



**MULTNOMAH COUNTY**  
**LAND USE PLANNING DIVISION**  
1600 SE 190<sup>TH</sup> Avenue Portland, OR 97233  
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## **DECISION OF THE PLANNING DIRECTOR**

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### **DESIGN REVIEW**

**Case File No.: DR 5-99**

**October 13, 1999**

**Proposal:** Application for a Design Review (DR) permit for the existing structure on the subject parcel to change from a foster care home for adults to a residential care facility. The applicant recently obtained approval for the Conditional Use, CU 2-99, for the change in use at the site as described. The Hearings Officer Decision for CU 2-99 was issued August 19, 1999. The Design Review application is required for all Conditional Use applications.

**Location:** 18857 SE Giese Road  
Byrline Lot 12, Section 20, T1S, R3E, WM.  
R#12390-1000.

**Applicant/**

**Property Owner:** Georghe and Agnia Cioruta  
18857 SE Giese Road  
Gresham, OR 97080

**Zoning:** Rural Residential (RR).

### **Planning Director's Decision:**

**Approved with Conditions,** for the request for Design Review approval for the existing residential care facility. The applicant's proposal is to meet driveway, parking lot, and landscape standards pursuant to the Hearings Officer Decision issued August 19, 1999 for CU 2-99.

**APPROVAL CRITERIA:** The applicable approval Criteria for this decision include the following Multnomah County Code (MCC): MCC 11.15.2202 et seq., Rural Residential (RR); MCC 11.15.6100 - .6148, Off-Street Parking and Loading (OP); and MCC 11.15.7805 - .7870, Design Review (DR).

### **CONDITIONS OF APPROVAL:**

**DR 5-99**  
**Decision Mailed: October 13, 1999**

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**Staff Planner: Tricia R. Sears**  
**Phone: (503) 248-3043**

1. The applicant shall obtain a sign permit for any sign proposed for the site. The Multnomah County Code provides criteria for signs in Section .7902 to .7982.
2. The applicant site plan illustrates five (5) parking spaces for the site. In accordance with the parking standards found in Section .6142 (A)(8) for a residential care facility (3 spaces) and Section .642 (A)(1) for a single-family dwelling (2 spaces) a total of five (5) parking spaces are required on the site. The parking spaces shall be in compliance with the MCC parking standards and thus shall be 9 feet wide and 18 feet in length. The applicant site plan illustrates compliance with the requirement. Section .6106, Continuing Obligation, requires the applicant to maintain and retain the required number of parking spaces on the site.
3. Except as otherwise specified in the above conditions, this approval is based upon the applicant's submitted written testimony, site and development plans, and substantiating documents. The applicant shall be responsible for implementing the development plan as presented and approved. The applicant shall comply with the conditions set forth in the prior related case, **CU 2-99**, and in this case, **DR 5-99**, except as may be modified by this decision.
4. 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 the said application have been **paid in full**.
5. All work approved under this decision, **DR 3-99**, and **CU 2-99**, shall be completed within 18 months from the date of the approval granted under CU 2-99 by the Hearings Officer on August 19, 1999, as established pursuant to MCC 11.15.7870. The applicant or property owner may submit a written request to the Planning Director for a six month extension. The Director's decision may be appealed as provided in MCC 11.15.8290. Failure to apply for an extension shall result in expiration of the approval.

### **Summary**

#### **Applicant:**

The subject facility is located at 18857 SE Giese Road, Gresham, OR 97080, and has a 3950 sq. ft. building, plus a detached two-car garage.

The size of the property is 2.7 acres located on the north side of Giese Road. The value of this project consists of \$20,000 - \$22,000.

In order to function as a residential care facility there is no need of new constructions or improvements to be made to this existing property.

#### **Staff:**

The Design Review process is a detailed review of the site for compliance with parking and landscape provisions found in Off-Street Parking and Loading (OP) (Section 11.15.6100). Section .7010 (F) requires Design Review applications for Community Service/ Conditional Use applications. The applicant received approval with conditions for a Conditional Use, CU 2-99, on August 19, 1999 (date issued) for the change in use from an adult foster care facility to a residential care facility.

