



DEPARTMENT OF ENVIRONMENTAL SERVICES
TRANSPORTATION AND LAND USE PLANNING DIVISION
1600 SE 190th Avenue
Portland, OR 97233 (503) 248-3043

DECISION OF THE PLANNING DIRECTOR

Design Review For Replacement of Tennis Courts at Sam Barlow High School

Case File: DR 2-99

Date Issued: Friday, June 11, 1999

Proposal: Application to demolish and relocate four (4) tennis courts at Sam Barlow High School.

Related Cases: Grading and Erosion Control Permit (GEC 19-99)

Location: 5105 SE 302nd Avenue
TL 78, SEC 18, T1S, R4E, W.M.
Tax Acct #R-97128-0060

Applicant: Gary Cooper
Milstead & Associates, Inc.
Three Town Center
10121 SE Sunnyside Rd, #335
Clackamas, Oregon 97015

Owner: Gresham/Barlow School District
1331 NW Eastman Parkway
Gresham, Oregon 97030-3825

Site Size: 37.81 acres

Present Zoning: Mixed Use Agriculture (MUA-20)
Community Service (CS)

Approval Criteria: Multnomah County Code (MCC) 11.15.780, Design Review.
Comprehensive Plan Policies 13, 14, 22, 37, 38, & 40.

Decision: **Approve, subject to compliance with specific conditions,
Design Review to demolish and relocate four (4) tennis courts
at Sam Barlow High School.**

Conditions of Approval

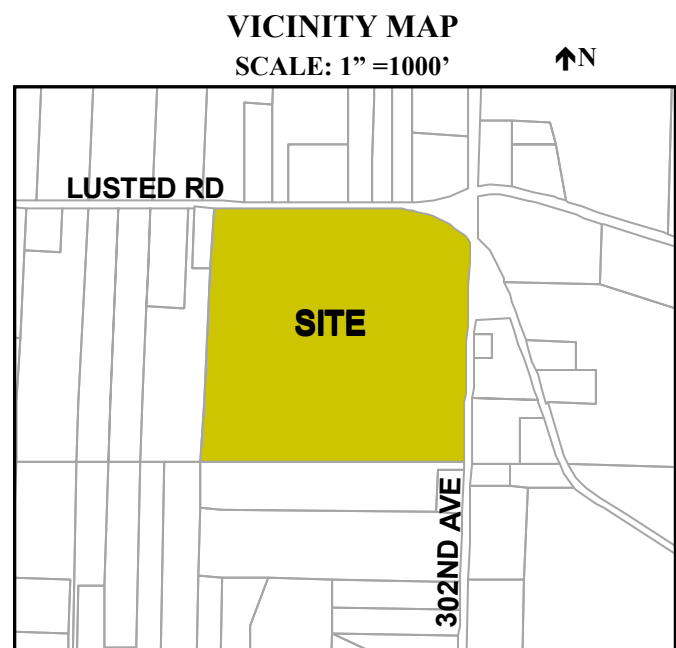
1. This approval is based on the applicants' written narrative(s), site plan, and other submitted materials along with the findings contained in this Decision. No development is to occur under this permit other than that which is specified within these documents. It shall be the responsibility of the applicant and/or property owner to comply with these documents as presented and approved.
2. The property owner shall obtain approval of a Grading and Erosion Control Permit prior to work commencing on replacement of the tennis courts.
3. The property owner is to adhere to the construction recommendations included in the geotechnical reports prepared by John H. Gray, RPG and Eugene S. Smith, PE, with G2 Associates, Inc. dated April 29, 1999.
4. Drainage of stormwater run-off attributed to this development shall be managed with a detention system, constructed pursuant to the specifications provided by Eugene S. Smith, PE, dated June 2, 1999.
5. Design review approval shall expire eighteen (18) months from the date of this decision. Upon application a six (6) month extension may be granted by the Planning Director upon written findings that the applicable provisions of this ordinance are satisfied. Failure to apply for an extension shall result in expiration of the approval.
6. No additional land use action and/or permit requests shall be accepted, relating to the subject application, until such time as all required fees for said application have been paid in full.

Findings of Fact

(Formatting Note: Staff as necessary to address Multnomah County ordinance requirements provides Findings referenced herein. Headings for each finding are underlined. Multnomah County Code requirements are referenced using a **bold** font. Written responses by the applicant, demonstrating compliance with code criteria, are *italicized*. Planning staff comments and analysis may follow applicant responses. Where this occurs, the notation "Staff" precedes such comments.)

