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DECISION OF THE HEARINGS OFFICER

Case File: T3-2017-7283

Hearing Date, Time, & Place:

Friday, May 12, 2017 at 9:00am, in Room 103 at the Land Use Planning Program office located at 1600 SE 190th Avenue, Portland, OR 97233

Permit: Community Service Conditional Use and Design Review.

Location: 14445 NW Charlton Road; Tax Lot100, Section 17D, Township 2N, Range 1W, W.M.; Tax Acct. # R971170110 (the “site”).

Applicant: Scott Jones

Owner: Scappoose School District No. 1J

Base Zone: Multiple Use Agriculture - 20 (MUA-20)

Summary: Request for Community Service Conditional Use and Design Review permits to build three additional classrooms and increase the maximum student population from the previously approved 205 to 216 on a property with the existing Sauvie Island Academy school located in the Multiple Use Agriculture -20 zone.

DECISION: Approved. The request for Community Service Conditional Use and Design Review are approved subject to the conditions of approval included in this Final Order.

Dated this 16th day of May 2017



Joe Turner, Esq., AICP
Multnomah County Land Use Hearings Officer

This Decision is final when mailed. Appeals may be filed with the Oregon Land Use Board of Appeals within the time frames allowed by State law.

Applicable Approval Criteria:

Multnomah County Code (MCC): MCC 34.2800- 34.2885, MUA-20; MCC 34.6000- 34.6020, Community Service Conditional Use; MCC 34.0570 Dark Sky Lighting Standards; MCC 34.7000-34.7060, Design Review; MCC 34.4100-34.4215, Off-Street Parking and Loading; and Multnomah County Road Rules (MCRR): MCRR 4.000, Access; MCRR 6.000 Improvement Requirements; and MCRR 7.000 Transportation Impact Studies.

Conditions of Approval:

1. The school shall install the sewage monitoring meter and report to the County Sanitarian regarding the flow. [MCC 34.6010(B) & MCC 34.6010 (F)]
2. The provision for and maintenance of off-street parking and loading facilities without charge to users shall be a continuing obligation of the property owner. Required parking spaces shall be available for the parking of vehicles without charge or other consideration. No parking of trucks, equipment, materials, structures or signs or the conducting of any business activity shall be permitted on any required parking space. A required loading space shall be available for the loading and unloading of vehicles concerned with the transportation of goods or services for the use associated with the loading space. Loading areas shall not be used for any purpose other than loading or unloading. 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. [MCC 34.4115 and MCC 34.4125]
3. Where a parking or loading area does not abut directly on a public street or private street approved under MCC 34.7700 et seq., the Land Division Chapter, there shall be provided an unobstructed paved drive not less than 20 feet in width for two-way traffic, leading to a public street or approved private street. Traffic directions therefore shall be plainly marked. All areas for the parking and maneuvering of vehicles shall be marked in accordance with the approved plan required under MCC 34.4120, and such marking shall be continually maintained. [MCC 34.4170(A) and MCC 34.4180(C)]
4. Any signs installed shall be pursuant to the provisions to MCC 34.7465. [MCC 34.4190]
5. The school shall provide the correct number and type of ADA handicap parking spaces on site according to ADA rules. The handicap parking spaces shall be shown on the site plan to be submitted for the building permit review. [MCC 34.7050(A)(3)]
6. Surface drainage systems shall be designed so as not to adversely affect neighboring properties or streets. The school shall install stormwater control system designed by the registered professional engineer, Jason Havelka, PE described in Exhibit A.10. [MCC 34.7050(A)(6)]

7. Any artificial lighting which may be provided shall be shielded or deflected so as to not shine into adjoining dwellings or other types of living units, and so as not to create a hazard to the traveling public on any street. The light source (bulbs, lamps, etc.) must be fully shielded with opaque materials and directed downwards. “Fully shielded” means no light is emitted above the horizontal plane located at the lowest point of the fixture’s shielding. Shielding must be permanently attached. Lighting shall be contained within the boundaries of the subject property to satisfy this standard, shielding in addition to the shielding required. Exemptions to this condition are listed under MCC 34.0570(B). [MCC 34.4185 and 34.0570]

A. HEARING AND RECORD HIGHLIGHTS

1. Multnomah County Land Use Hearings Officer Joe Turner received testimony at the duly noticed public hearing about this application on May 12, 2017. At the hearing, the hearings officer received into the record and physically inspected the file maintained by the Department of Community Services Land Use and Transportation Planning Program regarding the application. The hearings officer made the declarations required by ORS 197.763. The hearings officer disclaimed any *ex parte* contacts and any bias or conflicts of interest.

2. County planner George Plummer summarized the Staff Report and the applicable approval criteria. He noted that the County sanitarian questioned the capacity of the existing septic system to accommodate the increased student capacity. Therefore the applicant should be required to install a sewage flow meter to monitor the volume of waste discharged to the septic system. There is sufficient area on the site to accommodate an expanded drainfield, if warranted based on the monitoring results.

3. Designer Heather Green, Executive Director Darla Meeuwsen, and Architectural Designer Scott Jones appeared on behalf of the applicant. They accepted the findings and conditions in the Staff Report without objections. They noted that there are two existing handicap accessible parking spaces on the site. The majority of students arrive at the school by bus. They waived the applicant’s right to submit a final argument.

4. The hearings officer closed the record at the end of the hearing and announced his intention to approve the application, subject to the conditions in the Staff Report.

