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Notice of Hearings Officer Decision

Attached please find notice of the Hearings Officer's decision in the matter of **T3-2021-14962**, mailed 03/28/2022. This notice is being mailed to those persons entitled to receive notice under MCC 39.1170(D).

The Hearings Officer's Decision is the County's final decision and may be appealed to the State of Oregon Land Use Board of Appeals (LUBA) by any person or organization that appeared and testified at the hearing, or by those who submitted written testimony into the record.

Appeal instructions and forms are available from:

Land Use Board of Appeals
775 Summer Street NE, Suite 330
Salem, Oregon 97301

503-373-1265
www.oregon.gov/LUBA

For further information call the Multnomah County Land Use Planning Division at: 503-988-3043.

**BEFORE THE LAND USE HEARINGS OFFICER
FOR MULTNOMAH COUNTY, OREGON**

In the Matter of a Type III application for a Community Service Conditional Use permit, Significant Environmental Concern permit, Design Review and a Variance to the minimum yard requirements to construct and operate a middle school and school district office on 3.5 acres zoned Rural Residential (RR) in unincorporated Multnomah County, Oregon

FINAL ORDER

Corbett School District

T3-2021-14962

I. Summary:

This Order is the decision of the Multnomah County Land Use Hearings Officer approving with conditions this application for the permits required to construct and operate a new middle school and school district office building on 3.5 acres of land zoned RR, including a variance to the minimum yard requirements, design review approval, and an SEC permit.

II. Introduction to the Property and Application:

Applicant..... Lower Columbia Engineering, LLC.
Attn: Matt Alexander
58640 McNulty Way
St. Helens, OR 97051

Owners Corbett School District
Attn: Dan Wold, Interim Superintendent
35800 E. Historic Columbia River Hwy
Corbett, OR 97019

Property Legal Description: Tax Lot 200 in Section 5AB, Township 1 South, Range 4 East of the Willamette Meridian, Property ID # R341422, Alt. Account # R994050530, Street Address: 31520 E. Woodard Road, Troutdale.

Applicable Laws Multnomah County Code (MCC) 39.1515 (Code Compliance and Applications), 39.3005 (Lot of Record – Generally), 39.3030 (Lot of Record – RR), 39.6235 (Stormwater Drainage Control), 39.6850 (Dark Sky Lighting Standards), 39.4370 Conditional Uses – Community Service Uses), 39.4375 (Dimensional Requirements and Standards – C, D, F & H), 39.4385 (Lot Sizes for Conditional Uses), 39.4390 (Off-Street Parking and Loading), 39.7505 (General Provisions), 39.7510 (Conditions and Restrictions), 39.7515 Approval Criteria A -H), 39.7520 (Approval Criteria A.11 & A.19), 39.7525 (Restrictions), 39.8010 (Design Review Plan Approval Required), 39.8020 (Application of Regulations), 39.8025 (Design Review Plan Contents), 39.8030 (Final Design

Review Plan), 39.8040 (Design Review Criteria), 39.8045 (Required Minimum Standards), 39.8050 (Minor Exceptions: Yard, Parking, Sign, and Landscape Requirements), 39.6500 – 39.6600 (Parking, Loading, Circulation and Access), 39.6705 - 39.6820 (Signs), 39.5510 (Uses; SEC Permit Required), 39.5520 (Application for SEC Permit), 39.5540 (Criteria for Approval of SEC Permit), 39.8200 (Adjustment and Variances; Generally), 39.8205 (Scope), 39.8215 (Variance Approval Criteria), Comprehensive Plan Policies 2.7, 6.4 & 11.17.

The subject site is a single, developed 3.5-acre legal lot (TL 200) zoned RR, with a Significant Environmental Concern overlay (SEC) for the protection of the Sandy River viewshed, and a Significant Environmental Concern overlay for streams (SEC-s). The property is adjacent to the Historic Columbia River Highway, within the East of Sandy River Rural area but outside of the Columbia River Gorge National Scenic Area. The project includes the remodel of two existing one-story, wood framed buildings (7,100 sf total) to be connected with a new hybrid Pre-Engineered Metal Building (PEMB) addition (8,100 sf). This building will house 6 classrooms, special education, administration, and a multi-purpose room. Minor tenant improvements are proposed for an existing 1-story building that will be used as the Corbett School District offices. Two other existing 1-story buildings will remain on the site and be used for other support functions. Site upgrades include improvements to, and expansion of, the existing on-site septic system, updates to pedestrian circulation and off-street parking facilities, new stormwater management facilities, and various landscaping improvements. The septic system design is currently based on projected 2022-23 enrollment and staff. According to the County Sanitarian, no showers, gymnasiums or cafeterias should be allowed because of the limited septic system capacity. Any addition of plumbing fixtures or increase in student population beyond septic system capacity will be revisited at that juncture with appropriate County approval procedures. Projected 2022-23 enrollment is 143 students with 11 staff plus an additional 7 staff at the District Office. However, the applicant seeks a proposed maximum population of 150 students and 25 staff (175 total) for the site, which is less than what the County previously approved for this property (Case T3-01- 014) and aligns with the sanitarian's Septic Review.

The initial application, design plans and supporting documentation were submitted August 16, 2021 (Exs. A.1 to A.11) and subsequently revised (Exs. A.12 to A.28). The County followed a Type III process to review the application, and issued an incomplete letter on September 10, 2021 (Ex. C.1). The applicant responded with revised application materials, and the County deemed the application complete on October 29, 2021 (Ex. C.2). The County then mailed notice of a March 11, 2022 hearing to the owners of property within the 750-foot notice range as required by MCC 39.1105(C) (Ex. C.3) and posted notice on the property. No public comments were received by the County prior to the public hearing, but the applicant provided an additional explanation of and justification for the variance request (Ex. H.1) just before the hearing.

III. The Public Hearing Process:

The County's notice for the March 11th public hearing (Ex. C.3) indicated it would be held remotely via a Zoom internet platform, in which everyone participating via video or telephone audio could hear everything that everyone said. At the commencement of

the hearing, I made the disclosures and announcements required by ORS 197.763(5) and (6) and 197.796 and disclaimed any *ex parte* contacts, conflict of interest or bias. No one raised any procedural objections or challenged my ability to decide the matter impartially, or otherwise challenged my jurisdiction.

At the March 11th public hearing, Chris Liu, Land Use Planner for the County, provided a verbal summary of the application and the basis for staff's report (Ex. C.4), which recommended conditional approval of all elements of the application. The applicant was represented by several members of its project team, including Michelle Vo, School Board Chair, Carson Shields, architect, Ian Mickelson, architect with Soderstrom Architects, Matt Alexander and Andrew Levy of Lower Columbia Engineering, LLC, and Steve Salisbury, School District Facilities Supervisor, who collectively explained the proposal and expressed the applicant's acceptance of and agreement with staff's favorable recommendation and conditions of approval.

No one else requested an opportunity to testify, and only one written comment on the proposal was received into the record. That comment, from Lorie Svesko, asked the purpose of the back-up septic drainfield and the impact it might have on her near-by property, which the applicant's engineer provided at the hearing. No one requested that the record remain open or that the hearing be continued, so I closed the record at the conclusion of the March 11th public hearing.

IV. Findings:

Only issues and approval criteria raised in the course of the application, during the hearing or before the close of the record are discussed in this section. All approval criteria and issues not raised by staff, the applicant or a party to the proceeding have been waived as contested issues, and no argument with regard to these issues can be raised in any subsequent appeal. I find those criteria to be met, even though they are not specifically addressed in these findings, and I adopt and incorporate herein by this reference the staff report (Ex. C.4) to augment the following findings:

Generally Applicable Provisions:

1. MCC 39.1515 Code Compliance and Applications. MCC 39.1515 prohibits the County from issuing or otherwise approving permits for any property that is not in full compliance with all applicable provisions of Multnomah County Zoning Code. As written, this provision could be construed to impose an impossible burden on every applicant to prove a negative – to prove there is nothing about the property and all uses thereon that is contrary to the Zoning Code or any previously issued permit. Staff takes the position in the report (Ex. C.4) that MCC 39.1515, in fact, does not impose such a burden on applicants, but only requires that an applicant respond to any specific allegations or known instances of a violation on the property. Absent any argument to the contrary, I accept staff's interpretation and note there is no evidence or allegation of a code violation in this record, which is apparently enough to satisfy this provision.
2. MCC 39.3005 & 39.3090 Lot of Record. MCC 39.3005 and 39.3090 require the applicant to provide documentation that the subject parcel is a legal lot of record. Staff reports this property was the subject of a lot of record proceeding in 2001 (T3-01-014) that concluded this property was composed of two parcels consolidated and

constitutes a legal lot of record. The survey (Ex. B.3) and deed (Ex. A.3) confirm its current configuration, but the 2001 proceeding documents that this requirement is met.

