



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING
AND DEVELOPMENT
2115 S.E. MORRISON STREET
PORTLAND, OREGON 97214
(503) 248-3047

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY • CHAIR OF THE BOARD
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER
GRETCHEN KAFOURY • DISTRICT 2 COMMISSIONER
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POLLY CASTERLINE • DISTRICT 4 COMMISSIONER

BOARD OF COUNTY COMMISSIONERS

Tuesday, January 5, 1988

9:30 a.m., Room 602

The following Decisions are reported to the Board for acceptance and implementation by Board Order:

- PR 1-87 Approve a change in the Comprehensive Plan, adding "Beggar's Tick Marsh" to the Goal 5 Inventory of Significant Resource sites and map;
- ZC 2-87 Approve amendment of Sectional Zoning Map #424, changing the described property from LM, light manufacturing, FF, Flood Fringe to LR-40, low density residential, FF, Flood Fringe, SEC., Area of Significant Environmental Concern
- OS 1-87 Approve designation of the subject site as Open-Space pursuant to ORS 745.790, all for property at 5925 SE 111th Avenue, between SE 109th and SE 111th Avenues and between SE Reedway and the railroad right-of-way.

The following Decisions are reported to the Board for acknowledgement by the Presiding Officer:

CS 8-87 Approve, subject to conditions, request for expansion of Community Service use to allow construction for new parking areas, an education building and a new sanctuary, all for property at 13312 NE SanRafael Street.

LE 10-87 Approve, subject to conditions, a 17.18-acre Lot of Exception to allow this 36.18-acre Lot of Record to be divided into lots of 19 and 17.85 acres in the Multiple Use Forest zoning district, for property at 15710 NW McNamee Road.

CU 25-87 Approve, subject to conditions, conditional use request for the conversion of the use of this property to an automobile repair facility, for property at 15570 SE Stark Street.

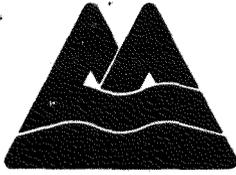
CU 26-87 Deny conditional use request for a change to another unlisted use to allow the conversion of the use of this property from automobile restoration to that of automobile storage for a maximum of 50 vehicles, for property at 12920 SE Holgate Blvd.

Other Item for Board Action.

Auto Wrecker's License - Renewal

Submitted to the Board with a recommendation that the same be approved

B.O. and C.H., Inc.
dba 82nd Auto Wrecking
8555 SE 82nd Avenue, 97266



MULTNOMAH COUNTY OREGON

Department of Environmental Services/Division of Planning and Development/2115 S.E. Morrison St./Portland, Oregon 97214 • 248-5270

DECISION OF THE MULTNOMAH COUNTY PLANNING COMMISSION

Meeting of December 14, 1987

IN THE MATTER OF:

PR 1-87, #424	<u>Residential, Flood Fringe</u>
ZC 2-87, #424	<u>Area of Significant Environmental Concern, Open Space</u>
OS 1-87, #424	<u>Pursuant to ORS 308.745 to 308.790</u>
	<u>(Beggar's Tick Marsh)</u>

Applicant requests an addition of 19.5 acres of urban wetland wildlife habitat area known as "Beggar's Tick Marsh" to the Goal 5 Inventory to the Significant Areas Map and to related sections of the Comprehensive Plan. Applicant further requests a change in zone designation from LM, FF, Light Manufacturing, Flood Fringe to LR-40, FF, SEC, Urban Low Density Residential, Flood Fringe, Significant Environmental Concern district to accomplish the goal of protecting this unique habitat area. In addition, designation of the site as Open Space, pursuant to ORS 308.745 to 308.790, is requested.

Location: 5925 SE 111th Avenue
(Between SE 109th and SE 111th Avenues and
Between SE Reedway Street and the Railroad R/O)

Legal: Lots 3, 4, 5, 6 and 7, Blk. 2, Garbade;
Tax Lot '6' of Lots 1 and 2, Garbade;
Blocks 57, 58 and 65, Mentone Addition;
Tax Lots '19' and '14', Blk. 66, Mentone;
Tax Lot '297', Section 15, 1S-2E,
All on 1987 Assessor's Map

Site Size: 19.5 Acres Size Requested: Same

Property Owner: Multnomah County Property Management
2505 SE 11th Avenue, 97202

Applicant: Same

Comprehensive Plan: Light Industrial

Present Zoning: LM, FF, Urban Light Manufacturing, Flood Fringe
District

Sponsor's Proposal: LR-40, FF, SEC, Urban Low Density Residential, Flood
Fringe, Significant Environmental Concern District.
Open-Space designation pursuant to ORS 208.745 to
308.790.