B. FINDINGS OF FACT

FINDINGS: Written are contained herein. The Multnomah County Code (MCC) criteria and Comprehensive Plan Policies are in **bold** font. Staff analysis and comments are identified as ‘**Staff:**’ and address the applicable criteria. Staff comments may include a conclusory statement in *italic*. The hearings officer accepted Staff findings except where noted otherwise. Additional findings written by the hearings officer are preceded by the words “**Hearings Officer:**”

1. Project Description

1.1. Project Description

Staff: Request for Community Service Conditional Use and Design Review permits to build three additional classrooms and increasing maximum student population from

previously approved 205 to 216 on a property with the existing Sauvie Island Academy school located in the Multiple Use Agriculture -20 zone.

1.2. Administrative Procedures

Staff: The subject application was submitted on March 15, 2017 (Exhibit A.1). Staff sent the applicant an email dated March 30, 2017 deeming the application incomplete with a list of information and materials needed to complete the application (Exhibit C.1). After additional submittals by the applicant, staff notified the applicant via email that the application was complete on April 11, 2017.

Notice of Public Hearing was sent on April 20, 2017 (Exhibit C.4). **On the day of the hearing, the application was on Day 31.** None of the 215 days allowed to stay the clock have been used.

2. Property Description & History

Staff: The subject property is located at the intersection of NW Reeder Road and NW Charlton Road (Exhibit B.2) with access to the site from NW Charlton Road. The property has a shallow slope of about three percent or less. The property contains no identified sensitive land. While the property is zoned Multiple Use Agriculture – 20, the area is a mix of small farms, large farms and residential uses (Exhibit B.4).

The 4.95-acre property has been occupied with a public school since the 1930s. The 1962 Zoning map shows the property had a CS (Community Service) label on it for the school. The school was expanded through a Community Service Conditional Use and Design Review (DR-80-06-13) in 1980.

In 1996 Multnomah County Land Use Planning approved a Community Service Conditional Use Request, Case CS 4-96, for expansion of the school use through the addition of two modular units. That CS permit approved a school use for a maximum of 200 students in preschool and K-8th grades. The two modular units were placed on the property after that approval. However, the two units were removed a few years later. The 200-student and K – 8th grade limits continued in effect for the school until 2011. The septic system capacity was designed for that student population.

On December 2, 2011 Multnomah County Land Use Planning approved Case T2-2011-1804 for a portable modular classroom building sited on the school property as a Temporary Use Permit for a year. Multnomah County Land Use Planning approved through a Community Service and Design Review Permits (Case T3-2012-2514) the permanent placement of the portable modular classroom building. The approval included the three classrooms and an increase of student population to a maximum 205 students for the school.

3. MULTIPLE USE AGRICULTURE 20 ZONE

3.1. Purpose

MCC 34.2800: The purposes of the Multiple Use Agriculture District are to conserve those agricultural lands not suited to full-time commercial farming for diversified or part-time agriculture uses; to encourage the use of non-agricultural lands for other purposes, such as forestry, outdoor recreation, open space, low density residential development and appropriate Conditional Uses, when these uses are shown to be

compatible with the natural resource base, the character of the area and the applicable County policies.

Staff: The application request is for a Community Service Conditional Use for three additional classrooms and to increase the student population from the previously approved 205 to 216 students.

3.2. Community Service Conditional Uses

MCC 34.2830: The following uses may be permitted when found by the approval authority to satisfy the applicable ordinance standards: (A) Community Service Uses pursuant to the provisions of MCC 34.6000 through 34.6230;

Staff: The application includes a Community Service Conditional Use Permit for three additional classrooms and a request to increase the student population from the previously approved 205 to 216 students. Findings for the provisions of MCC 34.6000 through 34.6230 in Section 4 of this Final Order.

3.3. Dimensional Requirements And Development Standards

MCC 34.2855 (C) Minimum Yard Dimensions – Feet

Front and Rear Yard: 30;

Side 10

Maximum Structure Height – 35 feet

Staff: The site plan shows the minimum yard dimensions are met for the proposed structure (Exhibit A.3). *These standards are met.*

3.4. Lot Of Record

MCC 34.2870 (A) Lot of Record definition standards in MCC 34.0005,

MCC 34.0005: Lot of Record – Subject to additional provisions within each Zoning District, a Lot of Record is a parcel, lot, or a group thereof that, when created or reconfigured, (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws, or (c) complies with the criteria for the creation of new lots or parcels described in MCC 34.7785. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

(a) “Satisfied all applicable zoning laws” shall mean: the parcel, lot, or group thereof was created and, if applicable, reconfigured in full compliance with all zoning minimum lot size, dimensional standards, and access requirements.

(b) “Satisfied all applicable land division laws” shall mean the parcel or lot was created:

- 1. By a subdivision plat under the applicable subdivision requirements in effect at the time; or**
- 2. By a deed, or a sales contract dated and signed by the parties to the transaction, that was recorded with the Recording Section of the public office responsible for public records prior to October 19, 1978; or**
- 3. By a deed, or a sales contract dated and signed by the parties to the transaction, that was in recordable form prior to October 19, 1978; or**
- 4. By partitioning land under the applicable land partitioning requirements in effect on or after October 19, 1978; and**

5. **“Satisfied all applicable land division laws” shall also mean that any subsequent boundary reconfiguration completed on or after December 28, 1993 was approved under the property line adjustment provisions of the land division code. (See Date of Creation and Existence for the effect of property line adjustments on qualifying a Lot of Record for the siting of a dwelling in the EFU district.)**

Staff: The subject property has been reviewed with several previous approvals related to the school on the 4.95-acre property (5.1 acres including the share of right-of-way). The property has been occupied with a school since the 1930s. Additionally the 1962 Zoning map shows the property has a CS (Community Service) label on it, for the school. The subject property meets the Lot of Record standard as preexisting zoning and land division requirements. The subject property is a Lot of Record.

3.5. Off-Street Parking And Loading

MCC 34.2880 Off-Street parking and loading shall be provided as required by MCC 34.4100 through 34.4220.

