

FINDINGS AND DECISION OF THE LAND USE HEARINGS OFFICER FOR MULTNOMAH COUNTY, OREGON

Conditional Use Permit for a Community Service, and Design Review and Significant Environmental Concern Permit to Operate a Fire Station.

Case File: T3-04-010

Location: 19260 NW Cleetwood Ave.
2N2W 12DB, TL 2500
R#70830-1990

Zoning: Rural Residential (RR)

Site Size: 0.61-acres

Applicant: Michael Greisen, Fire Chief
Scappoose Rural Fire Protection Dist.

Owner: Scappoose Rural Fire
Protection District
PO Box 625
52751 Columbia River Highway
Scappoose, OR 97056

Summary: Application for a Community Service Use, Design Review, and Significant Environmental Concern Permit to Operate the Existing Building as a Fire Station and to Alter the Building, Parking Area, and On-Site Storm Drainage Facilities.

Applicable Approval Criteria:

Multnomah County Code (MCC): 33.3130 et seq. (Rural Residential); 33.6005-. 6020 (Community Service Uses); 33.4500-4525 (SEC criteria); 33.4565 (SEC-views); 33.4570 (SEC-wildlife habitat); 33.4205 et seq. (Parking); 33.7000-.7065 (Design Review); 33.7400 - 33.7505 (Signs); Comprehensive Plan Policies 14, 31, 37, 38.

Decision: The request for a Community Service Use, Design Review, and Significant Environmental Concern Permit to Operate the Existing Building as a Fire Station and to Alter the Building, Parking Area, and On-Site Storm Drainage Facilities is

approved, pursuant to the findings and conclusions, and subject to the conditions that follow.

Conditions of Approval:

The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in parenthesis.

1. **Within 30 days of this decision becoming final, the property owner shall record the Notice of Decision (pages 1 through 3) and the Site Plan (Exhibit A1). The Notice of Decision shall run with the land. Proof of recording shall be made prior to zoning approval of the building permit and the proof shall be filed with the Land Use Planning Division. Recording shall be at the applicant's expense. Failure to sign and record the Notice of Decision within the 30 day period shall void the decision. [MCC 37.0670]**
2. **This approval is based on the submitted material. The proposed structural changes, parking area, and on-site utilities shall be constructed on the site in accordance with the design, size, and location shown and described in the application materials submitted by the applicant.**
3. **Prior to zoning approval of the building permit, the applicant shall record a new deed describing both lots as one legal lot. (MCC 33.3155, 33.3140(A) & Policy 37)**
4. **Per MCC 33 .4555(L), All outdoor lighting shall be directed downward and hooded. Prior to land use sign-off of the building permits, the applicant or his representative shall submit lighting details which show all proposed and existing lighting fixtures meet the requirements of being shielded or deflected so as to not shine into adjoining dwellings or into the public right of way. If existing lighting fixtures do not meet the above requirements, the fixtures shall be replaced or modified to comply. [MCC 33.4185]**
5. **Per MCC 33 .4570(B) nuisance plants shall be removed and kept removed from the property.**
6. **Eight of the existing trees are designated for removal on Exhibit A1. Per MCC 33 .4555(M), the remainder of the existing trees shall not be removed unless diseased. If removed due to disease, the trees shall be replaced immediately with similar trees of 2-inch caliper size or greater.**
7. **All newly planted trees and shrubs shall be watered until established and no longer needing water to survive. All trees, shrubs and ground cover shall be continuously maintained. If the above vegetation is removed due to disease or death, it shall be immediately replaced. Any tree that dies shall be replaced with 2-inch caliper or similar sized tree of a similar species. [MCC 33.7055(C)(4) & (5), Condition No. 11 of CS 0-4 and SEC 0-27]**

8. The applicant or his representative shall paint the side walls of the fire station and garage doors forest green. The trim and roof shall be either painted forest green to match or Garden Bramble Brown (Ralph Lauren C003D) or similar. [MCC 33.7050(A)(1)(a)]
9. Pursuant to MCC 33.4180(C), the parking area shall be marked in accordance with the approved plan and such marking shall be continually maintained.
10. Pursuant to Policy 36, the applicant shall furnish deed restrictions to participate in future right-of-way improvements prior to obtaining building permit sign-off.
11. Prior to the approval of any building permits, the applicant/owner shall obtain an access permit to NW Cleetwood Ave. from the Right-of-Way Division.
12. Prior to the issuance of the Certificate of Occupancy for the Holbrook Fire Station, the Scappoose Fire Protection District shall obtain the required building permits, electrical permits, plumbing permits, septic permits and complete all required improvements to the site and building. [MCC 33.4135]
13. The applicant shall cease development of the project in the event an object or objects of cultural significance are found and contact this office and the State Historic Preservation Office (SHPO) in compliance with Oregon Revised Statutes.
14. Prior to building permit approval, the applicant must submit information sufficient to document compliance with the Minimal Impact Project requirements of the Grading and Erosion Control Code contained in MCC 29.333 and pay the current Grading and Erosion Control Inspection fee.
15. When the owner/applicant is ready to have building permits signed off, the applicant shall call Tammy Boren-King, Planner at (503)-988-3043, for an appointment for review and approval of the conditions and to sign the building permit plans. Multnomah County must review and sign off building permit applications before they are submitted to the City of Portland. Six (6) sets each of the site plan and building plans are needed for building permit sign off.

Findings of Fact and Conclusions of Law:

(Formatting Note: Findings herein address Multnomah County ordinance requirements. Headings for each finding are underlined. Multnomah County Code requirements are referenced using a bold font. Planning staff comments and analysis may follow applicant comments. Where this occurs, the notation "Staff" precedes staff comments and the notation "Applicant" precedes the applicant's comments. The Hearings Officer's analysis and conclusions may follow, preceded by the notation "Hearings Officer." **Unless explicitly noted otherwise, the Hearings Officer adopts and incorporates Staff comments and analysis as findings for this decision.**)

1. DESCRIPTION OF PROJECT:

Applicant: This is an application by the Scappoose Rural Fire Protection District to

obtain a Conditional Use Permit for the former Holbrook Fire Station and to upgrade the existing facility pursuant to all applicable approval criteria. These applications were approved previously but lapsed when the Design Review component could not be completed within a specified extension period.

Staff: The subject site has been used as a fire station since the late 1980's. The site was previously approved for use as a fire station by a Multnomah County Hearings Officer in cases CU 0-4 and SEC 0-27. These permits had an effective date of July 20, 2001, and an expiration date of July 20, 2003. Under MCC 37.0700, Type III approvals can be authorized for a period of two years. Extension requests past this two year time frame can be granted for a period of up to six months each, with an aggregate extension period not to exceed one year.

The Fire District applied for a six month extension of the CU and SEC permits and was approved in Case T2-03-033. This extended the approval to January 1, 2004. Another extension was applied for and approved in case T2-03-081, which extended the CU and SEC permits until July 20, 2004. Design review was applied in case T2-03-084 and was approved on May 8, 2004. No further extension of the CU or SEC permits was approvable under MCC 37.0700. No building permits were issued before the final extension expired.

The Fire District is now applying for a new Conditional Use approval, Significant Environmental Concern approval, and Design Review for the fire station in order to be able to construct the project. The proposal is for the renovation of the existing building and related site improvements. The building currently has three bays, each of which has an overhead garage door opening towards NW Cleetwood Ave. The proposal is to convert one of the bays into space for storage and a restroom. The overhead garage doors will be removed and replaced with siding and a window. The existing driveway will be paved and a second driveway will be constructed to the east of the building in conjunction with a paved parking lot. The existing sign will be installed on a permanent mount as detailed on the applicant's site plan (Exhibit A1) in a location that is intended to preserve sight distance for vehicles exiting from the fire station. Landscaping, a septic system, and an on-site storm detention pond are proposed as well.

2. SITE VICINITY AND CHARACTERISTICS:

Staff: The site contains an existing fire station which has metal siding, painted beige. The existing trim and three overhead doors are painted red. The driveway is gravel. A sign indicates that the site is the Holbrook Station. To the south and east are trees. The rest of the site is lawn. No parking lot currently exists on site. A wood and wire fence is located along the west, south and east property lines. Photos of the existing building and the site are included as Exhibit A2.

In the vicinity of Cleetwood Ave. are single family homes on small lots (under one acre). Access is from Cleetwood Ave. via Morgan Road. Cleetwood is a gravel road. An aerial photo of the area is included as Exhibit A3.

3. THE PROPERTY IS IN FULL COMPLIANCE.

Except as provided in subsection (A), the County shall not make a land use decision, or issue a building permit approving development, including land divisions and property line adjustments, for any property that is not in full compliance with all applicable provisions of the Multnomah County Land Use Code and/or any permit approvals previously issued by the County.

(A) A permit or other approval, including building permit applications, may be authorized if:

- (1) It results in the property coming into full compliance with all applicable provisions of the Multnomah County Code. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or**
- (2) It is necessary to protect public safety; or**
- (3) It is for work related to and within a valid easement over, on or under an affected property.**

Staff: The subject property currently contains one building for which no record of building permits is available. MCC 33.3115 requires review and approval of all structures prior to their erection. The subject land use application will meet the requirement for the applicant to obtain land use permits for this building. MCC 29.003 adopted the State Building Code by reference, which requires building permits for commercial and institutional structures. Approving the proposed project and allowing the applicant to obtain building permits for the structure would bring the property into compliance with the building code as well. As conditioned, the property will be able to come into full compliance.

The applicant's site plan shows the presence of a small outbuilding and a portion of the residence from the property to the south crossing the common lot line. Assessment and Taxation information show this house was constructed in 1953, before zoning or building permit requirements were enacted. This lot line was established as a result of the vacation of right-of-way in Vacation Resolution 01-078. When buildings cross property lines, the potential for land use code violations results from the setback requirements. Under MCC 33.3170(C), 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 minimum lot or yard requirements. The vacation of right of way was a conveyance for a public purpose, and is thus not bound by the yard requirement. The encroachment of the house and associated accessory structure as a result of the right-of-way vacation does not constitute a violation of the land use code.

Hearings Officer: The site is in compliance as required.

4. THE PROPOSAL MEETS THE STANDARDS OF THE RURAL RESIDENTIAL (RR) DISTRICT.

4.1 33.3130 Conditional Uses

The following uses may be permitted when found by the Hearings Officer to satisfy the applicable Ordinance standards:

(A) Community Service Uses under the provisions of MCC 33.6000 through .6660.