PLANNING COMMISSION DECISION #1:(PR 1-87)

Approve a change in the Comprehensive Plan, adding
"Beggar's Tick Marsh" to the Goal 5 Inventory of
Significant Resource sites and map;
Approve a change in the Comprehensive Plan, adding
"Beggar's Tick Marsh" to the Areas of Significant
Environmental Concern, list and map;

DECISION #2: (ZC 2-87) Approve amendment of Sectional Zoning Map #424,
changing the described property from LM, Light
Manufacturing, FF, Flood Fringe to LR-40, Low Density
Residential (40,000 square foot lot size), FF, Flood
Fringe, SEC, Significant Environmental Concern
District;

DECISION #3: (OS 1-87) Approve designation of the subject site as Open Space,
pursuant to ORS 308.745 to 308.790,

All based on the following Findings and Conclusions.

S E HAROLD STREET

LR-7

LR-7 FF

ZC 142-59/D

north



CASES:..... PR 01-87, ZC 02-87, & OS 01-87

1/4 SEC MAP:..... 3641

SITE LOCAT:.... SW 1/4 SEC 15, T1S, R2E

SZM SHOWN:..... 424

MAP SCALE:..... 1 inch to 200 feet

LR-7 FF

ZC 8-57
LM FF

ZC 120-61

ZC 142-59

ZC 99-70 DENIED

S E REEDWAY STREET

LM
FF

ZC 6-64

S E KNIGHT STREET

ZC 62-77

GMFF

ZC 211-59

S E MARTIN STREET

ZC 91-60

CITY

PORTLAND TRACTION CO (PEP CO RLWY)

ZC 97-60

ZC 58-72

ZC 170-65
ZC 150-66

CITY

AVE.

LM
FF

ZC 67-77

ZC 94-69

ZC 28-56

ZC 36-67

30-56

56-71

6-10

2. Comprehensive Plan Amendment Criteria:

A. Goal 5 Inventory of Significant Resource Sites and Map:

(1) Statewide Planning Goal 5 (OAR Chapter 660, Division 16) requires local governments to:

- a) inventory significant natural resources, including wetlands, wildlife habitat, natural areas, and open space;
- b) provide a determination of the location, quality, and quantity of each of the resource sites;
- c) consider conflicting uses for each site;
- d) weigh economic, social, environmental, and energy consequences of the conflicting use and of preservation of the resource sites; and
- e) develop a program to achieve the goal.

(2) In response to the above requirements, the following Findings are given; underlined sections will be added to Multnomah County's "Goal 5-Inventory of Significant Resource Sites" of the Comprehensive Framework Plan, Volume 1, Findings beginning on page 37 as an additional site number 9:

a) Inventory.

Field work done by the City of Portland in 1986 as a part of their Goal 5 Study provided needed information regarding this site which the County lacked. Also, the location has recently been added to the Portland Audubon Society's urban wildlife habitat inventory, (article titled "Beggar's Tick Marsh" in "The Urban Naturalist", a publication of the Portland Audubon Society.

Also contributing to the justification of adding this site to the Goal 5 inventory is the work in progress by the Multnomah County Park Services Division. They are in the process of preparing a management plan for Beggar's Tick Marsh. The objectives of the plan will be to 1) preserve the natural habitat, 2) encourage appreciation of the significant urban wetland, and 3) establish preservation enforcement measures.

b) Quality/Quantity.

Beggar's Tick Marsh is a high quality wetland providing valuable wildlife habitat as an island refuge in an urban setting. It is classified as "Palustrine, Emergent Persistent (plants), Permanently, Semi-Permanently, and Seasonally Flooded", and "Palustrine, Scrub-Shrub, Semi-Permanently, and Seasonally Flooded". The littoral is vegetated with dense growth of blackberry, willow, and

hawthorne. About 20 percent of the inundated area consists of emergent cattail, spike-rush, sedge, and spirea. A great number and diversity of birds utilize the Marsh, as well as reptiles, amphibians, and small mammals (muskrats and beavers). In addition, the area provides beneficial storm water retention during flooding of Johnson Creek. Few wetlands of this quality remain in the Portland urban area. An analysis of the Conflicting Uses; Economic, Social, Environmental, and Energy Consequences; and a Protection Program are on file in the Division of Planning and Development Offices.

c) Conflicting Uses.

The site is currently zoned LM, Urban Light Manufacturing, FF, Flood Fringe. The primary uses of this zone include light industry, manufacturing, and storage. Such uses would require filling-in of the wetland to build structures, resulting in a destruction of the wetland, wildlife, and natural area values of the site.

