



MULTNOMAH COUNTY
LAND USE AND TRANSPORTATION PROGRAM
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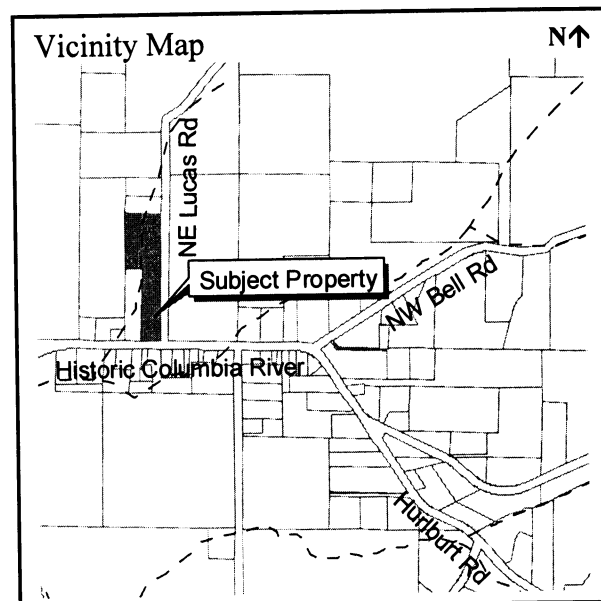
Decision

Conditional Use and Design Review for a Drive-Through Coffee Stand

Case File: T3-2010-873

Hearing Date, Time, & Place:

Friday, April 8, 2011 at 1:00PM, in Room 103 at the
Land Use Planning Division office located at 1600 SE
190th Avenue, Portland, OR 97233



Location: 31935 E. Historic Columbia River Highway
Tax Lot 1000, Sec 32D, T 1N, R 4E, W.M.
Tax Account #R944320120

Applicant(s): Lennie Conner **Property Owner(s):** Lonny and Sherri Hutchison

Summary: A drive through coffee stand to serve the local community and tourists passing through the Springdale area.

Base Zone: Rural Center

Overlay Zones: Significant Environmental Concern – Streams

Site Size: 4 acres

Applicable Approval Criteria: Multnomah County Code (MCC): 37.0560 Full Compliance; 35.3330(B)(2) Conditional Uses; 35.3355 Dimensional Requirements; 35.3370 Lot of Record; 35.3380 Off Street Parking and Loading; 35.3385 Access; 35.4135 Improvements Required; 35.4145 Joint Parking or Loading Areas; 35.4165(B) Design Standards: Scope; MCC 35.4175 – Dimensional Standards; 35.4180 Improvements; 35.4185 Lighting; 35.4195 Signs; 35.4195 Design Standards: Setbacks; 35.4200 Landscape and Screening Requirements; 35.4205(B)(4) Minimum Required Off-Street Parking Spaces;

35.4210 Minimum Required Off-Street Loading Spaces; 35.4215 Exceptions From Required Off-Street Parking or Loading Spaces; 35.6305 General Provisions; 35.6315 Conditional Use Approval Criteria; 35.6325 Design Review; 35.7005 Elements of Design Review Plan; 35.7030 Design Review Plan Contents; 35.7040 Final Design Review Plan; 35.7050 Design Review Criteria; 35.7055 Required Minimum Standards;

Applicable Oregon Administrative Rules (OAR's)

OAR 660-22-0030: Planning and Zoning of Unincorporated Communities

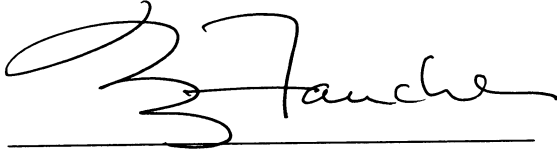
Hearings Officer's Decision:

APPROVAL, subject to compliance with the following conditions of approval:

1. Prior to the issuance of a building permit for the coffee stand, the gas tank that was placed within the County's Right-of-Way shall be relocated onto the subject property in the vicinity of the septic tank and existing utilities approved for the heating and cooling business in County Permit T3-07-005 [MCC 37.0560].
2. The property owner shall continuously maintain the vegetation and trees that comprise the landscaping as seen in Exhibit 5 [MCC 35.7055(C)(4)and (5)].
3. Prior to occupying the coffee stand, the property owner shall paint a directional arrow on the pavement/blacktop for the drive through lane. The arrow shall be placed at the split in the driveway entrance of the parking lot and drive through lane, as sampled on Exhibit 5. The marking shall be continuously maintained [MCC 35.4180(C)].
4. Prior to occupying the coffee stand, the owner shall paint a cross walk across the drive through lane from parking area to lawn/deck area associated with the coffee stand as shown on the applicant's Site Plan [Exhibit 1]. The markings shall be continuously maintained [MCC 35.4180(C)].
5. Prior to occupancy of the coffee stand, the owner shall surface the drive-through lane with blacktop or Portland cement [MCC 35.4180].
6. Prior to zoning sign-off for a building permit, the property owner shall calculate the total amount of new impervious surface consisting of the paved drive-through lane and the coffee stand and present the calculations to Land Use Planning Staff. The proposed deck shall also be included in the calculations unless it is constructed with wood, composite decking or a similar material that leaves slats in the deck surface. If the area is more than 500 square feet, then the owner shall submit a completed stormwater certificate and calculations indicating if a stormwater system is required or not, and if one is, the design and location details of the system [MCC 35.4180(D)].
7. Any proposed lighting shall be shown on building plans and shielded and directed away from any adjacent dwelling unit as well as directed away from the traveling public on any street[MCC 35.4185].
8. The owner shall consider the height of trees when choosing species to plant if the planting areas are under utility lines. To ensure the mature trees will not adversely affect utility lines, the owner shall be responsible for property maintenance of any trees planted under utility lines and shall prune them appropriately to avoid interference with the lines [MCC 35.7035(C)(6)].

9. Prior to the placement of any sign for the approved use, the applicant shall apply for and obtain a sign permit [MCC 35.4190, 35.7050(A)(9) and MCC 35.7400 et. seq.]. The sign must comply with the relevant approval standards found in MCC 35.7400 through 35. 7505. Colors for the sign shall be earth tones. The body and bulk of the sign shall not contain highly reflective material such as polished chrome or other reflective metal.