Staff: Off-Street parking and loading requirements per MCC 34.4100 through 34.4220 are addressed under Section 5 of this staff report.

3.6. Access

MCC 34.2885 All lots and parcels in this district shall abut a public street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles. This access requirement does not apply to a pre-existing lot and parcel that constitutes a Lot of Record described in MCC 34.2870(B).

Staff: The property abuts NW Reeder Road and NW Charlton Road, with access taken from NW Charlton Road a Multnomah County Transportation maintained right-of way. Multnomah County Transportation has determined the access to be safe and convenient for pedestrians and for passenger and emergency vehicles through the previous Case T3-2012-2514. For this proposal County Transportation determined the three additional classrooms with a minor increase of 11 additional students beyond the previous approval would not result in any additional transportation impacts. See Section 7. *This standard is met.*

4. COMMUNITY SERVICE CONDITIONAL USE

4.1. Purpose

MCC 34.6000: MCC 34.6010 through 34.6230 provides for the review and approval of the location and development of special uses which, by reason of their public convenience, necessity, unusual character or effect on the neighborhood, may be appropriate as specified in each district.

Staff: Schools are allowed as a Community Service Conditional Use in the MUA-20 Zone. Sauvie Island is entirely in the rural area (outside the urban growth boundary). The school provides for public convenience and necessity of education without long travel time to the youth population of Sauvie Island. Following are findings addressing the Community Service approval criteria. *The proposal meets the purpose of the Community Service Conditional Use*

4.2. Community Service Approval Criteria

MCC 34.6010: In approving a Community Service use, the approval authority shall find that the proposal meets the following approval criteria ...

Staff: Following are findings for the CS approval criteria for three additional Classrooms and a minor increase of student population from 205 to 216 students. *The approval criteria are met by the proposed expansion and increase of the student population as demonstrated by the following findings.*

4.2.1. MCC 34.6010(A): Is consistent with the character of the area;

Staff: The area is a mix of rural residential land and farmed land. The school is located on a property zoned Multiple Use Agriculture – 20 (MUA-20). The MUA-20 area is a pocket of about 14 parcels nearly surrounded by larger parcels of agricultural land zoned Exclusive Farm Use (EFU) with large and small farms. Most of the parcels zoned MUA-20 are developed with single family dwellings (Exhibit B3 and B.4). The adjacent properties include a church use, a grange meeting building and a farm field across NW Charlton Road. The closest dwellings to the proposed additional classrooms are more than 450 feet away. The site has been used as a school since the 1930 without any known conflict with the uses in the area. The proposed three additional classroom building is located near the existing main school building with significant distance to any dwellings in the area, more than 300 feet. The building is similar in appearance to a manufactured home, which are common in the rural residential land areas. It is one story in height and 64 feet long by 27.8 feet wide. The proposed modular classroom unit is consistent with the character of the area. *This criterion is met.*

4.2.2. MCC 34.6010(B): Will not adversely affect natural resources;

Staff: The proposed expansion of the school through adding the three classrooms has been reviewed and approved for on-site sewage disposal (Exhibit A.7). Given the minor increase of 11 more students to the student population, Erin Mick, County Sanitarian has required installation of a monitoring meter to measure the flow to the septic system (Exhibit A.14). Ms. Mick in an email to staff has confirmed that expansion of the drainfield is feasible if it is determined to be needed (Exhibit B.6). The school and the surrounding area have been developed or farmed for many years with no nearby natural resource areas to impact. No trees will be removed for the development. The proposal includes controlling stormwater from the roof of the building on-site (Exhibit A.3. and A.10). There are no natural resources that would be impacted by the proposed school expansion or increased student population. Staff recommends a Condition of Approval that the school install the sewage-monitoring meter and report to the County Sanitarian regarding the flow. *This criterion is met through a condition of Approval.*

4.2.3. MCC 34.6010(C): The use will not: (1) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; nor (2) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

Staff: The school has been on the site for many years. The proposed three additional classrooms will be built adjacent to the existing school. There is no forest land nearby, thus there are no changes or increased costs for forest practices. The adjacent farmed area is the field across NW Charlton Road from the school, which is utilized for growing crops. The proposal includes an increase in the number of students by 11, however given

the current long term school use without conflict, this minor increase will not result in significant changes or cost of accepted farm practices. *This criterion is met.*

4.2.4. MCC 34.6010(D): Will not require public services other than those existing or programmed for the area;

Staff: The proposed development will not require any changes in public services in the area. *This criterion is met.*

4.2.5. MCC 34.6010(E): Will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable;

Staff: The property is located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife . *This criterion is met.*

4.2.6. MCC 34.6010(F): Will not create hazardous conditions;

Staff: County Transportation Planning has reviewed the proposal and has not identified any traffic related hazardous conditions (see Section 7 of this staff report). The proposal has been approved for on-site sewage disposal (Exhibit A.7, A.14 and B.6). A condition of approval requiring installation of a monitoring meter of the sewage flow to prevent failure of the septic drainfield has been required. Given the minor increase of 11 more students to the student population, Erin Mick, County Sanitarian has required installation of a monitoring meter measure the flow to the septic system (Exhibit A.14). Ms. Mick in an email to staff has confirmed that expansion of the drainfield is feasible if it is determined to be needed (Exhibit B.6). The local fire department has reviewed the proposed development and stated the access and water flow are adequate (Exhibit A.8). The Sheriff's Department has reviewed the proposal and found level of service is adequate for the proposal. The well water has been tested and found to be safe (Exhibit A.13). There are no known hazardous conditions related to the site. *This standard is met through a condition.*

