9	1	Revised site plan	11/14/11
‘B’	#	Staff Exhibits	
B.1	2	A&T Property Information	NA
B.2	1	A&T Tax Map with Property Highlighted	NA
B.3	1	Zoning Map	NA
B.4	1	2008 Aerial Photo of the property	NA
B.5	15	Design Review Case DR 80-06-13	NA
B.6	39	Community Service Conditional Use Permit Case CS 4-96 approval	NA