Although the property is owned by Multnomah County, that in itself is not considered to be sufficient guarantee of protection according to State guidelines. Therefore, the site is proposed to be zoned LR-40, Low Density Residential - 40,000 square feet minimum lot area. The Comprehensive Plan designation is proposed to remain Light Industrial. The LR-40 zone allows the lowest density of development of all the County urban zones. Two additional overlay zones are either in place or proposed. The existing Flood Fringe designation requires County approval of all proposed fill and development. The proposed Significant Environmental Concern overlay zone provides an additional review in regard to any environmental or aesthetic concerns of development. Development of the site under this zoning would be unlikely. But, if it did occur, after transfer into private ownerships, it would only be single family homes on very large lots under severe design and construction restrictions.

d) Economic, Social, Environmental, and Energy Consequences.

i) Economic Consequences. Filling portions of the wetland to provide for light manufacturing uses (the Plan designation) or very low density residential uses (the (proposed) zone) may result in additional flooding of nearby properties if the flood storage capacity of the Marsh were reduced. Preserving the wetland and wildlife habitat represents lost opportunities for locating light manufacturing or residential uses at the site. Such uses generally provide higher economic reward and property tax income than wetland preservation and flood storage. However, there is adequate vacant land zoned for manufacturing and residential uses that is more readily developable in the vicinity.

- ii) Social Consequences. Open-space and natural areas such as Beggar's Tick Marsh provide a natural refuge for people who wish to escape the often noisy, human-built urban area. The Marsh could provide an attractive environment for recreational opportunities close to a large urban population as well as provide excellent educational opportunities for area schools and those interested in natural history. Conversely, allowing industrial or residential development would destroy these values and opportunities.
- iii) Environmental Consequences. Developing the Marsh for light manufacturing uses (and to a lesser extent for residential uses) would have severe negative environmental consequences. Wildlife habitat, natural areas, open-space, and flood storage values would be lost. Few wetland resources of the quality of Beggar's Tick Marsh remain in the Portland area. Nationwide, it is estimated that 54 percent of the wetlands in the lower 48 states have been lost.
- iv) Energy Consequences. No known energy sources beyond Solar Energy exist in Beggar's Tick Marsh. Maintaining the Marsh as open-space may have both positive and negative impacts on energy consumption. More energy may be used if light manufacturing businesses are forced to locate further from the population core, increasing travel time of workers because space is not available at the Marsh. This is unlikely since there is ample vacant land zoned LM in the area. On the other hand, less energy may be used because recreational opportunities would be provided close to the population center, thus reducing travel time of recreationists.
- e) Proposed Program
 - i) State law requires the County to develop a program to achieve the Goal in one of three ways:
 - Protect the resource site,
 - Allow conflicting uses fully, or
 - Limit conflicting uses.
 - ii) Based upon the above discussion, the County has chosen to protect this resource site. The combination of 1) County ownership, 2) downzoning to the lowest density urban zone, 3) a policy of severe review of any fill or development permit requests in the Flood Fringe zone, 4) close adherence to standards of the Significant Environmental Concern zone and plan policies in reviewing any proposed changes to the site, and 5) the open-space designation (ORS 308.745 to 308.790) all serve to protect the resource to the maximum possible under present County Plan policies and ordinances.

B. Areas of Significant Environmental Concern

- (1) Policy 15 of the Comprehensive Framework Plan provides an overlay classification, "Areas of Significant Environmental Concern" (SEC) to be applied to areas having significant natural or man-made features with one or more special public values, including:

"Recreation value, e.g., rivers, lakes, wetland;

Educational Research value, e.g., ecologically and scientifically significant lands;

Public safety, e.g., municipal water supply watersheds, flood water storage areas, vegetation necessary to stabilize river banks and slopes;

Scenic value, e.g., areas valued for their aesthetic appearance; and

Natural area value, e.g., areas valued for their fragile character as habitats for plant, animal or aquatic life, or having endangered plant or animal species, or for specific natural features, or valued for the need to protect natural areas...".

- (2) Beggar's Tick Marsh should be added to the listing of "areas of significant environmental concern" on page 63 of the Multnomah County Comprehensive Framework Plan, Volume 2: Policies because of the following:

- a) A detailed field study of the site done for the City of Portland's Goal 5 inventory resulted in a very high rating of the property as a wetland and a recommendation to preserve the resource. An example of the habitat found included the presence of 16 different wintering bird species.
- b) Based upon the preceding descriptions of the subject marsh and supporting studies on file, the following "Factors of Significant Environmental Concern" would apply as illustrated on page 62 of the Framework Plan, Volume 2: Policies: State/Federal Protection Program (U.S. Corps of Engineers and State Division of State Lands Wetland protection); Unique Wildlife Habitat (within an urban area); Recreational Needs; and Flood Hazards. Beggar's Tick Marsh will be added to the areas listed on page 62 and each of the preceding factors checked. Also, the site would be added to the map placed between pages 62 and 63.
- c) Adding the SEC protection to the site within the plan and overlay zone is a vital part of the proposed program to protect the resource (2.A.(2)(e) above). Areas within the SEC overlay are subject to a review process for new development which results in the imposition of design standards to minimize adverse environmental or aesthetic impact

3. Zone Change Criteria.

A. Subsection MCC 11.15.8230(1) of the Multnomah County Zoning Code lists the approval criteria for a zone change and plan amendment. The burden is to persuade that:

- "(1) Granting the request is in the public interest;
- (2) There is a public need for the requested change and that need will be best served by changing the classification of the property in question as compared with other available property; and
- (3) The proposed action fully accords with the applicable elements of the Comprehensive Plan."