The applicant has four building permits on file with the County for the subject parcel (1995, 1995, 1996, 1998).

The subject parcel is zoned Rural Residential (RR).

The parking standards, under Section .6142 (A)(8) include a parking requirement for a group care facility of 1 space per 4 beds. The applicant request is for eleven bedrooms for the residential care facility plus the continued use of the site for residential purposes for the property owner. Thus, the **total #** of required parking spaces at the site would be **5 parking spaces**. The applicant has illustrated the location of the required parking spaces on the full size plans submitted with the application. The reduced copy of the site plan does not illustrate the location of the parking spaces on the site.

The application for Design Review, DR 5-99, was submitted on September 8, 1999 and deemed complete on October 7, 1999. A copy of the applicant's site plan (reduced copy) is attached to this decision.

## **Multnomah County Code**

### **Rural Residential (RR)**

#### **11.15.2202 Purposes**

**The purposes of the Rural Residential District are to provide areas for residential use for those persons who desire rural living environments; to provide standards for rural land use and development consistent with desired rural character, the capability of the land and natural resources; to manage the extension of public services; to provide for public review of non-residential use proposals and to balance the public's interest in the management of community growth with the protection of individual property rights through review procedures and flexible standards.**

#### **11.15.2204 Area Affected**

**MCC .2202 through .2230 shall apply to those lands designed RR on the Multnomah County Zoning Map.**

**Staff:** The subject parcel, R#12390-1000, is zoned Rural Residential, RR, according to the zoning maps on file at Multnomah County.

#### **11.15.2206 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 .2208 through .2216.**

**Staff:** The applicant's use of the site is listed as a use in Section .2212 as a Conditional Use [subsection (A)]. Section .7020 (A)(5) is part of the Community Service section and lists a group care facility as a Conditional Use. The applicant obtained approval for the use of the site as a residential care facility under CU 2-99, issued by the Multnomah County Hearings Officer on August 19, 1999. Design Review is required for all Conditional Uses and Community Services, hence the applicant has submitted this application, DR 5-99, for compliance with the Multnomah County Code.

#### **11.15.2212 Conditional Uses**

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

**(A) Community Service Uses under the provisions of MCC .7005 through .7041.  
[Amended 1982, Ord. 330 § 2]**

**Staff:** The applicant has applied for the appropriate land use application. The applicant submitted a narrative to address the Community Service criteria in Section .7015 in the land use application for CU 2-99. Currently, the applicant has submitted a narrative for the Design Review application, DR 5-99. The applicant and Staff narrative are included in this decision document.

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#### **11.15.2218 Dimensional Requirements**

**(A) Except as provided in MCC .2220, .2222, .2224 and .7720, the minimum lot size shall be five acres.**

**Staff:** The subject parcel, R#12390-1000, is considered a Lot of Record based on the criteria of Section .2222. Multnomah County zoning maps illustrate the subject parcel has been the same size and shape since at least 1962. Zoning maps reviewed by Staff include the 1962, 1978, 1979, 1986, 1989, and 1998 maps. The parcel is part of the Byrline subdivision. This subdivision, according to Assessment and Taxation Staff, was recorded in 1906. The applicant meets the criterion as a Lot of Record.

**(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.**

*[Amended 1984, Ord. 428 § 2]*

**Staff:** The existing structure meets the required rear and side yard setback requirements. The garage is illustrated at 18 feet from the front property line; the structure does not meet the 30-foot front yard setback requirement. The applicant has four building permits on file at Multnomah County; the permits are from 1995, 1995, 1996, and 1998. The building permit from January 20, 1995 includes a site plan that illustrates the existing garage at 17 feet from the property line. The garage is listed as “2) existing shop” on the site plan submitted by the applicant. Staff is unable to determine the exact date the garage was built on the site as there are no building permits for the parcel prior to the January 20, 1995 building permit. The residence was built in 1927 according to the Multnomah County Assessment and Taxation records. Staff is not, at this time, making a determination as to whether the garage met the setback requirements at the time it was built. The applicant does not propose exterior changes to the garage or to the residence.

