



M 522

Exhibit C.5

DEPARTMENT OF COMMUNITY SERVICES
LAND USE PLANNING DIVISION
1600 SE 190TH AVENUE
PORTLAND OREGON 97233

RETURN SERVICE REQUESTED

NOTICE OF DECISION



www.multco.us/landuse ▪ Email: land.use.planning@multco.us ▪ Phone: (503) 988-3043

Application for Decision by the Planning Director

Case File: T2-2024-0031

Applicant: Tracy Brown

Proposal: Request for a Decision by the Planning Director and Design Review to establish a business in the existing commercial building. The business is to repair telecommunication electronic components and hardware to be installed at offsite locations.

Location: 6928 SE 282nd Ave. Gresham

Property ID # R342223

Map, Tax lot: 1S4E19BC-00600

Alt. Acct. # R994191280

Base Zone: Orient Commercial Industrial (OCI)

Overlays: None

Decision: Approved with Conditions

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Thursday, December 26, 2024 at 4:00 pm.

Opportunity to Review the Record: The complete case file and all evidence associated with this application is available for review by contacting LUP-comments@multco.us. Paper copies of all documents are available at the rate of \$0.46/page.

Opportunity to Appeal: The appeal form is available at www.multco.us/landuse/application-materials-and-forms. Email the completed appeal form to LUP-submittals@multco.us. An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. This decision is not appealable to the Land Use Board of Appeals until all local appeals are exhausted

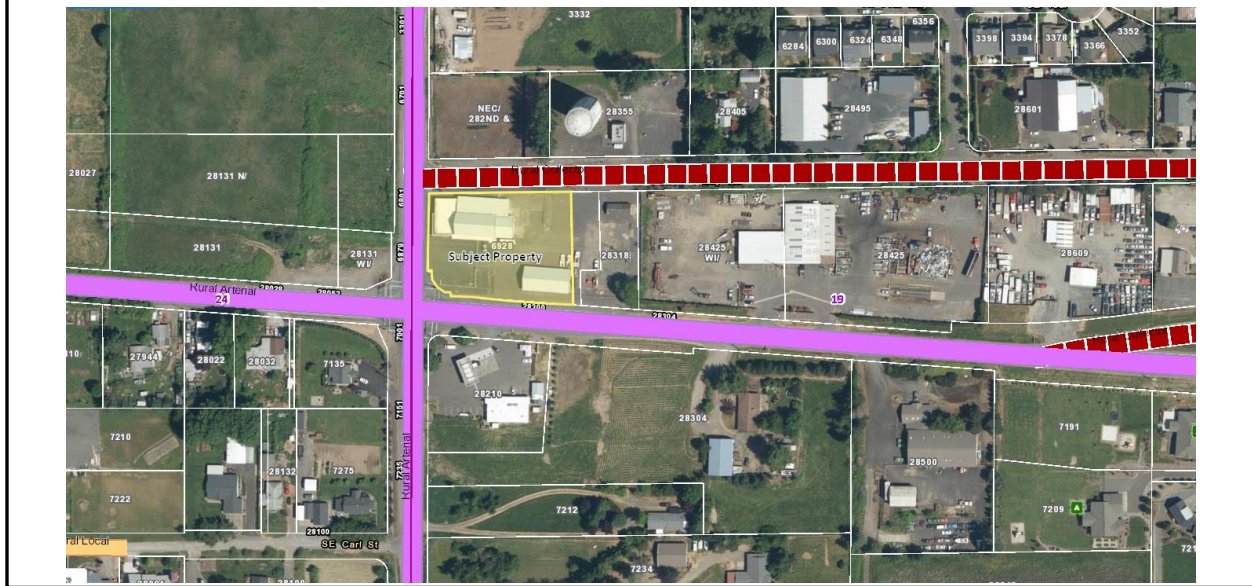
Issued by: _____

Marisol Cervantes, Planner

For: Megan Gibb,
Planning Director

Date: Thursday, December 12, 2024

Vicinity Map



Applicable Approval Criteria:

Multnomah County Code (MCC):

General Provisions: MCC 39.1250 Code Compliance and Applications, MCC 39.2000 Definitions, MCC 39.3005 Lot of Record – Generally, MCC 39.6235 Stormwater Drainage Control;

Orient Commercial Industrial (OCI): MCC 39.4665(B)(1)(j), (k), & (B)(4) - Review Uses, MCC 39.4670 – Review Use Approval Criteria, MCC 39.4680(B), (C), (E), (G) - Dimensional Requirements and Standards, MCC 39.4685 – Lot Sizes for Review Uses, MCC 39.4690 Off-Street Parking and Loading, MCC 39.6500 – 39.6600 – Parking, Loading, Circulation and Access;

Design Review: MCC 39.8000 – 39.8050.

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** or by contacting our office at (503) 988-3043.

Conditions of Approval

The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in parenthesis.

