
NOTICE OF DECISION

This notice concerns a Planning Director Decision on the land use case(s) cited and described below.

Case File: T2-2017-9119/EP-2017-7579

Permit: Non-conforming Use Expansion and Design Review for the Sam Barlow High School and Road Rules Variance to Allow for Multiple Access Points

Location: 5105 SE 302nd Avenue
Tax lot 100, Section 18, Township 1 South, Range 4 East, W.M.
Tax Account #R994180780

Applicants: Ben Schonberger, AICP
Winterbrook Planning

Owners: Multnomah County School District U2-20 JT (Gresham Barlow School District)

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

Overlays: Significant Environmental Concern for Wildlife Habitat (SEC-h)
Hillside Development and Erosion Control (HD)

Summary: The applicant is requesting to construct a new two story classroom that is 4,000 sq. ft., to alter the layout of the parking lot by creating a new bus lane off Lusted Rd, and to build a new 1,800 seat grandstand. An Administrative Decision by the Planning Director for a Verification and Alteration of a Non-Conforming Use and Design Review is required to be reviewed and approved. The applicant is also proposing new access points to serve the school use. The additional access points require a Road Rules Variance.

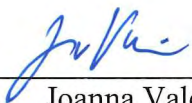
Decision: Approved with Conditions

Unless appealed, this decision is effective Thursday, March 1, 2018, at 4:00 PM.

Issued by:

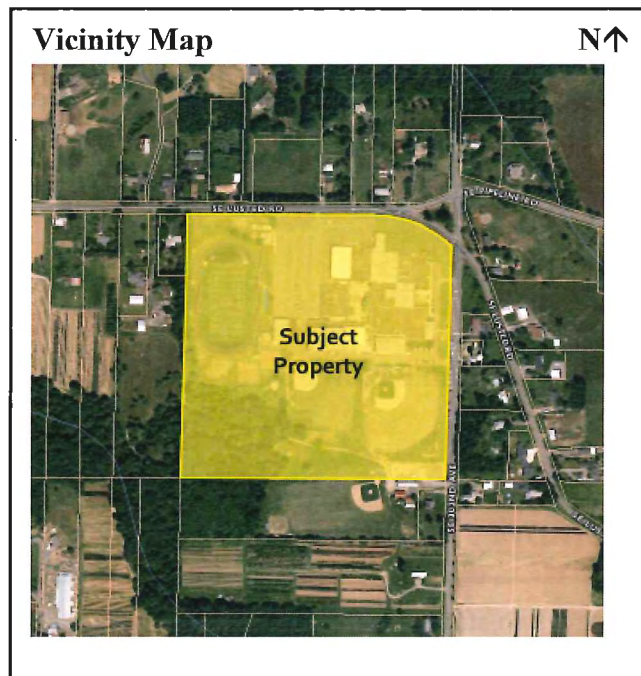
By: 
Katie Skakel, Senior Planner

For: Michael Cerbone, AICP
Planning Director

By: 
Joanna Valencia, Transportation
Planning & Development Manager

For: Ian Cannon, PE
Transportation Director/County
Engineer

Date: February 15, 2018



Opportunity to Review the Record: A copy of the Planning Director Decision, and all evidence submitted associated with this application, are available for inspection, at no cost, at the Land Use Planning office during normal business hours. Copies of all documents may be purchased at the rate of 30-cents per page. The Planning Director Decision contains the findings and conclusions upon which the decision is based, along with any conditions of approval. For further information on this case, contact Katie Skakel, Senior Planner at 503-988-0213 or at katie.skakel@multco.us.

Opportunity to Appeal: This decision may be appealed within 14 days of the date it was rendered, pursuant to the provisions of MCC 37.0640. An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Land Use Planning offices at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision cannot be appealed to the Land Use Board of Appeals until all local appeals are exhausted.

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Thursday, March 1, 2018, at 4:00 PM.

Applicable Approval Criteria: Multnomah County Code (MCC): MCC 37.9569 Code Compliance and Applications, MCC 36.0005 Definitions:

Multiple Use Agriculture – 20, MUA-20: MCC 36.2825 Review Uses, MCC 36.2855 Dimensional Standards and Development Requirements, MCC 36.2870 Lot of Record, MCC 36.2880 Off-Street Parking and Loading, MCC 36.2885 Access.

Nonconforming Use Expansion: MCC.7200 Nonconforming Uses, MCC § 36.7210 Alteration, Expansion or Replacement of Nonconforming Uses, MCC 36.7215 Verification of Nonconforming Use Status, MCC 36.7050 Design Review Criteria, MCC 36.7055 Required Minimum Standards.

Multnomah County Road Rules (MCRR): 4.000 Access to County Roads, 5.000 Transportation Impact, 16.300 Variance from County Standards and Requirements.

Copies of the referenced Multnomah County Code (MCC) can be obtained by visiting our website at <https://www.multco.us/landuse/> or by contacting our office at (503) 988-3043.

Scope of Approval

1. Approval of this land use permit is based on the submitted written narrative(s) and plan(s). No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein.
2. This land use permit expires when construction has not commenced within two (2) years of the date of the final decision. Commencement of construction shall mean actual construction of the foundation or frame of the approved structure. Additionally, this land use permit shall expire when the structure has not been completed within four years of the date of commencement of construction. Completion of the structure shall mean completion of the exterior surface(s) of the structure and compliance with all conditions of approval in the land use approval. (MCC 37.0690(B))
 - a. The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 37.0695, as applicable. The request for a permit extension must be submitted prior to the expiration of the approval period.

Conditions of Approval

The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in parenthesis.

- 1) Prior to land use approval of the building permit:
 - a. The property owners shall record pages 1 through 5 of this decision with the County Recorder. The Notice of Decision shall run with the land and the conditions shall be met by the current and all future property owners unless amended through a later decision by the authorized authority. Proof of recording shall be submitted to Multnomah County Land Use Planning prior to land use review for signing off the building permit. Recording shall be at the applicant's expense. [MCC 37.0670]
 - b. The property owners or their representatives shall demonstrate compliance with the County's Grading and Erosion Control ordinance. [MCC 36.2855(G), MCC 36.6183(A)(4), and MCC 36.6180(J)]

- c. The applicant shall acquire an access permit for the site's accesses onto NE 302nd Ave and SE Lusted. Please contact Right of Way permits at (503) 988-3582 regarding this requirement [MCC 36.2885]. Culverts and drainage installed as part of the access points shall meet access permit requirements [MCRR 4.000 and 18.250].
 - d. Applicant shall submit final utility plan showing locations of utilities and that utilities are placed underground. § 36.7040 FINAL DESIGN REVIEW PLAN (8).
 - e. The applicant shall provide a revised final landscaping plan indicating the development area that the landscape area is based upon and a table summarizing the standards and how they are achieved. The landscape plan shall demonstrate that the northern edge of the existing and proposed parking lot as well as the area adjacent to the bus access and queuing area are consistent with MCC 36.4210, MCC 36.4195 Design Standards: Setbacks, 36.7055 C (3), and 36.7060.
 - f. Plant the proposed plants as indicated on the planting plan (Exhibit A.6: L-1 Landscape Plan and revised plan dated 2-8-2018). At no time shall materials utilized for the planting be an invasive species. The bushes or any other trees planted shall be a minimum of 3 ft. in height at the time of planting. Landscaping shall be continuously maintained. If existing or required landscaping becomes diseased or dies, it shall be replaced with a suitable evergreen species for the area.
 - g. Furnish deed restrictions committing the property owner to participate in future right of way improvements. A non-remonstrance agreement, or deed restriction, will require that the property participate in standard rural collector road improvements along the site's SE 302nd and Lusted Road frontage that are not completed as a part of the site's required interim improvements. Contact Pat Hinds at (503) 988-3712 or patrick.j.hinds@multco.us to complete the deed restrictions. [MCRR 5.000 and 9.400]
 - h. An irrigation plan will need to be submitted and approved.
 - i. Confirm that new exterior lighting meets dark sky ordinance requirements [MCC 36.6183(B)(8)].
 - j. All new Directional signs be submitted and reviewed by County Planning staff.
 - k. All new parking areas will be surfaced in accordance with Surfacing Improvements listed in [MCC 36.4180].
 - L. 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 36.7050(A)(3)]
 - m. In order to confirm that §36.4175 DIMENSIONAL STANDARDS are met, a condition of approval requires a revised parking and loading spaces plan be submitted and approved prior to land use sign off on Building Permit.
- 2) Prior to occupancy, the applicant(s), owners or their representative(s) shall:
- a) 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 36.4115 and MCC 36.4125]

b) The applicant shall install the stormwater control system designed by the registered professional engineer as described in Exhibit A.14. [MCC 36.7050(A)(6)] q) The School shall implement the Traffic Management Plan (prepared by Lancaster Engineering dated October 5, 2017 and revised with comments dated 1/8/2018 from Lancaster Engineering) to manage access, traffic flow and the school's parking permits program. The easternmost entry on Lusted Road is limited to buses only by a motorized gate operated by a time clock on the DDC system. The northernmost entry on 302nd Ave is controlled by a manual gate that will be open during the school day. It will be labeled service entry only. All doors into the building will be locked during the school day except the main north entry. Doors at the bus entry will only be unlocked during bus arrival so it will not attract passenger vehicles. [MCRR 4.000 and 5.000]

3) The school shall continue its annual inspections and monitoring of the septic holding tank in coordination with the County Sanitarian. [MCC 36.6010(B) & MCC 36.6010 (F)]

4) The property owners or their representative shall apply for all remaining permits as sequenced by the Voluntary Compliance Agreement. [MCC 37.0560]

5) The applicant shall maintain vegetation adjacent to the accesses in order to preserve adequate sight distance at all access points. [MCRR 4.500]

6) Any work in the right of way, including the removal of trees, or any increase in storm water drainage from the site to the right of way will require review and storm water analysis and a permit from Multnomah County. [MCRR 18.750, DCM 5.1]

7) Per the Traffic Management Plan, and due to limited sight distance, access #4 is ingress only and access #8 is egress only, both serving only buses or emergency vehicles. A gate will be placed at these access locations. The gates will be manually locked and unlocked at the beginning and end of the school day. There will be a Knox Box on the gates to allow emergency vehicle access when the gate is locked. The accesses will be managed by signing as well as a gate that is closed during non-school hours. The driveway limited for egress only will be posted with "Do Not Enter" signs. [MCRR 4.000 and 5.000]

8) If school operation changes or change in scope are proposed in the future, changes shall be reviewed for transportation impact and concurrence with the submitted Traffic Impact Analysis. [MCRR 5.000]

Findings of Fact

FINDINGS: Written findings are contained herein. The Multnomah County Code (MCC) criteria and Comprehensive Plan Policies are in **bold** font. Applicant narrative is identified as **Applicant**. Staff analysis, concurrence and comments are identified as '**Staff:**' and address the applicable criteria. Staff comments may include a conclusionary statement in *italic*.

1.00 PROJECT DESCRIPTION AND ADMINISTRATIVE PROCEDURES

Applicant: The renovation and addition project consists of several elements:

1. The district will construct a new, two-story classroom building at the same location as the existing 1974 classroom addition. 47,000 square feet will be demolished and 51,000 square feet created, resulting in a net addition of 4,000 square feet of new classroom space. The net number of classrooms added will be two, from 62 to 64 classrooms. The addition will include a courtyard for outdoor learning.
2. The existing central courtyard will be enclosed to create a 10,000 square foot commons area.
3. A variety of smaller renovation projects at the main building will upgrade existing facilities:
 - Improve entry and security on perimeter doors
 - Renovate existing classrooms
 - Move Administration and counseling
 - Renovate Career Technical wing
 - Renovate Media Center
 - Renovate Performing Arts
 - Provide disabled access and building code improvements
4. Parking and circulation on the site will be improved:
 - New parking area north of running track
 - New bus lane to east entry; proposed new entry from Lusted Road
 - Separation of bus and car traffic
 - Internal and perimeter landscaping upgrades
 - Stormwater upgrades
 - Improve pedestrian pathways
5. The project proposes a new, covered 1,800 seat grandstand for the sports field. Improvements to the sports field will also include:
 - New ticket booth and concessions stand
 - New entry plaza
 - New toilet rooms
 - New team rooms and storage
 - New visitor's bleachers on west side of field (500-seats)
 - New field lighting and fencing
 - Resurfaced track and field

The relative increase in school building area is quite small-4,000 square feet and two classrooms. The primary objective of this building project is to replace outdated and deteriorating infrastructure. The

expansion is not necessarily to accommodate increased enrollment. Anticipated enrollment will likely remain around its current level of 1,700 students.

The High School was originally designed to accommodate the rural residents of the West of Sandy River Rural area. However, because of population and growth patterns of the area, the school now serves both urban and rural students. Since Sam Barlow is outside the Regional Urban Growth Boundary, extending urban services to meet the needs of the student population requires obtaining a Statewide Planning Goal exception. That process is complex, requiring coordination with the City of Gresham and Oregon Department of Land Conservation and Development. Therefore, land use permitting for the school's development will be separated into two parts. First, this application proposes school expansion and renovations under existing rules, maintaining the existing pump-and-truck arrangement for sanitary sewage. Later this year, and as part of a separate land use application, the District will request approval for a new sewer line extension from the City of Gresham's municipal system.

Staff: The applicant is requesting to expand a nonconforming use of subject property. In order to authorize the expansion, the County must first verify that the proposed use was lawfully established and has not ceased operations for 2 years or more. Authorization of expansion may only be permitted if no adverse impacts are created that cannot be mitigated. The applicant's proposal to upgrade the school as listed in their proposal will provide a modernization upgrade to the school and parking improvements.

The applicant is requesting an Administrative Decision by the Planning Director to remodel the existing school. Sam Barlow High School is located within the Multiple Use Agriculture – 20 (MUA-20) zoning district in the West of Sandy River Rural Area. The renovation and addition project consists of several elements designed to replace outdated and deteriorating infrastructure. The expansion is not necessarily to accommodate increased enrollment, the applicant is requesting a permit for an expansion of a Non-Conforming Use and Design Review for the Sam Barlow High School.

This application is primarily a request to expand an existing non-conforming use. The proposal is defined as an expansion for two reasons: it will grow in area by adding two classrooms, a grandstand, and a concession building; and it has already grown in intensity by 200 students, from the originally approved "approximately 1,500 students" to the current level of approximately 1,700 students. Both of these factors are addressed through the nonconforming use expansion. The key standard for expanding a non-conforming use is that it will have "no greater adverse impact on the neighborhood."

A road rules variance is requested to allow multiple points of access to the site to help facilitate and improve current operations of the High School campus. Due to the high demand of entering/exiting traffic over a short period of time prior to and after student school hours, additional points of access are necessary to serve the site and improve current operations/safety within the school campus. Accordingly, variances to access spacing standards are required for the two proposed site access driveways as well as the easternmost existing site access driveway along SE Lusted Road.

A proposed bus ingress only driveway is planned for construction approximately 76.42 feet to east of the easternmost existing site access driveway. The nearest existing driveways to the east and west of the proposed access are located approximately 99.17 feet and 51.67 feet away, respectively. Both of the existing driveways nearest to the proposed driveway take access along the north side of SE Lusted Road and each serve a single-family detached house. Due to the topography of the site, limited opportunities are available to construct the bus access further east.

In addition, proposed improvements for the school trigger other reviews, including:

- Lot of record determination
- Compliance with MUA-20 standards
- Design Review
- Adjustment (for a parking area setback)

All of the applicable standards and criteria are addressed in the findings section in this document.

2.00 PROPERTY DESCRIPTION & HISTORY

Applicant: This application is to upgrade and expand the existing Sam Barlow High School at 5105 SE 302nd Avenue, which is located on a 37 acre parcel in the West of Sandy River Plan Area of Multnomah County. The existing school on the site was approved by Multnomah County in 1964. School construction was finished in 1968 and opened in the fall of that year. Current enrollment at the school is approximately 1,700 students. Multiple additions and renovations have occurred on the school site since it was constructed, but most of the school structure is nearly 50 years old. In 2016, district voters approved a \$291 million bond measure that includes changes to Sam Barlow High School. The school is a legal non-conforming use in the “Multiple Use Agriculture 20” zone. That is, it was legally established when constructed, but is not presently in compliance with current MUA-20 use regulations. County rules allow non-conforming uses to expand if the proposed changes meet certain criteria. This application requests approval under those criteria, in addition to showing compliance with other regulations that apply to the site. When Multnomah County approved construction of the school in 1964, the zoning designation on the site was “Suburban Residential.” The 1964 conditional use approval for the school noted that the proposal was for “approximately 1500 students.”

CS 9-64, #689 High School

- (a) Location: Lusted Road (West of Harris Road)
- (b) Legal: Tax Lots '78' and '79', (Formerly Tax Lot '7'),
Section 18, 1S-4E
- (c) Site Size: 37.81 Acres
- (d) Size Requested: Same
- (e) Applicant: Gresham Union High School District U-2-20
1300 North Main Street, Gresham, Oregon
- (f) Present Zoning: S-R (suburban-residential district)
- (g) Sponsor's Proposal: S-R C-S (community service)
- (h) Use: Applicant requests C-S classification on this site to allow
the construction of a new high school, to serve approximately
fifteen-hundred (1500) students.

Planning Commission Action

Approve S-R C-S classification of the described property for high school use as consistent with Planning Commission Policy and the potential for development of other properties in this district, setbacks or dedication should be provided for the future widening of Lusted Road and Harris Road to a width in accordance with the recommendation of the Multnomah County Road Department.

Figure 1. Multnomah County conditional use/community service approval from 1964

The school was built and opened in fall of 1968. The building has been occupied continuously since that time. Senate Bill 100 and Oregon's current system of land use laws came into place in 1970, after the school was built, occupied and in use. The school site is outside Metro's urban growth boundary that was

applied as part of this process. In 1977, zoning on the site was changed to the current designation, "Multiple Use Agriculture – 20."

The MUA-20 code requires that the school use must be "limited in type and scale to primarily serve the needs of the rural area." (MCC 36.6010[I]) The catchment area of the school includes the east side of urbanized Gresham, as well as the surrounding rural lands, and more Sam Barlow students in percentage terms live in these urban areas. Consequently, the school does not "primarily" serve the needs of the rural area, and is therefore non-conforming with respect to this use regulation of the MUA-20 zone. This application is primarily a request to expand the longstanding, lawfully established school use that became non-conforming when this regulation was adopted.

Sometime in the 1990's, the County applied a Significant Environmental Concern-Habitat overlay zone to the heavily wooded area at the southwest corner of the site.

Staff: The subject property is 37.27 acres and is located adjacent to SE 302nd Avenue and SE Lusted Road. The property is located within the Multiple Use Agriculture – 20 zoning district in the West of Sandy Rural Area. The property has a Significant Environmental Concern for Wildlife Habitat (SEC-h) and Hillside Development (HD) and Erosion Control overlay on the southwestern portion of the property.

Originally owned by Clifford, Ernest, Richard and Amy Satterstrom and Cortland and Charlotte Broberg, the property was sold to School District No. U2-20 Joint, Multnomah and Clackamas Counties on August 8, 1964. The school, Sam Barlow High School, was established in 1968, as demonstrated from Multnomah County Assessment, Records and Taxation (DART) records and building permit records. The school has been expanded and altered over the years. Below are land use and building permits that are on record.