Staff: The proposed use is listed as a Community Service Use. See MCC 33.6015.

4.2 33.3155 Dimensional Requirements

4.2.1 (A) Except as provided in MCC 33.3160, 33.3170, 33.3175 and 33.4300 through 33.4370, the minimum lot size shall be five acres.

Staff: The proposal is a community service use, which requires a conditional use permit. See 33.3175 for minimum lot size requirements.

4.2.2 (C) Minimum Yard Dimensions -Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height -35 feet

Minimum Front Lot Line Length -50 feet.

Staff: The applicant consolidated tax lots 2400 and 2500 with the Assessment and Taxation Division (See Exhibit A9). This consolidation is for tax purposes only. In order to meet the required setbacks, the two legal lots shall be consolidated into one legal lot. Once the lots are consolidated, setbacks will be 30 feet for the front, 90 feet for the east side, 95 feet for the west side, 60 feet for the rear. The setbacks will be met with the following condition of approval: Prior to building permit approval, the applicant shall record a new deed describing both properties as one legal lot.

Since the proposal is a community service use, additional setbacks are specified in the Community Uses Restrictions in MCC 33.6020, which are discussed in section 5.4 of this report.

4.3 33.3170 Lot of Record

(1) July 10, 1958, SR zone 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, RR zone applied, Ord. 148 & 149;

(5) October 13, 1983, zone change from MUF-19 to RR for some properties, Ord. 395;

(6) October 4, 2000, Oregon Administrative Rules Chapter 660 Division 004, 20 acre minimum lot size for properties within one mile of Urban Growth Boundary;

(7) May 16, 2002, Lot of Record section amended, Ord. 982, reenacted by Ord. 997.

(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 33.3185, 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 33.3160, 33.3175, and 33.4300 through 33.4360, 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 minimum lot or yard requirements or result in a lot with 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 property is two separate lots conveyed individually. Both of these lots were conveyed to the Scappoose Rural Fire Protection District using the two legal descriptions contained in Exhibit A8. These legal descriptions match the configuration of the lots shown on the 1962 zoning maps, which are the maps deemed to show the first zoning applied by Multnomah County. These two lots pre-date zoning. They have been reconfigured by vacation resolution 01-078, which vacated the right-of-way adjacent to the south property line. Half of this right-of-way was added to the subject lots. This reconfiguration resulted in the house on the lot to the south of the subject property now being over the common property boundary. Since the conveyance was done for a public purpose, the encroachment does not affect the standing of the lots as Lots of Record.

In 2000, the Fire District requested a consolidation of tax lots from the Multnomah County Tax Assessor. This consolidation happened for the purposes of tax collection only. No evidence has been submitted to the record showing that the two Lots of Record have been consolidated by deed. The subject property consists of two separate Lots of Record.

A condition of approval should be included requiring the applicant to record a new deed describing both properties as a single lot prior to the approval of building permits in order to ensure adequate area to house the on-site facilities is retained.

Hearings Officer: This requirement will be satisfied by compliance with a condition of approval.

4.4 33.3175 Lot Sizes for Conditional Uses

4.4.1 The minimum lot size for a conditional use permitted pursuant to MCC 33.3130, except (B)(8) thereof, shall be based upon:

(A) The site size needs of the proposed use;

Applicant: The site is 21,136 square feet and all standards can be met for setbacks, segregations, on-site sewage disposal, parking and landscaping.

Staff: Pursuant the site plan submitted by the applicant, the size of the site is large enough to contain all the proposed structures and amenities requested and required. In order to ensure one of the two parcels does not get sold separately, the applicant will be required to record a new deed describing both properties as a single lot prior to the zoning approval of building permits.

4.4.2 (B) The nature of the proposed use in relation to the impacts on nearby properties; and

Applicant: The proposed use in this case (fire station) is a pre-existing use. The fire station is unmanned and is used by volunteers. The station occupies a corner lot and borders only two residences. The station fits in extremely well with the adjacent neighborhood of single-family residential homes, a church and an automotive repair business.

Staff: Lot sizes in the vicinity of the subject property range from 1/4 acre to 1 acre. Most lots in the area are residential in use. The subject property is similar in size to many of the surrounding properties. There should be little impact from the existence of the fire station to the surrounding properties. There may be some impacts to the roads and other vehicles on the road from vehicles entering and exiting the site. These impacts are not related to the size of the subject site.

4.4.3 (C) Consideration of the purposes of this district.

Applicant: According to MCC 33.3 100, the purpose of the Rural Residential Zone is to provide areas for residential use for those persons who desire a rural living environment. The purpose statement of the zone further allows public services and non-residential uses that balance the public's interest in the management of community growth. A sufficient number of people reside within a one-mile radius of the fire district to warrant a fire station. This particular fire station has been in existence for at least 30 years and was formerly under the jurisdiction of the Holbrook Fire District. This use is consistent with

the purpose of the zone inasmuch as it provides a needed public service for fire protection and emergency medical services.

Staff: The fire station is located so as to serve the rural area of this part of the county. The fire station provides an essential public service which is in keeping with the purposes of the district.

4.4.4 (D) A finding that the lot or parcel is at least two acres in area.

Applicant: The subject lot is a preexisting use that is .6 acres in size. This proposal was approved previously in 2001.

Staff: This criterion has been added to the code since the previous approval. This criterion was added to the code in response to OAR 660-004-0040(5)(b), which reads, "A rural residential zone does not comply with Goal 14 if that zone allows the creation of any new lots or parcels smaller than two acres. For such a zone, a local government must either amend the zone's minimum lot and parcel size provisions to require a minimum of at least two acres or take an exception to Goal 14." The legislative intent behind this code standard is not to allow the creation of new parcels of less than two acres as part of the conditional use permit process. The standard does not prohibit the approval of conditional uses on existing lawfully established lots of less than two acres. This standard is not applicable.

4.5 33.3180 Off-Street Parking and Loading

Off-street parking and loading shall be provided as required by MCC 33.4100 through 33.4220.

Staff: Off-street parking and loading are reviewed under MCC 33.4100 in Section 6 of this report.

4.6 33.3185 Access

Any lot 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.

Applicant: The Final Site Plan has an engineered access approach that conforms with all standards.

Staff: The subject property has frontage onto a public road (NW Cleetwood Ave).

**5. THE PROPOSAL MEET THE STANDARDS FOR COMMUNITY SERVICE
CONDITIONAL USES.**

5.1 33.6005 General Provisions

(A) Community Service approval shall be for the specific use or uses

approved together with the limitations or conditions as determined by the approval authority.

(B) Uses authorized pursuant to this section shall be subject to Design Review approval under MCC 33.7000 through 33.7065.

(C) A Community Service approval shall not be construed as an amendment of the Zoning Map, although the same may be depicted thereon by appropriate color designation, symbol or short title identification.

Staff: This community service application is for a fire station, parking area, on-site utilities, landscaping and sign.

The applicant has applied for Design Review approval of all proposed site improvements as part of this application. Design Review findings can be found in Section 8 of this report.

5.2 33.6010 Approval Criteria

In approving a Community Service use, the approval authority shall find that the proposal meets the following approval criteria, except for transmission towers, which shall meet the approval criteria of 33.6125, and except for regional sanitary landfills which shall comply with MCC 33.6200 through .6230.

5.2.1 A. Is consistent with the character of the area;

Applicant: The use is consistent with the character of the area. This area is zoned Rural Residential, and these types of areas do need fire suppression and emergency ambulance services. The surrounding buildings are all residential in nature. The present building, though obviously not a residential structure, is similar in height, size of building footprint, and square footage to those already located in the area.

No other fire stations exist in the area. The proposed use will not significantly affect noise levels, traffic patterns, equipment use, or air quality because the station is relatively inactive. The only noise originating from the site will occur when sirens are activated for calls and when equipment testing and training are being conducted. The building is 32 feet, 7 inches back from Cleetwood Avenue N. W., 96 feet from the west property line, and 120 feet from the east property line. Cleetwood Avenue N. W. is a two-lane gravel road that intersects with Morgan Road N. W., which is paved. The properties are .7 mile from U. S. Highway 30.

Staff: This use has been previously approved on this site in CS 0-4, which required a finding under this criterion. The character of the area has not changed substantially since the original approval in July of 2001. A copy of the Notice of Decision from CS 0-4 is included as Exhibit A12.

This area is a quiet, rural residential neighborhood with small lots. On Cleetwood Avenue, there are small lots (under 1 acre) which contain houses, landscaping and mature

trees. Many of these properties have detached metal or wood outbuildings. Not far to the west is a Commercial Forest Use zone. See Exhibit A3 for an aerial photo of the area taken in 2002.

The station has the potential to generate some noise by the use of sirens when responding to emergency situations. The station has been in operation since the 1980's and staff has no record of complaints related to noise generated by this use. The station is generally unmanned, with people being present only as need for training and emergency response. Outdoor lighting is required under the SEC provisions to be hooded and shielded. This requirement should be sufficient to address any lighting concerns. NW Cleetwood and NW Morgan have very little traffic so conflicts between fire emergency vehicles and other vehicular traffic should not be a concern.

One aspect of the proposed development is the installation of landscaping as shown on the applicant's landscaping plan (Exhibit A4). The plan calls for the retention of most existing on-site trees as well as planting 5 new Chanticleer Pear trees, four rhododendrons, two Salal bushes, and six Snowberry shrubs. This landscaping will be installed along the site's frontage with NW Cleetwood, softening the visual impact of the structure on the neighborhood. The removal of one of the overhead garage doors and the installation of a window on the front face will also help the building be more similar to the existing residential development in the area.

Although improved parking lots are not typical to this residential area, most lots do have several vehicles and other motorized items stored on the grounds. A six car lot will not appear to be incongruous. Again, the existing and proposed landscaping will mitigate the appearance of the parking lot to be more in keeping with the character of the area.

Hearings Officer: The fire station has long been in use at this location, and the use no applied for was approved in 2001. It would be odd at this point to conclude that it is not consistent with the character of the area, and, as noted by staff, landscaping will improve the appearance of the remodeled station. This criterion is satisfied.