Approved this 6th day of May, 2011.

A handwritten signature in black ink, appearing to read "Liz Fancher", written over a horizontal line.

Liz Fancher, OSB #812202
Multnomah County Hearings Officer

Findings of Fact

FINDINGS: Written findings are contained herein. The Multnomah County Code (MCC) criteria and Comprehensive Plan Policies are in **bold** font. Staff analysis and comments are identified as '**Staff:**' and address the applicable criteria. Staff comments may include a conclusionary statement in *italic*. The Staff analysis and comments have been edited by the hearings officer and are adopted as findings to support the hearings officer's approval of this application.

1.00 Project Description and Property History:

Staff: The applicant is requesting approval of a drive through coffee stand. The property is split zoned Exclusive Farm Use and Rural Center and the proposed coffee stand is to be in the Rural Center zone at the southern tip. The subject property is currently used as an air conditioning and heating company approved under County permit T3-07-005. The proposed location of the roughly 80 square foot coffee stand would occupy an area that was previously occupied by a single-family dwelling that was to be converted into a show room for the air conditioning business. Severe weather storms in 2008 caused trees on the property to fall and destroy the dwelling and render it unusable or habitable. As a result the owner demolished the remainder of the dwelling and replaced it with a new dwelling on the northern end of the property. Currently, the site of the destroyed home is cleared and grass.

The drive through coffee stand would be adjacent to the paved parking and travel area associated with the existing business. The drive through lane would be created on an existing gravel lane adjacent to the pavement and separated from the existing parking area by a landscape strip. Stacking associated with the coffee stand would be contained in the drive through lane which would be roughly 70-feet long, with some overflow available to the entrance point from NE Lucas Road. In all, about four or five cars could fit on the property without encroaching into the right-of-way and impacting traffic.

A 20' x 20' deck will be connected to the coffee stand for use by customers wishing to stay on site. If the deck is constructed with wood, composite decking or a similar material that leaves slats in the deck surface, the deck will not be considered impervious.

Parking is provided in the shared parking area with the existing business and bike parking would be proposed near the deck.

The coffee stand will hold no more than three employees at any given time due to size constraints. The stand may sell several kinds of drinks from coffee to juice as well as edibles such as sandwiches, cookies etc.

2.00 Code Compliance:

MCC 37.0560 CODE COMPLIANCE AND APPLICATIONS.

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.

Staff: There is currently one open compliance complaint on the subject property (UR 09-059). The complaint is for installing a gas tank within the county right-of-way. The provisions of this code section prevent approval of any land use permit or building permit until known code compliance issues are

resolved. The remedy for the gas tank is for it to be moved out of the right of way and onto the property in the general location of the existing utilities of the air conditioning company. This application can be approved with a condition of approval requiring evidence demonstrating the gas tank has been properly placed on site. In addition, the property owner was required to pave the unpaved drive-through lane as a condition of a prior site plan land use approval. That lane must be paved prior to opening of the coffee stand. A condition of approval has been imposed to assure compliance with the paving requirement.

Criterion met with conditions of approval.

3.00 Rural Center:

A. MCC 35.3330 CONDITIONAL USES

The following uses may be permitted when found by the approval authority to satisfy the applicable ordinance standards:

(B) The following Conditional Uses pursuant to the provisions of MCC 35.6300 through 35.6660:

(2) Tourist commercial uses such as restaurants, taverns, gas stations, motels, guest ranches, and similar uses;

Staff: The proposed use fits under MCC 35.3330(B)(2). A coffee stand is like a commercial use similar to a restaurant or tavern. The nature of a coffee stand focuses more on short term duration customer visit but still offer food and drink as a product, but not like a sit-down restaurant or coffee stand. Coffee stands tend to serve the immediate local community which in this case would be Springdale, but also the mobile community of tourists and travelers. As such, the use is allowed as a conditional use.

Criterion met.

B. MCC 35.3355 DIMENSIONAL REQUIREMENTS

(A) Except as provided in MCC 35.3360, 35.3370, 35.3375 and 35.4300 through 35.4360, the minimum lot size for new parcels or lots shall be one acre for those RC zoned lands in-side the boundary of an "acknowledged unincorporated community". For RC zoned proper-ties outside an "acknowledged unincorporated community" the minimum lot size is two acres except for those properties within one mile of the Urban Growth Boundary and then the mini-mum lot size shall be as currently required in the Oregon Administrative Rules Chapter 660, Division 004 (20 acre minimum as of October 4, 2000).

(B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.

(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.

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

Staff: No new parcels are being created as part of this application. Therefore, these lot size requirements are not applicable. The location of the coffee stand, as seen on the submitted site plan (Exhibit 1) meets all the setback standards to the property lines. As noted by the applicant, the proposed deck will be under 30-inches in height and therefore is not subject to the setback requirements. The coffee stand will be a single story structure that will not exceed the 35-foot height limit.

Criteria met.

C. MCC 35.3370 Lot of Record

(A) In addition to the *Lot of Record* definition standards in MCC 35.0005, for the purposes of this district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:

- (1) July 10, 1958, SR and R zones applied;**
- (2) July 10, 1958, F-2 zone applied;**
- (3) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;**
- (4) October 6, 1977, RC zone applied, Ord. 148 & 149;**
- (5) October 13, 1983, zone change to RC for some properties, Ord. 395;**
- (6) October 4, 2000, Oregon Administrative Rules Chapter 660 Division 004 applied a minimum 2 acre lot size to RC zoned areas outside "acknowledged unincorporated communities" except where properties are within one mile of the Urban Growth Boundary the minimum is 20 acres;**
- (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 35.3385, 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 35.3360, 35.3375, and 35.4300 through 35.4360, 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 property was found to be a Lot of Record in case T3-07-005 and has not changed configuration since that time. Therefore, the property is still a Lot of Record.

Criteria met.

D. MCC 35.3375 LOT SIZES FOR CONDITIONAL USES

The minimum lot size for a Conditional Use permitted pursuant to MCC 35.3330, except subpart (C) thereof, shall be based upon:

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

Staff: The proposed coffee stand is less than 100 square feet. The RC zoned portion of the property consists of roughly 23,000 square feet. As seen on the site plan and confirmed by staff during a site visit, there is more than enough room to accommodate the coffee stand, drive through lane, and the existing business and parking on site.

