

STAFF REPORT



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Application for Community Service Condition Use, Variance, Design Review, Lot of Record Verification

Case File: T3-2024-0007

Applicant: Peter Finley Fry

Proposal: Request for a Community Service Conditional Use, Variance, Design Review, and Significant Environmental Concern Review (SEC-s) permits for a Fire Station. The use includes two buildings, accessory structures (generator, propane tank, fencing, gate, retaining walls, stormwater drainage control system); Off-Street Parking and Loading areas; and landscaping.

Additionally, a request for a Lot of Record Verification for the property identified below. A Lot of Record Verification determines if a property was lawfully established in compliance with zoning and land division laws at the time of its creation or reconfiguration.

Location: 31727 E Hist Columbia River Hwy, Troutdale

Property ID # R322491

Map, Tax lot: 1N4E32D -01800

Alt. Acct. # R944320140

Base Zone: Springdale Rural Center (SRC)

Overlays: Significant Environmental Concern for Streams (SEC-s)

Scheduled before one of the County's Hearing's Officers on **Friday, July 11, 2025 at 10:30 am** or soon thereafter via virtual hearing.

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Applicable Approval Criteria:

Multnomah County Code (MCC): General Provisions: MCC 39.1250 Code Compliance and Applications, MCC 39.2000 Definitions, MCC 39.6235 Stormwater Drainage Control, MCC 39.6850 Dark Sky Lighting Standards

Lot of Record: General Provisions: MCC 39.3005 Lot of Record – Generally, 39.3110 Lot of Record – Burlington Rural Center (BRC) and Springdale Rural Center (SRC)

Springdale Rural Center (SRC): MCC 39.4560(F) Allowed Uses – (F) Accessory Structures..., MCC 39.4570(A) Conditional Uses – Community Service Uses..., MCC 39.4575(C), (D), (F), (I) Dimensional Requirements and Development Standards, MCC 39.4585 Lot Sizes for Conditional Uses, MCC 39.4590 Off-Street Parking and Loading

Significant Environmental Concern Overlays (SEC): MCC 39.5510 Uses; SEC Permit Required, MCC 39.5580 Nuisance Plant List, MCC 39.5750 Criteria for Approval of SEC-s Permit - Streams

Parking, Loading, Circulation and Access: MCC 39.6505 General Provisions, MCC 39.6520 Use of Space, MCC 39.6525 Location of Parking and Loading Spaces, MCC 39.6535 Change of Use, MCC 39.6545 Existing Spaces, MCC 39.6555 Design Standards: Scope, MCC 39.6560 Access, MCC 39.6565 Dimensional Standards, MCC 39.6570 Improvements, MCC 39.6575 Signs, MCC 39.6580 Design Standards: Setbacks, MCC 39.6585 Landscape and Screening Requirements, MCC 39.6590 Minimum Required Off-Street MCC Parking Spaces, MCC 39.6595 Minimum Required Off-Street Loading Spaces, MCC 39.6600 Exceptions from Required Off-Street Parking or Loading Spaces

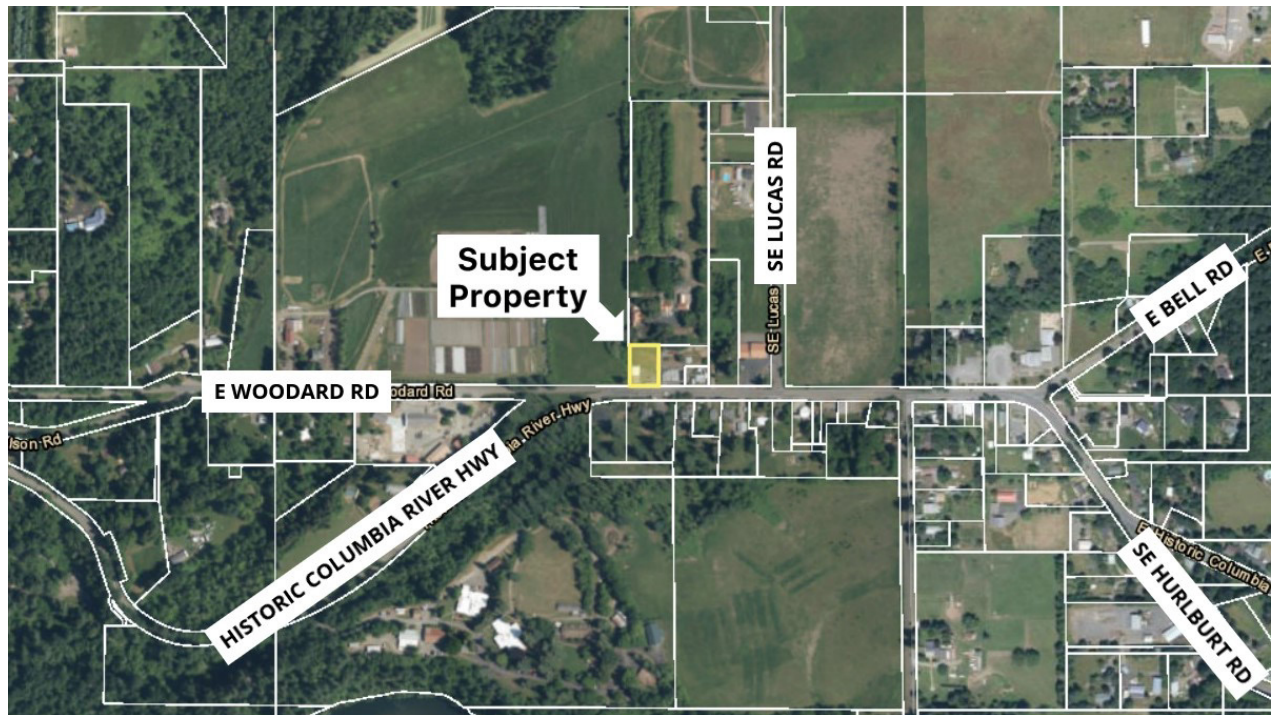
Community Service Uses: MCC 39.7505 General Provisions, MCC 39.7515 Approval Criteria, MCC 39.7520(A)(18) and (A)(19) Uses, MCC 39.7525 Restrictions

Design Review: MCC 39.8020 Application of Regulations, MCC 39.8040 Design Review Criteria, MCC 39.8045 Required Minimum Standards, MCC 39.8050 Minor Exceptions: Yard, Parking, Sign, and Landscape Requirements

Comprehensive Plan Policies: Chapter 5 – Natural Resources: 5.14, 5.43, Chapter 6 – Historic and Cultural Resources: 6.4, Chapter 11 – Public Facilities: 11.12, 11.13, 11.17

Copies of the referenced Multnomah County Code sections are available by visiting <https://www.multco.us/landuse/zoning-codes> under the link **Chapter 39: Multnomah County Zoning Code** and at <https://multco.us/landuse/comprehensive-plan> under the link **Multnomah County Comprehensive Plan**.

Vicinity Map



Recommended Hearing Officer Decision

Staff recommends that the Hearings Officer **approve** that the subject property identified as 1N4E32D - 01800 is a Lot of Record and the Community Service Conditional Use, Variance, Design Review, and Significant Environmental Concern Review (SEC-s) permits.

If the Hearings Officer finds the proposed application is approvable, staff recommends the following Conditions of Approval:

1. **Permit Expiration** – This land use permit shall expire as follows:
 - a. Within **two (2) years** of the date of the final decision when construction has not commenced. [MCC 39.1185(B)]
 - i. For the purposes of 1.a, commencement of construction shall mean actual construction of the foundation or frame of the approved new Fire Station building.
 - ii. For purposes of 1.b, notification of commencement of construction shall be given to Multnomah County Land Use Planning Division a minimum of seven (7) days prior to the date of commencement. Notification shall be sent via email to LUP-submittals@multco.us with the case no. T3-2024-0007 referenced in the subject line.
 - b. Within **four (4) years** of the date of commencement of construction when the structure has not been completed. [MCC 39.1185(B)]
 - i. For the purposes of 1.b, completion of the structure shall mean completion of the exterior surface(s) of the new Fire Station building and compliance with all conditions of approval in the land use approval.
 - ii. For purposes of 1.b, the property owner shall provide building permit status in support of completion of exterior surfaces of the structure and demonstrate

compliance with all conditions of approval. The written notification and documentation of compliance with the conditions shall be sent to LUP-submittals@multco.us with the case no. T3-2024-0007 referenced in the subject line. [MCC 39.1185]

Note: The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 39.1195, as applicable. The request for a permit extension must be submitted prior to the expiration of the approval period.

2. Approval of this land use permit is based on the submitted written narrative(s) and plan(s). No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein. [MCC 39.1170(B)]
3. **Prior to submitting Building Plans for Zoning Review**, the property owner(s) or their representatives shall:
 - a. Acknowledge in writing that they have read and understand the conditions of approval and intend to comply with them. A Letter of Acknowledgement has been provided to assist you. The signed document shall be submitted and uploaded when submitting Building Plans for Zoning Review and Review of Conditions of Approval. [MCC 39.1170(A) & (B)]
 - b. Record the Hearing's Officer Decision and Exhibit A.5, A.7 – Appendix H, and A.16 of the Staff Report with the County Recorder. The Notice of Decision shall run with the land. Proof of recording shall be made prior to the issuance of any permits and shall be filed with the Land Use Planning Division. Recording shall be at the applicant's expense. [MCC 39.1175]
 - c. Record a covenant with the County Recorder that implements the provisions of the Oregon Right to Farm Law in ORS 30.936 and that they recognize and accept that farm activities including tilling, spraying, harvesting, and farm management activities during irregular times can occur on adjacent property and in the general area. [MCC 39.7515(C)]
 - d. Prepare a Mitigation Plan drafted by a licensed landscape architect or someone who has educational background in riparian biology, wildlife biology, ecology or of similar educational and vocational training. Utilizing their educational and vocational training, the Mitigation Plan shall demonstrate enhancement of the upland riparian area on the property within the Stream Conservation Area as shown in Exhibit B.13 that does not contain a building, structure, pavement, or gravel. Enhancement of the upland riparian area shall be based on the pre-development state of the property prior to any development occurring on the property. [MCC 39.5750(D)]
 - e. Demonstrate compliance with the County's Ground Disturbance regulations by obtaining either a Minimal Impact Project (MIP) permit or an Erosion and Sediment Control (ESC) permit. [MCC 39.5750(E)(5)]
4. **When submitting Building Plans for Zoning Review**, the property owner(s) or their representatives shall:
 - a. Submit a Letter of Acknowledgement, recorded Hearing's Officer Decision, and covenants, and other documents as required in Condition 3.a through 3.d. [MCC 39.1170(A) & (B)]
 - b. Submit a permit or other authorization demonstrating that the proposed Fire Station has been reviewed by the Oregon Department of Transportation (ODOT). Any proposed

changes to the connection to the State Highway shall be shown prior to submitting building plans for Zoning Plan Review. [MCC 39.5750(E)(7) and MCC 39.8040(A)(5)]

