

# Staff Report

Community Service Conditional Use Permit, Significant Environmental Concern Permit, Design Review, and Variance

**Case File:** T3-2021-14962

Scheduled before one of the County Hearings Officer's on **Friday, March 11, 2022** via virtual hearing.

**Location:** **Address:** 31520 E Woodard Road, Troutdale **Map, Tax Lot:** 1S4E05AB -00200  
**Alternate Account #:** R994050530 **Property ID #:** R341422

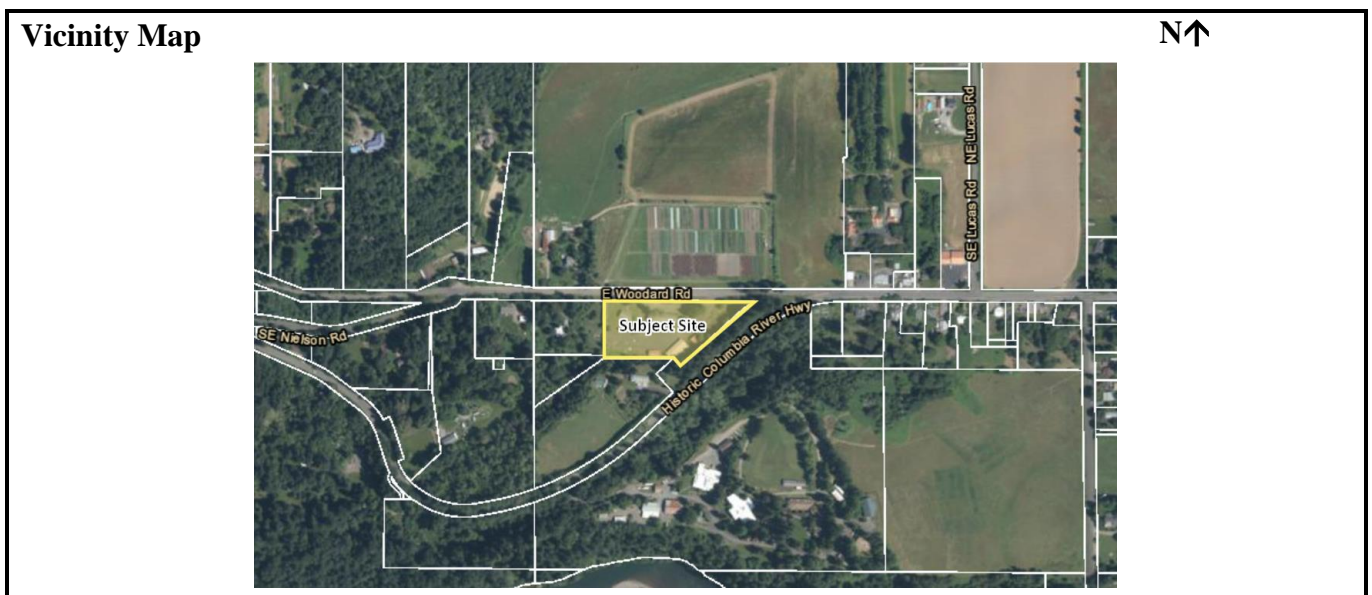
**Applicant:** Matt Alexander, Lower Columbia Engineering **Property Owner:** Corbett School District

**Summary:** The Corbett School District requests a Community Service Conditional Use permit, Significant Environmental Concern permit, Design Review, and Variance to the minimum yard requirements to establish a Middle School and District Office on the subject property. Proposed improvements include a building addition, parking / circulation improvements, existing septic system updates, and a new stormwater system.

**Base Zone:** Rural Residential (RR)

**Overlay:** Significant Environmental Concern (SEC); Significant Environmental Concern for Streams (SEC-s)

**Site Size:** 3.50 acres



**Applicable Approval Criteria** [Multnomah County Code (MCC)]:

General Provisions

MCC 39.1515 Code Compliance and Applications  
MCC 39.3005 Lot of Record – Generally  
MCC 39.3030 Lot of Record – Rural Residential (RR)  
MCC 39.6235 Stormwater Drainage Control  
MCC 39.6850 Dark Sky Lighting Standards

Rural Residential Zone

MCC 39.4370 Conditional Uses – (A) Community Service Uses;  
MCC 39.4375 Dimensional Requirements and Standards – (C), (D), (F), (H)  
MCC 39.4385 Lot Sizes for Conditional Uses  
MCC 39.4390 Off-Street Parking and Loading

Community Service Conditional Use

MCC 39.7505 General Provisions  
MCC 39.7510 Conditions and Restrictions  
MCC 39.7515 Approval Criteria – (A) – (H)  
MCC 39.7520 Uses – (A)(11) and (A)(19)  
MCC 39.7525 Restrictions.

Design Review

MCC 39.8010 Design Review Plan Approval Required  
MCC 39.8020 Application of Regulations  
MCC 39.8025 Design Review Plan Contents  
MCC 39.8030 Final Design Review Plan  
MCC 39.8040 Design Review Criteria  
MCC 39.8045 Required Minimum Standards  
MCC 39.8050 Minor Exceptions: Yard, Parking, Sign, and Landscape Requirements  
MCC 39.6500 – 39.6600 Parking, Loading, Circulation and Access

Signs: MCC 39.6705 - MCC 39.6820 Signs

Significant Environmental Concern: MCC 39.5510 Uses; SEC Permit Required, MCC 39.5520 Application for SEC Permit, MCC 39.5540 Criteria for Approval of SEC Permit

Variance: MCC 39.8200 Adjustment and Variances; Generally, MCC 39.8205 Scope, MCC 39.8215 Variance Approval Criteria

Comprehensive Plan Policies: Policy 2.7, 6.4, and 11.17

## **Recommended Hearing Officer Decision:**

If the Hearings Officer is able to approve the required Variance, Staff recommends that the Hearings Officer **approve, subject to conditions of approval**, the requested Community Service Conditional Use permit, Design Review, and Significant Environmental Concern permit.

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

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.
2. Permit Expiration – This land use permit shall **expire** as follows:
  - a. Within **two (2) years** of the date of the final decision when construction has not commenced. [MCC 39.1185(B)]
    - i. For the purposes of 1.a, commencement of construction shall mean actual construction of the foundation or frame of the approved structure. For utilities and developments without a frame or foundation, commencement of construction shall mean actual construction of support structures for an approved above ground utility or development or actual excavation of trenches for an approved underground utility or development. For roads, commencement of construction shall mean actual grading of the roadway.
    - ii. For purposes of Condition 1.a.i, notification of commencement of construction will be given to Multnomah County Land Use Planning Division a minimum of seven (7) days prior to date of commencement. Work may commence once notice is completed. Commencement of construction shall mean actual construction of the foundation or frame of the approved structure.
  - b. Within **four (4) years** of the date of commencement of construction when the structure has not been completed. [MCC 39.1185(B)]
    - i. For the purposes of 1.b, completion of the structure shall mean completion of the exterior surface(s) of the structure and compliance with all conditions of approval in the land use approval.
    - ii. For purposes of Condition 1.b.i, the property owner shall provide building permit status in support of completion of exterior surfaces of the structure and demonstrate compliance with all conditions of approval. The written notification and documentation of compliance with the conditions shall be sent to [land.use.planning@multco.us](mailto:land.use.planning@multco.us). [MCC 39.1185]
3. Prior to land use planning sign-off for building plan check, the property owner or their representative(s) shall:
  - a. Record pages 1 through 7 and Exhibits A.19, A.23, and A.24 of this Notice of Decision with the County Recorder. The Notice of Decision shall run with the land. Proof of

- recording shall be made prior to the issuance of any permits and shall be filed with the Land Use Planning Division. Recording shall be at the applicant's expense. [MCC 39.1175]
- b. 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 [LUP-submittals@multco.us](mailto:LUP-submittals@multco.us). [MCC 39.1170(A) & (B)]
  - c. Record an Agricultural and Forest Practices Covenant with the County Recorder. A copy of this covenant can be found as Exhibit B.4. [MCC 39.7515(G)]
  - d. Modify the revised site plan and revised landscape plan to show the location of the four bio-retention stormwater drainage swales as they are located in Stormwater Drainage Control plan (Exhibit A.24). [MCC 39.6235]
    - i. Modify the landscape plan to show that the proposed trees for the landscaping strip between the parking lot and E. Historic Columbia River Hwy. are spaced at no more than 50 ft. apart. [MCC 39.8045(C)(3)]
  - e. All ground disturbing activities shall protect the root zones for all existing trees that are to remain on the site. No encroachment into the Significant Environmental Concern for streams overlay shall occur without first obtaining any necessary permits. [MCC 39.7515(B), MCC 39.5510]
  - f. Obtain an Erosion and Sediment Control permit (ESC) permit for the proposed ground disturbing activity associated with the installation of the authorized improvements outlined in this decision. [MCC 39.6225]
  - g. Provide a copy of the final design review plan to the County Sanitarian for review and signature. The final design review plan shall show the septic systems details, so that the Sanitarian can verify the proposal complies with the On-Site Septic Certification (Exhibit A.9). [MCC 39.4245(F)]
4. At the time of land use planning sign-off for building check, the property owner or their representative(s) shall:
- a. Submit the final design review plan to County Land Use Planning (LUP). LUP shall verify that the final design review plan complies with this decision. [MCC 39.8030]
  - b. Submit lighting details for all existing and proposed exterior lighting to demonstrate compliance with the Dark Sky Lighting Standards. All existing light fixtures shall be brought into compliance with the code. [MCC 39.6850]
  - c. Provide an approved Transportation Planning Review Form with a signed site plan from the County Right-of-way office.
5. During construction, the following procedures shall be followed upon the discovery of any cultural resources, artifacts, or human remains [MCC 39.5540(H) and MCC 39.7515(G)]:
- a. Cultural Resources Discovered After Construction Begins: The following procedures shall be effected when cultural resources are discovered during construction activities. All survey and evaluation reports and mitigation plans shall be submitted to the Planning Director and SHPO. Indian tribal governments also shall receive a copy of all reports and plans if the cultural resources are prehistoric or otherwise associated with Native Americans.