3. MCC 39.6235 Stormwater Drainage Control. MCC 39.6235 requires compliance with the County's substantive stormwater collection, treatment and detention requirements whenever a project proposes 500 sf of new or replaced impervious surface. The present proposal meets this threshold, for which the applicant provided a storm water certificate and drainage report (Ex. A.5) completed by Andrew Niemi of Lower Columbia Engineering and a revised stormwater plan (Ex. A.24) that indicate natural infiltration is appropriate with the use of 4 bioretention swales. The engineer notes the need for the school to follow an operation and maintenance plan to ensure proper upkeep of the swales. A condition of approval is warranted to ensure compliance with these and the other assumptions of the stormwater report and plan. See Condition 7.a.
4. MCC 39.6850 Dark Sky Lighting Standards. MCC 39.6850 generally requires all new lighting to comply with the County's dark sky lighting requirements. It is certainly feasible for this proposal to comply with these requirements, and a condition of approval is warranted to require that. See Condition 4.b.

RR Zone and Conditional Use Requirements

1. MCC 39.4370 Conditional Uses in the RR zone. MCC 39.4370 lists, among others, Community Service Uses under MCC 39.7500 to 39.7810 as conditionally allowed in the RR zone. MCC 39.7520 lists "School, private, parochial or public; educational institution" as Community Service Uses, along with "Accessory uses to the above." This covers the range of uses proposed in this application, which is sufficient to conclude that the uses proposed all qualify as conditionally allowed in the RR zone.
2. MCC 39.4375 Dimensional Requirements and Development Standards. MCC 39.4375 imposes several dimensional and other development requirements on uses in the RR zone.

2a MCC 39.4375(C) requires compliance with the following minimum setbacks:

Front 30 feet
Side 10 feet
Street Side 30 feet
Rear 30 feet

These standards can all be met except for the front and street side yard requirements due to the proximity of the ADA parking spaces to E. Woodard Road (5 feet) and the proximity of the main parking lot to the E. Historic Columbia River Hwy (abutting). Moreover, MCC 39.6580 generally prohibits parking spaces and areas in required setbacks. The proposed site plan (Ex. A.14) and existing conditions plan (Ex. A.20) show the existing and proposed parking allocation relative to these abutting streets. Because the proposal cannot satisfy all minimum yard requirements for the RR zone, the application included a Variance request for these two parking areas (Ex. A.13), which the applicant augmented just before the hearing (Ex. H.1). Additionally, several of the existing and nonconforming buildings on the site are located within required setbacks (Ex. A.20). Buildings 3, 4 & 5 are located in either the rear, side or street side

setbacks (Ex. A.23). The proposed addition and buildings 2 and 3 meet the required setbacks. The variance requests are discussed below in a separate section. All existing and proposed fencing is a maximum of 6 feet tall (Exs. A.14 & A.23). The building elevation drawings (Exs. A.17 & A.18) show the maximum building height as 19' - 2".

- 2b MCC 39.4375(D) further complicates the setback picture by requiring increases where a yard abuts a street with an "insufficient right-of-way width to serve the area." In this case, the County Road Official did not provide any comments indicating an insufficient right-of-way width for either E. Woodard Road or E. Historic Columbia River Hwy. (Ex. A.27).
- 2c MCC 39.4375(F) requires on-site sewage disposal, storm water/drainage control, water systems to be provided on the lot. The Certificate of Water Service (Ex. A.8) shows that public water serves the site. The on-site septic systems are located solely within the boundaries of this property (Ex. A.9). The Architectural Site Plan (Ex. A.14), Civil Site Plan (Ex. A.23), and Grading and Stormwater Plan (Ex. A.24) do not show the septic systems details as reviewed by the County Sanitarian (Ex. A.9). The plans also show minor location differences for elements of the septic and storm water systems. A condition of approval is warranted to ensure the final design plans demonstrate compliance with the Sanitarian's requirements. See Condition 3.h. Projected enrollment is 143 students, with 11 school staff, and 7 staff associated with 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. Staff recommended conditions prohibiting showers, gymnasium and cafeteria as a way to ensure that the capacity of the on-site septic system is not exceeded. At the hearing, however, the applicant objected and requested that any such conditions be narrowly tailored to prohibit showers and a commercial kitchen, and to leave open the option of a gymnasium and cafeteria in the future. This request makes sense and is consistent with the facilities and fixtures that really stand to impact septic capacity. See Condition 7.e.

The application includes a storm water drainage control certificate, site plan, and storm water report completed by Andrew Niemi, PE (Ex. A.5). The certificate indicates that natural infiltration is appropriate with the use of 4 bioretention swales (Ex. A.24). The engineer notes that the school should follow an operation and maintenance plan to ensure proper upkeep of the swales (Ex. A.5, p.4), which warrants a condition of approval to ensure compliance with these stormwater plan assumptions and requirements. See Condition 7.a.

- 2d MCC 39.4375(H) requires compliance with the dark skies requirements of MCC 39.6850, which are addressed above and in a condition. See Condition 4.b.
- 2e MCC 39.4385 imposes general and subjective lot size standards based on the following amorphous considerations:
- (A) The site size needs of the proposed use;
 - (B) The nature of the proposed use in relation to the impacts on nearby properties;
 - (C) Consideration of the purposes of this base zone; and
 - (D) The lot or parcel is at least two acres in area

The record indicates that the site was previously used for a Reynolds District middle school, and there is every reason to believe that the Corbett School District can make this 3.5-acre site work for the same basic purpose. Absent any dissenting views, I find that the site is sufficiently large according to these standards.

2f MCC 39.4390 requires compliance with the off-street parking and loading requirements in MCC 39.6500 to 39.6600, which are addressed below.

Community Service Conditional Use Requirements

1. MCC 39.7505 & 39.7510 General Provisions & Conditions. MCC 39.7505 & 39.7510 provides that conditional use permits are use-specific and the process is intended to evaluate a particular use proposal. The sections also authorize the imposition of all manner of conditions to ensure that the approval criteria are achieved and met.

2. MCC 39.7515 CUP Approval Criteria for Community Service Uses. MCC 39.7515 provides the conditional use approval criteria for Community Service uses and requires compliance with all of the following:

2a MCC 39.7515(A) requires that the use be “consistent with the character of the area.” This property is in a rural area in unincorporated east Multnomah County, adjacent to Historic Columbia River Hwy. and East Woodard Road. The surrounding lands are variously zoned forest, residential, agricultural, and mixed agricultural. The record shows that the US Forest Service constructed the existing buildings more than 30 years ago (Ex. A.13, p. 39), 5 of which will remain. The application proposes to construct a pre-finished metal siding addition to connect two of the buildings. The existing buildings have T1-11 (plywood panel) siding, and the applicant indicates that the same T1-11 siding will be used for any section requiring replacement (Exs. A.17 & A.18) in neutral (gray) colors or burnt red to match the roofs of 3 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 these preexisting structures and the rural character of the surrounding area. On this basis, I find this criterion met.

2b MCC 39.7515(B) requires that the use “not adversely affect natural resources.” Several measures, including stormwater swale systems and the removal of impervious surfaces, will protect natural resources and advance this criterion (Exs. A.21 to A.24). No development or improvements are proposed for the small northeast corner of the site encumbered with the SEC-s overlay. The proposal is to reduce the site’s total impervious area by 32% (29,460 sf). 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 (Ex. A.19) resulting in the same total number of trees on the site as currently exist. Vegetation proposed to remain will be protected during construction (Ex. A.19 & A.21). The application proposes new native and low-water use plantings to increase habitat for surrounding wildlife (Ex. A.13, p. 40).