- c. Submit revised plans showing compliance with the Hearing's Officer Decision for approvals granted, all conditions of approval and required modifications. [MCC 39.8030]
 - i. Final design review plan shall contain the following, drawn to scale:
 - 1. Site Development and Landscape Plans drawn to scale, indicating the locations and specifications of the items described in MCC 39.8025, as appropriate;
 - 2. Architectural drawings, indicating floor plans, sections, and elevations; and
 - 3. Approved minor exceptions from yard, parking, and sign requirements.
 - ii. The revised plan shall demonstrate compliance with the 10-foot side yard setback for the propane tanks and the generator [MCC 39.4575(C)]
 - iii. The revised plan shall contain a new structure elevation plan showing the height of the generator and propane tank; demonstrating compliance with the 35-foot maximum. [MCC 39.4375(C)]
 - iv. The revised plan shall contain a Lighting Plan including cut sheets and specifications showing the location and details for all exterior lighting supporting the subject property. All exterior lighting shall be a fixture type that is fully shielded with opaque materials and directed downwards. [MCC 39.4575(I), MCC 39.5750(E)(3), MCC 39.6850, Comprehensive Plan Policy 5.43]
 - 1. "Fully shielded" means no light is emitted above the horizontal plane located at the lowest point of the fixture's shielding.
 - 2. Shielding must be permanently attached.
 - d. Submit the Mitigation Plan as required in Condition 3.d. [MCC 39.5750(D)]
5. **Prior to and during construction**, the property owner(s) or their representatives shall:
- a. Not conduct ground disturbing activity within a Stream Conservation Area between September 16 through June 14 of any given year. Permanent soil stabilization measures must be in place by October 15 of any given year. [MCC 39.5750(E)(6)]
 - b. Construct the storm water drainage control system described and shown in Exhibit A.7. [MCC 39.4575(F), MCC 39.4590(B), MCC 39.5750(E)(2), MCC 39.6570(D), MCC 39.8040(A)(6)]
 - c. Stop work and halt construction if Native American artifacts and other cultural resources or deposits are found. The property owner(s) or their representatives shall notify the Planning Director and Oregon State Historic Preservation Office (SHPO) immediately and follow any subsequent actions including conducting surveys, preparing evaluations, and implementing any required mitigation plans. [Comprehensive Plan Policy 6.4]
 - d. Revegetate any disturbed areas not containing a building, structure, paving, or gravel using native plants found in the latest edition of the Metro Plant List. [MCC 39.5750(F)(2)]
6. **As an on-going condition**, the property owner(s) shall:
- a. Be limited in the use of the Fire Station as an un-staffed facility for firefighters. The use of the site shall be limited to activities necessary to carry out emergency response functions, as determined by the Fire District, on an as-needed basis. The use of either of the buildings as a dwelling unit is not permitted [MCC 39.7515(A) and (F)]

- b. Maintain the stormwater drainage control system for the life of the Fire Station use in compliance with Exhibit A.7. [MCC 39.4575(F), MCC 39.4590(B), MCC 39.5750(E)(2), MCC 39.6570(D), MCC 39.8040(A)(6)]
- c. Place, shade, or screen all exterior lighting associated with a proposed development to avoid shining directly into a Stream Conservation Area. The exterior lighting must also be contained within the boundaries of the Lot of Record on which it is located. [MCC 39.4575(I), MCC 39.5750(E)(3), MCC 39.6850, Comprehensive Plan Policy 5.43]
- d. Maintain the cleared areas of the property so those areas free of nuisance plants listed in Table 1. The planting of any invasive non-native or noxious vegetation as listed in MCC 39.5580 Table 1, in the latest edition of the Metro Nuisance Plant List and the Prohibited Plant List, or in the latest edition of the State of Oregon Noxious Weed List is prohibited. [MCC 39.5750(F)(1)]
- e. Provide for and maintain all off-street parking facilities without charge or other considerations to users. [MCC 39.6510, MCC 39.6520(A)]
- f. Not park trucks, equipment, materials, structures, signs, or conduct any Fire Station activities in any required parking space. [MCC 39.6520(A)]
- g. Not store hazardous materials as determined by DEQ in outside storage areas unless such storage is contained and approved as part of a new application request. [MCC 39.5750(F)(3), MCC 39.7515(F)]

Findings of Fact

FINDINGS: Written findings are contained herein. The Multnomah County Code (MCC) criteria and Comprehensive Plan Policies are in **bold** font. Staff analysis and comments are identified as ‘**Staff:**’ and address the applicable criteria. Staff comments may include a conclusionary statement in *italic*.

1.0 Project Description:

Staff: The applicant requests a Community Service Conditional Use, Variance, Design Review, and Significant Environmental Concern Review (SEC-s) permits for a Fire Station. The use includes two buildings, accessory structures (generator, propane tank, fencing, gate, retaining walls, stormwater drainage control system); Off-Street Parking and Loading areas; and landscaping. The Variance will reduce the front yard to accommodate off-street parking area.

Additionally, a request for a Lot of Record Verification for the property identified below. A Lot of Record Verification determines if a property was lawfully established in compliance with zoning and land division laws at the time of its creation or reconfiguration.

2.0 Property Description & History:

Staff: This application is for the property identified as 1N4E32D -01800 also known as 31727 E Hist Columbia River Hwy, Troutdale (“subject property”) The subject property is located on the northside of East Historic Columbia River Highway (“HCRH”) in unincorporated east Multnomah County. The subject property is location outside of Metro’s Urban Growth Boundary (UGB), but is located within Metro’s jurisdictional boundary. The subject property is zoned Springdale Rural Center (SRC) and has one (1) overlay, Significant Environmental Concern for Streams (SEC-s).

The subject property contains “miscellaneous” improvements according to the County Assessor. The Assessor first assessed the improvements in 1968 and lists the property at approximately 20,473 square feet (0.47 acres). Aerial photos from 2025 show how one structure (Exhibit B.6). These are the previous land use/building permits associated with the property.

Permit No.	Date	Description
BA 90-67	04/18/1967	Variance to Front Yard Parking Standard (Denied); Parking Space Variance (Approved)
ZC 48-67	05/02/1967	Zone Change from C-3 to C-2
ZC 49-67	05/02/1967	Access to non-conforming three-plex. Zone change from C-3 to C-2, O-P
42648	06/06/1967	Rebuild garage
MC-445	08/08/1988	Replace existing drive and parking area. Modify drainage

3.0 Public Comment:

Staff: Staff mailed a Notice of Public Hearing regarding the proposed application to the required parties pursuant to MCC 39.1105 (Exhibit C.5). Staff did receive public comments before this report was issued prior to the Hearing.

3.1 Melissa Gonzalez-Gabriel on behalf of Oregon Department of Transportation (ODOT), provided email comments on June 26, 2025 (Exhibit D.1)

Comment: Melissa Gonzalez-Gabriel submitted an email containing comments regarding permitting requirements for connection and work within the Historic Columbia River Highway, a State highway.

Staff: Multnomah County Zoning Code does have applicable approval criteria that relate to access, however they are discussed applicable as the subject property is an existing Lot of Record. Additional criteria are discussed in MCC 39.5750(E)(7) and MCC 39.8040(A)(5). Those criteria relate to demonstrating compliance with all applicable state permit requirements and Pedestrian/Vehicular circulation and parking. The applicant will need to meet certain conditions of approval to satisfy the comments provided by ODOT.

4.0 Code Compliance and Applications Criteria:

4.1 § 39.1250 CODE COMPLIANCE AND APPLICATIONS.

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

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

* * *

Staff: This standard provides that the County shall not make a land use decision approving development for a property that is not in full compliance with County Code or previously issued County approvals, except in the following instances: approval will result in the property coming into full compliance, approval is necessary to protect public safety, or the approval is for work related to or within a valid easement.

A finding of satisfaction of this standard does not mean that a property is in full compliance with the Zoning Code and all prior permit approvals (and, accordingly, does not preclude future enforcement actions relating to uses and structures existing at the time the finding is made). Instead, a finding of satisfaction of this standard simply means that there is not substantial evidence in the record affirmatively establishing one or more specific instances of noncompliance.

For purposes of the current application, there are no known open compliance cases associated with the subject property, and there is no evidence in the record of any specific instances of noncompliance on the subject property. *Criterion met.*

5.0 Lot of Record Criteria:

5.1 § 39.3005- LOT OF RECORD – GENERALLY.

(A) An area of land is a “Lot of Record” if it meets the standards in Subsection (B) of this Section and meets the standards set forth in this Part for the Zoning District in which the area of land is located.

(B) A Lot of Record is a parcel, lot, or a group thereof that, when created or reconfigured, either satisfied all applicable zoning laws and satisfied all applicable land division laws, or complies with the criteria for the creation of new lots or parcels described in MCC 39.9700.

Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

(1) “Satisfied all applicable zoning laws” shall mean: the parcel, lot, or group thereof was created and, if applicable, reconfigured in full compliance with all zoning minimum lot size, dimensional standards, and access requirements.

(2) “Satisfied all applicable land division laws” shall mean the parcel or lot was created:

* * *

(b) By a deed, or a sales contract dated and signed by the parties to the transaction, that was recorded with the Recording Section of the public office responsible for public records prior to October 19, 1978; or

* * *

Staff: To qualify as a Lot of Record, the subject property, when created or reconfigured, must meet MCC 39.3005(B) of this section and meet the Lot of Record standards set forth in the Springdale Rural Center (SRC) zoning district. More specifically, section (B) above requires demonstration that the subject property (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws.

The applicant provided one (1) deed to support the Lot of Record request (Exhibit A.15). The earliest deed provided was recorded/in recordable form in 1973 and contains a legal description matching the current configuration of the subject property (Exhibit B.6). In 1973, the subject property was zoned General Commercial District (C-2) per historical County zoning maps (Exhibit B.4). The C-2 zone had no minimum lot size requirement, but did require for road frontage (Exhibit B.5). The subject property abuts E. HCRH (formerly Crown Point Highway).

The subject property complied with all applicable zoning laws at the time of its creation or reconfiguration.

In 1973, the process to create or divide a parcel required a deed or sales contract dated and signed by the parties to the transaction. The document needed to be in recordable form or recorded with the County Recorder prior to October 19, 1978. As evidenced by the 1973 deed, the applicable land division laws were satisfied (Exhibit A.15).

Based upon the above, the subject property satisfied all applicable zoning and land division laws when it was created or reconfigured in 1973.

5.2 § 39.3110 LOT OF RECORD – BURLINGTON RURAL CENTER (BRC) AND SPRINGDALE RURAL CENTER (SRC).

(A) In addition to the standards in MCC 39.3005, for the purposes of the BRC district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:

* * *

Staff: Section (B) is for information purposes.

(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 39.4495, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

Staff: The subject property is approximately 20,473 square feet (0.47 acres), which is less than the minimum lot size for new parcels or lots in this zone, and subject to (C) above. The property may be occupied by any allowed, review, or conditional use when in compliance with the other requirements of this district, as discussed in Section 6.0.

(C) Except as otherwise provided by MCC 39.4480, 39.4485, and 39.5300 through 39.5350, 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.

Staff: Subsection (C) is for informational purposes. The property owner is not proposing to convey any portion of the lot currently. *Criterion met.*

(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: As discussed above under section 5.1, the subject property is not an area of land described as a tax lot solely for assessment and taxation purposes. The subject property is not an area of land created by the foreclosure of a security interest or created by court decree. *Criterion met.*

6.0 Springdale Rural Center (SRC) Criteria:

6.1 § 39.4560 ALLOWED USES.

The following uses and their accessory uses are allowed, subject to all applicable supplementary regulations contained in MCC Chapter 39.

(F) Accessory Structures subject to the following:

- (1) The Accessory Structure is customarily accessory or incidental to any use permitted or approved in this base zone and is a structure identified in the following list:**

* * *

- (l) Fences, gates, or gate support structures; and**
- (m) Mechanical equipment such as air conditioning units, heat pumps and electrical boxes; and**
- (n) Similar structures.**

Staff: The applicant is requesting new accessory structures associated with the Conditional Use: Community Service - Fire Station Use. The structures include a generator, propane tank, fencing, gate, retaining walls, stormwater drainage control system. The fencing and gate are listed in the above list, whereas the generator, propane tank can be considered as similar structures to mechanical equipment. The retaining walls, and stormwater drainage control system are not listed. All the proposed structures can be customarily found and incidental to the primary use of the property, which is a Fire Station.

As none of the accessory structures is a building the additional criteria of MCC 39.4560(F)(2) through (8) do not need to be discussed as those criteria relate to accessory structures that are a building. *Criteria met.*

* * *

6.2 § 39.4570 CONDITIONAL USES.

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter. Commercial and industrial uses shall be limited to small-scale low impact as defined in MCC 39.2000.

(A) Community Service Uses pursuant to the provisions of MCC 39.7500 through 39.7810.

Staff: The applicant is requesting Fire Station, which is Conditional Use that is classified as a Community Service Use. Based on the permit record it is unclear if the Fire Station that occupies the property was properly reviewed by the County in the past. At some point between 1970 and 1986, the Corbett Fire District purchased the property and converted the established commercial “garage” use to be used as a Fire Station. A County Land Use Survey was conducted in 1986 labeled the property as a Fire Station (Exhibit B.8). Although no permits could be found establishing the Fire Station use, the applicant is now requesting expand that Fire Station use to add a second building and various accessory structures as allowed in MCC 39.4570. Through this review, it will clarify any outstanding issue of whether the Fire Station use is appropriately established. The approval criteria are discussed in Section 9.0.