5.2.2 B. Will not adversely affect natural resources;

Applicant: The proposed use will not adversely affect natural resources because the site is entirely surrounded by areas that are already improved and devoid of natural areas. Large maple trees west of the fire station, smaller trees along the eastern boundary, blackberries and grassy lawn areas are present on the property. All of the natural vegetation except the blackberries and small scrubby vegetation under 6 inches in diameter will be saved (see Final Site Plan Sheets C-01, C03, and L-01). No exceptional natural features, either topographic or otherwise, would be affected. The topography of the site ranges from 0-3% and a complete landscape plan details every tree over 6 inches in diameter at breast height (dbh) that will be preserved during the property improvement process. The subject property is not located next to any natural areas since all adjoining lots are improved.

Staff: Staff concurs. Although this lot is within a Significant Environmental Concern overlay district, there are no outstanding natural features, such as forests, streams or

wetlands. Most of the lots in this area have been developed already, therefore this criterion is met.

5.2.3 C. Will not conflict with farm or forest uses in the area;

Applicant: The proposed use will not conflict with farm or forest uses in the area because it is not contiguous to or close to forest or farm uses. The building is currently in use as a fire station which houses fire, rescue, and emergency medical response equipment. It plays a vital role in maintaining and preserving forest uses by containing structural fires and assisting the Oregon State Department in controlling wild land fires.

Staff: This area is zoned Rural Residential. The surrounding area is made of up single family dwellings on parcels that are less than 1 acre. No farm or forest uses occur on the adjacent parcels. The closest lot with forest uses on it is 390 feet away. This proposal will not conflict with farm or forest uses in the area.

5.2.4 D. Will not require public services other than those existing or programmed for the area;

Applicant: The proposed use will not require public services other than those existing in the area. The fire district has a shared well, a proposed septic drain field area, and electrical power. The services are the same as those provided to dwellings in the area.

Staff: Staff concurs. See also Comprehensive Plan Policy 37, Utilities in Section 9.4 of this report. The criterion has been met.

5.2.5 E. Will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable;

Applicant: The use is not located within a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife.

Staff: This criterion is met.

5.2.6 F. Will not create hazardous conditions; and

Applicant: The use will not create hazardous conditions. There are six off-street parking spaces for the volunteers responding to emergency incidents and training. On-site circulation will accommodate routine vehicle movement (see Final Site Plan Sheet C-01). Volunteers arriving and departing the site will use Morgan Road N. W. and Cleetwood Avenue N. W. Emergency vehicle arrivals and departures will be on Morgan Road N. W. and U. S. Highway 30. No problems have arisen in past years of use. No impact will occur on soils or slopes because all vehicles will be on paved surfaces as represented in the Site Plan.

Staff: Staff concurs. The fire station has been used for several years and no known hazardous condition has been observed or reported. The criterion has been met.

G. Will satisfy the applicable policies of the Comprehensive Plan.

Applicant: The building and use meet the restrictions set forth in the Comprehensive Plan for Policies 14, 31, 37, and 38 as addressed in this report.

Staff: The applicant has provided information regarding each of the applicable Comprehensive Plan policies individually. See findings regarding each plan policy in Section 9.9 of this report. The findings support compliance with this criterion.

H. Will satisfy such other applicable approval criteria as are stated in this Section.

Staff: No other approval criteria are listed in this section.

Uses

(A) Except as otherwise limited in the EFU, CFU-1, CFU-2, and CFU-5 districts, the following Community Service Uses and those of a similar nature, may be permitted in any district when approved at a public hearing by the approval authority.

Allowed Community Service Uses in the EFU, CFU-1, CFU-2, and CFU-5 districts are limited to those uses listed in each respective district.

(6) Government building or use.

(24) Ambulance Service Substation.

Staff: The proposed use is a fire station which includes emergency medical responses. A fire district is a government use. In addition, a fire station performs similarly to an ambulance service station, in that a station houses emergency vehicles that operate on an on-call basis. Policy 31, Community Facilities, lists Fire Stations as a community facility, therefore the proposed use is considered a community service use.

33.6020 Restrictions

5.4.1 A building or use approved under MCC 33.6015 through .6050 shall meet the following requirements:

A. Minimum yards in EFU, MUA-20, RR, RC Districts:

1. Front yards shall be 30 feet.

2. Side yards for one-story buildings shall be 20 feet; for two-story buildings, 25 feet.

3. Rear yards shall be as required in the district.

Staff: The applicant consolidated tax lots 2400 and 2500 with the Assessment and

Taxation Division (See Exhibit A9). This consolidation is for tax purposes only. In order to meet the required setbacks, the two legal lots shall be consolidated into one legal lot. Once the lots are consolidated, setbacks will be 30 feet for the front, 90 feet for the east side, 95 feet for the west side, 60 feet for the rear. The rear setback is 30 feet in the Rural Residential zoning district. The setbacks will be met with the following condition of approval: Prior to building permit approval, the applicant shall record a new deed describing both properties as one legal lot.

5.4.2 D. Off-street parking and loading shall be provided as required in MCC 33.4100 through .4220.

Applicant: The Final Site Plan clearly shows that this criterion can be met on Sheet C-01.

Staff: See findings under MCC 33.4100 through .4220 in Section 6 of this report. These findings state that the off-street parking and loading standards can be met.

5.4.3 E. Signs for Community Service Uses pursuant to the provisions of MCC 33.7400 through 33.7505.

Staff: There is a sign at the front of the property. Applicant proposes to keep the sign but relocate it out of the right-of-way and visibility triangle and reduce it in size. The sign must meet the provisions of 33.7400 et seq. Please see the findings in Section 9 of this report.

5.4.4 F. Other restrictions or limitations of use or development not required under this subsection shall be provided in the district.

Staff: See RR zoning district discussion above.

6. THE PROPOSAL MEETS THE STANDARD OF THE SIGNIFICANT ENVIRONMENTAL CONCERN OVERLAY ZONE.

6.1 33.4510 Uses; SEC Permit Required

(A) All uses permitted under the provisions of the underlying district are permitted on lands designated SEC; provided, however, that the location and design of any use, or change or alteration of a use, except as provided in MCC 33.4515, shall be subject to an SEC permit.

Staff: The proposed fire station is allowed as a Conditional Use in the underlying district. The subject property is designated with both the SEC-h (Wildlife Habitat) overlay and the SEC-v (Scenic Views) overlay. An SEC permit is required.

6.2 33.4520 Application for SEC Permit

6.2.1 An application for an SEC permit for a use or for the change or alteration of an existing use on land designated SEC, shall address the applicable criteria for

approval, under MCC 33.4555 through 33.4575.

(A) An application for an SEC permit shall include the following:

1. A written description of the proposed development and how it complies with the applicable approval criteria of MCC 33.4560 through 33.4575.

Applicant: This is a preexisting development, but the improvement program consists of the following:

Improved access
Installation of a permanent on-site sewage disposal system
New modern signage
Stormwater detention
Landscaping plan
New building colors
New parking design

The fire station is used for housing emergency response apparatus and equipment. Emergency apparatus responds to structural, wildland, and other types of fires. In addition, emergency equipment responds to medical emergencies, motor vehicle accidents, special rescue situations, emergency disaster relief, and public assistance.

The Holbrook station is an unmanned fire station, and there are no plans to provide living quarters. The only set hours that are anticipated would be when a volunteer responds to the fire station for either Wednesday morning drills at 9:00 am to noon or Wednesday evening drills from approximately 6:45 to 10:00 p.m. All other times would be for emergency response. On the average, two to four firefighting personnel would show up at one time.

Staff: The applicant has described the use above and has provided findings for compliance with the remaining standards of the SEC criteria. These findings are below.

6.2.2

2. A map of the property showing:

- a. Boundaries, dimensions, and size of the subject parcel;**
- b. Location and size of existing and proposed structures;**
- c. Contour lines and topographic features such as ravines or ridges;**
- d. Proposed fill, grading, site contouring or other landform changes;**
- e. Location and predominant species of existing vegetation on the parcel, areas where vegetation will be removed, and location and species of vegetation to be planted, including landscaped areas;**
- f. Location and width of existing and proposed roads, driveways, and service corridors.**

Staff: The applicant has submitted a written description and a map as required.

6.3 33.4525 Applicable Approval Criteria

(A) The approval criteria that apply to uses in areas designated SEC-w, SEC-v, SEC-h and SEC-s on Multnomah County zoning maps shall be based on the type of protected resources on the property, as indicated by the subscript letter in the zoning designation, as follows:

Zoning Designation	Approval Criteria (MCC#)
SEC-w (wetlands)	33.4560
SEC-v (scenic views)	33.4565
SEC-h (wildlife habitat)	33.4570
SEC-s (streams)	33.4575

Staff: The subject application is on property designated with both the SEC-h and SEC-v overlays, making this application subject to the approval criteria of both MCC 33.4565 and 33.4570.

6.4 33.4565 Criteria for Approval of SEC-v Permit -Significant Scenic Views

(A) Definitions:

(1) *Significant scenic resources* consist of those areas designated SEC-v on Multnomah County sectional zoning maps.

(2) *Identified Viewing Areas* are public areas that provide important views of a significant scenic resource, and include both sites and linear corridors.
Identified Viewing Areas are:

Bybee-Howell House
Virginia Lakes
Sauvie Island Wildlife Refuge
Kelley Point Park
Smith and Bybee Lakes
Highway 30
The Multnomah Channel
The Willamette River
Public roads on Sauvie Island

(3) *Visually subordinate* means development does not noticeably contrast with the surrounding landscape, as viewed from an identified viewing area.
Development that is visually subordinate may be visible, but is not visually dominant in relation to its surroundings.

6.4.1 (B) In addition to the information required by MCC 33.4520, an application for development in an area designated SEC-v shall include:

(1) Details on the height, shape, colors, outdoor lighting, and exterior building materials of any proposed structure;

Applicant: The Final Site Plan Sheets A-02 and S-01 provide this information. The height of the structure is shown in Inset 2 on Sheet S-01. The apex of the roof is 16 feet, 4 inches. All of the directional elevations are shown on Sheet A-02. The color schedule is listed on Sheet A-02. The proposed colors are forest green with a garden bramble brown trim and matching translucent siding panels. Outdoor lighting is shown in Final Site Plan Sheet A-02. The lights will be hooded wall lights. The exterior building materials will consist of corrugated metal siding with roll-up metal doors. Roofing material will also be corrugated metal. For details of exterior building materials. see Final Site Plan Sheet A-02.

