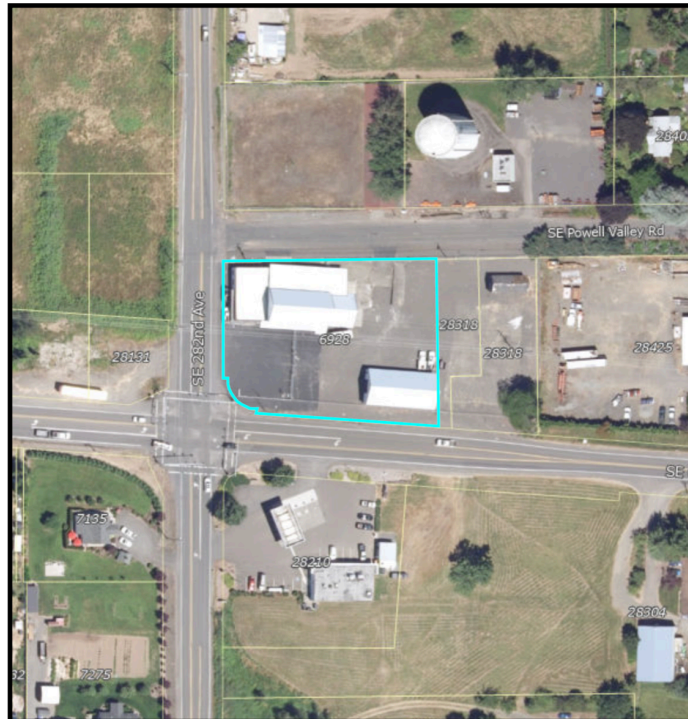


**New Horizon Utility Construction
6928 SE 282nd Avenue, Gresham, Oregon**

**T1S, R4E Section 19BC, Tax Lot 600
(Property ID R342223)**



November 2023

I. General Information

The applicant requests approval to move his telecommunication equipment installation business to a building located at 6928 SE 282nd Drive (corner of Se Orient and SE 282nd Drive). The property owned by L & S Investment Properties, LLC contains an existing 9,558 square foot building located near the corner of SE 282nd Drive and Powell Valley Road. The other building located on the property will not be used as part of this business and has not been included in this application request. The site is served with water by Lusted Water District and has an onsite septic system.

New Horizon Utility Construction will be the business occupying the site. New Horizon manufactures and repairs electronic components and hardware to be installed at offsite locations. The business will utilize both the ground floor of the primary building containing 8,062 square feet and the second floor containing 1,496 square feet. The site will serve as the base for 10 employees who will work five days per week, eight hours per day (7am - 3pm). During a typical work day, all ten employees will check in at the shop and after less than an hour seven employees will be dispatched to work in the field for the rest of the day. The other three employees will remain onsite to perform administrative and operational tasks during the day. In addition, to these primary functions, the building will also be utilized to perform light servicing and minor repairs of fleet vehicles. The site will be used for employee and customer vehicle parking during working hours and fleet vehicles associated with the business overnight.

The subject property contains 1.03 acres and is zoned Orient Commercial-Industrial by Multnomah County. Access to the site is proposed to be exclusively from SE Powell Valley Road and the existing access on SE 282nd Drive will be closed. Only minor improvements are proposed to the interior of the building to accommodate the proposed uses. As shown on the submitted Site Plan, the applicant intends to add designated off-street parking and the existing loading area has been identified as required. In addition to these improvements, at least 15 percent of the site will be landscaped as required. A pre-application on the proposed project was held with Multnomah County Planning on April 27, 2023 (PA 2023-16765).