1. **Permit Expiration** – This land use permit shall expire as follows:
 - a. For a use or development that does not include a structure shall expire two (2) years after the date of the final decision, unless the use or development was established according to all specifications and conditions of approval in the land use approval. [MCC 39.1185(A)]

- i. For the purposes of 1.a, expiration of an approval means that a new application is required for uses that are not established during the approval period.
- ii. For purposes of 1.a, the property owner shall provide notification of the establishment of the use or development 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. T2-2024-0031 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.

1. 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)]
2. **Prior to submitting Building Plans for Zoning Review**, the property owner(s) or their representatives shall:
 - a. The property owners shall 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 sent to Marisol Cervantes at Marisol.Cervantes@multco.us. [MCC 39.1170(A) & (B)]
 - b. File a Type I application for Final Design Review to modify the site plan and proposed improvements to meet these conditions of approval.
 - i. The applicant shall amend the site plan to show all parking areas paved in compliance with MCC 39.6570(A)(1) or reduce the number of parking spaces to a minimum of 12-14 spaces depending on their needs. [MCC 39.6590(E)]
 - ii. Revise the site plan to show a single driveway access point leading from Powell Valley Road. The width of the driveway on Powell Valley Road shall be a minimum of 20 ft in width. All other driveways shall be closed and landscaping extended to these areas.
 - iii. Revise the layout of the parking lot by either:
 - (A) Deleting parking spaces 20-22; or
 - (B) Shifting parking spaces 20-22 southward so that they are a minimum of 10 ft from the property line adjacent to Powell Valley Road.
 - iv. Add a 30-ft wide landscape planter strip along all areas of SE Powell Valley Rd. [MCC 39.6570(B)]
 - v. The ADA parking space near SE 282nd Ave. must be located outside of the 30-foot Yard.
 - vi. Landscaping planters shall cover the entire side of SE 282nd, SE Orient Drive and portions of SE Powell Valley Rd. up to the access driveway to the subject property [MCC 39.8045(C)]

- vii. The Loading Space adjacent to SE Powell Valley Road will need to be shifted 30 feet southward so that the required landscape planter may be added. At least one (1) 12-ft wide by 25-ft long paved parking space shall be provided. [MCC 39.6565, 39.6570(A), MCC 6595(C)]
- viii. Revise the site plan to show the location of all walkways within any required landscaped yards or planters and parking area. [MCC 39.6580]
 - ix. If through the redesigning of the parking area to comply with the code standards, more than 500 sq. ft. of new impervious surfaces are created, a Stormwater Drainage Control System shall be designed and installed in compliance with MCC 39.6235.
 - x. A new Stormwater Drainage Control System in compliance with MCC 39.6235 and MCC 39.6570(D) shall be designed and installed to dispose of all the surface water being generated by the parking and maneuvering areas that are paved on the lot. [MCC 39.4680(E), MCC 39.6570(D), MCC 39.6235]
 - xi. All parking spaces, loading spaces and aisle widths shall meet the Dimensional Standards of MCC 39.6565(A), (B) & (C).
 - xii. The plan drawn to scale shall be submitted as part of the Final Design Review showing the proposed ground disturbance, grading, site contouring and filling to occur to implement the physical improvement proposed and required. [MCC 39.8025(B)]
 - xiii. A trash enclosure shall be built on the subject site outside of any required landscape area or yards. [MCC 39.8040(A)(7)]
 - xiv. All areas on the subject property that area not utilized for physical improvements for the parking, loading and maneuvering shall be landscaped. [MCC 39.8045(C)(2)]
 - xv. A minimum of a 5-ft wide landscape strip shall be installed along the interior lot line east of SE 282nd Avenue. [MCC 39.8045(C)(3)(b)]
 - xvi. All landscaped strips separating a parking or loading area from a street shall contain:
 - (A) Street trees spaces as appropriate to the species, not to exceed 50 feet apart, on the average;
 - (B) Low shrubs, not to reach a height greater than 3'0", spaced no more than 5 feet apart, on the average; and
 - (C) Vegetative ground cover.[MCC 39.8045(C)(3)(c)]
- c. The applicant will need to obtain an access permit per Transportation Planning Memo (Exhibit B.3) and revise the existing site plan to show the width of the driveway, driveway shall not be less than 20-feet in width. Additionally, the applicant shall submit the Civil Engineer Stormwater Letter to Transportation Planning for review. [MCC 39.6560(A)]
- d. Apply for a Sign Permit per MCC 39.8040(A)(9) as the applicant indicated they will be using the existing sign post on-site. Apply for a Type I Sign Permit.
- e. Apply for an Erosion Sediment Control or Minimal Impact Project for any proposed ground disturbance. [MCC 39.6220 / 39.6225]