6.4.2 (2) Elevation drawings showing the appearance of proposed structures when built and surrounding final ground grades;

Applicant: The Final Site Plan shows final ground grades Sheet C-03. (Exhibit A13)

6.4.3 (3) A list of identified viewing areas from which the proposed use would be visible; and,

Applicant: A consultant was hired to drive to each of the key viewing points to determine whether or not the fire station was visible. Thick intervening vegetation and variable topography between the viewing sites and the subject property prevents any visual siting of the subject from those key viewing areas. The consultant also attempted to locate the key viewing areas from the subject property and was unable to do so. The fire district has retained most of the overstory perimeter vegetation to provide for local visual subordination (see Final Site Plan Sheets C-03 and L-01).

The fire station, though not visible from key viewing areas, has still taken steps to minimize the visual impact of the fire station through vegetation retention, a detailed landscaping plan, and a color schedule for the building that will help it blend in with the natural setting.

Staff: In the previous conditional use approval (Exhibit A12) the subject property was found to not be visible from any of the key viewing areas. The surrounding topography, vegetative conditions, and the presence of buildings between the site and the key viewing areas are substantially the same as they were in 2001. The site is completely screened by topography to the east making the subject property not visible from the identified viewing areas to the east. The area between the black and white dashed lines as shown on the USGS map (Exhibit A14) is the only view corridor where there is no topography higher than the subject property. However trees and structures block all potential view from Highway 30 and the south end of Sauvie Island. This site is not visible from any of the identified viewing areas listed, therefore the applicant does not need to meet the standards of visual subordination.

(A) In addition to the information required by MCC 33.4520 (A), an application for development in an area designated SEC-h shall include an area map showing all properties which are adjacent to or entirely or partially within 200 feet of the proposed development, with the following information, when such information can be gathered without trespass:

6.5.1 (1) Location of all existing forested areas (including areas cleared pursuant to an approved forest management plan) and non-forested "cleared" areas;

For the purposes of this section, a forested area is defined as an area that has at least 75 percent crown closure, or 80 square feet of basal area per acre, of trees 11 inches DBH and larger, or an area which is being reforested pursuant to Forest Practice Rules of the Department of Forestry. A non-forested "cleared" area is defined as an area which does not meet the description of a forested area and which is not being reforested pursuant to a forest management plan.

Applicant: The subject property does not contain any forested areas, but a number of larger diameter trees are scattered along the eastern boundary. The scraggly understory vegetation was removed to prevent the potential for ground fires, but all of the other trees are identified in the Final Site Plan for retention. Sheets C-01 and C-03 show the exact location of the trees which will be retained. The Landscaping Plan also shows the exact location of existing and proposed trees.

Staff: Aerial photos of the subject property and the surrounding area taken in 2002 are included as Exhibit A3. The properties adjacent to and 200 feet from the property lines are primarily residential in nature with one property containing a church. These properties have light plantings of trees which are not marketable. The properties do not appear to meet the requirements of forested area. The nearest forested zoned area is 390 feet to the west, at 19505 NW Cleetwood Ave.

6.5.2 (2) Location of existing and proposed structures;

Applicant: The Final Site Plan shows the location of the existing fire station and the proposed addition to the fire station on Sheets C-01 and A-02.

Staff: The criterion is met. This information is on the site plan (Exhibit A1).

6.5.3 (3) Location and width of existing and proposed public roads, private access roads, driveways, and service corridors on the subject parcel and within 200 feet of the subject parcel's boundaries on all adjacent parcels;

Applicant: The location of the above features are shown in Figure 1, Adjacent Property Improvements. (Exhibit A15)

Staff: The applicant has met the submittal requirements of this section.

6.5.4 (4) Existing and proposed type and location of all fencing on the subject property and on adjacent properties and on properties entirely or partially within 200 feet of the subject property.

Applicant: No fencing exists on the subject property. Fencing on adjacent properties and on properties entirely or partially within 200 feet of the subject property is shown in Figure 2, Map of Fencing on Adjacent and Nearby Properties. (Exhibit A16)

Staff: The applicant has met the submittal requirements of this section.

6.5.5 (B) Development standards:

(1) Where a parcel contains any non-forested "cleared" areas, development shall only occur in these areas, except as necessary to provide access and to meet minimum clearance standards for fire safety.

Applicant: The proposal exceeds this standard because all of the improvements are already in cleared areas (see Final Site Plan Sheet C-01).

Staff: None of these trees will be removed as part of the subject proposal. The existing building and all associated proposed improvements will be located in existing cleared areas. This criterion is met.

6.5.6 (2) Development shall occur within 200 feet of a public road capable of providing reasonable practical access to the developable portion of the site.

Applicant: All of the subject property lies within 200 feet of a public road.

Staff: The criterion is met.

6.5.7 (3) The access road/driveway and service corridor serving the development shall not exceed 500 feet in length.

Applicant: The proposed driveway serving the subject property is only 31 feet long to the parking lot and 32 feet, 7 inches to the fire station. These distances are well within the 500-foot limit.

Staff: The criterion is met.

6.5.8 (4) The access road/driveway shall be located within 100 feet of the property boundary if adjacent property has an access road or driveway within 200 feet of the property boundary.

Staff: Both access points are within 100 feet of property boundaries as shown on the applicant's site plan in Exhibit A1.

6.5.9 (5) The development shall be within 300 feet of the property boundary if adjacent property has structures and developed areas within 200 feet of the property

boundary.

Applicant: All structure within this area are preexisting to this standard.

Staff: A development is within 300 feet of a property boundary as shown on the applicant's site plan in Exhibit A1.

6.5.10 (6) Fencing within a required setback from a public road shall meet the following criteria:

(a) Fences shall have a maximum height of 42 inches and a minimum 17 inch gap between the ground and the bottom of the fence.

(b) Wood and wire fences are permitted. The bottom strand of a wire fence shall be barbless. Fences may be electrified, except as prohibited by County Code.

(c) Cyclone, woven wire, and chain link fences are prohibited.

(d) Fences with a ratio of solids to voids greater than 2:1 are prohibited.

(e) Fencing standards do not apply in an area on the property bounded by a line along the public road serving the development, two lines each drawn perpendicular to the principal structure from a point 100 feet from the end of the structure on a line perpendicular to and meeting with the public road serving the development, and the front yard setback line parallel to the public road serving the development.

FIGURE 33.4570A FENCE EXEMPTION AREA is shown in the Staff Report.

Applicant: The subject property contains no fences.

Staff: No fencing exists on site currently and none is being proposed as part of this application.

6.5.11 (7) The following nuisance plants shall not be planted on the subject property and shall be removed and kept removed from cleared areas of the subject property:

Scientific Name	Common Name
<i>Chelidonium majus</i>	Lesser celandine
<i>Cirsium arvense</i>	Canada Thistle
<i>Cirsium vulgare</i>	Common Thistle
<i>Clematis ligusticifolia</i>	Western Clematis

<i>Clematis vitalba</i>	Traveler's Joy
<i>Conium maculatum</i>	Poison hemlock
<i>Convolvulus arvensis</i>	Field Morning-glory
<i>Convolvulus nyctagineus</i>	Night-blooming Morning-glory
<i>Convolvulus seppium</i>	Lady's nightcap
<i>Cortaderia selloana</i>	Pampas grass
<i>Crataegus sp. except C. douglasii</i>	Hawthorn, except native species
<i>Cytisus scoparius</i>	Scotch broom
<i>Daucus carota</i>	Queen Ann's Lace
<i>Elodea densa</i>	South American Water-weed
<i>Equisetum arvense</i>	Common Horsetail
<i>Equisetum telemateia</i>	Giant Horsetail
<i>Erodium cicutarium</i>	Crane's Bill
<i>Geranium roberianum</i>	Robert Geranium
<i>Hedera helix</i>	English Ivy
<i>Hypericum perforatum</i>	St. John's Wort
<i>Ilex aquafolium</i>	English Holly
<i>Laburnum watereri</i>	Golden Chain Tree
<i>Lemna minor</i>	Duckweed, Water Lentil
<i>Loentodon autumnalis</i>	Fall Dandelion
<i>Lythrum salicaria</i>	Purple Loosestrife
<i>Myriophyllum spicatum</i>	Eurasian Watermilfoil
<i>Phalaris arundinacea</i>	Reed Canary grass
<i>Poa annua</i>	Annual Bluegrass
<i>Polygonum coccineum</i>	Swamp Smartweed
<i>Polygonum convolvulus</i>	Climbing Binaweed
<i>Polygonum sachalinense</i>	Giant Knotweed

<i>Prunus laurocerasus</i>	English, Portugese Laurel
<i>Rhus diversiloba</i>	Poison Oak
<i>Rubus discolor</i>	Himalayan Blackberry
<i>Rubus laciniatus</i>	Evergreen Blackberry
<i>Senecio jacobaea</i>	Tansy Ragwort
<i>Solanum dulcamara</i>	Blue Bindweed
<i>Solanum nigrum</i>	Garden Nightshade
<i>Solanum sarrachoides</i>	Hairy Nightshade
<i>Taraxacum oficinale</i>	Common Dandelion
<i>Ultricularia vulgaris</i>	Common Bladderwort
<i>Urtica dioica</i>	Stinging Nettle
<i>Vinca major</i>	Periwinkle (large leaf)
<i>Vinca minor</i>	Periwinkle (small leaf)
<i>Xanthium spinosum</i>	Spiny Cocklebur
<i>Various genera</i>	Bamboo sp.

Applicant: None of the plants listed on the above chart are present on the subject property.

Staff: Nuisance plants shall be kept removed from the property. A condition of approval should be applied to require the nuisance plants listed above to be kept removed from the property.

7. THE PROPOSAL MEETS THE OFF-STREET PARKING AND LOADING STANDARDS.

7.1 33.4105 General Provisions

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

Staff: This is a new use. Off-street parking and loading shall be provided as required.

7.2 33.4120 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.

Staff: The applicant has submitted a site plan showing all off street parking improvements which meets the submittal requirements of this section. See Exhibit A1.

7.3 33.4130 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.