II. Request

The applicant requests the following approvals:

- Type II - Design Review
- Type I - Minimal Impact Project (MIP) Permit

III. List of Exhibits

Exhibit A: Signed General Application Form

Exhibit B: Project Narrative

Exhibit C: Property Deed

Exhibit D: Civil Plan Set

- Sheet 1 - Coversheet

- Sheet 2 - Existing Conditions/Demolition Plan
- Sheet 3 - Site Plan

Exhibit E: Architectural Plan Set

- Sheet 1 - Ground Floor Plan
- Sheet 2 - Second Floor Plan
- Sheet 3 - North/South Building Elevations
- Sheet 4 - East/West Building Elevations

Exhibit F: Fire Service Agency Review Letter

Exhibit G: Septic Review Certification

Exhibit H: Certification of Water Service

Exhibit I: Stormwater Memo

Exhibit J: Existing Exterior Lighting Documentation

Exhibit K: Site Photos

Exhibit L: Transportation Planning Review (submitted 11/9/23, TPR-23-0002)

IV. Narrative Format

This narrative addresses all relevant code sections of the Multnomah County Zoning Ordinance as identified at the April 27, 2023, Pre-Application Meeting Notes. Code citations are written in regular type and responses to these sections are written in *Italics*.

Chapter 39

Part 4.C.6 - Orient Commercial-Industrial (OCI) Zone

- 39.4650 - 39.4695

Part 6.B - Ground Disturbing Activities and Stormwater

- 39.6210 - 39.6235

Part 6.C.1 - Parking Loading, Circulation and Access

- 39.6500 - 39.6600

Part 6.C.3 - Exterior Lighting

- 39.6850 - Dark Sky Lighting Standards

Part 8.A - Design Review

- 39.8000 - 39.8050

Part 4.C.6 - Orient Commercial Industrial Zone

39.4650 - Purpose

The purpose of the Orient Commercial- Industrial base zone is to provide for small-scale low-impact commercial and industrial uses that primarily serve the population of the immediate Rural Community area, and the immediate surrounding rural area as well as tourists traveling through the area. The uses allowed within the zone should reinforce the rural nature of the area and not adversely impact agricultural uses in the area.

***Response:** As reviewed below, the proposed telecommunications equipment repair, assembly, and installation business is compatible with the purposes of the Orient Commercial-Industrial zone.*

39.4665 - Review Uses

Response: *The primary function of the business is to do light manufacturing and assembly, and repair of telecommunication equipment to be installed off-site. These uses are all identified as review uses in Section (B)(1) "Manufacturing and Processing of", (j) (Communications Equipment and (k) (Electronic Components and Accessories). In addition, the applicant intends to perform light fleet vehicle maintenance and repair activities within the building. This use is identified as Section (B)(4) Automotive Repair. In addition to these uses, the proposed business also includes office and administrative uses which are ancillary uses to the primary functions of the business. All proposed uses are similar to the Review Uses in this section. This standard is met.*

39.4670 - Review Uses Approval Criteria

(A)The proposed use will not force a significant change in, or significantly increase the cost of, accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

Response: *The subject property has been in commercial use for a long time. The site is bordered on its southern (SE Orient) and western (SE 282nd) boundaries by roads that carry a significant volume of traffic and on the north (SE Powell Valley) by a lower volume road. The site is not located adjacent to any farm and forest uses, but farm uses are located further to the east on Powell Valley Road. The proposal is not expected to impact any of these uses. This standard is met.*

(B)The proposed use will not, by itself or in combination with existing uses in the community, result in public health hazards or adverse environmental impacts that violate state or federal water quality regulation; and

Response: *The proposed use to manufacture and repair telecommunications components to be installed offsite will have no environmental impact or result in a public health hazard. This standard is met.*

(C)The proposed use will not, by itself or in combination with existing uses in the community, exceed the carrying capacity of the soil or of existing water supply resources and sewer services; and

Response: *The proposed use will have a negligible affect on the carrying capacity of the soil or the existing water supply and onsite septic service. This standard is met.*

(D)The proposed use will not create significant adverse effects on existing uses or permitted uses on adjacent land, considering such factors as noise, dust and odors.

Response: *Because of the location of the subject property and the separation of the property from other properties by roads, and the size and nature of the proposed business use, the proposal will have minimal effect on existing uses located on adjacent land. This standard is met.*

(E)The proposed use will primarily support the needs of residents of the rural area

or tourists visiting the area.

Response: *The proposed use functions to provide telecommunication services for a number of rural residences in the surrounding area. In this capacity, the proposal is intended to support the needs of residents in the rural area. This standard is met.*

39.4680 - Dimensional Requirements and Development Standards

All development proposed in this base zone shall comply with the applicable provisions of this section.