Criterion met.

2. (B) The nature of the proposed use in relation to its impact on nearby properties; and

Staff: Staff does not anticipate the nature of the drive through coffee stand to have a negative impact on the nearby properties. The business caters to passersby who would be traveling past the property regardless of whether the business was there or not. Coffee stands are not known for causing significant increases in noise levels, caustic odors or other adverse externalities.

Criterion met.

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

Staff: The purpose of the RC zone is to allow a broader base of uses such as rural based businesses to support the local rural communities. The coffee stand will provide goods and services to the local rural community as permitted under the conditional uses section of the RC zone. It will also serve tourists and travelers consistent with the definition of the tourist commercial use allowed by the district.

Criterion met.

E. MCC 35.3380 OFF-STREET PARKING AND LOADING

Off-street parking and loading shall be provided as required by MCC 35.4100 through 35.4220.

Staff: Off street parking standards are addressed under Finding 8.00.

4.00 Access and Transportation

MCC 35.3385 Access

All lots and parcels in this district shall abut a street, or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles, except as provided for Lots of Record at MCC 35.3370(B).

Staff: The property has several access points to public roads. There is a single-family dwelling at the northern tip of the property that accesses NE Lucas Road but is over 600-feet from the second access to the property from NE Lucas Road. The second access to NE Lucas Road is roughly 200-feet from the intersection of NE Lucas and the Historic Columbia River Highway and serves as the entrance to the coffee stand drive through and the existing air conditioning business. A third access onto the Historic Columbia River Highway is on the southern portion of the property and will serve as the exit for both the coffee stand and air conditioning business.

The approval of T3-07-005 limited the second access to Lucas Road to the business as an entrance-only and the access to the Historic Columbia River Highway as an exit-only. The arrangement reduces the chances of conflicts between vehicles entering and exiting the business as well as decreases the risk of conflicts between vehicles and pedestrians.

The proposal for the coffee stand does not alter the entrance or exit for the air conditioning business. In fact, the coffee stand's location and stacking lane as seen on the site plan (Exhibit 1) takes advantage of the one-way traffic pattern. The Multnomah County Transportation office offered the following comment:

"Based on the information submitted, it is not anticipated that the proposed project will result in a traffic impact as defined under MCRR 3.000 and that the proposed project will not result in an increase the number of trips generated by the site by more than 20%, by more than 100 trips per day or by more than 10 trips in the peak hour. The project is for a limited rural service commercial use. In addition, based on the site plan it appears as though the applicant has provided enough of a queue area for the coffee stand. Consistent with the access approvals, entry and exit will be limited with entry coming off of Lucas Road and exit provided onto Historic Columbia River Highway."

The hearings officer is concerned that the projection of 100 trips per day may be low but as there is no conflicting evidence in the record on this point, the Transportation office's estimate is accepted to support approval of this application.

Criterion met.

5.00 Significant Environmental Concern Permit:

MCC 35.4510 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 35.4515, shall be subject to an SEC permit.

MCC 35.4515 EXCEPTIONS

(A) Except as specified in (B) below, an SEC permit shall not be required for the following:

(8) Uses legally existing on January 7, 2010; provided, however, that any change, expansion, or alteration of such use (except for changes to a structure that [1] for the SEC overlays, do not require any modification to the exterior of the structure, and [2] for the SEC-s overlays, require the addition of less than 400 square feet of ground coverage to the structure) shall require an SEC permit as provided herein.

Staff: Between the time the Pre-Application conference was held on July 23, 2009 and the application was filed on August 31, 2010, the County adopted a new Significant Environmental Concern – Streams overlay that codified Metro’s Nature in Neighborhoods program. Portions of the subject property have an SEC-s overlay because of a stream/drainage identified on Metro’s maps. The location of the coffee stand and deck, as placed on the submitted site plan and measured on both the site plan and County’s maps, is outside of the SEC-s overlay. The drive-through portion of the proposed coffee stand is within the overlay but is already improved. Therefore, under MCC 35.4515(A)(8) above, the use is exempt since there is no structure placed in the overlay.

The proposal is exempt from the SEC-s overlay.

6.00 Conditional Use

MCC 35.6315 CONDITIONAL USE APPROVAL CRITERIA

(A) A Conditional Use shall be governed by the approval criteria listed in the district under which the conditional use is allowed. If no such criteria are provided, the approval criteria listed in this section shall apply. In approving a Conditional Use listed in this section, the approval authority shall find that the proposal:

A. (1) Is consistent with the character of the area;

Staff: The proposed drive through coffee stand is proposed on a site currently occupied by a heating and cooling company. The heating and cooling company has routine traffic in and out of the site consisting of both dispatching of work vehicles to job sites and for customers visiting the business. The hamlet and community of Springdale, in which the subject property is located contains several other businesses, a local school, and duplexes and triplexes. With existing uses that generate traffic and provide goods and services to the local rural area already present, staff believes the addition of a drive through coffee stand as described by the applicant, would be a similar and congruent use. Staff does not believe traffic generation by the drive through coffee stand would significantly increase the current traffic volumes currently experienced on site. The County’s Transportation Specialist concurred with staff’s finding in its March 21, 2011 e-mail to staff.

The purpose of the RC zoning is to provide business and service opportunities for the local rural community, including tourist commercial uses. As such, a drive-through coffee stand would fit into the purpose and existing character of the local area.

Criterion met.

B. (2) Will not adversely affect natural resources;

Staff: A seasonal drainage is shown on the County's GIS map as running north to south down the middle of the northern portion of the property and then cutting to the west onto the adjacent property just to the north of the heating and cooling company warehouse. The proposed coffee stand and decking are outside of the SEC-s protective overlay that covers the drainage. Staff does not anticipate the drive through coffee stand having any impact on the drainage. Anecdotal information from the owner of the property indicates that the seasonal drainage actually is piped from the County's right-of-way across the property and to a culvert on a property to the west where it continues in the County's roadside drainage ditches. This was confirmed by staff's site visit.

Because of the seasonal nature of the drainage, the shared use of existing parking and travel area, the insignificant space requirements and limited duration of customers, the coffee stand should have no adverse impact on nearby natural resources. Development is limited to the placement of the roughly 80-100 square foot coffee stand, pavement of the existing gravel drive aisle and construction of a 400-square foot deck.

