

NOTICE OF DECISION

Case File: T2-2020-13845

Permit: Administrative Decision by the Planning Director

Applicants: Mark Greenfield & Jane Hartline **Owner:** Jane Hartline

Location: 14745 NW Gillihan Rd. Portland
Tax Lot 200 & 300, Section 2N, Township 1W, Range 28A, W.M.
Tax Account #R971280490 & R971280430 Property ID #R325278 & R325273

Base Zone: Multiple Use Agricultural (MUA-20)

Overlays: Significant Environmental Concern – significant wetlands (SEC-w)

Proposal Summary: Applicant request an Administrative Decision by the Planning Director to allow the wholesale and retail sales of native plants from the property.

Decision: **Approved with Conditions**

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is March 19, 2021 at 4:00 pm.

Opportunity to Review the Record: The complete case file, including the Planning Director Decision containing Findings, Conclusions, Conditions of Approval, and all evidence associated with this application is available by contacting the staff planner. Copies of all documents are available at the rate of \$0.35/per page. For further information, contact Marisol Cervantes, Staff Planner at 503-988-9452 or at Marisol.Cervantes@multco.us

Opportunity to Appeal: 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 office at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision is not appealable to the Land Use Board of Appeals until all local appeals are exhausted.

Issued by: _____

By: Marisol Cervantes, Planner

For: Carol Johnson, AICP
Planning Director

Date: Friday, March 05, 2021



Applicable Approval Criteria:

For this application to be approved, the proposal will need to meet applicable approval criteria below:

Multnomah County Code (MCC): General Provisions: MCC 39.1515 Code Compliance and Applications, MCC 39.2000 Definitions

Lot of Record: MCC 39.3005 Lot of Record – Generally, MCC 39.3080 Multiple Use Agricultural (MUA-20)

Multiple Use Agricultural Zone Criteria: MCC 39.4315 Review Use, (B) Farm Sales, MCC 39.4325 Dimensional Requirements & Development Standards, MCC 39.4340 Off-Street Parking and Loading, MCC 39.6500

Parking, Loading Circulation and Access: MCC 39.6560 Access, MCC 39.6570 Improvements, MCC 39.6580 Signs

Copies of the referenced Multnomah County Code sections are available by contacting our office at (503) 988-3043 or by visiting our website at <https://multco.us/landuse/zoning-codes/> under the link:

Chapter 39 - Zoning Code

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. 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.

1. Permit Expiration – This land use permit shall expire as follows:

- a. For a use or development that does not include a structure shall expire two (2) years after the date of the final decision, unless the use or development was established according to all specifications and conditions of approval in the land use approval. [MCC 39.1185(A)]
2. The sale of nursery stock is to be conducted outdoors by appointment only. A maximum of three customers are allowed on the site per hour during the hours of 9AM-6PM daily. Customer parking shall be in the approved parking spaces shown on the site plan. [MCC 39.4315]
3. A maximum of seven (7) special sale events are allowed on the property a year. Maximum length of these sales events is three days. Hours of the special events are limited to 9 am to 6 pm, daily. Customer parking shall occur in the approved parking spaces and on the special event parking area only. The Special Event parking area shall remain in grass and not be used if it becomes muddy or dusty where it could affect the public roads or adjacent property owners. [MCC 39.4315]

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*.

1.0 Project Description:

Staff: The applicant is requesting an Administrative Decision by the Planning Director to allow the wholesale and retail sale of native plants grown on the subject property. The sale of native plants will be by appointment only with two to three customers per hour and sales occurring outdoors. Additionally, the applicant requests up to seven special events a year where an identified group of people will visit the nursery without an appointment to purchase native plants.

2.0 Property Description & History:

Staff: The subject property is located within the Multiple Use Agriculture- 20 (MUA-20) zoning district in the Sauvie Island rural area and consists of two tax lots. Tax lot 2N1W28A-0300 presently has an agricultural “farm” building that acts as a shelter for sheep. Tax lot 2N1W28A-00200 contains one 1970 single family residence, a garden shed and a farm building. The subject property has frontage on NW Gillihan Road.