(A) Except as provided in MCC 39.3120, 39.4682, and 39.4685, the minimum lot size shall be one acre.

Response: *The subject property contains approximately 1.03 acre in compliance with this standard.*

(B) 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.

(1) Notwithstanding the Minimum Yard Dimensions, but subject to all other applicable Code provisions, a fence or retaining wall may be located in a Yard, provided that a fence or retaining wall over six feet in height shall be setback from all Lot Lines a distance at least equal to the height of such fence or retaining wall.

Response: *The applicant proposes using an existing building and only plans to formalize off-street parking and install landscaping as required. No changes to the interior or exterior of this building are proposed. Because of these conditions, compliance with required setbacks in this section are not applicable. As shown on the submitted Site Plan, a new fence is proposed to be installed along a portion of the 282nd Avenue frontage in compliance with this standard. This standard is met.*

(C) 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.

Response: *As noted above, because the subject building is existing, this section is not applicable.*

(D) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from

any property line.

Response: *The site contains an existing flag pole that will remain. This standard is met.*

(E) 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 lot.

(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. 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.

Response: *The subject property is served by an existing functioning on-site septic system. All stormwater, water, parking, and landscaping will be provided on the subject property. This standard is met.*

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

Response: *All exterior lighting is existing. The location of these lights and fixture type are included with the application package. A review of these fixtures is included in Section 39.6850 below. This standard is met.*

39.4685 - Lot Sizes for Conditional and Review Uses

The minimum lot size for the uses listed in MCC 39.4665 and 39.4675 shall be based upon:

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

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

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

Response: *As noted above, the subject property contains approximately 1.03 acres in compliance with the standards in Section 39.4680 above. This standard is met.*

39.4690 - Off-Street Parking and Loading

Off-street parking and loading shall be provided as required by MCC 39.6500 through 39.6600.

Response: *Off-street parking and loading standards are reviewed in Sections 39.6500 - 39.6600 below.*

39.4695 - Access

All lots and parcels in this base zone shall abut a public street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles. This access requirement does not apply to a pre-existing lot and parcel that constitutes a Lots of Record described in MCC 39.3120(B).

Response: *The site currently contains access on both SE 282nd Avenue and SE Powell Valley Road. As required by Multnomah County Transportation, the access on SE*

282nd Avenue will be closed and access will only be provided from SE Powell Valley Road. This standard is met.

Part 6.B - Ground Disturbing Activities and Stormwater

39.6210 - Permits Required

(A) Unless exempt under this Code, whether under MCC 39.6215, 39.5080, 38.5510 or otherwise, no ground disturbing activity shall occur except pursuant to one of the following permits: a Minimal Impact Project (MIP) permit, an Erosion and Sediment Control permit (ESC), an Agricultural Fill permit (AF), a Geologic Hazards permit (GH), or a Large Fill permit (LF).

Response: A MIP permit has been requested with the application submittal.

39.6220 Minimal Impact Project Permit

(B) A Minimal Impact Project (MIP) permit shall not be issued unless the application for such permit establishes compliance with MCC 39.6210 and satisfaction of the following standards:

- (1) Less than 10,000 square feet of ground surface area will be disturbed;
- (2) Disturbed areas are not within 200' by horizontal measurement from the top of the bank of a water body;
- (3) Slopes before development where ground disturbing activity is proposed are 10 percent grade or less (10 Horizontal: 1 Vertical);
- (4) Unsupported finished slopes will be less than 33 percent grade (3 Horizontal: 1 Vertical) and will not exceed four feet in height;
- (5) The ground disturbing activity will involve less than 10 cubic yards of fill;
- (6) Fill will not be used to physically support a building requiring a structural building permit;
- (7) Fill shall be composed of earth materials only;
- (8) Persons conducting ground disturbing activities shall utilize erosion and sediment control best management practices. Erosion and sediment control measures must be utilized such that no visible or measurable erosion or sediment shall exit the site, enter the public right-of-way, or be deposited into any water body or storm drainage system;
- (9) Erosion and sediment control measures shall be installed prior to commencement of ground disturbing activity and are to be maintained, in working order, through all phases of development;
- (10) Approval of any new stormwater discharges into public right-of-way is granted by each governing agency having authority over the matter;
- (11) Approval of any new stormwater surcharges to sanitary drainfields is granted by the City of Portland Sanitarian and any other agency having authority over the matter;
- (12) Fill trucks shall be constructed, loaded, covered, or otherwise managed to prevent any of their load from dropping, sifting, leaking, or otherwise escaping from the vehicle. No fill shall be tracked or discharged in any manner onto any public right-of-way; and
- (13) No compensation, monetary or otherwise, shall be received by the property owner for the receipt or placement of fill.