The Conditional Use / Community Service also requires review of Parking, Loading, and Circulation, which is discussed in Section 8.0 and Design Review, which is discussed in Section 10.0. Lastly, the development is located within the Significant Environmental Concern for Streams (SEC-s) overlay. The applicant will also need to acquire a SEC-s permit to authorize the use. The SEC-s requirements are discussed in Section 7.0. and the SEC-s.

6.3 § 39.4575 DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS.

* * *

(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.

* * *

(3) A Variance is required for any Accessory Structure that encroaches more than 40 percent into any required Yard.

(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 county Road Official shall determine the necessary right-of-way widths based upon the county “Design and Construction Manual” and the Planning Director shall determine any additional yard requirements in consultation with the Road Official.

* * *

Staff: The right-of-way (ROW) adjacent to the subject property is East Historic Columbia River Highway (E. HCRH). The highway is managed by the Oregon Department of Transportation (ODOT). ODOT requires a ROW width of 60 feet (Exhibit B.11). East HCRH is 60 feet in width, so no additional right-of way width is needed and the yard does not need to be increased (Exhibit B.2).

The front lot line is the line parallel to E. HCRH. The rear lot line is the north property line and all other lot lines are a side lot line.

As shown on the site plan the new building and accessory structures are subject to the yard requirements. Some of the structures, like the stormwater drainage control system, that are low to the ground or underground do not need to meet the yard requirements. The new Fire Station building and the accessory structures (generator, propane tank, fencing, gate, and retaining walls) meet the yard requirements; whereas the generator and propane tanks do not (Exhibit A.16). The propane tanks are approximately 8 feet and the generator is approximately 3.5 feet from the side property line. Therefore, a condition will be required that the propane tank and generator be relocated to meet the side yard setback unless it can be shown that they are less than 30 inches in height. If they are less than 30 inches in height then they are not required to meet the yard requirements.

Secondly, the applicant is requesting a Variance to the minimum Front Yard Dimensions to ensure that there is adequate space to accommodate the parking aisle width located as discussed in Section 8.0 and Section 10.0. The Variance requirements are discussed in Section 11.0.

Lastly, as shown on the building elevations, the height of the new building retaining walls, fencing, and gate are all less than 35 feet (Exhibit A.5). No plans showing the height of the generator and propane tank were provided; therefore, a condition will be required that they meet the height requirements. *As conditioned, criteria can be met.*

(F) On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source, required parking, and yard areas shall be provided on the contiguous ownership.

(1) Sewage and stormwater disposal systems for existing development may be off-site in easement areas reserved for that purpose.

(2) Stormwater/drainage control systems are required for new impervious surfaces that are greater than 500 square feet in area. The system shall be adequate to ensure that the rate of runoff from the lot for the 10 year 24-hour storm event is no greater than that before the development.

Staff: The applicant has provided a Septic Review Certification, Stormwater Drainage Control Certificate, and a Water Service Certification. The on-site sewage disposal was reviewed Lindsey Reschke, Multnomah County Sanitarian. The Sanitarian stated, "Proposed 24' x 54' building poses no concern to septic..." (Exhibit A.13). The storm water/drainage control was reviewed and certified by Evan Eykelbosch, PE. The report recommends that, "runoff...be conveyed into a stormwater lift station, where it will be routed into a bioswale for treatment and then into a below-grade detention pipe. Discharge from the pipe will be routed into the public catch basin. The site improvements are limited to Basin A. However, existing runoff from Basin B will also be collected, treated, and detained (Exhibit A.7). This system will ensure that the rate of runoff from the subject property during a 10-year/24-hour storm event is no greater than that before the development. Condition of approval requires the applicant construct and maintain the proposed stormwater drainage control system for the life of the Fire Station as described. Lastly, the Water Service Certification indicates that the property is served from an 8-inch line from Corbett Water District (Exhibit A.9). *As conditioned, criteria can be met.*

* * *

(I) All exterior lighting shall comply with MCC 39.6850.

Staff: The applicant states that the exterior lighting will comply with MCC 39.6850 (Exhibit A.3 and A.5). However, no lighting plan or samples/technical specifications were provided; therefore, a condition is requested that when submitting building plans for Zoning Plan Review, the proposed lighting plan be finalized demonstrating compliance with MCC 39.4575(I) and MCC 39.6850. *As conditioned, criterion can be met.*

6.4 § 39.4585 LOT SIZES FOR CONDITIONAL USES.

The minimum lot size for a Conditional Use permitted pursuant to MCC 39.4570, except subsection (C) thereof, shall be based upon:

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

Staff: The minimum lot size for the zone is one (1) acre. The County Assessor lists the subject property at approximately 20,473 square feet (0.47 acres) in size. The earliest deed provided was recorded in 1973, when the property contained a large “garage” and was zoned for commercial uses under the C-2 zone. At that time, there was no minimum lot size. The Corbett Fire District purchased the property and converted the commercial “garage” use to be used as a Fire Station. The Fire Station has been on the property since as early as 1986, meeting the needs of the Fire District to house their fire trucks and equipment. The applicant is now requesting expansion to add a second building to provide additional space for the volunteer firefighters who will utilize the space. The new building includes a bathroom, kitchen space, and engine room which will house fire equipment and apparatuses (Exhibit A.3 and A.5). As discussed in Section 8.0, the site is of sufficient size for the volunteer fire fighters who come to the site on an as-needed basis as emergencies arise. As the station is not staffed full-time, it is an appropriate size to have two buildings that meet the required setbacks and parking requirements. *Criterion met.*

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

Staff: Located in the Springdale Rural Center, an unincorporated community, the Fire Station has existed on the property since as early as 1986. The Fire station is one of three Fire Stations maintained by the Corbett Fire District in east Multnomah County. It is the only Fire Station in the immediate area, covering most of the western portions of Multnomah County that is east of the Sandy River. The station will be comprised of two buildings to house equipment and apparatuses with a total of three garage door bays to house the fire trucks. The Fire Station is staffed by volunteer firefighters on as needed basis for fire, rescue, and emergency services. The day-to-day impact to the neighboring properties is minimal as there is no full-time staff on site. Since the station is empty most of the time, it will reduce any impacts to nearby properties. Additionally, the Fire Station use is ancillary to support the residential, commercial, and industrial uses within the rural center and larger surrounding farming area outside of the unincorporated community. The use is designed to support those other uses, if an emergency were to occur. *Criterion met.*

(C) Consideration of the purposes of this base zone.

Staff: The purposes of the Springdale Rural Center zone is to, “... encourage concentrations of rural residential development, together with small-scale low impact commercial and industrial uses that primarily serve the population of the immediate surrounding rural area and tourists traveling through the area.” The applicant describes the proposal as a proving “critical emergency response” to “improve fires response through providing a second building to house fire apparatus and equipment” (Exhibit A.3). Located in the Springdale Rural Center, an unincorporated community, the Fire Station use is ancillary to support the residential, commercial, and industrial uses within the rural center and larger surrounding area. *Criterion met.*

6.5 § 39.4590 OFF-STREET PARKING AND LOADING.

Off-street parking and loading shall be provided as required by MCC 39.6500 through 39.6600 except as identified below for Review Uses and Conditional Uses. New, replacement or expansion of existing commercial, industrial, or community service developments shall minimize stormwater drainage impacts for off-street parking by:

Staff: The applicant is requesting Fire Station, which is Conditional Use that is classified as a Community Service Use. The approval criteria in MCC 39.6500 through MCC 39.6600 are discussed in Section 8.0. *Criterion met.*

(A) Surfacing

(1) All areas used for parking, loading or maneuvering of vehicles, including the driveway, shall either be hard surfaced with at least two inches of blacktop on a four inch crushed rock base or at least six inches of Portland cement or other material providing a durable and dustless surface or shall be surfaced with a gravel mix, wherein the fine particles are removed at the production yard, that provides a durable and dustless surface, unless a design providing additional load capacity is required by the fire service provider, building official or County Engineer, as applicable.

(2) Approaches to public rights-of-way shall be paved for a minimum distance of 21' from the fog line, or for a greater distance when required by the County Engineer.

Staff: Currently, all areas used for parking, loading, and maneuvering of vehicles are paved with either blacktop or cement (Exhibit B.3 and B.9). The applicant is proposing no changes south of the existing building. New asphalt and concrete are proposed to the east of the new building (Exhibit A.16). *Criterion met.*

(B) A stormwater drainage system, shall be installed for parking lots, that is designed and certified by an Oregon Registered Professional Engineer to ensure that the rate of runoff at the property line for the 10 year 24 hour storm event is no greater than that which existed prior to development.

Staff: The applicant has provided a Stormwater Drainage Control Certificate as discussed in Section 6.3. The design is certified by Evan Eykelbosch, an Oregon Registered Professional Engineer (Exhibit A.7). A condition of approval requires the applicant construct and maintain the proposed stormwater drainage control system for the life of the Fire Station as described. *As conditioned, criterion can be met.*

(C) Off-street parking for new, replacement or expansion of existing commercial or industrial developments shall provide a minimum of 10 foot landscaped front yard setback. All other minimum yard dimensions for parking shall be as required in the Off-Street Parking and Loading Code Section.

Staff: The proposal is not a new, replacement, or expansion of existing commercial or industrial development; therefore, the proposal is not required provide a minimum of 10-foot landscaped front yard setback. The other minimum yard dimensions are discussed in Off-Street Parking and Loading code as discussed in Section 8.0.

7.0 Significant Environmental Concern (SEC) Districts Criteria:

7.1 § 39.5510 USES; SEC PERMIT REQUIRED.

(A) All uses allowed in the base zone are allowed in the SEC when found to satisfy the applicable approval criteria given in such zone; provided however, that the location and design of any use, or change or alteration of a use, except as provided in MCC 39.5515, subject to approval of an SEC permit pursuant to this Subpart.

(B) Any excavation or any removal of materials of archaeological, historical, pre-contact or anthropological nature shall be conducted under the conditions of an SEC permit, regardless of the zoning designation of the site.

Staff: As discussed in Section 6.0, the applicant is proposing a new building and accessory structures associated with a Fire Station. The proposed development is a Conditional Use under MCC 39.4570(A) and MCC 39.4560(F), if the proposal meets certain requirements of Multnomah County Code. A Significant Environmental Concern for Streams (SEC-s) permit is required as the proposal is not exempt from obtaining permits. Conditions of approval will require the property owner to demonstrate compliance with all the applicable approval criteria as discussed below. Lastly, according to the plans, no excavation or removal of materials of archaeological, historical, prehistorical, or anthropological has occurred or are proposed. *Criterion met.*

7.2 § 39.5750- CRITERIA FOR APPROVAL OF SEC-S PERMIT –STREAMS.