3.0 Code Compliance and Applications Criteria:

3.1 MCC 39.1515 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 Zoning 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 Zoning 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: This standard provides that the County shall not make a land use decision approving development for a property that is not in full compliance with County Code or previously issued County approvals, except in the following instances: approval will result in the property coming into full compliance, approval is necessary to protect public safety, or the approval is for work related to or within a valid easement.

This standard was originally codified in the Zoning Code chapter related to land use application procedures and, by its terms, expressly applies to the application review process. Although now codified in the enforcement Part of the Zoning Code as a result of the more recent code consolidation project, the language and intent was not changed during that project and remains applicable to the application review process and not to the post-permit-approval enforcement process.

Importantly, a finding of satisfaction of this standard does not mean that a property is in full compliance with the Zoning Code and all prior permit approvals (and, accordingly, does not preclude future enforcement actions relating to uses and structures existing at the time the finding is made). Instead, a finding of satisfaction of this standard simply means that there is not substantial evidence in the record affirmatively establishing one or more specific instances of noncompliance. As such, an applicant has no initial burden to establish that all elements of the subject property are in full compliance with the Zoning Code and all previously approved permits; instead, in the event of evidence indicating or establishing one or more specific instances of noncompliance on the subject property, the applicant bears the burden to either rebut that evidence or demonstrate satisfaction of one of the exceptions in MCC 39.1515.

For purposes of the current application, staff is not aware of any open compliance cases on the subject property, and there is no evidence in the record of any specific instances of noncompliance on the subject property. *This standard is met.*

4.0 Lot of Record Criteria:

4.1 MCC 39.3005 Lot of Record – Generally

(A) An area of land is a “Lot of Record” if it meets the standards in Subsection (B) of this Section and meets the standards set forth in this Part for the Zoning District in which the area of land is located.

(B) A Lot of Record is a parcel, lot, or a group thereof that, when created or reconfigured, either satisfied all applicable zoning laws and satisfied all applicable land division laws, or complies with the criteria for the creation of new lots or parcels described in MCC 39.9700. 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.

Staff: A Lot of Record is a parcel, lot, or a group thereof that, when created or reconfigured satisfied all applicable zoning laws and all applicable land division laws. Tax lot 2N1W28A-00300 was reconfigured into its current configuration through a Property Line Adjustment approved in land use case #T2-05-094 in March 16, 2006. In land use case, T2-2019-12169, the County found that the reconfigured 2N1W28A-00300 was in compliance with the approved property line adjustment and that the reconfigured parcel satisfied all applicable zoning laws and land division laws.

Tax lot 2N1W28A-00200 was created or reconfigured into its current configuration by the recording of a deed on August 18, 1969 located in the Parcel record card (Exhibit B.3). In 1969, the subject tax lot was zoned F-2. The F-2 zone had a minimum lot size of 2 acres at the time. No road frontage or minimum front lot line length was required by the F-2 zone at the time. Tax lot 2N1W28A-00200 is currently 2.4 acres. As the tax lot met the applicable zoning laws at the time. To partition land in 1969, a property owner would need to craft a new legal description and record it in a deed. The deed (Exhibit B.3) that created tax lot 2N1W28A-00200 demonstrates that the applicable land division laws were met at the time of its creation.

The property owner is in the process of adjusting tax lot 2N1W28A-00300 with the neighboring property to the southeast. Land use cases, T2-2019-12169 and T2-2020-13280 have approved the adjustment of the parcel, but until such time as the property line adjustment is completed, the parcel remains in the same configuration as was approved in

T2-05-094. Provided tax lot 2N1W28A-00300 is adjusted in compliance with the recent land use approval T2-2020-13280 it will remain as a legally parcel. *These criteria are met.*

4.2 MCC 39.3080 Lot of Record – Multiple Use Agriculture – 20 (MUA-20)

(A) In addition to the standards in MCC 39.3005, for the purposes of the MUA-20 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, reenacted by Ord. 997.**

(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 39.4345, 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 39.4330, 39.4335, and 39.5300 through 39.5350, 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: Subsection A is for informational purposes only. The two tax lots are separate Lots of Record and are subject to (B) above. The subject tax lots met all applicable zoning and land division laws at the time of their creation or reconfiguration. They may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district provided they remain as Lots of Record. Tax lot 2N1W28A-00300 is in the process of being adjusted through a property line adjustment and will remain a Lot of Record provided the adjustment is completed in compliance with T2-2020-13280. The units of land contained in the subject tax lots are not an area of land described solely for assessment purposes. They were not created by the foreclosure of a security interest or created by court decree.