3. **When submitting Building Plans for Zoning Review**, the property owner(s) or their representatives shall:
 - a. Revise site plan to show proposed ground disturbance, grading and any fill coming in for the proposed parking spaces. The revised Site Development Site Plan drawn to scale showing the proposed grading for the parking area and the parking spaces 20-22 and loading spaces outside of the 30-foot setback from SE Powell Rd. and the ADA parking space from the 30-foot setback from SE 282nd Ave [MCC 39.8025(B) / MCC 39.8030]
 - b. Revise site plan to show closure of SE 282nd Ave and SE orient Drive access drives closed.
4. **Prior to and during construction**, the property owner(s) or their representatives shall:
 - a. Contact land use planning to schedule an erosion control inspection for the proposed ground disturbance proposed. [MCC 39.6220 / 39.6225]
5. **Prior to issuance of the Certification of Occupancy**, the property owner(s) or their representatives shall:
 - a. The parking area approved through Final Design Review shall be paved and marked in compliance with the Final Design layout per MCC 39.6570(C).
6. **As an on-going condition**, the property owner(s) shall:
 - a. Fleet vehicles cannot be stored on-site in the available parking spaces. In order to meet the OCI definition of “*small scale low impact industrial uses*” business vehicles will need to be stored inside the building per MCC 39.4665(B)(1)(j), (k), (B)(4) definition.
 - i. *Small-Scale Low Impact Commercial or Industrial Use [Orient Rural Center and Orient Commercial Industrial] – As used in the rural community of Orient, these terms have the following meanings:*
 - (B) *A small-scale low impact industrial use is one which takes place in a building or buildings not exceeding 10,000 square feet of floor space.*
 - b. Only the Primary Building (see Exhibit A.5) may be used for the approved business. No storage or other use has been approved as part of this permit for the building located in the southeast portion of the property. [MCC 39.4655]
 - c. Required parking spaces shall be available for the parking of vehicles of customers, occupants, and employees without charge or other consideration. No parking of trucks, equipment, materials, structures or signs or the conducting of any business activity shall be permitted on any required parking space. 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 and may not be used for parking. MCC 39.6520

Note: Land Use Planning must sign off on the building plans before you can go to the Building Department. When ready to submit Building Plans for Zoning Review, complete the following steps:

1. Read your land use decision, the conditions of approval and modify your plans, if necessary, to meet any condition that states, “Prior to submitting Building Plans for Zoning Review...” Be ready to demonstrate compliance with the conditions.

2. You will need to provide a copy of your Transportation Planning Review (TPR) sign-off with your building plans. If you have not yet received sign-off, visit the following webpage for instructions on how to request a review of your plans: <https://www.multco.us/planreview>. Failure to obtain TPR sign-off of your plans will result in delaying your zoning review.
3. Contact the City of Portland, Bureau of Development Services, On-site Sanitation at 503-823-6892 or e-mail septic@portlandoregon.gov for information on completing the Septic Permit or Evaluation process for the proposed development. All existing and/or proposed septic system components (including septic tank and drainfield) must be accurately shown on the site plan.
4. Visit <https://www.multco.us/landuse/submitting-building-plan> for instructions regarding the submission of your building plans for zoning review and review of conditions of approval. Please ensure that any items required under, “When submitting Building Plans for Zoning Review...” are ready for review. Land Use Planning collects additional fees at the time of zoning review.

Once you have obtained an approved zoning review, application for building permits may be made with the City of Gresham.

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

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

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 (New Horizon) proposes a telecommunications equipment business within the existing two story 9,558 square foot building located in the northwest portion of the property. The business will manufacture and repair electronic components and hardware is installed at offsite locations. Additionally, the applicant proposes to perform light maintenance on fleet vehicles inside the building as well. The proposed use will occupy 9,558 square feet of the building this includes the second story inside the building. The applicant proposed 10 maximum employees and 7 of the 10 employees will be working off-site majority of the time. Three employees will be on-site for administrative work. The applicant does not propose any exterior or interior remodel of the building only proposed development will be for the parking area for parking spaces, landscaping and loading spaces.

2.0 Property Description & History:

Staff: The subject property is zoned Orient Commercial Industrial (OCI), 1.03 acres with two existing older buildings. The subject property is outside of the urban growth boundary but is located within the urban reserve area for the City of Gresham. The property currently does not have an existing use on-site and years ago was used as a Tractor Store.

3.0 Public Comment:

Staff: Staff mailed a notice of application and invitation to comment on the proposed application to the required parties pursuant to MCC 39.1105 (Exhibit C.4). Staff did not receive public comments during the 14-day comment period.

4.0 Code Compliance and Applications Criteria:

4.1 MCC 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:

(B) For the purposes of this section, Public Safety means the actions authorized by the permit would cause abatement of conditions found to exist on the property that endanger the life, health, personal property, or safety of the residents or public. Examples of that situation include but are not limited to issuance of permits to replace faulty electrical wiring; repair

or install furnace equipment; roof repairs; replace or repair compromised utility infrastructure for water, sewer, fuel, or power; and actions necessary to stop earth slope failures.

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.

Importantly, 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. *This criterion is met.*

5.0 Lot of Record Criteria:

5.1 MCC 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:

(a) By a subdivision plat under the applicable subdivision requirements in effect at the time; or

(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

(c) By a deed, or a sales contract dated and signed by the parties to the transaction, that was in recordable form prior to October 19, 1978; or

MCC 39.3120 LOT OF RECORD ORIENT COMMERCIAL-INDUSTRIAL (OCI).