B. In response to the above approval criteria, the following Findings are given:

(1) Public Interest:

The change in zoning district from Light Manufacturing to Low Density Residential-40 restricts the potential intensities of land uses to the least allowed in the urban zones. That change along with the SEC and FF restrictions will preserve the present state and also allow and control any future, very minor modifications to the site as might be envisioned in a County Parks management plan (i.e., trails and interpretation stations). The public values gained by this action include the preservation of plant and wildlife habitat, recreation, flood water storage, and retention of an urban open space.

(2) Public Need:

Few sites remain in the Portland urban area which contain such quality wetlands as this important wildlife habitat. The need to preserve such areas for the public benefits they provide is recognized in the Comprehensive Plan. In addition, the site is needed in its natural state to maintain flood storage benefits.

(3) Comprehensive Plan:

The zone change is consistent with Comprehensive Plan Policies No. 15, Areas of Significant Environmental Concern, and No. 16, Natural Resources.

- a) As discussed above (2.B.), the site provides the public values contemplated by Policy 15, Areas of Significant Environmental Concern. The plan and zone change is needed to place the overlay designation to the site to further protect those values.
- b) The proposed zone change to LR-40 would further protect this natural resource area and its wildlife habitat, a goal of Policy 16, which is a reiteration of the State Goal 5 requirement (see 2.A.).

4. Open Space Criteria.

A. The burden is upon the applicant for open-space approval to demonstrate that the proposal will:

- (1) Conserve or enhance natural or scenic resources;
- (2) Protect air or streams or water supplies;
- (3) Promote conservation of soils, wetlands, beaches, or tidal marshes;
- (4) Conserve landscaped areas, such as public or private golf courses, which enhance the value of abutting or neighboring property;
- (5) Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations, sanctuaries, or other open-spaces;
- (6) Enhance recreation opportunities;
- (7) Preserve historic sites;
- (8) Promote orderly urban or suburban development;
- (9) Affect any other factors relevant to the general welfare of preserving the current use of the property.

The approval authority shall weigh the benefits to the general welfare of preserving the current use of the property against the potential loss in revenue which may result from granting the application. However, the approval authority may not deny the application solely because of the potential loss in revenue which may result from granting the application.

The approval authority may approve the application with respect to only part of the land which is the subject of the application; but if any part of the application is denied, the applicant may withdraw the entire application.

B. In response to the above approval criteria, the following findings are given:

- (1) The County, initiating the aforementioned plan and zone changes, and the projected formulation of a management plan by the Parks Division, has demonstrated their desire to conserve and enhance this resource.
- (2) If left in its current use as a wetland and wildlife habitat, then Criteria 1, 2, 3, 5, 6, and 9 above would be met.
- (3) Designation of this property as Open-Space would place it in a tax deferred category. Since Multnomah County currently owns the property, no revenue would be lost.

- (4) Designation of Beggar's Tick Marsh as Open-Space establishes a clear intent by the County to keep the property in County ownership and in its present use.

Conclusions.

1. Plan Amendment (PR 1-87).

- A. Beggar's Tick Marsh is a wetland resource of sufficient quality to be included on the "Goal 5 - Inventory of Significant Resource Sites" in the Comprehensive Plan, and be shown on the Significant Resource Sites Map.
- B. The Marsh should be protected from future development. Positive social and environmental consequences resulting from preservation outweigh negative economic consequences of lost light manufacturing sites.
- C. As a "Significant Resource Site", Beggar's Tick Marsh should be included in the overlay classification, "Areas of Significant Environmental Concern". A special review process would then be required for any changes to the site. That process is important for protecting the resource whether it is in public or private ownership.

2. Zone Change (ZC 2-87).

The proposal to downzone Beggar's Tick Marsh meets the zone change criteria. The wetland is in the public interest, there is a public need for the wetland, and it meets Comprehensive Plan Policies. The change of zone to Low Density Residential and the addition of the SEC overlay are effective implementation tools to protect the Goal 5 resource.

3. Open-Space (OS 1-87).

Beggar's Tick Marsh is appropriate for an open-space designation, based on Finding No. 4 because it:

- A. Conserves scenic resources;
- B. Protects Johnson Creek from additional flooding that would occur if the land was developed;
- C. Promotes conservation of wetlands;
- D. Enhances recreation opportunities; and
- E. Provides wildlife habitat.

IN THE MATTER OF PR 1-87/ZC 2-87/OS 1-87:

Signed December 14, 1987

By *Ruth Spetter, Jr.*
Ruth Spetter, Chairperson

December 24, 1987
Filed with Clerk of the Board

Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 4:00 p.m. on Monday, January 4, 1988 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision in this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, January 5, 1987 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Division of Planning and Development at 248-5270.