Tax lot 2N1W28A-00200 is a Lot of Record. Tax lot 2N1W28A-00300 is a Lot of Record.

5.0 Multiple Use Agriculture – 20 Criteria:

5.1 MCC 39.4315 Review Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter.

(B) Wholesale or retail sales of farm or forest products raised or grown on the premises or of farm crops or livestock from other farm operations located in Multnomah County or in adjacent counties of Oregon or Washington bordering on Multnomah County, subject to the following condition:

The location and design of any building, stand or sign in conjunction with wholesale or retail sales shall be subject to approval of the Planning Director on a finding that the location and design are compatible with the character of the area.

Staff: The applicants have requested approval to allow wholesale and a retail sales of native plants grown on site at the subject property. The proposed nursery operation includes 5,000 square feet of nursery space located north of the single family dwelling located on tax lot 200 with the potential of expanding the nursery area onto tax lot 300 (Exhibit A.3 Site Plan). The business operation will chiefly have visitors coming to the site by appointment only during daylight hours. No current or proposed structures will be used for the sales portion of the nursery operation. The proposal also includes scheduling up to seven special sales days a year where an identified group of people would visit the nursery without appointments to purchase native plants.

The applicants are proposing to place one 18” high by 18” wide sign no more than three feet above grade at the intersection of their driveway with NW Gillihan Road. One additional sign will be placed along the fence line near the garage indicating the nursery parking area (Exhibit A.6). The proposed business location and signage are compatible with the character of the area. *Criterion met.*

5.2 MCC 39.4325 Dimensional Requirements & Development Standards

All development proposed in this base zone 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.

(1) Notwithstanding the Minimum Yard Dimensions, but subject to all other applicable Code provisions, a fence or retaining wall may be located in a Yard, provided that a fence or retaining wall over six feet in height shall be setback

from all Lot Lines a distance at least equal to the height of such fence or retaining wall.

(2) An Accessory Structure may encroach up to 40 percent into any required Yard subject to the following:

(a) The Yard being modified is not contiguous to a road.

(b) The Accessory Structure does not exceed five feet in height or exceed a footprint of ten square feet, and

(c) The applicant demonstrates the proposal complies with the fire code as administered by the applicable fire service agency.

(3) A Variance is required for any Accessory Structure that encroaches more than 40 percent into any required Yard.

(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 applicant’s proposal does not include a fence, retaining wall, nor new structures for the nursery operation. *These criteria are not applicable.*

(E) Structures such as barns, silos, windmills, antennae, chimneys or similar structures may exceed the height requirement if located at least 30 feet from any property line.

Staff: Applicants are not proposing structures for the nursery operation. *Criterion is not applicable.*

(F) Agricultural structures and equine facilities such as barns, stables, silos, farm equipment sheds, greenhouses or similar structures that do not exceed the maximum height requirement may have a reduced minimum rear yard of less than 30 feet, to a minimum of 10 feet, if:

(1) The structure is located at least 60 feet from any existing dwelling, other than the dwelling(s) on the same tract, where the rear property line is also the rear property line of the adjacent tract, or

(2) The structure is located at least 40 feet from any existing dwelling, other than the dwelling(s) on the same tract, where the rear property line is also the side property line of the adjacent tract.

(3) Placement of an agricultural related structure under these provisions in (F) does not change the minimum yard requirements for future dwellings on adjacent property.

Staff: Applicants do not propose structures for nursery operation. *Criterion is not applicable.*

(G) 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.

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

(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.

