

1600 SE 190th Ave, Portland OR 97233-5910 • PH. (503) 988-3043 • Fax (503) 988-3389

NOTICE OF DECISION

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

Case File: T2-2018-10104
Permit: Temporary Permit
Location: 5105 SE 302nd Avenue
Tax lot 100, Section 18, Township 1 South, Range 4 East, W.M.
Tax Account #R994180780
Applicants: Ben Schonberger, 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 a Temporary Permit for the placement of five modular classrooms located within the Multiple Use Agriculture – 20 zoning district in the West of Sandy River Rural Area.

Decision: Approved with Conditions

Unless appealed, this decision is effective Thursday, May 24, 2018 at 4:00 PM.

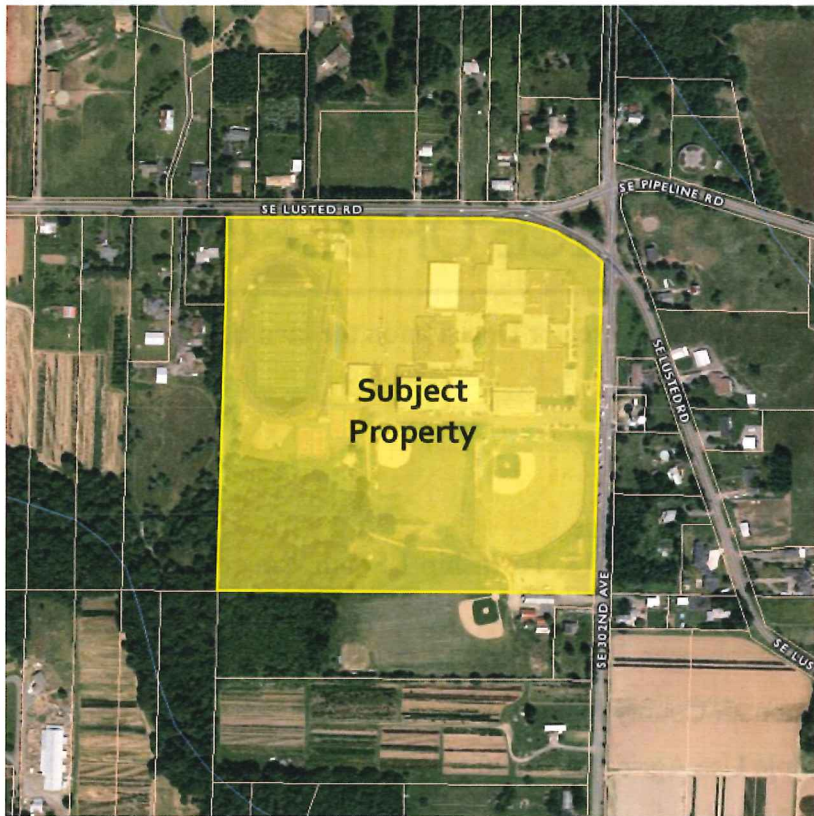
Opportunity to Appeal: This decision may be appealed within 14 days of the date it was rendered, pursuant to the provisions of MCC 37.0640. An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact 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.

Issued by:


Katie Skakel, Senior Planner

For: Michael Cerbone, AICP
Planning Director

Date: Thursday, May 10, 2018



Opportunity to Review the Record: A copy of the Planning Director Decision, and all evidence submitted associated with this application, is 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 email at Katie.skakel@multco.us.

Applicable Approval Criteria: Multnomah County Code (MCC): MCC 37.0560 Code Compliance, Multiple Use Agriculture – 20, MUA-20; MCC 36.2825 Review Uses, MCC 36.0510 - Temporary Permits (A), MCC 36.2855 Dimensional Standards and Development Requirements, MCC 36.2870 Lot of Record, MCC 36.2880 Off-Street Parking and Loading.

Copies of the referenced Multnomah County Code (MCC) can be obtained by visiting our website at multco.us/landuse/zoning-codes under the link *Chapter 36: West of Sandy River Rural Area* or by contacting our office at (503) 988-3043.

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) 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. This temporary permit is for the placement of five, two-classroom modular buildings that will host the classrooms that will be dislocated during construction in phase I – located in the

Northeast Section of the Barlow High School (2018-2019) (Exhibit A.4) It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein.

- 2) Prior to Land Use Planning sign-off for a building permit, the applicant(s), owners or their representative(s) shall:
 - a) Submit approved Fire Access and Water Supply information showing that Multnomah County Rural Fire District #10 has reviewed the proposed development and demonstrates compliance with Fire District requirements.