MULTNOMAH COUNTY OREGON

Department of Environmental Services/Division of Planning and Development/2115 S.E. Morrison St./Portland, Oregon 97214 • 248-5270

DECISION OF THE
MULTNOMAH COUNTY PLANNING COMMISSION

Meeting of December 14, 1987

IN THE MATTER OF:

CS 8-87, #370

Modification of Community Service Designation
(Three-Phased Church Expansion)

Applicant requests a modification of the Community Service designation of this property to allow a phased expansion of the church use of the property. Phase I involves the replacement of the existing building with a 13,500-square foot classroom building and Phase II, the construction of a 9,000-square foot sanctuary. The remainder of the property will be improved with parking and landscaping.

Location: 13312 NE SanRafael Street

Legal: Tax Lots '190', '363', '373' and '417'
of Lot 11, Richland Addition, Plus
Tax Lot '4' of Lots 10 and 11, Richland Addition
1984 Assessor's Map

Site Size: 2.94 Acres

Size Requested: Same

Property Owner: Gateway Baptist Church
13312 NE SanRafeal Street, 97230

Applicant: IMF Development, Inc.
13781 South Forsythe, Oregon City, 97045

Comprehensive Plan: Low Density Residential

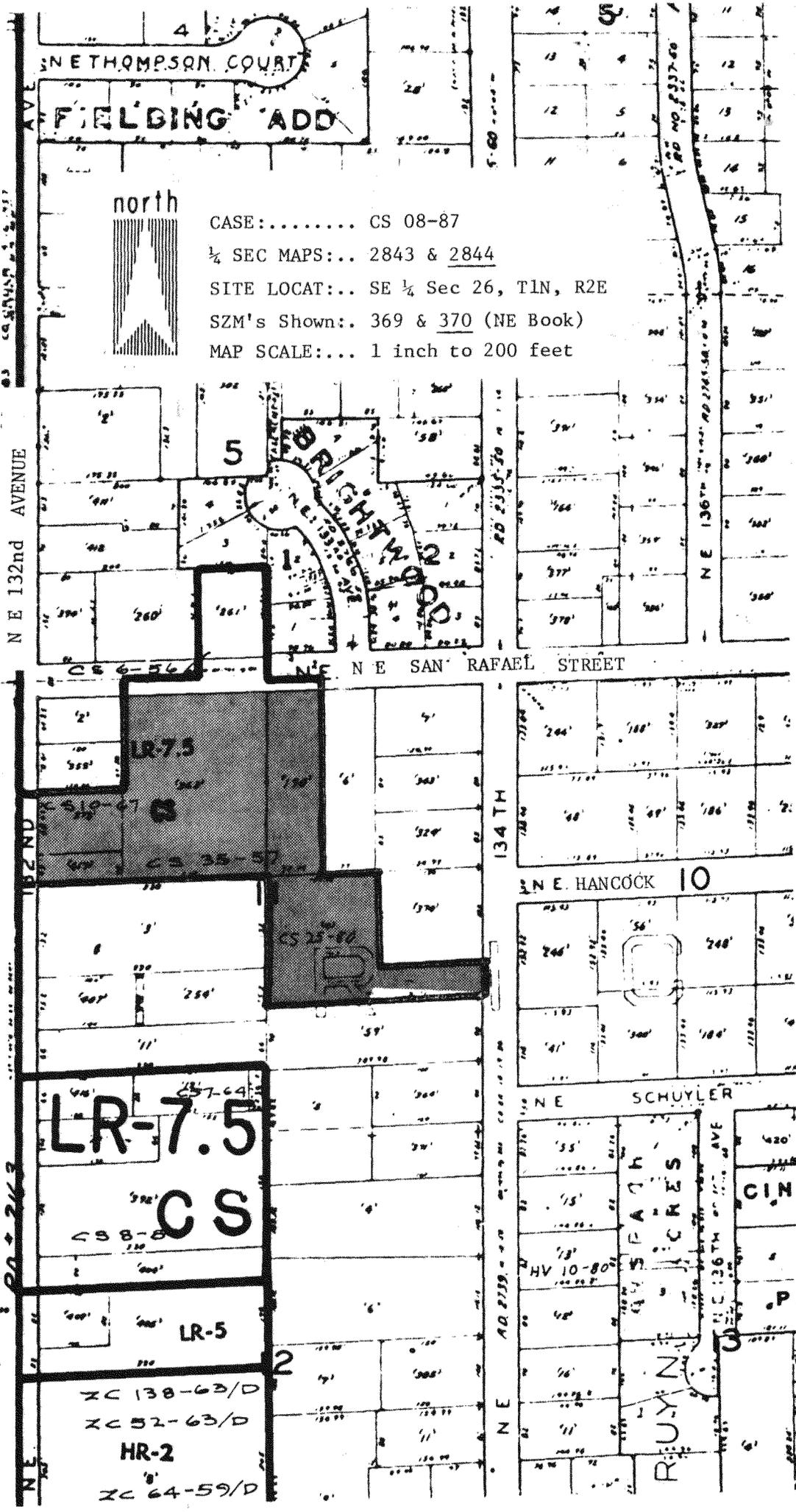
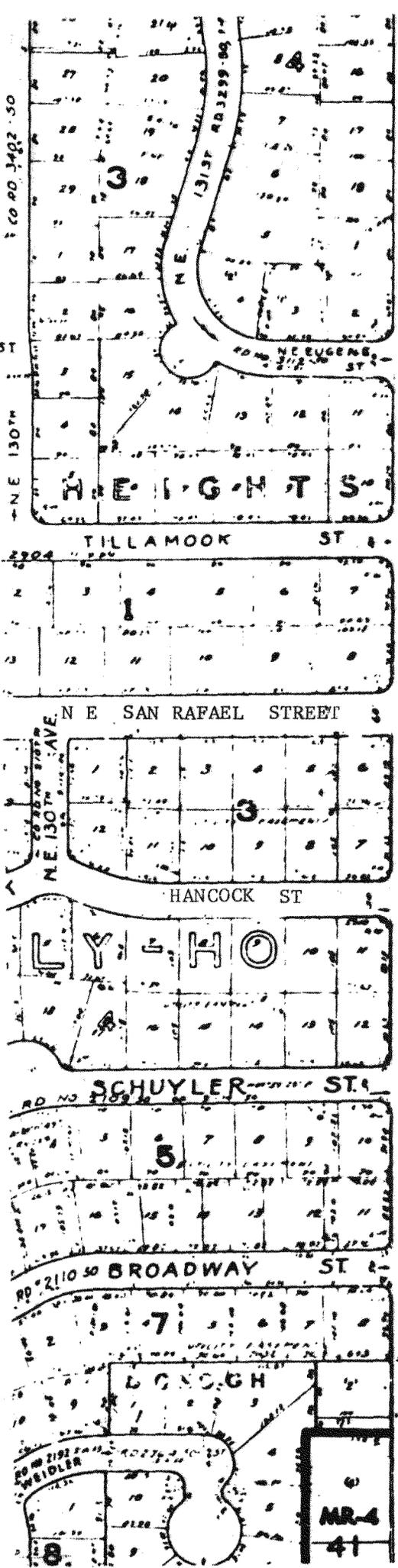
Present Zoning: LR-7.5, C-S, Urban Low Density Residential,
Community Service District
Minimum lot size of 7,500 square feet for one single family residence.
Community service permits use of zoned property for a special use, such
as a church, school, park, public utility, healthcare facility, etc.