Criterion met.

C. (3) Will not conflict with farm or forest uses in the area:

(a) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

(b) Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

Staff: There are no forest lands adjacent to the subject property and therefore forest practices will not be impacted. The north portion of the subject property as well as other properties to the north of the RC zoning boundary are zoned Exclusive Farm Use. Use of the drive through coffee stand will not encroach onto the EFU zoned portion of the property. The coffee stand is also located on the southeast portion of the property which is the furthest from the EFU zoned portion and other EFU properties. As such, locating the coffee stand on the RC portion of the property will not require any changes in the operation of the local farm uses in the area.

Criteria met.

D. (4) Will not require public services other than those existing or programmed for the area;

Staff: The subject property has an existing septic system, public water, and fire protection. The coffee stand will not tie into the septic system and will not need its own system. Restroom facilities in other buildings on-site will be available for use by coffee stand employees. Water and

electricity will be connected to the coffee stand but already exist on site. No additional public services are required for the business to be operational.

Criterion met.

- E. **(5) 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;**

Staff: County maps do not show the subject site or area as in an identified Big Game wildlife habitat area as defined by the Oregon Department of Fish and Wildlife.

Criterion met.

- F. **(6) Will not create hazardous conditions; and**

Staff: As proposed, the business does not appear to create any hazardous conditions. The most relevant issue to the public that could be associated with the business would be a traffic impact. However, the entrance as proposed to be used by the business from NE Lucas, and the existing exit from the property on the Historic Columbia River Highway, both have over 200-feet of straight line of sight in both directions. This can be seen in the County's air photos. Additionally, having an entrance only access on NE Lucas and an Exit only access on Historic Columbia River Highway reduces normal traffic conflicts at each respective access point. The stacking lane is roughly 75-feet long not including a 15-20 foot buffer that can provide enough room for 5 vehicles without impacting the access point. Even with a vehicle stacked in the coffee line queue and partially in the access point, there would be more than 15-feet available for other vehicles entering the site and traveling to the parking area, so there would not be a hazardous situation at the access point. As such, staff does not foresee any hazardous conditions associated with the proposed use.

A letter dated April 5, 2011 was received from Carla Jones. Ms. Jones states that traffic has increased on NE Lucas Road and Columbia Gorge Highway over the past ten or more years. Ms. Jones notes that NE Lucas Road is narrow and lacks shoulder. Ms. Jones is concerned that there is insufficient room on site for vehicles to stack and wait to purchase coffee. This issue has been reviewed by the County Transportation office. The office determined that there should be sufficient room on site to accommodate vehicles waiting to purchase coffee without negatively impacting traffic on NE Lucas Road, a finding accepted to support approval of this application.

Ms. Jones also expressed concern for cyclists using the narrow bicycle lanes provided along the Columbia Gorge Highway from cars turning onto NE Lucas Road from the highway from illegal use of the bicycle lane by motorists. This issue exists for any and all traffic using the area road system. The hazard is created by illegal acts of motorists; not by the proposed use or by the slight increase in vehicle traffic and turning movements caused by the coffee shop use.

Stephen Kenney expressed concerns that the new use would create additional storm water run-off. This decision imposes a condition of approval that requires the applicant to: (a) determine whether County storm water regulations apply to the final development plans; and (b) comply with the County storm water regulations, if applicable. This assures the public that either the amount of new impervious surface will be negligible or that storm water will be handled in compliance with regulations designed to prevent hazards due to storm water runoff.

Criterion met.

G. **(7) Will satisfy the applicable policies of the Comprehensive Plan.**

Staff: Comprehensive plan policies are addressed in Finding #9

H. **Oregon Administrative Rule 660-022-0030**

Staff: Because the County had not yet updated the comprehensive plan for the East of Sandy River Rural Plan Area at the time the applicant submitted the application, those administrative rules which have not yet been codified must be applied directly. Below are the OARs that are to be applied directly by the County.

Planning and Zoning of Unincorporated Communities

1. **OAR 660-022-0030(4) County plans and land use regulations may authorize only the following new commercial uses in unincorporated communities:**

(c) Uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area.

Staff: The drive through will be located in the Corbett/Springdale community. Based on the project description and sphere of scope for a coffee stand, the market for the use would be directed at the immediate community of Springdale and the nearby community of Corbett. In addition, because the Historic Columbia River Highway is a State Highway and scenic travel corridor, the market capture will also include tourists in the summer and other passersby.

Local coffee stands in urban areas have a relatively small immediate customer base consisting of the immediate neighborhood they reside in. Larger coffee chains have a larger market base that also captures customers who actively seek them out. The proposed coffee stand would function like a neighborhood coffee stand – with a limited market base of the immediate neighborhood. In addition to the normal market share limitations, there are clear physical barriers that make the coffee stand's primary focus the nearby rural communities of Springdale and Corbett – the Sandy River to the west and Interstate-84 to the North. The closest urban and non-rural subdivision is roughly 3-miles away by car and due to the abundance of coffee stands in urban areas and distance to the proposed coffee stand, it is very unlikely that a majority of the customer base will come from the urban cities.

The proposed coffee stand meets the requirements of the administrative rule.

2. **OAR 660-022-0030(8) Zoning applied to lands within unincorporated communities shall ensure that the cumulative development:**

(A) Will not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations; and

(B) Will not exceed the carrying capacity of the soil or of existing water supply resources and sewer services.

Staff: No known public health hazards or adverse environmental impacts are known to be associated with the proposed use. The closest mapped watercourse is over 300-feet away. The water course is not near the proposed coffee stand and would not be adversely affected as a result of an approval. The property is served by a septic system. The coffee stand will not be connected to the existing septic system but employees will be allowed to use restrooms in a nearby office building. The existing septic system approved in T3-07-003 is located 150-feet north of the proposed site and on the opposite side of the existing structures, so there will be no impact on the system. The coffee stand will be connected to the existing water supply (Exhibit 3). The local fire district has also signed off on the Non-Residential Fire District service provider form (Exhibit 4).

The proposed coffee stand meets the requirements of the administrative rule.

7.00 Design Review

MCC 35.6325 DESIGN REVIEW

Uses authorized under this section shall be subject to design review approval under MCC 35.7000 through 35.7060.

MCC 35.7030 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.