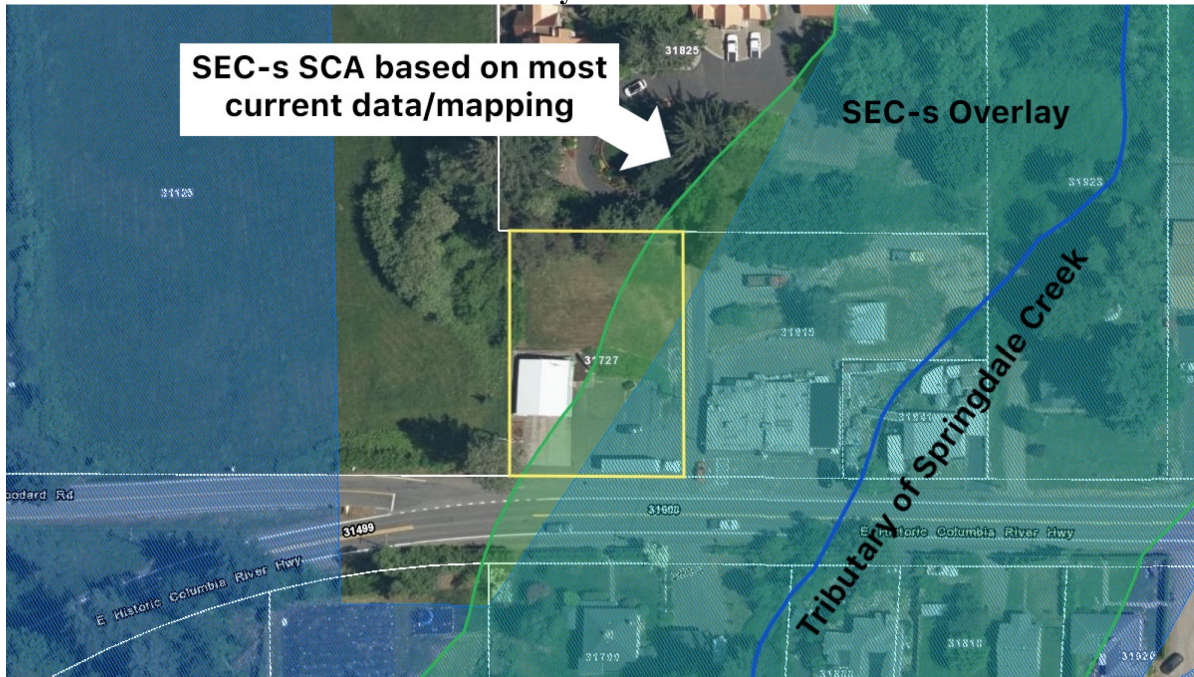
* * *

(B) Except for the exempt uses listed in MCC 39.5515, no development shall be allowed within a Stream Conservation Area unless approved by the Approval Authority pursuant to the provisions of MCC 39.5750 (C) through (F).

Staff: The applicant is proposing a new building and accessory structures associated with a Fire Station that will require development and construction in the Stream Conservation Area (SCA). As defined the Stream Conservation Area - ...is an area extending upslope from and perpendicular to the centerline on both sides of a protected stream. The width of the Stream Conservation Area varies and shall be as depicted on the Multnomah County Zoning Maps and is from the centerline on both sides of the protected stream for the width of the mapped overlay.

Using the most current data available, from the centerline of the protected stream, a tributary of Springdale Creek, the SEC-s SEA (colored in green below) covers approximately half of the property (Exhibit B.12).

SEC-s Overlay and SCA Location



Any development proposed within a Stream Conservation Area shall be required to demonstrate that the development satisfies the standards of MCC 39.5750 (B) through (E). The proposal is not an exempt use listed in MCC 39.5515; therefore, it is subject to the SEC-s permit requirements, which are discussed below.

* * *

- (D) For the protected stream resources, the applicant shall demonstrate that the proposal:**
- (1) Will enhance the fish and wildlife resources, shoreline anchoring, flood storage, water quality and visual amenities characteristic of the stream in its pre-development state, as documented in a Mitigation Plan. A Mitigation Plan and monitoring program may be approved upon submission of the following:**
 - (a) A site plan and written documentation which contains the applicable information for the Stream Conservation Area as required by subsection (C) above;**
 - (b) A description of the applicant's coordination efforts to date with the requirements of other local, State, and Federal agencies;**
 - (c) A Mitigation Plan which demonstrates retention and enhancement of the resource values addressed in subsection (D) (1) above;**
 - (d) An annual monitoring plan for a period of five years which ensures an 80 percent annual survival rate of any required plantings.**

Staff: The applicant has provided a narrative that discusses how the proposal will not affect the stream. The applicant states:

“The site does not abut the stream. The area between the armored stream and site have been developed for over one hundred years. The area is fully paved with a large commercial structure and the state highway that are extremely active uses functioning between the stream and site. The stream at the closest point is in a steep ditch with pavement surrounding the “top of back” as it crossing under the state highway with drain

pipes from other properties draining visibility into the stream. The site is separated from the stream by at least two lots.” (Exhibit A.3)

The applicant did not include a plan, description, map, study, or Mitigation Plan containing the applicable information for the SCA as required by subsection (C) in MCC 39.5750. Absent of that information, it is unknown how the development will enhance the fish and wildlife resources, shoreline anchoring, flood storage, water quality, and visual amenities characteristic of the stream in its pre-development state.

Based on available information, the applicant describes the existing conditions, but does not delineate water resources on the site or provided mitigation strategies to offset the development impacts. The history of the site includes construction of the “garage” and paving of the portions of the property adjacent to the E. HCRH. The areas north of the development has largely been maintained as grass with other vegetation on located on the eastern and northern property lines.

A condition will be required, based on the existing conditions, that they provide a Mitigation Plan that will enhance the portions of the property that do not contain a building, accessory structures, pavement, or gravel as shown in Exhibit B.13. The Mitigation plan shall be completed and certified by a licensed landscape architect or someone who has educational background in riparian biology, wildlife biology, ecology or of similar educational and vocational training. The Mitigation Plan shall enhance the upland riparian area on the property based on its pre-development state prior to any development occurring on the property. It shall also demonstrate retention and enhancement of the resource from its pre-development state prior to any development occurring on the property. Lastly, to ensure that the measures contained in the Mitigation Plan are carried out and any proposed plantings thrive, a condition of approval requires an annual monitoring plan for a period of five years demonstrating an 80 percent annual survival rate of any vegetation planted. With the implementation of these measures described above, the proposal meets the requirements of subsection (D)(1). *As conditioned, criteria can be met.*

(E) Design Specifications: The following design specifications shall be incorporated, as appropriate, into any developments within a Stream Conservation Area:

(1) A bridge or arched culvert which does not disturb the bed or banks of the stream and are of the minimum width necessary to allow passage of peak winter flows shall be utilized for any crossing of a protected streams.

Staff: The applicant is not proposing a crossing of the protected stream; therefore, this criterion is not applicable. *Criterion not applicable.*

(2) All storm water generated by a development shall be collected and disposed of on-site into dry wells or by other best management practice methods which emphasize groundwater recharge and reduce peak stream flows.

Staff: The applicant has provided a Stormwater Drainage Control Certificate and Plans describing and showing how disposal of surface water will occur on the property. The storm water/drainage control was reviewed and certified by Evan Eykelbosch, PE. The report recommends that, “runoff...be conveyed into a stormwater lift station, where it will be routed into a bioswale for treatment and then into a below-grade detention pipe. Discharge from the pipe will be routed into the public catch basin. The site improvements are limited to Basin A. However, existing runoff from Basin B will also be collected, treated, and detained (Exhibit A.7). The utilization of a bioswale is a type of dry well that will allow for ground water recharge and reduce peak stream flows. Condition of approval requires the applicant construct and maintain the proposed

stormwater drainage control system for the life of the Fire Station as described. *As conditioned, criterion can be met.*

(3) Any exterior lighting associated with a proposed development shall be placed, shaded or screened to avoid shining directly into a Stream Conservation Area.

Staff: The applicant states that the exterior lighting will comply with MCC 39.6850 (Exhibit A.3 and A.5). However, no lighting plan or samples/technical specifications were provided; therefore, a condition is requested that when submitting building plans for Zoning Plan Review, the proposed lighting plan be finalized demonstrating compliance with the above, and the requirements of MCC 39.4575(I) and MCC 39.6850. *As conditioned, criterion can be met.*

(4) Any trees over 6" in caliper that are removed as a result of any development shall be replaced by any combination of native species whose combined caliper is equivalent to that of the trees removed.

Staff: The applicant is not proposing to remove any trees over 6" in caliper; therefore, this criterion is not applicable. *Criterion not applicable.*

(5) Satisfaction of the erosion control standards of MCC 39.5090.

Staff: A condition will be required that the applicant will be required to meet the erosion control standards of MCC 39.5090 through a separate Type I application for either a Minimal Impact Project or Erosion and Sediment Control permit. *As conditioned, criterion can be met.*

(6) Soil disturbing activities within a Stream Conservation Area shall be limited to the period between June 15 and September 15. Revegetation/soil stabilization must be accomplished no later than October 15. Best Management Practices related to erosion control shall be required within a Stream Conservation Area.

Staff: A condition requires compliance with (E)(6) above. *As conditioned, criterion can be met.*

(7) Demonstration of compliance with all applicable state and federal permit requirements.

Staff: The applicant has provided a Septic Review Certification reviewed by the Multnomah County Sanitarian, Fire Service Agency Review reviewed by Corbett Rural Fire District #14, and Water Service Certification reviewed by Corbett Water District. The applicant has not provided information showing they have met the requirements of the Oregon Department of Transportation (ODOT) (Exhibit B.7).

The Septic Review Certification addresses applicable State of Oregon Department of Environmental Quality (DEQ) requirements (Exhibit A.13). The Fire Service Agency Review addresses applicable State of Oregon Fire Code (Exhibit A.8). The Water Service Certification addresses applicable State of Oregon Water Laws.

A condition is requested that the proposal be reviewed by ODOT and any proposed changes to the connection to the State Highway be shown prior to submitting building plans for Zoning Plan Review.

County Staff is not aware of any additional state or federal permit requirements outside of those discussed above. *As conditioned, criterion can be met.*

(F) For those Stream Conservation Areas located within Metro’s jurisdictional boundaries, the following requirements apply in addition to subsections (C) through (E) above:

Staff: The proposal is located within Metro’s jurisdictional boundary; therefore, the following requirements are applicable as discussed below.

(1) The planting of any invasive non-native or noxious vegetation as listed in subsection (A)(4) above is prohibited. In addition, the species listed in MCC 39.5580 Table 1 shall not be planted.

Staff: Due to a scrivener's error subsection (A)(4) in MCC 39.5750 does not exist. In a previous iteration prior to the adoption of Chapter 39, Chapter 33 contained MCC 33.4575(A)(4). This previous code section was renumbered to MCC 39.5750(A)(1) and the above criterion was not renumbered to reflect the change. As required, the invasive non-native or noxious vegetation are those plants listed in the latest edition of the Metro Nuisance Plant List and the Prohibited Plant List, and include those plants listed in the latest edition of the State of Oregon Noxious Weed List. A condition requires compliance with the above requirements. *As conditioned, criterion can be met.*

(2) The revegetation of disturbed areas shall primarily use native plants. A list of native plants can be found in the latest edition of the Metro Native Plant List.

Staff: A condition is requested that any revegetation of disturbed areas not containing a building, structure, paving, or gravel shall be revegetated using native plants found in the latest edition of the Metro Plant List. *As conditioned, criterion can be met.*

(3) Outside storage of hazardous materials as determined by DEQ is prohibited, unless such storage began before the effective date of the applicable SEC ordinance; or, unless such storage is contained and approved during development review.

Staff: A condition of approval requires that no outside storage of hazardous materials as determined by DEQ will be permitted as part of this project. *As conditioned, criterion can be met.*

* * *

8.0 Parking, Loading, Circulation and Access Criteria:

8.1 § 39.6505 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, loading and traffic circulation and access (whether pedestrian, vehicular or otherwise) shall be provided according to the requirements of this Section Subpart. For nonconforming uses, the objectives of this Subpart shall be evaluated under the criteria for the Alteration, Modification, and Expansion of Nonconforming Uses.

Staff: The applicant is requesting Fire Station, which will result in an intensified use by occupants and employees. Although the Fire Station is empty most of the time, the applicant is now

requesting expansion to erect a new building on the subject property. As required by this Section Subpart off-street parking and loading in addition to traffic circulation and access must be reviewed as the applicant has not requested an Alteration/Modification/Expansion of nonconforming uses. The requirements are discussed below.

8.2 § 39.6510 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: As required above, a condition will be needed to ensure that the provision for and maintenance of the off-street parking and loading facilities indicated on the site plan is provided without charge to users (customers/guests). This condition will be a continuing obligation of the property owner. *As conditioned, criterion can be met.*

8.3 § 39.6520 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 base zones, loading areas shall not be used for any purpose other than loading or unloading.

(E) In any base zone, 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: As required above, conditions will be needed to ensure the above criteria are met. *As conditioned, criteria can be met.*

8.4 § 39.6525 LOCATION OF PARKING AND LOADING SPACES.

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

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

* * *

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

Staff: The applicant is proposing to locate three (3) parking spaces on the subject property as discussed in Section 8.14 and 8.15. All the parking spaces and vehicle maneuvering areas are

located on the subject property (Exhibit A.3 and A.16). No loading spaces are proposed. *Criteria met.*

8.5 § 39.6555 DESIGN STANDARDS: SCOPE.