PLANNING COMMISSION
DECISION #1:

Approve, subject to conditions, request for expansion
of the Gateway Baptist Church site to allow construc-
tion of a new parking area, an education building and
a new sanctuary;

DECISION #2:

Deny access to NE 134th Place
All based on the following Findings and Conclusions.



CASE:..... CS 08-87
 1/4 SEC MAPS:... 2843 & 2844
 SITE LOCAT:... SE 1/4 Sec 26, T1N, R2E
 SZM's Shown:.. 369 & 370 (NE Book)
 MAP SCALE:... 1 inch to 200 feet



NETHOMPSON COURT
 FIELDING ADD

BRIGHT ST
 NE BRIGHT ST

LR-7.5
 CS 35-47
 CS 35-52
 CS 35-60

LR-7.5
 CS 8-8

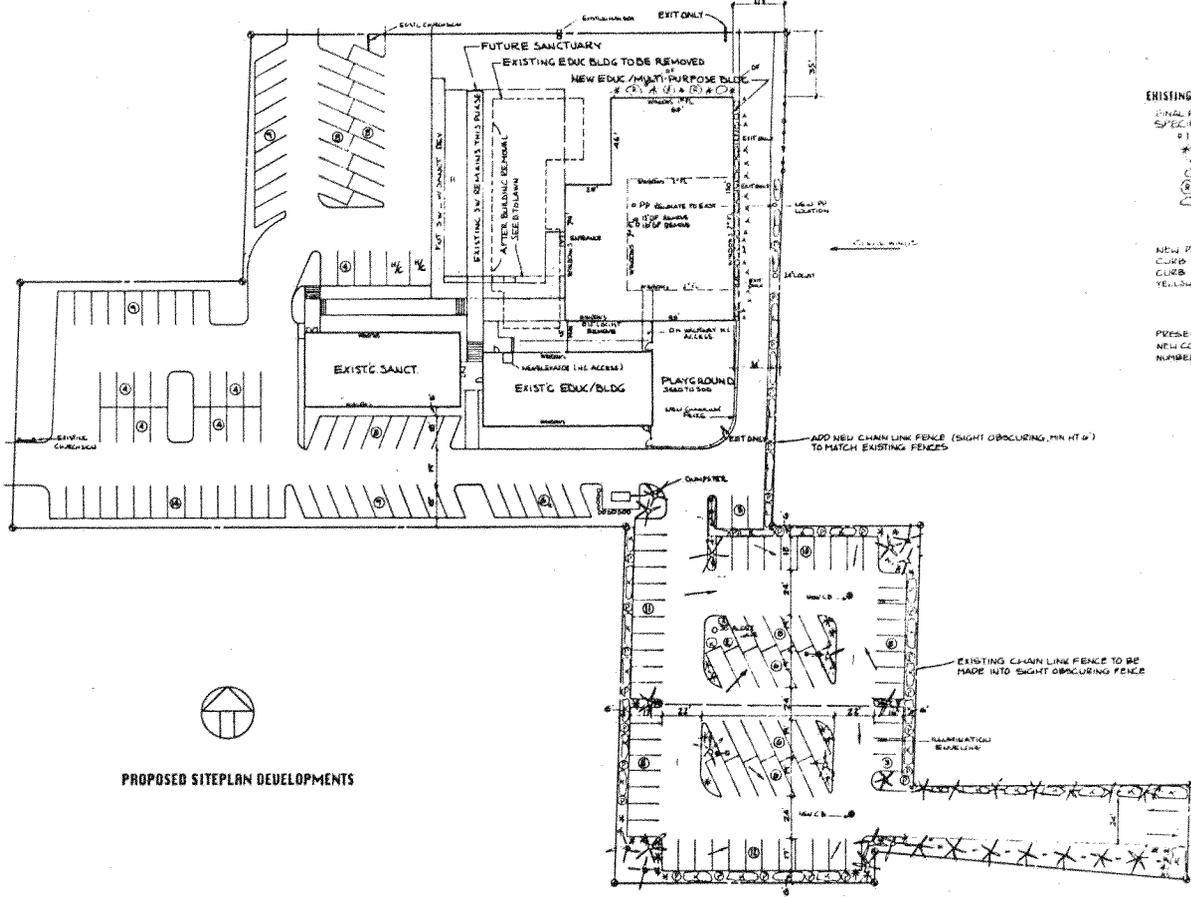
LR-5
 ZC 138-63/D
 ZC 52-63/D
 HR-2
 ZC 64-59/D

NE HANCOCK 10
 SCHUYLER

NE SCHUYLER
 RUYNE
 SPARKS
 JACKES
 CIN
 P

132ND AVENUE

SAN RAFAEL STREET



PROPOSED SITEPLAN DEVELOPMENTS

134TH AVENUE

CS 8-87

Gateway Baptist Church
13312 NE SanRafael Street

LEGEND FOR EXISTING SITEPLAN:

- CB CATCHBASIN
- 97.80 ORIGINAL SITE CONTOUR (1:1 FT)
- 97.80 SITE SPOT ELEVATIONS W/ RESPECT TO LOCAL TBM
- TBM 100.00 LOCAL BENCHMARK ELEVATION
- DRAINAGE FENCE
- WOODEN WIRE FENCE (SHEEP FENCE)
- CHAIN LINK GATE
- CHAIN LINK FENCE
- EXIST'G SIDEWALKS
- CURB RISE SLOPE

EXISTING LANDSCAPING VEGETATION LEGEND:

- (1) 12" DB SPECIES OF VEGETATION
- (2) 12" DB DOUGLAS FIR
- (3) LOW PROFILE (GROUND COVER JUNIPER)
- (4) FLOWERING (PINK) GROUNDWOOD
- (5) AZALEA
- (6) PROCESSIONER