Staff: The application materials do not propose new or replacement impervious surface. The nursery operation will be conducted in open space and not inside structures. *Criterion is not applicable.*

(H) New, replacement, or expansion of existing dwellings shall minimize impacts to existing farm uses on adjacent land (contiguous or across the street) by:

(1) Recording a covenant that implements the provisions of the Oregon Right to Farm Law in ORS 30.936 where the farm use is on land in the EFU zone; or

(2) Where the farm use does not occur on land in the EFU zone, the owner shall record a covenant that states he recognizes and accepts that farm activities including tilling, spraying, harvesting, and farm management activities during irregular times, occur on adjacent property and in the general area.

Staff: *Criterion is not applicable to this application.*

(I) Required parking, and yard areas shall be provided on the same Lot of Record as the development being served.

Staff: The required parking spaces are provided near the single family dwelling's driveway. The subject property is a Lot of Record per T2-05-094 as addressed in Section 4.1. *This criterion is met.*

(J) All exterior lighting shall comply with MCC 39.6850.

Staff: The nursery operation will operate during daylight hours no outdoor lighting is proposed or will be needed to operate the nursery. *Criterion not applicable.*

5.3 MCC 39.4340 Off Street Parking and Loading

Off –Street parking and loading shall be provided as required by MCC 39.6500 through 39.6600.

Staff: The proposed parking will be reviewed below in Section 6. *Criterion met.*

6.0 Parking, Loading Circulation and Access:

6.1 MCC 39.6560 Access

(A) Where a parking or loading area does not abut directly on a public street or private street approved under Part 9 of this 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.

Staff: The subject property driveway is about ¼ mile from Gillihan Rd. and less than 20 feet in width as stated in (Exhibit A.1) and shown on photos (Exhibit A.6). Parking signs are located along the driveway as shown in (Exhibit A.6). The applicants are requesting a deviation under MCC 39.6570.

(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:

- (1) The authorized provider of structural fire service protection services verifies that the proposed deviation complies with such provider's fire apparatus access standards, or, if there is no such service provider, the building official verifies that the proposed deviation complies with the Oregon Fire Code;**
- (2) The County Engineer verifies that the proposed deviation complies with the County Road Rules and the County Design and Construction Manual Standards;**
- (3) Application of the dimensional standard would present a practical difficulty or would subject the property owner to unnecessary hardship; and**
- (4) Authorization of the proposed deviation would not:**
 - (a) be materially detrimental to the public welfare;**
 - (b) be injurious to property in the vicinity or in the base zone in which the property is located; or**
 - (c) adversely affect the appropriate development of adjoining properties.**

Staff: Due to the driveway being less than 20 feet in width a deviation is required under MCC 39.6570. The Fire Service form (Exhibit A.4) indicates the proposed development is in compliance with the fire apparatus access standards of the Oregon Fire Code. Additionally The Transportation Planning Review form (Exhibit A.5) verified a variance to the Road Rules or the Design and Construction Manual is not required. The current driveway / deviation has a gravel pullover near the metal barn, another gravel pullover approaching the parking area and a circular turnaround serving the parking area. The driveway does not pose an adverse affect to adjoining properties nor change the character of the subject property. *This criterion is met.*

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

Staff: Parking is located near the house driveway and additional parking is outlined near the pasture area for the five to seven sales event day parking (Exhibit A.3). The two parking spaces for the appointment only nursery sales are located near the home.

MCC 39.6570 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 and thereby authorize, alternate surfacing systems that provide a durable dustless surface, including gravel. A deviation under this paragraph may be permitted and authorized only upon finding that each parking area supporting the existing and the proposed development meets the following standards in subparagraphs (a) and (b) and, for parking areas of four or more required parking spaces, also meets the following standards in subparagraphs (c) and (d):

(a) The authorized provider of structural fire protection services verifies that the proposed deviation complies with such provider's fire apparatus access standards, or, if there is no such service provider, the building official verifies that the proposed deviation complies with the Oregon Fire Code;