Note: Once this decision is final, application for building permits may be made with the City of Gresham. When ready to have building permits signed off, the applicant shall call the Senior Planner, Katie Skakel, at (503) 988-0213, for an appointment for review and approval of the conditions and to sign the building permit plans. Please note, Multnomah County must review and sign off the building permits before the applicant submits building plans to the City of Gresham. Three (3) sets each of the site plan and building plans are needed for building permit sign off. At the time of building permit review, a fee will be collected. In addition, an erosion control inspection fee may be required.

Notice to Mortgagee, Lien Holder, Vendor, or Seller:

ORS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser.

Findings of Fact

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

1.00 Project Description:

Staff: The applicant is requesting an Administrative Decision by the Planning Director to place five, two-classroom modular buildings on the existing parking lot while the Sam Barlow High School is being remodeled. This permit is valid for up to a year within the Multiple Use Agriculture – 20 zoning district in the West of Sandy River Rural Area.

According to the applicant, for the upcoming school year, the modular buildings will replace classrooms demolished for the addition at the northeast corner of the existing building. The demolition will occur in July, the temporary classrooms will begin hosting students in September. The construction schedule anticipates the new classroom wing will be finished and can be occupied in fall 2019.” The applicant anticipates requesting another Type II temporary permit in Summer 2019 to use the modulares for a different phase of construction, to replace different classrooms. The work scheduled to begin Fall 2019 is a major renovation of classrooms on the south side of the existing school. Attached (Exhibit A.4) is a sketch showing the two areas.

2.00 Property Description & History:

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 (MUA-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 and Erosion Control (HD) overlay on the southwestern portion of the property. The most recent Decision is T2-2017-9119 was a Non-conforming Use expansion to upgrade and expand Barlow High School.

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 temporary classrooms will be located west of the existing school, in an area currently used for parking just in front of the entrance to the existing school. It is not near the SEC-h overlay area or HD overlay area.

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.

Staff: There are no active code compliance issues associated with the properties; therefore, the County has the authority to issue this land use decision. *This criterion is met.*

4.00 Multiple Use Agriculture -20, MUA-20 Criteria

4.01 § 36.0005 DEFINITIONS

Staff: The subject property for this land use case, Tax lot 100, 1 South, 4 East, Section 18 was found to be a Lot of Record in land use case T2-2017-9119. The property, Tax lot 100, 1 South, 4 East, Section 18 continues to be Lot of Record. *These criteria are met.*

4.02 § 36.2825 REVIEW USES. Uses listed in this section may be permitted after required as Type II decisions pursuant to MCC 37.0510 through 37.0800, as specified for the use.

(A) Temporary Uses when approved pursuant to MCC 36.0510.

§ 36.0510- TEMPORARY PERMITS (A) *Notwithstanding the limitations of use as established by this Chapter in each of the several districts, the Planning Director may issue temporary permits, valid for a period of not more than one year after issuance, for structures, or uses which are of a temporary nature, such as:*

6) Other uses of a temporary nature when approved by the Planning Director.

Applicant: The attached site plan shows the size and location of five, two-classroom modular buildings that will serve Sam Barlow High School during the 2018-19 school year, while a major renovation and reconstruction project is underway. The temporary classrooms will be located west of the existing school, in an area currently used for parking. Once students can move into newly built or renovated spaces in the main school building, the temporary classrooms will be removed from the site, and the parking area where they were located will be restriped according to the approved plan. For the upcoming school year, the modular buildings will replace classrooms demolished for the addition at the northeast corner of the existing building. The demolition will occur in July, the temporary classrooms will begin hosting students in September. The construction schedule anticipates the new classroom wing will be finished and can be occupied in fall 2019.

Staff: According to the applicant, for the upcoming school year, the modular buildings will replace classrooms demolished for the addition at the northeast corner of the existing building. The demolition will occur in July, the temporary classrooms will begin hosting students in September. The construction schedule anticipates the new classroom wing will be finished and can be occupied in fall

2019.” The applicant anticipates requesting another Type II temporary permit in summer 2019 to use the modulars for a different phase of construction, to replace different classrooms. The work scheduled to begin Fall 2019 is a major renovation of classrooms on the south side of the existing school. Attached (Exhibit A.4) is a sketch showing the two areas.