- (7) UNNAMED SHAUBS

NEW PAVING - ASPHALT 2 1/2" OVER 6" BASE
CURB ADJ TO BLDG - 4" HD CURB
CURB ADJ TO PLAYGROUND - EXIST CONC CURB
YELLOW STRIPES 1/4" WIDE

PRESENT OCCUPANCY - 400 MAX IN ATTENDANCE
NEW CONSTRUCTION IS ANTICIPATED TO RAISE THIS
NUMBER TO 500 PERSONS IN ATTENDANCE

DATE: 3/20/87
BY: J. S. C.
CHECKED: J. S. C.
SCALE: AS SHOWN



GATEWAY BAPTIST CHURCH
13320 AND SAN RAFAEL
PORTLAND, OREGON

MSS INC
13320 AND SAN RAFAEL
PORTLAND, OREGON 97228
(503) 253-1328



DATE: 3/20/87
BY: J. S. C.
CHECKED: J. S. C.
SCALE: AS SHOWN
SHEET: 2 OF 2

Conditions of Approval:

1. Dedicate 5-feet of property along the N.E. San Rafael Street frontage for public right-of-way prior to issuance of building or land use permits.
2. Construct street improvements along the N.E. San Rafael Street frontage to include curbs, sidewalks, and pavement widening to meet new curbs. Street improvements (i.e., curb placement, sidewalk width, etc.) shall be subject to Engineering Services review and approval. Improvements must be assured or completed and accepted by the County prior to occupancy of any new structure or parking area.
3. Fulfill City of Portland requirements (if any) for the N.E. 132nd Avenue frontage, and County requirements for N.E. 134th Place prior to occupancy of any new structure or parking area.
4. Obtain Design Review approval prior to issuance of building or land use permits.