1. Project Description:

The intended project will include demolition of the existing tennis courts followed by soil placement and hydroseeding over the western half of the current court site. The new construction will consist of the creation of four tennis courts located east of the current site, with some overlap in their positioning. The new positioning of the improvements will place the construction in an area which has not experienced the same soil failure events and poor drainage problems. The new location will also permit the installation of new surface drainage collection lines surrounding the courts and parking lot with the runoff to be released into the existing storm water system.



The new features will provide the same number of tennis courts (4) as exist today, with an actual reduction in hard surface area, slightly reducing storm water collection problems. These plans are seen as an enhancement in stabilizing the southern slope, controlling runoff issues and their effects on a new four court facility. Their recommended positioning will place the court closer to existing pavement, parking and pedestrian access points or viewing purposes.

The project is located in the southwesterly quadrant of the Sam Barlow High School property in East Multnomah County. The area is nearly level, lies immediately south of the football and track athletic complex and hosts four existing tennis courts. The court site was constructed many years ago with fill soils excavated from the football field development and other local waste soil construction sources.

2. Uses Allowed in the Mixed Use Agriculture (MUA-20) Zone District:

11.15.2126 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC .2128 through .2136.

* * *

11.15.2132 Conditional Uses

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

(A) Community Service Uses pursuant to the provisions of MCC .7005 through .7041;

* * *

11.15.7020 Uses

(A) Except as otherwise provided in MCC 11.15.2008 through .2012 and MCC 11.15.2048 through .2050, 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.

* * *

(20) School, private, parochial or public; educational institution.

(27) Accessory uses to the above.

Staff: The proposed courts are accessory to the existing school, a Community Service authorized under MCC .7020(A)(20) and identified as such on the County's Sectional Zoning Map No. 689, a copy of which is included as part of the permanent record.

3. Design Review Required:

11.15.7815 Design Review Plan Approval Required

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

11.15.7820 Application of Regulations

The provisions of MCC .7805 through .7865 shall apply to all conditional and community service uses in any district

Staff: As identified on Sectional Zoning Map 689 the Sam Barlow High School campus is a Community Service use, therefore, Design Review is required for this project pursuant to MCC .7820.

4. Compliance With MCC 11.15.7850, Design Review Criteria:

A. **MCC .7850(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.

The submitted plans call for the demolition of four existing tennis courts and the surrounding fence. The new work includes the construction of four new tennis courts to be located east of the existing positions, as far as possible, given site geographical constraints. The old court locations will be graded, compacted, and hydroseeded in order to establish a healthy vegetative cover for erosion abatement and other benefits. The seeding process ultimately will include all exposed soil locations within the target construction zone. The only exception to the hydroseeding will be the new siting for the old Shot-put area to be situated at the extreme west end of the site. This plan offers significant improvements in terms of runoff water collection and disposal. No such improvements currently exist within the site. The new improvements blend with the surrounding school improvements.

Environmental protection will be enhanced by the proposed improvements, particularly through the collection and safe disposal of runoff to be re-directed into the draw south of the project. The tennis courts will not utilize any electric power for outside lighting or any other purpose. No adverse impacts to air, water or visual aspects will occur to the subject property as they would pertain to the use of this facility.

Project plans depict a professionally designed system of four finished tennis courts which replace the old and failing system in-kind. A net reduction in total improved "hard" surface area will result from the completion of this project which includes the elimination of the abandoned basketball court. All elements of the project have been designed in accordance with industry standards for facilities of this type. All element of the facility meet the inter-related, human scale design aspects required by County ordinance, and will provide spatial variety and order. The positioning of the new courts is in keeping with standards for improved accessibility for students and community users

of the facility.

- B. **MCC .7850(A)(2), Safety and Privacy – The design review plan shall be designed to provide a safe environment, while offering appropriate opportunities for privacy and transitions from public to private spaces.**

The proposed plans duplicate the former tennis court facility in all aspects and improve additionally in other areas. Those include; improvement of the positioning in order to utilize existing facility lighting on the walls of the adjacent pool building for security enhancement, improvement of site accessibility since the new location brings the features close to the existing structures thereby reducing the amount of pedestrian walking over uneven ground in order to access the courts or to watch matches being held, the new location hugs the improvements and shelters them from wind exposure and increases privacy and reduces the noise level which could emanate from the area to surrounding neighbors. Since existing and proposed facilities are situated in the remote southwestern corner of this site, the noise issue is considered to be insignificant.