(B) Exception -The Planning Director may authorize the location of required parking spaces other than on the site of the primary use, upon a written finding by the Director that:

Staff: The parking lot is proposed in an area that currently straddles the property line between two legal lots. In order to ensure the parking lot is on the same lot as the building, a condition of approval should be imposed requiring a new deed describing both properties as one lot be recorded prior to the approval of building permits.

7.4 33.4135 Improvements Required

(A) Required parking and loading areas shall be improved and placed in condition for use before the grant of a Certificate of Occupancy under MCC 33.0525, or a Performance Bond in favor of Multnomah County equivalent to the cost of completing such improvements shall be filed with the Planning Director.

(B) Any such bond shall include the condition that if the improvement has not been completed within one year after issuance of the Certificate of Occupancy, the bond shall be forfeited.

Staff: A condition of approval should be imposed to require the parking area to be constructed prior to the issuance of a Certificate of Occupancy.

7.5 33.4165 Design Standards: Scope

7.5.1 (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.

Staff: The standards of this section apply to the proposed fire station.

7.5.2 (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 applicant's proposal meets all of the dimensional standards of this section as detailed in the findings under MCC 33.4175 (Section 7.6) and has provided the minimum number of spaces required as detailed in the findings under MCC 33.4205 (Section 7.10). This indicates that adequate room for parking, turning, and maneuvering is proposed on the subject lot.

7.6 33.4175 Dimensional Standards

(A) Parking spaces shall meet the following requirements:

(1) At least 70% of the required off-street parking spaces shall have a minimum width of nine feet, a minimum length of 18 feet, and a minimum vertical clearance of six feet, six inches.

(2) Up to 30% of the required off-street parking spaces may have a minimum width of eight-and-one-half feet, a minimum length of 16 feet, and a vertical clearance of six feet if such spaces are clearly marked for compact car use.

(3) For parallel parking, the length of the parking space shall be 23 feet.

(4) Space dimensions shall be exclusive of access drives, aisles, ramps or columns.

Staff: The applicant's site plan (Exhibit A1) shows four parking spaces meeting standard (A)(1). Two parallel parking spaces are also proposed which meet the standard (A)(3) above. All of the proposed parking space dimensions are exclusive of access drives, aisles, ramps, or columns as shown on the applicant's site plan.

7.6.2 (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.

Staff: The proposed parking lot aisle width is 25 feet as measured from the end of the 90 degree parking spaces to the beginning of the parallel parking spaces.

7.6.3 (C) Loading spaces shall meet the following requirements:

(1)

District	Minimum Width	Minimum Depth
All	12 Feet	25 Feet

(2) Minimum vertical clearance shall be 13 feet.

Staff: No loading spaces are proposed as part of this application.

7.7 33.4180 Improvements

7.7.1 (A) Surfacing

(1) All areas used for parking, loading or maneuvering of vehicles shall be surfaced with two inches of blacktop on a four inch crushed rock base or six inches of portland cement or other material providing a durable and dustless surface capable of carrying a wheel load of 4,000 pounds.

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

Staff: The applicant's site plan contains notes documenting compliance with standard (A)(1) above. For the driveway into the fire station building, the note reads, "3 inch AC Class "B" paving over 14 inch compacted crushed rock base." For the parking area and the driveway associated with the parking area, the note states, "2 inch AC Class "B" paving over 10" compacted crushed rock base." This meets the standard.

7.7.2 (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 proposed parking area will be separated from the public road by landscaping. Both the parking area and the driveway accessing the fire station building are separated from adjoining properties by grass lawn of over 65 feet in length. The outer boundaries of both driveways are proposed with an extruded four inch curb as shown on Exhibit A1. The parking area is proposed with a four inch extruded curb on all sides except for where the parking area abuts the east side of the building. All parking spaces facing the building

will be provided with concrete five inch wheel stops. The outer boundaries of the parking area are at least three feet from all property lines. The criteria are met.

7.7.3 (C) Marking - All areas for the parking and maneuvering of vehicles shall be marked in accordance with the approved plan required under MCC 33.4120, and such marking shall be continually maintained.

Staff: A condition of approval should be imposed to require the parking lot to be marked and for the marking to be continually maintained.

Hearings Officer: Upon compliance with this condition, the requirement will be satisfied.

7.7.4 (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 has provided a utility plan included as Exhibit A6. This plan shows the drainage from the parking area being collected and routed to an on-site detention pond. The applicant has provided engineering calculations and a drainage certificate stamped and signed by a registered professional engineer stating that the on-site storm drainage system is capable of handling the run-off from a 10-year, 24-hour storm event. The drainage certificate is included as Exhibit A7. The criterion is met.

7.8 33.4185 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: The applicant has proposed two exterior lights on the east side of the building by the proposed man door. These lights will be installed on the eastside of the building facing the parking lot. There are no dwellings adjacent to the east of the property; Cleetwood Ave. wraps around the east side of the property. Both of the fixtures shown on the applicant's elevation (Exhibit A5) are shielded.

7.9 33.4195 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 site plan (Exhibit A1) shows that the proposed parking area is setback 31 feet from NW Cleetwood Ave. The required setback is 30 feet. Two driveways are proposed,

one for the parking area and one for the fire station building itself. There are no curbs on NW Cleetwood Ave., but the proposed extent of paving at the street frontage does not exceed the width of the proposed driveways.

7.10 33.4205 Minimum Required Off-Street Parking Spaces

(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.

33.4210 Minimum Required Off-Street Loading Spaces

(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.

Applicant: The Fire District respectfully requests that this requirement be waived because loading spaces are an obstruction of the maneuverability of fire fighting apparatus and medical/life safety equipment. In addition, loading facilities are more appropriate for commercial operations rather than a Community Service use that is concerned with fire, life, and safety.

Staff: The Code does not specify the number of parking spaces for a fire station. A fire station is not similar to any of the listed uses. The Fire District requests six spaces. Therefore, the Planning Director determines that six spaces are adequate to support the use.

The Code also does not specify the number of loading spaces for a fire station. A fire station is not similar to any of the listed uses. The Fire District requests that no loading spaces be required. Therefore, the Planning Director determines that no loading spaces are required to support the use.

8. THE PROPOSAL MEETS THE DESIGN REVIEW STANDARDS

8.1 33.7020 Application of Regulations

Except those exempted by MCC 33.7015, the provisions of MCC 33.7000 through 33.7060 shall apply to all conditional and community service uses in any district.

Staff: The subject application is for a Community Service Use. This use is not exempt from Design Review under MCC 33.7015, therefore the criteria of this section apply.

8.2 33.7030 Design Review Plan Contents

(A) Any preliminary or final design review plan shall be filed on forms provided by the Planning Director and shall be accompanied by such drawings, sketches and

descriptions as are necessary to describe the proposed development.

Staff: The applicant is applying for final design review, and has provided the information required by MCC 33.7040 as detailed in findings below.

8.3 33.7040 Final Design Review Plan

A final design review plan shall contain the following, drawn to scale:

(A) Site Development and Landscape Plans, indicating the locations and specifications of the items described in MCC 33.7030 (D) and (E), as appropriate;

(B) Architectural drawings, indicating floor plans, sections, and elevations;

(C) Proposed minor exceptions from yard, parking, and sign requirements; and

(D) 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 33.7010 through 33.7020, require the posting of a performance bond, cash deposit, or other surety, to secure execution of the feature at a time certain.

Applicant: All of the above considerations have been addressed in a Final Design Plan that includes civil, landscape, architectural, and structural components.

Staff: The applicant has submitted the materials required by A, B, and C above. They are included as Exhibits A6, A4, and A5 respectively. No minor exceptions are proposed. The Planning Director has not determined that the immediate execution of any feature is impractical. No performance bond is necessary.

Hearings Officer: No performance bond is required.

8.4 33.7050 Design Review Criteria

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

(1) Relation of Design Review Plan Elements to Environment.

(a) The elements of the design review plan shall relate harmoniously to the natural environment and existing buildings and structures having a visual relationship with the site.

Applicant: The fully engineered and architecturally designed Final Site Plan addresses all elements of Design Review. The conclusion can be made that the fire station and all supporting facilities such as parking, stormwater detention, vegetation retention, and the installation of an on-site sewage disposal system collectively define an environment that is harmonious with the natural environment of the area as well as existing buildings and

structures on adjoining and nearby properties. For example, Sheet A-02 provides a color schedule for the buildings, a lighting plan, and directional elevations.

The Design Review was prepared by a licensed surveyor, engineer, and landscape architect, and the on-site sewage disposal system was approved by the City of Portland Bureau of Buildings Sanitarian. All of the elements of the improvements were discussed in committee to find the optimum strategies for creating a compatible environment.

Staff: The north side of the building will be lap-siding, 2 garage doors and a window to look more like the surrounding single family dwellings. The three remaining sides will continue to have metal siding. The applicant is proposing to paint the siding and doors Forest Green with the trim and roof being painted Garden Bramble Brown. Both of these colors are manufactured by Ralph Lauren. The proposed colors will fit harmoniously within the landscape of the site and surrounding neighborhood. The applicant is proposing the retention of on-site vegetation and the planting of landscaping in order to screen the building to make it more harmonious with the natural environment. The combination of the addition of a window, the removal of one overhead door, painting the structure with dark earth tone colors, retaining vegetation, and planting new landscaping work together to make the structure relate harmoniously to the natural environment and have a visual relationship with the site.

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

Applicant: The Final Site Plan definitely promotes energy conservation through the design of the building and from the efficiencies gained from having sound structural improvements. The lighting from the structure is hooded to prevent glare to adjoining and nearby residences, and the large trees have been retained on the property to maintain shading in the summer and solar penetration in the winter, since the deciduous trees lose their leaves and allow sunlight through. The only noise that will emanate from the site is from an occasional siren when volunteer firefighters and medics would be needed at the station. The fire station generates such a small amount of traffic that it has an insignificant impact on air quality.

Staff: Staff concurs.

Hearings Officer: This criterion has been met.

8.4.3 (c) Each element of the design review plan shall effectively, efficiently, and attractively serve its function. The elements shall be on a human scale, inter-related, and shall provide spatial variety and order.

Applicant: The Final Site Plan was prepared by licensed professionals, including a surveyor, an engineer, and a landscape architect. This team carefully examined the code to make sure that all elements of the design review were incorporated into the plan.