- i. (1) Halt Construction – All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.
  - ii. (2) Notification – The project applicant shall notify the Planning Director and the Gorge Commission within 24 hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Indian tribal governments within 24 hours.
  - iii. (3) Survey and Evaluation – The Gorge Commission will survey the cultural resources after obtaining written permission from the landowner and appropriate permits from SHPO (see ORS 358.905 to 358.955). It will gather enough information to evaluate the significance of the cultural resources. The survey and evaluation will be documented in a report that generally follows the standards in MCC 38.7045 (C) (2) and MCC 38.7045 (E).
    - (a) The Planning Director shall, based on the survey and evaluation report and any written comments, make a final decision within 10 days of the receipt of the report of the Gorge Commission on whether the resources are significant.
    - (b) The Planning Director shall require a Mitigation Plan if the affected cultural resources are found to be significant.
    - (c) Notice of the decision of the Planning Director shall be mailed to those parties entitled to notice by MCC 38.0530 (B).
  - iv. (d) The decision of the Planning Director shall be final 14 days from the date notice is mailed, unless appealed as provided in MCC 38.0530 (B). Construction activities may recommence if no appeal is filed.
  - v. (4) Mitigation Plan – Mitigation plans shall be prepared according to the information, consultation, and report standards of MCC 38.7045 (J). Construction activities may recommence when the conditions in the mitigation plan have been executed.
- b. Discovery of Human Remains: The following procedures shall be effected when human remains are discovered during a cultural resource survey or during construction. Human remains means articulated or disarticulated human skeletal remains, bones, or teeth, with or without attendant burial artifacts.
- i. (1) Halt Activities – All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.
  - ii. (2) Notification – Local law enforcement officials, the Planning Director, the Gorge Commission, and the Indian tribal governments shall be contacted immediately.
  - iii. (3) Inspection – The State Medical Examiner shall inspect the remains at the project site and determine if they are prehistoric/historic or modern. Representatives from the Indian tribal governments shall have an opportunity to monitor the inspection.
  - iv. (4) Jurisdiction – If the remains are modern, the appropriate law enforcement officials will assume jurisdiction and the cultural resource protection process may conclude.

- v. (5) Treatment – Prehistoric/historic remains of Native Americans shall generally be treated in accordance with the procedures set forth in Oregon Revised Statutes, Chapter 97.740 to 97.760.

- (a) If the human remains will be reinterred or preserved in their original position, a mitigation plan shall be prepared in accordance with the consultation and report standards of MCC 38.7045 (I).

- (b) The plan shall accommodate the cultural and religious concerns of Native Americans. The cultural resource protection process may conclude when the conditions set forth in the standards of MCC 38.7045 (J) are met and the mitigation plan is executed.

- 6. Prior to the issuance of the certificate of occupancy, the property owner or their representative(s) shall:
  - a. Have completed and improved the required parking and loading areas and make them available for use. [MCC 39.6530(A)]
  - b. Install the stormwater drainage control system designed by Andrew Niemi, PE as discussed in the Stormwater Report (Exhibit A.5) and shown on the grading and stormwater plan (Exhibit A.24).
  - c. Install all required landscaping as shown on the revised landscape plan (Exhibit A.19).
  - d. Schedule an inspection by the County to verify the installed improvements match the approved final design review plan referenced in condition no. 4 above. [MCC 39.1170(A)]
- 7. As an ongoing condition, the property owner shall:
  - a. Storm Water Drainage Control: Maintain and keep functional the stormwater drainage control system designed by Andrew Niemi, PE as discussed in the Stormwater Report (Exhibit A.5) and shown on the grading and stormwater plan (Exhibit A.24).
    - i. The property owner shall keep on-file an ongoing operations and maintenance plan for the stormwater drainage control system. The property owner shall also keep on-file annual logs detailing activities in support of the operation and maintenance plan. [MCC 39.6235]
  - b. Off-Street Parking and Loading Requirements:
    - i. The property owners shall continually provide and maintain the off-street parking and loading facilities without charge to users. The parking spaces shall be available for parking of vehicles of customers, occupants, visitors and employees when the school and/or site is being used. [MCC 39.6510 & MCC 39.6520]
      - (1) No business activity shall be permitted in any required parking space.
      - (2) The required loading space shall be available for the loading and unloading of vehicles concerned with the transportation of goods or services for the school use. The loading areas shall not be used for any purpose other than loading and unloading. Storage of materials on a temporary or permanent basis is not permitted.
    - ii. All areas for the parking and maneuvering of vehicles shall be marked in accordance with the approved design review plan. The markings shall be continually maintained by the property owner. [MCC 39.6570(C)]

- c. Access Points: The site has been approved with three access points. The westernmost access drive shall be used for emergency access purposes only. The two other access drives are available for general use.
- i. The westernmost access drive shall be clearly marked with a sign stating “Emergency Access Only”
  - ii. The western primary access drive shall be used for one-way traffic only. The access drive shall be clearly mark and signed for one-way traffic only.
  - iii. A “No Entry” sign shall be installed at the internal intersection of the two-way travel lanes with the one-way travel lane.
  - iv. The eastern primary access drive is approved for two-way traffic and shall be marked as such. [MCC 39.7515(F)]
- d. Landscaping: The required landscaping shall be continuously maintained as shown on Exhibit A.19. Provisions shall be made for watering planting areas until such time as the vegetation becomes established and can survive on natural rainfall. Any landscaping that is damaged, becomes diseased or dies shall be replaced within one year of removal. If a change in plant materials is desired due to the disease or death, the property owner shall first contact the Land Use Planning Division to obtain approval of the modified vegetation. [MCC 39.8045(C)]
- e. Population and Improvement Limitations: The school population and district office shall not exceed 150 students and 25 support staff (175 total). No showers, gymnasiums, or cafeteria(s) are authorized. Any proposed expansion to the number of students and support staff limits shall be subject to a new land use review. [MCC 39.4245(F), MCC 39.7515(F), MCC 39.1170(E)]

## **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 Corbett School District requests a Community Service Conditional Use permit, Significant Environmental Concern permit, Design Review, and Variance [to the minimum yard requirements and sign code restrictions] for a Middle School and District Office on the subject property.

Proposed improvements include a building addition, parking/circulation improvements, updates to the existing septic system, signage and a new stormwater system. The proposed pre-engineered metal building (PEMB) addition (8,100 sq. ft.) would connect two existing one-story, wood framed buildings (7,100 sq. ft.) to make a single structure. Following the remodel, the building would house six classrooms, administration, a multi-purpose room, and special education area. Minor improvements to an existing one-story building near the southeast corner of the property will provide space for the District offices. Two remaining existing one-story buildings will be used for other support functions.

Projected enrollment is 143 students, with 11 Staff, and 7 additional staff at the District Office. The proposed maximum student population is 150 students and 25 staff (175 total), which aligns with limitations set by the County Sanitarian (Exhibit A.9). Additionally, no showers, gymnasiums, or cafeteria(s) are proposed.

### **2.0 Property Description & History:**

**Staff:** The subject property is 3.50 +/- acres, zoned Rural Residential (RR), and is within the Significant Environmental Concern (SEC) overlay for protection of the Sandy River view shed. A small portion of the northeastern corner of the property is within the Significant Environmental Concern for streams (SEC-s) overlay. Located adjacent to the Historic Columbia River Hwy., the property is within the East of Sandy River Rural area and outside of the Columbia River Gorge National Scenic Area. Primary access to the property is from E. Woodard Road via two existing driveways. A third existing driveway is limited to emergency access only.

In the 1960s, the US Forest Service used the site for an office and Ranger housing. In the 1990s, Reynolds School District converted the site into a satellite high school. Corbett School District obtained the site from Reynolds in March 2020 (Exhibit A.3). As shown on the existing conditions site plan (Exhibit A.20), the site currently contains six buildings, a shed, and three parking lots.

### **3.0 Public Comment:**

**Staff:** Staff mailed a notice of the application and Hearings Officer hearing on the proposed application to the required parties per MCC 39.1105 (Exhibit C.3). Staff had not received any public comments prior to the issuance of this report before the Hearing.

### **4.0 General Provisions:**



#### 4.1 § 39.1515 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 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.**

\* \* \*

**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.

This standard was originally codified in the Zoning Code chapter related to land use application procedures and, by its terms, expressly applies to the application review process. Although now codified in the enforcement Part of the Zoning Code as a result of the more recent code consolidation project, the language and intent was not changed during that project and remains applicable to the application review process and not to the post-permit-approval enforcement process.

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. As such, an applicant has no initial burden to establish that all elements of the subject property are in full compliance with the Zoning Code and all previously approved permits; instead, in the event of evidence indicating or establishing one or more specific instances of noncompliance on the subject property, the applicant bears the burden to either rebut that evidence or demonstrate satisfaction of one of the exceptions in MCC 39.1515.

For purposes of the current application, staff is not aware of any open compliance cases on the subject property, and there is no evidence in the record of any specific instances of noncompliance on the subject property. *Criteria met.*

#### 4.2 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.**

\* \* \*

**MCC 39.3090 LOT OF RECORD – RR**

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

\* \* \*

**(D) The following shall not be deemed a Lot of Record:**

**(1) An area of land described as a tax lot solely for assessment and taxation purposes;**

\* \* \*

**Staff:** The County made a Lot of Record Determination for the subject property in land use case no. T3-01-014. In the determination, the County found that following the consolidation of the two existing lots at the time, the resulting consolidated parcel would be a single Lot of Record. Survey no. 57939 (Exhibit B.3), shows the configuration of the consolidated parcel. As evidenced by the current deed (Exhibit A.3), the current configuration of the subject property matches the configuration shown in survey no. 57939. Therefore, the subject property remains a Lot of Record. *Criteria met.*

**4.3 MCC 39.6235 STORMWATER DRAINAGE CONTROL**

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

\* \* \*

**(D) The stormwater drainage system required in subsection (A) shall be designed to ensure that the rate of runoff for the 10-year 24-hour storm event is no greater than that which existed prior to development at the property line or point of discharge into a water body.**

**(E) At a minimum, to establish satisfaction of the standards in this section and all other applicable stormwater-related regulations in this code, the following information must be provided to the planning director:**

