

E. Design Review Permit**6.C PARKING, SIGNS, and EXTERIOR LIGHTING****6.C.1 PARKING, LOADING, CIRCULATION, and ACCESS****39.6500 PURPOSE**

Findings: Although the purpose statement is not an applicable standard, a review demonstrates the difficulty of applying design review standards to this water system replacement and improvement application located in the interior of a publicly owned park. The application has no impact on county right of ways, congestion, neighborhood character, public investment in streets and arterials, all of which are the subject of the standards in § 39.6500 to § 39.6600.

§ 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.

Findings: Applicant is proposing to replace the existing water line and install a new well and well house. The existing water service system has reached the end of its serviceable life. The new well and pump facility is a small, prefabricated structure that will house the pumping mechanism. Applicant is not proposing a new building, addition to an existing building, or any change in use of the land which results in an intensified use by park visitors. As such, required parking and design standards are not triggered. However, applicant will demonstrate compliance with the standards.

§ 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.

Findings: This standard governs off-street parking and loading facilities adjacent to County right-of-way and prohibits parking fees. This standard is not applicable. Oxbow Regional Park has a daily or annual parking program.

§ 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.

Findings: Attached as Exhibit 3 is the required plan set depicting all the elements associated with the water service system replacement and improvement project. 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.*

Findings: Applicant is not proposing required parking spaces. Applicant is not proposing a new use or building that implicates required parking standards. Applicant is not proposing a loading or unloading zone. This standard is not applicable.

§ 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 – ...*

Findings: Applicant is not proposing required parking spaces. This standard is not applicable or otherwise satisfied.

§ 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.*

Findings: Applicant is not proposing required parking spaces. This standard is not applicable.

§ 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.

Findings: Applicant is not proposing a change in use that increases the number of required parking spaces. Applicant is not proposing required parking. This standard is not applicable.

§ 39.6540 JOINT PARKING OR LOADING FACILITIES

(A) In the event different uses occupy the same lot or structure ...

Findings: No joint parking or loading facility is proposed. This standard is not applicable.

§ 39.6545 EXISTING SPACES

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

Findings: No existing spaces need to be included in the calculations. No required parking is proposed. This standard is not applicable.

§ 39.6550 STANDARDS OF MEASUREMENT

(A) Square feet means square feet of floor or land area devoted to the functioning of the particular use and excluding space devoted to off-street parking and loading.

(B) When a unit or measurement determining the number of required off-street parking or off-street loading spaces results in a requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and any fraction over one-half shall require one off-street parking or off-street loading space.

Findings: Applicant understands the standards of measurement. However, no required parking is proposed. This standard is not applicable.

§ 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.

Findings: All existing parking areas provide for the turning, maneuvering, and parking of vehicles on the property. No new parking areas are proposed or required. 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.

(B) The Approval Authority may permit and authorize a deviation from the dimensional standard in paragraph (A) ...

(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.

Findings: Applicant is not proposing new or required parking areas. This standard is not applicable or otherwise 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.

(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.

Findings: These standards regulate dimension of parking spaces and in numbers required by § 39.6590 (otherwise known as required parking). Applicant is not proposing required parking. These standards are not applicable or otherwise 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.

Findings: Applicant is not proposing a loading space. This standard is not applicable.

§ 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.

Findings: Applicant is not proposing new or required parking areas. This standard is not applicable or otherwise 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.

Findings: Applicant is not proposing new or required parking areas. This standard is not applicable or otherwise 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.

Findings: Applicant is not proposing new or required parking areas. This standard is not applicable or otherwise 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.

Findings: Applicant is not proposing new or required parking areas. This standard is not applicable or otherwise 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.

Findings: No covered walkways are proposed. This standard is not applicable.

§ 39.6575 *SIGNS*

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

Findings: Applicant is not proposing new signs. This standard is not applicable or otherwise met.

§ 39.6580 *DESIGN STANDARDS: SETBACKS.*

Findings: This standard is not applicable. Applicant is not proposing any signs in yard setbacks or adjacent to private property.

§ 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).

Findings: Applicant addressed any applicable landscaping standards below. This standard is met.

§ 39.6590 *MINIMUM REQUIRED OFFSTREET PARKING SPACES*

Findings: Applicant is not proposing a new or intensified use that results in or otherwise implicates these minimum required off-street parking space standards. This standard is not applicable.

§ 39.6595 *MINIMUM REQUIRED OFFSTREET LOADING SPACES*

Findings: Applicant is not proposing a new or intensified use that results in or otherwise implicates these minimum required off-street loading space standards. This standard is not applicable.

§ 39.6600 *EXCEPTIONS FROM REQUIRED OFF-STREET PARKING OR LOADING SPACES*

Findings: Applicant is not requesting or otherwise does not need an exception to approve the proposed water service system replacement and improvement project. This standard is not applicable.

PART 8 **SPECIFIC USE STANDARDS 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.

§ 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.

Findings: Applicant is proposing a new prefabricated structure and water storage tanks associated with the water line replacement project. County staff informed Metro that this represents a modification to Oxbow's approved Community Service and requires an additional conditional use/community service use approval. Applicant addresses the applicable standards in 39.8000 and 39.8050 below. This standard is met.

(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 36.8040(A)(1)(a) and (1)(c), (4) and (7), except when located in the RC, BRC, OR, OCI, PH-RC or SRC zone base zones.

Findings: Applicant is not proposing new or required parking areas. This standard is not applicable.