(A) In addition to the standards in MCC 39.3005, for the purposes of the PH-RC, OR, and OCI districts the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:

- (1) July 10, 1958, SR and R zones applied;**
- (2) July 10, 1958, F-2 zone applied;**
- (3) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;**
- (4) October 6, 1977, RC zone applied, Ord. 148 & 149;**
- (5) October 13, 1983, zone change to RC for some properties, Ord. 395;**
- (6) May 16, 2002, Lot of Record section amended, Ord. 982**

(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 39.4545, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

(C) Except as otherwise provided by MCC 39.4530, 39.4535, 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 the minimum lot or yard requirements or result in a lot of less than the area or width requirements of this district.

(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: The subject property was previously verified as a Lot of Record under case file T2-2016-4951. The applicant submitted the most current deed on the subject property, Exhibit A.2 which matches the deed description when it was verified in 2016. Therefore, the subject property remains a Lot of Record. *Criteria met.*

6.0 Orient Commercial Industrial (OCI) Criteria:

6.1 MCC 39.4665 REVIEW USES

(B) The small-scale low impact industrial uses listed below.

(1) Manufacturing and processing of:

(j) Communications equipment;

(k) Electronic components and accessories;

(B) The small-scale low impact industrial uses listed below.

(4) Automotive repair.

Staff: The applicant (New Horizon) proposes a telecommunications equipment business within the existing two story 9,558 square foot building. The business will manufacture and repair electronic components and hardware installed at offsite locations. Additionally, the applicant proposes to perform light fleet vehicle maintenance and repair within the building for fleet vehicles used on off-site locations. The proposal includes 10 employees total, 7 of the 10 employees will be working off-site and 3 employees will be working inside the building for administrative roles and operational

tasks. **MCC 39.2000 Definitions** defines “**Small-Scale Low Impact ...Industrial Use**” in the OCI zone as “**A small-scale low impact industrial use is one which takes place in a building or buildings not exceeding 10,000 square feet of floor space.** The above business meets the Orient Commercial Industrial zone review uses as the communications equipment and minor service of fleet vehicles (Exhibit A.5, A.14). *Criteria met.*

6.2 MCC 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

Staff: The subject property is zoned Orient Commercial Industrial (OCI) and the proposed business is a review use within the OCI zone. The surrounding properties are also zoned OCI and some Orient Rural Center Residential (OR). The proposed use will not affect or cause change to farm or forest practices on surrounding lands as the closest Farm land is east / towards the end of SE Powell Valley Rd. *Standard 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

Staff: The proposed business appears to not pose any public health hazards or adverse environmental impact as per water service form and septic certification form signed (Exhibit A.9, A.10, A.12). The proposed business manufacturing and repair of electronic components will occur inside the building and installation of the hardware is on off-site locations. *Criteria 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

Staff: The applicant submitted a signed Septic Certification Form (Exhibit A.9) as indicated in the form the existing on-site septic system has an adequate capacity to serve the site with the proposed business and 10 max employees on-site. The existing building includes two rest rooms and the primary use of water on-site will be to flush toilet and washing hands. Additionally, as stated by the applicant (Exhibit A.12) the site has previously been used as a commercial business and the proposed manufacturing of electronic components will occur inside the building. *Criteria 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.

Staff: The proposed manufacturing, repair of electronics and minor fleet vehicle business will occur inside the 9,558 square foot building and the surrounding areas are zoned Orient Industrial as well. The existing building is not located near buildings and SE Powell Valley Road, SE Orient Dr and SE 282nd Ave separate this specific property from neighboring buildings. Additionally, the proposed business will not affect the junk yard business on SE Orient Drive as the specific business will occur inside a building. *Criteria met.*

(E) The proposed use will primarily support the needs of residents of the rural area or tourists visiting the area.

Staff: The proposed business use primarily provide telecommunication repairs services to rural residents (Exhibit A.12). The applicant submitted a business plan (Exhibit A.14, A.7) of the proposed

manufacturing business that highlights the work they have been and continue to provide to rural residents. The chart shows in 2022 the rural residents they served was a total of 1,324, in 2023 a total of 1,031 rural residents, and in January 2024 when this application was submitted a total of 151 rural residents in Multnomah County. As the year has progressed and the delay of issuing this decision it appears more residents will/were probably served. *Criteria met.*

6.3 MCC 39.4680 Dimensional Requirements and Development Standards

(B) Minimum Yard Dimensions – Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height - 35 feet

Staff: The subject property is 1.03 acres according to Assessment and Taxation records (Exhibit B.1). The existing 9,558 square foot building closest to SE Powell Valley Rd and 282nd Avenue is an older building that was built prior to the 1960s and does not meet current setbacks (Yards). The applicant does not propose any additions to the building as they will be using the building as is. The only proposal is to install landscaping as required per design review criteria and off-street parking per the off-street parking code. (Exhibit A.4, A.5). The building location is nonconforming to current Yard requirements. *Criteria not applicable.*

(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.

Staff: Transportation Planning has indicated that no additional right-of-way is needed for the three adjacent public right-of-ways. The minimum yard requirement listed above do not need to be increased at this time. *Criteria not applicable.*

(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.