**(D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional requirements not otherwise established by Ordinance.**

**Staff:** This proposal has been reviewed by Alan Young in the Right-of-Way Division of Multnomah County. Young states that no additional right-of-way requirements are applicable to this case. A driveway permit is on file with the County. Young can be reached at (503)-248-3582. The application meets this criterion.

**(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.**

**Staff:** This criterion does not apply to existing structures on the site and the applicant does not propose to alter the physical structure to accommodate the proposed use as a residential care facility.

**(F) *[Added 1990, Ord. 643 § 2; Repealed 1994, Ord. 804 § III]***

**11.15.2222 Lot of Record**

**(A) For the purposes of this district, a Lot of Record is a parcel of land:**

**(1) For which a deed or other instrument dividing land was recorded with the Department of Administrative Services, or was in recordable form prior to October 6, 1977; and**

**(2) Which, when established, satisfied all applicable laws.**

**Staff:** The applicant provided a deed of the subject parcel. Staff reviewed the zoning maps on file at Multnomah County and these maps (1962, 1978, 1986, 1989, 1998) illustrate the subject parcel has remained the same size and shape since at least 1962. Staff contacted the Assessment and Taxation Department for records regarding the date the parcel was created. Assessment and Taxation stated that the parcel is part of the Byrline subdivision and that subdivision was recorded in 1906. The subdivision was recorded prior to the implementation of zoning in Multnomah County. The subject parcel meets the criterion.

**(B) A Lot of Record which has less than the area or front lot line minimums required may be occupied by any permitted or approved use when in compliance with the other requirements of this district.**

**Staff:** The applicant's subject parcel, addressed as 18857 SE Giese Road, has more than 50 feet of frontage on a public road. The applicant parcel has less than the required minimum lot size. As previously stated, the subject parcel has existed in its current size and shape since at least 1962 when the zoning of the subject parcel was Suburban Residential (S-R). The subject parcel, as noted above in (A), was recorded in 1906 as part of the Byrline subdivision. The application meets the criterion.

**(C) Separate Lots of Record shall be deemed created when a street or zoning district boundary intersects a parcel of land.**

**Staff:** This criterion is not applicable to the subject parcel.

**(D) Except as otherwise provided by MCC .2220, .2144, and .7720, 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.**

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#### **11.15.2226 Off-Street Parking and Loading**

**Off-street parking and loading shall be provided as required by MCC .6110 through .6148.**

**Staff:** See the criteria of MCC .6110 through .6148 as noted below.

#### **11.15.2228 Access**

**Any lot in this district shall abut a street, or shall have other access determined by the Hearings Officer to be safe and convenient for pedestrians and passenger and emergency vehicles.**

**Staff:** The applicant parcel contains a circular driveway. According to Alan Young in the Right-of-Way Division, the subject property has a driveway permit on file with Multnomah County. The application meets the criterion.

### **Off-Street Parking and Loading (OP)**

#### **11.15.6100 Purposes**

**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.**

#### **11.15.6102 General Provisions**

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

**Staff:** The applicant received approval under the Hearings Officer decision for CU 2-99 issued on August 19, 1999 for the use of the site as a residential care facility. The request for the use of the site for the residential care facility was to use the existing structure. The applicant/ property owners are hence required to meet the parking standards of the Multnomah County Code as described herein.

#### **11.15.6106 Continuing Obligation**

**The provision for and maintenance of off-street parking and loading facilities without charge to users shall be a continuing obligation of the property owner. No building or any other required permit for a structure or use under this or any other applicable rule, ordinance or regulation shall be issued until satisfactory evidence in the form of a site development plan, plans of existing parking and loading improvements, a deed, lease, contract or similar document is presented demonstrating that the property is and will remain available for the designated use as a parking or loading facility.**

**Staff:** The applicant/ property owners shall maintain the required level of parking on the site. The applicant site plan illustrates a total of five (5) parking spaces; two (2) for the residential home and three (3) for the residential care facility. Under Section .6142 (A)(1), two (2) parking spaces are required per residence and under (A)(8), a group care facility of this capacity requires three (3) parking spaces. The application meets the criterion.

