



**MULTNOMAH COUNTY**  
**LAND USE PLANNING DIVISION**  
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MULTNOMAH COUNTY  
HEARINGS SECTION

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**BEFORE THE HEARINGS OFFICER  
FOR MULTNOMAH COUNTY, OREGON  
FINAL ORDER**

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This Decision consists of Conditions, Findings of Fact and Conclusions.

**July 16, 2001**

<b>Case File:</b>	<b>CS 0-4/SEC 0-27</b>
<b>Proposal:</b>	Applicant requests Community Service Use approval for a fire station
<b>Property Address:</b>	19260 NW Cleetwood
<b>Assessor's Map Description:</b>	2N2W 12DB, TL 2500 Tax Lots 5 & 16, Block 7, River Road Tract R#70830-1990
<b>Applicant:</b>	Michael Greisen, Fire Chief
<b>Property Owner:</b>	Scappoose Rural Fire Protection Dist. PO Box 625 52751 Columbia River Hwy. Scappoose, OR 97056
<b>Site Size:</b>	.61 acres
<b>Zoning:</b>	Rural Residential (RR) and Significant Environmental Concern (SEC-v & h)
<b>Applicable Zoning Code:</b>	33.3130, et seq. (RR); 33.6005-.6020 (Community Service Uses); 33.4500-4525 (SEC criteria); 33.4565 (SEC-views); 33.4570 (SEC-wildlife habitat); 33.4205, et seq. (Parking); Comprehensive Plan Policies 14, 31, 37, 38.
MULTNOMAH COUNTY HEARINGS OFFICER DECISION July 16, 2001	CS 0-4/SEC 0-27 Page 1

## PROCEDURAL ISSUES

### 1. Impartiality of the Hearings Officer

- A. No ex parte contacts. I did not have any ex parte contacts prior to the hearing of this matter. I did not make a site visit.
- B. No conflicting personal or financial or family interest. I have no financial interest in the outcome of this proceeding. I have no family or financial relationship with any of the parties.

### 2. Jurisdictional Issues

At the commencement of the hearing I asked the participants to indicate if they had any objections to jurisdiction. The participants did not allege any jurisdictional or procedural violations regarding the conduct of the hearing.

### 3. 150-Day Time Line Issue

The application was deemed complete on May 3, 2001. Therefore this is the 44<sup>th</sup> day of the 150-day clock.

### 4. Applicant's Proposal

The subject site has been used as a fire station since the late 1980's. However, no land use or building permits have been found for either the existing use as a fire station or for the fire house itself. This application is to bring the fire station into compliance with the Multnomah County Code.

According to the applicant, the fire station is used for housing emergency response apparatus and equipment. Emergency apparatus respond to structure, wildland, other types of fires, medical emergencies, motor vehicle accidents, special rescue situations, public assists, emergency disasters and other types of emergency incidents requested by the community. Personnel come to the fire station to respond to emergency incidents, training and other functions at the station. There are no plans to accommodate firefighters 24 hours a day. See Exhibit 1 of the staff report for existing conditions.

In addition to the existing fire station building, the fire district is proposing to add space for office use, storage and restrooms. Future use of the property by the volunteers requires office space and suitable restrooms. At present, a rented portable toilet is in use. A well has been drilled and future plans envision either extending the existing building or purchasing a modular building to be moved onto the premises for restrooms and office space. The additional space would also provide a meeting room for training and other educational exercises. Auxiliary to the proposed use are parking spaces that must

be brought up to standards and a septic system to be installed for the proposed restrooms. The applicant proposes to keep the existing sign, but may need to alter it to comply with sign standards.

The applicant has listed two options. Preferred Option 1 consists of an additional bay on the east side of the existing station, which would hold longer fire apparatus, and hang and dry firefighting turnouts. This new bay would be metal construction, built in the same style as the existing building. The bay on the west side of the existing building would be converted to an area to be used as office, storage, and restrooms. See Exhibit 2 of the Staff Report.

Option 2 shows a modular building to the west of the fire station to house a restroom facility, small office, and storage. The modular would be constructed of wood and designed like a manufactured home with a hallway connecting it to the existing fire station. See Exhibit 3 to the Staff Report.

## **5. Site and Vicinity Characteristics**

The site contains an existing fire station which has metal siding, painted beige. The three overhead doors are painted red. A generator is located behind the station. The driveway is gravel. To the west is a grassy area for parking surrounded by wood railings. A sign indicates that the site is the Holbrook Station. To the south and east are existing trees. The rest of the site is lawn. There is a portable restroom and boat trailer behind the fire station. A wood and wire fence is located along the west, south and east property lines.

In the vicinity of Cleetwood Drive are single family homes on small lots (under one acre). The right-of-way to the south of the property is proposed to be vacated. Access is from Cleetwood Drive via Morgan Road. Cleetwood is a gravel road.

## **6. Testimony and Evidence Presented**

- A. Staff Planner Lisa Estrin gave the staff report for the County. Staff reviewed the County Staff Report and pre-hearing exhibits, as listed on the attached Exhibit "A", which exhibit is incorporated by this reference herein.
- B. Exhibit B-1, a map showing the Scappoose Fire Protection Boundaries, Ambulance Service Area and mutual aid areas, was presented.

## **STANDARDS, CRITERIA, ANALYSIS AND FINDINGS OF FACT**

### **Multnomah County Code**

#### **RURAL RESIDENTIAL (RR)**

##### **33.3100 Purpose**

The purposes of the Rural Residential District are to provide areas for residential use for those persons who desire rural living environments; to provide standards for rural land use and development consistent with desired rural character, the capability of the land and natural resources; to manage the extension of public services; to provide for public review of non-residential use proposals and to balance the public's interest in the management of community growth with the protection of individual property rights through review procedures and flexible standards.

##### **33.3130 Conditional Uses**

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

- (A) Community Service Uses under the provisions of MCC 33.6000 through .6660.

**Staff:** The proposed use is listed as a community service use. See MCC 33.6015.

##### **33.3155 Dimensional Requirements**

- (A) Except as provided in MCC 33.3160, 33.3170, 33.3175 and 33.4300 through 33.4370, the minimum lot size shall be five acres.

**Staff:** The proposal is a community service use, which requires a conditional use permit. See 33.3175 for minimum lot size requirements..

**Hearings Officer Analysis:** Hearings Officer concurs.

##### **(C) Minimum Yard Dimensions - Feet**

Front	Side	Street Side	Rear
30	10	30	30

**Maximum Structure Height – 35 feet**

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

**Staff:** The proposal is a community service use. Setbacks are specified in the Community Uses Restrictions, see MCC 33.6020.

### **33.3175 Lot Sizes for Conditional Uses**

**The minimum lot size for a conditional use permitted pursuant to MCC 33.3130, except (B) (8) thereof, shall be based upon:**

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

**Staff:** The site size is .61 of an acre. Per the site plan submitted by the applicant, the size of the site is large enough to contain all the proposed structures and amenities requested and required.

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

**Staff:** Lot sizes in the vicinity of the subject property range from ¼ acre to 1 acre. Most lots in the area are residential in use. The subject property is similar in size to many of the surrounding properties. There should be little impact from the existence of the fire station to the surrounding properties. No sirens will be used on the site. There may be some impacts to the roads and other vehicles on the road from vehicles entering and exiting the site. These impacts are not related to the size of the subject site.