Response: As shown on the submitted Site Plan, the only proposed ground disturbing activity is to excavate for required landscaping. The area proposed to be disturbed totals approximately 6,700 square feet, less than the threshold in Section (B)(1) above. The site is located greater than 200 feet from a water body and does not meet any of the other thresholds in this section. For this reason the proposal complies with Section 39.6220(B)(2) and only a Minor Impact Project Permit is required. This standard is met.

39.6235 - Stormwater Drainage Control

(A) Persons creating new or replacing existing impervious surfaces exceeding 500 square feet shall install a stormwater drainage system as provided in this section. This subsection (A) does not apply to shingle or roof replacement on lawful structures.

Response: As shown on the submitted Site Plan, the applicant does not propose adding any new or replacing existing impervious surfaces. The proposal will remove approximately 6,700 square feet of existing asphalt and compacted gravel surfaces to install required landscaping. As shown on these plans, the site is also served by an existing underground stormwater that will continue to be utilized. Given these conditions, the requirements of this section are not applicable. A letter from the Project Engineer confirms these details.

Part 6.C.1 - Parking, Loading, Circulation, and Access

39.6500 - Purpose

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

Response: As noted above, the applicant proposes closing the existing access on SE 282nd and the existing access on SE Powell Valley Road will serve as the only access to the site. The details of proposed site parking, loading, circulation, and access are reviewed below. This standard is met.

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.

Response: The proposal is to repurpose an existing vacant building to house the New Horizon Utility Construction, LLC business. As reviewed above, the proposed uses are found to be permitted Review Uses in the OCI zoning district. This standard is met.

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.

Response: The applicant understands the requirements of this section. This standard is met.

39.6515 - Plan Required

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

Response: A Site Plan showing the location of proposed parking, loading, access, and circulation is included with the application package. This standard is met.

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.

Response: The submitted Site Plan identifies the location of all required employee and company vehicle parking spaces. A designated loading area located to the east of the building is also shown on this plan as required. This standard is met.

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:
 - (1) Parking use of the alternate site is permitted by this Chapter;
 - (2) The alternate site is within 350 feet of the use;
 - (3) There is a safe and convenient route for pedestrians between the parking area

and the use;

(4) Location of required parking other than on the site of the use will facilitate satisfaction of one or more purposes or standards or requirements of this Chapter; and,

(5) There is assurance in the form of a deed, lease, contract or other similar document that the required spaces will continue to be available for off-street parking use according to the required standards.

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

Response: All proposed parking and loading areas will be accommodated on the subject property and all of these facilities comply with the standards in this section. This standard is met.

39.6530 - Improvements Required

(A) Required parking and loading areas shall be improved and placed in condition for use before the grant of a Certificate of Occupancy under MCC 29.014, or a Performance Bond in favor of Multnomah County equivalent to the cost of completing such improvements shall be filed with the Planning Director.

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

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

Response: The applicant is aware of the requirements in these sections.

39.6535 - Change of Use

(A) Any alteration of the use of any land or structure under which an increase in the number of parking or loading spaces is required by this Subpart shall be unlawful unless the additional spaces are provided.

(B) In case of enlargement or change of use, the number of parking or loading spaces required shall be based on the total area involved in the enlargement or change in use.

Response: The subject property has been vacant for several years and the County is considering the proposal a new business use. All applicable standards are addressed below.

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.

Response: The proposed development requests approval for Review Uses permitted in the OCI zone as reviewed above. This standard is met.

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.

Response: The subject property abuts three public streets: SE Orient Drive, SE 282nd Avenue, and SE Powell Valley Road. As shown on the submitted plans, SE Powell Valley Road will serve as the sole access point to serve the site. This access complies with the requirements of this section. This standard is met.