#### **11.15.6108 Plan Required**

**A plot plan showing the dimensions, legal description, access and circulation layout for vehicles and pedestrians, space markings, the grades, drainage, setbacks, landscaping and abutting land uses in respect to the off-street parking area and such other information as shall be required, shall be submitted in duplicate to the Planning Director with each application for approval of a building or other required permit, or for a change of classification to O-P.**

**Staff:** The applicant has submitted a detailed site plan showing the required items. A site plan was submitted on September 8, 1999 showing the required parking spaces on the site and the buffer requirements. The application meets the criterion.

#### **11.15.6110 Use of Space**

- (A) Required parking spaces shall be available for the parking of vehicles of customers, occupants, and employees without charge or other consideration.**
- (B) No parking of trucks, equipment, materials, structures or signs or the conducting of any business activity shall be permitted on any required parking space.**
- (C) A required loading space shall be available for the loading and unloading of vehicles concerned with the transportation of goods or services for the use associated with**

the loading space.

- (D) Except for residential and local commercial districts, loading areas shall not be used for any purpose other than loading or unloading.
- (E) In any district, it shall be unlawful to store or accumulate equipment, material or goods in a loading space in a manner which would render such loading space temporarily or permanently incapable of immediate use for loading operations.

**Staff:** These criteria are included for informational purpose.

#### **11.15.6112 Location of Parking and Loading Spaces**

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

**Staff:** The applicant site plan illustrates the location of the proposed parking spaces. As described previously, five parking spaces are required on the site. The applicant will accommodate the required parking spaces on the site. The application meets the criterion.

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- (C) Loading spaces and vehicle maneuvering area shall be located only on or abutting the property served.

**Staff:** The applicant site can and will accommodate the required parking and maneuvering areas. The application meets the criterion.

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#### **11.15.6116 Change of Use**

- (A) Any alteration of the use of any land or structure under which an increase in the number of parking or loading spaces is required by this Section shall be unlawful unless the additional spaces are provided.
- (B) In case of enlargement or change of use, the number of parking or loading spaces required shall be based on the total area involved in the enlargement or change in use.

**Staff:** The applicant is required to install the appropriate number of required parking spaces for the single-family residential use and the residential care facility use of the existing building and site. See also the Conditions of Approval.

#### **11.15.6126 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:** The applicant is required to comply with the parking standards as described by the Multnomah County Code and included herein the decision for DR 5-99. This criterion is included for informational purposes.

#### **11.15.6130 Dimensional Standards**

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

- (1) At least 70% of the required off-street parking spaces shall have a minimum width of nine feet, a minimum length of 18 feet, and a minimum vertical clearance of six feet, six inches.**
- (2) Up to 30% of the required off-street parking spaces may have a minimum width of eight-and-one-half feet, a minimum length of 16 feet, and a vertical clearance of six feet if such spaces are clearly marked for compact car use.**
- (3) For parallel parking, the length of the parking space shall be 23 feet.**
- (4) Space dimensions shall be exclusive of access drives, aisles, ramps or columns.**

**Applicant:** All five parking spaces are at least 9 feet wide, 18 feet in length and minimum vertical clearance of 6'6".

**Staff:** The applicant site plan illustrates the location of the five parking spaces on the site. The scale on the site plan is not listed. Staff compared the site plan submitted for DR 5-99 to the one submitted by the applicant for CU 2-99. The scale on the site plan submitted under CU 2-99 was 1" to 20'. In comparison, the site plan submitted for DR 5-99 is slightly different and thus the parking spaces do not scale off to 9 feet wide by 18 feet in length. Staff notes the applicant's said compliance with the standards.

**(B) Aisle width shall be not less than:**

- (1) 25 feet for 90° parking,**
- (2) 20 feet for less than 90° parking, and**

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**Applicant:** The driveway is typical 11 feet wide.

**Staff:** No improvements to the driveway were required from the Right-of-Way Division under the Conditional Use application, CU 2-99, nor are improvements required under the Design Review case, DR 5-99, at this time.