**(B) Consideration of the purposes of this district.**

**Staff:** The fire station is located so as to serve the rural area of this part of the county. The fire station provides an essential public service.

**Hearings Officer Analysis:** Hearings Officer concurs.

### **33.3180 Off-Street Parking and Loading**

**Off-street parking and loading shall be provided as required by MCC 33.4100 through 33.4220.**

**Staff:** Off-street parking and loading are reviewed under MCC 33.4100 et seq.

## **COMMUNITY SERVICE**

### **33.6005 General Provisions**

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

**(B) Uses authorized pursuant to this section shall be subject to Design Review approval under MCC 33.7000 through 33.7065.**

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

**Staff:** This community service application is for a fire station, addition, parking area, landscaping and sign. The portable restroom and boat trailer storage is not being reviewed by this application and shall be removed prior to final occupancy of the site.

As required under MCC 33.6005(B), the applicant/owner is to obtain design review approval of all proposed site improvements including, but not limited to, grading, clearing, landscaping, fencing, signing and exterior structural design. Site work shall not proceed until required Design Review approvals are obtained. Specific design features represented in this application shall be reflected in plans submitted for design review.

**Hearings Officer Analysis:** Hearings Officer concurs.

### **33.6015 Uses**

- (A) Except as otherwise limited in the EFU, CFU-1, CFU-2, and CFU-5 districts, the following Community Service Uses and those of a similar nature, may be permitted in any district when approved at a public hearing by the approval authority.**

**Allowed Community Service Uses in the EFU, CFU-1, CFU-2, and CFU-5 districts are limited to those uses listed in each respective district.**

#### **(6) Government building or use.**

##### **(24) Ambulance Service Substation.**

**Staff:** The proposed use is fire station and emergency service response. A fire district is a government use. In addition, a fire station performs similarly to an ambulance service station, in that a station houses emergency vehicles that operate on an on-call basis. Policy 31, Community Facilities, lists Fire Stations as a community facility. Therefore, the proposed use is considered a community service use.

**Hearings Officer Analysis:** Hearings Officer concurs.

### **33.6010 Approval Criteria**

**In approving a Community Service use, the approval authority shall find that the proposal meets the following approval criteria, except for transmission towers, which shall meet the approval criteria of 33.6125, and except for regional sanitary landfills which shall comply with MCC 33.6200 through .6230.**

#### **A. Is consistent with the character of the area;**

**Applicant:** This is zoned rural residential. The aerial photo from Multnomah County Planning Department shows the two lots and the building. The surrounding buildings are residential in nature. The present building is neighborly and consistent with the character of the surrounding area.

There are no other fire stations in the area. The proposed use will not affect noise levels, traffic patterns, equipment use, or air quality.

The building is 36 feet back from NW Cleetwood Road and 95 feet from the west property line and 35 feet from the south property line. The adjoining lot, recently purchased, is 88 feet by 112 feet.

NW Cleetwood Road is a gravel road that intersects with NW Morgan Road, a paved road. The properties are .7 of a mile from US Highway 30.

The only set hours that can honestly be anticipated would be when a volunteer responds to the fire station for either Wednesday morning drill at 9:00am to noon or Wednesday evening drill which would be about 6:45pm to 10:30pm. Emergency incident response is hard to determine but you could estimate 2 to 4 people would show up at one time.

Noise concerns: Training for emergency personnel is traditionally held at the fire station in Scappoose; very little training is done at the Holbrook Station. If apparatus operators are training on pumping evolutions, they train off of Highway 30 at Rainbow Lake which is not in a residential neighborhood.

Siren Noise: Normally the emergency apparatus siren is not used for emergency response in this area due to light traffic on NW Morgan Road and NW Cleetwood Avenue. Emergency sirens are used getting onto Highway 30 which is about 0.7 miles away. There is not a station siren. All notification of emergency personnel is through individual pagers.

An emergency backup electrical generator is planned for the fire station during loss of electrical power. With the fire station not being staffed with career personnel, the generator would only be operational during high emergency incidents, otherwise it would be in a shut down mode. A small shed-type building could be built around it to reduce the noise level.

**Staff:** This area is a quiet, rural residential neighborhood with small lots. On Cleetwood Road, there are small dwellings on ½ to ¾ acre lots. These lots contain small houses, landscaping and mature trees. Many of these properties have detached metal or wood outbuildings. Not far to the west is a Commercial Forest Use zone. See Exhibit 8 for photos of surrounding properties. See Exhibit 9 for aerial photo of area taken in 1998.

The applicant has addressed noise concerns sufficiently, although the generator should be required to be housed either in the building or contained in a shed. Evening drills until 10:30pm could be a concern in a residential neighborhood. According to the appli-

cant, there has not been any complaints regarding this. However, the Hearings Officer may want to consider limiting the hours for outside drills.

Outside lighting may affect the character of the area. Outdoor lighting is required under the SEC provisions to be hooded and shielded. This requirement should be sufficient to address any lighting concerns. NW Cleetwood and Morgan have very little traffic and so fire engines interfering or being interfered with traffic should not be a concern.

One issue not specifically addressed by the applicant is the visual impacts of the fire station. The existing fire station building is constructed of metal siding with a metal roof and three large overhead metal doors. There is no landscaping in the front of the building. Option 1 would break up the monotone façade by removing one of the overhead doors and renovating it to wood siding with a person-sized door and window. The additional new bay would also have a large overhead door, but its larger size would break up the straight lines along the roof top and eaves.

Option 2 would keep the existing building intact, but add a modular building and hallway. The modular building would have wood siding and windows with a composite tile roof. This modular building would be similar in size and shape to residential manufactured homes in the area. Both options request a six car parking area to be located on the east side of the building.

Staff prefers Option 1 which is a more cohesive overall building design. The metal building is consistent with the character of the area based on observation of surrounding properties, which have large outbuildings, some of which are made of metal. However, this building is exposed to full view from the street due to the lack of landscaping. Additionally, the building's color is bright and quite visible. Most houses and buildings in this area are setback behind landscaping. To screen and mitigate the bulk of the building, landscaping should be installed where possible without hindering vehicular access. Another option to reduce the visibility of the building is to paint in a dark, earth tone color, such as forest green.

Although improved parking lots are not typical to this residential area, most lots do have several vehicles and other motorized items stored on the grounds. A six car lot will not appear to be incongruous. Again, landscaping would mitigate the appearance of the parking lot to be more in keeping with the character of the area.

A condition of approval shall require landscaping between the parking lot and the street, and in front of the building where possible. A landscaping plan shall be submitted for review and approval under the Design Review process. The color of the building shall be reviewed under the Design Review permit. With these conditions of approval, this criterion is met.



**Hearings Officer Analysis:** Hearings Officer concurs with staff that Option 1 is the preferable option. A condition of approval will require submittal of a landscaping plan under the Design Review process. The hours for drills will not be limited.

**A. Will not adversely affect natural resources;**

**Applicant:** The use will not adversely affect natural resources. There are small trees, blackberries and grass on the property. There are no exceptional natural features topographic or otherwise that would be affected. The properties are level ground.

**Staff:** Staff concurs. Although this lot is within a significant environmental concern overlay district, there are no outstanding natural features, such as forests, streams or wetlands. Most of the lots in this area have been developed already.

**Hearings Officer Analysis:** Hearings Officer concurs.

**B. Will not conflict with farm or forest uses in the area;**

**Applicant:** The use will not conflict with farm or forest uses in the area. The building is currently in use as a fire stations, house fire, rescue, and emergency medical response equipment. It plays a vital role in maintaining and preserving those uses.