(B) The Approval Authority may permit and authorize a deviation from the dimensional standard in paragraph (A) of this section upon finding that all the following standards in subparagraphs (1) through (4) are met:

- (1) The authorized provider of structural fire service 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;
- (2) The County Engineer verifies that the proposed deviation complies with the County Road Rules and the County Design and Construction Manual Standards;
- (3) Application of the dimensional standard would present a practical difficulty or would subject the property owner to unnecessary hardship; and
- (4) Authorization of the proposed deviation would not:
 - (a) be materially detrimental to the public welfare;
 - (b) be injurious to property in the vicinity or in the base zone in which the property is located; or
 - (c) adversely affect the appropriate development of adjoining properties.

Response: A deviation to the standards in paragraph (A) above has not been requested and is not necessary.

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

Response: All parking or loading areas will be accommodated onsite and not within a public street or right of way. This standard is met.

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.
- (2) Up to 30% of the required off-street parking spaces may have a minimum width

of eight-and-one-half feet, a minimum length of 16 feet, and a vertical clearance of six feet if such spaces are clearly marked for compact car use.

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

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

Response: *All parking spaces will be head-in spaces and are at least 9 x 18 feet. No parking spaces smaller than 9 x 18 feet are proposed. These standards are met.*

(B) Aisle width shall be not less than:

(1) 25 feet for 90 degree parking,

(2) 20 feet for less than 90 degree parking, and

(3) 12 feet for parallel parking.

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

Response: *All parking will be 90 degree head-in parking and the proposed parking design complies with these standards. These standards are met.*

(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.

Response: *A loading area as required is located to the east of the primary building is shown on the Site Plan. This space complies with the standards in zone. This standard is met.*

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.

(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.

Response: *As shown on the submitted Site Plan, the majority of the proposed parking spaces are located on existing asphalt surfaces and eight of the 21 proposed parking spaces (38 percent) will be located on an existing compacted gravel surface. The applicant requests a deviation to the asphalt parking standard in (A)(1) above as permitted by subsection (A)(2). Due to the location and use of the site, approval of the requested deviation complies with each of the approval criteria in subsection (A)(2)(c). This standard is 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.

Response: *All proposed parking, loading, and maneuvering areas will be separated from public streets and adjoining properties by landscaping or fencing as required. This standard is 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.

Response: *All parking and maneuvering areas will be stripped or otherwise delineated with the installation of wheel stops. This standard is 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.

Response: *The subject property contains an existing stormwater drainage system and this system is sufficient to serve the proposal. In addition, significant areas of asphalt and gravel surfacing will be removed and converted to landscape planters. All water on the site will be collected and disposed of through these systems. This standard is met.*

(E) Covered Walkways - Covered walkway structures for the shelter of pedestrians only, and consisting solely of roof surfaces and necessary supporting columns, posts and beams, may be provided. Such structures shall meet the setback, height and other requirements of the base zone which apply.

Response: *A covered walkway exists for a portion of the south side of the building. No covered additional walkways are proposed or required. This section is not applicable.*

39.6575 - Signs

Signs, pursuant to the provisions of this subpart shall also meet MCC 39.6780.

Response: *The applicant intends to utilize the existing sign structure and cabinet and the flag pole located along the southern portion of the site. The applicant will receive appropriate permitting for all proposed signage as required.*

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.

Response: *No required yards abutting a street will be used for these uses except the primary access drive. This standard is met.*

(B) In the RC, BRC, SRC, PH-RC, OR and OCI base zones, off-street parking for new,

replacement or expansion of existing commercial or industrial developments on a parcel less than 1 acre shall provide a minimum of 10 foot landscaped front yard or street side setback. All other minimum yard dimensions for parking shall be as required in this Subpart.

Response: *The site is located in the OCI zoning district and contains greater than 1 acre. For this reason, this section is not applicable.*

(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.

Response: *The subject property contains an existing building and site improvements. The proposal generally complies with this standard.*

(D)Parking or loading areas on property located in the C-3, LM, or MR-4 base zones that adjoins any other base zone located in the Urban Planning Area and along the same street, shall not be located closer to the street property line than the required setback of the adjoining base zone for a distance of 50 feet from the boundary of any such base zone.