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

<b>(1) District</b>	<b>Minimum Width</b>	<b>Minimum Depth</b>
<b>LM, GM, HM</b>	<b>12 Feet</b>	<b>60 Feet</b>
<b>GC, EC, SC</b>	<b>12 Feet</b>	<b>35 Feet</b>

**All Others      12 Feet      25 Feet**

**(2) Minimum vertical clearance shall be 13 feet.**

**Applicant:** By nature of this business there is no need for loading area.

**Staff:** The applicant shall comply with the parking standards described here.

**11.15.6132 Improvements**

**(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.**

**Applicant:** All areas used for parking and driveway are covered with concrete.

**Staff:** The applicant has already paved the parking spaces on the subject parcel. One of the entrances (two curb cuts for the site) to the site off of SE Giese Road is a gravel entrance that becomes a paved surface on the site. While the applicant did not submit documentation as to the capability of the surface material to carry a wheel base load of 4,000 pounds, Staff finds the surface material in place at the site is surface material "providing a durable and dustless surface" and it is sufficient for the activity approved for the site. The applicant's site is used for residential purposes (both the homeowner/property owner and the residents of the residential care facility). The application meets the criterion for having a durable parking surface at the site.

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**(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.**

**Applicant:** All areas used for parking and maneuvering of vehicles are physically separated from Public Street and from adjoining property by landscaped area.

**Staff:** The applicant site plan illustrates the six (6) foot high fence on the east side of the property. The fence acts to "physically separate" the site from the adjoining property and the street. The fence screens the site from the road as head west on SE Giese Road. The application meets the criterion.

**(C) Marking – All areas for the parking and maneuvering of vehicles shall be marked in**

**accordance with the approved plan required under MCC .6108, and such marking shall be continually maintained.**

**Applicant:** All areas used for parking are marked and will be continually maintained.

**Staff:** The applicant states the parking spaces have been marked as required and will be maintained as required. The site plan illustrates the location of the parking spaces. The application meets the criterion.

**(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.**

**Applicant:** Drainage - All areas for parking and maneuvering of vehicles are graded and drainage is provided for the disposal of all surface water on the lot.

**Staff:** The applicant states that the surface water of the site is retained on the site. Staff did not review drainage calculations for the site. The driveway was paved prior to the submittal of the Conditional Use application, CU 2-99, and the Design Review application, DR 5-99. The application meets the criterion.

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**11.15.6134 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.**

**Applicant:** The artificial lighting does not shine into adjoining dwellings. The closest house is 300 feet away, and the light used at the entrance of the driveway is a 40-watt bulb or less and does not create a hazard to the travelling public on the street.

**Staff:** The applicant states the light used at the entrance to the driveway is a 40-watt bulb. It is unlikely that the light emanating from a low wattage bulb would be a hazard to the public travelling on SE Giese Road. It is also unlikely that the light from a 40-watt bulb would shine into a building 300 feet away. Therefore, based on the minimal amount light a 40-watt bulb would give off in the circumstances described by the applicant, Staff finds the application meets the criterion.

**11.15.6136 Signs**

**Signs, pursuant to the provisions of 11.15.7964.**

**Applicant:** Signs - For this type of business there is no need for signs. Even if a sign will be required it will be no larger than 20 x 24 inches and will be installed away from the main street.

**Staff:** Pursuant to the applicant statement above, no new signs will be established on the site. Staff has established a Condition of Approval requiring the applicant to obtain a sign permit if the above-described sign is proposed for the site in the future.

**11.15.6138 Design Standards: Setbacks**

- (A) Any required yard which abuts upon a street lot line shall not be used for a parking or loading space, vehicle maneuvering area or access drive other than a drive connecting directly to a street.**

**Staff:** The applicant driveway connects directly to SE Giese Road, a public street. The driveway and parking area are within the required yard setback. The existing garage on the site is also within the required front yard setback. The site already had a paved driveway and unmarked areas to park on the site. Staff finds the applicant's proposal for the change in use required minimal alterations to the subject parcel and building because the alterations were in place prior to submittal of the land use applications (CU 2-99 and DR 5-99). The applicant obtained building permits as required. The applicant submitted the required land use applications for the change in use. Staff finds the application meets the criterion.