\* \* \*

**Staff:** A storm water drainage control certificate, site plan, and storm water report completed by Andrew Niemi, PE are included as Exhibit A.5. Per the certificate, natural infiltration is appropriate with the use of four (4) bioretention swales (Exhibit A.24). The engineer notes the need for the school to follow an operation and maintenance plan to ensure proper upkeep of the swales (Exhibit A.5, p.4). A recommended condition of approval ensure compliance with the stormwater requirements above. *As conditioned, these criteria can be met.*

**5.0 Rural Residential Zone Criteria:**

**5.1 MCC 39.4370 CONDITIONAL USES**

The following uses may be permitted when found by the Hearings Officer to satisfy the applicable standards of this Chapter:

**(A) Community Service Uses under the provisions of MCC 39.7500 through 39.7810**

\* \* \*

**MCC 39.7520 USES**

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

**Allowed Community Service Uses in the EFU, CFU and OR base zones are limited to those uses listed in each respective base zone.**

\* \* \*

**(11) School, private, parochial or public; educational institution.**

\* \* \*

**(19) Accessory uses to the above.**

**Staff:** The applicant requests a Community Service Conditional Use Permit for a new middle school and school district office (Exhibit A.1 and A.12). The proposal is following the Type III review process, which requires a public hearing (Exhibit C.3). Following the hearing, the hearing’s officer will render a decision. *Criteria met.*

**5.2 MCC 39.4245 DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS**

\* \* \*

**(C) Minimum Yard Dimensions – Feet**

<b>Front</b>	<b>Side</b>	<b>Street Side</b>	<b>Rear</b>
<b>30</b>	<b>10</b>	<b>30</b>	<b>30</b>

**Maximum Structure Height – 35 feet**

**Minimum Front Lot Line Length – 50 feet.**

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

\* \* \*

**(D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The county Road Official shall determine**

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

\* \* \*

**Staff:** As per the proposed site plan (Exhibit A.14), there would be a 5 ft. yard abutting E. Woodard Road and E. Historic Columbia River Hwy. to allow for the installation of two ADA parking spaces on the western portion of the site and main parking area on the eastern portion of the site (Exhibit A.14). Because the proposal cannot satisfy all minimum yard requirements for the RR zone, the applicant requested a Variance as part of their application. Staff discusses the applicable variance approval criteria in Section 11.1 – 11.9 below. There are a number of nonconforming buildings located within required yard areas. Buildings No. 3, No. 4, and No. 5 are located in either the rear, side or street side yards (Exhibit A.23). The proposed addition and buildings No. 2 and No. 3 meet the required yards.

All existing and proposed fencing is a maximum of 6’ in height (Exhibits A.14 and A.23). As per the proposed building elevation drawings (Exhibits A.17 – A.18), the maximum building height is 19’ - 2’’. The County Road Official did not provide any comments indicating insufficient right-of-way width for either E. Woodard Road or E. Historic Columbia River Hwy. (Exhibit A.27). *Criteria met.*

**5.3 (F) On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source, shall be provided on the Lot of Record.**

**(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:** As per the Certificate of Water Service (Exhibit A.8), public water serves the site.

The on-site septic systems are located solely within the subject property (Exhibit A.9). Exhibits A.14 (Architectural Site Plan), A.23 (Civil Site Plan), and A.24 (Grading and Stormwater Plan) do not show the septic systems details as reviewed by the County Sanitarian (Exhibit A.9). The submitted plans also contain minor location differences for elements of the septic and storm water systems. A recommended condition of approval ensure the applicant demonstrates the final design review plan complies with the Sanitarian’s requirements.

Projected enrollment is 143 students, with 11 Staff, and 7 additional staff at the District Office. The proposed maximum student population is 150 students and 25 staff (175 total), which aligns with limitations set by the County Sanitarian. Additionally, no showers, gymnasiums, or cafeteria(s) are proposed. These limitations are included as a recommended condition of approval.

A storm water drainage control certificate, site plan, and storm water report completed by Andrew Niemi, PE are included as Exhibit A.5. Per the certificate, natural infiltration is appropriate with the use of four (4) bioretention swales (Exhibit A.24). The engineer notes the need for the school to follow an operation and maintenance plan to ensure proper upkeep of the swales (Exhibit A.5,

p.4). A couple of recommended conditions of approval ensure compliance with the stormwater requirements above.

*As conditioned, these criteria can be met.*

**5.4 (H) All exterior lighting shall comply with MCC 39.6850.**

**MCC 39.6850 Dark Sky Lighting Standards**

\* \* \*

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

**(1) The light source (bulbs, lamps, etc.) must be fully shielded with opaque materials and directed downwards. “Fully shielded” means no light is emitted above the horizontal plane located at the lowest point of the fixture’s shielding. Shielding must be permanently attached.**

**(2) The lighting must be contained within the boundaries of the Lot of Record on which it is located. To satisfy this standard, shielding in addition to the shielding required in paragraph (C)(1) of this section may be required.**

**Staff:** The applicant proposes to remove and replace all existing exterior lighting. Proposed exterior lighting utilizing shielding is included as Exhibits A.4 and A.26. A recommended condition of approval ensures Staff verify compliance with the Dark Sky Lighting Standards during plan check. *As conditioned, these criteria can be met.*

**5.5 MCC 39.4385 LOT SIZES FOR CONDITIONAL USES**

**The minimum lot size for a conditional use permitted pursuant to MCC 39.4370, except (B) (8) thereof, shall be based upon:**

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

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

**(C) Consideration of the purposes of this base zone; and**

**(D) A finding that the lot or parcel is at least two acres in area and in the West of Sandy River Rural Plan Area, if a lot or parcel is created to support a conditional use, a finding that the remainder parcel is not less than five acres.**

**Staff:** As noted previously, the RR zoned subject property is 3.51 acres. The property accommodated a satellite high school environmental program for Reynolds School District in the past. The current middle school proposal is for a similar number of students to the Reynolds school use, the property size should be adequate to accommodate the proposed use. Staff is not

aware of any reported impacts to neighboring properties from the previous use that would factor into additional lot size requirements for the use. *Criteria met.*

## **5.6 MCC 39.4390 OFF-STREET PARKING AND LOADING**

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

**Staff:** Staff addresses the applicable requirements of MCC 39.6500 – 39.6600 in section 9.1 – 9.18 below.

## **6.0 Community Service Conditional Use Criteria:**

### **6.1 MCC 39.7505 GENERAL PROVISIONS**

**(A) Community Service approval shall be for the specific use or uses approved together with the limitations or conditions as determined by the approval authority.**

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

**(C) A Community Service approval shall not be construed as an amendment of the Zoning Map, although the same may be depicted thereon by appropriate color designation, symbol or short title identification.**

**Staff:** Subsection (C) is for informational purposes and the proposal. Subsection (A) provides direction to staff and the hearings officer that the approval is to be crafted for the specific use, and include limitations and condition that help to set boundaries to the use. The Applicant applied for the required Design Review (Exhibit A.12), and Staff addresses the applicable design review approval in section 8.1 – 8.20 of this staff report. *Criteria met.*

### **6.2 MCC 39.7510 CONDITIONS AND RESTRICTIONS**

**The approval authority may attach conditions and restrictions to any community service use approved. Conditions and restrictions may include a definite time limit, a specific limitation of use, landscaping requirements, parking, loading, circulation, access, performance standards, performance bonds, and any other reasonable conditions, restrictions or safeguards that would uphold the purpose and intent of this Chapter and mitigate any adverse effect upon the adjoining properties which may result by reason of the conditional use allowed.**

**Staff:** Recommended conditions of approval are listed in **pp. 3 – 7** of this staff report.

### **6.3 MCC 39.7515 APPROVAL CRITERIA**

**In approving a Community Service use, the approval authority shall find that the proposal meets the following approval criteria, except for transmission towers, which shall meet the approval criteria of MCC 39.7550 through 39.7575, wireless communications facilities,**

**subject to the provisions of MCC 39.7705, and except for regional sanitary landfills, which shall comply with MCC 39.7600 through 39.7625.**

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

**Staff:** The subject property is in a rural area in unincorporated east Multnomah County, adjacent to E. Historic Columbia River Hwy. and E. Woodard Road. Adjacent lands range in zoning from forest, residential, agricultural, and mixed agricultural. Per the applicant, the US Forest Service constructed the existing buildings over 30 years ago (Exhibit A.13, p. 39). Five of the existing buildings will remain, with a pre-finished metal siding addition to connect two of the buildings. Existing buildings have T1-11 (plywood panel) siding, and any section requiring replacement siding will use new T1-11 siding (Exhibits A.17 & A.18). Proposed colors are neutral (grays), with burnt red for portions of the siding to match the roofs of three of the existing buildings. The buildings are all one-story with gable roofs, which is similar to styles in the surrounding area. As proposed, the school design is consistent with the rural character of the surrounding area.  
*Criterion met.*

The proposal does not include a wireless communication facility or regional sanitary landfill. Therefore, the proposal is not subject to MCC 39.7550 – 39.7575, MCC 39.7705, or MCC 39.7600 – 39.7625.

**6.4 (B) Will not adversely affect natural resources;**

**Staff:** A number of measures, including stormwater swale systems and the removal of impervious surfaces, will protect natural resources (Exhibits A.21 – A.24). No development or improvements will be located in the Significant Environmental Concern for streams overlay in the northeastern corner of the property. The proposal reduces the total amount of impervious area on site by 32% (29,460 sq. ft.). Landscaped areas of on the site will increase from 38% currently, to 57% upon completion of the project. All trees proposed for removal will be replaced (Exhibit A.19) and the total number of trees on-site will remain the same. Vegetation proposed to remain will be protected during construction (Exhibit A.19 & A.21). Per the applicant, new native and low-water plantings will provide increased habitat for surrounding wildlife (Exhibit A.13, p. 40). *Criterion met.*

**6.5 (C) The use will not:**

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

**Staff:** Adjacent lands range in zoning from forest, residential, agricultural, and mixed agricultural (Exhibit B.5). Other than temporary and intermittent increased traffic to the site during pick-up / drop-off hours, the proposed school use should not generate the types of impacts that would be associated with potentially significant increased costs and/or change(s) to forestry or farming practices. Staff is not aware of any concerns generated from neighboring farmers while the high school was in operation. The County's Hearing Notice (Exhibit C.3) was mailed 20 days prior to the subject hearing. Staff did not receive any inquiries about the project from adjacent land owners. Provided no new testimony is submitted during the public hearing, the hearings officer

should be able to find that the school use will not impact farm and forest uses in the area. *Criteria met.*

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

**Staff:** The public services required at this time are fire suppression and water service. Per the Fire Service Agency Review (Exhibit A.6), Corbett Fire's current resources are adequate to provide fire suppression for the proposed use. Per the Certificate of Water Service (Exhibit A.8), Corbett Water's current resources are adequate to provide water service for the proposed use. *Criterion met.*

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

**Staff:** Per available County maps (Exhibit B.6), the subject property is located outside a big game winter habitat area as defined by the Oregon Dept. of Fish and Wildlife. *Criterion met.*

**6.8 (F) Will not create hazardous conditions;**

**Staff:** Staff identified two main topics for the hearing officer to consider:

Traffic

The revised transportation planning review memo. (Exhibit A.28) does not outline any concerns with the proposal. Intermittent increases in traffic during pick-up / drop-off hours are expected. The site appears to contain ample parking / loading areas (Exhibit A.23) to accommodate such activity, which should limit the amount of overflow traffic onto E. Woodard Road.