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

Findings: Applicant proposes water service system replacement and improvements. Applicant addresses the applicable standards in 39.8040 and 39.8045 below. This standard is met.

(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.

Findings: Applicant proposes water service system replacement and improvements. Applicant addresses the applicable standards in 39.8040 and 39.8045 below. This standard is met.

§ 39.8025 **DESIGN REVIEW PLAN CONTENTS.**

Findings: To the extent applicable, the plan set attached as Exhibit 3 includes all the required information. This standard is met.

§ 39.8040 DESIGN REVIEW CRITERIA.

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

(1) Relation of Design Review Plan Elements to Environment.

(a) The elements of the design review plan shall relate harmoniously to the natural environment and existing buildings and structures having a visual relationship with the site.

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

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

Findings: A letter from the State of Oregon Parks and Recreation Department indicates that the proposed work, as located and proposed, is consistent with the Oregon Scenic Waterways Management Plan. See Exhibit 5. The project does not include any buildings that will have an adverse effect on the scenic and aesthetic values in the river area. See Exhibit 3.

The proposed water service system improvements were designed to minimize impacts to, and protect, the natural resource, while also enhancing value to the public in providing safe, potable water. The design does not infringe or intrude upon the Sandy River's water resource values. The new well and pump facility is located behind the Welcome Center, more than 1,000 feet from the Sandy River. Small water storage tanks are adjacent to existing facilities in clear areas. The project location chosen is an already developed and disturbed landscape.

Except for the two trees that are required to be removed to locate the new well and water line at the new well location, where existing, vegetation will remain. The trees proposed for removal serve no screening function in the highly disturbed, developed, and utilized public area. Where there is vegetation buffering the river, it will remain in place, be undisturbed, and is in good condition. 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.

Findings: The proposed water service system replacement and improvements are intended to support a safe environment by providing safe, potable water throughout the park. 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.

Findings: The proposed water service system replacement and improvement project is intended to provide safe, potable water throughout the park. The water line replacement will replace

underground pipeline, as well as service points throughout the park. Where appropriate, accessible water spigots for visitor use will be installed. 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.

Findings: A letter from the State of Oregon Parks and Recreation Department indicates that the proposed work, as located and proposed, is consistent with the Oregon Scenic Waterways Management Plan. See Exhibit 5. The project does not include any buildings that will have an adverse effect on the scenic and aesthetic values in the river area.

The proposed water service system improvements were designed to minimize impacts to, and protect, the natural resource, while also enhancing value to the public in providing safe, potable water. The design does not infringe or intrude upon the Sandy River's water resource values. The project location chosen is an already developed and disturbed landscape.

Except for the two trees that are required to be removed to locate the new well and water line at the new well location, where existing, vegetation will remain. The trees proposed for removal serve no screening function in the highly disturbed, developed, and utilized public area. Where there is vegetation buffering the river, it will remain in place, be undisturbed, and is in good condition. 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.

Findings: Applicant is not proposing development that implicates or needs pedestrian and vehicle circulation and parking. This standard is not applicable.

(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.

Findings: No water quality impacts to the Sandy River are anticipated. The development area is generally flat, and drainage mostly slopes away from the river and runoff will infiltrate into the forest or percolate into the sandy soils on the property. Attached as Exhibit 6 is a stormwater certificate.

As indicated by the plan sheets, applicant is implementing best management practices to limit disturbances to areas adjacent to the proposed work. Applicant is implementing a number of project design features related to erosion control. Disturbed areas will be revegetated with native species immediately following construction.

Prior to construction, applicant will clearly mark areas that are not to be disturbed to minimize ground disturbances. Temporary erosion controls will be in place before any significant alteration of the site and will be removed once the site has been stabilized following restoration activities. Permit level designs, which include erosion control measures, can be found in Exhibit 3. 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.

Findings: A letter from the State of Oregon Parks and Recreation Department indicates that the proposed work, as located and proposed, is consistent with the Oregon Scenic Waterways Management Plan. See Exhibit 5. The improvements are located within the park and have no adverse impacts on the site and no impact on neighboring properties. The new well house is proposed within the existing operations and maintenance yard behind the Welcome Center. The existing well house, where a small water tank is needed to meet fire department water flow requirements, is and will remain screened from view by existing, mature vegetation that surrounds the O & M yard clearing. See Exhibit 3.

The proposed water service system improvements were designed to minimize impacts to, and protect, the natural resource, while also enhancing value to the public in providing safe, potable water. No clearing is proposed. Existing vegetation serving as buffers for use will remain. 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.

Findings: The subject water service system replacement and improvement application is intended to and necessary to increase public health, safety, and the quality of visitor recreational use of the park and its unique destinations. The new well and pump facility location was designed to minimize adverse impacts to the site and have no impact on neighboring properties. The above ground elements associated with the project include water spigots, required fire department standpipes, the well house, and water storage tanks. The above ground elements are located in existing cleared, disturbed, and used areas where existing improvements and visitor amenities exist. 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.

Findings: No signs are proposed. This standard is not applicable.

MCC 39.8045(C) REQUIRED LANDSCAPED 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.

Findings: The project does not implicate landscaping standards, or otherwise existing landscape around the Welcome Center and forest conditions satisfy any landscape standard.

Section IV: Conclusion

Applicant has demonstrated compliance with all applicable criteria with findings supported by substantial evidence. Applicant respectfully requests that its application and permit requests be approved.