4.2.7. MCC 34.6010 (G): Will satisfy the applicable policies of the Comprehensive Plan;

Staff: Comprehensive Plan Policy 37 requires on-site sewage disposal approved by DEQ. The proposed expansion of the school has been reviewed and approved for on-site sewage disposal by County/ City of Portland Sanitarian (Exhibit A.7 and A.14). County/ City of Portland Sanitarian is the authorized agent of DEQ through contract. Policy 37 requires water service. Water is supplied by a well confirmed through the submitted completed Certification of Water Service (Exhibit A.11 and A.13). Policy 37 requires the storm water run-off be handled on the site or adequate provisions be made. Staff has requested the applicant submit a Storm Water Certificate completed by a registered professional engineer certifying the storm water from the roof of the proposed building will be disposed of on-site with runoff attributed to the development (during the 10-year/24-hour storm) will be no greater than that which existed prior to development as measured from the property line. If a drainage control system is needed to meet the 10-year/24-hour storm design standard, then a condition can be required that the system be installed (Exhibit A.10). Policy 38 requires fire protection with enough flow to fight fires and police protection. A completed fire district review form signed by the district fire chief was submitted (Exhibit A.8) and a police review form complete by a County Sheriff Deputy was submitted (Exhibit A.9). The application satisfies the applicable policies of the Comprehensive Plan. *These criteria have been met.*

4.2.8. MCC 34.6010(H): Will satisfy such other applicable approval criteria as are stated in this Section.

Staff: Following are additional “Restrictions” or standards required for the proposal. *This criterion is met.*

4.3. Restrictions

4.3.1. MCC 34.6020: A building or use approved under MCC 34.6015 through 34.6050 shall meet the following requirements:

(A) Minimum yards in EFU, MUA20, RR, and RC, Districts: (1) Front yards shall be 30 feet. (2) Side yards for one-story buildings shall be 20 feet; for two-story buildings, 25 feet. (3) Rear yards shall be as required in the district.

(B) Minimum yards in other districts shall be as required in the district.

(C) Minimum Site Size:

**** ***

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

Staff: The proposed additional three classrooms meet all of the required minimum yards (Exhibit A.3). With the proposal addition of three classrooms, the number of classrooms is increased to a total of 12 classrooms and the number of students is increased to a maximum of 216 students. With the requirement of 75 students per acre, the 216-student population requires a minimum of 2.88 acres for the school property. One acre is required for each 2.5 classrooms, with the proposed 12 classrooms, the property must be at least 4.8 acres. The subject property shown on the County Assessment record is 4.95 acres (that is minus right-of-way), thus the property exceeds the minimum size requirement. *The proposal meets these restrictions.*

4.3.2. MCC 34.6020 (D) Off-street parking and loading shall be provided as required in MCC 34.4100 through 34.4220.

Staff: The findings for off-street parking and loading are under following Section 5 of this staff report. *This criterion is met.*

5. OFF-STREET PARKING AND LOADING

Staff: The proposal includes an increase in student population from 205 to 216 students and no additional faculty or staff (Exhibit A.2) The amount of auditorium space used by the total student population to determine minimum parking and loading space requirements (finding 5.16) and to assess compliance with the existing parking and loading areas standards.

5.1. Continuing Obligation

MCC 34.4115 The provision for and maintenance of off-street parking and loading facilities without charge to users shall be a continuing obligation of the property owner. No building or any other required permit for a structure or use under this or any other applicable rule, ordinance or regulation shall be issued until satisfactory evidence in the form of a site development plan, plans of existing parking and loading improvements, a deed, lease, contract or similar document is presented demonstrating that the property is and will remain available for the designated use as a parking or loading facility.

Staff: These standards can be met through a condition. We recommend a condition of approval that requires the parking and loading spaces shown on the plan to be a

continuing obligation of the property owner to maintain these parking and loading spaces. *This standard is met through a condition.*

5.2. Plan Required

MCC 34.4120 A plot plan showing the dimensions, legal description, access and circulation layout for vehicles and pedestrians, space markings, the grades, drainage, setbacks, landscaping and abutting land uses in respect to the off-street parking area and such other information as shall be required, shall be submitted in duplicate to the Planning Director with each application for approval of a building or other required permit, or for a change of classification to OP.

Staff: The applicant submitted a plan showing the relocated equal amount of parking spaces (Exhibit A.3). The approved parking plan for the previous Case T3-2012-5414 (Exhibit B.5) continues to apply for the school except two parking spaces proposed for relocation. These will be adjacent to the modular. (Exhibit A.3) *These standards are met.*

5.3. Use of Space

MCC 34.4125(A): Required parking spaces shall be available for the parking of vehicles of customers, occupants, and employees without charge or other consideration. **MCC 34.4125(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. **MCC 34.4125(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. **MCC 34.4125(D):** Except for residential and local commercial districts, loading areas shall not be used for any purpose other than loading or unloading. **MCC 34.4125(E):** In any district, it shall be unlawful to store or accumulate equipment, material or goods in a loading space in a manner which would render such loading space temporarily or permanently incapable of immediate use for loading operations.

Staff: These standards can be met through a condition. We recommend a condition of approval that requires these standards to be met. *These standards are met through a condition.*

5.4. Location Of Parking And Loading Spaces

MCC 34.4130 (A) Parking spaces required by this Section shall be provided on the lot of the use served by such spaces. **** * MCC 34.4130 (C)** Loading spaces and vehicle maneuvering area shall be located only on or abutting the property served.