**Staff:** This area is zoned Rural Residential. The surrounding area is made of up single family dwellings on parcels that are less than 1 acre. No farm or forest uses occur on the adjacent parcels. The closest lot with forest uses on it is 390 feet away. This criterion is met.

**Hearings Officer Analysis:** Hearings Officer concurs.

**C. Will not require public services other than those existing or programmed for the area;**

**Applicant:** The use will not require public services other than those existing in the area. There exists cellular phone service at the building. A fresh-water well has been drilled east of the building and 30 feet north of the property line. Sewage will be by septic tank and drainfield on west of the building.

**Staff:** See also Comprehensive Plan Policy 37, Utilities. This criterion is met.

**Hearings Officer Analysis:** Hearings Officer concurs.

**D. 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;**

**Applicant:** The use is not located within a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife.

**Staff:** This criterion is met.

**Hearings Officer Analysis:** Hearings Officer concurs.

**E. Will not create hazardous conditions; and**

**Applicant:** The use will not create hazardous conditions. There is off-street parking for the volunteers responding to emergency incidents and training. Approximately six in number. On-site circulation will accommodate routine vehicle movement. Volunteers arriving and departing the site will use NW Morgan Road and Cleetwood. Emergency vehicle arrival and departure will be on Morgan Road and US Highway 30. There have been no problems in past years of use.

There will be no impact on soils or slopes; all vehicles will be on gravel or pavement.

**Staff:** Staff concurs. The fire station has been used for several years and no known hazardous condition has been observed or reported.

**Hearings Officer Analysis:** Hearings Officer concurs.

**F. Will satisfy the applicable policies of the Comprehensive Plan.**

**Applicant:** The building and use meets the restrictions set forth in 11.15.7025 for set-backs. There are not significant views as described in 11.15.6424.

**Staff:** See list of applicable Comprehensive Plan Policies below.

**Hearings Officer Analysis:** Hearings Officer concurs.

**G. Will satisfy such other applicable approval criteria as are stated in this Section.**

**Staff:** No other approval criteria is listed in this section.

**33.6020 Restrictions**

**A building or use approved under MCC 33.6015 through .6050 shall meet the following requirements:**

**A. Minimum yards in EFU, MUA-20, RR, 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.**

**Applicant:** Existing building setbacks are (Exhibit 1): Front 36', rear 35', west 95' and east 15' [on tax lot 2500], we have requested that the two tax lots be consolidated which would allow additional improvements and meet set back requirements.

**Staff:** The applicant consolidated tax lots 2400 and 2500 with the Assessment and Taxation Division (See Exhibit 7). This consolidation is for tax purposes only. In order to meet the required setbacks, the two legal lots shall be consolidated into one legal lot. Once the lots are consolidated, setbacks for Option 1 will be 30 feet for the front, 90 feet for the east side, 95 feet for the west side, 30 feet for the rear. Under Option 2, setbacks will be 31 feet for the front, 110 feet for the east side, 65 feet for the west side, 35 feet for the rear. The rear setback is 30 feet in the Rural Residential zoning district. The setbacks will be met with the following condition of approval: prior to approval of Design Review, the applicant shall record a new deed describing tax lots 2400 and 2500 as one legal lot.

**Hearings Officer Analysis:** The applicant will be required to meet the Option 1 setbacks.

**D. Off-street parking and loading shall be provided as required in MCC 33.4100 through .4220.**

**Applicant:** Currently, the fire station has on street parking which is not allowed in the Community Service Use. Off street parking will be developed on the east side of the fire station which will allow for a minimum of six parking spaces. The east side location allows for the septic system to be located on the west side. Six off street parking spaces should be adequate for the Holbrook Fire Station. The calculations that was used for parking is based on the response to emergency incidents which an average of two parking spaces are needed. For training purposes, the average would be two to four vehicles. There is additional room available for parking spaces if the need arises. The parking lot will be constructed for a dust free environment if the addition to the Fire Station is completed.

**Staff:** See .6100 below.

**Hearings Officer Analysis:** Hearings Officer concurs.

**E. Signs for Community Service Uses pursuant to the provisions of MCC 33.7400 - .7505.**

**Staff:** There is a sign at the front of the property. Applicant proposes to keep the sign but relocate it out of the right-of-way and reduce it in size. The sign must meet the provisions of .7400 et seq. Signs will be reviewed under Design Review.

**Hearings Officer Analysis:** Hearings Officer concurs.

***F. Other restrictions or limitations of use or development not required under this subsection shall be provided in the district.***

**Staff:** See RR zoning district discussion above.

## **SIGNIFICANT ENVIRONMENTAL CONCERN**

### **33.4520 Application for SEC Permit**

**An application for an SEC permit for a use or for the change or alteration of an existing use on land designated SEC, shall address the applicable criteria for approval, under MCC 33.4555 through 33.4575.**

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

- 1. A written description of the proposed development and how it complies with the applicable approval criteria of MCC .6420 through .6428.**
- 2. A map of the property showing:**
  - a. Boundaries, dimensions, and size of the subject parcel;**
  - b. Location and size of existing and proposed structures;**
  - c. Contour lines and topographic features such as ravines or ridges;**
  - d. Proposed fill, grading, site contouring or other landform changes;**
  - e. Location and predominant species of existing vegetation on the parcel, areas where vegetation will be removed, and location and species of vegetation to be planted, including landscaped areas;**
  - f. Location and width of existing and proposed roads, driveways, and service corridors.**

**Staff:** The applicant has submitted a written description and a map as required.

**Hearings Officer Analysis:** Hearings Officer concurs.

### **33.4555 Criteria for Approval of SEC Permit**

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

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

**Applicant:** There is not a river, lake, stream or floodwater storage area located in this area.

**Staff:** This criterion is met.

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

**Applicant:** The land and structure is located within a Rural Residential zone. This land is about .6045 of an acre and is not functional as agricultural or forest land.

**Staff:** This site is zoned Rural Residential which allows residential, forest and farm uses. However, the RR zone is considered an exception area, that is, it is not protected for farm or forest uses under the Statewide Planning Goals. This criterion is not applicable.

**Hearings Officer Analysis:** This criterion is not applicable.

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

**Applicant:** The building is currently constructed and located at required setbacks with any future construction located next to existing structure and required setbacks. The remaining land west of the structure will be maintained as a grass field for septic system and the land to the east would be used for parking and trees left for a buffer area.

**Staff:** Because of the small lot size, required septic system and setbacks, the area available to place the additions and parking is extremely limited. The proposed placement of the addition (either option) meets all setback requirements and allows for the existing field of grass to be utilized for a septic system. The lot contains little area of environmental significance, based on staff's site visit on May 9, 2001. The vegetation on the site consists mostly of grass, a few trees, and some nuisance plants. This criterion is met.

**Hearings Officer Analysis:** Hearings Officer concurs.

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

**Applicant:** This community service use request does not meet requirements for recreational uses.

**Staff:** This proposal will not affect recreational needs as no recreational or transportation plans involving pedestrian or bicycle plans exist for this area.

**Hearings Officer Analysis:** Hearings Officer concurs.

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

**Applicant:** The Fire District will protect the structure from public safety concerns and try to reduce vandalism and trespass.