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#### **11.15.6140 Landscape and Screening Requirements**

- (A) The landscaped areas requirements of MCC .7855(C)(3) to (7) shall apply to all parking, loading or maneuvering areas which are within the scope of design standards stated in MCC .6126(A).**

**Applicant:** The landscaped area around parking spaces and driveway is shown on the landscape plan.

**Staff:** The applicant site plan illustrates the location of the trees, shrubs and other vegetation on the site. From the Staff site visit in July 27, 1999 for the Conditional Use application, CU 2-99, Staff notes that the back yard of the site contains an orchard. Site photos are contained in the case file for CU 2-99. The applicant does not have additional requirements for landscaping. The application meets the criterion.

- (B) Parking or loading spaces located within 50 feet of a property line of a lot in a residential or other district listed in MCC .2002 through MCC .2966 shall be separated from such property line by a sight-obscuring fence with height and materials suitable to meet the requirements of subsection MCC .7850(A)(7).**

**Applicant:** The parking spaces and the driveway on the east side of the property is separated from next door neighbor's property by a wooden fence 6 feet high and 120 feet in length.

**Staff:** The applicant stated earlier that no loading occurs on the site. The only loading Staff notes that might occur is transportation of residents for medical services. The applicant illustrated the location of the door and parking area on the site for that purposed during the Staff visit on July 27, 1999. The applicant has described the six-foot high fence located on the east side of the subject property.

#### **11.15.6142 Minimum Required Off-Street Parking Spaces**

- (A) Residential Uses**

**(I) Single Family Dwelling – Two spaces for each dwelling unit.**

**(8) Group Care Facility, Home for Aged, or Children's Home – One space for each four beds.**

**Applicant:** Minimum required off street parking for twelve residents is 3 spaces plus 2 spaces for caregiver in total of 5 spaces.

**Staff:** The applicant site plan illustrates the location of the five (5) required parking spaces. As established under (A)(1), two (2) parking spaces are required for the residential use of the site. As established under (A)(8), three (3) parking spaces are required for the residential care facility that has a capacity of twelve (12) residents. The application meets the criterion.

### **Design Review (DR)**

#### **11.15.7805 Purposes**

**MCC .7805 through .7865 provides for the review and administrative approval of the design of certain developments and improvements in order to promote functional, safe, innovative and attractive site development compatible with the natural and man-made environment.**

**Staff:** As has already been established, the applicant/ property owners are required to submit the Design Review application pursuant to Condition of Approvals under the Hearings Officer decision issued August 19, 1999 for CU 2-99.

#### **11.15.7810 Elements of Design Review Plan**

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

**Staff:** The required items have been illustrated on the applicant's submitted site plans.

#### **11.15.7830 Design Review Plan Contents and Procedure**

*Note: The criteria of Section .7830 (F) are included here and are required under Section .7840(A) of the Final Design Review Plan criteria.*

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

**(I) Access to site from adjacent rights-of-way, streets, and arterials;**

**Applicant:** Access to the property from the public road, Giese Road, is provided with circular driveway.

**(2) Parking and circulation areas;**

**Applicant:** Parking is provided by 5 parking spaces plus a two-car garage on the property and room for 3 more cars on the driveway.

**(3) Location and design of buildings and signs;**

**Applicant:** Location and design of the house is shown on the plan. The main building, an 80-year old farmhouse, was renovated and kept in the original style.

**(4) Orientation of windows and doors;**

**Applicant:** No comment.

**(5) Entrances and exits;**

**Applicant:** Entrances and exits of the building are located as following: two in the front of the house and two in the back.

**(6) Private and shared outdoor recreation spaces;**

**Applicant:** No comment.

**(7) Pedestrian circulation;**

**Applicant:** There is a concrete sidewalk all around the facility.

**(8) Outdoor play areas;**

**Applicant:** There is a backyard covered with grass and a covered concrete patio.

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

**Applicant:** The mailbox is accessible from the street. All other deliveries are brought to the main entrance using the circular driveway. As a note, deliveries are made 2-3 times per month. The electric meter is located at the East Side of the building. The trashcans are located southeast of the house.

