

EXHIBIT H

Date: February 17, 2025

From: Tracy Brown, Tracy Brown Planning Consultants, LLC

RE: File T2-2024-0031, Review of Staff Recommended Conditions of Approval

The purpose of this document is to review staff recommended Conditions contained December 12, 2024 Decision document and to identify changes requested by the applicant to these conditions. The conditions as they appear in the Decision are written in regular type with requested added text identified in **bold underline** and deleted text in ~~strike-through~~. A discussion of the reasons for the changes is written in *italics below each Condition*.

- b. File a Type I application for Final Design 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. [MCC39.6590(E)]~~

*Discussion: The Decision document bottom of page 18, states, "The applicant has requested a deviation from the surfacing requirements..." and goes on to state the applicant did not provide the required Fire Letter or approval from the County Engineer. Given this response, the applicant is unclear why these items were not part of the completeness review completed prior to deeming the application complete. Regardless, a letter from the County Engineer and Fire Department comments approving a deviation to this standard have been secured. A supplemental narrative, included as Exhibit F, provides justification for a deviation to this standard. **The applicant requests this condition be removed.***

- 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.~~

*Discussion: The submitted revised Site Plan features a single driveway on Powell Valley Road in compliance with the required minimum width and all other driveways are proposed to be closed. **The applicant requests this condition be removed.***

- iii. ~~Revised 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.~~

Discussion: The revised Site Plan shows that parking spaces 20-22 have been shifted 30 feet to the south satisfying the requirements of this condition. The applicant requests this condition be removed.

- iv. ~~Add a 30-ft wide landscape planter strips along all areas of SE Powell Valley Rd. [MCC 39.6570(B)]~~

Discussion: As detailed in the Attorney's letter, the nonconforming condition of the area abutting SE Powell Valley Road is allowed to remain as it predates the implementation of MCC 39.6580(B). This condition should be removed. If MCC 39.6580(B) does apply, as discussed in the staff decision at page 19, the parking adjacent to the road requires a 10-foot planting area. As reviewed in the Decision on page 19, parking adjacent to a road requires a 10 foot landscape strip, not a 30 foot strip as Conditioned. The above condition contains very broad language and is not feasible given the location of the existing building and other existing improvements. The applicant requests this condition be removed.

- v. ~~The ADA parking space near 282nd Ave. must be located outside of the 30-foot Yard.~~

Discussion: The Site Plan has been revised to establish compliance with this condition. The applicant requests this condition be removed.

- vi. ~~Landscape planters shall cover the entire side of 282nd, SE Orient Drive, and portions SE Powell Valley Road up to the access driveway to the subject property [MCC 39.8045(C)]~~

Discussion: The existing pavement within the setback areas predates the adoption of MCC 39.8045(C), it is a nonconforming condition and therefore this criterion does not apply and this condition should be deleted. If this criterion does apply, the applicant is prepared to provide a revised Site Plan containing 15% of the site to be landscaped. With regard to MCC 39.8045(C) statement that "all areas...not otherwise improved shall be landscaped," the areas within the setbacks are improved with pavement. The applicant requests this condition be removed.

- 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)]~~

Discussion: The revised Site Plan shows that all of the parking, including the loading space, have been shifted 30-feet southward from SE Powell Valley Road and the applicant has requested a deviation from the surfacing standards. The applicant requests this condition be removed.

viii. ~~Revise the site plan to show the location of all walkways within any required landscape yards or planters and parking areas.~~

Discussion: No walkways through the site are proposed or required and this condition is unnecessary. The applicant requests this condition be removed.

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.~~

Discussion: As shown on the revised Site Plan, no new impervious surface areas are proposed and this condition is not needed and should be removed. The Attorney's letter contains additional review of this condition. The applicant requests this condition be removed.

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 generate by the parking and maneuvering areas that are paved on the lot. [MCC 39.4680(E), MCC 39.6570(D), MCC 39.6235]~~

Discussion: All of the existing areas proposed for parking are pre-existing. The applicant is not proposing to "create or replace any existing impervious surfaces" and therefore, MCC 39.6235 and 39.6570(D) do not apply. The applicant requests this condition be removed.

xi. ~~All parking spaces, loading spaces and aisle widths shall meet the Dimensional Standards of MCC 39.6565(A), (B) & (C).~~

Discussion: All parking spaces depicted in the revised Site Plan comply with the County's dimensional standards in MCC 39.6565. The applicant requests this condition be removed.

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 in substantial compliance with the revised site plan to implement the physical improvement proposed and required. [MCC 39.8025(B)]~~

Discussion: As noted above and shown on the submitted revised Site Plan, the only site improvements include stripping paving and construction of a garbage enclosure. The applicant is amenable to a condition requiring the submittal of a site plan that substantially conforms with the submitted revised Site Plan. The applicant requests this condition be modified.

xiii. ~~A trash enclosure shall be built on the subject site outside of any required landscape area or yards. [MCC 39.8040(A)(7)]~~

Discussion: The submitted revised Site Plan shows the location of a proposed trash enclosure near the northeast corner of the building. The applicant requests this condition be removed.

- xiv. ~~All areas on the subject property that are not utilized for physical improvements for the parking, loading and maneuvering shall be landscaped. [MCC 39.8045(C)(2)]~~

Discussion: As reviewed in the attorney's letter, the paved areas within the building setback predate the adoption of MCC 39.8045(C)(2) and therefore, this regulation does not apply. The applicant requests this condition be removed.

- xv. ~~A minimum of a 5-ft wide landscape strip shall be installed along the interior lot east of SE 282nd Avenue. [MCC 39.8045(C)(3)(b)]~~

Discussion: Staff appears to have interpreted this standard to require a five foot landscape planter along the entire eastern property line. The referenced Code section requires parking or loading areas to be separate from the street by a landscape strip 10 feet in width, and any other lot line by a landscape strip at least 5 feet in width. As detailed in the Attorney's letter, the applicant does not believe any additional landscaping is warranted. In addition, because the applicant owns two additional properties east of the subject property accessed through the subject property, requiring a landscape planter along the entire eastern property line is unreasonable. It should also be considered that the two additional lots east of the subject property share a common line with an established scrap metal yard. The applicant requests this condition be removed.

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 lot impact industrial uses" business vehicles will need to be store 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, there 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.~~

Discussion: As explained in the Attorney's letter, the outdoor parking of vehicles is necessary to serve this proposed use and is consistent with the OCI zoning obligations. The applicant requests this condition be removed.