2c MCC 39.7515(C) implement ORS 215.296 and require that 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.*

Adjacent lands are variously zoned forest, residential, agricultural, and mixed agricultural (Ex. B.5). Other than temporary and intermittent increased traffic to the site during pick-up / drop-off hours, the proposed school use is not anticipated to generate any impacts likely to affect or increase the cost of farm or forest practices. There is no testimony in this record of any such impacts; staff does not anticipate any such impacts or cost increases, and I am not inclined to assume any from the operation of this middle school or district office. The County mailed notice of the public hearing (Ex. C.3) 20 days prior to the hearing, and no comments were received into the record. Given this lack of evidence or argument of any such impacts, I find this proposal satisfies these requirements.

- 2d MCC 39.7515(D) requires that the use “not require public services other than those existing or programmed for the area.” The only relevant public services implicated by this proposal are fire suppression, water service and sanitary sewer service. According to the Fire Service Agency Review (Ex. A.6), Corbett Fire’s current resources are adequate to provide fire suppression for the proposed use. The Certificate of Water Service (Ex. A.8) indicates that Corbett Water’s current resources are adequate to provide water service for the proposed use. As for sanitary sewer, this proposal will be served by an on-site septic system. Based on this record and the lack of any argument to the contrary, I find this requirement satisfied.
- 2e MCC 39.7515(E) requires that the use “be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife.” The record indicates this site is outside of any designated big game winter area.
- 2f MCC 39.7515(F) requires that the use “not create hazardous conditions.” Under this criterion, two possible hazards were identified: traffic and septic system. In response to these two issues, I find as follows:

Traffic - The revised transportation planning review memo. (Ex. 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 and loading areas (Ex. A.23) to accommodate such activity, which should limit the amount of overflow traffic onto E. Woodard Road. The site plans (Exs. A.14 & A.23) show 2 existing access points that will be used and a third existing access point that will be reserved for emergency access only. Of the two primary access points, the west access will be designated “entrance only,” and the east access point will serve as an entrance and exit. A condition of approval is warranted to ensure the implementation of these designations. See Condition 7.c.

On-site Septic – According to the Septic Review Certification (Ex. A.9), the school is subject to strict population and fixture limitations to keep the on-site septic system functioning properly. A condition is warranted to ensure that the school population is limited to 150 students and 25 support staff (175 total) and

that the development does not include facilities or plumbing fixtures that could exceed the limited capacity of this system. At the public hearing, the applicant requested that any such limitations be focused on specific plumbing fixtures and related features and not be overly broad. That concern is understandable, and given the specific nature of the septic system limitations, the limiting conditions are suitably narrow to meet this requirement. See Condition 7.e.

2g MCC 39.7515(G) requires that the use “satisfy the applicable policies of the Comprehensive Plan.” The applicable Comprehensive Plan provisions are addressed below, but those findings are sufficient to convince me that their requirements, such as they are, are satisfied by this proposal.

2h MCC 39.7515(H) requires that the use will “satisfy such other applicable approval criteria as are stated in [MCC 39.5715].” The other applicable code provisions are addressed throughout this decision, but suffice it to say that I find that the requirements of these applicable code provisions are satisfied by this proposal.

3. MCC 39.7525 Restrictions. MCC 39.7525 imposes the following development restrictions for any use, such as this Community Service use, approved under MCC 39.7520 to 39.7650:

3a MCC 39.7525(A) & (C) impose the following additional, somewhat duplicative dimensional requirements:

- 30-foot front yards;
- 20-foot side yards;
- 20-foot maximum building height for 1-story buildings and 25 feet for 2-story buildings;
- Rear yards as required by the FF base zone; and
- Elementary public schools shall be on sites of one acre for each 75 pupils or one acre for each 2½ classrooms, whichever is greater.

As explained elsewhere in this opinion, the buildings and lay-out proposed in this development plan (Ex. A.14) meet these dimensional requirements, and at 3.5 acres, I find that the site is sufficiently large for this use.

3b MCC 39.7525(D), (E), (F) & (G) impose the following requirements, some of which are duplicative of others and some are inapplicable. MCC 39.7525(D) refers to for parking and loading requirements in MCC 39.6500 to 39.6600. These are addressed elsewhere in this opinion, but are satisfied by this proposal. MCC 39.7525(E) refers to the sign requirements in MCC 39.6700 to 39.6820, which are also addressed elsewhere, and shall be met by this proposal. MCC 39.7525(F) prohibits camping for more than 90 days in 12 months, which is not implicated by this proposal. MCC 39.7525(G) refers generally to the base zone for other restrictions or limitations, which are also addressed elsewhere in this opinion.

Significant Environmental Concern Permit Criteria

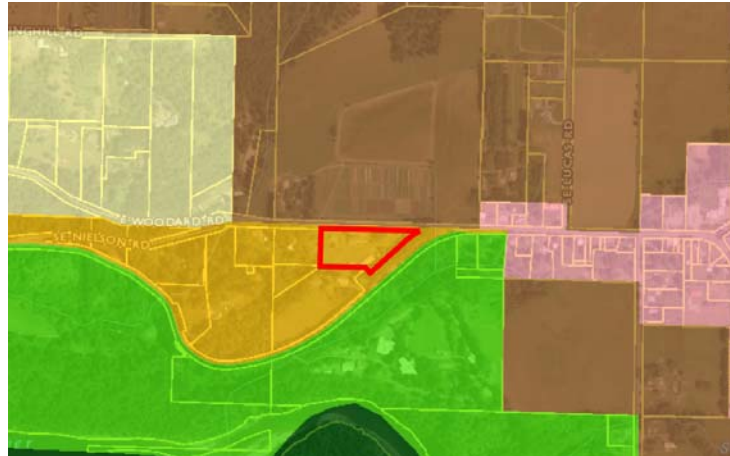
1. SEC Permit – Uses that trigger permit requirement. This parcel is encumbered with the County’s SEC overlay for views of the Sandy River and another for streams (SEC-s); although, the small portion of the property with the SEC-s Overlay is not

proposed for any development. Pursuant to MCC 39.5510(A), a SEC permit is required for all uses allowed in the base zone, and the application in this case includes a request for an SEC permit related to views of the Sandy River (Exs. A.10, A.14 & A.19 to A.26).

2. SEC Approval Criteria. MCC 39.5540 requires compliance with the following criteria to merit approval of the requested SEC permit:

2a MCC 5540(A) requires that 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. The application includes the required written information (Ex. A.13) and the required maps & plans (Exs. A.14 & A.19 to A.26). An email from the Oregon Parks & Recreation Dept. states that a Notification of Intent application is not required for the project due to its distance from the Sandy River, existing topography, and vegetation between the property and the Sandy River (Ex. A.10). The email further states that the project is consistent with the agency’s applicable rules for the scenic waterway.

2b MCC 5540(B) requires that “[a]gricultural and forest land shall be preserved and maintained for farm and forest use.” The zoning map shows agricultural land in brown and forest land in light green; residential land is dark yellow. No part of the subject property is zoned agricultural or forest land. Hence, I find that the proposed use does not reduce available land for farm and forest use.



2c MCC 5540(C) requires that “[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.” As noted previously, the SEC overlay for views of the Sandy River 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 (Ex. A.14), the proposal provides a layout that clusters the development to limit the total amount of land disturbance. I find that these measures tend to move this proposal into alignment with the “requirements” of this somewhat ambiguous section. Significant to this finding is the fact that the site has a long history of similar

Community Service use and development in the form of USFS housing and a school in the Reynolds District. What is proposed in this application closely matches the configuration of buildings and parking areas and the intensity of these prior uses.