Staff: According to the submitted Septic Certification form signed by the County Sanitarian (Exhibit A.9), the property has an existing septic system and the proposed telecommunication manufacturing business does not pose a concern to the existing septic system. As indicated by the sanitarian the 10 max employees on-site, and the shower to be discontinued by the applicant and only using the existing washer one time per day to wash the employee’s vests does not pose a concern.

The applicant submitted a stormwater letter from Firwood Design Group signed by Kelli A. Grover, P.E. civil engineer (Exhibit A.11) stating the exiting storm water system will remain and there is no new impervious surface proposed the existing stormwater system is sufficient (Exhibit A.5). The existing stormwater system does not comply with the current stormwater requirements as it does not ensure restrict the rate of run off for a 10-yr, 24-hour storm event. Additional pavement will need to be installed in the parking area to gain access to the single access point on SE Powell Valley Road. Transportation Planning requires two other access points onto the public right-of-way to be closed. A condition of approval has been included that if 500 sq. ft. of new pavement shown as part of the project in Final Design Review, a stormwater system complying with MCC 39.6235 shall be designed. *As conditioned, criteria met.*

(G) All exterior lighting shall comply with MCC 39.6850

Staff: The applicant submitted a revised lighting plan to meet the above criteria MCC 39.6850. The building is using the existing exterior lighting on-site see site plan and details in Exhibit A.15. Fixtures A, C, F, G, and H are the same fixtures used around the two existing buildings, the fixtures are facing downward and shielded. Fixture D is two security cameras that are located under the canopy and are only motion light. The proposed exterior fixtures meet the dark sky lighting standards. *Criteria met.*

6.4 MCC 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.**

Staff: The subject property is 1.03 acres total the applicant will be using the existing building on-site and does not propose an expansion to the building nor will the use expand the subject property. The current lot size of the subject property is sufficient enough for the proposed use. *Criteria met.*

6.5 MCC 39.4690 OFF-STREET PARKING AND LOADING

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

Staff: See findings below under section 6.6.

6.6 MCC 39.6500 PURPOSE – PARKING, LOADING, CIRCULATON & ACCESS

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.

MCC 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.

MCC 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.

MCC 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.

Staff: The proposed telecommunication electronics repair business is to be in the vacant 9,558 square foot building as discussed above in the OCI zone. The applicant proposes to close SE 282d access and only have one access from SE Powell Valley Rd. The applicant understands that property will remain available for the designated use of parking and loading facility. The applicant has provided a site plan showing improvement to the parking, loading spaces, access and circulation (Exhibit A.5, Page 3). The proposed site plan must be revised as part of the Final Design Review process to comply with the conditions. *As conditioned, criteria met.*

MCC 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: A condition of approval has been included to ensure that the parking and loading spaces remain available to serve customers and employees. *As conditioned, criteria met.*

MCC 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.

Staff: The applicant is proposing parking and loading for the site as shown on Exhibit A.5, page 3. The applicant is not requesting an exception for the parking space requirement. *Criteria met.*

MCC 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.

Staff: A condition of approval will require that the parking area be installed prior to occupancy and in compliance with the Final Design Review plan. *Through a condition, these criteria can be met.*

MCC 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.

Staff: At a present there is no existing use on-site and the applicant proposes a new business that repairs and manufacturers telecommunication equipment. The business is to be conducted inside the 9,558 square

foot building located on the northwestern portion of the site. The parking area will need to be brought into compliance with the parking codes. The applicant has submitted a plan for parking and spaces as addressed in this section. *Criteria met.*

MCC 39.6540 JOINT PARKING OR LOADING FACILITIES.

(A) In the event different uses occupy the same lot or structure, the total off-street parking and loading requirements shall be the sum of the requirements for each individual use.

(B) Owners of two or more adjoining uses, structures, or parcels of land may utilize jointly the same parking or loading area, when approved by the Planning Director, upon a finding by the Director that the hours of operation do not overlap and provided satisfactory legal evidence is presented to the Director in the form of a deed, lease, contract or similar document, securing full access to such parking or loading areas for all the parties jointly using them.

Staff: The applicant only proposes to have the New Horizon Utility Construction telecommunications business on-site and only utilize the northwestern building. There are no other businesses proposed. If a business or use is added to the southeastern building, the parking on-site will need to be modified to accommodate the shared use of the on-site parking. At present, no additional uses are proposed. *Criteria not applicable at this time.*

MCC 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.

Staff: The site is nonconforming to present day parking standards and has been vacant for over two years. The applicant is proposing a new use on-site in the existing building. The parking area must be brought into compliance with the parking code. Through the conditions of approval, the on-site parking will comply with the design and improvement standards of the Parking, Loading, Circulation and Access requirements. *Through conditions, criteria will be met.*

MCC 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.

Staff: The above is for informational purposes on calculating off street parking and loading spaces. *Criteria for informational purposes.*

MCC 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: No dwelling has been proposed. The application is for a manufacturing and repair of telecommunications electronics and maintenance of work vehicles. No proposed parking spaces will back into the right-of-way. The proposed submitted plan (Exhibit A.5, Page 3) has not demonstrated compliance with the design standards below, but planning staff has conditioned modifications to ensure compliance. *Through conditions, criteria met.*

MCC 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) 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.**

(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.