**(10) Areas to be landscaped;**

**Applicant:** All the grounds, except the driveway and the parking spaces, is landscaped around the facility.

**(11) Exterior lighting;**

**Applicant:** Exterior lighting is provided both in the front and the back of the house.

**(12) Special provisions for handicapped persons; and**

**Applicant:** The house is provided with 2 ramps for easy access for the handicapped.

**(13) Other site elements and spaces which will assist in the evaluation of site development.**

**Applicant:** No comment.

**Staff:** (Summary comment for (F)) See also Section .7840 (A) for Staff comments.

#### **11.15.7840 Final Design Review Plan**

**Following receipt by the applicant of the summary findings and conclusions under MCC .7835, the applicant may submit a revised preliminary design review plan or shall file with the Planning Director a final design review plan, which shall contain the following, drawn to scale:**

**(A) Site Development and Landscape Plans, indicating the locations and specifications of the items described in MCC .7830(F) and (G), as appropriate;**

**Applicant:** (.7830 (G)). The size, species and the locations of the trees, shrubs and plans are shown on the attached landscape plans.

**Staff:** The applicant has not identified the size and the species of the existing vegetation on the site. The applicant has addressed MCC .7830 (F) above and (G) is also above.

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

**Staff:** The applicant has submitted elevation drawings and floor plans of the subject dwelling/ residential care facility.

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#### **11.15.7850 Design Review Criteria**

*Note: The applicant submitted a narrative response to the preliminary site development plan criteria in the Design Review section, as required under .7830(F). Staff has utilized these answers for the evaluation of the application under the Design Review criteria.*

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

**(I) 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.**

**Staff:** The applicant will maintain the landscaping as illustrated on the site plan submitted September 8, 1999. As noted, the Staff site visit on July 27, 1999 revealed the back yard of the subject parcel includes an orchard. The site is harmonious with the surrounding properties. Much of the area is used for agricultural purposes. The subject parcel and the existing structure were

reviewed under the Conditional Use application, CU 2-99, for compatibility of the character of the area. The application met the criterion under CU 2-99 and the application meets this criterion for harmonious relationships to the environment.

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

**Staff:** The applicant site plan from CU 2-99 shows the location of the drainfield and the septic tank on the site. The site plan submitted for DR 5-99 illustrates the location of the existing driveway and parking areas. The applicant has minimized impacts of the development because the existing structure is being used for the new use approved under CU 2-99. The application meets the criterion, as Staff does not anticipate "adverse climatic conditions, noise or air pollution" from the residential care facility.

- (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 elements of the design review plan submitted by the applicant are friendly and human scale. The use approved under the Conditional Use, CU 2-99, was for a residential care facility. The existing structure looks like a house. There are no signs on the site. The application meets the criterion.

- (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:** Photographs of the site were taken on July 27, 1999 during the Staff site visit and those photos are retained in case file CU 2-99. The applicant site plan shows the location of the six-foot high fence that is located on the east side of the subject parcel. The vegetation and the fence provide "appropriate transitions" for public and private areas on the site. The application meets the criterion.

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

**Staff:** The applicant has described that two ramps exist at the residence "for easy access for the handicapped". The existing structure is a residential care facility and thus, Staff anticipates the applicant has and will comply with the provisions of the Americans with Disabilities Act (ADA) and the Uniform Building Code (UBC) standards for the residential care facility. The application meets the criterion.

- (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 majority of the site is vegetated with grass, trees, and shrubs. The applicant site plan illustrates the location of some of the trees and shrubs on the site. The site plan also illustrates the "pasture". The site plan does not illustrate the location of the orchard on the site. The Staff visit on July 27, 1999 showed the back yard contains an orchard. The site contains a garage in addition to the residential care facility. The facility is 3950 square feet in size. No construction is proposed for the site because the facility already exists. The application meets the criterion.

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

**Staff:** The site plan illustrates the existing driveway. The site plan also illustrates the location of the parking areas. The subject parcel is directly accessed from SE Giese Road. The driveway exists already. The applicant stated the parking stalls would be marked. The application meets the criterion.