- 2d MCC 5540(D) requires that “[r]ecreational 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.” The application states that one of the proposed play areas will replace existing asphalt with new asphalt (Ex. 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 appear to be satisfied with the minimum level of disruption to undeveloped portions of the property. On this basis, I conclude this criterion is met.
- 2e MCC 5540(E) requires that “[t]he protection of the public safety and of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.” The application’s demolition plan (Ex. A.22) and civil site plan (Ex. A.23) show the removal and replacement of portions of the existing chain link fence on the south and west portions of the site. New 6-foot tall 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 (Ex. A.13, p.20). On this basis, I conclude this criterion is met.
- 2f MCC 5540(F) requires that “[s]ignificant fish and wildlife habitats shall be protected.” The application indicates that the project manager and staff biologist (Ex. A.11) visited the property to determine the presence of significant fish, wildlife, and other critical habitat (Ex. 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 caused by this development proposal. On this basis, I conclude this criterion is met.
- 2g MCC 5540(G) requires that “[t]he 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.” This property is not located along a river, lake, wetland, or stream; therefore, no natural vegetation will be altered that could affect the scenic quality, erosion protection, or continuous riparian corridor(s). On this basis, I conclude this criterion is met.
- 2h MCC 5540(H) requires that “[a]rchaeological areas shall be preserved for their historic, scientific, and cultural value and protected from vandalism or unauthorized entry.” The property does not contain any known archaeological areas with historic, scientific, or cultural resources. But, if any such areas or resources are discovered during construction activities, a condition of approval is warranted to ensure the developer and all contractors on the project follow proper notification and related protocols. See Condition 5.
- 2i MCC 5540(I) & (J) respectively require that:

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. And

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.

No floodplains, water areas, or wetlands are mapped or identified on this property. Water quality and natural hydraulic function should improve with the implementation of the stormwater plan and installation of multiple stormwater swales (Exs. A.22 & A.24). The erosion and sediment control plans (Ex. A.21 & A.25) are based on Best Management Practices, and on this basis, I conclude these criteria are met.

- 2j MCC 5540(K) requires that “[t]he 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.” One stated aim of this application is to preserve the overall quality of air, water, and land resources. The removal of existing impervious surfaces and use of stormwater facilities will improve water quality via the capture of run-off (Ex. A.24). As the site does not have a current active use, ambient noise levels will increase from the presence of a students during school hours. Reynolds School District previously used the site as a high school, which convinces me that student noise levels are not unprecedented (Ex. A.13, p. 21). On this basis, I conclude this criterion is met.
- 2k MCC 5540(L) requires that “[t]he 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.” The applicant’s design choices were intended to be compatible with the character and visual quality of this SEC area. The proposed building elevations (Exs. A.17 to A.18), the existing buildings, and the proposed addition will be painted in neutral tones (grays). The application proposes a burnt red color for portions of the metal siding on the addition, which matches the roofs of existing buildings 3, 4, and 5. The applicant states that the colors and style are similar to barns and shops found in the County’s rural areas (Ex. A.13, p. 21). Exterior lighting will meet the County’s Dark Sky Lighting standards. The proposal includes the removal of 720 linear feet of the existing galvanized chain-link fence, and replacement galvanized chain-link fencing will be painted black and screened by new vegetation (Ex. A.23). This type of fencing is found on nearby properties and has been present on this property for over 30 years (Ex. A.13, p. 21). On this basis, I conclude this criterion is met.
- 2l MCC 5540(M) requires that “[a]n 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.” The project manager and the staff biologist (Ex. A.11) conducted a site visit, during which

they did not identify any fragile or endangered plant habitat in need of protection (Ex. A.13, p. 21). On this basis, I conclude this criterion is met.

2m MCC 5540(N) requires compliance with the applicable Comprehensive Plan policies, which are addressed below.

Design Review Criteria and Required Minimum Standards

1. MCC 39.8010 Design Review Plan Approval Required. The proposed use is subject to Design Review and must comply with the application submission requirements in MCC 39.8025 and demonstrate compliance with the approval criteria in MCC 39.8040 and 39.8045.
2. MCC 39.8040 – Approval Criteria. MCC 39.8040 provides the mandatory approval criteria for site plans, for which I adopt the following findings:
 - 2a MCC 39.8040(1) - Relation of Design Review Plan Elements to Environment. MCC 39.8040(1) requires that:

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

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

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

While somewhat ambiguous, these subsections require a certain level of compatibility and harmony between the development proposed, its buildings and impervious surfaces and the surrounding natural environment, built to a “human scale.” The application proposes to connect two existing buildings to form a larger building via a new addition. The plans (Ex. A.14) show that the addition will serve as a multi-purpose room that separates two distinct play areas. The addition does not remove any natural landscaping, and the entire footprint is within what is currently a paved parking lot (Ex. A.20). As proposed, the site’s landscaped areas will increase to 57% of the available land area (Ex. A.19), which will preserve the natural environment to the greatest extent possible.

A photovoltaic system for the roof of the new building addition will help offset energy use on the site (Ex. A.23). The application reports that the photovoltaic system is consistent with the State’s Green Energy Technology program (Ex. A.13, p. 48), and the building addition will use windows with Low-E glazing. Landscaping (trees and shrubs) will help provide vegetative screening from adjacent roads to reduce noise and air pollution (Ex. A.19).

This information and the application’s plans (Exs. A.14 to A.19 & A.23) demonstrate that the proposed design elements effectively, efficiently, and

attractively serve their intended functions. The applicant's plans also demonstrate that the design elements are on a human scale, interrelated, and provide spatial variety and order. On this basis, I conclude this criterion is met.

- 2b MCC 39.8040(2) & (3) – Safety, privacy and special needs of the Handicapped. The property is a privately owned by the Corbett School District, and access is limited to school business. Existing fencing and the proposed additional fencing and gates help ensure the safety and security of this school facility (Ex. A.23). Proposed landscape plantings will provide a vegetative screening between the adjacent roads and the property (Ex. A.19). ADA parking is located as close to the main entrance as possible (Ex. A.23). Existing and new ADA ramps are provided near the ADA parking and around the proposed building addition. With this, I conclude these criteria are met.
- 2c MCC 39.8040(4) – Preservation of the Natural Landscape. MCC 39.8040(4) requires that “[t]he 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.” The demolition plan (Ex. A.22) and landscape plans (Ex. A.19) show that the project removes 36 existing trees and preserves/protects 41 trees. The landscape plan describes the new trees, shrubs, perennials, and groundcover plants proposed for the site. The grading plan (Ex. A.24) shows that grading is limited to what is necessary to install the proposed improvements. Erosion control measures (Exs. A.21 & A.25) incorporate Best Management Practices to protect the natural landscape during construction activities. The proposal reduces the total impervious area for the site and increases landscaped areas to 57% of the available land area for the site. With this, I conclude these criteria are met.
- 2d MCC 39.8040(5) – Pedestrian and Vehicular Circulation and Parking. MCC 39.8040(5) requires that “[t]he 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.” 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. The application shows the main parking lot will be modified and updated to meet the County’s off-street parking and loading requirements in MCC 39.6500 to 39.6000, which are addressed elsewhere. Walkways connect existing buildings with the new addition will provide access to play areas on either side of the addition (Exs. A.13, p. 49 & A.23). The proposed design separates foot traffic from vehicle traffic to the extent possible. On this basis, I conclude this criterion is met.

2e MCC 39.8040(6) – Drainage. MCC 39.8040(6) requires that “[s]urface drainage and stormwater systems shall be designed so as not to adversely affect neighboring properties or streets. Systems that ensure that surface runoff volume after development is no greater than before development shall be provided on the lot.” The application includes a Stormwater Drainage Control Certificate with supporting documents (Ex. A.5). The existing conditions plan (Ex. A.20) and grading and stormwater plan (Ex. A.24) show that surface runoff volume will decrease significantly due to the reduction of impervious surfaces and utilization of multiple drainage swales and catch basins. According to the applicant’s engineer, the stormwater infrastructure will infiltrate run-off from the site and will improve upon the site’s existing drainage conditions. On this basis, I conclude this criterion is met.

2f MCC 39.8040(7) & (8) – Buffering, Screening and Utilities. These sections require that:

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.