(b) The County Engineer verifies that the proposed deviation complies with the County Road Rules and the County Design and Construction Manual Standards. Alternative surfacing can be considered for all areas used for parking, loading and maneuvering, including the driveway; however, approaches to paved public right-of-way shall be paved for a minimum of 21 feet from the fog line, or for a greater distance when required by the County Engineer;

(c) Authorization of the proposed deviation would not:

- 1. be materially detrimental to the public welfare;**
- 2. be injurious to property in the vicinity or in the base zone in which the property is located; or**
- 3. adversely affect the appropriate development of adjoining properties; and**

(d) Any impacts resulting from the proposed resurfacing are mitigated to the extent practical. Mitigation may include, but is not limited to, such considerations as provision for pervious drainage capability, drainage runoff control and dust control. A dust control plan is required when a

dwelling, excluding any dwelling served by the driveway, is located within 200 feet of any portion of the driveway for which gravel or other similar surfacing materials is proposed. Common dust control measures include, but are not limited to, reduced travel speeds, gravel maintenance planning, establishment of windbreaks and use of binder agents.

Staff: The applicant requests three parking spaces for the appointment only sales of the nursery and the grass area for the sales event. The parking area has been asphalt chipped creating no dust and the applicant has designated the parking spaces using 4x4 headers to show the parking space (Exhibit A.6). The Sauvie Island Fire Department has approved the deviation (Exhibit A. 4) and the County Engineer as well (Exhibit A.5). The parking area is entirely located on the subject property away from adjoining properties not impacting appropriate development. *Criterion is met.*

(3) Notwithstanding paragraph (A)(1) of this section, parking fields for intermittent uses such as special events associated with 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.

Staff: *Criterion is not applicable to this application proposal.*

(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 RC, BRC, SRC, PH-RC, OR, OCI and all 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.

Staff: As show in (Exhibit A.3) the parking area is not located near adjoining properties and vehicles entering and exiting NW Gillihan Road have proper ingress and egress from the site. *Criterion is met.*

(C) Marking - All areas for the parking and maneuvering of vehicles shall be marked in accordance with the approved plan required under MCC 39.6515, and such marking

shall be continually maintained. Except for development within the RC, BRC, SRC, PH-RC, OR, or OCI zones, a graveled parking area with fewer than four required parking spaces is exempt from this requirement.

Staff: As show in (Exhibit A.3 and A.6) the parking areas are shown / marked on the site plan and a parking sign is located near the driveway to direct the public. *Criterion is met.*

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

Staff: The site already exists as residential parking area and grading will not be necessary. *Criterion met.*

(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 provided. Such structures shall meet the setback, height and other requirements of the base zone which apply.

Staff: Criteria is not applicable to the proposed nursery operation as no structures are proposed nor are operations conducted inside a structure.

9.0 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Administrative Decision by a Planning Director to establish a retail and wholesale nursery by appointment only in the Multiple Use Agricultural-20 [MUA-20] zone. This approval is subject to the conditions of approval established in this report.

10.0 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. Those exhibits have been reduced to a size of 8.5” x 11” for mailing purposes. All other exhibits are available for review in Case File T2-2020-13845 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	1	General Application Form	10.09.2020
A.2	7	Applicant Narrative	10.09.2020
A.3*	1	Proposed Site Plan	10.09.2020

A.4*	3	Fire Service Agency Review	10.09.2020
A.5	3	Transportation Permit	10.09.2020
A.6	10	Applicant's photos of nursery	10.09.2020
'B'	#	Staff Exhibits	Date
B.1	2	Division of Assessment, Recording, and Taxation (DART): Property Information for R325278 (Alt Acct# R971280490)	10.09.2020
B.2	1	Division of Assessment, Recording, and Taxation (DART): Map with R325273 (Alt Acct# R971280430)	10.09.2020
B.3	3	Assessment and Taxation Parcel Record Card Information for 2N1W28A-00200 (Alt Acct # R971280490)	02.02.2021
'C'	#	Administration & Procedures	Date
C.1	1	Complete letter (day 1)	11.03.2020
C.2	4	Opportunity to Comment and mailing list	11.20.2020
C.3	15	Administrative decision and mailing list	03.05.2021