Staff: The fire station is being redesigned to make it more human scaled. One of the overhead garage doors is being removed in order to add in a window. The new parking

area is sited to facilitate entry to the building through the man door. The proposed landscaping softens the relationship between the building and the street, helping the improvements interrelate. This criterion has been met.

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

Applicant: The design review plan does provide a very safe environment by segregating driving areas from walking areas, by providing a wheelchair designated parking space, and by retaining existing overstory vegetation for privacy, shading, and aesthetics. The fire district is in the business of public safety and has carefully designed their facility to reflect the highest possible standards.

Staff: The parking lot for the fire station will have a light to illuminate it for night runs. Providing on-site parking reduces the danger inherent in on-street parking and provides for safe internal site circulation for pedestrians. All fire equipment will be located inside the building. The new entrance from the parking lot will also provide more of a transition from the public space (NW Cleetwood Ave.) to the private space inside the fire station. Existing vegetation will be retained to screen the dwellings to the east. New landscaping will be planted to soften the view of the structure from the dwellings to the north. This criterion has been met.

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

Applicant: The site was designed with full consideration of the Americans with Disabilities Act (ADA). Provisions are shown on Final Site Plan Sheets C-01 and C-02 for parking and signage for the disabled. No wheelchair ramp was required since everything is at ground level.

Staff: The applicant is proposing one ADA accessible parking stall with direct access to the man-door. This criterion has been met.

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

Applicant: The major overstory vegetation and the existing grade of the land have been preserved to the maximum extent possible. The Final Site Plan clearly demonstrates that most trees have been preserved and that open areas have been left, with the exception of the new parking lot and the detention basin. The fire district is exempt from the NPDES 1200-C Permit because less than one acre of ground will be disturbed during the development process.

Staff: The applicant is proposing the retention of many of the trees on site. The septic

system has been designed in a manner that allows the retention of two mature trees on the west side of the building. The storm drainage pond on the east side of the building will require the removal of one tree. A cluster of six trees on the easterly side of the parking lot and one tree in the right-of-way will be removed to enhance site distance for vehicles exiting the parking lot. The parking area is proposed in a generally level portion of the site, minimizing the need for site grading. No other vegetation removal is planned. Disturbed areas, such as the land where the septic system will be installed, will be re-established with grass after construction is complete. All of the tree removal planned is warranted to either preserve safety or allow the drainage detention facility to function.

The design of the storm drainage pond takes advantage of the natural contours of the land in order to minimize grading and the need for tree removal. Additionally, the placement of the parking lot on the east side of the building takes advantage of an open area with generally level ground, making it unnecessary to remove any trees and minimizing grading. The applicant has designed the proposed improvements in a manner that is respectful of the natural grade and existing landscape.

Hearings Officer: The criterion is satisfied.

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

Applicant: The Final Site Plan has a parking and circulation plan that demonstrates that this standard has been met (see Sheet C-01 for details).

Staff: The site plan shows 2 driveway access points on to Cleetwood Avenue. The first driveway is for the fire trucks to access the fire station garage. It is 24 feet wide and 36 feet long and is a straight access drive to the fire station. The second driveway leads to the parking lot and is 18 feet wide and 31 feet long and is a straight access drive to the parking area. Pedestrian access from Cleetwood Avenue is informal as the pedestrians can access over the lawn along the front and side property lines. The parking area is immediately adjacent to the parking lot and a concrete sidewalk provided from the ADA accessible space to the building entrance. The proposed development is limited in scale and is harmonious with the neighboring buildings and structures.

Hearings Officer: As noted above, the proposed additions to the existing landscaping will screen portions of the parking lot and thereby make it more harmonious with the existing neighborhood.

- 8.4.8 (6) Drainage - Surface drainage systems shall be designed so as not to adversely affect neighboring properties or streets.**

Applicant: The Final Site Plan contains a full drainage plan, including stormwater detention from all impervious surfaces.

Staff: The water from impervious surfaces will be directed to a detention pond adjacent to the northeast corner of the parking lot as shown on the applicant's site plan and utility plan (Exhibits A1 and A6). The location of the detention pond is approximately 15 feet from the northern property line and 23 feet from the east property line, both of which abut right-of-way, not other parcels. The applicant has provided a Drainage Certificate signed by Julius S. Horvath, Registered Professional Engineer, stating that the detention facility is adequately handle the runoff attributable to the 10-year, 24-hour storm event. This criterion has been met.

8.4.9 (7) Buffering and Screening - Areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking, and similar accessory areas and structures shall be designed, located, buffered or screened to minimize adverse impacts on the site and neighboring properties.

Applicant: The fire district has no outdoor storage of materials planned after the facility is expanded. The existing oil tank that is located behind the building will be removed, and the search and rescue boat will be housed at a different location. The existing trees on the eastern and southern boundaries will be retained as well as the few large trees on the western half of the property. Any outdoor storage will be conducted behind sight-obscuring fences.

Staff: All mail for the station is received at the Scappoose Station and no mailbox is at this location. The applicant has stated that no outdoor storage is planned for this facility and is not proposing the installation of any fencing as part of this application. Staff performed a site visit on January 19, 2005 and noted that the rescue boat had been removed from the property. The proposed parking area will be located on the east side of the building, making it near the corner rather than next to a neighboring house. It will be screened from the right-of-way and other property to the east by the presence of the existing trees. New landscaping will be installed along the north property line to provide a minimal amount of new screening for the parking lot and to provide an aesthetic treatment to the westerly portion of the property. The location of the parking lot and its associated driveway is intended to minimize the potential for conflicts with vehicles traveling on NW Cleetwood Ave. If the parking area exited the property on the eastern boundary, there could be an increased potential for vehicular accidents due to the proximity to the intersection of NW Cleetwood Ave. and NW Morgan Road. The proposed parking area has been sited and screened in a manner that will minimize adverse impacts on neighboring properties.

Hearings Officer: This criterion is satisfied.

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

Applicant: The Final Site Plan includes a utility plan on Sheet C-02. Electrical power to the fire station originates on a power pole on the north side of the public street right-of-way immediately north of the subject property. The power is over the public right-of-way and terminates at a power mast on the east side of the existing fire station

building. No further above-ground facilities will be constructed.

Staff: No new above ground utility installations are proposed.

8.4.11 (9) Signs and Graphics - The location, texture, lighting, movement, and materials of all exterior signs, graphics or other informational or directional features shall be compatible with the other elements of the design review plan and surrounding properties.

Applicant: The Sign Mounting Detail is included in Sheet C-01 of the Final Site Plan. The sign will be a simple wood sign attached to two posts that are anchored in concrete. The footing will be a flagpole type footing.

Staff: The applicant will be moving it closer to the building in order to enhance site distance and to remove the sign from the right-of-way. The applicant verbally indicated to staff on January 20, 2005 that the fire district intends to use the same sign as proposed in the previous design review application. Information on the proposed sign as detailed in the previous application is included as Exhibit A22. This sign will be a wooden, non-illuminated sign that is compatible with the other elements of the design review plan and with surrounding properties. Further information on the sign can be found in Section 9 of this report.

8.5 33.7055 Required Minimum Standards

(C) Required Landscape Areas

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

8.5.1 (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 subject lot is 0.61 acres in size, which is approximately 26,572 square feet. Fifteen percent of 26,572 square feet is approximately 3,986 square feet. The area between the west property line and the building is proposed as a landscaped area, predominately in lawn. This area is 95.83 feet wide and 132 feet deep as shown on the applicant's site plan. This equates to an area of 12,650 square feet, which is well in excess of the required 3,986 square feet. The landscaped area of the lot is in excess of 15% of the lot.

Hearings Officer: As landscaping is proposed, assuming compliance with the relevant conditions of approval, this requirement will be satisfied.

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

Staff: All areas not covered by impervious surfaces will be landscaped as shown on the

site plan (Exhibit A1).

8.5.3 (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.

Staff: The proposed parking area contains six spaces and is not subject to this standard.

8.5.4 (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: The north and east property lines are adjacent to a street. The parking area is separated from the north lot line by a 31-foot landscaped area. To the east, the parking lot is separated from the lot line by a 58 foot landscaped area.

Hearings Officer: The setbacks will be as required.

8.5.5 (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 proposed parking area is adjacent to NW Cleetwood on both the east and north sides. The east side of the property will contain a landscape area in excess of 50 feet, with grass ground cover and an existing stand of trees that serve as street trees. The landscape strip between the parking lot and the north property line is planned for one Chanticleer Pear tree, two variegated common snowberry shrubs and two rhododendrons. The remainder of the landscape strip will retain the existing grass ground cover.

8.5.6 (d) Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.

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

Staff: No landscaping is planned in the parking area.

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

(5) Required landscaping shall be continuously maintained.

Staff: The applicant's landscape plan (Exhibit A4) contains notes that state the vegetation will be watered, maintained, and replaced if removed. Conditions of approval should be included to require all newly planted trees and shrubs to be watered on a weekly basis until established and no longer need water to survive. All trees, shrubs and ground cover shall be continuously maintained. If the vegetation proposed on the applicant's landscaping plan (Exhibit A4) is removed due to disease or death, it shall be immediately replaced. Any tree that dies shall be replaced with 2-inch caliper or similar sized trees of a similar species.

Hearings Officer: Compliance with these conditions will ensure that the requirements to maintain landscaping are satisfied.

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

Staff: No plantings are proposed under overhead utility lines.

9. THE PROPOSAL MEETS THE REQUIREMENTS OF THE SIGN CODE

9.1 33.7410 Conformance

No sign may be erected unless it conforms with the regulations of this Chapter. Sign permits must be approved prior to erection of the sign.

Staff: The proposal includes the erection of a sign. The standards of this chapter apply.

9.2 33.7420 Exempt Signs

The following signs are exempt from the provisions of this Chapter, but may be subject to other portions of the County Code:

(A) Signs not oriented or intended to be legible from a right-of-way, private road or other private property;

(B) Signs inside a building, except for strobe lights visible from a right-of-way, private road or other private property;

(C) Signs legally erected in the right-of-way in accordance with MCC 29.500 through 29.583, the Rules For Street Standards adopted thereunder, and Administrative Rules and Regulations pursuant to MCC 15.225 through 15.236;

(D) Building numbers required by the applicable street naming and property numbering provisions in Multnomah County Code;

(E) Signs carved into or part of materials which are an integral part of the building;

(F) Flags on permanent flag poles which are designed to allow raising and lowering of the flags;

(G) Banners on permanent poles which are designed and intended as a decorative or ornamental feature;

(H) Painted wall decorations and painted wall highlights;

(I) Bench advertising signs which have been lawfully erected.