**Staff:** The fire station is located at this site for the protection of public safety. Conversely, protection of the fire station itself and the public using it must be reviewed also. While this is a government building, it is not a place the public is likely to visit on a regular basis. The proposed parking will ensure a safe location for employees/volunteers to park their cars and walk to the office. The parking will be more thoroughly reviewed during the Design Review phase of this proposal.

This criterion is also intended to ensure that the proposed use will incorporate any practicable measures needed to protect the public from any hazards of the use in addition to measures to protect the use itself. There are no obvious hazards on the site, such as steep cliffs.

**Hearings Officer Analysis:** Hearings Officer concurs.

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

**Applicant:** No stream, lakes or other bodies of water exist on or adjacent to the property.

**Staff:** Staff concurs. There is no fish habitat and very little wildlife habitat currently on the site. Any concerns regarding wildlife habitat will be addressed under criteria in 33.4570. This criterion is met.

**Hearings Officer Analysis:** This criterion is met.

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

**Applicant:** No, streams, lakes, or other bodies of water exist on or adjacent to the property.

**Staff:** Staff concurs, this criterion is not applicable.

**Hearings Officer Analysis:** This criterion is not applicable.

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

**Applicant:** The property has not been determined as an archeological site. During any construction, installation of dry wells, or installation of a parking areas careful attention will be observed.

**Staff:** There are no known archaeological areas on or near the subject site. However, the applicant shall cease development of the project in the event an object or objects of cultural significance are found and contact this office and the State Historic Preservation Office (SHPO) in compliance with Oregon Revised Statutes.

**Hearings Officer Analysis:** This criterion is met.

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

**Applicant:** This area shows no evidence of being in a flood plain or having wetlands on or adjacent to it.

**Staff:** Staff concurs. County maps do not show any wetlands or floodplains on this site. A site visit in December, 1999, did not reveal any wet areas either. This criterion is not applicable.

**Hearings Officer Analysis:** This criteria is not applicable.

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

**Applicant:** During construction, installation of dry wells, or construction of parking area, careful attention will be given to possible erosion or potential erosion on or off site.

**Staff:** The site is relatively flat. There are no streams or wetlands nearby. A grading permit is required if moving more than 50 cubic yards of earth materials. To ensure that sediment does not leave the site, the applicant or contractor shall install erosion control fencing downslope of the construction area and utilize Best Management Practices during the construction process. The disturbed areas shall be replanted or reseeded as soon as possible after construction. With this condition of approval, this criterion is met.

**Hearings Officer Analysis:** This criterion can be met if applicant complies with staff's recommended condition of approval.

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

**Applicant:** The quality of the air, water, and land resources and ambient noise levels will be preserved. The use of a back up generator during loss of power will increase the ambient noise levels during natural or manmade disasters or other loss of power to the fire station. The use of the generator will be during short periods of time and can be located in a structure to reduce ambient noise levels. A septic system will be installed according to Department of Environmental Quality regulations to protect water wells. A dry well system will be installed according to acceptable standards to protect storm water from causing erosion to lands.

**Staff:** Air quality should not be affected by the proposed use or structures. The applicant has addressed water quality issues.

A generator is located behind the existing building. The applicant is aware that the generator may cause noise impacts to the neighborhood. To address this noise concern, the generator shall be installed inside the building or located in a shed to reduce noise. With this condition of approval, this criterion is met.

**Hearings Officer Analysis:** This criterion can be met subject to compliance with the condition of approval.

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

**Applicant:** The current building is a 36 feet by 36 feet pole building. It houses fire apparatus that carries firefighting equipment and emergency medical equipment which responds to the community's request for emergency services. There is no restroom and no other space for supplies. We have provided two options with the Fire District preferring Option #1. Option #1 would allow the construction to be the same uniformity and not appear to be pieced together.

Option 1 (see diagram) With the need to have a restroom facility and space for firefighting turnouts and fire equipment there may be a need to expand to meet future needs.

- An additional bay to the east side would be a longer fire apparatus bay
- A place is needed to hang and dry firefighting turnouts.
- Restroom facility
- Small office.
- Storage for wildland firefighting equipment



- Metal-type construction would be similar to buildings and shops located around this residential neighborhood
- Building color of beige with brick red trim

Option 2: The second option shows the use of a modular building off to the west side and be used for:

- Restroom facility
- Small office
- Storage
- Constructed of wood, designed like a manufactured home and hallway attached to the current fire station.
- Building color of beige with brick red trim.

We would keep the current sign which was carved out of wood and fits in a rural atmosphere. The sign does have to be removed from the public right-of-way and reduced in the overall height. Any outdoor lighting used will be low intensity and shine towards the ground and be contained within the property lines. Very little outside lighting is currently used and future plans would be to limit the use of additional lighting.

**Staff:** The metal building is 18 feet in height. Option 1 would increase the height to 20 feet. Under Option 2, the modular building is shorter than the existing building. The existing metal building has three large overhead doors painted brick red. The rest of the building is beige with red trim. There is a street-type lamp on the west end of the building. Option 1 would change the existing building by adding a larger bay with overhead door and converting one of the existing bays into an office/storage space by covering the door with wood siding and putting in a man-door and window. Option 2 would leave the existing building as is and add a manufactured home to the west side of the building. This new structure would have wood siding with windows and composition roof. See site plans, Exhibits 2 – 6. See Exhibit 8 for photos of existing building and surrounding properties.

As mentioned above, staff prefers Option 1. Although this option calls for a taller addition, it is more cohesive in overall design and appears to be more functional for the fire district.

The existing structure is located in the center of the property. The existing building appears to be bulkier than it is because of the large door size and the red color makes them stand out even more. Under Option 1, one of the overhead doors will be removed and wood siding added to the front. This will help reduce the bulky appearance of the building. In addition, painting the building a darker color will help to hide some of the bulk and better blend with the surrounding trees. A dark, earth tone color will also help reduce any visual impacts it has to the residential neighborhood.

Landscaping in front of the building will help reduce the overall bulk and visual impact of the building as discussed under MCC 33.6010(A). However, landscaping in front of the garage doors would be impractical. Some landscaping could be placed in front of the

office space section of the building and in front of the parking area. The sign will be reviewed under Design Review. To reduce glare and keep lighting directed onto the property, any outdoor lighting shall be directed downward and hooded. With conditions of approval, this criterion is met.

**Hearings Officer Analysis:** With conditions of approval Option 1 will meet this criteria.

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

**Applicant:** Property is not recognized as having fragile or endangered plant life.

**Staff:** Site consists of non-native and nuisance plants. No fragile, endangered, or particularly valued plant habitat has been identified on the site, based on staff's site visit. Existing trees provide a visual buffer from the road as well as provide some wildlife habitat. The existing trees shall not be removed, unless diseased or dying. If removed due to disease, the trees shall be replaced immediately with 2 inch caliper or similar-sized trees. With this condition of approval, this criterion is met.

**Hearings Officer Analysis:** Hearings Officer concurs.

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

**Staff:** See the applicable Comprehensive Plan policies below.

### **33.4565 Criteria for Approval of SEC-v Permit Significant Scenic Views**

#### **(A) Definitions:**

- 1. *Significant scenic resources* consist of those areas designated SEC-v on Multnomah County sectional zoning maps.**
- 2. *Identified Viewing Areas* are public areas that provide important views of a significant scenic resource, and include both sites and linear corridors. Identified Viewing Areas are:**

**Bybee-Howell House  
Virginia Lakes  
Sauvie Island Wildlife Refuge  
Kelley Point Park  
Smith and Bybee Lakes  
Highway 30  
The Multnomah Channel  
The Willamette River  
Public roads on Sauvie Island**

**3. *Visually subordinate*** means development does not noticeably contrast with the surrounding landscape, as viewed from an identified viewing area. Development that is visually subordinate may be visible, but is not visually dominant in relation to its surroundings.