(A) The design standards of this Subpart shall apply to all parking, loading, and maneuvering areas except those serving a single family dwelling on an individual lot in a rural base zone and except those serving a single family or a two-family dwelling in an urban base zone. Any non-residential use approved on a parcel containing a single family dwelling shall meet the design standards of MCC 39.6560 through 39.6580.

(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 requesting Fire Station, which does not meet the exceptions above. The use will need to meet the design standards of MCC 39.6560 through MCC 39.6580 as discussed below. As shown in the site plan, the applicant is not proposing 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. *Criteria met.*

8.6 § 39.6560 ACCESS.

(A) Where a parking or loading area does not abut directly on a public street or private street approved under Part 9 of this Chapter, there shall be provided an unobstructed driveway 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.

* * *

Staff: The parking areas are located entirely on the subject property, which is directly adjacent to E. HCRH, a public street; therefore, these criteria are not applicable. *Criteria not applicable.*

8.7 § 39.6565 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.

* * *

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

(B) Aisle width shall be not less than:

(1) 25 feet for 90 degree parking,

* * *

(4) Angle measurements shall be between the center line of the parking space and the center line of the aisle.

(C) Loading spaces shall meet the following requirements:

(1)

Base zone	Minimum Width	Minimum Depth
All	12 Feet	25 Feet

(2) Minimum vertical clearance shall be 13 feet.

Staff: The applicant proposes three (3) parking spaces, one providing ADA access and two standard parking spaces. No loading spaces are proposed. Additionally, none of the spaces are designed for parallel parking. The parking space dimensions are a width of 9 feet and a length of 18 feet. The applicant has requested that the aisle width be reduced up to 25% as provided in MCC 39.8050 and discussed in Section 10.6. The aisle width will be 18.75 feet (Exhibit A.16). *Criterion met.*

8.8 § 39.6570 IMPROVEMENTS.

(A) Surfacing

(1) Except as otherwise provided in this section, all areas used for parking, loading or maneuvering of vehicles, including the driveway, shall be surfaced with at least two inches of blacktop on a four inch crushed rock base or at least six inches of Portland cement, unless a design providing additional load capacity is required by the fire service provider.

Staff: The applicant is requesting a deviation from the surfacing standard for a portion of the parking area. The parking area will have areas of standard asphalt, heavy concrete, and gravel (Exhibit A.16). As gravel is proposed for a portion of the parking areas, the proposal will need to meet the deviation requirements below.

(2) The Approval Authority may permit and authorize a deviation from the surfacing standard in paragraph (A)(1) of this section and thereby authorize, alternate surfacing systems that provide a durable dustless surface, including gravel. A deviation under this paragraph may be permitted and authorized only upon finding that each parking area supporting the existing and the proposed development meets the following standards in subparagraphs (a) and (b) and, for parking areas of four or more required parking spaces, also meets the following standards in subparagraphs (c) and (d):

(a) The authorized provider of structural fire protection services verifies that the proposed deviation complies with such provider's fire apparatus access standards, or, if there is no such service provider, the building official verifies that the proposed deviation complies with the Oregon Fire Code;

(b) The County Engineer verifies that the proposed deviation complies with the County Road Rules and the County Design and Construction Manual Standards. Alternative surfacing can be considered for all areas used for parking, loading and maneuvering, including the driveway; however, approaches to paved public right-of-way shall be paved for a minimum of 21 feet from the fog line, or for a greater distance when required by the County Engineer;

(c) Authorization of the proposed deviation would not:

- 1. be materially detrimental to the public welfare;**
- 2. be injurious to property in the vicinity or in the base zone in which the property is located; or**
- 3. adversely affect the appropriate development of adjoining properties; and**

(d) Any impacts resulting from the proposed resurfacing are mitigated to the extent practical. Mitigation may include, but is not limited to, such considerations as provision for pervious drainage capability, drainage runoff control and dust control. A dust control plan is required when a dwelling,

excluding any dwelling served by the driveway, is located within 200 feet of any portion of the driveway for which gravel or other similar surfacing materials is proposed. Common dust control measures include, but are not limited to, reduced travel speeds, gravel maintenance planning, establishment of windbreaks and use of binder agents.

(3) Notwithstanding paragraph (A)(1) of this section, parking fields for intermittent uses such as special events associated with public parks, sporting events, and the like may be surfaced with gravel, grass or both and spaces may be unmarked if the parking of vehicles is supervised. Grass fields used for parking shall be maintained so that grass is kept short and watered to minimize fire risk and reduce dust.

Staff: The graveled parking area is located over 30 feet from the E. HCRH separated from the highway with an area paved with asphalt and heavy concrete (Exhibit A.16). The gravel parking area adjacent to the new building for the parking of volunteer firefighters who come to the site on an as needed basis (Exhibit A.3). The applicant has also provided a Fire Service Agency Review form that discusses whether the deviation complies with such provider's fire apparatus access standards. The Fire Service Agency Review was completed by Dave Flood, Fire Marshall (Exhibit A.8). The form indicates that, "the proposed development is in compliance with the fire apparatus access standards of the Oregon Fire Code Standards by [Corbett Rural Fire District #14]."

As the site is only used by the Fire District, the use of the graveled areas for parking will be minimal, ensuring no detriment to the public and no injury to property within the vicinity. The paved areas will ensure that any impacts resulting from the proposed use of gravel are mitigated.
Criterion met.

(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 except as provided in (3) below.

(3) Except for development within the RC, BRC, SRC, PH-RC, OR, OCI and all CFU zones, the outer boundary of a parking or loading area with fewer than four required parking spaces may use a five foot wide landscape strip or yard planted with a near-continuous number of shrubs and/or trees. If the outer boundary of the parking area is within 50 feet of a dwelling on an adjacent parcel, the plant materials shall create a continuous screen of at least four feet in height except at vision clearance areas where it shall be maintained at three feet in height.

Staff: As shown on the Site Plan, the areas used for parking, loading, and maneuvering of vehicles are separated from public street and adjoining properties with yards (Exhibit A.16). The plans show landscaped strips on the east and west of the property and use of wheel stop bumper rails for the three (3) parking spaces. The area adjacent to the E. HCRH, the front lot line, is a continuous apron. *Criteria met.*

(C) Marking - All areas for the parking and maneuvering of vehicles shall be marked in accordance with the approved plan required under MCC 39.6515, and such marking shall be continually maintained. Except for development within the RC, BRC, SRC, PH-RC, OR,

or OCI zones, a graveled parking area with fewer than four required parking spaces is exempt from this requirement.

Staff: As shown on the Site Plan, the areas used for parking and maneuvering of vehicles marked as required above (Exhibit A.16). *Criteria met.*

(D) Drainage - All areas for the parking and maneuvering of vehicles shall be graded and drained to provide for the disposal of all surface water on the lot.

Staff: The applicant has provided a Stormwater Drainage Control Certificate and Plans describing and showing how disposal of surface water will occur on the property. The storm water/drainage control was reviewed and certified by Evan Eykelbosch, PE. The report recommends that, “runoff...be conveyed into a stormwater lift station, where it will be routed into a bioswale for treatment and then into a below-grade detention pipe. Discharge from the pipe will be routed into the public catch basin. The site improvements are limited to Basin A. However, existing runoff from Basin B will also be collected, treated, and detained (Exhibit A.7). The civil plans show that the parking area will be graded and drained using a gentle slope (Exhibit A.16). Condition of approval requires the applicant construct and maintain the proposed stormwater drainage control system for the life of the Fire Station as described. *As conditioned, criterion can be met.*

* * *

8.9 § 39.6580 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 perpendicularly.

* * *

(C) 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: As measured on the site plan, there is insufficient space in the vehicle maneuvering area to accommodate both the required front yard of 30 feet and the aisle width of 25 feet. A distance of 55 feet is required, whereas there is only approximately 38.25 feet from the front lot line and the proposed building (Exhibit A.16). As discussed in Section 10.6, the dimensional standards for off-street parking can be reduced by 25%. The reduction of the aisle width will result in an 18.75-foot aisle width. Further as discussed in Section 11.0, the applicant is requesting a Variance to reduce the minimum front yard width. In granting the Variance, it will ensure that the yard which abuts upon a street lot line is not used for a parking or loading space, vehicle maneuvering area, or access drive. *Criterion met.*

8.10 § 39.6585 LANDSCAPE AND SCREENING REQUIREMENTS.

(A) The landscaped areas requirements of MCC 39.8045 (C) (3) to (7) shall apply to all parking, loading or maneuvering areas which are within the scope of design standards stated in MCC 39.6555 (A).

Staff: The parking, loading, and maneuvering areas are within the scope of design standards stated in MCC 33.4165(A). The applicant has provided information about landscaped areas as required by MCC 39.8045(C)(3) to (7), which is discussed in Section 10.5.

8.11 § 39.6590 MINIMUM REQUIRED OFF-STREET PARKING SPACES.

* * *

(F) Unspecified Uses. Any use not specifically listed above shall have the off-street parking space requirements of the listed use or uses deemed most nearly equivalent by the Planning Director.

Staff: The proposed use does not have a specified minimum required off-street parking spaces. The applicant is proposing three (3) parking spaces adjacent to the Fire Station buildings (Exhibit A.5 and A.16). The parking areas will be utilized by volunteer firefighters who come to the site on an as-needed basis during an emergency (Exhibit A.3).

8.12 § 39.6595 MINIMUM REQUIRED OFF-STREET LOADING SPACES.

* * *

(G) Unspecified Uses. Any use not specifically listed above shall have the loading space requirements of the listed use or uses deemed most nearly equivalent by the Planning Director.

Staff: The proposed use does not have a specified minimum required off-street parking spaces. The applicant is not proposing any loading spaces as the buildings will not be used on an on-going basis as the Fire Station is only occupied on an as-needed basis during an emergency (Exhibit A.3).

9.0 Conditional Uses - Community Service Uses (CS) Criteria:

9.1 § 39.7505 GENERAL PROVISIONS.

* * *

(B) Uses authorized pursuant to this section shall be subject to Design Review approval under MCC 39.8000 through 39.8050.

* * *

Staff: The Design Review approval criteria are discussed in Section 10.3.

9.2 § 39.7515 APPROVAL CRITERIA.

In approving a Community Service use, the approval authority shall find that the proposal meets the following approval criteria, except for transmission towers, which shall meet the approval criteria of MCC 39.7550 through 39.7575, wireless communications facilities, subject to the provisions of MCC 39.7705, and except for regional sanitary landfills, which shall comply with MCC 39.7600 through 39.7625.

Staff: As required above, the proposal must meet the approval criteria below as it is not a transmission tower, wireless communications facilities, or regional sanitary landfill.

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

Staff: Located in the Springdale Rural Center, an unincorporated community, the Fire Station use is ancillary to support the residential, commercial, and industrial uses within the rural center and

larger surrounding farming area outside of the unincorporated community. The Fire station is one of three Fire Stations maintained by the Corbett Fire District in east Multnomah County. It will be comprised of two buildings that have three garage door bays to house the fire trucks. The station is the only Fire Station in the immediate area, covering most of the western portions of Multnomah County that is east of the Sandy River. The Fire Station is staffed by volunteer firefighters on an as-needed basis for fire, rescue, and emergency services. A condition will be required that the Fire Station be limited in its use to ensure consistency. *As conditioned, criterion can be met.*

(B) Will not adversely affect natural resources;

Staff: As discussed in Section 7.0, the applicant has met the requirements of the Significant Environmental Concern for Streams (SEC-s) permit to.... The SEC requirements discussed how the proposed uses would not adversely affect natural resources in the area. The natural resources include the Springdale Creek and the habitat functions on the property.... *Criterion met.*

(C) The use will not:

- (1) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; nor**
- (2) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.**

Staff: The proposed Fire Station should not force a significant change in accepted farm or forest practices or significantly increase the cost of accepted farm or forest practices on surrounding farmland. As seen in aerial photos, the Fire Station is in an unincorporated community with agricultural lands to the north, east, and west. The agricultural uses appear to row crops and pasture land. The Fire Station use is ancillary to support the residential, commercial, and industrial uses within the rural center and larger surrounding farming area outside of the unincorporated community. The use is designed to support the farm and forest practices surrounding the community, if an emergency were to occur. It is one of three Fire Stations maintained by the Corbett Fire District in east Multnomah County and covers most of the western portions of Multnomah County that is east of the Sandy River. Further, the Fire Station is not staffed full time; instead being staffed on an as-needed basis as emergencies arise. Since the station is empty most of the time, it will reduce any changes to farm or forests practices or ensure that any increases to the cost of farm or forests practices is minimized. However, if there are minor changes or cost increases, a condition is recommended that a covenant be recorded that recognizes the rights of adjacent farmer and forestland managers to engage in farm and forestry practices on their land. *As conditioned, criteria can be met.*

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

Staff: The applicant has submitted on-site sewage disposal, Fire Service, and Water Service review showing that the Fire Station will not require public services other than those existing or programmed for the area (Exhibit A.8, A.9, and A.13). The Septic Review Certificate noted that no sleeping/living quarters are provided. A condition will be required to ensure that buildings are not used as a dwelling unit. *As conditioned, criterion can be met.*

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

Staff: The Wildlife Habitat Map adopted by Multnomah County on February 20, 1990 shows the subject property is not located within a Sensitive Big Game Wintering Area (Exhibit B.10).
Criterion met.