(E)Parking or loading areas on property located in the C-3, LM, or MR-4 base zones and across a street from any other base zone located in the Urban Planning Area, shall have a setback of not less than five feet from the street property line, and such five foot setback area shall be permanently landscaped and maintained.

Response: *The subject property is not located in any of the zoning districts identified in these sections. These standards are not applicable.*

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).

Response: *All landscape areas are designed to comply with these standards as reviewed below. This standard is met.*

39.6590 - Minimum Requirement Off-Street Parking Spaces

(E)The following Manufacturing and Storage Uses shall have at least the number of off-street parking spaces indicated:

(1) Manufacturing - One space for each two employee positions on the largest shift, or one space for each 800 square feet of non-storage gross floor area, whichever is greater.

(2) Storage - One space for each 5,000 square feet of storage area for the first 20,000 square feet, plus one additional space for each additional 50,000 square feet.

Response: *The proposed business is expected to employ about 10 employees. In addition to providing parking for employees vehicles, company vehicles and equipment will also be parked on the site. The proposed 13 regular sized parking spaces are intended for employee and customer vehicles with the*

other eight oversized spaces reserved for fleet vehicle parking and equipment. The proposal complies with this standard.

39.6595 - Minimum Requirement Off-Street Loading Spaces

(C) Manufacturing, Wholesale, Storage, Hospital Uses shall have at least the number of loading spaces indicated in the following table:

Square foot of Floor or Land Area	Minimum Loading Spaces Required
5,000 - 39,999	1

Response: As shown on the submitted floor plan, the subject building contains 9,558 square feet and a single loading area is required. The proposed loading area is existing and is located on the east side of the building as shown on the submitted Site Plan. This standard is met.

Part 6.C.3 - Exterior Lighting

39.6850 - Dark Sky Lighting Standards

- (A) The purpose of the Dark Sky Lighting Standards in this Section is to protect and promote public health, safety and welfare by preserving the use of exterior lighting for security and the nighttime use and enjoyment of property while minimizing the obtrusive aspects of exterior lighting uses that degrade the nighttime visual environment and negatively impact wildlife and human health.
- (B) The following exterior lighting is exempt from the requirements of paragraph (C) of this section:
 - (1) Lighting lawfully installed prior to October 22, 2016, provided that the building enlargement threshold in paragraph (C) of this section is not exceeded.
 - (2) Lighting used for safe pedestrian passage, installed at ground level (such as along walkways and stairs), provided that individual lights produce no more than 30 lumens.
 - (3) Lighting that shines for not more than 90 nights in any calendar year provided that individual lights produce no more than 70 lumens.
 - (4) Lighting which shines for not more than 60 nights in any calendar year associated with discrete farming practices as defined in ORS 30.930 and agricultural use as defined in OAR 603- 095-0010, except that permanent lighting on buildings, structures or poles associated with farm practices and agricultural use is subject to the requirements of this section. For purposes of this exemption, “discrete farming practices” does not include farm stand or agri-tourism events or activities.
 - (5) Lighting which shines for not more than 60 nights in any calendar year associated with discrete forest practices as defined by ORS chapter 527 (The Oregon Forest Practices Act), except that permanent lighting on buildings, structures or poles associated with forest practices is subject to the requirements of this section.
 - (6) Lighting which shines for not more than 60 nights in any calendar year

associated with theatrical, television, and performance activities. For purposes of this exemption, theatrical, television, and performance activities do not include farm stand or agri-tourism events or activities.

- (7) Lighting in support of work necessary to protect, repair, maintain, or replace existing structures, utility facilities, service connections, roadways, driveways, accessory uses and exterior improvements in response to emergencies pursuant to the provisions of MCC 39.6900, provided that after the emergency has passed, all lighting to remain is subject to the requirements of this section.
- (8) Lighting used by a public agency in service of a temporary public need, when such lighting cannot both serve the public need and comply with the standards in paragraph (C) of this section.
- (9) Lighting required by a federal, state, or local law or rule, when such lighting cannot comply with both the law or rule and the standards in paragraph (C) of this section.
- (10) Lighting used in support of public agency search and rescue and recovery operations.