**(B)** In addition to the information required by MCC 33.4520(C), an application for development in an area designated SEC-v shall include:

- (1)** Details on the height, shape, colors, outdoor lighting, and exterior building materials of any proposed structure;
- (2)** Elevation drawings showing the appearance of proposed structures when built and surrounding final ground grades;
- (3)** A list of identified viewing areas from which the proposed use would be visible; and
- (4)** A written description and drawings demonstrating how the proposed development will be *visually subordinate* as required by (B) below, including information on the type, height and location of any vegetation or other materials which will be used to screen the development from the view of identified viewing areas.

**(C)** Any portion of a proposed development (including access roads, cleared areas and structures) that will be visible from an identified viewing area shall be *visually subordinate*. Guidelines which may be used to attain visual subordination, and which shall be considered in making the determination of visual subordination include:

**Applicant:** This area is classified as a Significant Scenic View Area. The fire station is not visible from any of the identified viewing areas due to elevation changes, topography, existing vegetation and other structures. The Fire Station has an additional buffer area around the east and southeast sides which protects the significant scenic viewing area. The underbrush (mainly blackberries) will be removed and the trees will remain to provide the added buffer.

The area of the map between the black lines shows the Significant Scenic View Areas from the fire station at the same elevation or less. The area of concern that the public may have a view from would be in line with Rainbow Lake and the fire station which is on the map within the blue lines. This view of the fire station would only have the possibility of being seen in the Significant Scenic View Areas if structure removal and heavy land clearing is allowed by Multnomah County. See photos and map.

**Staff:** Staff concurs. The site is completely screened by topography to the east. The area between the blue lines as shown on the USGS map (Exhibit 10) is the only view corridor where there is no topography higher than the subject property. However, as mentioned by the applicant, trees and structures block all potential views from Highway

30 and the south end of Sauvie Island. The site is not visible from any of the key viewing areas listed. Applicant does not need to meet the standards of visual subordination.

**Hearings Officer Analysis:** Hearings Officer concurs.

**33.4570 Criteria for Approval of SEC-h Permit Wildlife Habitat**

**(A) In addition to the information required by MCC 33.4520(C), an application for development in an area designated SEC-h shall include an area map showing all properties which are adjacent to or entirely or partially within 200 feet of the proposed development, with the following information, when such information can be gathered without trespass.**

- (1) Location of all existing forest areas (including areas cleared pursuant to an approved forest management plan) and non-forested "cleared" areas;**

**"For the purposes of this section, a forested area is defined as an area that has at least 75% crown closure, or 80 square feet of basal area per acre, of trees 11 inches DBH and larger, or an area which is being reforested pursuant to Forest Practices Rules of The Oregon Department of Forestry. A non-forested "cleared" area is defined as an area which does not meet the description of a forested area and which is not being reforested pursuant to a forest management plan."**

- (2) Location of existing and proposed structures;**  
**(3) Location and width of existing and proposed public roads, private access roads, driveways, and service corridors on the subject parcel and within 200 feet of the subject parcel's boundaries on all adjacent parcels;**  
**(4) Existing and proposed type and location of all fencing on adjacent properties and on properties entirely or partially within 200 feet of the subject property.**

**Staff:** Applicant submitted aerial photographs to illustrate the above information. Applicant notes that the property adjacent to and 200 feet from the property lines are mainly residential structures and one church. The properties have light plantings of trees which are non marketable. The properties do not appear to meet the requirements of forested area as defined above. The nearest forest zoned area is 390 feet to the west.

**Hearings Officer Analysis:** Hearings Officer concurs.

**(B) Development Standards:**

- (1) Where a parcel contains any non-forested "cleared" areas, development shall only occur in these areas, except as necessary to provide access and to meet minimum clearance standards for fire safety.**

**Applicant:** The building is 36 feet from the northern boundary line and is in a cleared area.

**Staff:** There are trees located on the east side of the property and a few trees located near the southwest corner. None of these trees are proposed to be removed. The existing and proposed buildings will be located in cleared areas. This criterion is met.

**Hearings Officer Analysis:** Hearings Officer concurs.

- (2) Development shall occur within 200 feet of a public road capable of providing reasonable practical access to the developable portion of the site.**

**Applicant:** The building is 36 feet from the public road.

**Staff:** NW Cleetwood Drive, which is a public road, surrounds this property on three sides. The right-of-way to the south of the lot is proposed to be vacated. Access to the fire station is from a driveway on the north side of the lot onto NW Cleetwood. This criterion is met.

**Hearings Officer Analysis:** Hearings Officer concurs.

- (3) The access road/driveway and service corridor serving the development shall not exceed 500 feet in length.**

**Applicant:** The driveway is 36 feet long and will not be longer than 500 feet.

**Staff:** This criterion is met.

**Hearings Officer Analysis:** Hearings Officer concurs.

- (4) The access road/driveway shall be located within 200 feet of the property boundary if adjacent property has an access road or driveway within 200 feet of the property boundary.**

**Applicant:** The building is located within 100 feet of the property boundary.

**Staff:** The subject property is 245 feet long. The driveway is within 200 feet of both the

east and west property boundaries. The property adjacent to this property is currently vacant, although a dwelling has been approved for that property. This criterion is met.

**Hearings Officer Analysis:** Hearings Officer concurs.

- (5) The development shall be within 300 feet of the property boundary if adjacent property has structures and developed areas within 200 feet of the property boundary.**

**Applicant:** The building is located within 300 feet of the property boundary because of structures on adjacent property. The building is 36 feet from the front boundary line.

**Staff:** As mentioned above, the lot is only 245 feet wide, so all development is within 300 feet of the property boundary. This criterion is met.

**Hearings Officer Analysis:** Hearings Officer concurs.

- (6) Fencing within a required setback from a public road shall meet the following criteria:**
- (a) Fences shall have a maximum height of 42 inches and a minimum 17 inch gap between the ground and the bottom of the fence.**
  - (b) Wood and wire fences are permitted. The bottom strand of a wire fence shall be barbless. Fences may be electrified, except as prohibited by County Code.**
  - (c) Cyclone, woven wire, and chain link fences are prohibited.**
  - (d) Fences with a ratio of solids to voids greater than 2:1 are prohibited.**
  - (e) Fencing standards do not apply in an area on the property bounded by a line along the public road serving the development, two lines each drawn perpendicular to the principal structure from a point 100 feet from the end of the structure on a line perpendicular to and meeting with the public road serving the development, and the front yard setback line parallel to the public road serving the development.**

**Applicant:** A fence will be replaced on the west boundary line with a split railing or round log-type fence to meet the open void vs. solid and to give the appearance of a country/rural area. The fence would be a maximum of 42 inches in height with the lowest board being a minimum of 17 inches from the ground.