A. (B) Contents:

- (1) Preliminary Site Development Plan;**
- (2) Preliminary Site Analysis Diagram;**
- (3) Preliminary Architectural Drawings, indicating floor plans and elevations;**
- (4) Preliminary Landscape Plan;**
- (5) Proposed minor exceptions from yard, parking, and sign requirements; and**
- (6) Design Review Application Fee, as required under the applicable fee schedule in effect at time of application;**

Staff: The applicant has included the required elements.

Criteria met.

B. (C) A preliminary site analysis diagram may be in freehand form and shall generally indicate the following characteristics:

- (1) Relation to adjacent lands;**

- (2) Location and species of trees greater than six inches in diameter at five feet;**
- (3) Topography;**
- (4) Natural drainage;**
- (5) Significant wildlife habitat;**
- (6) Information about significant climatic variables, including but not limited to, solar potential, wind direction and velocity; and**
- (7) Natural features and structures having a visual or other significant relationship with the site.**

Staff: The applicant has included the required mapping elements.

Criteria met.

- C. (D) A preliminary site development plan may be in freehand form and shall generally indicate the following as appropriate to the nature of the use:**

- (1) Access to site from adjacent rights-of-way, streets, and arterials;**
- (2) Parking and circulation areas;**
- (3) Location and design of buildings and signs;**
- (4) Orientation of windows and doors;**
- (5) Entrances and exits;**
- (6) Private and shared outdoor recreation spaces;**
- (7) Pedestrian circulation;**
- (8) Outdoor play areas;**
- (9) Service areas for uses such as mail de-livery, trash disposal, above-ground utilities, loading and delivery;**
- (10) Areas to be landscaped;**
- (11) Exterior lighting;**
- (12) Special provisions for handicapped persons; and**
- (13) Other site elements and spaces which will assist in the evaluation of site development.**

Staff: The application has shown the required access, parking, loading, building entry/exists, landscaping, etc as required for the Design Review on the submitted site plan (Exhibit 1).

Criteria met.

D. **(E) The preliminary landscape plan shall indicate:**

(1) The size, species, and approximate locations of plant materials to be retained or placed on the site; and

(2) Proposed site contouring.

Staff: The property contains a significant amount of existing lawn and vegetation that qualifies for the landscaping requirements. In addition, the applicant is proposing a landscaped strip to separate the drive-through lane from the parking and maneuvering area.

Criteria met.

E. **Design Review Approval Criteria**

1. **MCC 35.7050 DESIGN REVIEW CRITERIA**

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

a. **(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.

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

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

Staff: The property currently meets this code from when Perfect Climate, the heating and cooling company, was approved in 2007 under T3-07-005. The parking and paved areas are already existing and relate to the flow of traffic from the entrance on NE Lucas to the exit on East Crown Point Highway. The drive-through lane for the coffee stand will be separated from the parking and loading areas by a significant strip of landscaping in a rocked landscape "box." Ornamental rocks currently provide landscaping diversity as well as separation of the property from the public roads. Staff noted during the site visit on March 21, 2011 that the entire drive-through lane was not paved. A segment of roughly 40-45 feet was only graveled. The surfacing section of MCC 35.4180 will require the travel lane to be paved, which is a condition of approval. Paving the travel lane will help limit dust and air pollution.

Criteria met.

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

Staff: The existing traffic flow and limited access and exit points increases safety by keeping traffic very predictable and reducing potential conflicts of automobiles. A clearly defined pedestrian path from the parking area and across the drive through lane will alert vehicles that pedestrians may cross the drive-through area to access the deck attached to the coffee stand. The existing landscaping on the property denotes a change from private to public space in the form of the roads.

Criterion met.

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

Staff: One handicapped parking space currently exists on site adjacent to the landscape strip separating the drive-through lane from the parking area. Building code, as administered by our partner, The City of Gresham will determine what is necessary to satisfy ADA requirements. If a change to the major change to the site layout is required, the applicant must obtain approval of a modified or new site plan approval before constructing ADA-required improvements.

Criterion met.

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

Staff: The grade of the site is flat. The coffee stand and deck will remove about 400 square-feet of lawn from the current landscaping. However, the applicant is adding a landscaped strip that is roughly 5 x 60-feet between the drive through lane and the parking area. The landscaped areas near the exit, the proposed landscaped strip and the existing lawn provide enough landscaping for the use and keep the natural landscaping in place other than the area removed for the actual structure. Locating the coffee stand elsewhere on the site would disrupt the parking areas, loading areas and traffic flow.

Criterion met.

- e. **(5) Pedestrian and Vehicular circulation and Parking – The location and number of points of access to the site, the interior circulation patterns, the separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and structures, shall be**

designed to maximize safety and convenience and shall be harmonious with proposed and neighboring buildings and structures.

Staff: The existing parking spaces are located in harmony with the one-way traffic flow from NE Lucas Road (entrance only) to East Crown Point Highway (Exit only). A pedestrian crosswalk across the drive through lane signifies pedestrians may be in the area and to slow down while also taking pedestrians on the most direct route to the deck. The proposed landscaping strip separating the drive through lane from the parking areas will also provide additional protection for pedestrians.

Criterion met.

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

Staff: The applicant is proposing to add what appears to be less than 500-square feet of impervious surface area, which is the threshold for stormwater review. However, because it is not clear, a condition of approval will require the applicant to demonstrate the total amount of impervious surface being added with the paving of the drive through lane. If more than the 500-square foot threshold, a stormwater certificate will be required prior to zoning sign-off.

The property currently has a stormwater system on site for the existing parking, maneuvering area and structures that were reviewed under T3-07-005. The system proposed at that time was found to be adequate to handle the 10-year/24-hour storm event.

After the notice of hearing was mailed, staff received a phone call regarding existing water issues off-site in the Springdale community and concern the coffee stand may add to the water. There are numerous existing culverts and buried pipe systems to carry stormwater from rain events in the local area. However, the proposed development of a coffee stand less than 100-square feet in size with an adjacent grassy area between the stand and right of way would not significantly increase runoff going into the system.

Criterion met.

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

Staff: No such facilities or structures are proposed. The coffee stand will share refuse receptacles with the existing business on site.

Criterion met.

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

Staff: The property is already served by utilities such as phone and electrical service. The construction of the coffee stand and deck should not require any additional above ground services.