Per the site plans (Exhibits A.14 and A.23), there are two existing access points that will be used and a third [existing access point] that is reserved for emergency access only. Of the two primary access points, the west access point will be designated 'entrance only', with the east access point serving as an entrance and exit. A recommended condition of approval ensures the implementation of the proposed access point designations.

On-site Septic

As per the Septic Review Certification (Exhibit A.9), the school must be subject to strict population and feature limitations in order for the on-site septic system to function properly. A recommended condition of approval ensures that the school population is limited to 150 students and 25 support staff (175 total). Further, that no showers, gymnasiums, or cafeteria(s) are authorized.

Through design measures and recommended conditions of approval discussed above, the proposal should not generate hazardous conditions. *As conditioned, this criterion can be met.*

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

**Staff:** Staff addresses the applicable policies of the Comprehensive Plan in section 12.1 – 12.3 below.



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

**Staff:** This staff report addresses all relevant applicable approval criteria. Additional applicable criteria specific to this [Community Service Use] section include the Design Review criteria addressed in section 8.1 – 8.20 and the Off-street Parking and Loading criteria addressed in section 9.1 – 9.18. *Criterion met.*

**6.11 MCC 39.7525 RESTRICTIONS**

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

**(A) Minimum yards in EFU, CFU, MUA20, RR, BRC, OCI, OR and PH-RC, UF-20, LR10, Base zones:**

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

\* \* \*

**(C) Minimum Site Size:**

\* \* \*

- (3) Elementary public schools shall be on sites of one acre for each 75 pupils or one acre for each two and one-half classrooms, whichever is greater.**

\* \* \*

**Staff:** (A) Sections 11.1 – 11.9 below address the criteria for approval of the requested variance to the minimum yard requirements.

(C) The maximum population allowed is 150 students per the County Sanitarian’s requirements. 2.0 acres would be the minimum required land area for such a student population. The subject property contains 3.5 acres in land area.

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

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

**(F) In the MUA-20, RR, and BRC, SRC and RC base zones, the length of stay by a person or vehicle in a camp, campground, campsite or recreational vehicle park shall not exceed a total of 90 days during any consecutive 12 month period by an individual, group or family.**

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

**Staff:** (D) Sections 9.1 – 9.18 below address the relevant Off-street Parking and loading requirements.

(E) Sections 10.1 – 10.8 below address the relevant sign requirements.

(F) The proposal does not involve a camp, campground, campsite or recreational vehicle park.

(G) Sections 5.1 – 5.6 above address additional restrictions / limitations for the RR (base) zone.

*Criteria met.*

## **7.0 Significant Environmental Concern Criteria:**

### **7.1 MCC 39.5510 USES; SEC PERMIT REQUIRED**

**(A) All uses allowed in the base zone are allowed in the SEC when found to satisfy the applicable approval criteria given in such zone and, except as provided in MCC 39.5515, subject to approval of an SEC permit pursuant to this Subpart.**

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

**Staff:** The proposed development is entirely within the SEC overlay. The proposed development does not meet any of the exceptions listed in MCC 39.5515. Therefore, an SEC permit is required. Section 7.2 – 7.15 below discusses the relevant approval criteria for a SEC permit. A small corner of the northeastern portion of the property is within the SEC-s overlay. Because no development is proposed within the SEC-s overlay, an SEC-s permit is not required for this project. *Criteria met.*

### **7.2 MCC 39.5520 APPLICATION INFORMATION REQUIRED**

**An application for an SEC permit for a use or for the change or alteration of an existing use on land designated SEC, shall address the applicable criteria for approval, under MCC 39.5540 through 39.5860.**

**(A) An application for an SEC permit shall include the following:**

**(1) A written description of the proposed development and how it complies with the applicable approval criteria of MCC 39.5540 through 39.5860.**

**(2) A map of the property showing:**

**(a) Boundaries, dimensions, and size of the subject parcel;**

**(b) Location and size of existing and proposed structures;**

\* \* \*

**Staff:** The Applicant provided the required written information (ExhibitA.13) and the required maps / plans (Exhibits A.14 and A.19 – A.26). An email from the Oregon Parks & Recreation Dept. states that a Notification of Intent application is not required for the project, given the

distance from the [Sandy] river, existing topography, and vegetation between the [subject] property and the [Sandy] river (Exhibit A.10). The email further states that the project is consistent with their applicable rules for the scenic waterway. *Criteria met.*

### 7.3 MCC 39.5540 CRITERIA FOR APPROVAL OF SEC PERMIT

The SEC designation shall apply to those significant natural resources, natural areas, wilderness areas, cultural areas, and wild and scenic waterways that are designated SEC on Multnomah County sectional zoning maps. Any proposed activity or use requiring an SEC permit shall be subject to the following:

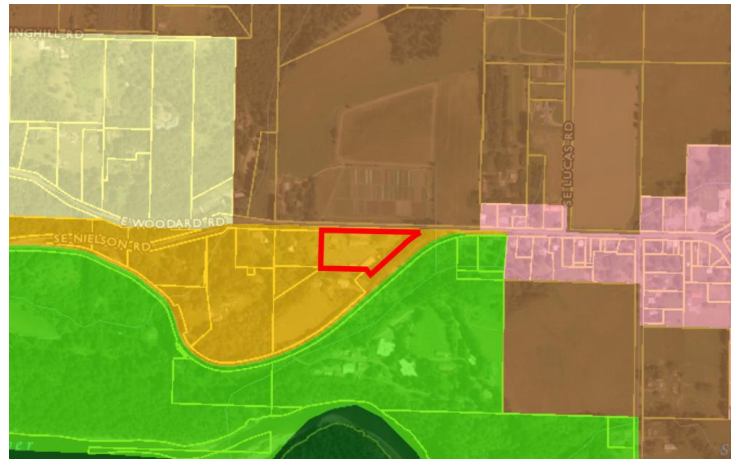
(A) The maximum possible landscaped area, scenic and aesthetic enhancement, open space or vegetation shall be provided between any use and a river, stream, lake, or floodwater storage area.

**Staff:** As shown in the aerial imagery below, the subject property does not abut a river, stream, lake, or floodwater storage area. The Sandy River is more than 900 ft. down-slope from the subject property (highlighted in red). The protected SEC-s stream is located approximately 120 feet to the east of the northeast corner of the property. No development or vegetation removal is proposed in the SEC-s overlay zone. *Criterion met.*



7.4 (B) Agricultural land and forest land shall be preserved and maintained for farm and forest use.

**Staff:** As shown in the zoning map below, agricultural land is shaded brown and forest land is shaded light green. Residential land is shaded dark yellow. No part of the subject property is zoned agricultural or forest land. Hence, the proposed use does not reduce available land for farm and forest use. *Criterion met.*



**7.5 (C) A building, structure, or use shall be located on a lot in a manner which will balance functional considerations and costs with the need to preserve and protect areas of environmental significance.**

**Staff:** As noted previously, the Significant Environmental Concern overlay covers the entire subject property. The applicant's narrative states that a more efficient version of the existing parking lots will reduce the overall impervious surfaces on the site, which will restore hydrologic function and natural saturation of precipitation. By filling-in the space between two existing buildings with an addition (Exhibit A.14), the proposal provides a layout that clusters the development to limit the total amount of land disturbance. *Criterion met.*

**7.6 (D) Recreational needs shall be satisfied by public and private means in a manner consistent with the carrying capacity of the land and with minimum conflict with areas of environmental significance.**

**Staff:** The applicant states that one of the proposed play areas will replace existing asphalt with new asphalt (Exhibit A.23). Another play area replaces existing asphalt with grass and increases the amount of landscaped area on the site. As proposed, the student recreation needs are satisfied with the minimum level of disruption to undeveloped areas of the property. *Criterion met.*

**7.7 (E) The protection of the public safety and of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.**

**Staff:** Per the applicant, the demolition plan (Exhibit A.22) and civil site plan (Exhibit A.23) show the removal and replacement of portions of the existing chain link fence on the southern and western portions of the site. New 6 ft. chain link fencing will be added to fully enclose the inner portions of the campus. Access gates will remain locked outside of normal operation hours and video monitoring will assist in afterhours security for the campus (Exhibit A.13, p.20). *Criterion met.*

**7.8 (F) Significant fish and wildlife habitats shall be protected.**

**Staff:** Per the applicant, the project manager and staff biologist visited the subject property to identify the presence or significant fish, wildlife, and other crucial habitat (Exhibit A.13, p.20). The biologist's professional opinion is that the site does not contain significant fish or wildlife and there will be no displacement of habitat. A resume for the staff biologist is included as Exhibit A.11. *Criterion met.*

**7.9 (G) The natural vegetation along rivers, lakes, wetlands and streams shall be protected and enhanced to the maximum extent practicable to assure scenic quality and protection from erosion, and continuous riparian corridors.**

**Staff:** As noted previously, the subject property is not located along a river, lake, wetland, or stream. Therefore, no natural vegetation that would affect the scenic quality, erosion protection, or continuous riparian corridor(s) will be altered by this proposal. *Criterion met.*

**7.10 (H) Archaeological areas shall be preserved for their historic, scientific, and cultural value and protected from vandalism or unauthorized entry.**