**Staff:** No fencing is proposed within the required front yard setback. This criterion is met.

**Hearings Officer Analysis:** Hearings Officer concurs.

- (7) The following nuisance plants shall not be planted on the subject property and shall be removed and kept removed from the cleared areas of the subject property: (See plant list in Zoning Code).**

**Applicant:** All nuisance plants will be removed from the property.

**Staff:** The site contains some nuisance plants, including Himalayan Blackberry. Nuisance plants shall be removed and kept removed from the property.

**Hearings Officer Analysis:** Hearings Officer concurs.

**(C) Wildlife Conservation Plan. An applicant shall propose a wildlife conservation plan if one of two situations exist.**

- (1) The applicant cannot meet the development standards of Section (B) because of physical characteristics unique to the property. The applicant must show that the wildlife conservation plan results in the minimum departure from the standards required in order to allow the use;**
- (2) The applicant can meet the development standards of Section (B), but demonstrates that the alternative conservation measures exceed the standards of Section B and will result in the proposed development having a less detrimental impact on forested wildlife habitat than the standards in Section B.**

**Staff:** A Wildlife Conservation Plan is not required as all the standards in Section B can be met.

**Hearings Officer Analysis:** Hearings Officer concurs.

## **OFF-STREET PARKING AND LOADING**

### **33.4105 General Provisions**

**In the event of the erection of a new building or an addition to an existing building, or any change in the use of an existing building, structure or land which results in an intensified use by customers, occupants, employees or other persons, off-street parking and loading shall be provided according to the requirements of this Section.**

**Staff:** This is a new use. Off-street parking and loading shall be provided as required.

**Hearings Officer Analysis:** Hearings Officer concurs.

### **33.4120 Plan Required**

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 O-P.

**Staff:** A final parking plan shall be submitted during Design Review and include the following standards. For the purposes of the Community Service Use and Significant Environmental Concern permits, a preliminary design will suffice. The preliminary plan needs to show enough information to ensure that the parking area will fit on the lot. The plan should show the required number of spaces, aisles and the appropriate location on the site.

**Hearings Officer Analysis:** Hearings Officer concurs.

### **33.4130 Location of Parking and Loading Spaces**

(A) Parking spaces required by this Section shall be provided on the lot of the use served by such spaces.

(B) Exception – The Planning Director may authorize the location of required parking spaces other than on the site of the primary use, upon a written finding by the Director that:

**Staff:** The parking lot is proposed on the subject lot where the use is proposed. This criterion is met.

**Hearings Officer Analysis:** Hearings Officer concurs.

### **33.4135 Improvements Required**

(A) Required parking and loading areas shall be improved and placed in condition for use before the grant of a Certificate of Occupancy under MCC 33.0525, or a Performance Bond in favor of Multnomah County equivalent to the cost of completing such improvements shall be filed with the Planning Director.

(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.

**Staff:** This standard shall be met under Design Review approval.

**Hearings Officer Analysis:** Hearings Officer concurs.



### **33.4165 Design Standards: 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:** These design standards shall apply to this community service use.

**Hearings Officer Analysis:** Hearings Officer concurs.

### **33.4175 Dimensional Standards**

**A. Parking spaces shall meet the following requirements:**

7. 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.
8. 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.
9. For parallel parking, the length of the parking space shall be 23 feet.
10. Space dimensions shall be exclusive of access drives, aisles, ramps or columns.

**B. Aisle width shall be not less than:**

- a. 25 feet for 90° parking,
- b. 20 feet for less than 90° parking, and
- c. 12 feet for parallel parking.
- d. Angle measurements shall be between the center line of the parking space and the center line of the aisle.

**Applicant:** A parking area will be provided for six off-street parking spaces at a 90 degree angle. The standard parking space width will be a minimum of 9 feet and a length of 18 feet, with a vertical clearance of greater than 8 feet and have an aisle width of 25 feet. The parking area will be set back 20 feet from the north boundary line and a minimum set back of 25 feet from the south boundary line. The paper application for vacating the original Cleetwood Drive will increase the south boundary line setback. Vacate of the street is up for review by Multnomah County within the next month.

**Staff:** Parking stalls and circulation patterns are illustrated on the applicant's initial site plan (Exhibits 2 and 3 of the Staff Report). They appear to meet the above requirements. Final review of the parking plan shall occur under Design Review. With a condition of approval, this criterion is met.

**Hearings Officer Analysis:** Hearings Officer concurs.

**33.4180 Improvements**

**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.
2. Large parking fields for intermittent uses such as amusement parks, race tracks, stadiums, and the like may be surfaced with gravel or grass and spaces may be unmarked if the parking of vehicles is supervised.

**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.

**C. Marking - All areas for the parking and maneuvering of vehicles shall be marked in accordance with the approved plan required under MCC .6108, and such marking shall be continually maintained.**

**D. Drainage - All areas for the parking and maneuvering of vehicles shall be graded and drained to provide for the disposal of all surface water on the lot.**

**E. Covered Walkways - Covered walkway structures for the shelter of pedestrians only, and consisting solely of roof surfaces and necessary supporting columns, posts and beams, may be located in an O-P district. Such structures shall meet the setback, height and other requirements of the district which apply.**

**Staff:** MCC .4180 (A) requires that 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. A typical gravel road and parking area will not satisfy the dustless surface requirement. Gravel is a loose material. Roads and parking areas surfaced with gravel will wear down to a dirt surface after a period of use. Dust generated from such a surface could be a nuisance to adjoining residential development.

Improvement requirements can be addressed with Design Review. The applicant's site plan is sufficient to show that the site is of adequate size to accommodate new parking,

loading, and drive areas in general compliance with these design standards. Some minor adjustments to the configuration of these areas may be necessary to ensure full compliance with these standards, however, such adjustments can be made through Design Review.

**Hearings Officer Analysis:** Hearings Officer concurs.

**33.4195 Design Standards: Setbacks**

- A. Any required yard which abuts upon a street lot line shall not be used for a parking or loading space, vehicle maneuvering area or access drive other than a drive connecting directly to a street.**
- 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 site plan (Exhibits 2 and 3) shows that the proposed parking area is setback 20 feet from NW Cleetwood. The required setback is 30 feet. The parking area can be moved back 10 feet to meet this standard and still accommodate the six parking spaces. Because the right-of-way to the south of the subject property is in the process of being vacated, the rear yard setback will likely not apply to the parking area by the time the Design Review permit is approved. Again, these minor adjustments to the configuration of the parking area can be made through Design Review.

**Hearings Officer Analysis:** Hearings Officer concurs.

**33.4205 Minimum Required Off-Street Parking Spaces**

**(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.**

**Applicant:** Currently, the fire station has on street parking which is not allowed in the Community Service Use. Off street parking will be developed on the east side of the fire station which will allow for a minimum of six parking spaces. The east side location allows for the septic system to be located on the west side. Six off street parking spaces should be adequate for the Holbrook Fire Station. The calculations that was used for parking is based on the response to emergency incidents which an average of two parking spaces are needed. For training purposes, the average would be two to four vehicles. There is additional room available for parking spaces if the need arises. The parking lot will be constructed for a dust free environment if the addition to the Fire Station is completed.

**Staff:** The Code does not specify the number of parking spaces for a fire station. A fire station is not similar to any of the listed uses. The Fire District requests six spaces. Therefore, the Planning Director determines that six spaces are adequate to support the use.