Past reviews of the school include:

- Building Permit 42577 – 05/29/1967 – New construction of a high school
- Building Permit 53871 – 05/27/1971 – New construction of a baseball dugout
- Building Permit 57453 – 08/03/1972 – New construction of a greenhouse
- Building Permit 57660 – 08/25/1972 – New construction of a football press box
- Building Permit 740071 – 01/21/1974 – Addition to greenhouse for storage
- Building Permit 741240 – 06/28/1974 – New construction of an agricultural building
- Building Permit 761001 – 06/14/1976 – New construction of a swimming pool
- Building Permit 741239 – 06/28/1974 – Addition to the high school
- Building Permit 741698 – 09/24/1974 – Addition for 646 sprinklers to high school
- Building Permit 790499 – 03/27/1979 – New construction of a storage building
- Building Permit 812015 – 10/08/1981 – Fire suppression system
- Building Permit 820506 – 04/19/1982 – Gas piping and furnace
- Building Permit 821312 – 09/15/1982 – HVAC
- Building Permit 860572 – 04/30/1986 – Reroof
- Building Permit 841397 – 04/30/1986 – Alteration of the high school
- Building Permit – 08/02/1989 – Addition/expansion of the storage building
- Building Permit – 02/23/1993 – New concrete slab for new cooling tower and fence
- Building Permit – 10/07/1994 – 5'x10' wall sign on north elevation of gymnasium
- CS 5-97 / DR 12-97 – Additions to the school gym and creation of new classrooms

- DR 2-99 – Replacement of four tennis courts
- GEC 19-99 – Grading and Erosion Control permit for replacement of four tennis courts
- T1-06-017 – Grading and Erosion Control permit to replace grass field with artificial turf
- T2-2016-5224 – Wireless Communication Tower

There are two additional land use cases not associated with the school. Land use cases T1-05-040 and T2-05-071 were associated with the water pipe owned by the Portland Water Bureau that traverses the property and delivers water from Bull Run Reservoir to the City of Portland.

The majority of the property is being used for the school, which includes the high school building, parking areas, football field, four tennis courts, two shot put pits, a baseball field, and a soft ball field. The proposed development area is not near the southwest corner of the property near the SEC-h overlay area, HD overlay area, and the two shot put pits.

3.00 Code Compliance Criteria:

3.01 § 37.0560 CODE COMPLIANCE AND APPLICATIONS.

Except as provided in subsection (A), the County shall not make a land use decision approving development, including land divisions and property line adjustments, or issue a building permit for any property that is not in full compliance with all applicable provisions of the Multnomah County Land Use Code and/or any permit approvals previously issued by the County.

(A) A permit or other approval, including building permit applications, may be authorized if:

- (1) It results in the property coming into full compliance with all applicable provisions of the Multnomah County Code. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or**
- (2) It is necessary to protect public safety; or**
- (3) It is for work related to and within a valid easement over, on or under an affected property.**

(B) For the purposes of this section, Public Safety means the actions authorized by the permit would cause abatement of conditions found to exist on the property that endanger the life, health, personal property, or safety of the residents or public. Examples of that situation include but are not limited to issuance of permits to replace faulty electrical wiring; repair or install furnace equipment; roof repairs; replace or repair compromised utility infrastructure for water, sewer, fuel, or power; and actions necessary to stop earth slope failures

Applicant: The school property at this site includes the “south lot,” which is a separate, eight-acre tax lot. The lot is occupied by two softball/baseball fields, maintenance buildings, and a parking area. This lot is zoned Exclusive Farm Use (EFU).



Figure 2. Sam Barlow High School south lot.

This lot was not included in the 1964 conditional use approval for a new high school. The improvements on the site were completed sometime prior to 1994. The sports fields and maintenance buildings are part of the school use. Multnomah County has no records of the school district applying for a change in use of the property from farming to school. Use regulations do not allow schools to occur on EFU land without a permit process. Therefore, the change of use on the property is a violation and the property “is not in full compliance with” the land use code.

To resolve this issue, the applicant is pursuing a remedy under subsection (A)(1) above. The County and the applicant are working together on a Voluntary Compliance Agreement (Exhibit B.6) that outlines the steps that will bring the property into full compliance with the code. The most likely of these outcomes is a zone change on the property, either initiated by the applicant or by County/Metro as part of an Urban Growth Boundary (UGB) expansion. This area is a designated “urban reserve” that will be brought into the UGB and in all likelihood receive a zoning designation that would allow school uses. The Voluntary Compliance Agreement with the County will be in place prior to the County decision on this case.

Staff: Staff concurs that to resolve this issue, the applicant is pursuing a remedy under subsection (A)(1) above. The County and the applicant have worked together on a Voluntary Compliance Agreement that outlines the steps that will bring the property into full compliance with the code (Exhibit B.6). The Voluntary Compliance Agreement has been executed with the applicant allowing the County to approve the application. *As conditioned, these criteria are met.*

4.00 Lot of Record Criteria:

4.01 § 36.0005 DEFINITIONS

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 36.7785. 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 and CFU districts.)

(c) Separate Lots of Record shall be recognized and may be partitioned congruent with an "acknowledged unincorporated community" boundary which intersects a Lot of Record.

1. Partitioning of the Lot of Record along the boundary shall require review and approval under the provisions of the land division part of this Chapter, but not be subject to the minimum area and access requirements of this district.
2. An "acknowledged unincorporated community boundary" is one that has been established pursuant to OAR Chapter 660, Division 22.

Applicant: On that date, the lot was not contiguous to any other parcel or lot under the same ownership.

Staff: Based on review, the lot was not contiguous to any other parcel or lot under the same ownership.
These criteria are met.

§ 36.2870 LOT OF RECORD.

(A) In addition to the Lot of Record definition standards in MCC 36.0005, for the purposes of this district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:

- (1) July 10, 1958, SR zone applied;
- (2) July 10, 1958, F-2 zone applied;
- (3) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;

- (4) October 6, 1977, MUA-20 zone applied, Ord. 148 & 149;
- (5) October 13, 1983, zone change from EFU to MUA-20 for some properties, Ord. 395;
- (6) May 16, 2002, Lot of Record section amended, Ord. 982.

(B) A Lot of Record which has less than the minimum lot size for new parcels or lots, less than the front lot line minimums required, or which does not meet the access requirement of MCC 36.2885, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

(C) Except as otherwise provided by MCC 36.2860, 36.2875, and 36.4300 through 36.4360, no sale or conveyance of any portion of a lot, other than for a public purpose, shall leave a structure on the remainder of the lot with less than minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.

(D) The following shall not be deemed to be a lot of record:

- (1) An area of land described as a tax lot solely for assessment and taxation purposes;
- (2) An area of land created by the foreclosure of a security interest.
- (3) An area of land created by court decree.

Staff: The subject property for this land use case, Tax lot 100, 1 South, 4 East, Section 18 was previously found by Multnomah County to be a Lot of Record in land use case T2-05-071. The current warranty deed from Book 115, Page 359-361 as recorded in August 26, 1964 (Exhibit B.2) matches the description from land use case T2-05-071. The configuration of the property has not changed since this determination by the County. Therefore, the property, Tax lot 100, 1 South, 4 East, Section 18 continues to be Lot of Record. *These criteria are met.*

5.00 MULTIPLE USE AGRICULTURE 20 ZONE

§ 36.2800 PURPOSE

The purpose 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.

Applicant: A high school is a community service use listed in 36.6015(A)(11), "School, private, parochial or public; educational institution." Therefore, it may be approved as a conditional use. In this case, the existing high school already has conditional use/community service use approval from the county, from a decision issued in 1964 (CS 9-64).

A new regulation applied to the site subsequent to the conditional use approval makes the site non-conforming. Under current regulations, the school use must be "limited in type and scale to primarily serve the needs of the rural area." (MCC 36.6010[I]) The catchment area of the school includes the rural area, but it also includes the east side of urbanized Gresham. A greater percentage of Sam Barlow students live in the urban areas of the school boundary than in its rural areas. The school could no longer meet the criterion to "primarily" serve the needs of the rural area. Therefore, the school became a non-conforming use when this criterion was adopted for schools in the MUA-20 zone. The school may nevertheless expand as an expansion of a nonconforming use, if it meets all the criteria of MCC 36.7214, which are addressed in a later section of this document.

Staff: The applicant/property owners have applied for an expansion of a nonconforming use as stated above. The Planning Director concurs that since the Conditional Use was approved and subsequent Decisions as far as Building Permits have been issued over the years; the Type II Expansion of Non-Conforming Use is applicable and meets the Purpose of the MUA-20 zone. Subject to compliance with the approval criteria listed in MCC36.7214, the proposed development is allowed through a Type II review process. Staff has made findings for these criteria in §36.7204 and 36.7200. The current MUA-20 zoning regulations list “school” as a review use as long as it can meet criteria of expansion of non-conforming use.

§ MCC 36.2855 DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS.
All development proposed in this district shall comply with the applicable provisions of this section.

(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.

Applicant: The site is on a corner lot. The “front”, per code definitions, is the frontage facing SE Lusted Road. The closest structure to the north lot line on the proposed site plan is the north side of the addition to the school building, which is 140 feet away. On the SE 302nd Avenue side, the southeast corner of the existing structure is 85 feet away from the property line. The visitor’s bleachers is the closest structure to the interior, side setback on the west side of the property. This structure is 15 feet from the property line. The south side of the building is hundreds of feet away from the south property line.

The new addition to the school building is 28.5 feet tall, “building height” measured as defined by the zoning code and shown on elevation drawings. This building addition will be at the northeast corner of the school and two stories high. The canopy on the new grandstand is 31 feet, 4 inches tall, as shown in elevation drawings.

Staff: The site plan indicates that the proposed structure is approximately 140 feet from the front property line adjacent to 302nd Ave., approximately 85 feet the street side property line adjacent to Lusted Road, approximately 55 feet from the rear property line to the south and approximately 15 feet from the side property line to the west. The above yard requirements have been satisfied. The site plan shows the minimum yard dimensions are met for the proposed (Exhibit A.3). *These criteria are met.*

(D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The county Road Official shall determine the necessary right-of-way widths based upon the county “Design and Construction Manual” and the Planning Director shall determine any additional yard requirements in consultation with the Road Official.

Staff: The proposed school expansion has been reviewed by the Transportation Planning and Development Division and no additional right of way width is required for the minimum yard. *This criteria is not applicable.*

(F) On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source, required parking, and yard areas shall be provided on the lot.

Applicant: All the items listed above are provided on the lot. Sewage disposal, for the time being, is provided in a holding tank that is pumped out daily. Until sewer service is extended to the school—which will be the subject of an application to Multnomah County later this year but is not part of this request—this practice will continue. Stormwater is managed on site as outlined in a storm water plan prepared by the applicant's civil engineer. Required parking is provided on the school site following Multnomah County standards. Yard areas are provided on site: at least 30 feet from the two street lot lines and the rear (south) lot line, and 10 feet from the side lot line. As noted in the utility report, demands on the sanitary sewer system will be reduced as the result of the remodel/expansion of the high school because new fixtures will be more efficient, and student population is not increasing measureable over existing conditions.

Staff: The Sanitarian has determined that the septic system and holding tank is adequate to handle the improvements on the site. A certification from Erin Mick, the City of Portland/Multnomah County Sanitarian is included as an exhibit to this memo (Exhibit A.9). *This criterion is met.*

(1) Sewage and stormwater disposal systems for existing development may be off-site in easement areas reserved for that purpose.

Applicant: Upgrading the sanitary sewage system at the high school is within the scope of the bond-financed work, but is not part of this land use application because of differing timelines for review. School-generated sewage has historically flowed to a holding tank, where it is pumped out daily into trucks, then transferred to an approved facility in the City of Gresham. As part of the bond work, the district proposes to connect the school to the city's public sewer system via a new pipe that would be installed in SE Lusted Road. However, because Sam Barlow is outside the regional urban growth boundary, extending urban services requires obtaining a Statewide Planning Goal exception. That process is complex, requiring coordination with the City of Gresham and Oregon Department of Land Conservation and Development. Therefore, land use permitting for the school work will be separated into two parts. First, this application proposes school expansion and renovations under existing rules, maintaining the existing pump-and-truck arrangement. Later this year, and as part of a separate land use application, the district will request approval for a new sewer line extension from the City of Gresham's municipal system.

Staff: Staff concurs with applicant that subsection 1 is not applicable as the sewage and stormwater systems are proposed to be located on site. *This criteria is not applicable.*

(2) Stormwater/drainage control systems are required for new impervious surfaces. The system shall be adequate to ensure that the rate of runoff from the lot for the 10 year 24-hour storm event is no greater than that before the development.

Applicant: The proposed sewage and stormwater disposal systems are on site. Sub section (1) is not applicable. Stormwater management will be provided in excess of the new impervious surfaces. The rate of runoff will be consistent with the standard listed above, and is described in a stormwater report that is included in this application.

Staff: The site currently has 13.9 acres of impervious area with no stormwater treatment currently existing on the site. The applicant is proposing to add an additional 1.51 acres of impervious area, for a total of 15.4 acres of impervious area. The Preliminary Drainage Report included as Exhibit A.14 proposes to provide stormwater treatment for 2.96 acres (Basins A and B) which is in excess of the new impervious area proposed with the application. Basin C is not proposed to have stormwater quantity improvements, however the applicant has proposed to divert some of the existing and new runoff from Basin C into Basin B which provides for both water quality and quantity as required by this standards. Therefore the proposed rate of runoff will be less than the standard listed above. The applicant has provided a Stormwater Certificate completed by Matt Lewis, a Registered Professional Engineer, on 7/20/2017. The proposed improvements detailed within Exhibit A.14 demonstrate conformance with the standard and shall be required to be constructed as a condition of approval. *The criterion is met.*

(G) Grading and erosion control measures sufficient to ensure that visible or measurable erosion does not leave the site shall be maintained during development. A grading and erosion control permit shall be obtained for development that is subject to MCC Chapter 29.

Applicant: Grading and erosion control will be managed consistent with the above standard, and following the preliminary grading and erosion control plan included with this application. The grading and erosion control permit will be obtained from the County prior to any site grading.

Staff: The applicant will be required to obtain a Grading and Erosion Control Permit (GEC) application. This will ensure that sufficient measures have been taken to ensure that no sediment leaves the site. A condition of approval will require that the proposed development obtain a grading and erosion control permit. *As conditioned, this criterion is met.*

6. §36.2880 OFF STREET PARKING AND LOADING

Off-Street parking and loading shall be provided as required by MCC 36.4100 through 36.4215.

Applicant: The proposed expansion of the nonconforming use may be considered an enlargement of the school structure that increases the number of parking spaces required, because two new classrooms are being added to the school. These two classrooms result in seven additional parking spaces required, or a total of 230 spaces overall. The proposed inventory of spaces on site will be 458 spaces. The proposed inventory is far more than the minimum required. The planned changes to the site access and internal circulation will reduce conflicts between passenger cars and buses within the campus. Currently both buses and passenger cars enter via combined access driveways on SE Lusted Road, with the west driveway serving entering vehicles and the east driveway serving exiting traffic. Under the proposed plan, these existing access driveways will remain, but will serve almost exclusively passenger vehicles and will accommodate two-way traffic. Buses will utilize a new entrance on SE Lusted Road east of the existing site egress, and will exit onto SE 302nd Avenue near the southeast corner of the high school building. According to quantity calculations, 230 spaces are required for the school. All spaces are available for student, staff, and visitor parking without charge. Trucks or other equipment will not be parked on required spaces. The designated loading spaces for the school will be available for loading, and used only for that purpose. The pedestrian and vehicular circulation plan included with this application is a large improvement in safety and convenience for users compared with existing conditions. Six total access points along the two street frontages (2,449 linear feet of street frontage) will allow multiple access points for getting cars and buses onto the site and off the public street system, and vice versa. The system shown in plans for the site also allows separation of car and bus traffic, which avoids potential conflicts during pick up and drop off times. The buses will be routed to circulate around the northeast corner of the school

building and leave via an access point south and east of the school building. This completely separates the buses from passenger cars, which circulate and park to the west and northwest of the school building. The parking areas will be restriped and reconfigured, even in the places where they are otherwise unchanged, to improve the ease of circulation and provide clearer and safer pedestrian pathways through the site. For example, a major new east-west corridor for pedestrian movement will be established across the main parking area from the entry plaza at the north side of the school to the entry plaza for the stadium. This allows the buildings and proposed structures to relate more naturally to each other and maximize user safety. The site does not have direct connections with abutting properties other than vehicular access on SE Lusted and SE 302nd, which will be established according to the proposed plan. Overall, the changes proposed for the site with regard to circulation are harmonious with the proposed buildings and greatly improve the situation for pedestrians and vehicles.

Staff: Staff concurs with Applicant's findings, and finds that all the parking spaces required by this section are located on the lot where the school use occurs. No exception for the location off-site spaces is requested. Likewise, the loading spaces for the site are located on site. A transportation study from Lancaster Engineering (Exhibit A.21) verified the safety of these access points and is included as an exhibit to this application. Since trips generated to the site will be limited after construction there is adequate parking on the site. The standards of MCC 35.4100 through MCC 35.4220 have been met. *These criteria are met.*

6.00 OFF-STREET PARKING AND LOADING, OP

§ 36.4105 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. For nonconforming uses, the objectives of this section shall be evaluated under the criteria for the Alteration, Modification, and Expansion of Nonconforming Uses.

Applicant: Per the language in 36.4105, the objectives of this section are being addressed under the criteria for the Alteration, Modification, and Expansion of Nonconforming Uses.

Staff: For nonconforming uses, the objectives of this section shall be evaluated under the criteria for the Alteration, Modification, and Expansion of Nonconforming Uses. Staff has reviewed application according to the subject criteria and finds that with conditions the proposal meets the criteria.

§ 36.4115 CONTINUING OBLIGATION.

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

Staff: The school site is not in the O-P district. The spaces on site at Sam Barlow high school will be maintained for exclusive use of school patrons.

§ 36.4125 USE OF SPACE.

- (A) Required parking spaces shall be available for the parking of vehicles of customers, occupants, and employees without charge or other consideration.**
- (B) No parking of trucks, equipment, materials, structures or signs or the conducting of any business activity shall be permitted on any required parking space.**
- (C) A required loading space shall be available for the loading and unloading of vehicles concerned with the transportation of goods or services for the use associated with the loading space.**
- (D) Except for residential and local commercial districts, loading areas shall not be used for any purpose other than loading or unloading.**
- (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.**

Applicant: According to quantity calculations, 391 spaces are required for the school. All spaces are available for student, staff, and visitor parking without charge. Trucks or other equipment will not be parked on required spaces. The designated loading spaces for the school will be available for loading, and used only for that purpose.

Staff: Staff concurs with applicants findings. *These criteria are met and the continued compliance with these provisions is assured through condition of approval requiring a final plan to be submitted, reviewed and approved.*

§ 36.4130 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: [...]**
- (C) Loading spaces and vehicle maneuvering area shall be located only on or abutting the property served.**

Applicant: All the parking spaces required by this section are located on the lot where the school use occurs. No exception for off-site spaces is requested. Likewise, the loading spaces for the site are located on site.