**Staff:** The subject property does not contain any known archaeological areas with historic, scientific, or cultural resources. If such areas are discovered during construction activities, a condition of approval ensure proper notification / protocols are followed. *As conditioned, this criterion can be met.*

**7.11 (I) Areas of annual flooding, floodplains, water areas, and wetlands shall be retained in their natural state to the maximum possible extent to preserve water quality and protect water retention, overflow, and natural functions.**

**(J) Areas of erosion or potential erosion shall be protected from loss by appropriate means. Appropriate means shall be based on current Best Management Practices and may include restriction on timing of soil disturbing activities.**

**Staff:** Per the applicant, there are no floodplains, water areas, or wetlands on the subject property. County maps align with the applicant's statements. Water quality and natural hydraulic function should improve with the installation of multiple stormwater swales (Exhibits A.22 and A.24). The erosion and sediment control plan (Exhibits A.21 and A.25) is based on Best Management Practices. *Criteria met.*

**7.12 (K) The quality of the air, water, and land resources and ambient noise levels in areas classified SEC shall be preserved in the development and use of such areas.**

**Staff:** To the greatest extent possible, the applicant's proposal aims to preserve the overall quality of air, water, and land resources. The removal of existing impervious surfaces and use of stormwater facilities to improve water quality via the capture of run-off (Exhibit A.24) is one such measure. As the site does not have a current use, ambient noise levels will increase from the presence of a student body during school hours. Reynolds School District previously used the site as a high school, so as the applicant notes, such noise levels are not unprecedented (Exhibit A.13, p. 21). *Criterion met.*

**7.13 (L) The design, bulk, construction materials, color and lighting of buildings, structures and signs shall be compatible with the character and visual quality of areas of significant environmental concern.**

**Staff:** The applicant's design choices were made to be compatible with the character and visual quality of areas of significant environmental concern. Per the proposed building elevations (Exhibits A.17 – A.18), the existing buildings and proposed addition will be painted in neutral tones (grays). A burnt red color, matching the roofs of existing buildings 3, 4, and 5, is proposed for portions of the metal siding for the addition. The applicant states that the colors and style are similar to barns and shops found in the rural areas of the County (Exhibit A.13, p. 21). Exterior lighting will meet the County's Dark Sky Lighting standards.

The proposal includes the removal of portions (720 linear feet total) of the existing galvanized chain-link fence. Replacement galvanized chain-link fencing, painted black and screened by new vegetation, is proposed for these areas and newly fenced areas (Exhibit A.23). This type of fencing is found on nearby properties and has been present on the subject property for over 30 years, per the applicant (Exhibit A.13, p. 21). *Criterion met.*

**7.14 (M) An area generally recognized as fragile or endangered plant habitat or which is valued for specific vegetative features, or which has an identified need for protection of the natural vegetation, shall be retained in a natural state to the maximum extent possible.**

**Staff:** The project manager and their staff biologist conducted a site visit. During the visit, they did not identify any fragile or endangered plant habitat in need of protection (Exhibit A.13, p. 21). A copy of the biologist's resume is included as Exhibit A.11. *Criterion met.*

**7.15 (N) The applicable policies of the Comprehensive Plan shall be satisfied.**

**Staff:** Sections 12.1 – 12.3 below discusses applicable policies of the Comprehensive Plan.

**8.0 Design Review Criteria:**

**8.1 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 proposed use is subject to Design Review. Sections 8.2 – 8.20 below address the relevant approval criteria for the Design Review.

**8.2 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 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.**

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

\* \* \*

**Staff:** As required by the above criteria, Section 8.1 – 8.20 below address the relevant provisions of MCC 39.8000 – 39.8050.

**8.3 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;**

\* \* \*

**(15) Proposed ground-disturbance, grading, filling and site contouring.**

**Staff:** The Applicant provided plans containing the information noted in (B)(1) – (B)(15) as Exhibits A.14 – A.26. *Criteria met.*

#### **8.4 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:** A recommended condition of approval is included to require the submission of a final design review plan prior to land use sign-off on the building plans so that any modifications or conditions of approval will be captured in the final design review plans. *As conditioned, the above criteria can be met.*

#### **8.5 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.**

**Staff:** The applicant plans to connect two existing buildings to form a larger building via a new addition. With the addition, which serves as a multi-purpose room, the school has two distinct play areas separated by the addition (Exhibit A.14). The addition does not remove any natural landscape, as the entire footprint is within what is an existing paved parking lot (Exhibit A.20). As proposed, the landscaped areas of the site will increase to 57% of the available land area (Exhibit A.19), to preserve the natural environment to the greatest extent possible. *Criterion met.*

**8.6 (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.**

**Staff:** A photovoltaic system for the roof of the proposed building addition will help offset energy use on the site (Exhibit A.23). Per the applicant, the photovoltaic system is consistent with the State's Green Energy Technology program (Exhibit A.13, p. 48). The building addition will also utilize windows with Low-E glazing. Landscaping (trees and shrubs) will help provide vegetative screening from adjacent roads to reduce noise and air pollution (Exhibit A.19).

Based on the information described above and in section 8.5, the applicant's plans (Exhibits A.14 – A.19 and A.23) demonstrated that the proposed design elements effectively, efficiently, and attractively serve their intended function(s). The applicant's plans also demonstrated that the design elements are on a human scale, inter related, and provide spatial variety and order. *Criteria met.*

**8.7 (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.**

**Staff:** The subject property is a privately owned [by the Corbett School District] and access is limited to school business. Existing fencing and the proposed additional fencing / gates ensure further safety and security for the property (Exhibit A.23). Proposed plantings will provide a vegetative screening between the adjacent roads and the property (Exhibit A.19).

ADA parking is located as close to the main entrance as possible (Exhibit A.23). Existing and new ADA ramps are provided near the ADA parking and around the proposed building addition. *Criteria met.*

**8.8 (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:** Per the demolition (Exhibit A.22) and landscape plans (Exhibit A.19), the project removes thirty-six (36) existing trees and preserves / protects forty-one (41) trees. The landscape plan outlines new trees, shrubs, perennials, and ground cover proposed for the site. Per the grading plan (Exhibit A.24), proposed grading is limited to that which is necessary to install the proposed improvements. Erosion control measures (Exhibits A.21 and A.25) incorporate Best Management Practices to protect the natural landscape during construction activities.

As discussed previously, the proposal reduces the total impervious area for the site and increases landscaped areas to 57% of the available land area for the site. *Criterion met.*



**8.9 (5) Pedestrian and Vehicular Circulation and Parking - The location and number of points of access to the site, the interior circulation patterns, the separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and structures, shall be designed to maximize safety and convenience and shall be harmonious with proposed and neighboring buildings and structures.**

**Staff:** Two existing access points will remain for use as primary entry and/or exit and a third existing access point will be used for Emergency access only (Exhibit A.23). The west primary access point will be designated ‘entrance only’ and the east access point will be designated for entry and exit. Per the applicant, the one-way entrance for the west access point provides a convenient and less congested route for parent drop-off / pick-up and loading / unloading areas (Exhibit A.13, p. 49). The east entrance / exit provides direct access to the main parking lot.

Per the applicant, the main parking lot has been modified and updated to meet the County’s off-street parking and loading requirements of MCC 39.6500 – 39.6000 (Staff findings for these sections are in section 9.1 – 9.18). Walkways connect existing buildings with the proposed addition and provide access to play areas on either side of the addition (Exhibit A.13, p. 49 and Exhibit A.23). The proposed design separates foot traffic from vehicle traffic as best as possible. *Criterion met.*

**8.10 (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:** The applicant submitted the Stormwater Drainage Control Certificate with supporting documents as Exhibit A.5. The existing conditions plan is included as Exhibit A.20 and the grading and stormwater plan is included as Exhibit A.24. Surface runoff volume will decrease significantly due to the reduction of impervious surfaces and utilization of multiple drainage swales and catch basins. Per the applicant’s engineer, the stormwater infrastructure will infiltrate run-off from the site and improve the existing conditions. *Criterion met.*

**8.11 (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.**

**Staff:** The proposed landscape plan (Exhibit A.19) ensures vegetative screening for the parking areas and structures on the subject property. Per the applicant, proposed new trees should help “soften” the presence of the building addition and minimize visual impacts to neighboring properties (Exhibit A.13, p. 50). Mechanical equipment [above ground] will be located on the south side of the school to block the equipment from public view. Trash enclosures will be constructed between Building 3 and Building 4 (Exhibit A.23) to screen the containers from view. *Criteria met.*

**8.12 (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:** An existing sign monument previously used by Reynolds School District will be used to mount the school's sign (Exhibit A.14). No internal illumination will be allowed in the freestanding sign. Reynolds School District declared the school site surplus in 2016. Any internally illuminated sign would be nonconforming to our current sign code. As the sign has not been advertising a school for over two years, it will need to come into compliance with the County's sign regulations. Signs on the buildings will use colors and materials compatible with the exterior building materials. Sections 10.1 – 10.8 below address the sign requirements in further detail. A condition of approval ensures compliance with (9) above via review of the final design review plan prior to land use sign-off for building plans. *As conditioned, the above criterion can be met.*

**8.13 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 total site area is 152, 669 +/- sq. ft., so a minimum of 22,900 sq. ft. of landscape area is necessary to meet the 15% minimum. As per the landscape plan (Exhibit A.19), 87,779 +/- sq. ft. of landscaped area is proposed which equates to 57% of the total site. The landscape plan incorporates trees, shrubs, and groundcover into the design. Existing vegetation will remain for all undisturbed areas. *Criteria met.*

**8.14 (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.**

**Staff:** There are 39 proposed parking spaces (Exhibit A.14 and A.23). The proposed landscaping plan provides the minimum defined interior landscape areas around the parking lots (Exhibit A.19). *Criterion met.*

The parking and loading areas adjacent to E. Woodard Road and E. Historic Columbia River Hwy. do not meet the 10 ft. minimum landscaping strip standard in (3)(b) (Exhibit A.19 and A.23). Section 8.18 and 8.20 below addresses the criteria for minor exceptions to landscape requirements.