- C. **MCC .7850(A)(3), Special Needs of Handicapped – Where appropriate, the design review plan shall provide for the special needs of handicapped persons, such as ramps for wheelchairs and braille signs.**

One enhancement which evolves from the proposed new siting for these public facilities is improved access for the physically challenged. The project will move the tennis courts closer to the existing structures and existing paved parking along the eastern end of the project. The existing court system lies some 250 feet west of the nearest parking and does not permit handicapped access at this time.

- D. **MCC .7850(A)(4), Preservation of Natural Landscape – The landscape and existing grade shall be preserved to the maximum practical degree, considering development constraints and suitability of the landscape or grade to serve their functions. Preserved trees and shrubs shall be protected during construction.**

The existing courts are bounded on three sides by planted lawn, with native trees and brush on the southern slope below the site. The northern side of the courts abut the existing football and track field. The demolition and newly added replacement features will only affect the upper terrace next to the track and pool building. No unnecessary incursion onto the stable south slope will occur in order to facilitate the desired improvements.

- E. **MCC .7850(A)(5), Pedestrian and Vehicular circulation and Parking – The location and number of points of access to the site, the interior circulation patterns, the separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and structures, shall be designed to maximize safety and convenience and shall be harmonious with proposed and neighboring buildings and structures.**

This project is a replacement in-kind of four dilapidated tennis courts for four new courts of same size. The new features will be moved easterly to enhance bad weather access and an improved handicapped accessibility. The project will include demolition of some asphalt pavement currently used as an outdoor basketball court. That feature will not be replaced, resulting in a net reduction of hard surface area over the project. The project does not remove any existing parking spaces from this site, nor does it alter existing traffic patterns. The County has verbally agreed that there is no net effect on

traffic circulation which would require addition of new pavement to the project area for vehicular needs.

- F. **MCC .7850(A)(6), Drainage – Surface drainage systems shall be designed so as not to adversely affect neighboring properties or streets.**

Surface drainage provisions are currently at a minimum or do not exist over the proposed construction activity site. The proposed improvements include a properly designed and sized runoff collection system scaled for the size and function of the intended improvements. Drainage will be tight-lined and disposed of in the manner deemed appropriate by the County and in keeping with existing facilities and practice currently in place on this site. The needed improvements have been duly designed by a Professional Engineer and shown on project plans which accompany this narrative. No changes to the natural drainage south of this project will be required, and no adverse affects will occur to neighboring properties based on calculations conducted during this project.

Staff: This criterion has been addressed. Evidence submitted by Eugene L. Smith, PE, dated June 2, 1999, demonstrates that proposed drainage improvements should be adequate to detain, on-site, increased stormwater runoff attributed to this project.

- G. **MCC .7850(A)(7), Buffering and Screening – Areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking, and similar accessory areas and structures shall be designed, located, buffered or screened to minimize adverse impacts on the site and neighboring properties.**

Visual impact to surrounding properties from the existing facilities is already considered to be minimal. It is well-screened along the near west side by trees and brush which have developed over the years since the school construction. A dense tree and brush filled drainage canyon borders the project along the south and will remain untouched by the activities involved in this project. Relocation of the new tennis courts closer to the building actually pulls the noise and visual effects of site activities inward to the property to positions where the buildings also screen the improvements on the north and east sides. This siting is the best possible location within the school athletic complex for the proposed improvements.

- H. **MCC .7850(A)(8), Utilities – All utility installations above ground shall be located so as to minimize adverse impacts on the site and neighboring properties.**

The project involves minimal underground utility line re-routes, etc. It does not involve alteration to, or addition of any utilities on the ground surface which do not already exist for the operation of the tennis courts and other school operations.

- I. **MCC .7850(A)(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.**

No additional signage or lighting is required for this project. No alterations of existing signs or movement of those features will be required for the project.

5. Compliance With Applicable Comprehensive Plan Policies:

A. Policy 13: Air, Water And Noise Quality

It is the county's policy to require, prior to approval of a legislative or quasi-judicial action, a statement from the appropriate agency that all standards can be met with respect to air quality, water quality, and noise levels.

Staff: The potential for adverse impacts on water quality will be minimized provided erosion control measures are implemented consistent with an approved Grading and Erosion Control Permit. Air and noise impacts related to this project are negligible.

B. Policy 14: Developmental 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:

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

Staff: Potential for soil erosion, and earth movement are development limitations inherent to this site. Therefore, in accordance with this policy, development may only be permitted 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. The applicant has met this burden.