Staff: Exhibit (A.3 Sheet 9, and Exhibit A.23) submitted by the applicant shows the existing and proposed location of the parking and loading areas are all located on the subject property. *The criteria are met.*

§ 36.4135 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 36.0525, 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. Any bond filed hereunder shall be subject to the approval of the Planning Director and the County Attorney.**

Applicant: Parking for the site will be part of the school renovation and expansion project and the spaces will be in condition for use prior to occupancy of the building.

On-Site Parking

Under existing conditions, the school campus can accommodate 524 vehicles parked within the site. Following the proposed remodel, the available on-site parking will be reduced to 458 spaces. This includes 361 standard size parking spaces, 83 compact spaces, 9 accessible parking spaces, and 5 van-accessible parking spaces.

The parking demand expected for a 1,700-student high school was estimated using data from *Parking Generation*.¹ Data for land use code #530, High School was referenced. Based on the data, a peak parking demand of 391 spaces was projected for the high school campus. The prior approved site use accommodating approximately 1,500 students would have been projected to result in a total peak parking demand for 345 spaces. Accordingly, acknowledgement of the additional 200 students enrolled at the campus is associated with recognition of a projected increase parking demand currently served of 46 vehicles.

Based on the parking analysis, the proposed parking supply is adequate to meet the peak parking demands of a typical high school of similar size. No parking mitigations are recommended beyond continued utilization of a parking permit program for the campus.

Staff: No bond is being required at this time, this criterion is not applicable to this review.

§ 36.4140 CHANGE OF USE.

(A) Any alteration of the use of any land or structure under which an increase in the number of parking or loading spaces is required by this Section shall be unlawful unless the additional spaces are provided.

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

Applicant: Although the proposed improvements are not intended to serve additional students, it was noted that the existing campus currently serves approximately 1,700 students, which is above the enrollment level approved in the prior land use (approximately 1,500 students). Accordingly, even though an actual increase in enrollment is not proposed, approval of the proposed remodel would acknowledge and approve the existing student enrollment, thereby formally permitting an increase of 200 students above the level previously approved for the site. This report addresses the impacts of the proposed site access and circulation revisions, as well as quantifying the impacts of the additional 200 students currently utilizing the high school campus. In addition to the changes separating passenger vehicle and bus circulation, some changes are proposed to the circulation patterns for passenger vehicles.

The parking demand expected for a 1,700-student high school was estimated using data from *Parking Generation*.² Data for land use code #530, High School was referenced. Based on the data, a peak parking demand of 391 spaces was projected for the high school campus. The prior approved site use accommodating approximately 1,500 students would have been projected to result in a total peak parking demand for 345 spaces. Accordingly, acknowledgement of the additional 200 students enrolled at the campus is associated with recognition of a projected increase parking demand currently served of 46 vehicles.

¹ Institute of Transportation Engineers (ITE), *Parking Generation Manual*, 4th Edition, 2010.

² Institute of Transportation Engineers (ITE), *Parking Generation Manual*, 4th Edition, 2010.

Based on the parking analysis, the proposed parking supply is adequate to meet the peak parking demands of a typical high school of similar size. No parking mitigations are recommended beyond continued utilization of a parking permit program for the campus.

Applicant Finding: The proposed expansion of the nonconforming use may be considered an enlargement of the school structure that increases the number of parking spaces required, because two new classrooms are being added to the school. These two classrooms result in seven additional parking spaces required, or a total of 230 spaces overall. The proposed inventory of spaces on site will be 458 spaces. The proposed inventory is far more than the minimum required.

Staff:

Staff finds that with 64 classrooms, there is a required 3.5 parking spaces per classroom. Minimum parking for high schools is based on classrooms, not square feet. The calculation for minimum required spaces resulted in 230.4 spaces needed, which was rounded down to 230, per this regulation. The applicant is proposing to have 386 spaces which exceeds the 230 that would be required. *The criterion is met.*

§ 36.4150 EXISTING SPACES.

Off-street parking or loading spaces existing prior to July 26, 1979 may be included in calculating the number of spaces necessary to meet these requirements in the event of subsequent enlargement of the structure or change of use to which such spaces are accessory. Such spaces shall meet the design and improvement standards of this Section.

Applicant: No joint parking or loading with other uses is proposed. Existing spaces are included in the overall inventory of spaces to accommodate the school use. For the expansion of the non-conforming use from 1500 to 1700 students, seven additional spaces required. More than seven spaces in the new lot to the north of the track meet the design and improvement standards of this section.

Staff: The applicant is not proposing to use existing spaces to meet the parking needs of the proposed expansion. *The standard is not applicable.*

§ 36.4160 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 offstreet parking and loading.

(B) When a unit or measurement determining the number of required off-street parking or offstreet 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.

Applicant: Minimum parking for high schools is based on classrooms, not square feet. The calculation for minimum required spaces resulted in 230.4 spaces needed, which was rounded down to 230, per this regulation. Since the changes to the parking lots (including the addition of landscaping within existing parking area) will result in the loss of a significant number of on-site parking spaces, a new parking area is proposed on the south side of SE Lusted Road west of the existing parking lot. This new parking area will include 62 parking spaces intended to recover some of the lost parking, although there will still be a net loss of parking spaces. In order to serve this new parking area, a new entrance on SE Lusted Road is proposed at the west end of the campus. This new access driveway, as well as the existing access

driveways currently serving the site, will accommodate two-way traffic consisting almost exclusively of passenger vehicles. There is a minor increase in floor area associated with the proposed remodel (a net increase of approximately 4,000 square feet. Trip generation was not calculated based on this increase since the expected trip increase would be just 12 trips during the AM peak hour, 8 trips during the afternoon peak hour, and 4 trips during the evening peak hour. Additionally, utilizing student population is a more reliable basis for determining trip generation for schools. Since the facility is designed to accommodate 1,700 students, the analysis utilized this number as a more reliable and meaningful basis for the analysis.

Staff: Based on the data submitted by the applicant, a peak parking demand of 391 spaces was projected for the high school campus. The prior approved site use accommodating approximately 1,500 students would have been projected to result in a total peak parking demand for 345 spaces.

Staff finds that with 64 classrooms, there is a required 3.5 parking spaces per classroom. Minimum parking for high schools is based on classrooms, not square feet. The calculation for minimum required spaces resulted in 230.4 spaces needed, which was rounded down to 230, per this regulation. The applicant is proposing to have 386 spaces which exceeds the 230 that would be required. *The criterion is met.*

§ 36.4165 DESIGN STANDARDS: SCOPE.

(A) The design standards of this section shall apply to all parking, loading, and maneuvering areas except those serving a single family dwelling on an individual lot. Any non-residential use approved on a parcel containing a single family dwelling shall meet the design standards of MCC 36.4170 through 36.4200.

(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.

Applicant: All parking and loading on the school site occurs entirely within the school property. No backing onto the public right of way is required for any parking or loading.

Staff: The applicant submitted (Exhibit A.3 Sheet 9), which details that the existing and proposed parking, including turning, maneuvering of vehicles, is located solely on the subject property. Conformance with standards MCC36-4170 through 36.4200 is set forth below. *Criteria met.*

§ 36.4170 ACCESS.

(A) Where a parking or loading area does not abut directly on a public street or private street approved under MCC 36.7700 et seq., the Land Division Chapter, there shall be provided an unobstructed driveway not less than 20 feet in width for two-way traffic, leading to a public street or approved private street. Traffic directions therefore shall be plainly marked.

(B) The Approval Authority may permit and authorize a deviation from the dimensional standard in paragraph (A) of this section upon finding that all the following standards in subparagraphs (1) through (4) are met: [...].

(C) Parking or loading space in a public street shall not be counted in fulfilling the parking and loading requirements of this section. Required spaces may be located in a private street when authorized in the approval of such private street.

Applicant: All parking or loading areas abut directly on public streets. No parking on frontages of the public street is counted toward the total space inventory.

Internal Site Circulation - Under the proposed site plan, buses will no longer circulate with passenger vehicles within the west side of the school campus. The relocation of the bus loading areas to the east side of the school will eliminate conflicts between buses and students walking to and from their cars within the student parking areas. The proposed parking lot will accommodate two-way travel in the drive aisles, allowing drivers to choose optimal paths for ingress and egress to improve efficiency and reduce queuing within the campus. Additionally, accommodation of two-way traffic typically results in reduced travel speeds since the available travel path width is reduced for vehicles circulating within the site.

Buses will enter the site by turning into the staff parking lot then traveling east toward the new loading area at the east side of the school. The buses will typically exit at driveway #9. No other significant changes to internal site circulation are anticipated in conjunction with the proposed school remodel.

The lot on which the school is sited abuts two public streets, SE Lusted Road and SE 302nd Avenue. As documented in the transportation study, the proposed access points are safe and convenient for users of the school. According to the detailed traffic study submitted with the application, the difference between enrollment levels of 1,500 vs. 1,700 students results in 86 trips during the morning peak hour, 58 trips during the afternoon peak hour, and 26 trips during the evening peak hour. This study also concluded that vehicle trips generated by 200 additional students can be (is) safely handled by the surrounding transportation system. No new traffic signals are warranted, all site access intersections operate acceptably, and additional trips do not create any greater adverse impacts on the neighborhood.

Applicant Finding: No joint parking or loading with other uses is proposed. Existing spaces are included in the overall inventory of spaces to accommodate the school use. For the expansion of the non-conforming use from 1,500 to 1,700 students, seven additional spaces required. More than seven spaces in the new lot to the north of the track meet the design and improvement standards of this section.

Staff: The proposal appears to improve parking and loading areas to accommodate activities and reduce conflict. A condition of approval has been included requiring that the redesign be brought into compliance with MCC 36.4100 et. al and Transportation Road Rules. *As conditioned, this criterion has been met.*

§ 36.4175 DIMENSIONAL STANDARDS.

(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.**

(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.

(C) Loading spaces shall meet the following requirements:

(1) District Minimum Width Minimum Depth All 12 Feet 25 Feet

(2) Minimum vertical clearance shall be 13 feet.

Applicant: The parking plan and site plan included with the drawings shows the distribution of compact and standard spaces and that these standards are met. Seven additional spaces associated with the non-conforming use expansion are required. These spaces are located in the lot north of the track. All, or 100 percent, of these spaces are standard-sized spaces. Aisle widths exceed 25 feet. The loading spaces designated on the plan are all sized to the minimum standard. Overall, of the 458 spaces that will remain on the site, 82 percent are standard or ADA spaces and 18 percent are compact spaces, per the dimensional standards above.

Staff: Parking spaces as shown on the submitted site plan, (Exhibit A.3- sheet #9 and Exhibit A.23) have been reviewed. The site plan shows 292 standard spaces, 83 compact, 6 ADA, and 5 ADA Van spaces totaling 386 spaces. The applicant's revised plan (Exhibit A.23) does address standards above.

A condition of approval will require that all dimensional standards be met, These include:

- (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.
- (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.
- (C) Loading spaces shall meet the following requirements:
 - (1) District Minimum Width Minimum Depth All 12 Feet 25 Feet
 - (2) Minimum vertical clearance shall be 13 feet.

The earlier site plan shows two loading areas but does not clearly depict loading spaces. The parking lot proposed showing 46 spaces north of the track must be revised to maintain the side yard setback as described in Section 36.4195 below. In order to confirm that standards are met, a condition of approval will be required that the revised parking and loading spaces be shown on site plan prior to land use sign off on Building Permit. *With conditions of approval, applicant must show that criteria is met.*

§ 36.4180 IMPROVEMENTS

(A) Surfacing

(1) Except as otherwise provided in this section, all areas used for parking, loading or maneuvering of vehicles, including the driveway, shall be surfaced with at least two inches of blacktop on a four inch crushed rock base or at least six inches of Portland cement, unless a design providing additional load capacity is required by the fire service provider.

(2) The Approval Authority may permit and authorize a deviation from the surfacing standard in paragraph (A)(1) of this section [...]

(3) Notwithstanding paragraph (A)(1) of this section, parking fields for intermittent uses such as special events associated with farm stands and public parks, sporting events, and the like may be surfaced with gravel, grass or both and spaces may be unmarked if the parking of vehicles is supervised. Grass fields used for parking shall be maintained so that grass is kept short and watered to minimize fire risk and reduce dust.

Applicant: The new parking areas will be surfaced in accordance with the standard listed above.

Staff: All newly created impervious surfaces must have stormwater quantity handled on-site for a 10 year, 24 hour storm event. The applicant shows that they have divided the site topography into three basins (Exhibit A.14) and illustrates that stormwater treatment and detention will be accomplished for basins A and B through the use of stormwater planters. A condition of approval has been included that shows that stormwater planters are sized using the City of Portland Presumptive Approach Calculator (PAC) as stated in the Stormwater Report. The applicant states that Basin C will meet site development standards for Multnomah County, which require the rate of stormwater runoff attributed to development (during the 10 –year/24 –hour storm) will be no greater than that which existed prior to development. *As conditioned, this criteria can be met.*

(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 except as provided in (3) below.

(3) Except for development within the PHRC, OR, OCI and CFU zones, the outer boundary of a parking or loading area with fewer than four required parking spaces may use a five foot wide landscape strip or yard planted with a near-continuous number of shrubs and/or trees. If the outer boundary of the parking area is within 50 feet of a dwelling on an adjacent parcel, the plant materials shall create a continuous screen of at least four feet in height except at vision clearance areas where it shall be maintained at three feet in height.

Applicant: The parking areas on the north side of the school are the only area where vehicle maneuvering areas are adjacent to public streets or adjoining property. Perimeter landscaping of these parking areas that will be between the lot and the street follows County regulations and is shown on the landscape plan. The northern boundary of the parking areas at the north edge of the school will have bumper rails/wheel stops and curbs, as shown on the site plan. This is also the current condition of the existing parking areas along the site's north boundary.

Staff: 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. 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. The site plan (Exhibit A.3 Sheet 5 and Exhibit A.23) shows that the curbs and bumpers will be placed and that there will be a separation from outer boundary and parking and loading areas. A condition of approval has been included

requiring that the bumpers and landscaping be installed as per the site plan. *As conditioned, these criteria can be met.*

(C) Marking - All areas for the parking and maneuvering of vehicles shall be marked in accordance with the approved plan required under MCC 36.4120, and such marking shall be continually maintained. Except for development within the PH-RC, OR, or OCI zones, a graveled parking area with fewer than four required parking spaces is exempt from this requirement.

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

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

Applicant: The parking areas on the north side of the school are the only areas where vehicle maneuvering areas are adjacent to public streets or adjoining property. Perimeter landscaping of these parking areas that will be between the lot and the street follows County regulations and is shown on the landscape plan. The northern boundary of the parking areas at the north edge of the school will have bumper rails/wheel stops and curbs, as shown on the site plan. This is also the current condition of the existing parking areas along the site's north boundary.

Staff: In review of submitted parking (Exhibit A.3 Sheet 9) and circulation plan (Exhibit A.3 sheet 8) and the Grading and Erosion Control Plan (sheet 6), as well as the Preliminary Drainage Report 7/20/17 (Exhibit A.14) and revised landscape plan (Exhibit A.23), shows that the drainage from parking lot will provide for the disposal of all surface water on the lot as per requirements. There are no covered walkways so Covered Walkways (E) does not apply. The applicant shows that the proposed parking area of the site will be restriped and reconfigured in a way that makes pedestrian passage through them easier and safer, which is depicted on the site plans. As a condition of approval, the applicant shall install the stormwater control system designed by the registered professional engineer as described in Exhibit A.14 and revised landscaping plan shall be finalized and installed prior to occupancy. *As conditioned, these criteria can be met.*

§ 36.4185 LIGHTING.

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.

Applicant: Lighting associated with the project will comply with the County's Dark Sky Lighting standards. The applicable standards are in MCC 36.0570 C.

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 emitted above the horizontal plane located at the lowest point of 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 C1 of this section may be required.

All of the proposed lighting on the project is “fully shielded” per definition in C1 above. Cuts sheets for the fully-shielded, Dark Sky compliant lighting fixtures are included. (Exhibit A.16). In addition, proposed lighting is contained within the boundaries of the school’s lot of record. The location of new site lighting is shown on Sheet 8 of the drawing set, Circulation and Lighting Plan. A letter from Cody Bergholz of Interface Engineering, who is the electrical designer for the project, documents compliance with the Dark Sky section of County Code (Exhibit A.16)

Staff: Proposed lighting in parking areas will be shielded so as not to shine into adjoining dwellings. The applicant has provided cut sheets to depict how standards are met. A condition of approval will ensure that this requirements is adhered to. *With a condition of approval, critierion is met.*

§ 36.4195 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 perpendicularly.

(B) In the PH-RC, OR or OCI districts, offstreet parking for new, replacement or expansion of existing commercial or industrial developments on a parcel less than 1 acre shall provide a minimum of 10 foot landscaped front yard or street side setback. All other minimum yard dimensions for parking shall be as required in the Off-Street Parking and Loading Code Section.

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

Applicant: Parking areas north and west of the school are existing and non-conforming with regard to setbacks from the street. They are not being modified except to add landscaping and change the striping, and are therefore not subject to this setback standard.

The 46 space parking area to the north of the track is new, and subject to this standard. This parking area was designed to align with the drive aisles of the existing ones to the east. It has paved parking within the required street side setback, contrary to the standards in subsections (A) and (C). Therefore, an adjustment has been requested to this standard. Findings for the adjustment are in a separate section of this application.

The Sam Barlow High School campus is located on the south side of SE Lusted Road west of SE 302nd Avenue in Multnomah County, Oregon. The site currently takes access via two driveways on SE Lusted Road and three driveways on SE 302nd Avenue. All existing access driveways are proposed to remain in place, although the functions of the accesses may change. In addition, two new access driveways onto SE Lusted Road are proposed, with a new passenger vehicle access driveway at the far west end of a new parking area at the west end of the campus, and a new bus entrance located east of the existing east driveway on SE Lusted Road, feeding into the staff parking lot.

Existing Site Access Intersections

Under existing conditions, the school takes access via two driveways on SE Lusted Road and three driveways on SE 302nd Avenue.

The two driveways on SE Lusted Road serve the primary on-site parking area and also serve school buses. Vehicles enter via the west driveway and exit via the east driveway.

Buses drop off and queue within two primary areas within the site. Small, special-needs buses queue eastbound within the south drive aisle of the staff parking area east of the east driveway on SE Lusted Road. Full-size buses travel around the perimeter of the student parking area located between the two access driveways on SE Lusted Road and queue northbound in two rows along the east drive aisle adjacent to the school building. There are currently 27 large buses and 8 small buses serving the site.

Passenger cars utilize all site access driveways on both SE Lusted Road and SE 302nd Avenue. Circulation is limited to entering via the west driveway on SE Lusted Road and exiting via the east driveway.

Under existing conditions, the site access driveways along SE 302nd Avenue serve smaller paved parking areas along the east side of the school building, at the southeast corner of the building, and a smaller, gravel parking lot adjacent to the baseball/softball fields at the southeast corner of the campus.