**8.15 (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.**

**Staff:** Trees spaced at 42 ft. on center are proposed in the landscape area between the parking areas and drive-thru lane at the front of the school, as well as the parking areas adjacent to E. Woodard Road (Exhibit A.19). Proposed evergreen shrub materials will not exceed 3' height at maturity. The trees in the landscape strip separating the parking lot from the lot line adjacent to E. Historic Columbia River Hwy. are spaced at 72 ft. The trees in the internal landscape planters do not count as they are not within the 7.5 ft. landscape strip. A condition of approval requires the trees in the landscape strip adjacent to E. Historic Columbia River Hwy. be spaced at no more than 50 feet apart.

The applicant requests an exception to the landscaping strip requirements of MCC 39.8045(C)(3)(c) between the loading / unloading and drop-off / pick-up areas and E. Woodard Road. Section 8.18 and 8.20 below addresses the criteria for minor exceptions to landscape requirements.

**8.16 (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:** Landscape islands are proposed throughout the parking areas, as well as near the ADA parking spaces and E. Woodard Road (Exhibit A.19). The landscape islands are a minimum of 7 ft. wide (Exhibits A.19 and A.23). *Criteria met.*

**8.17 (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:** General Note #3 on the landscape plan outlines irrigation information (Exhibit A.19). General Note #6 on the landscape plan states the requirement for continuous maintenance (Exhibit A.19). The selected trees generally avoid overhead lines. The applicant states that the proposed street trees (Flowering Crabapple) were selected from the City of Portland approved list for street trees under overhead lines (Exhibit A.13, p. 52). Recommended conditions of approval ensure compliance with the above requirements. *As conditioned, these criteria can be met.*

**8.18 MCC 39.8050 MINOR EXCEPTIONS: YARD, PARKING, SIGN, AND LANDSCAPE REQUIREMENTS**

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

**(1) Dimensional standards for yards as required in the primary base zone;**

**(2) Dimensional standards for off-street parking as required under MCC 39.6560 and 39.6565;**

\* \* \*

**(5) In the case of a proposed alteration, standards for landscaped areas under MCC 39.8045 (C).**

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

**Staff:** The applicant’s proposal includes:

- A 10 ft. reduction to the 10 ft. minimum dimensional requirement [of MCC 39.8045(C)(3)(b)] for a landscape strip between parking spaces and a property line adjacent to E. Woodard Road (Exhibit A.19 & A.23).
- A 2.5 ft. reduction to the 10 ft. minimum dimensional requirement [of MCC 39.8045(C)(3)(b)] for a landscape strip in the main parking lot area adjacent to E. Historic Columbia River Hwy. (Exhibit A.19 & A.23).

These proposed alterations to the landscape standards of MCC 39.8045(C) are not subject to a percentage cap as noted in (B) above. Section 8.20 below addresses the criteria for the proposed alterations to the landscape standards.

The applicant’s proposal also included a 1 ft. reduction to the minimum aisle width for the parking lots (Exhibit A.14 & A.23). Such a reduction is eligible for a minor exception as described in section 8.19 below.

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

\* \* \*

**(2) In the case of a minor exception to the dimensional standards for off-street parking spaces or the minimum required number of off-street parking spaces, the**

**Planning Director shall find that approval will provide adequate off-street parking in relation to user demands. The following factors may be considered in granting such an exception:**

\* \* \*

**Staff:** As proposed, the parking lots would have a 24 ft. aisle width (Exhibit A.23). The applicant notes that the City of Portland requires a minimum width of 20 ft. and the City of Beaverton requires a minimum aisle width of 24 ft. (Exhibit A.13, p. 53). MCC 39.8050(C)(2) allows minor exceptions to the dimensional standards for off-street parking required under MCC 39.6560 and 39.6565. As noted in sections 9.16 – 9.17, the proposal provides the required off-street parking for the school and district office. *Criteria met.*

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

**Staff:** As proposed, a vegetative swale and trees would be utilized in the yard adjacent to the loading / drop-off area [adjacent to E. Woodard Road], instead of the required 10 ft. landscaping strip outlined in MCC 39.8045(C)(3)(c) (Exhibit A.19). The landscaping strip adjacent to E. Historic Columbia River Hwy. would be 7.5 ft. Per MCC 39.8000, the purpose of the design review is to promote functional, safe, innovative and attractive site development compatible with the natural and human-made environment.

The applicant believes that the proposal balances the efficient use of the property with the need to preserve the natural environment. For the area adjacent to E. Woodard Road, the applicant notes the vegetative swale and proposed trees provide a clear line of site from the road to the drop-off area (Exhibit A.13, p. 53). The applicant indicates that the clear line of site is a safety measure.

## **9.0 Off-Street Parking and Loading Criteria:**

### **9.1 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.**

**Staff:** The proposed use involves alterations to existing buildings and an addition to connect two existing buildings, which provides an intensification of use. Therefore, the proposal requires off-street parking as outlined in sections 9.1 – 9.18 of this staff report. A recommended condition of approval ensure the long-term maintenance of the required off-street parking and loading facilities shown in the architectural and civil site plans (Exhibit A.14 & A.23) without charge to users. *As conditioned, the above criteria can be met.*

**9.2 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 applicant provided the required plot plan as Exhibits A.23 – A.24. *Criterion met.*

**9.3 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:** Recommended conditions of approval ensure the requirements of (A) – (E) above can be met. *As conditioned, the above criteria can be met.*

**9.4 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.**

\* \* \*

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

**Staff:** The civil site plan (Exhibit A.23) shows the required parking spaces, loading space, and vehicle-maneuvering area located on the subject property. *Criteria met.*

**9.5 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.**

\* \* \*

**Staff:** A recommended condition of approval requires the parking and loading improvements be in-place prior to the issuance of the Certificate of Occupancy. *As conditioned, the above criteria can be met.*

**9.6 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:** The proposed use, if approved, is subject to the requirements of Subsection (A) and (B) above. Per County Administrative Rules, any changes to the proposal require that the Applicant repeat the Community Service Conditional Use Review process [MCC 39.1170(E)]. *Criteria met.*

**9.7 MCC 39.6540 JOINT PARKING OR LOADING FACILITIES**

\* \* \*

**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 proposal does not include any joint parking or loading facilities. The proposal does not include off-street parking or loading spaces existing prior to July 26, 1979. *This criteria are not applicable.*

**9.8 MCC 39.6550 STANDARDS OF MEASUREMENT;**

**MCC 39.6555 DESIGN STANDARDS: SCOPE**

\* \* \*

**(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:** MCC 39.6550 is for informational purposes and the design is subject to those requirements. As shown on the architectural and civil site plans (Exhibits A.14 and A.23), backing into a right-of-way is not necessary to maneuver vehicles into the parking lots. *Criteria met.*

## **9.9 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:** (A) The proposal includes an unobstructed 24 ft. wide (two-way traffic) driveway from E. Woodard Road to provide access to the non-loading parking area (Exhibit A.23). The proposal also includes an unobstructed 18 ft. wide (one-way traffic) driveway from E. Woodard Road to provide access to the loading and student drop-off / pick-up areas.

(B) Corbett Fire (Exhibit A.6) and County Transportation (Exhibits A.27 and A.28) both reviewed the proposed 18 ft. wide (one-way traffic) driveway from E. Woodard Road. Neither agency noted concerns with the proposed deviation. According to the applicant, the proposed deviation allows the school to utilize an existing access and comply with other project requirements (i.e.



preservation of the natural landscape). There is no evidence that the proposed deviation would adversely affect the appropriate development of adjoining properties.

(C) There are no proposed parking or loading spaces located in a public or private street.

*Based on the above, these criteria are met.*

**9.10 MCC 39.6565 DIMENSIONAL STANDARDS**

**(A) Parking spaces shall meet the following requirements:**

**(I) 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.**

\* \* \*

**(B) Aisle width shall be not less than:**

**(I) 25 feet for 90 degree parking,**

\* \* \*

**(C) Loading spaces shall meet the following requirements:**

**(I)**

<b>Base zone</b>	<b>Minimum Width</b>	<b>Minimum Depth</b>
<b>All</b>	<b>12 Feet</b>	<b>25 Feet</b>

**(1) Minimum vertical clearance shall be 13 feet.**

**Staff:** As per the civil site plan (Exhibit A.23), the parking lot design has spaces with minimum dimensions of 18 ft. x 9 ft. and 90 degree parking. According to the applicant, there are no anticipated vertical clearance issues due to the open-air nature of the parking lot. The proposed loading zone is 25 ft. x 12 ft. (Exhibit A.23).

The applicant proposes to reduce the 25 ft. aisle width minimum to 24 ft., as discussed in sections 8.18 – 8.19 above. As noted in section 8.19, the proposed reduction can be reviewed as a minor exception.

**9.11 MCC 39.6570 IMPROVEMENTS**

**(A) Surfacing**

**(I) 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.**

\* \* \*

**(B) Curbs and Bumper Rails**

**(I) 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.**

\* \* \*

**Staff:** Proposed parking, loading, and maneuvering areas have a minimum surface of 3 in. of asphalt on a 6 in. crushed rock base. Proposed areas for the emergency access have a surface of 4 in. of asphalt on a 12” crushed rock base (Exhibit A.13, p. 26). The parking and loading areas contain the required curbs / bumper rails per (B) above (Exhibit A.23). *Criteria met.*

**9.12 (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.**

**(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:** The landscape plan (Exhibit A.19), civil site plan (Exhibit A.23), and grading and stormwater plan (Exhibit A.24) contain the above required information. Conditions of approval require ongoing maintenance of the parking and stormwater drainage system. *As conditioned, the above criteria can be met.*

**9.13 MCC 39.6575 SIGNS**

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

**Staff:** Section 10.7 below addresses the requirements of MCC 39.6780.

**9.14 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.**

\* \* \*

**(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:** There are three driveways for the subject property, with one of the driveways reserved for emergency access only (Exhibit A.23). Between the emergency access and west driveway, there is 177 ft. of road frontage. Between the west driveway and the east (two-way traffic) driveway, there is 275 ft. of road frontage. The ADA parking spaces are located within the required 30 ft. street side yard of the RR zone. Vehicle maneuvering also takes place within this 30 ft. yard. If the Variance request is approved under sections 11.1 – 11.9, then MCC 39.6580 will be met. The subject property is zoned RR; therefore, Subsection (B), (D), and (E) above are not applicable.