Staff: The proposed plan shows the parking spaces and a loading space located on the property. These spaces currently exist. *These standards are met.*

5.5. Improvements Required

MCC34.4135 (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 34.0525, or a Performance Bond in favor of Multnomah County equivalent to the cost of completing such improvements shall be filed with the Planning Director. **MCC34.4135 (B)** Any such bond shall include the condition that if the improvement has not been completed within one year after issuance of the Certificate of Occupancy, the bond shall be forfeited. Any bond filed here under shall be subject

to the approval of the Planning Director and the County Attorney. Staff: No improvements are required, the existing parking lots meets the standards. *These standards are met.*

5.6. Change of Use

MCC 34.4140 (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 Section shall be unlawful unless the additional spaces are provided.

MCC 34.4140(B) In case of enlargement or change of use, the number of parking or loading spaces required shall be based on the total area involved in the enlargement or change in use.

Staff: The number of parking spaces previously approved is 39 in Case T3-2012-2514. The proposal includes relocation of two spaces impacted by the proposed additional three-classroom location maintaining the 39 parking spaces. Staff has determined that the proposed increase of student population would increase the number of minimum parking spaces by one space. The required minimum number of parking space is 24 spaces determined by the Planning Director allowed under MCC 34.4205(E), is less than the existing number of spaces. *These standard are met.*

5.7. Standards of Measurement

MCC 34.4160: Standards of Measurement

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

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

Staff: These standards were applied to the plan. *These standards are met.*

5.8 Design Standards

MCC 34.4165: Scope

(A) The design standards of this section shall apply to all parking, loading, and maneuvering areas except those serving a single or two-family residential dwelling or mobile home on an individual lot.

(B) All parking and loading areas shall provide for the turning, maneuvering and parking of all vehicles on the lot. After July 26, 1979 it shall be unlawful to locate or construct any parking or loading space so that use of the space requires a vehicle to back into the right- of-way of a public street.

Staff: The design review standards are applied to the parking, loading, and maneuvering areas. All parking and loading areas are provided for turning, maneuvering and parking of all vehicles on the lot, with no backing onto right-of-way (Exhibit A.13). *These standards are met.*

5.9 Access

MCC 34.4170(A): Where a parking or loading area does not abut directly on a public street or private street approved under MCC 34.7700 et seq., the Land

Division Chapter, there shall be provided an unobstructed paved drive not less than 20 feet in width for two-way traffic, leading to a public street or approved private street. Traffic directions therefore shall be plainly marked.

Staff: Both parking areas have driveways of not less than 20 feet in width. The main parking area has a two-way driveway. However the “West Lot” includes the bus drop-off and loading area, thus it is designed as a one-way through loop for safety reasons. A condition requires that traffic directions to be plainly marked and maintained. *This standard is met through a condition.*

5.10. Dimensional Standards

5.10.1. MCC 34.4175(A): Parking spaces shall meet the following requirements:

- (1) At least 70% of the required off-street parking spaces shall have a minimum width of nine feet, a minimum length of 18 feet, and a minimum vertical clearance of six feet, six inches.**
- (2) Up to 30% of the required off-street parking spaces may have a minimum width of eight and one-half feet, a minimum length of 16 feet, and a vertical clearance of six feet if such spaces are clearly marked for compact car use.**
- (3) For parallel parking, the length of the parking space shall be 23 feet.**
- (4) Space dimensions shall be exclusive of access drives, aisles, ramps or columns.**

Staff: The applicant is required to have a minimum of 24 parking spaces (Finding 5.16). The 26 parking spaces in the “East Lot” (Exhibit A.13) meet the minimum nine feet in width and a minimum of 18 feet in length and satisfy this requirement. All of the spaces in the “West Lot” meet the minimum width of eight and one-half feet and a minimum length of 16 feet. Given these are extra spaces (not required), they are permitted to meet the smaller compact vehicle standard. The parking areas all meet the minimum six feet of clearance. *These standards are met.*

5.10.2. MCC 34.4175(B) Aisle width shall be not less than:

- (1) 25 feet for 90 degree parking,**
- (2) 20 feet for less than 90 degree parking, and**
- (3) 12 feet for parallel parking,**
- (4) Angle measurements shall be between the center line of the parking space and the center line of the aisle.**

Staff: The proposed parking meets the minimum aisle width. *This standard is met.*

5.10.3. MCC 34.4175(C) Loading spaces shall meet the following requirements:

- (1) Minimum Width: 12 Feet
Minimum Depth: 25 Feet**
- (2) Minimum vertical clearance shall be 13 feet.**

Staff: The loading area is 12 feet wide and 25 feet long, meeting the minimums and meets 13 feet minimum vertical clearance standard. *These standards are met.*

5.11. Improvements

5.11.1. MCC 34.4180(A): Surfacing

- (1) All areas used for parking, loading or maneuvering of vehicles shall be surfaced with two inches of blacktop on a four inch crushed rock base or six inches of Portland cement or other material providing a durable and dustless surface capable of carrying a wheel load of 4,000 pounds.**

Staff: The existing parking lots were developed and paved when the school expanded in 1980. The parking areas were previously approved in 1980 and through Case T3-2012-2514. No additional improvements are proposed. *This standard is met.*

5.11.2. MCC 34.4180(B): Curbs and Bumper Rails

- (1) All areas used for parking, loading, and maneuvering of vehicles shall be physically separated from public streets or adjoining property by required landscaped strips or yards or in those cases where no landscaped area is required, by curbs, bumper rails or other permanent barrier against unchanneled motor vehicle access or egress.**
- (2) The outer boundary of a parking or loading area shall be provided with a bumper rail or curbing at least four inches in height and at least three feet from the lot line or any required fence.**

Staff: The parking areas are separated from the street by and adjoining properties by landscaped strips. The parking and maneuvering areas have curbs. *These standards are met.*

5.11.3. MCC 34.4180(C): Marking – All areas for the parking and maneuvering of vehicles shall be marked in accordance with the approved plan required under MCC 34.4120, and such marking shall be continually maintained.