(F) Will not create hazardous conditions;

Staff: The purpose of a Fire Station is to mitigate hazardous conditions in the surrounding community. Additionally, all Fire Station activities are proposed to be conducted within the proposed buildings. The Fire Station will be required to meet applicable building codes, fire codes, and applicable state pollution control regulations. Lastly, as required in Section 7.2 the outside storage of hazardous materials as determined by DEQ is prohibited unless such storage is contained and approved by DEQ and shown during the Zoning Plan Review process. *As conditioned, criterion can be met.*

(G) Will satisfy the applicable policies of the Comprehensive Plan;

Staff: The applicable policies within the Comprehensive Plan are discussed in Section 12.0.

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

Staff: The other applicable policies approval criteria are discussed in Section 9.4.

* * *

9.3 § 39.7520 USES.

(A) Except as otherwise limited in the EFU, all CFU and OR base zones, the following Community Service Uses and those of a similar nature, may be permitted in any base zone when approved at a public hearing by the approval authority. Allowed Community Service Uses in the EFU, CFU and OR base zones are limited to those uses listed in each respective base zone.

(18) Fire Station.

(19) Accessory uses to the above.

Staff: The applicant is requesting Fire Station, which is Conditional Use that is classified as a Community Service Use as outlined above. The applicant is also requesting new accessory structures associated with the Conditional Use: Community Service. The structures include a generator, propane tank, fencing, gate, retaining walls, stormwater drainage control system. Based on the permit record it is unclear if the Fire Station that occupies the property was properly reviewed by the County in the past. At some point between 1970 and 1986, the Corbett Fire District purchased the property and converted the established commercial “garage” use to be used as a Fire Station. A County Land Use Survey was conducted in 1986 labeled the property as a Fire Station (Exhibit B.8). Although no permits could be found establishing the Fire Station use, the applicant is now requesting an expansion of the existing Fire Station use; the expansion includes the addition of a second building and various accessory structures. This review will appropriately establish the Fire Station use.

9.4 § 39.7525 RESTRICTIONS.

A building or use approved under MCC 39.7520 through 39.7650 shall meet the following requirements:

(A) Minimum yards in EFU, CFU (Note – not applicable to CFU-1 through CFU-5), MUA-20, RR, BRC, OCI, OR and PH-RC, UF-20, LR-10, UF-20, MUF, SRC, and RC base zones:

- (1) Front yards shall be 30 feet.**
 - (2) Side yards for one-story buildings shall be 20 feet; for two-story buildings, 25 feet.**
 - (3) Rear yards shall be as required in the base zone.**
- * * *

Staff: As discussed in Section 6.3, the proposed new building and structures comply with the yard requirements in the SRC. As further modified by the restrictions above, a new building is required to have a 20-foot side yard. As measured in the site plan, the building is located more than 30 feet from the side yard to the east and meets all other yard requirements above (Exhibit A.16). *Criteria met.*

(D) Off-street parking and loading shall be provided as required in MCC 39.6500 through 39.6600.

Staff: Off-street parking and loading approval criteria are discussed in Section 8.0.

(E) Signs for Community Service Uses pursuant to the provisions of MCC 39.6700 through 39.6820.

Staff: The applicant is requesting a sign that will be reviewed as a Type I Sign permit request that will occur after review, issuance, and finaling of this permit.

(F) In the MUA-20, RR, and BRC, SRC and RC base zones, the length of stay by a person or vehicle in a camp, campground, campsite or recreational vehicle park shall not exceed a total of 90 days during any consecutive 12 month period by an individual, group or family unless otherwise provided in State law. This provision is not applicable in the West of Sandy River Planning Area or Urban Planning Area.

Staff: The subject property is in the SRC zone, but the applicant is not requesting the stay by a person or vehicle in a camp, campground, campsite, or recreational vehicle park; therefore, this criterion is not applicable. *Criterion not applicable.*

(G) Other minimum yards, restrictions or limitations of use or development not required under this subsection shall be as provided in the base zone.

Staff: The other minimum yards, restrictions or limitations of use or development are discussed in Section 6.0, 8.0, and 10.0.

10.0 Design Review Criteria:

10.1 § 39.8010 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 Code.

Staff: As discussed in Section 6.0, the applicant is proposing a new building, accessory structures, grading, and parking associated with a Fire Station. Design Review Plan Approval is required as discussed below.

10.2 § 39.8020 APPLICATION OF REGULATIONS.

(A) Except those exempted by MCC 39.8015, the provisions of MCC 39.8000 through 39.8050 shall apply to all conditional and community service uses, and to specified uses, in any base zone.

(B) Uses subject to Design Review that require the creation of fewer than four new parking spaces pursuant to MCC 39.6590 shall only be subject to the following Design Review approval criteria: MCC 39.8040(A)(1)(a) and (1)(c), and (4) and (7), except when located in the RC, BRC, OR, OCI, PH-RC or SRC zone base zones.

(C) All other uses are subject to all of the Design Review Approval Criteria listed in MCC 39.8040 and 39.8045.

Staff: The applicant is proposing a Use that is subject to Design Review process as required by subsection (A) above and discussed in Section 9.1. As the property is in the Springdale Rural Center (SRC), the proposal is not eligible for Limited Design Review under subsection (B) above. The development shall be subject to the approval criteria listed in MCC 39.8040 and MCC 39.8045, which is discussed below.

* * *

10.3 § 39.8030 FINAL DESIGN REVIEW PLAN.

Prior to land use approval for building permit review or commencement of physical development where no additional permits are necessary, the applicant shall revise the plans to show compliance with the land use approvals granted, all conditions of approval and required modifications. Final design review plan shall contain the following, drawn to scale:

- (A) Site Development and Landscape Plans drawn to scale, indicating the locations and specifications of the items described in MCC 39.8025, as appropriate;
- (B) Architectural drawings, indicating floor plans, sections, and elevations; and
- (C) Approved minor exceptions from yard, parking, and sign requirements.

Staff: To ensure compliance with the criterion above, the applicant will be required to submit prior to land use approval for building permit review revised plans to show compliance with the land use approvals granted, all conditions of approval, and any required modifications. *As conditioned, criterion can be met.*

10.4 § 39.8040 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.
- (b) The elements of the design review plan should promote energy conservation and provide protection from adverse weather 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: Located in the Springdale Rural Center, an unincorporated community, the Fire Station has existed on the property since as early as 1986. Currently, there is one building that has two garage door bays to house fire trucks, equipment, and apparatuses (Exhibit A.16). The applicant is

proposing a new building that will contain one garage door bay to house additional trucks, equipment, and apparatuses in addition to accessory structures to support the use (Exhibit A.3).

The improvements will be minimal as the development area is in the portions of the property closest to the E HCRH, which are mostly paved. The use of this area for development will ameliorate the visual relationship of the site; turning pavement into buildings and structures. The new building and other development will be in line with the existing building. The exterior materials of the new building will be board and batten siding with a standing seam metal roof (Exhibit A.5). The interior will be designed to meet current building code standards resulting in greater energy conservation. The new building will be 1,293 square feet and is similar in size to other buildings in the unincorporated community. Together the building location, size, and design will blend in and provide spatial variety with the surrounding with rural center.

Lastly, as the Fire Station is staffed by volunteer firefighters on as needed basis for fire, rescue, and emergency services; the day-to-day impact to the neighboring properties is minimal as there is no full-time staff on site. Since the station is empty most of the time, it will reduce any impacts potential noise and air pollution. *Criterion met.*

(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: As previously discussed, the Fire Station is staffed by volunteer firefighters on as needed basis for fire, rescue, and emergency services. The Station is not intended to be regularly accessible to the public. The buildings and fencing are designed to clearly delineate and separate the private spaces of the station from the public. The design ensures a safe environment as the public will not encounter firefighting equipment. *Criterion met.*

(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: As discussed in Section 8.0, the applicant is proposing to locate three (3) parking spaces on the subject property. One of the parking spaces provides ADA access to the buildings. (Exhibit A.16). *Criterion met.*

(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 development will be clustered around the existing development on the subject property; thereby preserving much of the existing vegetation on the property. The portion of the site to be developed is generally flat; resulting in minimal contouring (Exhibit A.16). Most of the contouring is due to the construction of a retaining wall. No trees or shrubs are proposed to be removed. *Criterion met.*

(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 parking, pedestrian circulation, and vehicular circulation is designed to ensure conformity with the needs to the Fire Station. The proposed 3 parking spaces are designed for volunteer firefighters on as needed basis for fire, rescue, and emergency services. The Station is not intended to be regularly accessible to the public; however, there is an ADA accessible parking space between the two buildings.

The site is accessed off E. HCRH. The frontage along the site is entirely paved. No comment has been provided from ODOT whether this arrangement meets ODOT driveway and access standards. A condition will be required that a permit or other authorization demonstrating that the proposed Fire Station has been reviewed by the ODOT and any proposed changes to the connection to the State Highway be shown on the final Design Review Plan.

The parking and vehicular circulation is not proposed to be screened or separated from the front lot line adjacent to a street by a landscaped strip as required in MCC 39.8045(C)(3). As discussed in Section 8.9, through granting a minor exception to the aisle width and Variance to reduce the minimum front yard the site will have sufficient space to create separation between pedestrians and moving of vehicles on the property and the along E HCRH. *Criterion met.*

(6) Drainage - Surface drainage and stormwater systems shall be designed so as not to adversely affect neighboring properties or streets. Systems that insure that surface runoff volume after development is no greater than before development shall be provided on the lot.

Staff: As discussed previously in Section 8.8. the applicant has provided a Stormwater Drainage Control Certificate and Plans describing and showing surface drainage and stormwater systems (Exhibit A.7). The civil plans show that the parking area will be graded and drained using a gentle slope (Exhibit A.16). The design will not adversely affect neighboring properties or streets and the systems will ensure that surface runoff volume after development is no greater than before development is provided on the lot. Condition of approval requires the applicant construct and maintain the proposed stormwater drainage control system for the life of the Fire Station as described. *As conditioned, criterion can be met.*

(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 areas; structures and facilities for storage; machinery and equipment; and similar accessory areas/structures will largely be located within a building or behind fencing (Exhibit A.5 and A.16). Additionally, as previously discussed, the Fire Station is staffed by volunteer firefighters on as needed basis for fire, rescue, and emergency services. As designed, the location and type of use of the site will minimize adverse impacts on the site and neighboring properties. *Criterion met.*

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

Staff: As shown on the Site Plan – Existing Conditions, the subject property has one above ground utility, a power pole. The power pole is located on the western side of the property adjacent to a large field. As the power pole is existing, it will not result in new adverse impacts to the neighboring property (Exhibit A.16). The remaining utilities are located below ground, as shown in the Site Plan – Utility Plan. *Criterion met.*

(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 is requesting a sign that will be reviewed as a Type I Sign permit request that will occur after review, issuance, and finaling of this permit.

* * *

10.5 § 39.8045 REQUIRED MINIMUM STANDARDS.