Staff: The subject property has three existing access points onto County roadways. Two of the three access points (SE 282nd Avenue and SE Orient Dr.) will be required to be closed per Transportation Planning and the applicant has agreed to close those two access points. The required access to the property will come from SE Powell Valley Rd. is shown on the site plan (Exhibit A.5, page 3) as 25 ft wide at the property line and will need an access permit as per Transportation Memo (Exhibit B.2). As part of Final Design Review, the applicant will confirm the driveway to be not be less than 20 feet in

width. Subsection (A) through a condition will be met. The applicant has not requested a deviation to subsection (B) and all parking spaces and loading spaces will be located on-site and no off-site parking spaces have been counted in fulfilling the parking and loading requirements. *As conditioned, criteria met.*

MCC 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.**

(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 is proposing one ADA parking space at the back of the building near SE 282nd Avenue. The ADA parking space will be a minimum of 9 ft in width and 18 feet long with an 8-foot access on the passenger side. The remaining parking spaces will be a minimum of 9 feet wide by 18 feet long and some are 10 feet wide with 18 feet long. All parking spaces are 90 degrees to the drive aisle. The width of the aisle width between the parking spaces is approximately 32 feet. The site plan has one loading dock labeled. Its width and length is not labeled, but it appears that it would meet the requirements under (C) (Exhibit A.4. & A.5. As part of Final Design Review, the applicant will need to clarify on the site plan the location of any proposed loading areas and their width and depth. *As conditioned, criteria met.*

MCC 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.

Staff: The proposed repair and manufacturing of telecommunications electronics does not qualify for an intermittent use as described in subsection (3). The applicant has requested a deviation from the surfacing

requirements of MCC 39.6570(A)(1) by using the existing asphalt surfaces for 14 parking spaces and 8 parking spaces will be located on an existing compacted gravel surface. The applicant has not provided a Fire Letter from the local Fire Department verifying the deviation complies with such Fire Apparatus Access standards. Additionally, the applicant has not provided evidence the County Engineer has verified the proposed deviation complies with the County Road Rules. The transportation review form only addresses that the access from SE Powell Valley Road will need a driveway permit. The applicant has not met the requirements to be granted a deviation. In addition, it is possible for the applicant to reduce the number of parking spaces per the County code to just the 12 paved spaces. The Deviation request is denied. All areas proposed for parking shall be paved. *As conditioned, this criterion 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.

Staff: The subject property is located in the OCI zone. The site plan shows an existing chain fence to be used for parking spaces 20-22 as those are facing SE Powell Valley Rd. All areas used for parking, loading and maneuvering of vehicles are required to be separated from a public road by landscape planters. The spaces, #20-22 and the loading area shall be shifted to have a ten (10) ft landscape between the spaces and the property line. All parking spaces will have bumpers installed and parking spaces 1 and 8-14 will be separated by landscaping along the perimeter of SE Orient Drive and SE 282nd Ave. according to the site plan (Exhibit A.5, page 3). The proposed perimeter fencing does not meet the standard for curbing or bumper rails. The boundary for all parking and loading areas shall be provided with curbing to protect the landscape areas. *As conditioned, 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: A condition of approval will be included that the paved parking area be marked in compliance with Exhibit A.5, Page 3). *Through a condition this criterion can be 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.

(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.

Staff: No covered walkways are proposed to be constructed. The applicant plans to use the existing covered walkway that exist on the southern portion of the building.

The applicant has provided an Engineer letter from Firwood Design signed by Kelli A. Grover, P.E. that the existing stormwater drainage system is sufficient to serve the proposal. The engineer stated since there will not be additional 500 square feet of impervious surface the existing system is adequate for the proposed telecommunication electronic repair business. Additionally, asphalt and gravel surfacing will be removed and converted to landscape planters (Exhibit A.11). The piping of water off site to the public right-of-way does not **“provide for the disposal of all surface water on the lot.”** This is a different standard from the requirements in MCC 39.6235. A condition of approval has been included to require a stormwater system that disposes of all surface water created by the parking area on the lot. *As conditioned, these criteria will be met.*

MCC 39.6575 SIGNS.

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

Staff: The applicant has not provided enough information to review the signage as part of this application. A condition of approval has been included requiring a Sign Permit.

MCC 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.

(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.

(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: (A) SE Orient Drive, SE 282nd Avenue, and SE Powell Valley Road all have a required 30-ft Front or Street Side Yard pursuant to MCC 39.4680(B). The ADA parking space, loading dock and parking spaces 20-22 do not meet the 30-foot setback requirement from SE Powell Valley Rd. and SE 282nd Ave. It is feasible for the parking and loading space to be moved outside of the 30-foot yard and landscaping added. MCC 39.6580(A)(1) has not been met.

(B) is not applicable as the property is zoned OCI, but it is 1.03 acres in size. All proposed parking spaces and loading spaces must be a minimum of 30-ft from all three public rights-of-way (SE Orient Dr, SE 282nd Avenue, and SE Powell Blvd).