The applicant/property owners have applied for placement of five, two-classroom modular buildings. Subject to compliance with the approval criteria listed in MCC 36.2825 Review Uses and MCC 36.0510 Temporary Permits, the proposed development is allowed through a Type II review process. This request is for temporary classroom structures on the Sam Barlow High School site, allowable under subsection A (6) above, to serve students during construction of permanent classrooms. The timeframe for approval of this temporary permit is from Sept 2018-Sept 2019 which corresponds with the start of school and temporary use that has been applied. Should additional time be necessary; a separate temporary use permit will be required as this permit is only valid for a year.

4.03 § 36.2855 DIMENSIONAL STANDARDS AND DEVELOPMENT REQUIREMENTS.

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.

Staff: The site plan and narrative indicates that the proposed development is approximately 830 feet from the front property line adjacent to 302nd Ave., approximately 820 feet the street side property line adjacent to Lusted Road, approximately 460 feet from the rear property line to the south and approximately 245 feet from the side property line to the west (Exhibit A.3). The above yard requirements have been satisfied. The temporary classrooms are likewise well below the height limit, outside of any setback, and because they are at the center of the site and surrounded by other structures, hardly visible from any adjoining property. The proposed temporary classroom buildings are a necessary and normal part of a school construction project. As stated above, the applicant has proposed five temporary modular classrooms that will be located in the existing parking lot and due to the location is adequately buffered and screened. Since the structures are temporary, additional screening will not be required. *This criterion is met.*

4.05 § 36.2880 OFF-STREET PARKING AND LOADING.

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

Staff: The current requirement for parking at the school, as calculated in the T2-2017-9119 application and decision, is 223 spaces, based on 62 existing classrooms. The current inventory of spaces at the school site is 529 spaces. The proposed modular classrooms will displace about 80 parking spaces, as shown on the site plan. This means that the school overall will have 449 parking spaces available with the temporary structures in place. This inventory is well above the County's minimum space requirement for a school this size. The placement of the

temporary structures allows cars and buses to move around them, maintaining vehicular circulation during construction. *This Criterion is met.*

5.00 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for an Administrative Decision by the Planning Director for a temporary permit for five, two modular classrooms in the Multiple Use Agriculture – 20 (MUA-20) zone. This approval is subject to the conditions of approval established in this report.