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

The proposed landscape plan (Ex. A.19) ensures vegetative screening for the parking areas and structures on the property. The application proposed that new trees should help soften the presence of the building addition and minimize visual impacts to neighboring properties (Ex. A.13, p. 50). Above ground mechanical equipment 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 (Ex. A.23) to screen the containers from view. On this basis, I conclude these criteria are met.

2g MCC 39.8040(9) – Signs and Graphics. MCC 39.8040(9) requires that “[t]he 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.” An existing sign monument previously used by Reynolds School District will be used to mount the school’s new sign (Ex. A.14). No internal illumination is allowed in this freestanding sign under the County’s current sign regulations. Reynolds School District declared the school site surplus in 2016. Any lawfully established and continuously operating internally illuminated sign would be nonconforming to the County’s current sign code. Because the sign has not advertised a school for over two years, it has lost any nonconforming status it had and shall come into compliance with the County’s current sign regulations. Signs on the buildings will use colors and materials compatible with the exterior building materials. All of the sign requirements are addressed below, but a condition is warranted that ensures compliance with the sign requirements through the review of the final design review plan prior to land use sign-off for building plans. See Condition 4.d. With this, I find this criterion is satisfied.

3. MCC 39.8045 – Required Minimum Standards. MCC 39.8045 imposes a set of required minimum standards on all uses, such as this one, that are subject to Design Review. For each of these required minimum standards, I adopt the following findings:

- 3a MCC 39.8045(C) – The following landscape area requirements apply to the site generally:

(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.

The total site area is ~152,669 sf, which equates to a minimum of 22,900 sf of landscape area needed to meet the 15% minimum. The landscape plan (Ex. A.19) proposes ~87,779 sf of landscaped area, which equates to 57% of the total site. The landscape plan incorporates trees, shrubs, and groundcover into the design, and existing vegetation will remain for all undisturbed areas. On this basis, I find these requirements can be met.

- 3b MCC 39.8045(C)(3) – The following landscape requirements apply to the 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.

The plans (Exs. A.14 & A.23) show 39 proposed parking spaces, and the landscaping plan (Ex. A.19) provides the minimum defined interior landscape areas around the parking lots. The parking and loading areas adjacent to E. Woodard Road and E. Historic Columbia River Hwy. do not meet the 10-foot minimum landscaping strip standard in MCC 39.8045(C)(3)(b) (Exs. A.19 & A.23), and minor exceptions to these minimum landscape requirements are discussed below.

- 3c MCC 39.8045(C)(3) – The following landscape requirements apply to separations between parking/loading areas and the street:

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.

The application proposes trees spaced at 42-foot on center 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 (Ex. A.19). Proposed evergreen shrub materials will not exceed 3-foot 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 feet. The trees in the internal landscape planters do not count as they are not within the 7½ foot landscape strip. A condition of approval is warranted requiring the trees in the landscape strip adjacent to E. Historic Columbia River Hwy. to be spaced no more than 50 feet apart. See Condition 3.e. 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. These exceptions are discussed below.

3d MCC 39.8045(C)(3) – The following landscape requirements apply to parking/loading areas:

(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.

Landscape islands are proposed throughout the parking areas and near the ADA parking spaces and E. Woodard Road (Ex. A.19). The landscape islands are a minimum of 7 feet wide (Exs. A.19 & A.23), which satisfies these requirements.

3e MCC 39.8045(C)(4) – The following watering/irrigation and maintenance requirements apply to required landscaping:

(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.

General Note 3 on the landscape plan describes irrigation protocols for landscaping, and General Note 6 states the requirement for continuous maintenance (Ex. A.19). Staff concluded that the selected trees would generally avoid overhead lines. The application states that the selected street trees (Flowering Crabapple) were selected from the City of Portland approved list for street trees under overhead lines (Ex. A.13, p. 52). Conditions of approval are warranted to ensure compliance with these requirements. See Conditions 3.e & 7.d.

4. MCC 39.8050 – Minor Exceptions to yard, parking, sign and landscape requirements. MCC 39.8050 allows exceptions to the required minimum yard, parking, sign and landscape standards, and for non-landscaping requirements, and limits those exceptions to a 25% departure from the standard. The presumption I draw from this, however, is that exceptions to the landscape standards are unlimited. This application includes the following landscaping departures for which it requests an exception:

- A 10-foot reduction to the 10-foot 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 (Exs. A.19 & A.23).
- A 2.5-foot reduction to the 10-foot 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. (Exs. A.19 & A.23).

These proposed alterations to the landscape standards of MCC 39.8045(C) are not subject to the 25% cap. The application also includes a 1-foot reduction to the minimum aisle width for the parking lots (Ex. A.14 & A.23), which is subject to the 25% allowed departure.

- 4a MCC 39.8050(C)(2) – This section provides the approval criteria for an exception to parking space dimensions required under MCC 39.6560 and 39.6565, and requires findings that the following standard is met:

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:

As proposed, the parking lots would have a 24-foot aisle width (Ex. A.23), in support of which, the applicant asserts that the City of Portland requires a minimum width of 20 feet, and Beaverton requires a minimum aisle width of 24 feet (Ex. A.13, p. 53). I find that Portland's and Beaverton's parking aisle width standards are compelling evidence that, as proposed, a 24-foot wide aisle will provide adequate off-street parking in relation to the demands of users at this proposed school and office building, which satisfies the exception standard in MCC 39.8050(C)(2).

- 4b MCC 39.8050(C)(4) – This section provides the approval criteria for an exception to parking space dimensions and requires findings that the following standard is met:

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.

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-foot landscaping strip described in MCC 39.8045(C)(3)(c) (Ex. A.19). The landscaping strip adjacent to E. Historic Columbia River Hwy. is proposed to be 7½ feet wide. According to MCC 39.8000, the purpose of design review is to promote functional, safe, innovative and attractive site development compatible with the natural and human-made environment. The application explains 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 application notes the vegetative swale and proposed trees provide a clear line of site from the road to the drop-off area (Ex. A.13, p. 53). The applicant indicates that the clear line of site is a safety measure. I find this explanation is sufficient justification for the requested exceptions to the landscape dimensions and both are approved as requested.

Off-Street Parking and Loading

1. MCC 39.6510 Continuing Obligations. MCC 39.6500, *et seq.*, imposes the general and specific requirements for parking and loading for uses, such as this, that are required to have off-street parking. This proposal involves alterations to existing buildings and an addition to connect two existing buildings, which provides an intensification of use. Therefore, the proposal is required to provide off-street parking as described in the findings that follow. A condition of approval is warranted to ensure the long-term maintenance of the required off-street parking and loading facilities shown in the architectural and civil site plans (Exs. A.14 & A.23) are implemented and maintained without charge to users. See Conditions 6.a & 7.b. Additionally, MCC 39.6515 requires parking to be shown on a site plan, which the applicant has provided (Exs. A.23 & A.24).
2. MCC 39.6520 Use of Space. This section imposes the following on the parking required by this use:
 - (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.*

This decision includes conditions of approval that ensure these requirements will be met. See Conditions 6.a & 7.b.

3. MCC 39.6525 Location of Parking and Loading Spaces. This section imposes the following requirements on the location of required 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.

The civil site plan (Ex. A.23) shows the required parking spaces, loading space, and vehicle-maneuvering area located on the subject property, which satisfies these standards.

4. MCC 39.6530 Improvements Required. This section requires that:

(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.

A condition of approval is warranted that requires the parking and loading improvements be in place prior to the issuance of the Certificate of Occupancy. See Condition 6.a.

5. MCC 39.6535 Change of Use. This section imposes the following limitations on changes in use, which this application proposes:

(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.

This use is subject to these requirements, and any changes to the proposal will require that the applicant repeat the Community Service Conditional Use Review process for those changes. MCC 39.1170(E).