Staff: The proposed sign is a wooden, non-illuminated free standing sign on private property but visible from a public right-of-way. It is not an exempt sign.

9.3 33.7425 Prohibited Signs

The following signs are prohibited and shall be removed:

(A) Strobe lights and signs containing strobe lights which are visible beyond the property lines;

(B) Signs placed on or painted on a motor vehicle or trailer and parked with the primary purpose of providing a sign not otherwise allowed for by this Code;

(C) Abandoned signs;

(D) Balloon signs; and

(E) Signs in the right-of-way in whole or in part, except signs legally erected for informational purposes by or on behalf of a government agency.

Staff: The proposed sign does not include any strobe lights, is not proposed to be painted onto a motor vehicle or trailer, is not a balloon sign, and is not proposed in the right-of-way. The sign is not prohibited.

9.4 33.7450 Signs Generally in the EFU, CFU-1, CFU-2, CFU-5, MUA-20, RR, and RC Zones

For all uses and sites in the above listed zones, the following types, numbers, sizes and features of signs are allowed. All allowed signs must also be in conformance with the sign development regulations of MCC 33.7460 through 33.7500.

9.4.1 (A) Free Standing Signs:

(1) Allowable Area - Free standing signs are allowed .25 square feet of sign

face area per linear foot of site frontage, up to a maximum of 40 square feet.

(2) Number - One free standing sign is allowed per site frontage.

(3) Height - The maximum height of a free standing sign is 16 feet.

(4) Extension into the Right-Of-Way - Free standing signs may not extend into the right-of-way.

Staff: The proposed sign is freestanding as shown in Exhibits A22 and A1. The proposed sign is 18 inches by 77 inches, which is 9.625 square feet. The subject property has 243.89 feet of frontage on NW Cleetwood along its north property line. This allows the site to have the maximum sign area, 40 square feet. The proposed sign is less than 40 square feet. The proposed height is 5 feet, which is less than the 16 foot maximum allowed. The sign is not proposed in the public right-of-way as shown on the applicant's site plan (Exhibit A1).

Hearings Officer: The limitations regarding area, number, height and location outside the right of way have been met.

9.4.2 (C) Sign Features

Permanent signs may have the following features:

(1) Signs may be indirectly or internally illuminated.

(2) Electronic message centers are not allowed.

(3) Flashing signs are not allowed.

(4) Rotating signs are not allowed.

(5) Moving parts are not allowed.

Staff: The proposed sign is not illuminated, will not contain an electronic message center, will not flash, rotate or contain moving parts.

9.5 33.7465 Sign Placement

9.5.1 (A) Placement

All signs and sign structures shall be erected and attached totally within the site except when allowed to extend into the right-of-way.

Staff: As shown on the applicant's site plan (Exhibit A1) the sign is proposed to be located outside of the right of way, perpendicular to the north property line.

9.5.2 (B) Frontages

Signs allowed based on the length of one site frontage may not be placed on another site frontage. Signs allowed based on a primary building frontage may be placed on a secondary building frontage.

Staff: The sign is proposed on the primary street frontage, which is the frontage used to qualify the site for the sign.

9.5.3 (C) Vision Clearance Areas

(1) No sign may be located within a vision clearance area as defined in subsection (C) (2) below. No support structure(s) for a sign may be located in a vision clearance area unless the combined total width is 12 inches or less and the combined total depth is 12 inches or less.

(2) Location of vision clearance Areas - Vision clearance areas are triangular shaped areas located at the intersection of any combination of rights-of-way, private roads, alleys or driveways. The sides of the triangle extend 45 feet from the intersection of the vehicle travel area (See MCC 33.7505 Figure 2). The height of the vision clearance area is from three feet above grade to ten feet above grade.

Staff: The applicant has marked the vision clearance area on Exhibit A1. The proposed sign is outside of the vision clearance area.

9.5.4 (D) Vehicle Area Clearances

When a sign extends over a private area where vehicles travel or are parked, the bottom of the sign structure shall be at least 14 feet above the ground. Vehicle areas include driveways, alleys, parking lots, and loading and maneuvering areas.

Staff: The proposed sign will not extend over an area where vehicles travel.

9.5.5 (E) Pedestrian Area Clearances

When a sign extends over private sidewalks, walkways or other spaces accessible to pedestrians, the bottom of the sign structure shall be at least 8-1/2 feet above the ground.

Staff: The proposed sign will not extend over a space accessible to pedestrians.

9.5.6 (F) Required Yards and Setbacks

Signs may be erected in required yards and setbacks.

Staff: The proposed sign location is at the front property line, inside the front yard setback.

9.5.7 (G) Parking Areas

(1) Unless otherwise provided by law, accessory signs shall be permitted on parking areas in accordance with the provisions specified in each district, and signs designating entrances, exits or conditions of use may be maintained on a parking or loading area.

(2) Any such sign shall not exceed four square feet in area, one side. There shall not be more than one such sign for each entrance or exit to a parking or loading area.

Staff: No accessory parking area signs are proposed. Only the sign to identify the structure as the Holbrook Fire Station is proposed.

Hearings Officer: The proposal for the fire station sign complies with all relevant requirements and prohibitions.

10. THE PROPOSAL IS IN COMPLIANCE WITH THE APPLICABLE COMPREHENSIVE PLAN POLICIES.

10.1 Policy 14 -Development Limitations

The County's policy is to direct development and land form alterations away from areas with development limitations except upon a showing that design and construction techniques can mitigate any public harm or associated public cost and mitigate any adverse effects to surrounding persons or properties. Development limitations areas are those which have any of the following characteristics:

- A. Slopes exceeding 20%;**
- B. Severe soil erosion potential;**
- C. Land within the 100 year flood plain;**
- D. A high seasonal water table within 0-24 inches of the surface for 3 or more weeks of the year;**
- E. A fragipan less than 30 inches from the surface;**
- F. Land subject to slumping, earth slides or movement**

Applicant: Slopes on the subject property range from 1 to 3% as shown on Sheet C-03 of the Final Site Plan. The potential for soil erosion on this property is extremely low because it is flat, has substantial tree cover over a significant portion of the area, and the open space around the structure is covered with a thick lawn. None of the property lies within a 100-year floodplain. According to the Soil Survey for Multnomah County Area Oregon, the soil mapping unit identified on the subject property has no (seasonal high water table) characteristic. According to the On-Site Sewage Evaluation performed by the Portland Bureau of Building's Sanitarian's Office, no such fragipan exists on the subject property. Multnomah County Planning provided a Geologic Hazards Map for the subject property and surrounding area, and the subject area has no geologic hazard characteristics such as those mentioned above. The subject property is on flat, stable ground.

The amount of exposed earth during the establishment of the detention pond and parking area is not large enough to require an NPDES 1200-C Permit from the U. S. Army Corps of Engineers; however, when construction occurs, the construction area will have a sediment barrier fence even though the construction is planned for the driest time of the year. More information will be provided under "Drainage " below.

The Final Site Plan has a drainage detail on Sheet C-02. An engineered detention pond will be constructed to accept drainage from the fire station, parking lot, and driveways. The plan detail includes a BIO-BAG detail. Downspout connections will be shown on the plumbing plans, and they will tie into the storm drain line as shown on Sheet C-02. The detention pond detail is shown on subset 3 of Sheet C-02 (see "Bottom of Detention Pond").

The subject property does not contain any natural or habitat areas, but a number of large trees are present on the property which have been retained for shading, screening, and soil stability. Sheet C-01 shows the location of existing trees and shrubs, and Sheet C-03, Topography survey, also shows the location of trees. In addition, the Final Site Plan contains a detailed Preliminary Planting Plan, Sheet 1 of 1. All of these plans collectively define an environment that is being maintained and enhanced.

Staff: According to the Multnomah County Soil Survey, the soil on this site is Quatama loam 3-8%. The site slopes approximately 5%. This soil has a seasonal high water table and slow permeability. Septic tank absorption may not function properly. Where Policy 14 development limitations exist on-site, in areas proposed for development (e. g. high seasonal water table and fragipan), design and construction techniques can be implemented to mitigate any public harm or associated public cost, and mitigate any adverse effects to surrounding persons or properties. In this case, a standard septic system will work on this site as indicated by the Certification of Private On-Site Sewage Disposal form signed by the City of Portland Sanitarian's office (Exhibit A17). Additionally, a registered professional engineer has designed a storm water detention and infiltration system and certified that it is adequate to handle the storm water generated by impervious surfaces on site (Exhibit A7). The applicant's materials are adequate to demonstrate that no public harm will result from the use of this site as a fire station due to development limitations inherent in the land.

10.2 Policy 31 -Community Facilities and Uses

Community facilities and services include public and private activities which are operated for the benefit of the public and to fill a social need. Basic services which have a direct effect on the public health, safety and welfare are public schools, transportation, water supply and sewage and solid waste disposal. Essential support services include police and fire protection; sanitary and storm drain facilities; planning, zoning, and subdivision control; health and recreational facilities and services; energy; communications; and community governmental services.

A community's demand for types and levels of community services depends on the intensity and density of development, neighborhood characteristics, the present

availability of services, and the accessibility of existing facilities or service alternates. Service providers, in making their locational decisions, must take into account such factors as public need, location of target clientele, existing financial obligations, present and anticipated resource availability, and costs of physical plant and program development. Taken together, the siting and expansion of community facilities must be at locations reflective of community needs and the ability of service agencies to deliver services.

INTENT

It is the intent of this policy to support the location of community facilities at sites which reinforce the timely and orderly delivery of services, maximize efficient use of existing facilities and provide for the development of new and additional services where unmet public need has been identified.

The County's policy is to:

A. Support the siting and development of a full range of community facilities and services by supporting the location and scaling of community facilities and uses meeting the needs of the community and reinforcing community identity.

Applicant: The proposal is consistent with this County policy of providing a community service.

B. Encourage community facilities siting and expansion at locations reinforcing orderly and timely development and efficient provision of all public services and facilities.

Applicant: This proposal clearly conforms with this criterion since a preexisting use is being upgraded.