**9.15 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 requirements of MCC 39.8045 are discussed in section 8.13 – 8.17 above.

**9.16 MCC 39.6590 MINIMUM REQUIRED OFF-STREET PARKING SPACES**

\* \* \*

**(B) The following Public and Semi-Public Buildings and Uses shall have at least the number of off-street parking spaces indicated:**

\* \* \*

**(9) Primary, Elementary, or Junior High and Equivalent Private or Parochial School - One space for 84 square feet of floor area in the auditorium, or one space for each 12 seats or 24 feet of bench length, whichever is greater.**

\* \* \*

**Staff:** The multi-purpose room / auditorium is 3,195 sq. ft. Based on the footprint, 38.04 parking spaces are required. The applicant rounded up to 39 off-street parking spaces as shown in the civil site plan (Exhibit A.23). *Criterion met.*

**9.17 MCC 39.6595 MINIMUM REQUIRED OFF-STREET LOADING SPACES**

**(A) Commercial, Office or Bank, or Commercial Amusement Uses shall have at least the number of loading spaces indicated in the following table:**

<b>Square Foot Of Floor Or Land Area</b>	<b>Minimum Loading Spaces Required</b>
Under 5,000	0
5,000 – 39,999	1

\* \* \*

**(F) Public or Semi-Public Use: Treated as mixed uses.**

**Staff:** The total area of all structures on the subject property is 22,150 sq. ft. Given public and semi-public use are treated as mixed uses [of (A) – (C)], the proposal requires a minimum of one

(1) loading space. The civil site plan shows the required 12 ft. x 25 ft. loading space (Exhibit A.23). *Criteria met.*

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

**(A) The Planning Director may grant an exception with or without conditions for up to 30% of the required number of off- street parking or loading spaces, upon a finding by the Director that there is substantial evidence that the number of spaces required is inappropriate or unneeded for the particular use, based upon:**

\* \* \*

**Staff:** No exceptions to the required number of off-street parking or loading spaces are included in the proposal and no such exceptions are necessary for the proposal. *Criteria met.*

**10.0 Signs Criteria:**

**10.1 MCC 39.6705 APPLICABILITY AND SCOPE**

**This Subpart regulates the number, size, placement and physical characteristics of signs. These regulations are not intended to, and do not restrict, limit or control the content or message of signs. This Subpart applies to all zones. The regulations of this Subpart are in addition to all other regulations in the Multnomah County Zoning Code and State Building Code applicable to signs.**

\* \* \*

**MCC 39.6710 CONFORMANCE**

**No sign may be erected unless it conforms with the regulations of this Subpart. Sign permits must be approved prior to erection of the sign.**

\* \* \*

**MCC 39.6720 EXEMPT SIGNS**

\* \* \*

**MCC 39.6725 PROHIBITED SIGNS**

**The following signs are prohibited and shall be removed:**

**(A) Strobe lights and signs containing strobe lights which are visible beyond the property lines;**

\* \* \*

**Staff:** The proposed signs are subject to the review criteria of this subpart, discussed in Section 10.2 – 10.8. of this staff report. *Criteria met.*

**10.2 MCC 39.6730 DETERMINATION OF FRONTAGES**

\* \* \*

## **MCC 39.6735 VARIANCES**

**Under the provisions of MCC 39.8200 through 39.8215, variances may be requested for all sign regulations except as provided herein, and except for prohibited signs.**

\* \* \*

## **MCC 39.6740 BASE ZONE SIGN REGULATIONS**

**Staff:** The above code sections are for informational purposes. The applicant requests an exception to the sign regulations of MCC 39.6745(C) for the proposed free standing sign. The proposed free standing sign (LED electronic reader board) is not one of the listed prohibited signs in MCC 39.6725; however, the County's sign code does not allow internally illuminated, electronic reader boards or signs that have moving parts. The provisions of the Variance and Adjustment codes (MCC 39.8200 [General Provisions] - MCC 39.8205 [Scope]) limit variance requests to sign dimensional requirements [more specifically height].

Based on the above, it appears that the request for an LED electronic reader board cannot be granted. Section 10.5 below addresses the proposed LED electronic reader board in further detail.

### **10.3 MCC 39.6745 SIGNS GENERALLY**

**For all uses and sites in all zones except the LM, C-3 and MR-4 zones, the following types, numbers, sizes and features of signs are allowed. All allowed signs must also be in conformance with the sign development regulations of MCC 39.6780 through MCC 39.6820.**

**(A) The following standards apply to Free Standing Signs:**

- (1) Allowable Area - Free standing signs are allowed .25 square feet of sign face area per linear foot of site frontage, up to a maximum of 40 square feet.**
- (2) Number - One free standing sign is allowed per site frontage.**
- (3) Height - The maximum height of a free standing sign is 16 feet.**
- (4) Extension into the Right-Of-Way - Free standing signs may not extend into the right-of-way.**

**Staff:** The proposal includes a single 40 sq. ft. in area and 8 ft. in height free standing sign along E. Woodard Road (Exhibit A.14). The sign is entirely located on the subject property and does not extend into the right-of-way. The applicant will need to include the sign details in the final design review plan. A recommended condition of approval ensures the County receives this information prior to land use sign off on the building plans. *As conditioned, these criteria can be met.*

### **10.4 (B) The following standards apply to Signs Attached to Buildings:**

- (1) Total Allowable Area - The total allowable area for all permanent signs attached to the building is determined as follows: Eighteen square feet maximum sign face area is allowed, or .25 square feet of sign face area per linear foot of the occupant's primary building frontage, whichever is more.**

**(2) Individual Sign Face Area - The maximum size of an individual sign within the total allowable area limit is 50 square feet.**

**(3) Types of Signs - Fascia, marquee, awning and painted wall signs are allowed. Projecting roof top and flush pitched roof signs are not allowed.**

**(4) Number of Signs - There is no limit on the number of signs if within the total allowable area limit.**

**(5) Extension into the Right-Of-Way - Signs attached to buildings may not extend into the right-of-way.**

**Staff:** Primary building frontage equates to 269 linear feet, which would allow 67.25 sq. ft. of sign face. The proposed building signage is less than 67.25 sq. ft. (Exhibit A.13, p. 32 - 33). The largest individual building sign is 40 +/- sq. ft. and all building signs are fascia mounted. No building signs extend into the right-of-way. The applicant will need to include the building signs in the final design review plan. A recommended condition of approval ensures the County receives this information prior to land use sign off on the building plans. *As conditioned, these criteria can be met.*

**10.5 (C) Sign Features. Permanent signs may have the following features:**

**(1) Signs may be indirectly illuminated downward onto the sign face.**

**(2) Electronic message centers are not allowed.**

**(3) Flashing signs are not allowed.**

**(4) Rotating signs are not allowed.**

**(5) Moving parts are not allowed.**

**Staff:** The applicant requests an exception to install an electronic (LED) reader board at the entrance of the campus (Exhibit A.14). The LED reader board would allow the school to provide information about upcoming events and other school related details. The LED board would allow automatic translation of messages into multiple languages.

MCC 39.6745(C)(2) states that electronic message center are not allowed. (C)(1) limits illumination to indirect. Internal lighting of the sign face is not permissible. An electronic reader board sign is internally illuminated. (C)(3) does not allow flashing signs and electronic reader boards can be made to flash messages. Depending on how the sign functions, the lettering moving across the sign face would be considered moving parts. These code criteria state that these sign types are not allowed.

As noted in section 10.2 above, MCC 39.8200 – MCC 39.8205 limit variance requests to sign dimensional requirements [more specifically height]. Therefore, the applicant would need to modify the proposal to ensure the sign meets the requirements of (C) above. *Criteria not met.*

**10.6 (D) Additional Signs Allowed. In addition to the sign amounts allowed based on the site and building frontages, the following signs are allowed in all base zones for all usages:**

**(1) Directional signs pursuant to MCC 39.6805.**

**(2) Temporary lawn, banner and rigid signs.**

**Staff:** The proposal does not include any additional signs listed in (D) above (Exhibit A.14 and A.23). Staff has recommended that directional signage be placed at the entrance to the one-way travel lane from E. Woodard Road and on-site to prevent vehicles from turning into the one-way travel lane, as vehicles cannot turn around. In addition, if two-way traffic was requested for the 18-ft travel lane, this vehicle maneuvering area would need to be increased to 20-ft in width. The hearings officer can condition the use of directional signs and they can be reviewed at the Final Design Review phase.

**10.7 MCC 39.6780 SIGN PLACEMENT**

**(A) Placement.** All signs and sign structures shall be erected and attached totally within the site except when allowed to extend into the right-of-way.

**(B) Frontages.** Signs allowed based on the length of one site frontage may not be placed on another site frontage. Signs allowed based on a primary building frontage may be placed on a secondary building frontage.

**(C) Vision Clearance Areas.**

\* \* \*

**(D) Vehicle Area Clearances.**

\* \* \*

**(E) Pedestrian Area Clearances.**

\* \* \*

**(F) Required Yards and Setbacks.** Signs may be erected in required yards and setbacks.

**(G) Parking Areas.**

\* \* \*

**Staff:** (A) and (B) As per the architectural site plan (Exhibit A.14), the signs will be placed within the site. The freestanding sign will be placed on the frontage for E. Woodard Road only.

(C), (D), (E) No signs are proposed within the vision clearance area, a vehicle clearance area, or a pedestrian clearance area (Exhibit A.23).

(F) and (G) One proposed sign will be placed within the required yard areas as allowed. No accessory signs are proposed in parking areas (Exhibit A.23).

*Based on the above, these criteria are met.*

- 10.8 MCC 39.6785 FASCIA SIGNS;**
- MCC 39.6790 PROJECTING SIGNS;**
- MCC 39.6795 FLUSH PITCHED ROOF SIGNS;**
- MCC 39.6800 MARQUEES AND AWNINGS;**
- MCC 39.6805 DIRECTIONAL SIGNS;**
- MCC 39.6810 TEMPORARY SIGNS;**

**MCC 39.6815 APPLICABILITY IN THE EVENT OF CONFLICTS;  
MCC 39.6820 SIGN RELATED DEFINITIONS AND FIGURES**

**Staff:** The proposed signs are not Fascia Signs, Projecting Signs, Flush Pitched Roof Signs, Marquee / Awning Signs, Directional Signs, or Temporary Signs (Exhibit A.14). *Criteria not Applicable.*

MCC 39.6815 and MCC 39.6820 are for information purposes.