Staff: A condition requires parking and maneuvering areas to be marked showing direction of flow and parking spaces and that the marking is to be continually maintained. *This standard is met through a condition.*

5.11.4. MCC 34.4180(D): Drainage – All areas for the parking and maneuvering of vehicles shall be graded and drained to provide for the disposal of all surface water on the lot.

Staff: The applicant states that the runoff from the lots is collected in storm drains, which connect, to an underground stormwater storage area draining to swales on the property. This is part of the existing parking lot development approved in 1980 Design Review. *This standard is met.*

5.12. Lighting

MCC 34.4185: Any artificial lighting which may be provided shall be shielded or deflected so as to not shine into adjoining dwellings or other types of living units, and so as not to create a hazard to the traveling public on any street.

Staff: A condition can require that all lighting be shielded or deflected so as to not shine into adjoining dwellings or create a hazard to the traveling public on any street. *This standard can be met through a condition.*

5.13. Signs

MCC 34.4190 Signs, pursuant to the provisions of MCC 34.7465.

Staff: The proposal includes a directional sign indicating the Annex location. A condition can require signage to meet the provisions of MCC 34.7465. *This standard is met through a Condition of Approval.*

5.14. Design Standards

MCC 34.4195: Setbacks

(A) Any required yard which abuts upon a street lot line shall not be used for a parking or loading space, vehicle maneuvering area or access drive other than a drive connecting directly to a street.

(B) A required yard which abuts a street lot line shall not be paved, except for walkways which do not exceed 12 feet in total width and not more than two driveways which do not exceed the width of their curb cuts for each 150 feet of street frontage of the lot.

Staff: The locations of existing parking lots were reviewed in Design Review DR 80-06-13 in 1980 and were approved (Exhibit B.6). Given there is no additional parking required they can be allowed to remain in their current locations. The two parking spaces moved to the area adjacent to the existing modular classroom building meets the required front yard. These standards are not applicable to the existing parking approved in 1980. The proposed relocation of the two spaces meets these standards. *These standards are met.*

5.15 Landscape and Screening Requirements

MCC 34.4200 (A) The landscaped areas requirements of MCC 34.7055 (C) (3) to (7) shall apply to all parking, loading or maneuvering areas which are within the scope of design standards stated in MCC 34.4165 (A).

Staff: Given that the existing parking areas have more spaces than required by the code, the proposed use does not require additional parking spaces, as such, no changes to the location of the parking areas or the landscaping is required. The relocation of the two parking spaces is a minor alteration not requiring any additional landscape given that the amount of landscaping around the existing parking areas exceeds the standards. *This standard is met.*

5.16 Minimum Required Off-Street Parking Spaces

MCC 34.4205(B)(7) Primary, Elementary, or Junior High and Equivalent Private or Parochial School – One space for 84 square feet of floor area in the auditorium, or one space for each 12 seats or 24 feet of bench length, whichever is greater.

Staff: The school does not have an auditorium. The previous approval (Case T3-2012-2514) found that 23 parking spaces were required using a formula for seating in the gymnasium: *“Two thousand square feet of gymnasium space is more than adequate in providing space for assembly programs. If the formula of one space for 84 square feet of floor area used in assembly programs (2000 sq. ft.) then the number of parking spaces for the school would be 23.”*

With the minor increase of student population from 205 to 211 there may be an increase of parking spaces required to 24. MCC 34.4205(E) provides the Planning Director discretion for unspecified uses to determine appropriate amount of required parking spaces. Given the school does not have an auditorium, other than the space used in the gym, staff finds the analysis meets the standard for determining the amount of parking space required is 24.

The site has 39 parking spaces (previous approved parking plan for Case T3-2012-2514) with the exception of the relocation of the two parking spaces impacted by the location of the three new classrooms parking plan remains the same. The east parking not shown on

the submitted plan will not change. The parking in front of the school will not change. The two parking spaces will move to a site adjacent to the modular classrooms.

Staff notes that there are no handicap parking spaces shown on the submitted plan (Exhibit A.3). Conversion of existing spaces to handicap spaces as required to meet ADA requirements may reduce the number of parking spaces by at most 4 spaces to 35 spaces. The amount of parking provided on-site substantially exceeds the required amount of what the Planning Director has determine is the minimum number of spaces required at 24 spaces. *This standard is met.*

5.17. Minimum Required Off-Street Loading Spaces

MCC 34.4210 (E) Unspecified Uses - Any use not specifically listed above shall have the requirements of the listed use or uses deemed most nearly equivalent by the Planning Director.

Staff: This provision provides the Planning Director discretion for unspecified uses. Given infrequent deliveries needed to operate the school, one designed loading space will meet the schools needs. *This standard is met.*

6. Design Review Criteria

MCC 34.7050(A): Approval of a final design review plan shall be based on the following criteria:

6.1. MCC 34.7050(A)(1) Relation of Design Review Plan Elements to Environment.

6.1.1. (a) The elements of the design review plan shall relate harmoniously to the natural environment and existing buildings and structures having a visual relationship with the site. **Staff:** The three additional classroom annex building is proposed to be built directly adjacent to the existing school building in an area partially screened from the road by several existing trees (Exhibit A.3, B.3 and B.4). Being close to the main school building and having a similar design as the main school building it blends with the existing school in a visual relationship to that building. The proposed expansion will have only minor impacts on the open space and play area of the school site. The location provides easy, safe and secure access between the buildings. The proposed building relates harmoniously to the natural environment and existing buildings resulting in a consistent visual relationship with the existing site. *This standard is met.*

6.1.2. (b) The elements of the design review plan should promote energy conservation and provide protection from adverse climatic conditions, noise, and air pollution. **Staff:** The proposed classroom building is designed to take advantage of natural light and ventilation. The location is a rural area, which does not have any existing adverse noise or air pollution conditions that have local impacts. The majority of the students will arrive by buses reducing the vehicle emissions. *These standards are met.*

6.1.3. (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.