Criterion met.

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

Staff: Staff expects that the applicant will want a sign for the coffee stand but one has not yet been proposed.. Any proposed sign will need to meet the County's non-discretionary sign code standards of MCC 35.7400 et seq. In addition, a condition of approval written based on a staff recommendation has been imposed to assure that a sign, if and when proposed, will be compatible with other elements of the design review plan and surrounding properties.

Criterion can be met by imposition of a condition of approval.

F. **MCC 35.7055 REQUIRED MINIMUM STANDARDS**

1. **(A) Private and Shared Outdoor Recreation Areas in Residential Developments:**

(1) Private Areas – Each ground level living unit in a residential development subject to design review plan approval shall have an accessible outdoor private space of not less than 48 square feet in area. The area shall be enclosed, screened or otherwise designed to provide privacy for unit residents and their guests.

(2) Shared Areas – Usable outdoor recreation space shall be provided for the shared use of residents and their guests in any apartment residential development, as follows:

(a) One or two-bedroom units: 200 square feet per unit.

(b) Three or more bed-room units: 300 square feet per unit.

Staff: There are no residences included in the proposal. Therefore these standards are not applicable.

Criterion not applicable.

2 **(B) Storage**

Residential Developments – Convenient areas shall be provided in residential developments for the storage of articles such as bicycles, barbecues, luggage, outdoor furniture, etc. These areas shall be entirely enclosed.

Staff: While a single-family dwelling is on the property at the extreme north of the parcel, the proposal does not call for apartments or other such residential units that would require individual storage. This criterion is not applicable.

Criterion not applicable.

3. **(C) Required Landscape Areas**

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

- a. **(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 business is proposed on the RC portion of the parcel and this zoning district occupies a 200x144 foot area (28,800 square feet). The site currently contains roughly 6000 square feet of landscaped area including grass, shrubs and trees approved for the existing business under T3-07-005. Therefore, nearly 21% of the site is landscaped. The reduction of 400-500 square feet for the coffee stand and deck would mean 5500 square feet would be landscaped which is 19% of the area – well above the 15% minimum.

Criterion met.

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

Staff: Areas not paved or graveled for parking or access are landscaped as shown on the submitted site plan. The landscaping includes lawn, decorative rock areas and bushes and shrubs.

Criterion met.

- c. **(3) The following landscape requirements shall apply to parking and loading areas:**

1. **(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: There are 11 existing parking spaces on site but no new spaces proposed. The coffee stand will share the parking area. The drive-through business will primarily serve customers who will arrive in vehicles and who will not use parking spaces. This criterion was satisfied under T3-07-005

and with the vast majority of customers being drive-up customers, no additional parking or loading areas are required.

Criterion met.

2. **(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 existing parking meets this standard as approved under T3-07-005. The area identified as overflow parking for the coffee stand is in the middle of the Rural Center zoned area as seen on the submitted site plan and meets this requirement.

Criterion met.

3. **(c) A landscaped strip separating a parking or loading area from a street shall contain:**

1. **Street trees spaced 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: No new parking or loading areas are proposed. The existing parking meets this standard as approved under T3-07-005.

Criteria not applicable.

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

Staff: The landscaped area is readily defined on the subject property as shown on the site plan. The applicant is not proposing any change to the existing landscaping located in the parking and loading areas. No additional parking spaces are required as a result of this application.

Criterion not applicable.

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

Staff: Two existing landscaped areas on the site are at least 20-feet wide and the proposed landscaped strip separating the drive-through lane from parking is five feet wide.

Criterion met.

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

Staff: If approved, the owner shall be required to maintain all landscaping.

Criterion can be met with a condition of approval.

- e. **(5) Required landscaping shall be continuously maintained.**

Staff: This shall be met with a condition of approval.

Criterion can be met with a condition of approval.

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

Staff: The applicant and owner shall consider the height of tree plantings when planting under or near overhead utility lines.

Criterion met.

8.00 Off-Street Parking

MCC 35.4100

The purposes of this subdistrict and these off-street parking and loading regulations are to reduce traffic congestion associated with residential, commercial, manufacturing, and other land uses; to protect the character of neighborhoods; to protect the public's investment in streets and arterials and to provide standards for the development and maintenance of off-street parking and loading areas.

A. MCC 35.4135 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 35.0525, 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.

Any bond filed hereunder shall be subject to the approval of the Planning Director and the County Attorney.

Staff: The requirements of these approval criteria are met by virtue of the shared parking arrangement allowed under MCC 35.4145. In case T3-07-005, the applicant was required to have 10-spaces because of the number of employees requested. The applicant proposed and built 11 total spaces, including one handicap parking space. If for some reason the parking area is filled to

capacity, staff has identified an 'overflow' space where an additional vehicle could park. The overflow space measures 10x20 and is adjacent to an existing space facing the landscaping that separates the parking area from the drive through lane. With the existing parking the standards are met but the additional overflow space provides above and beyond what the code requires.

Criteria met.

B. MCC 35.4145 JOINT PARKING OR LOADING FACILITIES

(A) In the event different uses occupy the same lot or structure, the total off-street parking and loading requirements shall be the sum of the requirements for each individual use.

(B) Owners of two or more adjoining uses, structures, or parcels of land may utilize jointly the same parking or loading area, when approved by the Planning Director, upon a finding by the Director that the hours of operation do not overlap and provided satisfactory legal evidence is presented to the Director in the form of a deed, lease, contract or similar document, securing full access to such parking or loading areas for all the parties jointly using them.

Staff: The proposed drive-through coffee stand would share the property and parking area with Perfect Climate, a heating and cooling company approved under County case T3-07-005. T3-07-005 was approved with the requirement of 10-parking spaces, but 11 were placed. Additionally, the joint parking language of MCC 35.4145(B) would apply in this situation.

The drive through coffee stand's hours of operation are roughly the same as the existing business but the customer types and vehicular traffic associated with each are different and do not conflict. The nature of the heating and cooling business is that the bulk of the traffic to the site is employees who load up their work vehicles and are dispatched to offsite work locations. The fleet then returns in the early evening. The coffee stand, being a drive-through with no interior retail space, will attract temporary vehicular traffic in its own travel lane separated from the parking area. The occasional customer who actually parks will have space available from the 11th parking space placed under T3-07-005 as well as an area that meets the parking space dimensional requirements that can be used as overflow. With the heating and cooling business getting little on-site customer traffic during typical business hours, the parking area is mostly empty and could be utilized by the coffee stand patrons if they actually park.