(C) As proposed in Exhibit A.5, page 3 one loading space, ADA parking and parking spaces 20-22 are within the 30-foot Yards of SE Powell Valley Rd. and SE 282nd Ave. It appears that at least a couple of walkways are within the Yard areas, but not specifically delineated on the site plan. Two of the proposed

driveways are required to be closed by Transportation Planning and placed in landscaping. The proposed layout for the parking and loading area needs to be revised to meet MCC 39.6580(A) & (C). *Through a condition, the criteria will be met.*

MCC 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 landscape standards are addressed in MCC 39.8045(C)(3) to (7) below in the Design Criteria section 7.1.

MCC 39.6590 MINIMUM REQUIRED 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.**

MCC 39.6595 Minimum Required 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
Under 5,000	0
5,000 - 39,999	1

Staff: The business is expected to employ 10 people and the total square footage of the building is 9,558 square feet including the second floor. Parking the building under the Manufacturing requirement above would require 12 parking spaces. If parking by the employees on the largest shift (10 employees) would require 5 spaces. Twelve (12) parking spaces are required. The applicant is proposing 14 paved and 8 graveled parking spaces for a total of 22 parking spaces. One of the 22 is for ADA parking. One loading space (labeled as a loading dock) is proposed. *Criterion met.*

7.0 Design Review Land Use Permit Criteria:

7.1 MCC 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.

MCC 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.

MCC 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: The above is for informational purposes to the design review criteria; the applicant request Design Review criteria to utilize an existing building for repair of telecommunications electronics. The Design Review criteria is addressed below.

MCC 39.8015 EXCEPTIONS

Staff: Applicant is not requesting an exception from the design review criteria.

MCC 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.

(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.

Staff: Per MCC 39.4665 Review Uses in the OCI zone requires any new commercial or industrial use must comply with the Design Review approval criteria. The proposed repair and manufacturing of telecommunication electronics will have at least 12 parking spaces and one loading space. The proposed business must comply with the approval criteria listed in MCC 39.8025 – 39.8045.

MCC 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.**

Staff: The applicant submitted a site plan, floor plans and elevation drawings of the existing building showing drainage, septic areas, parking spaces, proposed landscaping, loading areas, parking and circulation areas (Exhibit A.5 & A.6). Additionally, applicant submitted photos of the existing site and exterior lighting locations and samples (Exhibit A.7 & A.15). The applicant did not show proposed ground disturbance and grading and filling for the proposed parking spaces. The applicant will need to submit a revised site plan drawn to scale showing the proposed ground disturbance and fill coming in. *As conditioned, criterion met.*

MCC 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: As the proposed plans do not comply with all required Parking, Loading, Circulation and Access requirements of MCC 39.6500 through MCC 39.6585, a Final Design Review application will need to be

submitted. The applicant will need to revise the site plan and landscaping plans. *As conditioned, criteria met.*

MCC 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 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: The subject property currently has two existing buildings on-site and the applicant proposes to only use the larger building located on the Northwest portion of the property near SE 282nd Ave. and SE Powell Valley Rd. The applicant does not propose to modify the exterior building only the exterior lighting to meet Dark Sky Lighting standards. The building currently has a white siding with a corrugated metal roofing painted as shown in Exhibit A.6 & A.7. Both buildings are made of the same materials and windows appear to remain as is. The applicant proposes to close the access points from SE 282nd Ave and SE Orient Drive., and install a new fence on the SE 282nd Ave. side. Installation of shrubs and landscape around the perimeter of the property is proposed as shown in the site plan (Exhibit A.5) to screen the development. *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.

(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.

(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: (2) As required by Transportation Planning, the applicant will need to close a driveway on SE 282nd Ave. and one on SE Powell Valley Rd. The only access point to the site will be from SE Powell Valley Rd. The applicant proposes to extend the existing white fence located along SE Orient Drive and SE 282nd and the existing fence on site along SE Powell Valley Rd will remain and between the two buildings (Exhibit A.4, A.5, A.7).

(3) The applicant proposes one ADA parking space on-site.

(4) The applicant proposes landscaping around the perimeter of the property with shrubs. Fifteen (15) percent of the site will be landscaped to meet design review criteria as the current site has no trees or landscape existing. *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.

(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: (5) As directed by Transportation Planning, the applicant is closing two access points onto County roads (SE 282nd Ave & SE Powell Valley Rd.). A single access point will be used to access the manufacturing and repair of telecommunication electronics. The access point will be from SE Powell Valley Rd., where vehicles will enter and exit (Exhibit A.5 & B.3, B.4). The applicant proposes 22 parking spaces and 1 of the 22 will be for ADA parking, the perimeter of the property will be landscaped and between parking spaces 5, 6, 12, and 13 there is a walk way to enter the building (Exhibit A.5).