C. Encourage land use development which support the efficient use of existing and planned community facilities.

Applicant: This application is particularly efficient because if it were a new use, a minimum lot size of 2 acres would be required, whereas this use is being conducted on .6 acres.

D. Support the development of a unified approach to long range community facilities planning and capital investment programming in Multnomah County.

Applicant: This proposal is very consistent with this policy standard because it involves the modernization of a preexisting community service.

E. Classify community facilities according to their function and scale of operations.

Applicant: The function of the Scappoose Rural Fire Protection District station is clear: to provide improved fire and medical emergency response to the rural community area of

Holbrook.

F. Locate community facilities on sites with average site grades consistent with a project's scale and impacts, site slope requirements by scale are:

Major Community - 10%average slope

G. For sites with average slopes steeper than the standard the developer must be able to demonstrate that through engineering techniques all limitations to development and the provision of services can be mitigated.

H. Support the location of community facilities on existing transportation systems with volume capacities and modal mix splits available and appropriate to serve present and future scales of operation. Vehicular access requirements by scale of facility are:

Major Community - Direct access to a collector street and no routing of traffic through local neighborhood streets. Public transit available within 1/4 mile.

I. Restrict the siting of community facilities in locations where site access would cause dangerous intersections or traffic congestion considering the following:

- 1. Roadway capacities**
- 2. Existing and projected traffic counts**
- 3. Speed limits**
- 4. Number of turning points**

J. Support community facilities siting and development at sites of a size which can accommodate the present and future uses and is of a shape which allows for a site layout in a manner which maximizes user convenience, energy conservation, and pedestrian and bicycle access to and within the site.

K. Promote compatible development and minimize adverse impacts of site development on adjacent properties and the community through the application of design review standards...

L. Provide for the siting and expansion of community facilities in a manner which accords with the other applicable policies of this plan.

Staff: The Holbrook fire station was built in the 1980's. The Scappoose Fire District took over the Holbrook Fire District in 1992 with all of its facilities. The Scappoose Fire District believes that this fire station is still needed to serve the Holbrook community and surrounding area. There is not another fire station in this area. The Scappoose Fire District also believes that expanding this existing facility makes more sense than moving it to another location. A Fire Station is defined in the County's plan policies as a "Major Community" facility. The locational requirements are met, with the exception that the fire station is not located on a collector street. The introduction to this land use location policy states that "It is intended that these locational criteria be construed in a flexible manner, in

the interest of accommodating proposals which, though not strictly in conformance with the applicable criteria, are found to be in the public interest and capable of harmonious integration into the community." A collector street is located only 265 feet away. The applicant has provided evidence that the existing road is adequate for the use (See Exhibit a18). The intent of this policy is met.

Hearings Officer: This proposal is to upgrade and improve a pre-existing facility which serves a vital public need. It is in the public interest to allow the facility to remain at this location despite the lack of direct access to a collector because: (1) a collector is nearby; and (2) the station has been harmoniously integrated into the community for years, and will not become less so by virtue of the proposed development. No negative comments regarding this proposal are in the record. No written or oral testimony opposing the development was submitted at the public hearing. To strictly require that the station had direct access to a collector would make sense if a new location were proposed for its development. Given that the station will merely stay where it is, and that the community has not objected to the location, that requirement does not make sense. As relevant to this application, and based on their intent, the policies are satisfied.

10.3 Policy 36 - Transportation System Development Requirements.

The County 's Policy is to increase the efficiency and aesthetic quality of the trafficways and public transportation by requiring:

- A. The dedication of additional right-of-way appropriate to the functional classification of the street given in Policy 34 and chapter 11.60.**
- B. The number of ingress and egress points be consolidated through joint use agreements,**
- C. Vehicular and truck off-street parking and loading areas,**
- D. Off-street bus loading areas and shelters for riders,**
- E. Street trees to be planted,**
- F. A pedestrian circulation system as given in the sidewalk provisions, chapter 11.60,**
- G. Implementation of the bicycle corridor capital improvements program,**
- H. Bicycle parking facilities at bicycle and public transportation sections in new commercial, industrial and business developments, and**
- I. New streets improved to County standards in unincorporated County may be designated public access roads and maintained by the County until annexed into a city, as stated in ordinance 313.**

Staff: NW Cleetwood Ave is a residential road that is required to have a minimum 50 foot right of way per the County Street Standards. The NW Cleetwood Ave. right-of-way is 50 feet wide. Therefore, no right-of-way dedications are required at this time. The improved section of the road is between 12 and 20 feet wide. The Transportation Division requires that the applicant furnish deed restrictions committing the property owner to participate in future right-of-way improvements. Right-of-way improvements are required to mitigate against the impacts of the travel demand created by the proposed development and to bring the roadway up to county standards. When NW Cleetwood Ave. is improved, the property owner will be assessed a proportional share of standard roadway

improvements, per County Code Section 02.100.

Hearings Officer: As the approval is conditioned, these policies are satisfied.

10.4 Policy 37 - Utilities

10.4.1 Water and Disposal Systems

- A. Shall be connected to a public sewer and water system, both of which have adequate capacity; or**
- B. Shall be connected to a public water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system on the site; or**
- C. Shall have an adequate private water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system; or**
- D. Shall have an adequate private water system, and a public sewer with adequate capacity.**

Staff: Applicant has submitted a Service Provide Form signed by Jason Abraham of the City of Portland Sanitarian's office stating that a Land Feasibility Study (LFS 109-96) was conducted on the site and found that the site can be served by a septic tank and drainfield system. (Exhibit A17)

A well is located on the site, completed in 1998. The well supplies 19 gallons per minute. The well will be used for residential use. Fire tanks would be filled in Scappoose. (Exhibit A19)

10.4.2 Drainage

- E. Shall have adequate capacity in the storm water system to handle the run-off; or**
- F. The water run-off shall be handled on the site or adequate provisions shall be made; and**
- G. The run-off from the site shall not adversely affect the water quality in adjacent streams, ponds, lakes or alter the drainage on adjoining lands.**

Staff: The applicant has provided a drainage plan and a drainage certificate, both prepared by a Registered Professional Engineer, stating that the proposed system is adequate to handle the storm water from a 10-year, 24-hour storm on-site. The storm drainage detention facility is current on a separate lot from the lot which houses the fire station building. In order to ensure the storm drainage facility is not conveyed separately from the building, a condition of approval should be imposed requiring a new deed describing both properties as one lot be recorded prior to the approval of building permits.

10.4.3 Energy and Communications

- H. There shall be an adequate energy supply to handle the needs of the proposal and the development level projected by the plan; and**

I. Communications facilities are available.

Staff: Electric energy is already available to the site. Communication facilities are also available.

10.5 Policy 38: Facilities

10.5.1 School

A. The appropriate school district has had an opportunity to review and comment on the proposal.

Staff: This proposal does not affect the school district. No school is located in the immediate vicinity of this property. The Portland School District had no comment on the proposed use. (Exhibit A20)

10.5.2 Fire Protection

B. There is adequate water pressure and flow for fire fighting purposes; and

C. The appropriate fire district has had an opportunity to review and comment on the proposal.

Staff: The applicant is the fire district. Michael Greisen of the Scappoose Fire District signed the Service Provider Form indicating that the road was adequate for fire services and that there is a 7000 gallon tanker that would supply water in case of a fire.

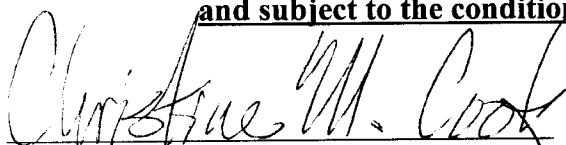
NW Cleetwood Ave. was analyzed by an engineer who found that the existing roadway is suitable for providing access to heavy fire vehicles, such as a 47,000 lb fire water tender truck, fully loaded (See Exhibit A18).

10.5.3 Police Protection

D. The proposal can receive adequate local police protection in accordance with the standards of the jurisdiction providing police protection.

Staff: The Multnomah County Sheriff's office signed the service provider form indicating that the level of police service is adequate for this area. (Exhibit A21)

Decision: **The request for a Community Service Use, Design Review, and Significant Environmental Concern Permit to Operate the Existing Building as a Fire Station and to Alter the Building, Parking Area, and On-Site Storm Drainage Facilities is approved, pursuant to the findings and conclusions, and subject to the conditions of approval listed above.**



Christine M. Cook, Multnomah County Hearings Officer

Dated: February 25, 2005.

TIME LINE:

Application received with full fees: November 4, 2004.
Application incomplete letter mailed: November 29, 2004.
Determination that application is complete: January 5, 2005.
Begin "150 day timeline" on January 5, 2005.
Notice of a Public Hearing (mailed): January 21, 2005
Staff Report available: February 4, 2005.
Public Hearing before Hearings Officer: February 11, 2005.
Decision issued: February 25, 2005.

LIST OF EXHIBITS:

List A: Staff/Applicant:

- A1. Site Plan (Sheet C-01)**
- A2. Photos of Building and Site Existing Conditions**
- A3. 2002 Aerial Photo of the Area**
- A4. Landscape Plan**
- A5. Exterior Elevations (Sheet A-02)**
- A6. Utility Plan**
- A7. Drainage Certificate**
- A8. Deed Records with Legal Descriptions (2 pages)**
- A9. Letter Requesting Assessment Consolidation of Lots**
- A10. Current Tax Map**
- A11. 1962 Zone Map Showing Lots**
- A12. Notice of Decision from CS 0-4**
- A13. Final Site Topography (Sheet C-03)**
- A14. USGS Contour Map Showing Identified Viewing Areas**
- A15. Applicant's Map of Adjacent Roads and Driveways**
- A16. Applicant's Map Showing Fencing on Adjacent and Nearby Properties**
- A17. On-Site Sanitation Service Provider Letter**
- A18. Letter from Engineer Regarding Adequacy of Road**
- A19. Water Service Provider Letter**
- A20. School Service Provider Letter**
- A21. Sheriff Service Provider Letter**
- A22. Sign Information from previous design review file (T2-03-084)**

List H: Documents Submitted at or following the February 11, 2005 Public Hearing:

- H1. Public Hearing Sign-in Sheet**
- H2. T3-04-010 202 Aerial Photo of Tax Lot and Property**
- H3. 8x11 Site Plan Drawings**
- H4. 8x11 Elevation Drawings**
- H5. 8x11 Landscape Drawings**