The subject property is surrounded primarily by low-density residential, agricultural and forest uses.

Staff: Staff concurs that parking areas north and west of the school are existing and non-conforming with regard to setbacks from the street. They are not being modified, except to add landscaping and change the striping, and are therefore not subject to this setback standard. The 46-space parking area to the north of the track is new, and subject to this standard. An exception to this standard is required because the required street side setback is not met. Findings for the exception and demonstrating conformance with this criterion are made in 36.7060 of this application.

§ 36.4200 LANDSCAPE AND SCREENING REQUIREMENTS.

(A) The landscaped areas requirements of MCC 36.7055 (C) (3) to (7) shall apply to all parking, loading or maneuvering areas which are within the scope of design standards stated in MCC 36.4165 (A).

Applicant: The new parking area north of the running track meets landscaping standards as shown on the parking and landscape plans. Though it is not required, parking north of the school building will be landscaped to meet these standards. Existing parking between the school building and the grandstand is nonconforming and not subject to these rules. This area is enclosed on three sides by structures, and therefore often used for festivals or other special events. This makes interior landscape islands problematic. As such, this parking area will be restriped to improve circulation and safety, but not changed with respect to landscaping.

Proposed Revisions to Site Access- Under the proposed site plan, several changes will be made which impact access to the site. The primary changes are associated with separation of passenger vehicle and bus circulation patterns within the campus. Currently, with most buses queuing adjacent to the west side of the school building, many students wait for buses in groups along the west side of the buildings while other students walk between the buses to and from the student parking lot. This results in several undesirable operational and safety conditions including buses obstructing passenger-car circulation to some parts of the parking lot, conflicts between walking students and the two rows of buses entering, loading and departing the site, and conflicts at the site exit driveway between exiting buses and exiting passenger vehicles. Under the proposed site plan, circulation of buses will be separated from the student parking lot. Student and parent vehicles will use the existing driveways on SE Lusted Road to enter and

exit the site, but buses will enter via a new gated driveway on SE Lusted Road to be located east of the existing site exit. This access will serve buses only, and will only accommodate entering vehicles. After entering the driveway, buses will turn east through the north side of the staff parking lot toward the east side of the school building, which will accommodate the new loading area. Buses will exit at the middle driveway on SE 302nd Avenue near the southeast corner of the school building. Small buses may also enter via the northernmost driveway on SE 302nd Avenue, allowing them to bypass the primary bus queue. These changes will eliminate conflicts between the travel paths of the buses and students walking to and from the parking lot and improve the safety and efficiency of bus circulation within the site.

Although there will remain some potential for conflicts between buses and staff members within the staff parking lot at the northeast corner of the campus, these conflicts are expected to be minimal due to the lower number of vehicles parked within the staff lot, the timing of staff arrivals and departures which generally does not coincide with the times of bus loading activity, and the fact that staff members can walk to and from the majority of parking spaces within the staff lot without crossing the bus paths, since buses will travel through the far (north) side of the lot.

In addition to the changes separating passenger vehicle and bus circulation, some changes are proposed to the circulation patterns for passenger vehicles. Since the changes to the parking lots (including the addition of landscaping within existing parking area) will result in the loss of a significant number of on-site parking spaces, a new parking area is proposed on the south side of SE Lusted Road west of the existing parking lot. This new parking area will include 46 parking spaces intended to recover some of the lost parking, although there will still be a net loss of parking spaces. In order to serve this new parking area, a new entrance on SE Lusted Road is proposed at the west end of the campus. This new access driveway, as well as the existing access driveways currently serving the site, will accommodate two-way traffic consisting almost exclusively of passenger vehicles.

Staff: The standards outlined in 36.7055 C (3) to (7) require:

- (1) A minimum of 15% of the development area shall be landscaped; provided, however, that computation of this minimum may include areas landscaped under subpart 3 of this subsection.
- (2) All areas subject to the final design review plan and not otherwise improved shall be landscaped.
- (3) The following landscape requirements shall apply to parking and loading areas:

- (a) A parking or loading area providing ten or more spaces shall be improved with defined landscaped areas totaling no less than 25 square feet per parking space.

The applicant has provided calculations (2/8/2018) that show that 25 sq ft per parking space has been met.

- (b) A parking or loading area shall be separated from any lot line adjacent to a street by a landscaped strip at least 10 feet in width, and any other lot line by a landscaped strip at least 5 feet in width.
 - (c) A landscaped strip separating a parking or loading area from a street shall contain:
 1. Street trees spaces as appropriate to the species, not to exceed 50 feet apart, on the average;
The applicant has provided a sketch with calculations that show street trees (not to exceed 50 ft apart) will be provided along the entire street frontages. The new loading drive for buses that is 436 ft in length is shown to have 9 trees planted.

2. Low shrubs, not to reach a height greater than 3'0", spaced no more than 5 feet apart, on the average; and
 3. Vegetative ground cover.
- (d) Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.
- (e) A parking landscape area shall have a width of not less than 5 feet.
- (4) Provision shall be made for watering planting areas where such care is required.
- (5) Required landscaping shall be continuously maintained.
- (6) Maximum height of tree species shall be considered when planting under overhead utility lines.
- (7) Landscaped means the improvement of land by means such as contouring, planting, and the location of outdoor structures, furniture, walkways and similar features.

The existing parking between the school building and the grandstand is existing nonconforming and not subject to these rules. The landscaped areas requirements of MCC 36.7055 (C) (3) to (7) applies to all parking, loading or maneuvering areas which are within the scope of design standards stated in MCC 36.4165 (A) and (B). The applicant provided a revised sketch (Exhibit A.23 dated 2/8/2018) and calculation(s) that show compliance with these requirements.

The proposal includes improvements to existing school structures and stadium, as well as a parking lot extension and construction of a bus loading and unloading loop. The applicant provided information that shows three areas to be landscaped (Exhibit A.23). Based on the submitted calculations, which show the north parking lot requiring 1,150 sq ft of landscaping, with a proposed 8,812 sq ft of landscaping; and the second parking area requiring 3,125 sq ft landscaping, with proposed 9,323 sq ft, it appears that the proposed landscaping meets and exceeds requirements above. With a condition requiring the submission of a final landscape plan the criteria can be met. *As conditioned, the criteria can be met.*

§ 36.4205 MINIMUM REQUIRED OFFSTREET PARKING SPACES.

[...]

(5) Senior High School and Equivalent Private and Parochial School - One space for each 56 square feet of floor area in the auditorium or, where seating is fixed to the floor, one space for each eight seats or 16 feet of bench length, or one space for each ten seats in classrooms, whichever is greater.

Applicant: The two ways to calculate parking demand according to the County zoning code are the "classroom method" or the "auditorium method."

Classroom method

There are 64 classrooms proposed. Each classroom holds, on average, 36 seats. This results in 2,304 classroom seats. Divided by 10, this generates demand for 230 parking spaces.

Another way to calculate is as the increment of expansion above the existing, approved, non-conforming use. In that case, two additional classrooms, with an average of 36 seats, results in 72 new seats. Divided by 10, this generates demand for seven additional parking spaces.

Auditorium method

The proposed auditorium layout, "where seating is fixed to the floor," will have 684 seats, inclusive of ADA spaces. Divided by 8, this generates demand for 86 parking spaces.

Therefore, because the classroom method requires more parking spaces, the requirement is 230 spaces. The increment of additional spaces required above existing conditions is seven.

Proposed parking at Sam Barlow, as shown on this site plan, is 386 spaces. This far exceeds the minimum requirement. Likewise, it is more than seven additional spaces above the pre-development requirement which would have been 223 spaces (for the existing 62 classrooms). In either scenario, the school complies.

Staff: The parking spaces required are based on the “classroom method” which requires a total of 230 parking spaces. With the increment of additional spaces, based on the additional two classrooms, the required parking spaces above existing conditions is seven. While the applicant states that the minimum requirement is exceeded because the site plan shows 386 spaces, the eastern new parking lot and the reworked parking areas appear to meet requirements. The site has adequate area to bring the parking, traffic and bus movement of the site into compliance. A condition of approval has been included that requires parking to meet requirements. *As conditioned, this criterion can be met.*

§ 36.4210 MINIMUM REQUIRED OFFSTREET LOADING 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: The school use is not specified. The district has determined through years of experience that two loading spaces for service uses (cafeteria, building materials, etc.) are sufficient to meet the school’s needs. These spaces are indicated on the site plan. The new plan also includes a long area of loading and unloading for school buses on the east side of the building. This will be segregated from the passenger vehicle circulation area, which is a big safety improvement over existing conditions. That curb area could technically be considered loading spaces.

Staff: The loading spaces for the school have been functioning at the site since the school was established. There has not been a need or reason to increase the two loading spaces. The on-sight conflict had to do with passenger vehicle and loading and unloading of buses. The new traffic plan and access road has been proposed to correct the congestion caused by bus circulation issue. *The criterion is met.*

§ 36.4215 EXCEPTIONS FROM REQUIRED OFF-STREET PARKING OR LOADING SPACES.

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

Applicant: No exception to the required number of parking spaces is necessary or requested.

Staff: We concur that no exception of parking spaces has been requested nor required.

7.00 DESIGN REVIEW

§ 36.7020 APPLICATION OF REGULATIONS.

(D) Alteration or modification of the physical development previously reviewed through the Design Review process shall be subject to the Design Review Approval Criteria listed in MCC 36.7050 and 36.7055.

Applicant: The proposal is for the expansion of an existing, non-conforming use. The school is an approved conditional use in the MUA-20 district. Design review is limited to those areas of the building and the site that are being expanded or altered by the proposed development, and not to every area of the site, such as building areas approved by the County and constructed in the 1960s and 1970s. In short, this will be the new areas of the main school building, the new and rebuilt parking areas on the north side of the site closest to Lusted Road, and the new grandstand and concessions buildings for the sports field. The limit of work is shown on the site plans and is just south of the school building and the long jump pits in the track area.

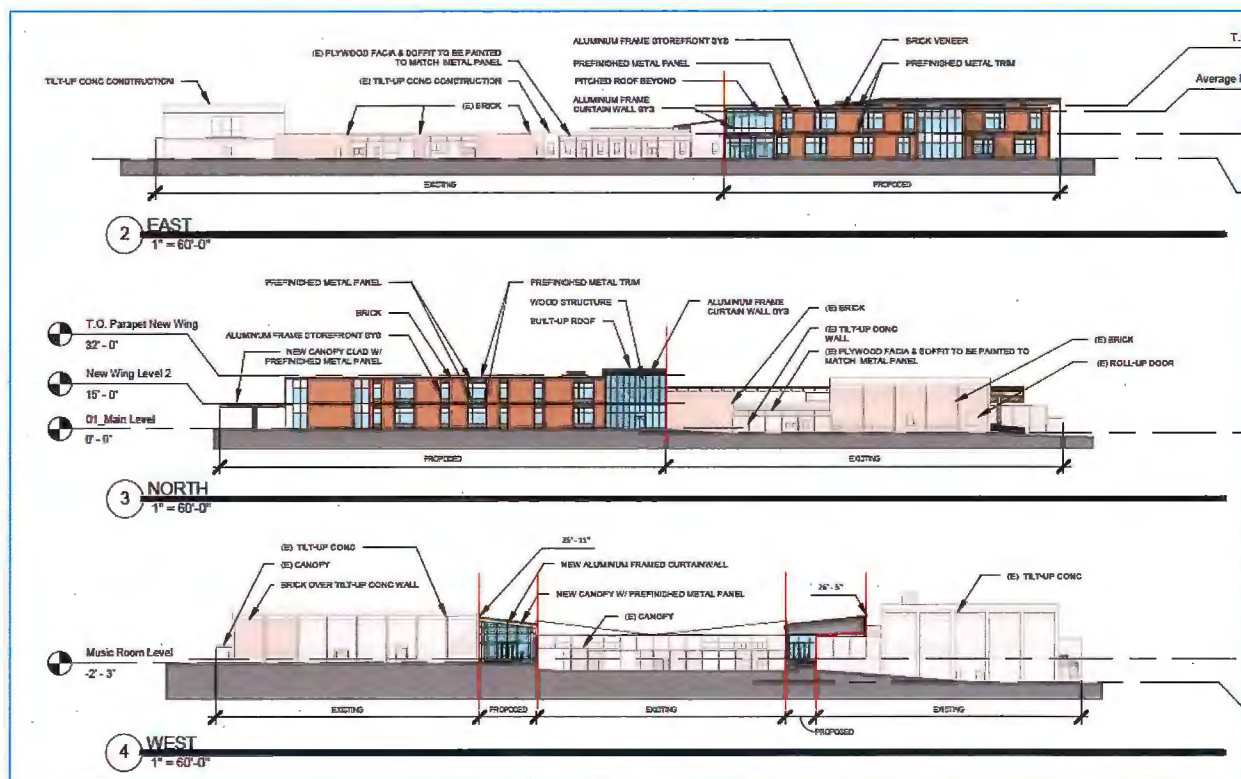


Figure 3. Elevations of new school building addition.

Staff: Design review applies to all of the proposed new areas of the main school building, the new and rebuilt parking areas on the north side of the site closest to SE Lusted Road, and the new grandstand and concessions buildings for the sports field. The limit of work is shown on the site plans and is just south of the school building and the long jump pits in the track area. The proposed new changes appear to meet land use and transportation planning. *Criteria met.*

§ 36.7040 FINAL DESIGN REVIEW PLAN.

Prior to land use approval for building permit review or commencement of physical development where no additional permits are necessary, the applicant shall revise the plans to show compliance with the land use approvals granted, all conditions of approval and required modifications. Final design review plan shall contain the following, drawn to scale:

- (A) Site Development and Landscape Plans drawn to scale, indicating the locations and specifications of the items described in MCC 36.7030, as appropriate;
- (B) Architectural drawings, indicating floor plans, sections, and elevations; and
- (C) Approved minor exceptions from yard, parking, and sign requirements.

Applicant: As needed, the applicant will revise and re-submit the plans to comply with any required conditions of approval.

Staff: As needed, the applicant will revise and re-submit the plans to comply with any required conditions of approval. *With condition, criteria met.*

§ 36.7045 DELAY IN THE CONSTRUCTION OF A REQUIRED FEATURE

When the Planning Director determines that immediate execution of any feature of an approved final design review plan is impractical due to climatic conditions, unavailability of materials or other temporary condition, the Director shall, as a precondition to the issuance of a required permit under MCC 36.7010 and 36.7020, require the posting of a performance bond, cash deposit, or other surety, to secure execution of the feature at a time certain.

Applicant: The applicant does not anticipate the delay in construction of any required features.

Staff: staff does not see the need to require a performance bond. *Criteria met.*

§ 36.7050 DESIGN REVIEW CRITERIA.

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

(1) Relation of Design Review Plan Elements to Environment.

- (a) The elements of the design review plan shall relate harmoniously to the natural environment and existing buildings and structures having a visual relationship with the site.
- (b) The elements of the design review plan should promote energy conservation and provide protection from adverse climatic conditions, noise, and air pollution.
- (c) Each element of the design review plan shall effectively, efficiently, and attractively serve its function. The elements shall be on a human scale, interrelated, and shall provide spatial variety and order.

Applicant: The main element of the proposed school building is a two-story addition incorporated into the existing structure. This building area is on a slightly smaller footprint, but in the same location as a 1970s classroom addition and will be integrated into the existing building. Because it literally attached to the existing structure and has been designed to work programmatically with the rest of the school, it relates harmoniously to the existing building. It uses similar materials and massing to have nearly the same visual relationship to the site as does the existing structure. Likewise, the new grandstand and concession buildings are replacements of more temporary structures and will therefore present a more permanent and finished appearance to that area of the school property.

The new school structure complies with current energy and building codes, and will be more energy efficient and better protected from adverse conditions than the existing, 1970s era structure. The grandstand and concession building will likewise be protected from the elements providing a better experience for users.

The school and the accessory buildings each serve their functions effectively and efficiently. The new two-story structure provides a method for learning spaces to have light and air in a way that the current classrooms lack. These areas are built on a human scale for students and staff and provide a superior environment for education. Likewise, spectator facilities adjacent to the athletic fields provide a sense of permanence and shelter from the elements in a way that current facilities do not. They define the edge of the athletic field area and provide spatial variety, giving this area of the site a more orderly and less hodge-podge feel.

The new addition to the school building is 28.5 feet tall, "building height" measured as defined by the zoning code and shown on elevation drawings. This building addition will be at the northeast corner of the school and two stories high. The canopy on the new grandstand is 31 feet 4 inches tall, as shown in elevation drawings.

Staff: The relation of design review plan elements to environment that correspond to the proposed High School upgrade provide a more user friendly relationship for the site both in its harmonious relationship and energy efficiency. The proposed changes are consistent with the functioning and operation of the site and provide a necessary upgrade to the facilities and modernize it, as well as making the traffic situation for the site safer and compatible with the environment. Staff concurs with applicants findings. *Criteria met.*

(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.

Applicant: A main feature of the school improvements will be safety and security upgrades. This includes enclosing the main central courtyard area to secure it from the general public, and circulation improvements in the parking area to standardize spaces and separate bus traffic from passenger car traffic. At a school for children, the primary objective is student safety, and the arrangement of school classrooms, entrances and exits, lines of sight, and pedestrian connections throughout the campus have been established with safety considerations in mind.

Staff: Staff concurs with applicants findings. *Criteria met.*

(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.

Applicant: The new elements of the proposed school building will be completely compliant with Americans with Disabilities Act standards. Likewise the grandstand and concession building, and the site improvements that occur around them will be accessible for mobility-disabled individuals. Finally, the parking area of the site will be restriped and reconfigured in a way that makes pedestrian passage through them easier and safer, and part of this is to make them compliant with ADA rules for parking areas.

Staff: Staff concurs with applicants findings. *Criteria met.*

(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.

Applicant: The areas proposed for development with the expansion and renovation of the site are entirely on footprints that are already occupied with buildings, or areas that have been previously cleared for

development. The school building addition is on the same footprint as a part of the existing building that will be demolished. The grandstand is proposed at the same location as existing bleachers. The concession building is proposed for a grassy area to the northeast of the running track. Landscape features of the site will be changed. The proposed grandstand location in the same location of the bleachers seems to provide better shelter and function for site users. The changes are very minor, consisting of some regrading, removal of trees north of the running track, and changes to plantings around the edges of the site. Considering the development constraints, the overall impact to natural landscape from the proposed new construction is nearly non-existent. The new elements of the proposed school building will be completely compliant with Americans with Disabilities Act standards. Likewise, the grandstand and concession building and the site improvements that occur around them will be accessible for mobility-disabled individuals.

Staff: Staff concurs that the grandstand structure as proposed is at the same location as existing bleachers. The proposed grandstand location provides better shelter and function for site users and the changes are very minor, consisting of some regrading, removal of trees north of the running track, and changes to plantings around the edges of the site. The concession building is proposed for a grassy area to the northeast of the running track and landscape features of the site will be revised for new improvements.
Criteria met.

(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.