Response: *The location of all site lighting is shown on submitted materials.*

(C) The following standards apply to all new exterior lighting supporting a new, modified, altered, expanded, or replaced use approved through a development permit and to all existing exterior lighting on property that is the subject of a development permit approval for enlargement of a building by more than 400 square feet of ground coverage.

- (1) The light source (bulbs, lamps, etc.) must be fully shielded with opaque materials and directed downwards. "Fully shielded" means no light is emitted above the horizontal plane located at the lowest point of the fixture's shielding. Shielding must permanently attached.
- (2) The lighting must be contained within the boundaries of the Lot of Record on which it is located. To satisfy this standard, shielding in addition to the shielding required in paragraph (C)(1) of this section may be required.

Response: *All exterior lighting as shown on submitted materials is existing. This standard is met.*

Part 8.A - Design Review

39.8000 - Purposes

MCC 39.8000 through 39.8050 (Design Review) provides for the review and administrative approval of the design of certain developments and improvements in order to promote functional, safe, innovative and attractive site development compatible with the natural and human-made environment.

Response: *A review of these standards is provided below.*

39.8005 - Elements of Design Review Plan

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

actions, accessways, pedestrian walkways, buffering and screening measures.

Response: All of the items in this section are reviewed below.

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.

Response: The applicant requests design review approval to utilize an existing building for his business as required.

39.8015 - Exceptions

The provisions of MCC 39.8000 through 39.8050 shall not be applied to the following:

- (A) Single family residences.
- (B) Type C Home Occupations unless located in the RC, BRC, OR, PH-RC or SRC base zones.
- (C) Type C Home Occupations located in the RC, BRC, OR, PH-RC, or SRC base zones that require the addition of less than 400 square feet of ground coverage.
- (D) Commercial photovoltaic solar power generation facility.

Response: The proposal does not qualify for an exception listed in this section.

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, OCl, 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.
- (D) Alteration or modification of the physical development previously reviewed through the Design Review process shall be subject to the Design Review Approval Criteria listed in MCC 39.8040 and 39.8045.
- (E) In the urban base zones the provisions of MCC 39.8000 through 39.8050 shall apply to the following:
 - (1) A hotel or motel.
 - (2) A business or professional office or clinic.
 - (3) A use listed in any commercial base zone.
 - (4) A use listed in any manufacturing base zone.

Response: The proposal has been reviewed according to the standards detailed below.

39.8025 - Design Review Plan Contents

- (A) The design review application shall be filed on forms provided by the Planning Director and shall be accompanied by a site plan, floor plan, architectural

- elevations and landscape plan, as appropriate, showing the proposed development.
- (B) Plans shall include the following, drawn to scale:
- (1) Access to site from adjacent rights-of-way, streets, and arterials;
 - (2) Parking and circulation areas;
 - (3) Location, design, materials and colors of buildings and signs;
 - (4) Orientation of windows and doors;
 - (5) Entrances and exits;
 - (6) Existing topography and natural drainage;
 - (7) Pedestrian circulation;
 - (8) Boundaries of areas designated Significant Environmental Concern, Geologic Hazards and Areas of Special Flood Hazards;
 - (9) Service areas for uses such as mail delivery, trash disposal, above-ground utilities, loading and delivery;
 - (10) Areas to be landscaped;
 - (11) Exterior lighting location and design;
 - (12) Special provisions for handicapped persons;
 - (13) Surface and storm water drainage and on-site waste disposal systems;
 - (14) The size, species, and approximate locations of plant materials to be retained or placed on the site; and
 - (15) Proposed ground-disturbance, grading, filling and site contouring.
- Response: The submitted design review application package includes all of the items required by Sections A and B above. This standard is met.*

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.

Response: The applicant understands the requirements of this section.

39.8035 - Delay in the Construction of a Required Feature

When the Planning Director determines that immediate execution of any feature of an approved final design review plan is impractical due to climatic conditions, unavailability of materials or other temporary condition, the Director shall, as a precondition to the issuance of a required permit under MCC 39.8010 and 39.8020, require the posting of a performance bond, cash deposit, or other surety, to secure execution of the feature at a time certain.