6.00 Exhibits

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

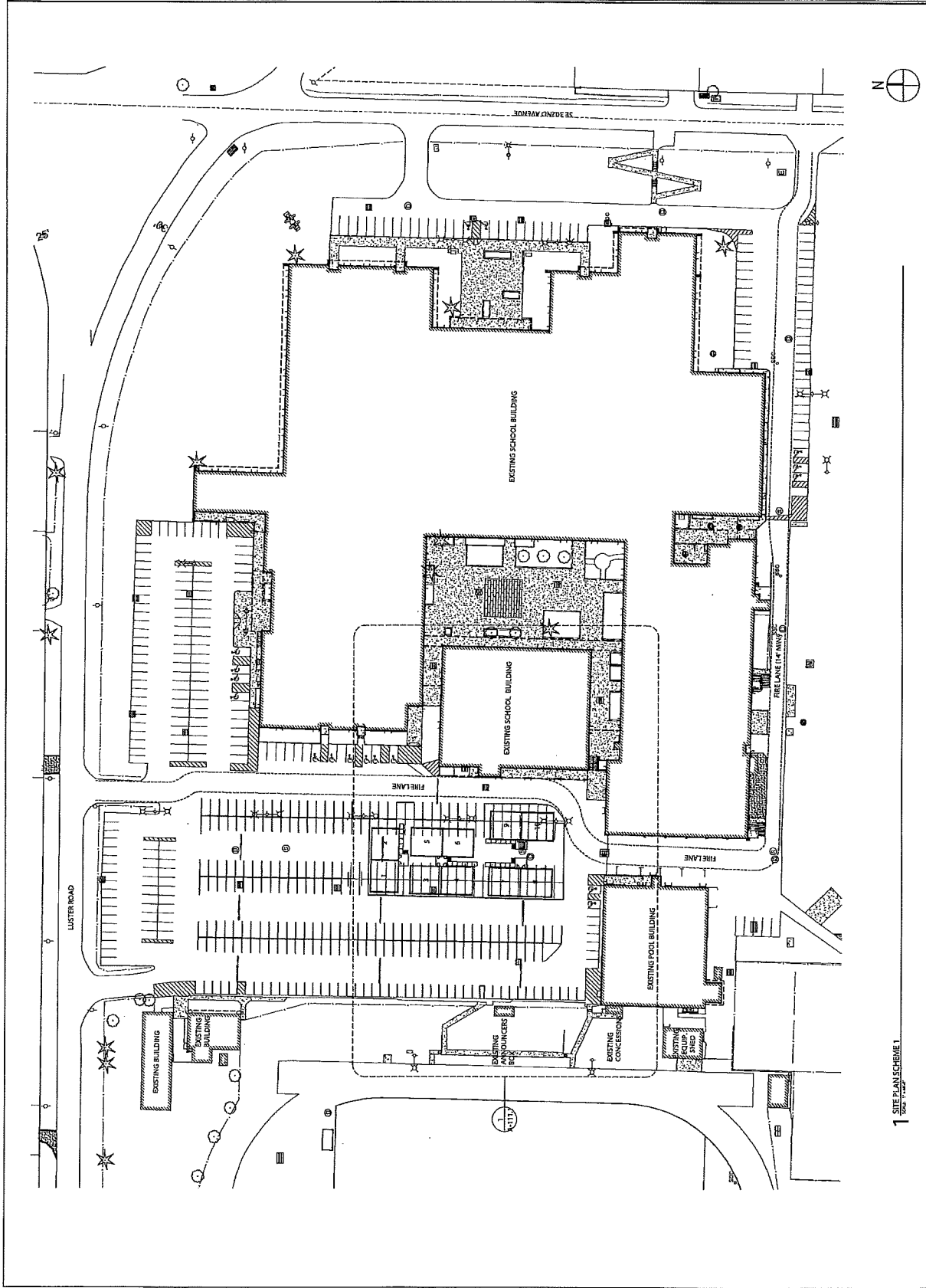
‘C’ Procedural Exhibits

Exhibits with a “*” after the exhibit # have been included as part of the mailed decision. All other exhibits are available for review in Case File T2-2018-10104 at the Land Use Planning office.

| Exhibit # | # of Pages | Description of Exhibit | Date Received / Submitted |
|-----------|------------|--|---------------------------|
| A.1 | 1 | General application form | 03/06/2018 |
| A.2 | 1 | Narrative | 03/06/2018 |
| A.3 | 1 | Site and building plans | 03/06/2018 |
| A.4 | 1 | Schedule of proposed classroom construction and need for temporary classroom | 05/09/2018 |
| ‘B’ | # | Staff Exhibits | Date |
| B.1 | 1 | County Assessment Record for 1S4E18 -00100 (R994180780) | |
| ‘C’ | # | Administration & Procedures | Date |
| C.1 | 1 | Complete letter (Day 1) | 4/4/2018 |
| C.2 | 1 | Opportunity to comment & mailing list | 4/5/2018 |
| C.3 | 7 | Notice of Decision & mailing list | 5/10/2018 |

| NO. | DESCRIPTION | DATE |
|-----|-------------------------|----------|
| 1 | ISSUED FOR PERMIT | 11/11/11 |
| 2 | ISSUED FOR CONSTRUCTION | 11/11/11 |
| 3 | ISSUED FOR CONSTRUCTION | 11/11/11 |
| 4 | ISSUED FOR CONSTRUCTION | 11/11/11 |
| 5 | ISSUED FOR CONSTRUCTION | 11/11/11 |
| 6 | ISSUED FOR CONSTRUCTION | 11/11/11 |
| 7 | ISSUED FOR CONSTRUCTION | 11/11/11 |
| 8 | ISSUED FOR CONSTRUCTION | 11/11/11 |
| 9 | ISSUED FOR CONSTRUCTION | 11/11/11 |
| 10 | ISSUED FOR CONSTRUCTION | 11/11/11 |

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|---|---|
| DRAWN BY: JH | CHECKED BY: JH |
| DATE: 11/11/11 | DATE: 11/11/11 |
| PROJECT NO: 1100000001 | PROJECT NO: 1100000001 |
| PROJECT NAME: GRESHAM BARLOW HIGH SCHOOL DISTRICT | PROJECT NAME: GRESHAM BARLOW HIGH SCHOOL DISTRICT |
| PROJECT ADDRESS: 5105 SE 30TH AVENUE, GRESHAM, OR 97030 | PROJECT ADDRESS: 5105 SE 30TH AVENUE, GRESHAM, OR 97030 |
| PROJECT PHONE: 503.241.1111 | PROJECT PHONE: 503.241.1111 |
| PROJECT FAX: 503.241.1112 | PROJECT FAX: 503.241.1112 |
| PROJECT EMAIL: JH@AXISDESIGN.COM | PROJECT EMAIL: JH@AXISDESIGN.COM |
| PROJECT WEBSITE: WWW.AXISDESIGN.COM | PROJECT WEBSITE: WWW.AXISDESIGN.COM |



1 SITE PLAN SCHEME 1
DATE: 11/11/11