Staff: The one story proposed classroom building effectively, efficiently, and attractively serves its function and is built on a human scale (Exhibit A.3, A.5, and A.12). While it is one story the ceilings are vaulted to provide natural lighting and ventilation. The building is designed to reflect the design of the main school building and is located near the existing school, thus it is interrelated to the existing building. The building shape along

the southern and north faces had “pop-outs” breaking up the mass spatial variety and the roof lines mimicking the design of the existing school building providing a logical order to the site. It is interrelated to the existing development and provides spatial variety and order in its proposed location. *These standards are met.*

6.2. MCC 34.7050(A)(2) Safety and Privacy – The design review plan shall be designed to provide a safe environment, while offering appropriate opportunities for privacy and transitions from public to private spaces.

Staff: The location of the proposed building is within the fenced secured school campus with lighting and sidewalks. The proposed site was designed to provide for a safe environment. The proposed building is sited in an area that will not impact privacy for any adjacent property owners given the nearest dwelling is more than 450 feet away. The site provides for a transition from public to restricted school area. *These standards are met.*

6.3. MCC 34.7050(A)(3) Special Needs of Handicapped – Where appropriate, the design review plan shall provide for the special needs of handicapped persons, such as ramps for wheelchairs and braille signs.

Staff: The existing school and the proposed classroom building will be handicapped accessible. The site plan does not show handicap parking. A condition can require handicap parking to be on the site plan to be submitted a building permit review and to be installed if not currently existing. *These standards are met through a condition.*

6.4. MCC 34.7050(A)(4) Preservation of Natural Landscape – The landscape and existing grade shall be preserved to the maximum practical degree, considering development constraints and suitability of the landscape or grade to serve their functions. Preserved trees and shrubs shall be protected during construction.

Staff: The proposed building was sited using the existing grade and does not impact existing landscaped area, no existing trees or shrubs were impacted in its placement. *These standards are met.*

6.5. MCC 34.7050(A)(5) Pedestrian and Vehicular Circulation and Parking – The location and number of points of access to the site, the interior circulation patterns, the separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and structures, shall be designed to maximize safety and convenience and shall be harmonious with proposed and neighboring buildings and structures.

Staff: The existing parking area and the schools vehicle circulation plans provides for safe interior circulation patterns through separations of pedestrians and moving vehicles to the extent possible. This standard was reviewed and approved through the previous case and there are no changes necessary for minor increase of students. The new classroom location will fit in with the previously approved pedestrian and vehicular circulation plan which as approved as maximizing safety and convenience and being harmonious with proposed and neighboring buildings and structures. *These standards are met.*

6.6. MCC 34.7050(A)(6) Drainage – Surface drainage systems shall be designed so as not to adversely affect neighboring properties or streets.

Staff: The applicant submitted a Storm Water Certificate completed by a registered professional engineer, Jason Havelka, PE certifying the storm water attributed to the development from the roof of the proposed building will be disposed of on-site with runoff (during the 10-year/24-hour storm) that will be no greater than that which existed prior to development as measured from the property line. Mr. Havelka included a drainage control system design included as Exhibit A.10. A condition can require that the system be installed. *This standard can be met through a condition.*

- 6.7. MCC 34.7050(A)(7) Buffering and Screening – Areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking, and similar accessory areas and structures shall be designed, located, buffered or screened to minimize adverse impacts on the site and neighboring properties.**

Staff: The only development being reviewed is the addition to the site is the three classroom building and relocation of parking spaces. *This standard is not applicable.*

- 6.8. MCC 34.7050(A)(8) Utilities – All utility installations above ground shall be located so as to minimize adverse impacts on the site and neighboring properties.**

Staff: The utilities for the building will be located underground. *This standard is met.*

- 6.9. MCC 34.7050(A) (9) Signs and Graphics – The location, texture, lighting, movement, and materials of all exterior signs, graphics or other informational or directional features shall be compatible with the other elements of the design review plan and surrounding properties.**

Staff: Other than required accessibility signage there will be a donor recognition plaque for the annex building identifying the building name located on the south side of the building for locational information designed to match the character of the building will met this standard.. *This standard is met.*

7. DARK SKY LIGHTING STANDARDS:

MCC 34.0570 (C) The following standards apply to all new exterior lighting supporting a new, modified, altered, expanded, or replaced use approved through a development permit and to all existing exterior lighting on property that is the subject of a development permit approval for enlargement of a building by more than 400 square feet of ground coverage.

- (1) The light source (bulbs, lamps, etc.) must be fully shielded with opaque materials and directed downwards. “Fully shielded” means no light is emitted above the horizontal plane located at the lowest point of the fixture’s shielding. Shielding must be permanently attached.**
- (2) The lighting must be contained within the boundaries of the Lot of Record on which it is located. To satisfy this standard, shielding in addition to the shielding required in paragraph (C)(1) of this section may be required.**

Finding: The proposed three additional classroom building will be 3100 square feet of ground coverage. The dark sky standards apply to all the exterior lighting on the property. A condition of approval can require that dark sky standards be met for the entire property. These standards are met through a condition of approval.

8. TRANSPORTATION STANDARDS

8.1 Access to County Roads

8.1.1. MCRR 4.100 Required Information: Applicants for a new or reconfigured access onto a road under County Jurisdiction may be required to provide all of the following: A. Site Plan; B. Traffic Study-completed by a registered traffic engineer; C. Access Analysis-completed by a registered traffic engineer; D. Sight Distance Certification from a registered traffic engineer; and E. Other site-specific information requested by the County Engineer.