Applicant: The parking demand expected for a 1,700-student high school was estimated using data from *Parking Generation*.³ Data for land use code #530, High School was referenced. Based on the data, a peak parking demand of 391 spaces was projected for the high school campus. The prior approved site use accommodating approximately 1,500 students would have been projected to result in a total peak parking demand for 345 spaces. Accordingly, acknowledgement of the additional 200 students enrolled at the campus is associated with recognition of a projected increase parking demand currently served of 46 vehicles.

The pedestrian and vehicular circulation plan included with this application is a large improvement in safety and convenience for users compared with existing conditions. Six total access points along the two street frontages (2,449 linear feet of street frontage) will allow multiple access points for getting cars and buses onto the site and off the public street system, and vice versa. The system shown in plans for the site also allows separation of car and bus traffic, which avoids potential conflicts during pick up and drop off times. The buses will be routed to circulate around the northeast corner of the school building and leave via an access point south and east of the school building. This completely separates the buses from passenger cars, which circulate and park to the west and northwest of the school building. A transportation study from Lancaster Engineering verified the safety of these access points and is included as an exhibit to this application.

The parking areas will be restriped and reconfigured, even in the places where they are otherwise unchanged, to improve the ease of circulation and provide clearer and safer pedestrian pathways through the site. For example, a major new east-west corridor for pedestrian movement will be established across

³ Institute of Transportation Engineers (ITE), *Parking Generation Manual*, 4th Edition, 2010.

the main parking area from the entry plaza at the north side of the school to the entry plaza for the stadium. This allows the buildings and proposed structures to relate more naturally to each other and maximize user safety. The site does not have direct connections with abutting properties other than vehicular access on SE Lusted and SE 302nd, which will be established according to the proposed plan. Overall, the changes proposed for the site with regard to circulation are harmonious with the proposed buildings and greatly improve the situation for pedestrians and vehicles.

Staff: Land use Planning has reviewed the interior circulation of the proposal and finds that the pedestrian and vehicular circulation plan included with this application is a large improvement in safety and convenience for users compared with existing conditions. The new circulation proposal demarcates a safer loading and unloading situation for buses which alleviate traffic from cars. *Criterion is met.*

(6) Drainage - Surface drainage and stormwater systems shall be designed so as not to adversely affect neighboring properties or streets. Systems that insure that surface runoff volume after development is no greater than before development shall be provided on the lot.

Applicant: The included stormwater plan has been designed to manage the runoff on the site and not adversely affect neighboring properties. The conclusion of that stormwater report is that it will be possible to manage surface runoff at existing levels, even with the (small) increase in impervious area generated by new development. Drainage in parking areas will be in conformance with the drainage plan shown in the drawings. Site drainage is managed per the approved stormwater report.

Staff: The exhibits include a Preliminary Stormwater Plan dated 7-20-17, a site plan showing Grading and Erosion Control (Exhibit A.3 Sheet 6), and a stormwater certificate dated 7/20/2017 by Matt Lewis, PE.(Exhibit A.12) *As conditioned, criterion met.*

(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.

Applicant: The service areas at the school are currently on the south side of the building, which means they are buffered from abutting properties by multiple athletic field and hundreds of feet of space from any adjacent property. Loading and parking areas are buffered by perimeter landscaping and distance from adjacent properties. No new services areas or accessory structures are proposed. Existing accessory areas and structures like the dugouts, backstops, etc. are located close to the center of the site, and not obtrusive when viewed from neighboring properties. In short, areas that serve the school function of the site are integrated into the high school campus, and have virtually no impact on neighboring properties, adverse or otherwise.

Staff: The site plan as proposed meets the perimeter landscape requirements and they do not need an adjustment to comply with requirement. Staff concurs with applicants findings. *Criterion is met.*

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

Applicant: A utility plan is included with this proposal. The locations of utility connections above ground, where they are proposed, has been located to minimize adverse impacts. Most utilities will be placed underground where it is feasible to do so.

Staff: The Utility Plan submitted (Exhibit A.3) does not clearly show that the utilities will be placed so that there is a minimum impact on the site. Staff suggest that the utilities should be placed underground to ensure that the utilities are placed to minimize adverse impacts. *With a condition of approval (requiring that utilities are placed underground), the criterion will be met.*

(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.

Applicant: The current proposal does not propose a new school sign close to the road. Signage will be limited to directional signs to help with pedestrian and vehicular circulation, and identifying signs for buildings on the site. These signs are compatible with the overall look of the site, and will be largely invisible to surrounding properties. If a sign is proposed later, it will be through a separate application.

Staff: The applicant has indicated that directional signs will be installed. In order for staff to make a determination of compatibility, a condition of approval will require that signage be submitted and reviewed by County Planning Staff. *With condition, criterion met.*

§ 36.7055 REQUIRED MINIMUM STANDARDS.

(A) Private and Shared Outdoor Recreation Areas in Residential Developments: [...]

(B) Storage Residential Developments - Convenient areas shall be provided in residential developments for the storage of articles such as bicycles, barbecues, luggage, outdoor furniture, etc. These areas shall be entirely enclosed.

Applicant: The school is not a residential development. These standards do not apply.

Staff: Staff concurs. *This criteria does not apply.*

(C) Required Landscape Areas The following landscape requirements are established for developments subject to design review plan approval:

(1) A minimum of 15% of the development area shall be landscaped; provided, however, that computation of this minimum may include areas landscaped under subpart 3 of this subsection.

Applicant: Under the proposed condition, 19 acres of the development area's 37 acres (51 percent) is landscaped. This far exceeds the 15 percent minimum. It is stated in the application that the proposed landscape plan has been prepared by a licensed landscape architect and has included irrigation and maintenance where it is necessary. The height of trees has been considered for their location and coordinated with utility placement.

Staff: The landscaping plan shows some trees along SE Lusted Rd that are in the Right of Way. The trees in the ROW do not count as far as calculating landscaping area requirements. The landscaping that is calculated for the 15% must be on site. The development area is considered the areas that are subject to changes; such as the new building location, the new parking lot, parking lots that are physically altered, and the new access road for buses. The whole site is not considered the development area, but the landscaping plan must show the whole site. Per condition of approval, a revised site plan will be required to be submitted demonstrating conformance with this standard prior to land use approval on building permit (BP) sign off. *As conditioned this criterion can be met.*

- (2) All areas subject to the final design review plan and not otherwise improved shall be landscaped.
- (3) The following landscape requirements shall apply to parking and loading areas:
- (a) A parking or loading area providing ten or more spaces shall be improved with defined landscaped areas totaling no less than 25 square feet per parking space.
 - (b) A parking or loading area shall be separated from any lot line adjacent to a street by a landscaped strip at least 10 feet in width, and any other lot line by a landscaped strip at least 5 feet in width.
 - (c) A landscaped strip separating a parking or loading area from a street shall contain: 1. Street trees spaces as appropriate to the species, not to exceed 50 feet apart, on the average; 2. Low shrubs, not to reach a height greater than 3'0", spaced no more than 5 feet apart, on the average; and 3. Vegetative ground cover.
 - (d) Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.
 - (e) A parking landscape area shall have a width of not less than 5 feet.

Applicant: Under existing conditions, the school campus can accommodate 524 vehicles parked within the site. Following the proposed remodel, the available on-site parking will be reduced to 458 spaces. This includes 361 standard size parking spaces, 83 compact spaces, 9 accessible parking spaces, and 5 van-accessible parking spaces.

Most of the parking areas shown on the site plan are existing development that will not be modified (except for striping) with the new development. As such, they legal nonconforming development and not subject to the landscape requirements listed above. Because the parking area north of the track/football field will be new, it is subject to the landscape standards above. The parking area north and west of the school building itself is not new, but it will still meet the landscape standards listed above.

Based on the parking analysis, the proposed parking supply is adequate to meet the peak parking demands of a typical high school of similar size. No parking mitigations are recommended beyond continued utilization of a parking permit program for the campus.

Here are some additional findings about the curve for buses at the northeast of the site.

36.7055(C)

- (3) The following landscape requirements shall apply to parking and loading areas:
- (a) A parking or loading area providing ten or more spaces shall be improved with defined landscaped areas totaling no less than 25 square feet per parking space.
 - (b) A parking or loading area shall be separated from any lot line adjacent to a street by a landscaped strip at least 10 feet in width, and any other lot line by a landscaped strip at least 5 feet in width.
 - (c) A landscaped strip separating a parking or loading area from a street shall contain:
 - 1. Street trees spaces as appropriate to the species, not to exceed 50 feet apart, on the average;
 - 2. Low shrubs, not to reach a height greater than 3'0", spaced no more than 5 feet apart, on the average;
 - and
 - 3. Vegetative ground cover.
 - (d) Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.
 - (e) A parking landscape area shall have a width of not less than 5 feet.

Applicant Revised Finding: As indicated on the plans, new parking and loading areas along the Lusted Road frontage of the property will comply with the requirements above. Existing parking areas north of the main school building are legal non-conforming, but will still comply with these standards.

A curved driveway around the northeast corner of the school is a loading area for buses, separating them from other vehicle traffic and allowing pick up and drop off on the east side of the school. This bus loop is also the emergency access for the site as required for fire protection. This driveway is internal to the site, as the outer edge of paving is set back between 30 and 100 feet from the property line. The bus loop is at a significantly higher elevation than the Lusted Road and 302nd Avenue right of way, with a more than 10 foot slope down from the bus loop to the street. Staff finds that the bus loop is a “loading area” for the purposes of the site, and that per (3)(b) the applicant must establish a 10 foot wide planting strip at the outer edge of the driveway. Because there will still be 20 to 90 feet of distance between this planting area and the street, and 10 or more feet of elevation, the full planting requirements to separate the driveway from the street are not required. The stated purpose of a landscape strip identified in this section is for situations where a lot line is “adjacent to a street” and for “separating a parking or loading area from a street.” In the case of the bus loop, the driveway is not immediately “adjacent” to the street, and distance and topography serves the purpose of “separating” them. The applicant has indicated that a new 10 foot wide landscape strip will contain the shrub and groundcover requirements of (c)(2) and (c)(3). The requirement for “street” trees, per (c)(1) is not required in this context since those trees would not be along the street. At one point in the curve trees would be nearly 100 feet from the street, and up a steep slope. Consequently, the standard can be met with a condition requiring a new, 10 foot wide landscape strip with shrubs and groundcover along the outer edge of the bus loop.

Staff: The applicant provided additional information on 2-8-2018, which shows a revised parking plan that can meet yard setbacks with approval of an exception on SE Lusted and an outline of proposed landscaping. In review of submitted site plan, it is evident that the school has an excess of parking depicted on plan. What is not evident is whether landscaping covers the amount of area needed to be landscaped. The applicants submitted information on 2-8-2018 which shows that the landscaping plan for the new internal access roadway has trees along the sides that are spaced according to criteria. The trees shown in ROW along SE Lusted Rd will need to be approved by Transportation or moved onto the subject property. In addition, bushes will need to be added to landscaped area along SE Lusted Rd. *With condition, criteria can be met.*

- (4) Provision shall be made for watering planting areas where such care is required.**
- (5) Required landscaping shall be continuously maintained.**
- (6) Maximum height of tree species shall be considered when planting under overhead utility lines.**
- (7) Landscaped means the improvement of land by means such as contouring, planting, and the location of outdoor structures, furniture, walkways and similar features.**

Applicant: The proposed landscape plan has been prepared by a licensed landscape architect and has included irrigation and maintenance where it is necessary. The height of trees has been considered for their location and coordinated with utility placement. Landscape features of the site that will be changed are very minor, consisting of some regrading, removal of trees north of the running track, and changes to plantings around the edges of the site. Considering the development constraints, the overall impact to natural landscape from the proposed new construction is nearly non-existent.

Staff: Landscape features of the site that will be changed are very minor, consisting of some regrading, removal of trees north of the running track, and changes to plantings around the edges of the site. The overall impact to natural landscape from the proposed new construction is minimal. As a condition of

approval, the applicant will need to design and construct an irrigation system. The design will be confirmed prior to submittal approval of a building permit and the system will be required to be installed prior to occupancy. *With conditions of approval, criteria is met.*

(D) When the Planning Director determines that immediate execution of any feature of an approved final design review plan is impractical due to climatic conditions, unavailability of materials or other temporary condition, the Director shall, as a precondition to the issuance of a required permit under MCC 36.7010 through 36.7020, require the posting of a performance bond, cash deposit, or other surety, to secure execution of the feature at a time certain.

Applicant: The school district anticipates completing all the elements of this proposed expansion after receiving the applicable permits.

Staff: The Planning Director understands this requirement and at the present time is not requiring a performance bond to be posted.

§ 36.7060 MINOR EXCEPTIONS: YARD, PARKING, SIGN, AND LANDSCAPE REQUIREMENTS.

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

- (1) Dimensional standards for yards as required in the primary district;**
- (2) Dimensional standards for off-street parking as required under MCC 36.4170 and 36.4175;**
- (3) Standards for minimum number of offstreet parking spaces as required in the primary district; and**
- (4) Dimensional standards for signs as required in the primary district;**
- (5) In the case of a proposed alteration, standards for landscaped areas under MCC 36.7055 (C).**

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

(C) Approval of a minor exception shall be based on written findings, as required in this subpart. (1) In the case of a minor yard exception, the Planning Director shall find that approval will result in:

- (a) More efficient use of the site;**
- (b) Preservation of natural features, where appropriate;**
- (c) Adequate provision of light, air, and privacy to adjoining properties; and**
- (d) Adequate emergency accesses.**

(2) In the case of a minor exception to the dimensional standards for off-street parking spaces or the minimum required number of off-street parking spaces, the Planning Director shall find that approval will provide adequate off-street parking in relation to user demands. The following factors may be considered in granting such an exception:

- (a) Special characteristics of users which indicate low demand for offstreet parking (e.g., low income, elderly);**
- (b) Opportunities for joint use of nearby off-street parking facilities;**
- (c) Availability of public transit;**
- (d) Natural features of the site (topography, vegetation, and drainage) which would be adversely affected by application of required parking standards.**

Applicant: The service areas at the school are currently on the south side of the building, which means they are buffered from abutting properties by multiple athletic field and hundreds of feet of space from

any adjacent property. Loading and parking areas are buffered by perimeter landscaping and distance from adjacent properties. No new services areas or accessory structures are proposed. Existing accessory areas and structures like the dugouts, backstops, etc. are located close to the center of the site, and not obtrusive when viewed from neighboring properties. In short, areas that serve the school function of the site are integrated into the high school campus, and have virtually no impact on neighboring properties, adverse or otherwise. The applicant does not request any of the minor exceptions listed above.

Staff: The proposed location of the parking lot to the North of the track, located off SE Lusted Way, showing 46 parking spaces, does not meet the side yard setback requirement of 30 feet. Thus, an exception may be authorized by the Planning Director that will allow a 25% reduction of the side yard setback which equates to the parking being 22.5 from the sideyard. The applicant has provided a revised parking plan for this area will be submitted and it will have 46 parking spaces due to the setback requirement. The exception allows the applicant to more efficiently utilize the site while still allowing for some parallel parking while at the same time maintaining the existing drive aisles located to the east of the area. The proposed parking area is located adjacent existing parking and active use areas allowing for other areas of the site that could accommodate parking to be left in a natural condition. The sideyard sought to be reduced through exception is located south of an existing right-of-way assuring that adequate provisions for light, air, and privacy are provided for the property owner located north of the right-of-way. The proposed site plan has been reviewed by the Multnomah County Sheriff's Office, the Fire Department as well as Land Use Planning and Transportation staff to assure, even with the exception, that emergency access is adequately accommodated. The proposed exception to the yard requirement results in a more efficient use of the site that preserves natural features, provides for adequate setbacks, while maintaining emergency access. *With the exception and with a condition of approval requiring that the final parking plan be reviewed and submitted to reflect this exception, the criteria are met.*

8. NONCONFORMING USES

§ 36.7204 VERIFICATION OF NONCONFORMING USE STATUS.

(A) The Planning Director shall verify the status of a nonconforming use upon application for a determination by an owner on application for any land use or other permit for the site, or on finding there is a need for a determination (e.g., on learning of a possible Code violation). The determination shall be based on findings that the use:

(1) Was legally established and operating at the time of enactment or amendment of this Zoning Code, and

Applicant: The school was legally established in 1964, following a land use approval granted by the County, and began operating in 1968. A copy of that approval is included as an exhibit to this application. The MUA-20 zoning was applied in 1977.

The current MUA-20 code requires that the school use must be "limited in type and scale to primarily serve the needs of the rural area." (MCC 36.6010[I]) The catchment area of the school includes the east side of urbanized Gresham, as well as the surrounding rural lands. Sam Barlow students live in both the urban and rural areas of the school boundary. In percentage terms, more students live in urban areas than rural ones. Consequently, the school cannot be said to "primarily" serve the needs of the rural area, and is therefore non-conforming with respect to this use regulation.

Staff: The school was legally established in 1964, following a land use approval granted by the County, and began operating in 1968. A copy of that approval is included as Exhibit A.15 to this application. When the High School was approved, the zoning designation on the site was "Suburban Residential". The 1964 conditional use approval for the school stated that it would serve approximately fifteen-hundred

(1,500) students. The MUA-20 zoning was applied in 1977. The current MUA-20 code requires that the school use must be “limited in type and scale to primarily serve the needs of the rural area.” (MCC 36.6010[I]). The catchment area of the school includes the east side of urbanized Gresham, as well as the surrounding rural lands. Sam Barlow students live in both the urban and rural areas of the school boundary. In percentage terms, more students live in urban areas than rural ones. Consequently, the school cannot be said to “primarily” serve the needs of the rural area, and is therefore non-conforming with respect to this use regulation. The permit history on the site consists of numerous building permits going back to 1967. These include the original construction of the high school, accessory structures like the pool building and a greenhouse, upgrades of mechanical and life safety systems like HVAC and fire sprinklers, and alterations and additions to the school building. Land use reviews were approved for a school and gym addition in 1997, replacement of tennis courts in 1999, and artificial turf fields in 2006. Earlier this year, the County approved construction of a wireless communications tower and associated equipment building next to the tennis courts (T2-2016-5224). The location of the not-yet-built cell tower is shown on the plans. Staff concurs with applicants findings that a Non-conforming use expansion is required. Based on review of non-conforming use criteria, the high school expansion request has been met. The school was lawfully established and in 1977 the school was in operation when the new standards where applied through the MUA-20 zone. *This criterion is met.*

(2) Has not been abandoned or interrupted for a continuous two year period.

Applicant: The school has been in continuous use since it opened in 1968. Students and staff have occupied the building every school year for the last 49 years. Voluminous documentation is available to verify the continuous use of the site. While enrollment is a problematic tool to gauge the expansion of a non-conforming use. Student enrollment fluctuates year to year, because new housing is constructed, school catchment area boundaries may change, and demographics shift. Enrollment typically changes even within a single school year, because students move into or out of the district, or change schools. All of these factors have occurred over the last 50 years. In recent years, the level of enrollment at the school site has been relatively steady. The table below shows the last eight years of enrollment data

School Year	Student Enrollment
2010-11	1762
2011-12	1745
2012-13	1758
2013-14	1686
2014-15	1725
2015-16	1731
2016-17	1678
2017-18	1659
8-year average	1718

The relative increase in school building area is quite small—4,000 square feet and two classrooms. The primary objective of this building project is to replace outdated and deteriorating infrastructure. That is,

the expansion is not necessarily to accommodate increased enrollment. Anticipated enrollment will likely remain around its current level of 1700 students.