**11.0 Variance Criteria:**

**11.1 MCC 39.8200 ADJUSTMENTS AND VARIANCES; GENERALLY**

**(A) MCC 39.8200 through MCC 39.8215 (Adjustments and Variances) are designed to implement the Policies of the Comprehensive Plan. However, it is also recognized that because of the diversity of lands and properties found in the county there should be a zoning provision that permits justifiable departures from certain Zoning Code dimensional standards where literal application of the regulation would result in excessive difficulties or unnecessary hardship on the property owner.**

**(B) To address those situations, modification of the dimensional standards given in MCC 39.8205 may be permitted if the approval authority finds that the applicant has satisfactorily addressed and met the respective approval criteria in MCC 39.8210, Adjustments, or 39.8215, Variances. If an Adjustment or Variance request is approved, the approval authority may attach conditions to the decision to mitigate adverse impacts which might result from the approval.**

\* \* \*

**(D) The Variance review process differs from the Adjustment review by providing a mechanism by which a greater variation from the standard than 40 percent may be approved for certain zoning dimensional requirements. The Variance approval criteria are based upon the traditional variance concepts that are directed towards consideration of circumstances or conditions on a subject property that do not apply generally to other properties in the same vicinity.**

\* \* \*

**Staff:** (A) and (B) are for informational purposes but clearly state that the Adjustment and Variance codes are for “justifiable departures from certain Zoning Code dimensional standards”. (C) pertains to adjustment requests and the proposal does not include an adjustment. (E) and (F) are also for informational purposes. The applicant requests the following:

- A 25 ft. reduction to the minimum yard requirements [of MCC 39.4375(C)] for the 30 ft. street side yard adjacent to E. Woodard Road to accommodate the ADA parking spaces and vehicle maneuvering from those spaces (Exhibit A.14 & A.23)
- A 25 ft. reduction to the minimum yard requirements [of MCC 39.4375(C)] for the 30 ft. front yard adjacent to E. Historic Columbia River Hwy. to accommodate the existing main parking lot area (Exhibit A.14 & A.23).



As the minimum yard requirement for the front and street-side yards is 30 ft., the requests to reduce specific minimum yard requirements are more than a 40% variation from the standard. Per (D), these requests require a Variance, which the applicant included in their application (Exhibit A.12).

## 11.2 MCC 39.8205 SCOPE

\* \* \*

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

\* \* \*

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

**Staff:** The requested parking lot and travel lane intrusions would modify the minimum yard requirements outlined in the dimensional requirements [MCC 39.4375(C)] for the RR zone. Per (B) above, these dimensional standards are eligible for modification under a Variance review.

## 11.3 MCC 39.8215 VARIANCE APPROVAL CRITERIA

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

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

**(1) The size, shape, natural features and topography of the property, or**

\* \* \*

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

**Staff:** Per the existing conditions plan (Exhibit A.20), the proposal modifies existing parking lots that are currently located within the front and side yard areas adjacent to E. Woodard Road and E. Historic Columbia River Hwy. Reynolds School District previously used the existing parking lot when the subject property served as a satellite high school for their school district, but the use appears to have ceased in 2016 (Exhibit B.7).

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

**Staff:** As per the current deed (Exhibit A.3), Corbett School District purchased the subject property from the Reynolds School District in 2020. Corbett School District took the property as-is, with the existing buildings and parking lots (Exhibit A.20). The applicant is proposing to add ADA parking on the existing side of a travel lane. It will be up to the hearings officer to decide if the applicant created the parking spaces issue or if the applicant is using an existing travel lane and redefining it.

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

**Staff:** According to the applicant, meeting the minimum yard requirements would require the demolition, relocation, and redesign of all existing parking areas on the property (Exhibit A.13, p. 57). This would reduce the amount of available space for grass/asphalt play areas necessary for the school. As Reynolds School District was allowed to use the existing parking lots when the subject property served as a satellite high school, applying the dimensional standards for the parking area appears to create an unnecessary hardship to the Corbett School District for a similar use.

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

**Staff:** According to the applicant, the parking areas have existed within the yards for 30+ years, which would indicate that authorization of the Variance, will not be materially detrimental to the public welfare (Exhibit A.13, p. 57). The applicant also believes that authorization of the Variance should not be injurious to property in the vicinity or base zone, or adversely affect appropriate development of adjoining properties.

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

**Staff:** The applicant requested two (2) dimensional variances. The requested variances would allow the existing parking lots to remain in their current location (Exhibit A.20 and A.23) and add landscaping improvements. The hearings officer will need to determine if the request is the minimum necessary variation from the minimum yard requirements in the RR zone.

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

**Staff:** According to the architectural site plan, landscape plan, civil site plan, and grading and stormwater plan (Exhibits A.14, A.19, and A.23 – A.24), the applicant proposes to use trees,

screening shrubs, and ground cover around the parking lot areas. The applicant believes that the Evergreen screening shrubs [which will not exceed 3 ft. in height at maturity] should not limit the amount of light leaving the site from the parking areas and affecting the traveling public on two County roadways (Exhibit A.13, p. 57).

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

**Staff:** The request variance is in support of the lawful establishment of the proposed middle school and district office via the land use review and building permit process per Multnomah County Code. *Criterion met.*

**12.0 Comprehensive Plan Policy Criteria:**

**12.1 Policy 2.7 - Ensure that new, replacement, or expanding uses in the RR zone minimize impacts to farm and forest land by requiring recordation of a covenant that recognizes the rights of adjacent farm and forestry practices.**

**Staff:** A recommended condition of approval requires the property owner to record a covenant that recognizes the rights of adjacent farm and forestry practices. *As conditioned, this policy can be met.*

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

**Staff:** A recommended condition of approval requires the property owner to follow procedures for the reporting and handling of artifacts / cultural resources discovered during construction. *As conditioned, this policy can be met.*

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

**Staff:** Corbett Fire (Exhibit A.6) and the Multnomah County Sherriff's Office (Exhibit A.7) reviewed the proposal. Both agencies indicated that they have the ability to provide the acceptable level of service for the proposed school and district office. *Policy met.*

**13.0 Conclusion:**

The hearings officer will need to determine if the applicant has carried the burden necessary for a Variance [to minimum yard requirements]. The requested exception to the sign features is not allowed by the code. Based on the findings and other information provided above, the applicant has carried the burden necessary for the Community Service Conditional Use Permit, Design Review, and Significant Environmental Concern Permit to establish a middle school and district office in the RR zone. Approval by the hearings officer shall be subject to any conditions of approval established in the Hearings Officer Decision.

**14.0 Exhibits:**

- 'A' Applicant's Exhibits
- 'B' Staff Exhibits
- 'C' Procedural Exhibits

Exhibits with a “\*” after the exhibit # have been included as part of the mailed decision. Those exhibits have been reduced to a size of 8.5” x 11” for mailing purposes. All other exhibits are available for review in Case File T3-2021-14962.

<b>Exhibit #</b>	<b># of Pages</b>	<b>Description of Exhibit</b>	<b>Date Received / Submitted</b>
A.1	1	General Application Form	08.11.2021
A.2	4	Title Report	08.11.2021
A.3	5	Current Deed	08.11.2021
A.4	33	Lighting Cut Sheets	08.11.2021
A.5	98	Stormwater Certificate and Report	08.11.2021
A.6	4	Fire Service Agency Review	08.11.2021
A.7	1	Sheriff Service Review	08.11.2021
A.8	1	Water Service Review	08.11.2021
A.9	9	Septic Review Certification	08.11.2021
A.10	2	OPRD Email	08.11.2021
A.11	1	Staff Biologist's Resume	08.11.2021
A.12	1	Revised General Application Form	09.22.2021
A.13	60	Revised Applicant Narrative	09.22.2021
A.14	1	Revised Architectural Site Plan & Details [A1.01]	09.22.2021
A.15	1	Revised Main Building Floor Plan [A2.01]	09.22.2021
A.16	1	Revised Buildings 3, 4, 6 Floor Plans [A2.02]	09.22.2021
A.17	1	Revised Main Building Exterior Elevations & Material Palette [A3.01]	09.22.2021
A.18	1	Revised Buildings 3, 4, 6 Exterior Elevations [A3.02]	09.22.2021
A.19	2	Revised Landscape Plan & Details [L1.01 & L2.01]	09.22.2021
A.20	1	Revised Existing Conditions Site Plan [C1.01]	09.22.2021
A.21	1	Revised Erosion and Sediment Control Plan [C2.01]	09.22.2021
A.22	1	Revised Demolition Plan [C3.01]	09.22.2021
A.23	1	Revised Civil Site Plan [C4.01]	09.22.2021

A.24	1	Revised Grading and Stormwater Plan [C5.01]	09.22.2021
A.25	1	Revised Erosion and Sediment Control Details [D1.01]	09.22.2021
A.26	1	Revised Site Lighting Plan [E1.01]	09.22.2021
A.27	103	Transportation Planning Review	09.22.2021
A.28	4	Revised Transportation Planning Review Memo	02.16.2022
<b>'B'</b>	<b>#</b>	<b>Staff Exhibits</b>	<b>Date</b>
B.1	2	Division of Assessment, Recording, and Taxation (DART): Property Information for 1S4E05AB -0200 (R994050530)	08.11.2021
B.2	1	Division of Assessment, Recording, and Taxation (DART): Map for 1S4E05AB	08.11.2021
B.3	1	Copy of Survey no. 57939	10.29.2021
B.4	1	Copy of Agricultural and Forest Practices Covenant	03.01.2022
B.5	1	Aerial Map of adjacent land uses to the site	03.01.2022
B.6	1	Big Game Winter Habitat Map	03.01.2022
B.7	1	Copy of December 2019 Pamplin News Article	03.01.2022
<b>'C'</b>	<b>#</b>	<b>Administration &amp; Procedures</b>	<b>Date</b>
C.1	3	Incomplete Letter	09.09.2021
C.2	1	Complete Letter (Day 1)	10.29.2021
C.3	11	Hearing Notice	02.18.2022
C.4	45	Staff Report	03.03.2022