Staff: The applicant has not proposed reconfiguration of the three existing accesses onto NW Charlton Road under County Jurisdiction. The road is classified as a Rural Local facility. The access is shown on the applicant's site plan (Exhibit A.3 and B.5). All required information has been submitted.

8.1.2. MCRR 4.200 Number: Reducing the number of existing and proposed access points on Arterials and Collectors and improving traffic flow and safety on all County roads will be the primary consideration when reviewing access proposals for approval. One driveway access per property will be the standard for approval. Double frontage lots will be limited to access from the lower classification street. Shared access may be required in situations where spacing standards cannot be met or where there is a benefit to the transportation system.

Staff: The subject property is served by three driveways previously approved under access permit no. 80-2088. This criterion is met.

8.1.3. MCRR 4.300 Location: All new access points shall be located so as to meet the access spacing standards laid out in the Design and Construction Manual.

Staff: No new access points are proposed. This criterion is met.

8.1.4. MCRR 4.400 Width: Driveway and Accessway widths shall conform to the dimensions laid out in the Design and Construction Manual.

Staff: For a school use a driveway must be a minimum of 20 feet wide. The existing driveways are 25 feet wide.

8.2. Transportation Impact

MCRR 5.100 To determine if a Transportation Impact is caused by a proposed development, the County Engineer will determine the number of new trips generated by a site by one of the following methods:

- A. Calculations from the most recent edition of the Institute of Transportation Engineers' Trip Generation (ITE); or**
- B. A site development transportation impact study conducted by a professional engineer registered in the State of Oregon and accepted by the County.**

MCRR 5.200 The County Engineer will use the information obtained pursuant to sub-section 5.100 and/or the frontage length of the subject property to determine the pro-rata share of the requirements set forth in Section 6.000. MCRR 5.300 Except where special circumstances require the County Engineer to make an alternate determination, any new construction or alteration which will increase the number of trips generated by a site by more than 20 percent, by more than 100 trips per day or by more than 10 trips in the peak hour shall be found to have a Transportation Impact. A minimum increase of 10 new trips per day is required to find a transportation impact.

Staff: The Multnomah County Road Rules defines a Transportation Impact as the affect of any new construction or alteration which will increase the number of trips generated by a site by more than 20 percent, by more than 100 trips per day or by more than 10 trips in the peak hour [MCRR 3.000]. A minimum increase of 10 new trips per day is required to find a transportation impact.

The applicant indicated that student enrollment at the school increased from 205 in 2005, when a portable building was added, to 214 in 2017. According to the applicant, Scappoose School District has capped the school’s capacity at 216 students. The applicant submitted trip generation numbers based on the use. Based on the information provided by the applicant, staff finds school has mitigated the transportation impact of increased in student enrollment with existing bus capacity.

8.3. MCRR 6.000 Improvement Requirements MCRR 6.100 Site Development: The owner of the site or the applicant for a proposed development, which is found to cause a Transportation Impact will be responsible for improvements to the right-of-way as follows:

A. Dedication Requirement***

Staff: NW Charlton Road, a Rural Local facility, and NW Reeder Road, Rural Collector, have right of way widths consistent with County standard right of way widths of Rural Local and Collector facilities, as conditioned in the Hearing Officer Decision and Final Order in Land Use case no. T3-2012-2514. No right of way dedication is required. *This criterion is met.*

11.00 Conclusion

Based on the findings and other information provided above, the hearings officer finds the applicant has carried the burden necessary to establish a new school building with conditions of approval in the MUA-20 zone. Staff recommends approval is subject to the conditions of approval recorded in the established in this staff report.

The hearings officer approves the application subject to conditions.

12.00 Exhibits

- ‘A’ Applicant’s Exhibits
- ‘B’ Staff Exhibits
- ‘C’ Procedural Exhibits
- ‘H’ Hearing Exhibits

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	Application Form	3/15/17
A.2	10	Narrative addressing code	3/15/17
A.3	1	Site Plan	3/15/17
A.4	1	Floor Plan	3/15/17
A.5	3	Elevation Drawings	3/15/17

A.6	1	Traffic Narrative	3/15/17
A.7	1	Septic Review Certification	3/15/17
A.8	1	Fire Service Agency Review	3/15/17
A.9	1	Sheriff Services Review	3/15/17
A.10	17	Storm Water Certificate	3/15/17
A.11	1	Certification of Water Service	3/15/17
A.12	1	Photographs of Exiting School Building	3/15/17
A.13	8	Email from Heather Green (for the applicant) addressing the drinking water quality.	4/4/17
A.14	1	Email from Erin Mick, County Sanitarian to Heather Green address the increase student population metering flow to determine if the septic system drainfield need expansion.	4/11/17
A.15	1	Email from Azita Mansor, County Right-of-Way Program addressing the increase in student population related to transportation impact	4/11/17
‘B’	#	Staff Exhibits	Date
B.1	2	A&T Property Information	NA
B.2	1	A&T Tax Map with Property Highlighted	NA
B.3	1	2012 Aerial Photo	NA
B.4	1	Current Zoning Map	NA
B.5	1	Approved Site Plan for the entire school property from Case T3-2012-2514	NA
B.6	1	Email dated April 27, 2017 from Erin Mick to staff addressing feasibility of expanding septic drainfield.	NA
‘C’	#	Administration & Procedures	Date
C.1	3	Incomplete Letter	3/30/17
C.2	1	Applicant’s Acceptance of 180 Day Clock	4/3/17
C.3	1	Complete Email	4/11/17
C.4	1	Opportunity to Comment	4/20/17
‘H’	#	Hearing Exhibits	Date
H.1	1	Hearing sign in sheet	5/12/17

All exhibits are available for review in Case File T3-2017-7283at the Land Use Planning office.