Staff: The applicant has provided enrollment information which provides records that the school has been in continuous use for the last 49 years. *Criterion met.*

(B) The Planning Director shall verify the status of a nonconforming use as being the nature and extent of the use at the time of adoption or amendment of the Zoning Code provision disallowing the use. When determining the nature and extent of a nonconforming use, the Planning Director shall consider:

- (1) Description of the use;**
- (2) The types and quantities of goods or services provided and activities conducted;**
- (3) The scope of the use (volume, intensity, frequency, etc.), including fluctuations in the level of activity;**
- (4) The number, location and size of physical improvements associated with the use;**
- (5) The amount of land devoted to the use; and**
- (6) Other factors the Planning Director may determine appropriate to identify the nature and extent of the particular use.**
- (7) A reduction of scope or intensity of any part of the use as determined under this subsection (B) for a period of two years or more creates a presumption that there is no right to resume the use above the reduced level. Nonconforming use status is limited to the greatest level of use that has been consistently maintained since the use became nonconforming. The presumption may be rebutted by substantial evidentiary proof that the long-term fluctuations are inherent in the type of use being considered.**

Applicant: The school has been in continuous use since it opened in 1968. The original conditional use/community service approval in 1964 was for “approximately 1500 students.” Current enrollment at the school is 1700 students, which is the level proposed in this application. The exact enrollment in 1977, when the MUA-20 zone rules took effect, is not certain, but is likely to have been “approximately 1500 students” per the 1964 approval. The level of enrollment at the school site has been relatively steady over the last 40 years, so the originally approved figure is a reasonable assessment of the “nature and extent” of the use when the “primarily serves the needs of the rural area” standard was adopted.

- (1) The increase in enrollment since 1968 has been gradual, changes depending on the year, and has therefore not had any impact on the use or development of the surrounding area.
- (2) Additional students create no vibration, dust, odor, fumes, glare, or smoke detectable within the neighborhood. More students could hypothetically create more noise, due to additional bus or car trips or people cheering at athletic events. However, the “comparable degree” of difference in noise between approximately 1500 and approximately 1700 students is barely measurable and not significant enough to create an adverse impact on neighbors.
- (3) According to the detailed traffic study submitted with the application, the difference between enrollment levels of 1500 vs. 1700 students results in 86 trips during the morning peak hour, 58 trips during the afternoon peak hour, and 26 trips during the evening peak hour. This study also concluded that vehicle trips generated by 200 additional students can be (is) safely handled by the surrounding transportation system. No new traffic signals are warranted, all site access intersections operate acceptably, and additional trips do not create any greater adverse impacts on the neighborhood.
- (4) No additional outside storage or loading is proposed with the expansion of the school. The quantity of parking spaces required by code is pegged to classrooms, not students. The proposed supply of 458 spaces is many more than the minimum (230 spaces) required by the code. According to County standards, 458 spaces

exceeds requirements and therefore can accommodate parking demand, whether from 1500 students or the proposed 1700 students.

(5) Differing enrollment levels at Sam Barlow have no effect on the visual appearance of the school. The building proposal will, however, improve the school's appearance compared to its current condition. An existing 1970s-era classroom addition at the northeast corner of the school will be demolished and replaced with an attractive, modern, two story classroom structure.

(6)(7) and (8) Additional students have no effect whatsoever on hours of operation, existing flora, or water drainage or quality. All of these factors stay the same regardless of enrollment.

(9) No other factors negatively impact the neighborhood. All students will see significant benefits from new classrooms, better circulation, renovated interior spaces, and upgraded utilities, but neighbors will not notice any changes in student enrollment.

Staff: A high school is a community service use listed in 36.6015(A)(11), "School, private, parochial or public; educational institution." Therefore, it may be approved as a conditional use. In this case, the existing high school already has conditional use/community service use approval from the county, from a decision issued in 1964 (CS 9-64). The lot on which the high school site is on is in the same configuration as when the school use was approved in 1964. At that time, the school was zoned "suburban residential (S-R)". According to staff research on permits and the zoning history, the school was converted to the MUA-20 zone in 1977. The school building has been occupied continuously since 1968, when it was first occupied. Senate Bill 100 and Oregon's current system of land use laws came into place in 1970, after the school was built, occupied, and in use. The school site is outside Metro's urban growth boundary that was applied as part of this process.

As stated above, in 1977, zoning on the site was changed to the current designation, "Multiple Use Agriculture – 20." A new regulation applied to the site subsequent to the conditional use approval makes the site non-conforming. Under current regulations, the school use must be "limited in type and scale to primarily serve the needs of the rural area." (MCC 36.6010[I]) The catchment area of the school includes the rural area, but it also includes the east side of urbanized Gresham. A greater percentage of Sam Barlow students live in the urban areas of the school boundary than in its rural areas. The school could no longer meet the criterion to "primarily" serve the needs of the rural area. Therefore, the school became a non-conforming use when this criterion was adopted for schools in the MUA-20 zone. At the time the new standard was implemented the use of the subject property was a high school. The nature and extent of the high school on the subject property has not changed. The property was developed as a high school and continues to be operated as a high school to this day. While enrollment may have changed over the years the school has always served as a high school providing for the needs of the community. The school may nevertheless expand as an expansion of a nonconforming use, if it meets all the criteria of MCC 36.7214, which are addressed in a later section of this document. *Criteria met.*

(C) In determining the status of a nonconforming use, the Planning Director shall determine that, at the time of enactment or amendment of the Zoning Code provision disallowing the use, the nature, scope and intensity of the use, as determined above, was established in compliance with all land use procedures, standards and criteria applicable at that time. A final and effective County decision allowing the use shall be accepted as a rebuttable presumption of such compliance.

Applicant: A copy of the 1964 decision approving the use is included with this application. This is evidence of compliance of a land use procedures, standards, and criteria applicable at the time. The applicant outlines that Current enrollment at the school is 1659 students. The school received County approval in 1964 for "approximately 1500 students." The current application anticipates the proposed expansion—which is 4,000 new square feet and two new classrooms—will accommodate approximately 1700 students, which is

the level administrators predict for at least the next decade. The difference between 1500 to 1700 students is 13 percent.

The original approval uses the word “approximately” to describe the approved quantity. It is reasonable to infer from this wording that the County meant to allow the district to have enrollment flexibility. The language in the land use decision does not impose a hard cap on enrollment.

Moreover, enrollment is a problematic tool to gauge the expansion of a non-conforming use. Student enrollment fluctuates year to year, because new housing is constructed, school catchment area boundaries may change, and demographics shift. Enrollment typically changes even within a single school year, because students move into or out of the district, or change schools. All of these factors have occurred over the last 50 years. In recent years, the level of enrollment at the school site has been relatively steady. School officials anticipate enrollment to be at approximately 1700 students going forward into the future.

The school is a legal non-conforming use in the “Multiple Use Agriculture 20” zone. That is, it was legally established when constructed, but is not presently in compliance with current MUA-20 use regulations. County rules allow non-conforming uses to expand if the proposed changes meet certain criteria. This application requests approval under those criteria, in addition to showing compliance with other regulations that apply to the site. When Multnomah County approved construction of the school in 1964, the zoning designation on the site was “Suburban Residential.” The 1964 conditional use approval for the school noted that the proposal was for “approximately 1500 students.” The building has been occupied continuously since that time. This application is primarily a request to expand the longstanding, lawfully established school use that became non-conforming when this regulation was adopted. Sometime in the 1990s, the County applied a Significant Environmental Concern-Habitat overlay zone to the heavily wooded area at the southwest corner of the site.

Staff: In determining the status of a nonconforming use, the Planning Director did determine that, at the time of enactment or amendment of the Zoning Code provision disallowing the use, the nature, scope and intensity of the use, as determined above, was established in compliance with all land use procedures, standards and criteria applicable at that time. When the School was approved in 1964 (Exhibit A.13) it was approved through Community Service Conditional Use. The school has continued to be used as a high school. *The criterion is met.*

(D) Except for nonconforming uses considered under MCC 36.7214 (B), the Planning Director may impose conditions to any verification of nonconforming use status to insure compliance with said verification.

(E) An applicant may prove the continuity, nature and extent of the nonconforming use only for the 10-year period immediately preceding the date of application. Evidence proving the continuity, nature and extent of the use for the 10-year period preceding application creates a rebuttable presumption that the use, as proven, existed at the time the applicable zoning ordinance or regulation was adopted and has continued uninterrupted until the date of application. Evidence proving the continuity, nature and extent of the use for the 10-year period preceding application does not create a rebuttable presumption that the use lawfully existed at the time the applicable zoning ordinance or regulation was adopted.

(F) For purposes of verifying a nonconforming use, the Planning Director shall not require an applicant for verification to prove the existence, continuity, nature and extent of the use for a period exceeding 20 years immediately preceding the date of application. Evidence proving the continuity, nature and extent of the use for the 20-year period preceding application does not create

a rebuttable presumption that the use lawfully existed at the time the applicable zoning ordinance or regulation was adopted.

Applicant: The continuity, nature, and extent of the non-conforming use is well-established. The school has been in continuous use on the same property, at approximately the same size and intensity, for nearly 50 years. Physically, the extent of the use has been the same for more than 10 years as listed in subsection (E) above. A 1994 aerial photo reprinted below shows the site, virtually the same as it is today. Staff agrees that the 1964 Decision allows and the findings support that the use can continue at said location. *Criteria met.*



Figure 4. Sam Barlow High School 1994 aerial photo.

There are thousands of former students that can testify as to the continuous operation of the school since it opened in 1968. If the County disputes this, information would be available via enrollment reports, yearbooks, news stories, alumni testimonials, or other sources.

A copy of the 1964 decision approving the use is included with this application. This is evidence of compliance of a land use procedures, standards, and criteria applicable at the time. The applicant outlines that Current enrollment at the school is 1659 students. The school received County approval in 1964 for “approximately 1500 students.” The current application anticipates the proposed expansion—which is 4,000 new square feet and two new classrooms—will accommodate approximately 1700 students, which is the level administrators predict for at least the next decade. The difference between 1500 to 1700 students is 13 percent. The table in section above shows the last eight years of enrollment data. School officials anticipate enrollment to be at approximately 1700 students going forward into the future.

Upgrading the sanitary sewage system at the high school is within the scope of the bond-financed work, but is not part of this land use application because of differing timelines for review. School-generated sewage has historically flowed to a holding tank, where it is pumped out daily into trucks, then transferred

to an approved facility in the City of Gresham. As part of the bond work, the district proposes to connect the school to the city's public sewer system via a new pipe that would be installed in SE Lusted Road. However, because Sam Barlow is outside the regional urban growth boundary, extending urban services requires obtaining a Statewide Planning Goal exception. That process is complex, requiring coordination with the City of Gresham and Oregon Department of Land Conservation and Development. Therefore, land use permitting for the school work will be separated into two parts. First, this application proposes school expansion and renovations under existing rules, maintaining the existing pump-and-truck arrangement. Later this year, and as part of a separate land use application, the district will request approval for a new sewer line extension from the City of Gresham's municipal system.

Staff: The applicant has provided enrollment reports supports verification to prove the existence, continuity, nature and extent of the use for a period exceeding 20 years immediately preceding the date of application. The existence, continuity, nature, and extent of the non-conforming use is well-established. The school has been in continuous use on the same property, at approximately the same size and intensity, for nearly 50 years. Physically, the extent of the use has been the same for more than 10 years as listed in subsection (E) above. A 1994 aerial photo (Exhibit B.1) shows the site, virtually the same as it is today. Staff agrees that the 1964 Decision allows and the findings support that the use can continue at said location. *Criteria met.*

9. § 36.7214 ALTERATION, EXPANSION OR REPLACEMENT OF NONCONFORMING USES

(A) Alteration, expansion or replacement of a nonconforming use includes a change in the use, structure, or physical improvement of no greater adverse impact on the neighborhood, or alterations, expansions or replacements required for the use to comply with State or County health or safety requirements.

(B) After verification of the status of a nonconforming use pursuant to the applicable provisions of MCC 36.7204, the Planning Director shall authorize alteration of a nonconforming use when it is demonstrated that:

- (1) The alteration, expansion or replacement is necessary to comply with state or local health or safety requirements, or**
- (2) The alteration is necessary to maintain in good repair the existing structures associated with the nonconformity.**

Applicant: A high school is a community service use listed in 36.6015(A)(11), "School, private, parochial or public; educational institution." Therefore, it may be approved as a conditional use. In this case, the existing high school already has conditional use/community service use approval from the county, from a decision issued in 1964 (CS 9-64). A new regulation applied to the site subsequent to the conditional use approval makes the site non-conforming. Under current regulations, the school use must be "limited in type and scale to primarily serve the needs of the rural area." (MCC 36.6010[I]) The catchment area of the school includes the rural area, but it also includes the east side of urbanized Gresham. A greater percentage of Sam Barlow students live in the urban areas of the school boundary than in its rural areas. The school could no longer meet the criterion to "primarily" serve the needs of the rural area. Therefore, the school became a non-conforming use when this criterion was adopted for schools in the MUA-20 zone. The school may nevertheless expand as an expansion of a nonconforming use, if it meets all the criteria of MCC 36.7214, which are addressed in a later section of this document. The structures and school use are currently non-conforming because one of the conditional use/community service use criteria for a new school in an MUA-20 zone is that the school "primarily serve" the needs of the rural area. This was not a requirement when the County approved the school as a conditional use in 1964. The nonconformity is the entire school building and the school use of the site.

Staff: The proposed expansion of the nonconforming use is not required to comply with health or safety requirements, nor is it required to maintain the existing structures in good repair. Therefore the expansion is not authorized under these provisions of the code. The proposed expansion can be authorized under 36.7214 (C). This section of the code is not applicable to this review.

(C) After verification of the status of a nonconforming use pursuant to the applicable provisions of MCC 36.7204, the Planning Director may authorize alteration, expansion or replacement of any nonconforming use when it is found that such alteration, expansion or replacement will not result in a greater adverse impact on the neighborhood. In making this finding, the Planning Director shall consider the factors listed below. Adverse impacts to one of the factors may, but shall not automatically, constitute greater adverse impact on the neighborhood.

Applicant: The structures and school use are currently non-conforming because one of the conditional use/community service use criteria for a new school in an MUA-20 zone is that the school “primarily serve” the needs of the rural area. This was not a requirement when the County approved the school as a conditional use in 1964. The nonconformity is the entire school building and the school use of the site.

Proposed expansion of the nonconforming use at the Sam Barlow site is a “physical improvement of no greater adverse impact on the neighborhood,” per (A) above, as described in this application. It also qualifies under subsection (B)(2) above because the school building is the source of the nonconformity, and it is necessary to maintain this building in good repair. The building has been continuously occupied as a school use for nearly 50 years, and only modified and improved in small ways. Much of the school structure has never been updated and parts of it are badly in need of repair. District voters passed the school bond with the understanding that proposed changes to the high school site were necessary to “maintain in good repair” the existing high school.

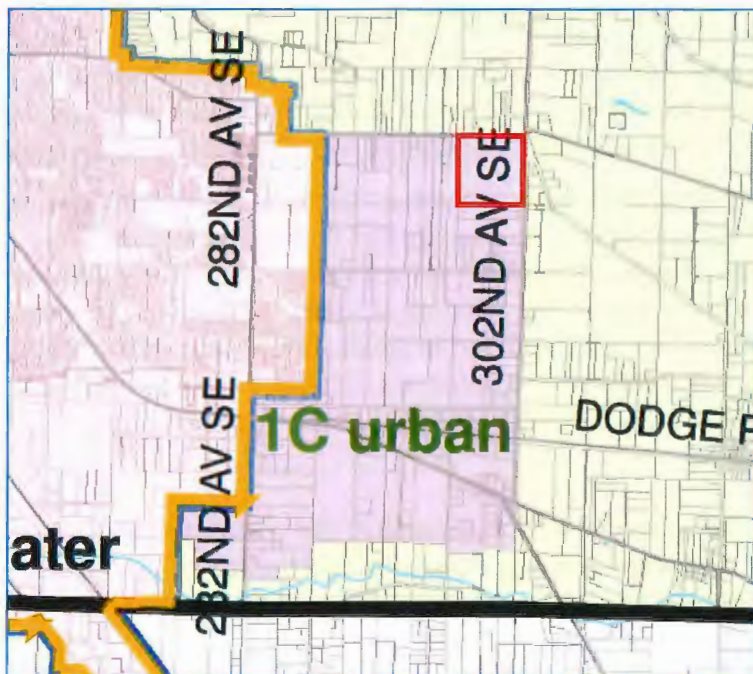
Staff: The Planning Director has determined that alteration and expansion of the nonconforming use could be authorized, as it has been found that such alteration and expansion will not result in a greater adverse impact on the neighborhood. In making this finding, the Planning Director considered the factors and relevant findings listed below. *Criterion met.*

(1) The character and history of the use and of development in the surrounding area;

Applicant: The criteria for verifying the nonconforming use were addressed above. The school site was approved by Multnomah County for a new high school in 1964. Construction was completed in 1968 and the school has been in continuous operation at the site for nearly 50 years. Only a very small number of property owners in the surrounding area could have any direct memory of the site before it was a school. Although the school building has a large presence on the site, the property also has open areas for play fields which occupy most of its 37 acres and minimize the built-up character of the site. As such, the presence of the high school is deeply part of the character and history of the surrounding area.

Development in the surrounding area is a mix of rural residential and farming uses. Dwellings cluster closer to existing roads, especially along SE Lusted Road, with open areas behind. Land to the east of the high school is more likely to be larger farmland tracts. At the time the school purchased the property and requested permission to build the high school, the zoning designation was “Suburban-Residential” which assumed a level of residential development. In 1977, this area to the east of Gresham city limits, and including the land on which the high school sits was converted to its present “Multiple Use Agriculture – 20” zone. This is an agricultural zone that is not as restrictive as Exclusive Farm Use.

The proposed expansion of the school use is relatively minor. The school building is increasing by only 4,000 square feet, which constitutes two new classrooms. (This is a net change after the demolition of part of the existing building.) The project also includes a new grandstand to replace existing uncovered bleachers, and a concession building to replace temporary concession booths. These are effectively permanent replacements of existing spectator facilities which do not significantly increase capacity or neighborhood impacts. Other bond-financed development is renovation and upgrades to the interior of the existing structure, or infrastructure and utility improvements. Because the increment of new development is small, the school use has been a 50-year part of the area's history, and the proposal is consistent with development in the surrounding area, it does not result in a greater adverse impact on the neighborhood than existing conditions. Most recently, in 2011, Metro designated the entire area that includes the high school as an "urban reserve," meaning that it has priority as one of the next areas to be included within the region's urban growth boundary.