6. MCC 39.6555 Design Standards, Scope. This section requires that all parking and loading areas provide for the turning, maneuvering and parking of all vehicles on the lot. Also, it is 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. The architectural and civil site plans (Exs. A.14 & A.23) show that backing into a right-of-way is not necessary to maneuver vehicles into the parking lots.
7. MCC 39.6560 Access. This section requires, in this case, an unobstructed driveway at least 20 feet wide for two-way traffic, leading to a public street or approved private street and that traffic directions be plainly marked. The proposal includes an unobstructed 24-foot wide (two-way traffic) driveway from E. Woodard Road to

provide access to the non-loading parking area (Ex. A.23), which meets this standard. The proposal also includes an unobstructed 18-foot wide (one-way traffic) driveway from E. Woodard Road to provide access to the loading and student drop-off/pick-up areas, which requires a deviation from this dimensional standard. Deviations can be approved if the applicant demonstrates that all of the following 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.*

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

Comments from Corbett Fire (Ex. A.6) and County Transportation (Exs. A.27 & A.28) on the proposed 18-foot wide (one-way traffic) driveway from E. Woodard Road. Neither agency voiced any concerns about the proposed deviation. According to the applicant, the proposed deviation allows the school to use an existing access and comply with other project requirements, e.g., preservation of the natural landscape. There is no evidence or argument that the proposed deviation would adversely affect the appropriate development of adjoining properties. Also, there are no proposed parking or loading spaces located in a public or private street. On this basis, I find the deviation for the 18-foot wide (one-way traffic) driveway from E. Woodard Road accessing the loading and student drop-off/pick-up areas is justified, and it is approved as proposed.

8. MCC 39.6565 Dimensional Standards. This section provides the following dimensional standards for parking spaces and drive isles:

- (A) At least 70% of the required off-street parking spaces shall have a minimum width of 9 feet, a minimum length of 18 feet, and a minimum vertical clearance of 6.5 feet.*
- (B) Aisle width shall be not less than 25 feet for 90 degree parking,*
- (C) Loading spaces shall have a minim width of 12 feet and minimum depth of 25 feet and a minimum vertical clearance of 13 feet.*

The civil site plan (Ex. A.23) shows the parking lot design has spaces with minimum dimensions of 18 x 9 feet with 90 degree parking. According to the applicant, there are no anticipated vertical clearance issues due to the open nature of the parking lot, and the loading zone is 25 x 12 feet (Ex. A.23). The applicant proposes to reduce the drive aisle width to 24 feet, which is one foot below the minimum required. I have already approved this minor exception as explained above. With this one exception, the parking lay-out and dimensions meet the applicable dimensional requirements.

9. MCC 39.6570 Improvement Standards. This section provides the physical construction standards for parking and loading areas. For each, I adopt the following findings:

- 9a MCC 39.6570(A) & (B) Construction Standards. This section requires the parking area to be paved with at least 2 inches of blacktop on a 4-inch crushed rock base or at least 6 inches of Portland cement, unless a design providing additional load capacity is required by the fire service provider. The section also requires that all areas used for parking, loading, and maneuvering be physically separated from public streets or adjoining property by required landscaped strips or yards. In cases where no landscaped area is required, separation must be by curbs, bumper rails or other permanent barrier against unchanneled motor vehicle access or egress. Proposed parking, loading, and maneuvering areas have a minimum surface of 3 inches of asphalt on a 6-inch crushed rock base. Areas proposed for the emergency access have a surface of 4 inches of asphalt on a 12-inch crushed rock base (Ex. A.13, p. 26). The parking and loading areas contain the required curbs/bumper rails (Ex. A.23). Collectively, these designs fulfill the requirements of this section.

- 9b MCC 39.6570(C), (D) & (E) Marking, Drainage and Covered Walkways. These sections require permanent and continually maintained marking for vehicle parking and maneuvering in accordance with the approved plan required under MCC 39.6515. 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. Finally, 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. Any such structures shall meet the setback, height and other requirements of the base zone which apply. The landscape plan (Ex. A.19), civil site plan (Ex. A.23), and grading and stormwater plan (Ex. A.24) contain all of this required information. Conditions of approval are warranted to require ongoing maintenance of the parking and stormwater drainage system. On this basis, I find that these standards are met.

10. MCC 39.6575 Signs. All signs associated with this project are subject to the requirements in MCC 39.6780, which are addressed below.
11. MCC 39.6580 Design Standards – Setbacks. Among other things, this section requires that any required yard that abuts 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. Also, a required yard that abuts a street lot line shall not be paved, except for walkways that do not exceed 12 feet in total width and not more than 2 driveways that do not exceed the width of their curb cuts for each 150 feet of street frontage of the lot. The site has 3 driveways, one of

which is reserved for emergency access only (Ex. A.23). Between the emergency access and west driveway, there is 177 feet of road frontage. Between the west driveway and the east (two-way traffic) driveway, there is 275 feet of road frontage. The ADA parking spaces are located within the 30-foot street side yard required in the RR zone. Vehicle maneuvering also takes place within this 30-foot yard. With approval of the variance below, the requirements of MCC 39.6580 are met.

- 12 MCC 39.6585 Landscape and Screening Requirements. The landscape requirements are discussed above.
- 13 MCC 39.6590 Minimum Required Off-Street Parking Spaces. For primary, elementary, or junior high schools, this section requires one parking space for 84 sf of floor area in the auditorium, or one parking space for each 12 seats or 24 feet of bench length, whichever is greater. The multi-purpose room/auditorium is 3,195 sf, and based on the footprint of all relevant buildings, 38.04 parking spaces are required for this project. The applicant rounded up to 39 off-street parking spaces, which are shown on the civil site plan (Ex. A.23). On this basis, I find this requirement is met.
14. MCC 39.6595 Minimum Required Off-Street Loading Spaces. This section requires one loading space for every 5,000 to 39,999 sf of floor area on the site for Commercial, Office or Bank, or Commercial Amusement Uses. Public or Semi-Public Uses are to be treated as “mixed uses.” The total area of all structures on this site is 22,150 sf, which equates to a minimum of one loading space required. The civil site plan shows the required 12 x 25 foot loading space (Ex. A.23), which satisfies this requirement.

Signs

1. MCC 39.6705 Applicability and Scope. This application proposes signs that are subject to the standards, requirements and prohibitions set forth in MCC 39.6700 *et seq.*
2. MCC 39.6735, 39.6740 & 39.6745 – Variances, Base Zone Sign Regulations and Signs Generally. These sections provide the basic dimensional and locational requirements for all signs and allow variances for certain of these regulations. In particular, the sign variance section (MCC 39.6735) refers to the zoning code provisions in MCC 39.8200 to 39.8215. A close reading of those sections, however, reveals that only dimensional standards are eligible for variances and that variances to prohibited signs are expressly not allowed. In this case, the applicant proposes a free-standing LED reader board type sign as the school's primary sign, which is not specifically referenced in the Sign Code. In other words, LED electronic reader boards are not listed as a “prohibited sign” in MCC 39.6725, but they also are not described as being permitted. The description in MCC 39.6745 of what types of permanent free-standing signs are allowed, includes the following set of specific prohibitions:

(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 takes the reasonable position that the LED sign proposed here is internally lit, a flashing or moving sign, and a “an electronic message center,” none of which are allowed pursuant to these prohibitions, and none are eligible for a variance as the applicant requests. At the hearing, the applicant clarified its plan that the LED sign would in fact function as an electronic message center, but that there are at least 2 such signs in the Corbett area – one at the Fire Department and one at the elementary school. Staff indicated that neither sign was permitted through the County or subject to the current code requirements that appear to prohibit such LED message center signs. While the County’s sign code is not a model of clarity, it is relatively clear that an LED sign, such as the one proposed here as new free-standing sign, is not allowed. It is also relatively clear that a variance is not a lawful mechanism to overcome a prohibition in the sign code. Accordingly, I must deny the free-standing sign as proposed. If the applicant desires to revise the free-standing sign design in a way that complies with the sign code, it may do so during the final plan review phase of these proceedings. See Condition 4.d.

2. MCC 39.6745(B) –Signs Attached to Buildings. The following requirements apply to the signs that the applicant proposes to attach 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.