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

**Staff:** The applicant has worked with Mike Ebeling at the City of Portland's Septic and Sanitation Department for the appropriate septic tank and drainfield mechanisms. The applicant has stated that the surface water run-off will be retained on the site. Staff has not reviewed the stormwater calculations or surface water drainage for the site. The applicant is utilizing the existing structure (no new construction) and no alterations to the existing paved surface except to mark the parking stalls will occur. The application meets the criterion.

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

**Staff:** The applicant narrative states that the trashcans are located on the southeast part of the house. The applicant site plan illustrates the location of the fence, the vegetation, and the driveway. The application meets the criterion of minimizing the adverse impacts of the site to neighboring properties by installing the appropriate screening and landscaping.

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

**Staff:** The applicant's utility installations exist already and no alterations are proposed. Modifications were made to the septic tank and drainfield pursuant to the requirements of the City of Portland Septic and Sanitation Department (Mike Ebeling) will comply with the criterion as described.

- (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:** The applicant states that no new signage is proposed. The criterion is not applicable. Should the applicant propose a sign for the site in the future, the applicant shall submit a sign permit and that sign shall be reviewed by Multnomah County's Land Use Planning office under the sign code provisions.

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#### **11.15.7855 Required Minimum Standards**

##### **(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.**

**Staff:** The subject parcel is 2.7 acres in size. The two property owners/ applicants and the twelve residents of the residential care facility have access to outdoor private spaces as required by (1). The application meets the criterion.

- (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:**

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- (b) Three or more bedroom units: 300 square feet per unit.**

**Staff:** The subject parcel is 2.7 acres in size. The two property owners/ applicants and the twelve residents of the residential care facility have access to outdoor shared areas as required by (2). The application meets the criterion.

##### **(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:** The applicant site plan shows a garage on the site. Staff notes the site has ample room for the storage of articles such as bicycles and furniture. The application meets the criterion.

##### **(C) Required Landscape Areas**

**Staff:** The applicant's proposal for a change in use from an adult care facility to a residential care facility was approved under CU 2-99. The applicant did not propose any exterior alterations to the site. The existing 3950 square foot structure was retained.

Landscaping and paved surfaces already exist on the site. Minimal site changes include marking the required parking spots and upgrading the septic tank and drainfield. Staff notes that landscaping standards, buffer standards, and surface material standards have been evaluated throughout this application and therefore, Staff finds subsection (C) not applicable and redundant to the standards already evaluated in this report.

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#### CONCLUSIONS:

- A. The applicant has carried the burden necessary for granting approval for the Design Review application, **DR 5-99**, to make the alterations to the residential care facility site for parking and landscaping as described herein.
- B. Conditions of Approval are necessary to insure compliance with applicable Code provisions and Comprehensive Plan Policies and are enclosed within this document.
- C. The proposal as conditioned, satisfies Design Review approval criteria as detailed in the findings section above.

**NOTICE:** This decision was mailed October 13, 1999 in the manner required by ORS 197.763. Opportunity to appeal this decision and have the application considered at a public hearing will be provided until the close of business on October 25, 1999.

#### IN THE MATTER OF DR 5-99:

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Signed: Tricia R. Sears, *Land Use Planner*  
For: Kathy Busse, *Planning Director*

#### NOTICE:

*The Decision of the Planning Director detailed above will become final unless an appeal is filed within the 10-day appeal period that starts the day after the notice is mailed. If the 10<sup>th</sup> day falls on a Saturday, Sunday, or a legal holiday, the appeal period extends through the next full business-day. If an appeal is filed, a public hearing will be scheduled before a County Hearings Officer pursuant to Multnomah County Code section 11.15.8290 and in compliance with ORS 197.763. To file, complete an Appeal of Administrative Decision for, and submit to the Multnomah County Land Use Planning Office, together with a \$100.00 fee*

*and supplemental written materials (as needed) stating the specific grounds, approval criteria, or standards on which the appeal is based. To review the application file(s), obtain appeal forms, or other instructions, call Multnomah County Land Use Planning at (503) 248-3043, or visit our offices at 1600 SE 190<sup>th</sup> Avenue, Portland, Oregon, 97233 [hours: 8:00 a.m. -4:30 p.m.; M-F].*

**Notice to Mortgagee, Lien Holder, Vendor or Seller:**

**ORS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser.**