The permit history on the site consists of numerous building permits going back to 1967. These include the original construction of the high school, accessory structures like the pool building and a greenhouse, upgrades of mechanical and life safety systems like HVAC and fire sprinklers, and alterations and additions to the school building. Land use reviews were approved for a school and gym addition in 1997, replacement of tennis courts in 1999, and artificial turf fields in 2006. Earlier this year, the County approved construction of a wireless communications tower and associated equipment building next to the tennis courts (T2-2016-5224). The location of the not-yet-built cell tower is shown on the plans.

Staff: The Applicant's application (Exhibit A.2 and A.3), illustrate that properties within a ¼ & ½ mile of subject site are a mixture of residential on rural lots and agricultural uses. The zoning in the area is Multiple Use Agriculture (MUA-20). Staff concurs with the applicants findings that the proposed expansion and upgrade is relatively minor. Based on traffic impact study and function of the school in its current location for the past 50 years, the proposed alteration will be an improvement to the existing structure. The proposed project will improve the aesthetics of the building and the site. Proposed landscaping will soften the edges of the existing and proposed vehicle use areas and pedestrian improvements within the parking areas will increase safety. The increase in enrollment since 1968 has been gradual, changes depending on the year, and has therefore not had any impact on the use or

development of the surrounding area. The proposed revision to the High School and to the access and parking will result in a relatively minor change to the surrounding area, as it is mostly an improvement to access and modernization of the building.

(2) The comparable degree of noise, vibration, dust, odor, fumes, glare or smoke detectable within the neighborhood;

Applicant: The proposed use of the school is the same as the existing use. The primary element of the school building project is the demolition of a 1974 addition, and replacement with a two-story classroom structure. Two additional classrooms will not create any perceptible degree of noise, vibration, dust, odor, fumes, glare or smoke in the neighborhood. Likewise, the internal renovations of the existing buildings, utility and landscaping upgrades, and other improvements to existing elements of the site will not create any of the above nuisance impacts. The new grandstand and concession building for the athletic field are a permanent replacement for the existing bleachers and temporary concession booths. In that sense, they are an upgrade from an existing condition and not a new facility. The school does not have plans for more or larger athletic events due to the new spectator facilities, but it will increase the comfort of spectators that do come to Sam Barlow events. Likewise, because of their location well into the interior of the property, they are not anticipated to create any adverse impact on the neighborhood.

The “adverse impact” standards of MCC 32.7614 (C)(1) through (9) were addressed in the original application. The findings there were based on the increase in building area, two classrooms and 4,000 square feet. These findings still apply. Insofar as increase in enrollment is an accurate metric, the change in student numbers does not create a greater adverse impact on the neighborhood.

Staff: Staff concurs with applicant’s statement and does not find that there will be an increase of degree of noise, vibration, dust, odor, fumes, glare or smoke detectable within the neighborhood. More students could hypothetically create more noise, due to additional bus or car trips or people cheering at athletic events. However, the “comparable degree” of difference in noise between approximately 1,500 and approximately 1,700 students is barely measurable and not significant enough to create an adverse impact on neighbors. The proposed landscaping along the perimeter of the parking areas will assist with attenuating noise and will work to keep lights from vehicles from shining into neighboring properties. The enrollment data provided by the applicant shows a steady increase in student population and no significant impact of noise, vibration, dust, odor, fumes, glare, and smoke.

(3) The comparative numbers and kinds of vehicular trips to the site;

Applicant: The original conditional use review approved a new school “for approximately 1500 students.” The current project is being approved at the current level of enrollment, 1700 students. This incremental change in student population is existing, and not the result of the proposed expansion of the nonconforming use. Moreover, since the original approval included the word “approximately,” one could assume that some measure of flexibility was allowed in changes to enrollment. Nevertheless, the application will use 1500 students as the baseline, and calculate traffic impacts to include 200 new students. The included Lancaster Engineering transportation analysis of the site concluded that the additional enrollment results in 86 trips during the morning peak hour, 58 trips during the afternoon peak hour, and 26 trips during the evening peak hour.

The detailed transportation analysis concluded that vehicle trips generated by 200 additional students can be safely handled by the surrounding transportation system. No new traffic signals are warranted, all site

access intersections will operate acceptably, and additional trips do not create any greater adverse impacts on the neighborhood.

Staff: Staff concurs with applicants findings. The Transportation Analysis conducted by Lancaster Engineering and reviewed by County Transportation Planning provides the basis of finding that numbers and kinds of vehicle trips to site can be managed. According to the detailed traffic study submitted with the application, the difference between enrollment levels of 1,500 vs. 1,700 students results in 86 trips during the morning peak hour, 58 trips during the afternoon peak hour, and 26 trips during the evening peak hour. This study also concluded that vehicle trips generated by 200 additional students can be safely handled by the surrounding transportation system. No new traffic signals are warranted, all site access intersections operate acceptably, and additional trips do not create any greater adverse impacts on the neighborhood.

(4) The comparative amount and nature of outside storage, loading and parking;

Applicant: No additional outside storage or loading is proposed with the renovations and expansion of the school. In the current experience of the school the number of loading spaces provided is adequate to meet loading needs. A 200 student increase since the school was approved does not need additional storage or loading.

With regard to parking, the school will reconfigure its parking inventory to include 458 total spaces. This is substantially more than the 230 space minimum requirement in the zoning code. The quantity of spaces required by code is pegged to classrooms, not students. The proposed structure will have 64 classrooms, two more than the existing nonconforming structure. The increment of change, therefore, is seven additional spaces. In either case, the proposed supply of 458 spaces is many more than the minimum required by the County. According to County rules, this number of spaces can accommodate parking demand, whether from the previously approved 1500 students or currently enrolled 1700 students.

Staff: Staff concurs that no additional storage or loading is required. No additional outside storage or loading is proposed with the expansion of the school. The quantity of parking spaces required by code is based on classrooms, not students. The proposed supply of 386 spaces exceeds the minimum (230 spaces) required by the code. According to County standards, 386 spaces exceeds requirements and therefore can accommodate parking demand, whether from 1,500 students or the proposed 1,700 students. The additional landscaping will soften the edges of the use and screen vehicle use areas that are currently unscreened.

(5) The comparative visual appearance;

Applicant: The visual appearance of the school will be improved compared to its current condition. As elevation drawings show, the existing 1970s era classroom addition at the northeast corner of the school will be demolished and replaced with an attractive, modern, two story classroom structure. The other building improvement will be to improve and enclose the existing central courtyard, which is not visible from surrounding properties.

Other changes from existing conditions include better perimeter landscaping along the north edge of the site. Trees and groundcover will be planted to soften the edges of existing and proposed parking areas, which will improve the appearance of the school site compared with existing conditions. The new concession building and grandstand replace existing facilities and are located at the center of the site, far from neighboring properties. These structures are more than 300 and 400 feet away, respectively, from the

nearest property to the north, which is across Lusted Road. Moreover, in the existing condition, there is an old greenhouse (60 feet away from Lusted) and a school structure at the north side of the school property; both of these buildings will be removed. Given the distance of proposed structures and presence of existing buildings at the edge of the site, the visual appearance of the new spectator facilities will be an improvement, and a minor change in any case.

Overall, there is no greater adverse impact to the neighborhood on the proposed expansion of the school use compared with existing nonconforming development.

Staff: Staff agrees that, overall, there is no greater adverse impact to the neighborhood on the proposed expansion of the school use compared with existing nonconforming development, because the school has been operating from this location for the last 50 years with about the same enrollment. The improvements are intended to upgrade and create a more efficient functioning and visually appealing school. Differing enrollment levels at Sam Barlow have no effect on the visual appearance of the school. The building proposal will, however, improve the school's appearance compared to its current condition. An existing 1970s-era classroom addition at the northeast corner of the school will be demolished and replaced with an attractive, modern, two story classroom structure.

(6) The comparative hours of operation;

Applicant: The hours of operation of the school do not change under the proposed condition from what has existed for many decades. Under the 1964 approval, the only reference to the hours of operation was that the school would operate during "regular school hours." This broad statement of approval is still true; comparatively, there is no change.

Staff: The lighting at the field already exists and the schools hours of operation will remain the same as they have been. The proposed structure and outdoor area will remain the same for the most part as far as function.

(7) The comparative effect on existing flora;

Applicant: There will be no effect on existing flora compared with existing conditions. The additional development proposed is all within areas of the site that are already cleared for development. In large part, new buildings and infrastructure are on areas that are paved or already buildings. The site's only environmental resource is to the south of the running track--no work is proposed in this area.

Staff: Vegetation on the site is mainly grass, although there are some scattered trees, shrubs, and street trees. The proposed expansion is to be constructed in the portion of the property that has a building, creating new outdoor space surrounded by building. No known significant environmental concern would be exacerbated on the property and all stormwater runoff can be accommodated on site detention. A number of trees and shrubs exists along SE Lusted Rd and 302nd Ave. These trees will be maintained as part of the development. In addition, a landscape plan is required to add to the on-site landscaping to mitigate for the mass of the new addition and grandstand cover. No adverse impacts have been identified.

(8) The comparative effect on water drainage or quality; and

Applicant: This application is accompanied by a stormwater plan that shows how water drainage and water quality will be managed consistent with modern requirements. The overall site coverage from the renovation is small, since the proposed new building footprint of the school has a smaller footprint than

the existing structure, and other new structures are largely located on areas of the site that are already developed. Considering that existing development is not necessarily compliant with 2017 stormwater standards, the change to the site represented in this application is an upgrade and therefore comparatively better than existing. As such, there is no greater adverse impact on the neighborhood related to water drainage or quality.

Staff: All newly created impervious or semi-pervious surfaces must have its stormwater handled on site for a 10 year, 24 hour storm event. The applicant is proposing stormwater quality treatment on site in excess of the new proposed impervious areas. The applicant is exceeding the quantity and quality requirements of the code. A condition of approval has been included that the newly paved northern parking lot has its stormwater handled on site. *As conditioned, this criteria has been met.*

(9) Other factors which impact the character or needs of the neighborhood.

Applicant: Differing enrollment levels at Sam Barlow have no effect on the visual appearance of the school. The building proposal will, however, improve the school's appearance compared to its current condition. An existing 1970s-era classroom addition at the northeast corner of the school will be demolished and replaced with an attractive, modern, two story classroom structure. Additional students have no effect whatsoever on hours of operation, existing flora, or water drainage or quality. All of these factors stay the same regardless of enrollment. No other factors are identified that negatively impact the character or needs of the neighborhood. While the changes to the site for users of the school will be substantial, in the form of new classrooms, better circulation, renovated interior spaces, and upgraded utilities, the neighbors will barely be able to notice many of these changes.

Applicant Finding: The proposed use of the school is the same as the existing use. The primary element of the school building project is the demolition of a 1974 addition, and replacement with a two-story classroom structure. Two additional classrooms will not create any perceptible degree of noise, vibration, dust, odor, fumes, glare or smoke in the neighborhood. Likewise, the internal renovations of the existing buildings, utility and landscaping upgrades, and other improvements to existing elements of the site will not create any of the above nuisance impacts. The new grandstand and concession building for the athletic field are a permanent replacement for the existing bleachers and temporary concession booths. In that sense, they are an upgrade from an existing condition and not a new facility. The school does not have plans for more or larger athletic events due to the new spectator facilities, but it will increase the comfort of spectators that do come to Sam Barlow events. Likewise, because of their location well into the interior of the property, they are not anticipated to create any adverse impact on the neighborhood.

Staff: The Opportunity to Comment was sent out, and as of January 12, 2018, one neighbor on SE Lusted Rd commented that he is concerned with headlights coming into their house with the new parking lot location. If the landscaping plan were improved with lower shrubs, the headlights could be blocked. Staff does not agree with applicant's findings that improvements will not negatively impact the neighborhood. A condition of approval will require that a new landscape and parking plan based on Exhibit A.23 be submitted, reviewed, and approved. *With condition of approval, criteria can be met.*

(D) Any decision on alteration, expansion or replacement of a nonconforming use shall be processed as a Type II permit as described in MCC Chapter 37.

Applicant: This application is being processed as a Type II permit and follows all the requirements listed in Chapter 37.

Staff: The applicant is requesting to construct a new two story classroom that is 4,000 sq. ft. and to alter the layout of the parking lot by creating a new bus lane off SE Lusted Rd and to build a new 1,800 seat grandstand. An Administrative Decision (Type II) by the Planning Director for a verification and alteration of a non-conforming use and Design Review is required to be reviewed and approved. The applicant is also proposing new access points to serve the school use. The additional access points require a Road Rules Variance.

(D) If the properties are zoned farm (EFU) or forest (CFU), the proposal will not force a significant change in, or significantly increase the cost of, accepted forestry or farming practices on the subject property and adjoining lands; and

Applicant: The property is zoned MUA-20. This criterion does not apply.

Staff: The property is zoned MUA-20. *This criterion does not apply.*

(E) If in a Rural Residential (RR) or Rural Center (RC) zone, the proposal will not significantly detract from the livability or appearance of the residential area.

Applicant: The property is zoned MUA-20. This criterion does not apply.

Staff: *Criterion does not apply.*

10.00 TRANSPORTATION FINDINGS

MCRR 4.000 Access to County Roads

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.**

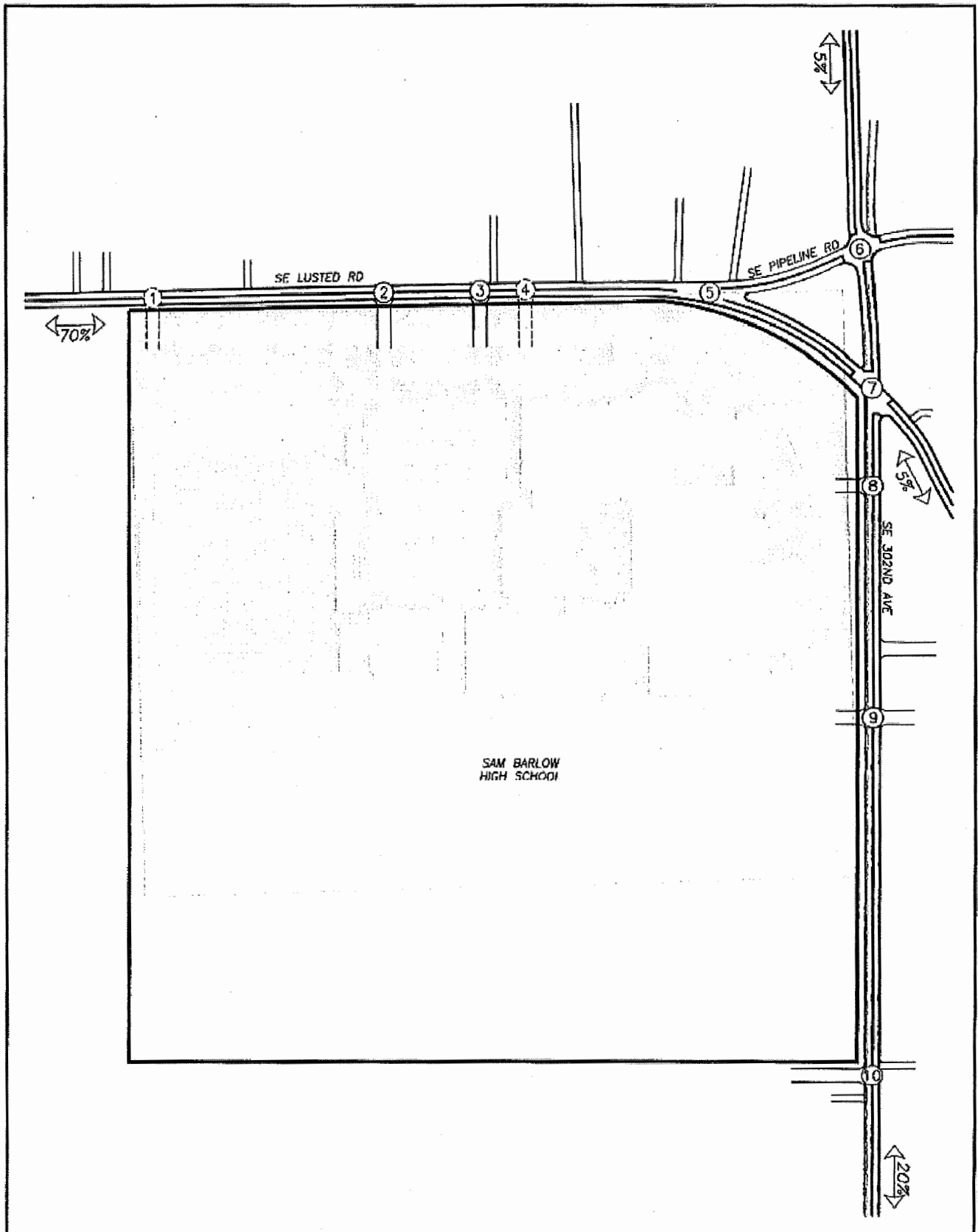
Staff: The applicant proposes to reconfigure accesses to serve the school use to 302nd and Lusted Road, both County Roads under County jurisdiction. An access is considered reconfigured when it will be physically altered, or when a change in the development that it serves has a Transportation Impact as defined in section 6.000 of the Multnomah County Road Rules. The proposed accesses are shown on the applicant's site plan. Use of each access point are described in the submitted Traffic Management Plan that also describes site circulation and flow for motor vehicle, pedestrians, and buses. A road rules variance is requested to allow multiple points of access to the site to help facilitate and improve current operations of the High School campus. The applicant has submitted all the required information. *This criterion is met.*

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 Sam Barlow High School campus has five existing points of access, with two on SE Lusted Road and three on SE 302nd Avenue. Two new points of access are also proposed, both of which will be located on SE Lusted Road. The new westernmost access on SE Lusted Road will serve a new parking area near the northeast corner of the campus, while the new easternmost access on SE Lusted Road will serve as a bus entrance. The proposal includes reconfiguration of the use of the access points to improve circulation and safety. Details of the use of each access point are included in the submitted Traffic Management Plan dated 10-5-17 by Lancaster Engineering, and clarified with comments dated 1-8-18 by Lancaster Engineering.

The proposal will result in seven (7) accesses serving the school, which requires a Road Rules Variance. Additionally, the 98 feet spacing requirement centerline to centerline of intersecting public roads/driveways along Rural Collector roadways is subject to this variance. Lusted Road and 302nd Avenue are both classified as Rural Collector Roads. The criteria for the Road Rules variance is addressed in the findings below. *Through the approval of this variance, this criterion is met as conditioned.*



SITE TRIP DISTRIBUTION



FIGURE
2

PAGE
9

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: The County minimum access spacing standard for a road functionally classified as a Rural Collector facility is 98 feet (DCM Table 1.2.5). The minimum driveway access spacing distance is measured driveway centerline to driveway centerline. The minimum spacing distance is applied to driveways on the same side of the street, as well as driveways opposite to the site (DCM Figure 1.2.1). Access driveways on opposite sides of the street should be located directly opposite to each other, or no less than 50 feet from adjacent accesses for a Rural Collector facility. [MCRR 4.300]

The proposed reconfigured accesses do not meet spacing requirements. Due to the number and location of existing driveways along both sides of SE Lusted Road, as well as on-site topography which restricts access to specific locations along the site frontage, there are limited locations along the site frontage that will meet the access spacing standards. These limitations are shown in the submitted site plan. *Through the approval of this variance, this criterion is met as conditioned.*

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

Staff: For the proposed use, a new or reconfigured driveway must be 20 to 35 feet wide. The proposed access widths fall within the standard width. *This criterion is met.*

MCRR 4.500 Sight Distance: All new access points to roads under the County's jurisdiction must have a minimum sight distance equal to the standards in the Design and Construction Manual and AASHTO's A Policy on Geometric Design of Highways and Streets.