* * *

(C) Required Landscape Areas

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

- (1) A minimum of 15% of the development area shall be landscaped; provided, however, that computation of this minimum may include areas landscaped under subpart 3 of this subsection.**
- (2) All areas subject to the final design review plan and not otherwise improved shall be landscaped.**
- (3) The following landscape requirements shall apply to parking and loading areas:**
 - (a) A parking or loading area providing ten or more spaces shall be improved with defined landscaped areas totaling no less than 25 square feet per parking space.**
 - (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.**
 - (c) A landscaped strip separating a parking or loading area from a street shall contain:**
 - 1. Street trees spaces as appropriate to the species, not to exceed 50 feet apart, on the average;**
 - 2. Low shrubs, not to reach a height greater than 3'0", spaced no more than 5 feet apart, on the average; and**
 - 3. Vegetative ground cover.**
 - (d) Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.**
 - (e) A parking landscape area shall have a width of not less than 5 feet.**
- (4) Provision shall be made for watering planting areas where such care is required.**
- (5) Required landscaping shall be continuously maintained.**
- (6) Maximum height of tree species shall be considered when planting under overhead utility lines.**
- (7) Landscaped means the improvement of land by means such as contouring, planting, and the location of outdoor structures, furniture, walkways and similar features.**

Staff: The applicant has provided a narrative that discusses how the proposal will preserve the existing landscaping on the property to meet the requirement that 15% of the development area shall be landscaped (Exhibit A.3). As proposed the site will contain 20,400 square feet of development, which would require 3,060 square feet of landscaping. The site currently has a landscaped area that is over 9,000 square feet in size (Exhibit A.5 and A.16).

The applicant is not proposing to separate the parking and loading areas from front lot line adjacent to the street with a landscaped strip of at least 10 feet in width. Further no landscaping in the parking area is proposed. As discussed below, the proposal will require a minor exception to reduce the requirement of MCC 39.8045(C)(3)(c) and (d). *Criteria met.*

10.6 § 39.8050 MINOR EXCEPTIONS: YARD, PARKING, SIGN, AND LANDSCAPE REQUIREMENTS.

(A) In conjunction with final design review plan approval, the Planning Director may grant minor exceptions from the following requirements:

- (1) Dimensional standards for yards as required in the primary base zone;**
- (2) Dimensional standards for off-street parking as required under MCC 39.6560 and 39.6565;**
- (3) Standards for minimum number of off-street parking spaces as required in the primary base zone; and**
- (4) Dimensional standards for signs as required in the primary base zone;**
- (5) In the case of a proposed alteration, standards for landscaped areas under MCC 39.8045 (C).**

Staff: As discussed in Section 8.9, there is insufficient space to accommodate both vehicles maneuvering and the required front yard (Exhibit A.16). A minor exception of 25% will be required to reduce the aisle width 18.75 feet. The applicant is also seeking a Variance to reduce the front yard. As currently proposed, through the granting of the minor exception and Variance there will be sufficient area to meet these criteria.

A second minor exception is required for the landscaped areas. An exception to the requirement of a landscape strip separating the parking area under MCC 39.8045(C)(3)(c) and (d) from the street is required. The requirements are discussed in MCC 39.8050(C)(4) below. *Criterion met.*

(B) Except under subsection (A) (5) above, no minor exception shall be greater than 25% of the requirement from which the exception is granted.

Staff: As discussed above, no minor exception is greater than 25%. *Criterion met.*

(C) Approval of a minor exception shall be based on written findings, as required in this subsection.

- (1) In the case of a minor yard exception, the Planning Director shall find that approval will result in:**
 - (a) More efficient use of the site;**
 - (b) Preservation of natural features, where appropriate;**
 - (c) Adequate provision of light, air, and privacy to adjoining properties; and**
 - (d) Adequate emergency accesses.**

Staff: The applicant is not requesting a minor yard exception; therefore; therefore, these criteria are not applicable. *Criteria not applicable.*

(2) In the case of a minor exception to the dimensional standards for off-street parking spaces or the minimum required number of off-street parking spaces, the Planning Director shall find that approval will provide adequate off-street parking in relation to user demands. The following factors may be considered in granting such an exception:

- (a) Special characteristics of users which indicate low demand for off-street parking (e.g., low income, elderly);**
- (b) Opportunities for joint use of nearby off-street parking facilities;**
- (c) Availability of public transit;**
- (d) Natural features of the site (topography, vegetation, and drainage) which would be adversely affected by application of required parking standards.**

Staff: As discussed in Section 8.9 and 10.6, there is insufficient space to accommodate both vehicles maneuvering and the required front yard. A minor exception of 25% will be required to reduce the aisle width 18.75 feet, if the applicant seeks a Variance to reduce the front yard.

The reduction aligns with the proposed Fire Station use as the Fire Station designed for volunteer firefighters on as needed basis for fire, rescue, and emergency services (Exhibit A.3). As used on an emergency basis the demand for off-street parking will be low. As proposed, the Station will contain two buildings that have garage door bays for emergency vehicles to be stored (Exhibit A.5). The station is not intended to be accessible to the public; however, there is an ADA accessible parking space between the two buildings (Exhibit A.16). *Criteria met.*

(3) In the case of a minor exception to the dimensional standards for signs, the Planning Director shall find that approval is necessary for adequate identification of the use on the property and will be compatible with the elements of the design review plan and with the character of the surrounding area.

Staff: The applicant is not requesting a minor exception to the dimensional standard for signs; therefore; therefore, this criterion is not applicable. *Criterion applicable.*

(4) In the case of a minor exception to the standards for landscaped areas, the Planning Director shall find that approval is consistent with MCC 39.8000, considering the extent and type of proposed alteration and the degree of its impact on the site and surrounding areas.

Staff: The Purpose of Design Review is to provide a review pathway to, “promote functional, safe, innovative and attractive site development compatible with the natural and human-made environment.” As previously discussed, the located in the Springdale Rural Center, an unincorporated community, the Fire Station has existed on the property since as early as 1986. The station will be comprised of two buildings to house equipment and apparatuses with a total of three garage door bays to house the fire trucks. Currently, all areas used for parking, loading, and maneuvering of vehicles are paved with either blacktop or cement (Exhibit B.3 and B.9). The minor exception will allow for functional use of the property as volunteer firefighters access the property on as needed basis for fire, rescue, and emergency services. As the current site condition is generally paved, the proposed site development will result in few changes of the existing use of the property and its impact on the surrounding area. *Criteria met.*

11.0 Variance Criteria:

11.0 § 39.8205 SCOPE.

* * *

(B) Dimensional standards that may be modified under a Variance review are yards, setbacks, forest practices setbacks, buffers, minimum front lot line length, building height, sign height, flag lot pole width, cul-de-sac length, cul-de-sac turnaround radius, and dimensions of a private street, except the following:

- (1) Reduction of resource protection setback requirements within the Significant Environmental Concern (SEC) and Willamette River Greenway (WRG) Overlays; and**
- (2) Modification of fire safety zone standards given in Commercial Forest Use base zones; and**
- (3) Increase to any billboard height or any other dimensional sign standard.**

Staff: The applicant is requesting a reduction of the minimum yard requirement within MCC 39.4575(C). The required minimum front yard is 30 feet. As proposed, the applicant is proposing to reduce the front yard to 18 feet to accommodate both the front yard and parking area aisle width. The applicant will need to demonstrate that the proposal meets the approval criteria in MCC 39.8215 as discussed below in this Section.

(C) The dimensional standards listed in (A) and (B) above are the only standards eligible for Adjustment or Variance under these provisions. Adjustments and Variances are not allowed for any other standard including, but not limited to, minimum lot area, modification of a threshold of review (e.g. cubic yards for a Large Fill), modification of a definition (e.g. 30 inches of unobstructed open space in the definition of yard), modification of an allowed density in a Planned Development or houseboat moorage, or to allow a land use that is not allowed by the Base zone.

Staff: The applicant is requesting a reduction of the minimum yards requirement, which is a dimensional standard, listed in (B). The applicant is not seeking a Variance to the minimum lot area, modification of a threshold of review (e.g. cubic yards for a Large Fill), modification of a definition (e.g. 30 inches of unobstructed open space in the definition of yard), modification of an allowed density in a Planned Development or houseboat moorage, or to allow a land use that is not allowed by the Base zone. *Criterion met.*

11.1 § 39.8215 VARIANCE APPROVAL CRITERIA.

The Approval Authority may permit and authorize a variance from the dimensional standards given in MCC 39.8205 upon finding that all the following standards in (A) through (G) are met:

(A) A circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or base zone. The circumstance or condition may relate to:

- (1) The size, shape, natural features and topography of the property, or**
- (2) The location or size of existing physical improvements on the site, or**
- (3) The nature of the use compared to surrounding uses, or**
- (4) The zoning requirement would substantially restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or base zone, or**

(5) A circumstance or condition that was not anticipated at the time the Code requirement was adopted.

(6) The list of examples in (1) through (5) above shall not limit the consideration of other circumstances or conditions in the application of these approval criteria.

Staff: For the County to be able to consider a Variance request, the applicant must demonstrate that a circumstance or condition applies to the property that does not apply generally to other property in the same vicinity or zoning district. The subject is approximately 20,473 square feet (0.47 acres) and is in the SRC zone. The current SRC zoning requires a minimum lot size of one (1) acre. As discussed in Section 5.0 earliest deed provided was recorded/in recordable form in 1973. The zoning at that time allowed for the property to smaller than the current lot size requirements on the SRC.

Secondly, the permit record shows that the subject property was previously approved for a commercial “garage” use as early as 1967 when the property was zoned Commercial (C-2). At some point between 1970 and 1986, the Corbett Fire District purchased the property and converted the established commercial “garage” use to be used as a Fire Station. It is unclear if the Fire Station was properly reviewed by the County; however, a County Land Use Survey was conducted in 1986 labeled the property as a Fire Station and the County reviewed a permit under MC-455 allowing the replacement of the existing drive and parking area. (Exhibit B.8 and B.14).

The applicant is now requesting expand that Fire Station use to add a second building and various accessory structures as allowed in MCC 39.4570. The new Fire Station building is in line with the existing building and minimal changes are occurring in the front yard area. The largest change is the addition of an ADA parking space.

In comparing the subject property to other properties in the same vicinity and base zone, many of those properties have adequate front yards and are larger than the subject property (Exhibit B.3). In most cases, properties to the south have a front yard width or lot size that meets or exceeds the current standard. It is due to these circumstances unique to this property that could impact and limit the use of the property. Further as shown in the permit history and development of this property; the circumstance applies to this property and no other. *Criterion met.*

(B) The circumstance or condition in (A) above that is found to satisfy the approval criteria is not of the applicant’s or present property owner’s making and does not result solely from personal circumstances of the applicant or property owner. Personal circumstances include, but are not limited to, financial circumstances.

Staff: As discussed in Section 5.0 and 6.2, the property is smaller than the minimum lot size and has a unique permitting history. The property size and permitting history predates the purchase of the property by the Corbett Fire District. As such, due to the unique shape of the property and development pattern, the circumstance or condition in (A) above is not present property owner’s making and does not result solely from the personal circumstance. *Criterion met.*

(C) There is practical difficulty or unnecessary hardship to the property owner in the application of the dimensional standard.

Staff: As discussed in above in this Section, the subject property cannot accommodate a front yard and off-street parking aisle that is required by the SRC zone; Parking, Loading, Circulation, and Access; and Design Review. As proposed, the subject property currently has approximately 38.25 from the front lot line and the proposed building (Exhibit A.16). The existing building is in line

with the proposed building. If the applicant were to modify their request the new Fire Station building would need to be moved to the rear of the property.

If this were to occur, it would require extensive excavation as the property is sloped north to south with higher portions of the property closer to the north property line and the lower portions of the property closest to the front lot line. Further, as discussed previously, the development pattern of the property is already established, it would create unnecessary hardship. *Criterion met.*

(D) The authorization of the variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or base zone in which the property is located, or adversely affects the appropriate development of adjoining properties.

Staff: The granting of the variance will allow for second building on the property that aligns with the current development pattern of the property. To accommodate the aisle width, the variance is needed to ensure there is adequate space for both the yard and aisle width (Exhibit A.16). As the applicant meets the criteria for a minor exception, width of aisle will be sufficient for the public traveling on the subject property. Additionally, as discussed in Section 9.2, the Fire Station is staffed by volunteers that come to the site on an as-needed basis. Considering both of those factors, authorization of the variance will not be material detrimental to the public welfare or injurious to the property.