Design and construction specifications for replacement of the tennis courts have been provided by the applicant's professional geologist, John Gray, RPG, with G2 Associates, Inc. in a report dated April 29, 1999 (attached). Analysis contained in this report confirms that replacement of the courts is appropriate considering existing soil conditions and should not create potential stability problems provided they are constructed in accordance with their recommendations.

C. **Policy 22: Energy Conservation**

The County's policy is to promote the conservation of energy and to use energy resources in a more efficient manner. In addition, it is the policy of Multnomah County to reduce dependency on non-renewable energy resources and to support greater utilization of renewable energy resources. The county shall require a finding prior to the approval of legislative or quasi-judicial action that the following factors have been considered:

- **The development of energy-efficient land uses and practices;**
- **Increased density and intensity of development in urban areas, especially in proximity to transit corridors and employment, commercial and recreational centers;**
- **An energy-efficient transportation system linked with increased mass transit, pedestrian and bicycle facilities;**
- **Street layouts, lotting patterns and designs that utilize natural environmental and climactic conditions to advantage.**
- **Finally, the county will allow greater flexibility in the development and use of renewable energy resources.**

Staff: The factors listed under this policy have been considered in the review of this application. These factors are tailored to address energy resource issues related to urban development and, therefore, are not applicable to this request.

D. **Policy 37: Utilities**

The County's policy is to require a finding prior to approval of a legislative or quasi-judicial action that:

- **The proposed use can be connected to a public sewer and water system, both of which have adequate capacity; or**
- **The proposed use can 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**
- **There is an adequate private water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system; or**
- **There is an adequate private water system, and a public sewer with adequate capacity.**
- **There is adequate capacity in the storm water system to handle the run-off; or**

- The water run-off can be handled on the site or adequate provisions can be made; and
- The run-off from the site will not adversely affect the water quality in adjacent streams, ponds, lakes or alter the drainage on adjoining lands.
- There is an adequate energy supply to handle the needs of the proposal and the development level projected by the plan; and
- Communications facilities are available.

Furthermore, the County's policy is to continue cooperation with DEQ, for the development and implementation of a groundwater quality plan to meet the needs of the county.

Staff: This project is not a development requiring water, sewer, or communication services. Evidence provided by Eugene L. Smith, PE, demonstrates that proposed drainage improvements should adequately detain, on-site, increased stormwater runoff attributed to this development. An illustration of the drainage design is included on the erosion control plans. Drainage calculations are included as part of the permanent case file.

E. Policy 38: Facilities

The County's policy is to require a finding prior to approval of a legislative or quasi-judicial action that:

- The appropriate school district has had an opportunity to review and comment on the proposal.
- There is adequate water pressure and flow for fire fighting purposes; and
- The appropriate fire district has had an opportunity to review and comment on the proposal.
- The proposal can receive adequate local police protection in accordance with the standards of the jurisdiction providing police protection.

Staff: Not applicable. This project does not impact the service requirements of the organizations listed under this plan policy.

F. Policy 40: Development Requirements

The county's policy is to encourage a connected park and recreation system and to provide for small private recreation areas by requiring a finding prior to approval of legislative or quasi-judicial action that:

- Pedestrian and bicycle path connections to parks, recreation areas and community facilities will be dedicated where appropriate and where

designated in the bicycle corridor capital improvements program and map.

- **Landscaped areas with benches will be provided in commercial, industrial and multiple family developments, where appropriate.**
- **Areas for bicycle parking facilities will be required in development proposals, where appropriate.**

Staff: This proposal does not impact any existing or planned park and recreation areas or bicycle facilities.

Conclusion

Considering the findings and other information provided herein, this application for Design Review approval to demolish and relocate four (4) tennis courts at Sam Barlow High School , as conditioned, satisfies applicable Comprehensive Framework Plan policies and Multnomah County Zoning Ordinance requirements.

Exhibits

All materials submitted by the applicant, prepared by county staff, or provided by public agencies or members of the general public relating to this request are hereby adopted as exhibits hereto and may be found as part of the permanent record for this application.

In the matter of: DR 2-99

Multnomah County Department of Environmental Services
Transportation and Land Use Planning Division

By: _____
Derrick I. Tokos, AICP – Planner

For: Kathy Busse – Planning Director

This decision filed with the Director of the Department of
Environmental Services on Friday, June 11, 1999

APPEAL PROCESS:

This decision may be appealed within 10 days of the above date, pursuant to the provisions of MCC 11.15.8290. An appeal requires a \$100.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Land Use Planning offices at 1600 SE 190th Avenue (Phone: 248-3043).

The appeal period ends Monday, June 21, 1999 at 4:30 p.m.