Staff: Multnomah County Road Rules Section 4.500 states that access points to roads under the County's jurisdiction must have a minimum sight distance equal to the standards in the County Design and Construction Manual, or AASHTO's A Policy on Geometric Design of Highway and Streets. The applicant has submitted for the review of the County Transportation Division a sight distance certification from a registered traffic engineer, which provides an assessment of sight distance at the intersection in question consistent with AASHTO standards.

All accesses have sight distance that meet the standards listed above, except for the northern most access on 302nd. A condition has been added to address the sight distance limitation on 302nd, limiting this access point to ingress only. Per the applicant, the sight distance at this access is no longer relevant since the access will be converted to ingress only. Sight distance is only relevant if there were exiting vehicles. The driveway will be posted with "Do Not Enter" signs. *As conditioned, this criterion is met.*

MCRR 5.000 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 effect of any new construction or alteration that 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 submitted Traffic Analysis states that 26 additional PM peak hour and 86 AM peak hour trips are expected, and a total of 342 additional weekday trips will result from the 200 additional students beyond the currently permitted 1,500 enrollment limitation. Therefore, the proposed project will result in a transportation impact. *This criterion is met through conditions placed to mitigate the transportation impact.*

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: The County standard right of way for Rural Collector 60 feet, 30 feet from the road centerline to adjacent property lines, (DCM Table 2.2.5 Rural Cross Section). Currently, 30 feet of right of way exists between the site's property line and the centerlines of SE Lusted Road and SE 302nd Avenue consistent with the standard right of way for a Rural Collector facility. Therefore no dedication of right of way is required. *This criterion is met.*

18.000 Right-of-Way Use Permits

18.250 Access/Encroachment Permit:

A. An Access/ Encroachment Permit (A/E Permit) may be required for the following activities within the right-of-way:

- 1. New or altered access to roads under County jurisdiction. An access is considered altered when a change in the development that it serves has a Transportation Impact as defined in section 6.000 of these rules;**
- 2. New or reconstructed driveway approaches, private road approaches, curb cuts, or sidewalks;**
- 3. Structures in the right-of-way, such as signs, posts, fences, flags, nonstandard mailboxes, etc.; or**

4. Any other minor physical alteration of the County right-of-way, including but not limited to any altered landscape design, vegetation planting or placement.

Staff: The proposed new and existing access points require an access permit as noted in the conditions of approval. *As conditioned, this criterion is met.*

MCRR 16.000 Variance from County Standards and Requirements

1. 16.3000 Variance Request Procedure

For the County Engineer to consider a variance request, it must be submitted in writing with the appropriate fee to the County prior to the issuance of any development permit. The written variance request shall be signed by a person with the authority to bind the applicant and shall include the following information as applicable:

Staff: As the applicant has provided in A-L below, this criterion is met. Note that this information is supplemented with exhibits submitted, including a Traffic Impact Analysis and Traffic Management Plan, and is part of the project's record.

A. *Applicant name, telephone/fax number(s), email address, mailing address,*

Applicant Response:

- Applicant: Mike Schofield
- Phone: (503) 261-4567
- Email: schofield10@gresham.k12.or.us
- Address: Gresham Barlow School District, 1331 NW Eastman Parkway, Gresham, OR 97030

B. *Property Location and zoning;*

Applicant Response:

- Location: 5105 SE 302nd Avenue, Gresham, Oregon.
- Zoning: Multiple Use Agriculture (MUA20).

C. *Current or intended use of the property;*

Applicant Response:

The subject property is currently developed as a High School campus with an enrollment of approximately 1,700 students. The property is intended for continued use as a High School without plans for increasing student capacity.

D. *The nature and full description of the requested variance;*

Applicant Response:

A remodel of the Sam Barlow High School campus is proposed. The remodel will improve overall pedestrian/vehicular safety and circulation within the campus by creating two additional site access locations along SE Lusted Road. Under the proposed plan, existing access driveways will remain and serve predominately passenger vehicles and will accommodate two-way traffic. Buses will utilize the easternmost proposed access along SE Lusted Road for site ingress while

the existing access near the southeast corner of the high school building along SE 302nd Avenue will serve as bus egress.

A variance is requested to allow multiple points of access to the site to help facilitate and improve current operations of the High School campus. Due to the high demand of entering/exiting traffic over a short period of time prior to and after student school hours, additional points of access are necessary to serve the site and improve current operations/safety within the school campus. Since the adjacent roadway of SE Lusted Road typically serves low volumes of traffic traveling at low speeds on school days (20 mph from 7:00 AM to 5:00 PM), the additional points of access are not expected to create any significant operational or safety concerns. This has been a huge issue on Lusted Rd due to the current parking lot configuration. As it is currently designed, students, parents, and buses all enter a single drive into the main parking lot. Buses then stop to let kids off, parents and students wait to get by busses, and we have traffic jams just about every morning. The new design will remove the buses from the main lot, therefore eliminating this traffic issue. As far as 302nd, we have parents that drop/pick up which causes a bit of a jam on 302nd. Again, once we move the busses and create a parent pick up/drop off area in the main lot, this problem should be solved.

In addition, Multnomah County requires a minimum access spacing of 98 feet from centerline to centerline of intersecting public roads/driveways along Rural Collector roadways. Due to the number and location of existing driveways along both sides of SE Lusted Road as well as on-site topography which restricts access to specific locations along the site frontage, there are limited locations along the site frontage that will meet the access spacing standards. Accordingly, variances to access spacing standards are required for the two proposed site access driveways as well as the easternmost existing site access driveway along SE Lusted Road. Variances are requested for the two site accesses to Lusted Road and the existing easternmost site access to Lusted Road.

The westernmost proposed site access driveway will be located near the school's western property line. Located near the school's stadium, the driveway will primarily serve a proposed student/overflow parking lot of 62 spaces. The nearest existing driveway to the east is located 167 feet while the nearest existing driveway to the west is located 83.33 feet. Both existing driveways take access along the north side of SE Lusted Road and each serve a single-family detached house.

The easternmost existing site access driveway currently serves egress traffic only, but will be modified to serve primarily two-way passenger vehicle traffic as part of the proposed remodel. The nearest existing driveway to the east is offset from the existing site access by 24.75 feet along the north side of SE Lusted Road and serves a single-family detached house (this is in reference to the existing driveway on the north side of Lusted Road that serves a single-family home. It is not shown on the map but is offset from the eastern driveway by 25 feet.). The nearest existing driveway to the west is another existing school access driveway located approximately 174.83 feet along the south side of SE Lusted Road.

A proposed bus ingress only driveway is planned for construction approximately 76.42 feet to east of the easternmost existing site access driveway. The nearest existing driveways to the east and west of the proposed access are located approximately 99.17 feet and 51.67 feet away, respectively. Both of the existing driveways nearest to the proposed driveway take access along the north side of SE Lusted Road and each serve a single-family detached house. Due to the

topography of the site, limited opportunities are available to construct the bus access further east.

E. Site plan, sight distance, pedestrian traffic, intersection alignment, traffic generation, vehicle mix, traffic circulation including impact on through traffic, and other similar traffic safety considerations;

Applicant Response:

Detailed descriptions of the factors affecting operation and safety of the High School campus and proposed remodel are detailed within the Traffic Impact Study (TIS) prepared by Lancaster Engineering. Based on the analysis, the proposed site plan is expected to have minimal impacts on the overall safety and operation of the nearby transportation system.

F. Existing right-of-way or improvement limitations, and utility considerations;

Applicant Response:

These factors are not applicable to the requested variance.

G. Adjacent land-uses, their types, access requirements, and impact of traffic on them;

Applicant Response:

The surrounding site vicinity is zoned as either MUA20 or Exclusive Farm Use (EFU) and is predominately developed as low density single-family detached houses or agricultural land, except for a church located immediately east of the High School campus. A significant number of existing driveways currently serving the surrounding land-uses do not meet the 98-foot access spacing standard. Since the spacing of existing and proposed site access driveways will not change the character of the surrounding transportation facilities and the school is not increasing the student capacity of the school, traffic impacts are expected to nominally affect the nearby land-uses.

H. Topography, grade, side hill conditions, and soil characteristics;

Applicant Response:

Due to the topography and grade of the main staff (northeastern) parking lot relative to SE Lusted Road, the proposed bus ingress driveway is located as far east as reasonably possible while maintaining a 7 percent uphill grade for entering buses. Any additional offset of driveway east of its proposed location will increase the grade that buses will need to overcome to enter the site.

I. Drainage characteristics and problems;

Applicant Response:

Proposed driveways will impact the existing drainage ditch and two new culverts are proposed to maintain hydraulic characteristics.

J. Fire Department access requirement within a public right-of-way and their written approval of the proposed modification;

Applicant Response:

The requested variance will improve site access, internal circulation, and safety for both motor vehicle traffic and pedestrians, inclusive of emergency response vehicles. Constructing additional access locations along school frontage will allow additional points of access for emergency response vehicles. By converting the existing ingress and egress driveways along SE Lusted

Road to serve two-way traffic will allow quicker response times by reducing the need for emergency vehicles to navigate through the site by a pre-determined path of travel.

In addition to serving entering school buses, the proposed bus ingress access may also be utilized by emergency response vehicles. Since the bus access will be restricted for use by the general public, minimal conflicts are expected to occur between emergency response vehicles and passenger vehicles entering the campus at this location. The easternmost entry on Lusted is limited to buses only by a motorized gate operated by a time clock on the DDC system. The northernmost entry on 302nd is controlled by a manual gate that will be open during the school day. It will be labeled service entry only. All doors into the building will be locked during the school day except the main north entry. Doors at the bus entry will only be unlocked during bus arrival so it will not attract passenger vehicles.

The fire department's comments regarding the requested variance are attached to this document.

K. *Natural and historic features including but not limited to trees, shrubs or other significant vegetation, water courses, wetlands, rock outcroppings, development limitation, areas of significant environmental concern, etc;*

Applicant Response:

These factors are not applicable to the requested variance.

L. *Multnomah County Comprehensive Plan policies applicable to the particular parcel or location.*

Applicant Response:

None currently applicable.

2. The Applicant's Proposal Meets the General Variance Criteria

16.200 General Variance Criteria: In order to be granted a variance, the applicant must demonstrate that:

A. Special circumstances or conditions apply to the property or intended use that do not apply to other property in the same area. The circumstances or conditions may relate to the size, shape, natural features and topography of the property or the location or size of physical improvements on the site or the nature of the use compared to surrounding uses;

Applicant: Unlike the surrounding land-uses which are predominantly either low density residential or agricultural in nature, the subject site is a High School which experiences high volumes of traffic generation over short periods of time prior to and after typical student hours. To accommodate these sudden increases in trip generation, multiple points of access are necessary to adequately serve the site. Since the site currently experiences some on-site circulation issues with the current layout of internal travel ways, the proposed remodel and construction of additional accesses are expected to improve the overall operation and safety of the facility. The most significant change is the separation of bus and passenger vehicle traffic. Currently, all traffic is mixed and buses unload in the parking lot aisles. This creates significant queuing and delay for motor vehicles, but also unsafe operation for pedestrians walking to and from buses through the parking lot. The proposed revisions provide clear and direct access to

parking and also separate bus facilities that increase safety and efficiency for all users.

Limited locations are available to construct additional points of access to the site since Sam Barlow High School is an existing facility, with existing pavement/parking, and has significant changes in topography between the site and adjacent roadways near the northeastern section of the campus. The design intent is to stack waiting buses on the site and in a safe gathering area for students. To separate bus and car drop-off, the buses must be moved away from the main parking lot and to the east. Buses must approach the building in a clockwise motion for the doors to face the school. The configuration of three intersections of SE Lusted Road, SE 302nd, and SE Pipeline Road make school access very difficult. In addition, there is a large vertical drop between the site and SE Lusted Road in this portion of the site.

Staff: As the applicant states, the combination of existing permitted uses and improvements, access points, and topography is unique to the subject parcel, in comparison to surrounding uses. The variance improves safety and circulation on-site. Conditions have been included to ensure that transportation impacts are mitigated. *As conditioned, this criterion is met.*

B. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant and extraordinary hardship would result from strict compliance with the standards;

Applicant: In order to improve on-site circulation, operation, and safety of the High School campus, additional points of access onto SE Lusted Road are necessary. Adherence and strict compliance to a single point of access or access spacing standards are not expected to significantly benefit adjacent land-uses or users of the nearby transportation system. Relying on a single point of access would significantly increase on-site delays, congestion, and queues at the site access while decreasing access to emergency response vehicles. Increasing access to the site will have the opposite effect. A single point of access would necessitate mixing of bus traffic and passenger vehicles. Nearly all newer school designs seek to separate these two vehicle types. Also, with the size of the school and the associated trip generation, delays getting into and out of the site would be significant. The access configuration proposed offers improved efficiency and safety.

To avoid significant financial costs to the applicant and tax payers, as a result of re-grading the northeastern section of the site or removing/re-designing significant sections of on-site pavement/parking, variances for the proposed site access locations while maintaining existing accesses are necessary. The northeast road edge is 15 feet below the proposed bus lane. Any on-site drive surface closer to the corner would require structured retaining walls. The school bond includes a set amount of funding that will support the improved bus lane. Added costs for other site access improvements will cut scope to educational program spaces.

Staff: The requested variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, and extraordinary hardship would result from strict compliance with the standards. The unique permitted school use has identified the need for multiple access points to address traffic flow and circulation for all modes of transportation, including motor vehicle, pedestrian and busses. The Fire District has reviewed the proposal. The proposed access configuration aligns with existing improvements on-site and supports the school use and required land use standards for the use. Reconfiguration would require substantial regrading, and realignment of school entrances and uses that exist. *This criterion is met.*

C. The authorization of the variance will not be materially detrimental to the public welfare or injurious to other property in the vicinity, or adversely affect the appropriate development of adjoining properties;

Applicant: Based on the results of the TIS, the two proposed site access driveways and the existing eastern driveway will operate safely and efficiently. Adequate sight distance is available for all proposed access locations as well as the existing easternmost access, except for the northern most access on 302nd.

Based on the TIS and narrative provided in response G, the requested variance will not be materially detrimental to the public welfare or injurious to other property within the site vicinity. Given the possibility that properties north of the school may redevelop in the distant future, future developments may be required to take access opposite of the High School accesses. However, such a requirement would not significantly affect the ability to redevelop these properties.

Staff: Based on a review of the requested variance, staff finds that the authorization of the variance will not be materially detrimental to the public welfare or injurious to other property in the vicinity, or adversely affect the appropriate development of adjoining properties. As the applicant states, the proposal will improve the traffic safety and circulation. *As conditioned, this criterion is met*

D. The circumstances of any hardship are not of the applicant's making.

Applicant: When first built, Sam Barlow High School was constructed in compliance with the development standards of Multnomah County. Accordingly, any standards that may have change and are currently not met by the existing site layout are not of the applicant's making. Sam Barlow was built many years ago when current transportation standards such as access spacing, access management, and sight distance were barely a consideration. Since it was built, many of these development standards have been adopted.

Additionally, the topography change between the northeastern section of the site and adjacent roadways limits the applicant's ability to construct an access near this portion of the site; and therefore, creates a hardship not of the applicant's making. As explained in previous responses, there is a large vertical separation between the site and SE Lusted Road. This has been in place since before the original school was constructed, making it not of the applicant's making.

Staff: As stated by the applicant, a school use currently exists. Minor expansion is proposed. The proposed accesses improve site circulation, removes conflict between motor vehicles, buses and pedestrians, and takes advantage of the configuration approved under previous standards. This approval recognizes the need to develop and increase school operations facilities to this previously approved use to continue to serve the community. Additionally, topography limitations beyond the applicant's control limit locations of access points and where improvements can occur. *This criterion is met.*

11 CONCLUSION

Based on the findings and other information provided above, the applicant has carried the burden necessary to establish the verification and expansion of a non-conforming use to allow for the expansion of the school building with conditions of approval in the MUA-20 zone, and to allow for multiple access points to serve the use. Staff recommends that approval is subject to the conditions of approval established in this staff report.

12 EXHIBITS

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

‘C’ Procedural Exhibits

All other exhibits are available for review in Case File T2-2017-9119 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	Application Form	8-8-2017
A.2	49	Narrative addressing code	8-8-2017
A.3	15	Site Plan, Floor Plan, Landscape Plan, Elevation Drawings, Building Plans	8-8-2017
A.4	18	Traffic Impact Study	8-8-2017
A.5	2	Memorandum on Traffic Management Plan	10-5-2017
A.6	6	Road Rules Variance Request	8-23-2017
A.7	3	Memo on Traffic Management	10-5-2017
A.8	5	Memo on Parking and Access	10-5-2017
A.9	1	Septic Review Certification	9-26-2017
A.10	4	Fire Service Agency Review	7-24-17
A.11	2	Certification of Water Service	8-8-2017
A.12	1	Storm Water Certificate	8-8-2017
A.13	29	Zoning history and exhibits of existing School Building	8-8-2017
A.14	48	Preliminary Drainage Report	7-20-2017
A.15	16	Preliminary Title Report	8-8-2017
A.16	1	Letter from Interface Engineering on Dark Sky Regulations	10-10-2017
A.17	4	Memorandum from Ben Schonberger with response to completeness letter	10-16-2017
A.18	5	Email response from Todd Mobley, Lancaster Engineering addressing county comments on 10-5-17 submittal	1-8-2018

A.19	1	Site Plan with response to staff comments by Lancaster Engineering	1-8-2018
A.20	6	Response to staff comments on Road Rules Variance Memo by Lancaster Engineering	1-8-2018
A.21	5	Response to staff comments on Traffic Impact Analysis by Lancaster Engineering	1-8-2018
A.22	5	Response to staff comments on Traffic Management Plan by Lancaster Engineering	1-8-2018
A.23	2	Sketch and landscaping calculations from applicant	2-8-2018
'B'	#	Staff Exhibits	Date
B.1	2	A&T Property Information and A&T Tax Map with Property Highlighted	NA
B.2	1	Current Warranty Deed	NA
B.3	1	2012 Aerial Photo	NA
B.4	1	Current Zoning Map	NA
B.5	1	Email dated October 24 th , 2017 from Eileen Cunningham and Doug Gates of DAE, Inc. on Transportation Comments on stormwater management report.	NA
B.6	4	Voluntary Compliance Agreement (VCA)	NA
'C'	#	Administration & Procedures	Date
C.1	3	Incomplete Letter	9-15-2017
C.2	1	Applicant's Acceptance of 180 Day Clock	10-6-2017
C.4	3	Opportunity to Comment	12-29-2018
C.5	1	Phone call from Steve Yung at 29737 Lusted Rd (503)-663-5454 about headlights coming into his house because of traffic to new parking area. Requested that landscaping include buffering shrubs.	12-11-2018