(6) The applicant submitted a signed letter from Firwood Design Group Engineer by Kelli A. Grover, P.E. stating that the proposed work/business does not require a stormwater certificate as the proposed work does not replace or add 500 sq. ft. of impervious area. The applicant proposes to use the existing drainage on-site of a storm inlet, splash blocks and drain for the parking spots and existing buildings. The existing drainage system captures the water from the parking area and driveways and pipes it off-site into the public rights-of-way. MCC 39.6570(D) requires “**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.**” The proposed system does not meet this requirement. In addition, no evidence has been provided by the applicant that County Transportation has authorized the outflowing of water to the public right-of-way. A condition of approval has been included requiring compliance with MCC 39.6570(D) and MCC 39.8040(A)(6). *As conditioned, criteria 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.

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

(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 submitted site plan/floor plan (Exhibit A.5) showing landscaping on the perimeter of the property to provide screening to the existing buildings and parking spaces. The utilities will not be moved from the property and will remain on-site as the proposal is to use the existing property as is. No trash enclosure has been proposed to screen the refuse containers. A condition of approval has been

included to add one to the site. Per the applicant submittal there is an existing sign post from the previous businesses the applicant proposes to use the sign and apply for a sign permit after design review. As no sign or graphics were submitted so that Land Use Planning can review it for compliance with the County's sign code (MCC 39.6700 – 39.6820, the approval of the pole for signage is not approved or a nonconforming use. *As conditioned, criterion met.*

MCC 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.**

Staff: The subject property is zoned 1.03 acres and the applicant does not propose any new development other than the parking and loading spaces. The proposed plan is showing that the property will be landscaped at 15% of the property along the perimeter of the property on SE Orient Dr, SE 282nd Ave and SE Powell Valley Rd. The applicant will need to add landscape between parking spaces 20-22 and SE Powell Valley Rd. and move the parking spaces 30-feet back from the road. The 15% minimum does not exempt the development from compliance with (2). All areas not utilized for physical improvements to comply with the development standards are required to be landscape. A condition of approval has been included to ensure compliance with (2). The final design plan must show the above. *As conditioned, criterion 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.**
 - (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.

Staff: The applicant is proposing 22 parking spaces, 1 of the 22 spaces will be ADA and two loading spaces. A total of 525 sq. ft. of landscaping needs to be disturbed in landscape planters throughout the parking area per the 25 sq. ft. per parking space requirement above. The applicant proposes landscaping along the perimeter of SE Orient Dr. and SE 282nd Ave. and a portion on SE Powell Valley Rd. The applicant will need to show landscaping along parking spaces 20-22 facing the property line on SE Powell Valley Rd. The applicant must show 10 feet in width of a landscape strip and the parking spaces 30-feet from the property line. The ADA parking spot facing SE 282nd Ave. will also need to be outside of the 30-foot setback. A 5-ft wide landscape strip shall be installed along the interior lot line east of SE 282nd Avenue. The applicant proposes vegetative ground cover as well as shown in Exhibit A.5. *As conditioned, criterion met.*

(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: As stated by the applicant in the applicant narrative (Exhibit A.4) the landscaping will be watered using a combination of an automatic drip system and hand watering. The landscape will be maintained on a continuous basis. *Criterion met.*

8.0 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Decision by Planning Director to establish a repair telecommunication electronic components and hardware business in the Orient Commercial Industrial (OCI) zone. This approval is subject to the conditions of approval established in this report.

9.0 Exhibits

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

‘C’ Procedural Exhibits

Exhibits with an ‘*’ have been reduced in size and included with the mailed decision. 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
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A.1	1	Application Form	12.15.2023
A.2	5	Statutory Warranty Deed recorded on May 31, 2022 recording #2022-054678	12.15.2023
A.3	16	Existing exterior Lighting with fixture models	12.15.2023
A.4	23	Applicant Narrative	12.15.2023
A.5	3	Site plans of existing and proposed modifications	12.15.2023
A.6	4	Subject property Floor Plans	12.15.2023
A.7	9	Subject Property Site Photos	12.15.2023
A.8	11	Fire Service Form and Comments	12.15.2023
A.9	8	Septic Certification Form and Comments	12.15.2023
A.10	2	Certification of Water Service Form	12.15.2023
A.11	1	Firwood Design Group Engineer letter for stormwater	12.15.2023
A.12	2	Supplemental Narrative	02.22.2024
A.13	1	Incomplete Letter Applicant Response to questions	02.22.2024
A.14	7	Applicant Business Plan	02.22.2024
A.15	17	Revised Lighting Plan with details	02.22.2024
'B'	#	Staff Exhibits	Date
B.1	2	Assessment and Taxation Property Information for 1S4E19BC-00600 (Alt Acct# R994191280 / Property ID# R342223)	12.15.2023
B.2	1	Current Tax Map for 1S4E19BC-00600	12.15.2023
B.3	3	TPR-2023-0002 Memo	12.20.2023
B.4	3	TPR-2023-0002 Transportation Reviewed Site Plan	12.20.2023
'C'	#	Administration & Procedures	Date
C.1	3	Incomplete letter	01.18.2024
C.2	1	Applicant's acceptance of 180-day clock	02.18.2024
C.3	1	Complete letter (day 1)	03.22.2024
C.4	10	Opportunity to Comment	05.09.2024
C.5	28	Decision	12.12.2024