**Hearings Officer Analysis:** Hearings Officer concurs.

## **Comprehensive Plan Policies**

### **Policy 14**

**The County's policy is to direct development and land form alterations away from areas with development limitations except upon a showing that design and construction techniques can mitigate any public harm or associated public cost and mitigate any adverse effects to surrounding persons or properties. Development limitations areas are those which have any of the following characteristics:**

- B. Slopes exceeding 20%;**
- C. Severe soil erosion potential;**
- D. Land within the 100 year flood plain;**
- E. A high seasonal water table within 0-24 inches of the surface for 3 or more weeks of the year;**
- F. A fragipan less than 30 inches from the surface;**
- G. Land subject to slumping, earth slides or movement**

**Staff:** According to the Multnomah County Soil Survey, the soil on this site is Quatama loam 3- 8%. The site slopes approximately 5%. This soil has a seasonal high water table and slow permeability. Septic tank absorption may not function properly. Where Policy 14 development limitations exist on-site, in areas proposed for development (e.g. high seasonal water table and fragipan), design and construction techniques can be implemented to mitigate any public harm or associated public cost, and mitigate any adverse effects to surrounding persons or properties. Such techniques will be evaluated concurrent with design review, and could include erosion control requirements. In this case, a standard septic system will work on this site as indicated by the land feasibility study.

**Hearings Officer Analysis:** Hearings Officer concurs.

### **Policy 31 Community Facilities and Uses**

**Community facilities and services include public and private activities which are operated for the benefit of the public and to fill a social need. Basic services which have a direct effect on the public health, safety and welfare are public schools, transportation, water supply and sewage and solid waste disposal. Essential support services include police and fire protection; sanitary and storm drain facilities; planning, zoning, and subdivision control; health and recreational**

**facilities and services; energy; communications; and community governmental services.**

**A community's demand for types and levels of community services depends on the intensity and density of development, neighborhood characteristics, the present availability of services, and the accessibility of existing facilities or service alternates. Service providers, in making their locational decisions, must take into account such factors as public need, location of target clientele, existing financial obligations, present and anticipated resource availability, and costs of physical plant and program development. Taken together, the siting and expansion of community facilities must be at locations reflective of community needs and the ability of service agencies to deliver services.**

#### **INTENT**

**It is the intent of this policy to support the location of community facilities at sites which reinforce the timely and orderly delivery of services, maximize efficient use of existing facilities and provide for the development of new and additional services where unmet public need has been identified.**

**The County's policy is to:**

- A. Support the siting and development of a full range of community facilities and services by supporting the location and scaling of community facilities and uses meeting the needs of the community and reinforcing community identity.**
- B. Encourage community facilities siting and expansion at locations reinforcing orderly and timely development and efficient provision of all public services and facilities.**
- C. Encourage land use development which support the efficient use of existing and planned community facilities.**
- D. Support the development of a unified approach to long range community facilities planning and capital investment programming in Multnomah County.**
- E. Classify community facilities according to their function and scale of operations.**
- F. Locate community facilities on sites with average site grades consistent with a project's scale and impacts, site slope requirements by scale are:  
Major Community 10% average slope**

**G. For sites with average slopes steeper than the standard the developer must be able to demonstrate that through engineering techniques all limitations to development and the provision of services can be mitigated.**

**H. Support the location of community facilities on existing transportation systems with volume capacities and modal mix splits available and appropriate to serve present and future scales of operation. Vehicular access requirements by scale of facility are:**

<b>Major Community</b>	<b>Direct access to a collector street and no routing of traffic through local neighborhood streets. Public transit available within 1/4 mile.</b>
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**I. Restrict the siting of community facilities in locations where site access would cause dangerous intersections or traffic congestion considering the following:**

- 1. Roadway capacities**
- 2. Existing and projected traffic counts**
- 3. Speed limits**
- 4. Number of turning points**

**J. Support community facilities siting and development at sites of a size which can accommodate the present and future uses and is of a shape which allows for a site layout in a manner which maximizes user convenience, energy conservation, and pedestrian and bicycle access to and within the site.**

**K. Promote compatible development and minimize adverse impacts of site development on adjacent properties and the community through the application of design review standards...**

**L. Provide for the siting and expansion of community facilities in a manner which accords with the other applicable policies of this plan.**

**Applicant:** The fire and ambulance service is essential to the Holbrook community and is located to provide the best possible response time and service which is needed in a rural community. The existing building along with some building improvements, provide the Holbrook area with fire and ambulance emergency services and reinforces community identity. This is a public building in the community and has trees and hills, which seclude it from the community except for a dozen residential structures. The fire station building supports the efficient use of existing structure. The fire station will be part of a long-range plan the District is implementing for the future of emergency services to the community. The fire station which houses fire and emergency medical equipment would be considered a major community facility. The average site slope for the fire station

would be less than 5%. The fire station is located on and accesses onto a neighborhood dead end street (NW Cleetwood). The access point on the neighborhood street is approximately 265 feet from the nearest collector street (NW Morgan Rd). Four residential driveways enter NW Cleetwood drive between the fire station and NW Morgan Road. The fire station is located on a dead end neighborhood street which limits traffic. There are only a few vacant buildable lots off of NW Cleetwood Drive. The road dead ends into a residential driveway with a steep slope which would limit extension of NW Cleetwood Drive. NW Cleetwood Drive enters NW Morgan with a clear view in both directions for at least 350 feet. The traffic counts to Morgan Road is limited due to Morgan Road also being a dead end road with the road dead ending to residential structures and forest lands. The current lot is significant in size and shape to accommodate current and future needs for emergency services. With improvements to the building it will be designed for energy conservation and allow pedestrian and bicycle access to the site.

The Fire District will minimize impacts of the site and on adjacent properties and the community through the application of a design review application after approval of conditional use permits. We will provide for the expansion of the fire station meeting other county requirements.

**Staff:** The Holbrook fire station was built in the 1980's. The Scappoose Fire District took over the Holbrook Fire District in 1992 with all of its facilities. The Scappoose Fire District believes that this fire station is still needed to serve the Holbrook community and surrounding area. There is not another fire station in this area. The Scappoose Fire District also believes that expanding this existing facility makes more sense than moving it to another location. A Fire Station is defined in the County's plan policies as a "Major Community" facility. The locational requirements are met, with the exception that the fire station is not located on a collector street. The introduction to this land use location policy states that "It is intended that these locational criteria be construed in a flexible manner, in the interest of accommodating proposals which, though not strictly in conformance with the applicable criteria, are found to be in the public interest and capable of harmonious integration into the community." A collector street is located only 265 feet away. The applicant has provided evidence that the existing road is adequate for the use (See Exhibit 11). The intent of this policy is met.

**Hearings Officer Analysis:** The introduction to Policy 31 states that "it is intended that these locational criteria be construed in a flexible manner, in the interest of accommodating proposals which, though not strictly in conformance with the applicable criteria, are found to be in the public interest and capable of harmonious integration into the community." I find that the station is in the public interest and capable of harmonious integration. The station has been in existence since the late 1980's and the road has been adequate for the proposed use since that time. I find that the intent of this policy is met.