The applicant is currently an employee of the established business on site and has the property and business owner's permission to locate the coffee stand on site. Since the parking area is not on a separate parcel, an agreement on parking is not necessary.

Criterion met.

C. MCC 35.4150 EXISTING SPACES

Off-street parking or loading spaces existing prior to July 26, 1979 may be included in calculating the number of spaces necessary to meet these requirements in the event of subsequent enlargement of the structure or change of use to which such spaces are accessory. Such spaces shall meet the design and improvement standards of this Section.

Staff: There are no approved parking spaces from prior to July 26, 1979.

D. **MCC 35.4165 DESIGN STANDARDS: SCOPE**

(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.

(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: As seen on the applicant's site plan [Exhibit 1] and verified by staff on a site visit, the parking and maneuvering areas provide enough room to safely maneuver vehicles on site.

Criterion met.

E. **MCC 35.4170 ACCESS**

(A) Where a parking or loading area does not abut directly on a public street or private street approved under MCC 35.7700 et. seq., the Land Division Chapter, there shall be provided an unobstructed paved drive not less than 20 feet in width for two-way traffic, leading to a public street or approved private street. Traffic directions therefore shall be plainly marked.

(B) Parking or loading space in a public street shall not be counted in fulfilling the parking and loading requirements of this section. Required spaces may be located in a private street when authorized in the approval of such private street.

Staff: The subject property has direct access to both the Historic Columbia River Highway (egress) and NE Lucas Road (ingress). Each access contains one-way traffic and will continue to do so. The parking and loading spaces are not in a public street.

Criteria met.

F. **MCC 35.4175 DIMENSIONAL STANDARDS**

1. **(A) Parking spaces shall meet the following requirements:**

a. **(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.

Staff: As determined in Finding 8(A), the applicant in the previous approval for the heating and air conditioning company (T3-07-005) provided 11 parking spaces when only 10 were required by the code. MCC 4205(C)(4) only requires one

parking space for the 8 x 10-foot coffee stand. Therefore there is enough parking for both uses on site that meet the dimensional requirements.

The temporary nature of the coffee stand's customers renders additional parking spaces unnecessary. The coffee stand is a drive-through which caters to customers who do not leave their vehicles and do not need parking. The drive-through lane has the capacity to stack 5 vehicles with ease. The applicant has proposed to include a 20x20 deck attached to the coffee stand that will provide for seating during the warm months for bikers traveling on the highway and for the occasional customer who chooses to park rather than drive through. The heating and cooling business does not have many walk-in customers as the nature of the business is an off-site enterprise. Rather, it dispatches its employees to perform work on the site where the heating or cooling unit is located.

Criteria met.

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

Staff: No parallel spaces are provided.

Criterion met.

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

Staff: Each parking space meets the required dimensions exclusive of access drives, aisled, ramps or columns as determined in T3-05-007.

Criterion met.

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 parking area was approved under T3-07-005 and currently has between 30-feet and 35-feet in the aisle for each space.

Criterion met.

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 space is required for a commercial use under 5,000 square feet under MCC 35.4210(A).

Criterion met.

G. MCC 35.4180 IMPROVEMENTS

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 parking area is currently paved with black top. However, the drive through lane is only graveled. The code requires surfacing of the drive-through lane.

Criterion met with condition of approval.

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: Curbs have been installed on site pursuant to the condition requiring curbs in case T3-07-005. Landscaping separates the parking and maneuvering areas from the public streets. No changes to the site are necessary as part of this approval.

Criteria met.

3. (C) Marking – All areas for the parking and maneuvering of vehicles shall be marked in accordance with the approved plan required under MCC 35.4120, and such marking shall be continually maintained.

Staff: The parking areas are currently marked. Additional marking of a crosswalk is required for the drive-through lane. Installation and continuous maintenance of a crosswalk is required by a condition of approval.

Criterion met by a condition of approval.

- 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 parking area is currently paved and was approved for stormwater under T3-07-005. If the paving of the drive-through lane combined with the coffee stand creates an impervious area of 500 square feet or more, the owner will need to submit a stormwater certificate to demonstrate the stormwater is handled on site for a 10-year/24-hour storm event.

Criterion met.

H. **MCC 35.4185 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: Any new lighting shall be shielded or deflected away from adjoining dwelling units and the traveling public as a condition of approval.

Criterion met.

I. **MCC 35.4195 DESIGN STANDARDS: SETBACKS**

1. **(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.**

Staff: No yards abutting the public streets are used for parking or loading.

Criterion met.

2. **(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: No portion of a yard abutting a public street is paved nor proposed to be.

Criterion met.

J. **MCC 35.4200 LANDSCAPE AND SCREENING REQUIREMENTS**

(A) The landscaped areas requirements of MCC 35.7055 (C) (3) to (7) shall apply to all parking, loading or maneuvering areas which are within the scope of design standards stated in MCC 35.4165 (A).

Staff: The Design Review standards of MCC 35.7055(C)(3) to (7) have been addressed in Finding #7(F)(3).

Criterion met.

K. MCC 35.4205 MINIMUM REQUIRED OFF-STREET PARKING SPACES

(C) Retail and Office Uses

(4) Restaurant, Coffee Shop, Tavern or Bar – One space for each 100 square feet of gross floor area.

Staff: The use proposed is a drive-through coffee stand, which requires one parking space for each 100-feet of gross floor area. The coffee stand is under 100-feet in area. The deck is an ancillary use to the coffee stand and is not retail space and therefore not used in the calculation of the parking requirements. Since the coffee stand is a drive-through coffee stand, parking is less important. Regardless, the approval under T3-07-005 required 10-parking spaces but 11 were provided. There is also enough space for an overflow space, should it be needed, that meets the parking space dimensional requirements.

Criterion met.

L. MCC 35.4210 MINIMUM REQUIRED OFF-STREET LOADING SPACES

(A) Commercial, Office or Bank

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

Staff: The coffee stand will contain less than 100-feet of retail space, therefore no loading spaces are required.

Criterion met.