Secondly, the adjoining property to the east is currently developed with a commercial use. The commercial use dates back as far as 1955. The existing condition results in the two properties sharing a parking and loading area (Exhibit B.3). The authorization of the variance would not alter the existing condition of both properties. *Criterion met.*

(E) The Variance requested is the minimum necessary variation from the Code requirement which would alleviate the difficulty.

Staff: The applicant has requested a variance to the minimum front yard to accommodate both the yard and minimum aisle. As discussed above, there is no other configuration that would accommodate both, which would alleviate the difficulty. In granting the variance it will result in the minimum necessary variation to alleviate the difficulty. *Criterion met.*

(F) Any impacts resulting from the variance are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage.

Staff: As discussed in Section 8.0 and 10.0, the proposal meets the requirements of the Parking, Loading, Circulation, and Access Criteria in addition to the Design Review requirements. No additional mitigations are required in this Section as the impacts resulting from the variance have been mitigated through meeting those criteria. *Criterion met.*

(G) The variance must be in support of a lawfully established use or in support of the lawful establishment of a use.

Staff: As discussed in Section 6.0 and 9.0, the variance will support the Fire Station use on the subject property. The applicant has demonstrated satisfaction with the approval criteria to establish the use. *Criterion met.*

12.0 Comprehensive Plan Policy Criteria:

12.1 Chapter 5 – Natural Resources

Water Quality and Erosion Control

5.14 Stormwater drainage for new development and redevelopment shall prioritize water quality and natural stream hydrology in order to manage stormwater runoff in accordance with the following:

- 1. The run-off from the site shall not adversely affect the water quality in adjacent streams, ponds, or lakes, or alter the drainage on adjoining lands, or cause damage to adjacent property or wildlife habitat.**
- 2. Stormwater infiltration and discharge standards shall be designed to protect watershed health by requiring onsite detention and/or infiltration in order to mimic pre-development hydraulic conditions so that post-development runoff rates and volumes do not exceed pre-development conditions.**
- 3. Apply Low Impact Development Approaches (LIDA) in order to conserve existing resources, minimize disturbance, minimize soil compaction, minimize imperviousness, and direct runoff from impervious areas onto pervious areas.**
- 4. Protect and maintain natural stream hydrology (or flow), with an emphasis on reducing hydromodification impacts such as stream incision and widening.**
- 5. Develop and adopt drainage system design guidelines and standards to accommodate fish and wildlife passage where appropriate.**
- 6. Develop and adopt standards for managing stormwater in landslide hazard areas in accordance with best management practices.**

Staff: As previously discussed, the applicant has provided a Stormwater Drainage Control Certificate and Plans describing and showing how stormwater drainage will be managed for the development on the property. The storm water/drainage control was reviewed and certified by Evan Eykelbosch, PE. The report recommends that, “runoff...be conveyed into a stormwater lift station, where it will be routed into a bioswale for treatment and then into a below-grade detention pipe. Discharge from the pipe will be routed into the public catch basin. The site improvements are limited to Basin A. However, existing runoff from Basin B will also be collected, treated, and detained (Exhibit A.7). The utilization of a bioswale will improve water quality of adjacent streams and waterways; thereby resulting in improving watershed health. Condition of approval requires the applicant construct and maintain the proposed stormwater drainage control system for the life of the Fire Station as described. *As conditioned, criterion can be met.*

Air Quality, Noise, and Lighting Impacts

5.43 Require outdoor lighting to be low intensity and designed in a manner that minimizes the amount of light pollution.

Staff: As discussed in Section 6.3, the applicant states that the exterior lighting will comply with MCC 39.6850 (Exhibit A.3 and A.5). However, no lighting plan or samples/technical specifications were provided; therefore, a condition is requested that when submitting building plans for Zoning Plan Review, the proposed lighting plan be finalized demonstrating compliance with MCC 39.4575(I) and MCC 39.6850. *As conditioned, criterion can be met.*

12.2 Chapter 6 – Historic and Cultural Resources

Cultural and Archeological Resources

6.4 Require reporting of the discovery of Native American artifacts and other cultural resources to SHPO and the Native American tribes.

Staff: There are no known areas of ecological, scientific, historical, or archaeological significance on the property. However, because there is the possibility that archaeological artifacts or deposits, a condition of approval will be required that directs the property owner(s) or their representatives to stop work and halt construction; notify the Planning Director and Oregon State Historic Preservation Office (SHPO); and follow any subsequent actions including conducting surveys, preparing evaluations, and implementing any required mitigation plans. *As conditioned, criterion can be met.*

12.3 Chapter 11 – Public Facilities

Water Supply and Wastewater Treatment Systems

11.12 A water supply system for new development shall be by either of the following methods:

- 1. Connection to a public water system having adequate capacity to serve the development and all other system customers**
- 2. A private water system that produces safe drinking water with sufficient volume and pressure to meet applicable Building Code and Fire Protection Code**

Staff: A Certification of Water Service was completed by the Corbett Water District. The Water Service Certification indicates that the property is served from an 8-inch line (Exhibit A.9). *Criterion met.*

11.13 Wastewater disposal for new development shall be by any of the following methods:

- 1. Connection to a public sewer system having adequate capacity to serve the development and all other system customers**
- 2. A private system that meets Oregon Department of Environmental Quality regulations**

Staff: The applicant has provided a septic review certification. The on-site sewage disposal was reviewed Lindsey Reschke, Multnomah County Sanitarian. The Sanitarian stated, “Proposed 24’ x 54’ building poses no concern to septic...” (Exhibit A.13). *Criterion met.*

Police, Fire, and Emergency Response Facilities

11.17 As appropriate, include school districts, police and fire protection, and emergency response service providers in the land use process by requiring review of land use applications from these agencies regarding the agency’s ability to provide the acceptable level of service with respect to the land use proposal.

Staff: The applicant has provided a Fire Service Agency Review form. The Fire Service Agency Review was completed by Dave Flood, Fire Marshall (Exhibit A.8). The form indicates that:

- “The proposed development is in compliance with the fire apparatus access standards of the Oregon Fire Code Standards by [Corbett Rural Fire District #14]”;
- “The existing fire-flow & flow duration available from public water lines...is adequate to serve the proposed development. No mitigation is necessary”; and

- “Commercial/Industrial Building & Uses - The minimum fire flow and fire duration available from public water lines as specified in the Oregon Fire Code. No mitigation is necessary”; and Collins, Fire Chief (Exhibit A.10).

Criterion met.

12.0 Conclusion

Based on the findings and other information provided above, the subject property identified as 1N4E32D-01800 is a Lot of Record in its current configuration. Additionally, based on the findings and other information provided above, the applicant has carried the burden necessary for a Community Service Conditional Use, Variance, Design Review, Significant Environmental Concern Review (SEC-s) permits to establish a Fire Station use, which includes two buildings, accessory structures (generator, propane tank, fencing, gate, retaining walls, stormwater drainage control system); Off-Street Parking and Loading areas; and landscaping in the Springdale Rural Center (SRC) zone.

13.0 Exhibits

‘A’ Applicant’s Exhibits
‘B’ Staff Exhibits
‘C’ Procedural Exhibits
‘D’ Comments Received

All exhibits are available for digital review by sending a request to LUP-comments@multco.us.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	2	Application Form	10/24/2024
A.2	1	Letter of Authorization	10/24/2024
A.3	10	Narrative	10/24/2024
A.4	1	Site Plan (reduced to 8.5” x 11”)	10/24/2024
A.5*	8	Plans <ul style="list-style-type: none"> ▪ Sheet 001 – Cover ▪ Sheet 002 – Narrative ▪ Sheet 003 – Site Plan ▪ Sheet 004 – Floor Plan ▪ Sheet 005 – Roof Plan ▪ Sheet 006 – Ext. Elevations ▪ Sheet 007 – Ext. Elevations ▪ Sheet 008 – Building Section 	10/24/2024

A.6	8	Civil and Erosion Control Plans <ul style="list-style-type: none"> ▪ Sheet C1.00 – General Notes ▪ Sheet C1.01 – Existing Conditions ▪ Sheet C1.02 – Demolition Plan ▪ Sheet C2.00 – Site Plan ▪ Sheet C3.00 – Grading Plan ▪ Sheet C4.00 – Utility Plan ▪ Sheet C5.00 – Details ▪ Sheet C6.00 – Erosion Control Plan and Details 	10/24/2024
A.7*	55	Stormwater Report prepared by Evan Eykelbosch, PE <ul style="list-style-type: none"> ▪ Appendix A: Vicinity Map ▪ Appendix B: Basin Map ▪ Appendix C: Assumptions ▪ Appendix D: Water Quality Treatment ▪ Appendix E: Detention System Sizing Calculations ▪ Appendix F: Conveyance Calculations ▪ Appendix G: Geotechnical Report ▪ *Appendix H: Utility Plan / Details ▪ Appendix I: Operations and Maintenance 	10/24/2024
A.8	2	Fire Service Provider Review	10/24/2024
A.9	1	Water Service Certification	10/24/2024
A.10	13	Pre-Application Meeting Notes, PA-2024-0002	10/24/2024
A.11	1	Email from Applicant requesting the Application be deemed complete	03/25/2025
A.12	2	Letter in Response to Incomplete Items	03/25/2025
A.13	6	Septic Review Certification	03/25/2025
A.14	1	Lot Confirmation Narrative	03/25/2025
A.15	1	Warranty Deed recorded in Book 906, Page 1072 on January 25, 1973	03/25/2025
A.16*	8	Revised Civil and Erosion Control Plans <ul style="list-style-type: none"> ▪ Sheet C1.00 – General Notes ▪ Sheet C1.01 – Existing Conditions ▪ Sheet C1.02 – Demolition Plan ▪ Sheet C2.00 – Site Plan ▪ Sheet C3.00 – Grading Plan ▪ Sheet C4.00 – Utility Plan ▪ Sheet C5.00 – Details ▪ Sheet C6.00 – Erosion Control Plan and Details 	03/25/2025
A.17	1	Email amending the Application to add a Variance	06/25/2025
‘B’	#	Staff Exhibits	Date
B.1	2	Assessment and Taxation Property Information for 1N4E32D -01800 (Alt Acct #R944320140 / Property ID #R322491)	10/24/2024

B.2	1	Current Tax Map for 1N4E32D	10/24/2024
B.3	1	Aerial Photo taken on April 22, 2025	06/12/2025
B.4	1	Sectional Zoning Map 656 showing the zoning prior to October 5, 1977	06/12/2025
B.5	17	Zoning Code adopted on May 21, 1968 – 4.00 Commercial Districts	06/12/2025
B.6	3	Parcel Record – Cartographic Unit Card for 1N4E32D - 01800	06/12/2025
B.7	3	ODOT Pre-Application Response #13130 prepared on May 13, 2024	06/12/2025
B.8	1	Land Use Survey for 1N4E29-32 completed in 1986	06/12/2025
B.9	3	Google Streetview Image taken on July 2023	06/12/2025
B.10	1	Big Game Winter Habitat Map adopted in the Comprehensive Plan on February 20, 1990	06/17/2025
B.11	1	Email from ODOT regarding ROW width requirements	06/18/2025
B.12	1	Significant Environmental Concern for Streams (SEC-s) – Stream Conservation Area	06/18/2025
B.13	1	Significant Environmental Concern for Streams (SEC-s) – Stream Conservation Area: Location of Mitigation	06/18/2025
B.14	1	Multnomah County Permit Number MC-455	06/26/2025
‘C’	#	Administration & Procedures	Date
C.1	7	Incomplete letter	11/20/2024
C.2	1	Applicant’s acceptance of 180-day clock	11/20/2024
C.3	1	Email discussing missing payment of fees	12/16/2024
C.4	3	Complete letter (day 1)	03/25/2025
C.5	10	Hearing Notice	06/20/2025
C.6	42	Staff Report	07/01/2025
‘D’	#	Comments	Date
D.1	3	Comments from Melissa Gonzalez-Gabriel on behalf of Oregon Department of Transportation (ODOT)	06/26/2025