Response: The applicant understands the requirements of this section.

39.8040 - Design Review Criteria

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

- (l) 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.
Response: The subject property including all of the buildings on the site have been used for commercial purposes for a number of years. Currently the site contains access on both SE 282nd Avenue and SE Powell Valley Road. With redevelopment of the site, access to SE 282nd will be blocked by the installation of a new fence. In addition, about 15% of the site will be developed with landscaping. These improvements are designed to improve the aesthetic and functional aspects of the site. This standard is 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.
Response: As shown on the Site Plan, access to the site will be limited to SE Powell Vally Road. This design will limit potential access conflicts with vehicles entering and exiting the site ensuring a safe and secure working environment. This standard is 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.
Response: Because the site contains fewer than 25 parking spaces, a single ADA accessible parking space is included as required. This standard is 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.
Response: The subject property contains a small existing landscape planter located at the southwest corner of the building but does not contain any existing landscaping. As shown on submitted plans, 15 percent of the site will be landscaped as required. This standard is 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.

Response: *As shown on the submitted Site Plan, only a single access point is proposed. All employee parking will be located on the south side of the building, separated from company fleet vehicles parking located on the eastern portions of the site. This design is intended to maximize safety and convenience for employees entering the site with their personal vehicles and leaving the site in company vehicles. This standard is 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.

Response: *The site is currently served by an existing piped drainage system. With the inclusion of perimeter landscape planters, all runoff will be contained onsite or directed to an approved catch basin. This standard is 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.

Response: *As shown on the Site Plan, new landscape planters intended to screen parking from the adjacent street are proposed along the southern and western perimeter of the site. All company vehicles will be located on the eastern portion of the site and will be screened from SE Orient Drive by the other building on the site. This standard is met.*

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

Response: *All utilities are existing and no new utilities are required or proposed to be installed. This standard is 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.

Response: *The existing sign located near the SE Orient Drive frontage will be retained and used for site signage. This sign includes a pole and sign cabinet with a backlit sign face. The details of this signage will be provided following design review approval. This standard is met.*

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.

Response: *As shown on submitted plans, 15 percent of the site will be landscaped per the requirements of this section. This standard is met.*

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

Response: *All areas of the site except those landscaped areas will be utilized for parking, maneuvering, storage or loading. This standard is met.*

- (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.

Response: *The site is proposed to contain 21 parking spaces requiring a minimum of 525 square feet of improved, defined, landscaping. The area of proposed landscaping exceeds this standard with majority located adjacent to parking. This standard is met.*

- (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.

Response: *All parking and loading will be separated from all lot lines adjacent to a street by a minimum 10 foot landscape strip. No parking is proposed adjacent to a lot line. This standard is met.*

- (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.

Response: *All landscape strips will contain a combination of trees, shrubs, and vegetative ground cover as required by this section. This standard is met.*

- (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.

Response: *All landscaping in the parking lot will be located in defined landscaped areas and uniformly distributed. This standard is met.*

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

Response: As shown on the submitted plans, all parking landscape areas are wider than five feet as required. This standard is met.

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

Response: Landscaping will be watered using a combination of an automatic drip system and hand watering. This standard is met.

- (5) Required landscaping shall be continuously maintained.

Response: All landscaping is intended to be maintained on a continuous basis. This standard is met.

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

Response: The maximum height of all tree species will be considered when planted under utility lines. This standard is met.

- (7) Landscaped means the improvement of land by means such as contouring, planting, and the location of outdoor structures, furniture, walkways and similar features.

Response: The applicant understands this definition. This standard is met.

39.8050 - Minor Exceptions: Yard, Parking, Sign, and Landscape Requirement

Response: No exceptions to these standards have been requested.

V. Conclusion

The applicant requests design review approval to relocate an existing telecommunication installation business to the subject property. The applicant proposes utilizing the existing 9,558 square foot building as the base for this operation. The business, New Horizon Utility Construction will employ 10 employees at the site who will work five days per week, eight hours per day. Access to the site will be from SE Powell Valley Road and the Site Plan includes new designated parking spaces and 15 percent of the site in landscaping. As reviewed above, the proposal complies with all applicable standards and the applicant respectfully requests the application be approved.