Primary building frontage is ~269 linear feet, which would allow 67.25 sf of sign area. The building signage proposed in this application is less than 67.25 sf (Ex. A.13, p. 32-33). The largest individual building sign is ~40 sf, and all building signs are fascia mounted. No building signs extend into the right-of-way. I find that these building-mounted signs are allowed, but a condition is warranted confirming that the final design review plan must include the building signs. See Condition 4.d. The County will need this information prior to land use sign-off on the building plans.

3. MCC 39.6745(D) – Additional Signs Allowed. This section allows other accessory type signs, such as directional signs. While the application does not request approval for any such accessory signs, staff recommends that the applicant consider

posting a few directional signs to facilitate flow into, through and out of the driveways, and similar locations. Also, if two-way traffic is requested for the 18-foot travel lane, this vehicle maneuvering area would need to be increased to a width of 20 feet. If the applicant desires any such directional signs, they should be included in the final plan review phase of these proceedings. See Condition 4.d.

4. MCC 39.6780 – Signs Placement. This section specifies where signs are allowed and not allowed to be placed. The architectural site plan (Ex. A.14) shows that all signs are proposed to be placed on site, and the freestanding sign on the frontage for E. Woodard Road only. No signs appear to be proposed within the vision clearance area, a vehicle clearance area, or a pedestrian clearance area (Ex. A.23). At most, one sign will be placed within the required yard areas. No accessory signs are proposed in parking areas (Ex. A.23). As presented, the plans comply with these requirements.

Variances to Dimensional Standards

1. MCC 39.8200 to 39.8215 – Adjustments and Variances Generally. The code allows “justifiable departures from certain Zoning Code dimensional standards,” and in this case the application seeks the following two variances:
 - A 25-foot reduction to the minimum yard requirements of MCC 39.4375(C) for the 30-foot street side yard adjacent to E. Woodard Road to accommodate the ADA parking spaces and vehicle maneuvering from those spaces (Exs. A.14 & A.23)
 - A 25-foot reduction to the minimum yard requirements of MCC 39.4375(C) from the 30-foot front yard adjacent to E. Historic Columbia River Hwy. to accommodate the existing main parking lot area (Ex. A.14 & A.23).

The minimum yard requirement for the front and street-side yards is 30 feet; therefore, the requests to reduce these specific yard minimums are more than a 40% variation from the standard. Therefore, a variance is the mechanism dictated by MCC 39.8205, and the application includes justification for these requests (Exs. A.12 & H.1).

2. MCC 39.8215 – Variance Approval Criteria. This variance may be approved upon a showing that all of the criteria in Subsections A-G are satisfied, and I adopt the following findings in response to each:

- 2a Unusual circumstance related to the property’s size, shape, natural features, topography, etc. The first criterion requires a showing of:

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.

The existing conditions plan (Ex. A.20) shows that the proposal plans to modify 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 these parking lots when it occupied the site and buildings as a satellite high school, but that use appears to have ceased in 2016 and therefore lost any nonconforming status it may have had (Ex. B.7). I find that these preexisting circumstances satisfy this requirement.

2b Hardship is not self-imposed. The second criterion requires a showing that 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.

According to the current deed (Ex. A.3), Corbett School District purchased the property from the Reynolds School District in 2020. Corbett School District took the property as-is, with the existing buildings and parking lots (Ex. A.20). The provision of ADA parking spaces is required, and the applicant proposes to add them on the existing side of a travel lane and near to the building entrance. The applicant points-out (Ex. H.1) that the Oregon Structural Specialty Code (OSSC) requires that "Accessible parking spaces shall be located on the shortest practical accessible route of travel from adjacent parking to an accessible building entrance." The only alternative location for the ADA parking spaces is on the east side, which would put them ~250 feet from the building entrance, in violation of the OSSC. Another possible location would interfere with the septic drain field, which precludes that placement. From this I conclude that this locational predicament is not of the applicant's making and is not a self-imposed hardship.

2c Practical Difficulty or Unnecessary Hardship. The third variance criterion requires that there be a "practical difficulty or unnecessary hardship to the property owner in the application of the dimensional standard." The applicant asserts that meeting the minimum yard requirements would require the demolition, relocation, and redesign of all of the site's existing parking areas (Ex. A.13, p. 57), which would reduce the amount of available space for grass/asphalt play areas necessary for the school. Reynolds School District was apparently allowed to use the existing parking lots when the subject property served as a satellite high school. I conclude that applying the dimensional standards for the parking area creates an unnecessary hardship on the Corbett School District for a use and configuration that was previously allowed and apparently functioned well. For these reasons, I conclude that the third criterion is met.

2d The variance will not materially detrimental to the public welfare. This criterion requires a finding that:

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.

The applicant explains that the parking areas have existed within the yards for 30+ years and have functioned without any apparent problems. The applicant suggests that this shows that approval of these variances will not be materially detrimental to the public welfare (Ex. A.13, p. 57). For that reason, the applicant speculates that authorization of the variance would not be injurious to property in the vicinity or base zone or adversely affect appropriate development of adjoining properties. No one disputes or challenges these statements in any way. I find the applicant's positions and its arguments to be reasonable and the lack of any countervailing argument convinces me that the fourth criterion is met.

- 2e The variance is the minimum necessary to alleviate the difficulty. This criterion requires a finding that, as requested, “[t]he Variance requested is the minimum necessary variation from the Code requirement which would alleviate the difficulty.” The applicant requested two dimensional variances to allow the existing parking lots to remain in their current location (Exs. A.20 & A.23) with added landscaping improvements. To move or remove either parking area would pose different and arguably greater problems than the current configuration. Moreover, reducing the parking areas, or the spaces they contain are also problematic approaches that may not be approvable. From all of this, I conclude that the variance requests, in fact, are the minimum necessary to alleviate the identified difficulties, without creating more or greater noncompliance issues, which satisfies this requirement.

- 2f Any impacts are mitigated to the extent practical. This criterion requires that

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.

The architectural site plan, landscape plan, civil site plan, and grading and stormwater plan (Ex. A.14, A.19, & A.23 to A.24) show the use of trees, screening shrubs, and ground cover around the parking lot areas as mitigation for the harshness of these expanses of impervious pavement. The application speculates that the evergreen screening shrubs, which will not exceed 3 feet 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 (Ex. A.13, p. 57). I agree and find that this mitigation, when mature, will help this site blend into the forested surroundings of the site and the area generally, and on this basis conclude that the adverse impacts of these variances are adequately mitigated to the extent practical.

- 2g The underlying use is lawful. This final variance criterion requires that the “variance must be in support of a lawfully established use or in support of the lawful establishment of a use.” As explained at the beginning of these findings,

the uses proposed (middle school and district office) are lawful in the RR zone, which satisfies this criterion.

Comprehensive Plan Policies

1. The applicant suggests, and staff appears to agree, that Comprehensive Plan policies 2.7, 6.4 and 11.17 are applicable and are advanced by this proposal. No one disputes this assertion, and I adopt the following findings with regard to these policies:
 - 1a Policy 2.7 calls upon the County to “[e]nsure 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.” Fulfillment of this policy requires the applicant to execute and record a standard form covenant with title to the property, and with an appropriate condition to that effect, I conclude the policy is met. See Condition 3.c.
 - 1b Policy 6.4 requires the applicant/developer to “report[] the discovery of Native American artifacts and other cultural resources to SHPO and the Native American tribes.” I find that imposition of a condition requiring the developer to follow procedures for reporting and the handling of artifacts and cultural resources discovered during construction satisfies this policy’s requirements. See Condition 5.
 - 1c Policy 11.17 requires, governmental agencies and special districts, including school districts, police and fire protection, and emergency response service providers, to participate in the land use process by soliciting comments on land use applications about these agencies ability to provide acceptable levels of service to support the development proposed. In this case, comments were received from Corbett Fire (Ex. A.6) and the Multnomah County Sheriff’s Office (Ex. A.7). Both agencies indicated that they have the ability to provide the acceptable level of service for the proposed school and district office. On this basis, I conclude that this policy’s requirements are satisfied.