### **Policy 36**

**The County's Policy is to increase the efficiency and aesthetic quality of the trafficways and public transportation by requiring:**

- A. The dedication of additional right-of-way appropriate to the functional classification of the street given in Policy 34 and chapter 11.60.**
- B. The number of ingress and egress points be consolidated through joint use agreements,**
- C. Vehicular and truck off-street parking and loading areas,**
- D. Off-street bus loading areas and shelters for riders,**
- E. Street trees to be planted,**
- F. A pedestrian circulation system as given in the sidewalk provisions, chapter 11.60,**
- G. Implementation of the bicycle corridor capital improvements program,**
- H. Bicycle parking facilities at bicycle and public transportation sections in new commercial, industrial and business developments, and**
- I. New streets improved to County standards in unincorporated County may be designated public access roads and maintained by the County until annexed into a city, as stated in ordinance 313.**

**Staff:** NW Cleetwood Road is a residential road that is required to have a minimum 50 foot right-of-way per the County Street Standards. The NW Cleetwood right-of-way is 50 feet wide. Therefore, no right-of-way dedications are required at this time. The improved section of the road is between 12 and 20 feet wide. The Transportation Division requires that the applicant furnish deed restrictions committing the property owner to participate in future right-of-way improvements. Right-of-way improvements are required to mitigate against the impacts of the travel demand created by the proposed development and to bring the roadway up to county standards. When NW Cleetwood Drive is improved, the property owner will be assessed a proportional share of standard roadway improvements, per County Code Section 02.100.

**Hearings Officer Analysis:** The applicant will only be assessed a proportionate share of roadway improvements if NW Cleetwood is improved.

### **Policy 37**

#### **Water and Disposal Systems**

- A. Shall be connected to a public sewer and water system, both of which have adequate capacity; or**
- B. Shall be connected to a public water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system on the site; or**
- C. Shall have an adequate private water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system; or**



**D. Shall have an adequate private water system, and a public sewer with adequate capacity.**

**Staff:** Applicant has submitted a Service Provide Form signed by Jason Abraham stating that a Land Feasibility Study (LFS 109-96) was conducted on the site and found that the site can be served by a septic tank and drainfield system.

A well is located on the site, completed in 1998. The well supplies 19 gallons per minute. The well will be used for residential use. Fire tanks would be filled in Scappoose.

**Drainage**

- E. Shall have adequate capacity in the storm water system to handle the run-off; or**
- F. The water run-off shall be handled on the site or adequate provisions shall be made; and**
- G. The run-off from the site shall not adversely affect the water quality in adjacent streams, ponds, lakes or alter the drainage on adjoining lands.**

**Applicant:** The Fire District would install an on site dry well which would be connected to the parking and apron area at the front of the fire station. The location of the dry well would be located at the required set backs from well heads and septic systems. Two to three oil water separators would be used to tie in the dry well system.

**Staff:** The use of dry wells is an acceptable method for dealing with on-site drainage. Final drainage plans shall be reviewed under Design Review. This criterion is met.

**Hearings Officer Analysis:** Hearings Officer concurs.

**Energy and Communications**

- H. There shall be an adequate energy supply to handle the needs of the proposal and the development level projected by the plan; and**
- I. Communications facilities are available.**

**Staff:** Electric energy is already available to the site. Communication facilities are also available.

**Hearings Officer Analysis:** Hearings Officer concurs.

**Policy 38: Facilities**

- The appropriate school district has had an opportunity to review and comment on the proposal.**

**Staff:** This proposal does not affect the school district. No school is located in the immediate vicinity of this property. The Portland School District had no comment on the proposed use.

**Hearings Officer Analysis:** Hearings Officer concurs.

- **There is adequate water pressure and flow for fire fighting purposes; and**
- **The appropriate fire district has had an opportunity to review and comment on the proposal.**

**Staff:** The applicant is the fire district. Michael Greisen of the Scappoose Fire District signed the Service Provider Form indicating that the road was adequate for fire services and that there is a 7000 gallon tanker that would supply water in case of a fire.

NW Cleetwood Road was analyzed by an engineer who found that the existing roadway is suitable for providing access to heavy fire vehicles, such as a 47,000 lb fire water tender truck, fully loaded (See Exhibit 11 to Staff Report).

**Hearings Officer Analysis:** Hearings Officer concurs.

- **The proposal can receive adequate local police protection in accordance with the standards of the jurisdiction providing police protection.**

**Staff:** The Multnomah County sheriff's office signed the service provider form indicating that the level of police service is adequate for this area.

**Hearings Officer Analysis:** Hearings Officer concurs.

## **CONCLUSION**

Based on the findings and the substantial evidence cited or referenced herein, I conclude that the application for Community Service Use for a fire station satisfies all applicable approval criteria provided that the conditions of approval are complied with. Accordingly, the application is hereby approved subject to the conditions of approval contained herein.

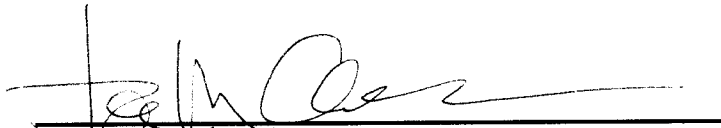
## **CONDITIONS OF APPROVAL:**

1. This approval is based on the submitted material. The proposed structures and parking area under Option 1 shall be constructed on the site in accordance with the design, size, and location shown and described in the application materials submitted by the applicant. Additional submittals and actions may be required of the applicant as noted in these Conditions of Approval.

2. Prior to approval of Design Review, the applicant shall record a new deed describing tax lots 2400 and 2500 as one legal lot.
3. As required under MCC 33.6005(B), the applicant/owner is to obtain design review approval of all proposed site improvements including, but not limited to, grading, clearing, landscaping, fencing, and exterior structural design. Site work shall not proceed until required Design Review approvals are obtained. Specific design features represented in this application shall be reflected in plans submitted for design review.
4. Six parking spaces shall be provided per MCC 33.4205. The final parking plan shall be submitted for review and approval under Design Review.
5. Per MCC 33.4555(L) and .6010(A), landscaping shall be placed between the parking lot and the street and in front of the buildings where possible. A landscaping plan shall be submitted for review and approval as part of Design Review.
6. Per MCC 33.4555(K), the color of the building shall be a dark, earth tone color. The final color choice shall be reviewed and approved under the Design Review permit.
7. A grading permit is required if moving more than 50 cubic yards of earth materials. To ensure that sediment does not leave the site, the applicant or contractor shall install erosion control fencing downslope of the construction area and utilize Best Management Practices during the construction process. The disturbed areas shall be replanted or reseeded as soon as possible after construction.
8. Per MCC 33.4555(L), All outdoor lighting shall be directed downward and hooded.
9. Per MCC 33.4570(B)(7), nuisance plants shall be removed and kept removed from the property.
10. Per MCC 33.4555(K), the electric generator shall be housed in a structure to reduce noise impacts. Final location for the generator shall be approved under Design Review.
11. Per MCC 33.4555(M), the existing trees shall not be removed, unless diseased or dying. If removed due to disease, or death, the trees shall be replaced immediately with 2 inch caliper or similar-sized trees.
12. Per Policy 36, the applicant shall furnish deed restrictions committing property owner to participate in future right-of-way improvements. Deed restriction shall be finalized prior to obtaining building permit sign-off.
13. All non-approved items shall be removed from the site once construction is completed, specifically the portable restroom and boat trailer.

14. Prior to the issuance of any building permits, the applicant/owner shall obtain an access permit to NW Cleetwood Road from the Right-of-Way Division.
15. The applicant shall cease development of the project in the event an object or objects of cultural significance are found and contact this office and the State Historic Preservation Office (SHPO) in compliance with Oregon Revised Statutes.

IT IS SO ORDERED, this 16<sup>th</sup> day of July, 2001.



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JOAN M. CHAMBERS, Hearings Officer