9.00 Comprehensive Plan Policies

A. Policy 7 RURAL CENTER ISLAND AREA

The County's policy is to establish and maintain rural centers which are intended primarily for commercial and community services needed by the residents of the rural areas of the County, and to provide some tourist services. Rural centers are or may be established on the basis of existing center development, on local area needs, on an evaluation of probable impacts on adjacent natural resource areas, on the demand for land to serve the primary

purposes in a compact pattern, and on the capacity and condition of existing support services.

The County shall encourage the location of suitable uses within a rural center by:

- 1. Measuring the need for a use based upon the primary intent of the center.**
- 2. Determining that sufficient land exists within a center to accommodate the needed uses and maintaining a measurement of absorption rate of vacant lands,**
- 3. Establishing development standards commensurate with the rural nature of the area,**
- 4. Ensuring that adjacent natural resource areas are minimally impacted.**

Staff: The proposed use is commercial in nature and proposed to be located in the Springdale Rural Center – an area of small businesses as described previously. Locating the business on the proposed parcel will prevent the business from being located in an area unsuitable for commercial uses such as farm or forest land. No coffee stand or stand currently exists within the Springdale or Corbett communities.

Comprehensive Plan Policy Met.

B. Policy 27 COMMERCIAL LOCATION

The County's policy is to:

- A. Improve the availability and accessibility of consumer goods and services by supporting the location and scaling of commercial development to meet the needs of the community and to reinforce community identity.**
- B. Encourage commercial activity expansion and siting at locations which will reinforce orderly and timely development and provision of public facilities and services.**
- C. Encourage land use development patterns which support the efficient use of existing commercial districts and modes of activity.**
- D. Maintain a vacant and redevelopable, buildable land inventory responsive to the locational and siting needs of commercial enterprises**

Staff: The proposed business would give the Springdale Rural Center an additional business offering goods and services not currently available in the area. The proposed site is in the heart of the business area of the rural center as well. The proposal would utilize existing commercial development and therefore would result in the most efficient use of commercial land. As such, the proposed low-impact business fits the policy objectives of the Multnomah County Comprehensive Plan.

Comprehensive Plan Policy Met

C. 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: No additional County right-of-way is required as part of the development as the County's road has the necessary right-of-way. Transportation Planning has reviewed the proposal and has determined that there are no additional requirements for the proposal. The Oregon Department of Transportation has also reviewed the proposal and has no additional requirements. As such, this comprehensive plan policy is satisfied.

Comprehensive Plan Policy met.

D. Policy 37 UTILITIES

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.

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 proposed structure will not contain a restroom and will not be connected to the septic system. The septic system for the property, reviewed under T3-07-005 is to the north of the existing buildings on site and will not be affected by the placement of the coffee stand. That system can and will be used to meet the restroom needs of coffee stand employees.

The project has been reviewed by the Corbett Water District which noted the property is served by a 2-inch line (Exhibit 3). A Drainage Certificate will be required if the new impervious surface totals more than 500-square feet as a condition of approval.

Comprehensive Plan Policy met.

E. **Policy 38** **FACILITIES**

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 comments on the proposal.

Staff: Tom Layton of Multnomah County Rural Fire Protection District 14 has signed the Non-Residential Fire District Review Form certifying there is adequate access and fire flow at the site.

Comprehensive Plan Policy met.

9.00 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the **Conditional Use and Design Review** to establish a **Drive-Through Coffee Stand** in the Rural Center zone. This approval is subject to the conditions of approval established in this decision.

10.00 Exhibits

The following exhibits were made a part of the record of T3-2010-873 and relied on by the Hearings Officer in approving this application:

Exhibit #	Description of Exhibits in Staff Report
1	Applicant's Site Plan
2	Email From Joanna Valencia, Multnomah County Transportation Specialist
3	Water District Certification
4	Non-Residential Fire District Certification Form
5	Staff's Modified Site Plan With Required Landscaping And Identified Over-Flow Parking Area
6	New Off-Street Parking and Loading Adopted February 10, 2011 and Effective March 10, 2011
7	Oregon Department Of Transportation Approach Permit

	Description of Exhibits in Case File
8	Pre-Application Notice And Notes For PA 09-006
9	Summary of Proposed Amendments To Multnomah County Zoning Ordinance Chapter 35 – East Of Sandy River
10	Site Visit Photographs
11	Staff GIS Maps Depicting Limit Of SEC-s Overlay
12	Opportunity To Comment
13	March 10, 2011 Staff Letter Noting Hearing Time Changed
14	February 16, 2011 Complete Letter And Instructions For Posting Signs
15	February 16, 2011 Email Of Language For Newspaper Notice
16	Applicant's February 14, 2011 Site Plan
17	Applicant's February 2, 2011 Site Plan
18	Applicant's February 2, 2011 Function Statement
19	Applicant's February 2, 2011 Coffee Stand Floor Plan
20	January 31, 2011 Letter Reminding Applicant of 180-Day Time Limit On Cases Being Incomplete
21	October 6, 2010 Signed Applicant Response Intending To Provide Additional Information
22	September 30, 2010 Incomplete Letter
23	August 31, 2010 Application Form Signed By Property Owner And Applicant
24	August 31, 2010 Certification Of On-Site Sewage Disposal Form – Unsigned By Sanitarian
25	August 31, 2010 Fire District Review Form (Non-Residential)
26	August 31, 2010 Certification Of Water Service
27	August 31, 2010 Applicant Site Plan
28	Oregon Department of Transportation Letter To Applicant Dated July 16, 2010 Noting Required Mitigation

29	Oregon Department of Transportation Letter To Applicant Dated July 13, 2010 Noting Findings For Application For An Approach
30	August 31, 2010 Applicant Narrative
31	August 31, 2010 Applicant's Copy Of Pre-Application PA 09-006 Notes

	Exhibits Presented at or After the Public Hearing
H1	Comment Letter and Photographs From Carla Jones
H2	Comment Letter From Stephen Kenny
H3	Staff Addendum to Staff Report
H4	Hearings Officer's Decision for T2-09-024 Farm Stand
H5	Staff Report for T2-09-024 Farm Stand
H6	Email From Applicant Regarding Proposed Sign
H7	Staff Memorandum and Proposed Condition of Approval Regarding MCC 35.7050(A)(9) – Signs and Graphics