V. Decision and Conditions:

Based on the foregoing Findings, I hereby approve the applicant’s request to develop this site as a middle school and school district offices on the subject property as described in the application materials (Exs. A1 to A.11) as revised (Exs. A.12 to A.28 & H.1), subject to the following conditions. These conditions are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion is included. Approval of this land use permit is based on the applicant’s submitted narrative, plans and other representations made to the County. No work shall occur under this permit other than what is described in these documents and approved in this Final Order. While the property owners are responsible for compliance with these requirements and adhering to the limitations of approval described herein, these conditions may be fulfilled by the property owner’s contractor(s), engineer(s) or other agents. Nonetheless, the property owners remain responsible for ensuring that these conditions are fully satisfied.

1. What is Approved. Approval of this land use permit is based on the revised application materials, plans and all other documents provided by or behalf of the applicant. No work shall occur under this permit except that which is specified within those 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 and Vesting. This land use permit shall automatically expire and be null and void upon the occurrence of either of the following two circumstances:
 - a. Within two years of the date of this Final Order when construction has not commenced.
 - (1) For the purposes of 2.a, commencement of construction shall mean actual construction of the foundation or frame of the approved structure.
 - (2) For purposes of Condition 2.a, the developer shall provide notification of commencement of construction to Multnomah County Land Use Planning Division a minimum of 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 4 years of the date of commencement of construction if the structure has not been completed. For the purposes of this Condition 2.b, "completion of the structure" shall mean completion of the structure's exterior surfaces and compliance with all conditions of approval in the land use approval. For purposes of this Condition 2.b, the developer shall provide notification of commencement of construction to Multnomah County Land Use Planning Division a minimum of 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

If either of these events 2(a) or 2(b) occurs as described herein, rights accorded under this permit vest and run with title to the property from that point forward.

3. Prior to land use sign-off for building plan check, the property owners or their representative shall complete/perform all of the following:
 - a. The property owners shall acknowledge in writing that they have read and understand the conditions of approval and intend to comply with them. A form Letter of Acknowledgement has been provided to assist you. The signed document shall be sent to *LUP-submittals@multco.us*. MCC 39.1170(A) & (B).
 - b. The property owners shall sign and record the following at the County Recording:
 - (1) A document binding the landowner and the landowner's successors in interest prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937. MCC 39.4150.
 - (2) The cover page of this final decision and all pages containing conditions of approval, and Exhibits A.19, A.23 & A.24. MCC 39.1175.

The developer shall provide proof of the recording to the Land Use Planning Division before the issuance of any permits. All recording shall be at the developer's expense.

- c. The developer shall 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. The developer shall prepare and submit a modified site plan and revised landscape plan to show the location of the 4 bio-retention stormwater drainage swales as they are located in Stormwater Drainage Control plan (Ex. A.24). MCC 39.6235.
 - e. The developer shall also modify the landscape plan to show that the trees for the landscaping strip between the parking lot and E. Historic Columbia River Hwy. are spaced at no more than 50 feet apart. MCC 39.8045(C)(3).
 - f. All ground disturbing activities shall protect the root zones for all existing trees that are to remain on the site. Encroachment into the Significant Environmental Concern for streams overlay is prohibited without first obtaining all necessary permits. MCC 39.7515(B) & MCC 39.5510.
 - g. The developer shall obtain an Erosion and Sediment Control permit (ESC) permit for all ground disturbing activity associated with the installation of the improvements authorized in this decision. MCC 39.6225.
 - h. The developer shall 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 (Ex. A.9). MCC 39.4245(F).
4. At the time of land use planning sign-off for building check, the property owner or developer 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. All exterior lighting associated with the site improvements and buildings shall be shown on the site plan. Lighting details and model numbers for all light fixtures shall be shown in the building plan set. All exterior light fixtures shall comply with the County's Dark Sky Lighting Standards in MCC 39.6850. All existing light fixtures shall be brought into compliance with the code.
 - c. Provide an approved Transportation Planning Review Form with a signed site plan from the County Right-of-way office.
 - d. The final design plan shall show all signs and details thereof, including the site's primary free-standing sign. All signs shall demonstrate compliance with the requirements of the County's sign code in MCC 39.6700, *et seq.*
 5. During construction, the developer shall comply with the following procedures in the event cultural resources, artifacts, or human remains are discovered during any project work. MCC 39.5540(H) & MCC 39.7515(G).
 - a. When Cultural Resources are Discovered After Construction Begins: The developer and all contractors shall comply with the following procedures 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:

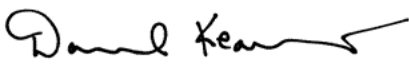
- (1) Halt Construction – All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.
 - (2) Notification – The project applicant shall notify the Planning Director and the Gorge Commission 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.
 - (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).
 - i 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.
 - ii The Planning Director shall require a Mitigation Plan if the affected cultural resources are found to be significant.
 - iii Notice of the decision of the Planning Director shall be mailed to those parties entitled to notice by MCC 38.0530(B).
 - (4) 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.
 - (5) 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 developer and all contractors shall comply with the following procedures 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.
- (1) Halt Activities – All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.
 - (2) Notification – Local law enforcement officials, the Planning Director, the Gorge Commission, and the Indian tribal governments shall be contacted immediately.
 - (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.

- (4) Jurisdiction – If the remains are modern, the appropriate law enforcement officials will assume jurisdiction and the cultural resource protection process may conclude.
 - (5) Treatment – Prehistoric/historic remains of Native Americans shall generally be treated in accordance with ORS 97.740 to 97.760.
 - i 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).
 - ii 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 developer 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 (Ex. A.5) and shown on the grading and stormwater plan (Ex. A.24).
 - c. Install all required landscaping as shown on the revised landscape plan (Ex. A.19).
 - d. Schedule an inspection by the County to verify the installed improvements match the approved final design review plan referenced in Condition 4 above. MCC 39.1170(A).
7. As an ongoing condition, the property owner or developer shall comply with all of the following:
- 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 (Ex. A.5) and shown on the grading and stormwater plan (Ex. A.24). 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:
 - (1) 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.
 - i No business activity shall be permitted in any required parking space.
 - ii 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.

- (2) 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.
 - (1) The westernmost access drive shall be clearly marked with a sign stating "Emergency Access Only"
 - (2) 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.
 - (3) A "No Entry" sign shall be installed at the internal intersection of the two-way travel lanes with the one-way travel lane.
 - (4) 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 and no commercial kitchen 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).

Date of Decision: March 23, 2022.


By: _____
Daniel Kearns,
Land Use Hearings Officer

Notice of Appeal Rights

This is the County's final decision on this application and appeal. Anyone with standing may appeal any aspect of this decision, to the Oregon Land Use Board of Appeals within 21 days of the date of this decision pursuant to ORS Chapter 197.

Exhibit List for T3-2021-14962 (Corbett School District)

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

A.24	Revised Grading and Stormwater Plan [C5.01]	09.22.2021
A.25	Revised Erosion and Sediment Control Details [D1.01]	09.22.2021
A.26	Revised Site Lighting Plan [E1.01]	09.22.2021
A.27	Transportation Planning Review	09.22.2021
A.28	Revised Transportation Planning Review Memo	02.16.2022
B	Staff Exhibits	Date
B.1	Division of Assessment, Recording, and Taxation (DART): Property Information for 1S4E05AB -0200 (R994050530)	08.11.2021
B.2	Division of Assessment, Recording, and Taxation (DART): Map for 1S4E05AB	08.11.2021
B.3	Copy of Survey no. 57939	10.29.2021
B.4	Copy of Agricultural and Forest Practices Covenant	03.01.2022
B.5	Aerial Map of adjacent land uses to the site	03.01.2022
B.6	Big Game Winter Habitat Map	03.01.2022
B.7	Copy of December 2019 Pamplin News Article	03.01.2022
C	Administration & Procedures	Date
C.1	Incomplete Letter	09.09.2021
C.2	Complete Letter (Day 1)	10.29.2021
C.3	Hearing Notice	02.18.2022
C.4	Staff Report	03.03.2022
H	Hearing Documents	Date
H.1	Applicant's variance argument	03.10.2022