Findings of Fact:

1. Applicant's Proposal:

Tax Lots '363', '373', '417', and '190' are currently occupied by a church and adjacent parking. Those lots were zoned R-7.5, CS by the County in 1957 (CS 35-57) in order to accommodate the church use. In 1967, the County approved expanded parking, access to NE 132nd Avenue, and a church-related pre-school use on the site (CS 10-67). The church use currently has two access drives on N.E. San Rafael and one access on N.E. 132nd Avenue.

In 1980, the County reviewed and approved an expansion proposal for this site similar to the present request (CS 25-80). The 1980 proposal included a new sanctuary structure and expanded parking onto Tax Lot '4'. CS approvals expire after two years if not constructed. The 1980 approval lapsed on November 13, 1982. The 1980 proposal included an access to 134th Place from the new parking area; the Commission denied this access in 1980. The present request includes access to 134th Place.

Applicant now requests approval to expand the church in two phases. Phase I would add a new 13,500 square foot educational and multi-purpose building; Phase II would add a 9,000 square foot sanctuary. The new parking area will be developed in either Phase I or II, depending upon funding availability. Applicant indicates Phase I construction should begin in early summer, 1988. Phase II would be initiated within three to five years.

2. Zoning Considerations:

A. The entire site is zoned LR-7.5, CS. The LR-7.5, Low Density Residential zone, primarily allows single family (detached) dwellings on lots at least 7,500 square feet in area. MCC .2590(A) allows a Community Service use in the LR 7.5 zone as a Conditional Use. The CS,

Community Service designation is an "overlay zone", which does not change the underlying LR-7.5 zone.

B. MCC .7015 specifies approval criteria for Community Service uses. Applicant must demonstrate that the proposal:

- "(1) Is consistent with the character of the area;
- (2) Will not adversely affect natural resources;
- (3) Will not conflict with farm or forest uses in the area;
- (4) Will not require public services other than those existing or programmed for the area;
- (5) Will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable;
- (6) Will not create hazardous conditions;
- (7) Will satisfy the applicable policies of the Comprehensive Plan; and
- (8) Will satisfy such other applicable approval criteria as are stated in this Section."

C. Applicant offers the following findings in response to the criteria cited above:

- (1) Character of Area: "This application is for the replacement of an existing building. The building to be replaced is part of a longstanding church use on the site. Though the new building will be larger than the existing building, the use will remain consistent with the previous use, i.e., church-related activities. There will remain a consistency with the surrounding area."
- (2) Natural Resources: "No impact on natural resources will be evident. Some existing trees will be removed for expansion; however, a larger number will be included in the new landscaping scheme."
- (3) Farm or Forest Uses: "No conflict with farm or forest uses because there are none in this area."
- (4) Public Services: "No new public services required.
 - a) Water is already available to the site by Richland Water District. No increased demands will present themselves.
 - b) Sewer - is disposed of on-site.
 - c) Storm Drain - cesspool on site.
 - d) Electrical needs are already provide by P.P. & L.

- e) Gas is already in use on the site by N.W. Natural Gas.
- f) Telephone service is on site provided by Pacific N.W. Bell."

- (5) Big Game Winter Habitat (No findings presented).
- (6) Hazardous Conditions: "No hazardous conditions will be created. One new driveway will be built onto San Rafael but will meet all building, engineering, and code requirements."
- (7) Comprehensive Plan Policies: "Gateway Baptist church is a long-time resident of the Parkrose community. Over the years the congregation has grown and now has need for larger facilities. There is also the need for a new building brought on by the aging of the building to be torn down. Also, a more suitable arrangement to make the facilities for the handicap accessible is desired by the church. Without the new facilities Gateway will be limited in the way it can minister to its growing congregation and neighborhood use."
- (8) Other Applicable Approval Criteria: "New plan for expansion meets all code requirements for parking, landscaping, handicap access, and lot coverage."

D. Compliance With Ordinance Criteria: The request satisfies applicable approval criteria except as described below. Applicant's findings (above) are incorporated by reference except as modified below.

- (1) Character of Area: Single family residences dominate the area surrounding the proposed church expansion. A fire station stands across N.E. San Rafael Street to the north. The proposal will remove one single family residence on San Rafael Street. The proposed parking lot expansion will abut the rear yard areas of houses along N.E. 132nd Avenue and 134th Place. Design Review (Condition #4) will assure buffering and screening of the new parking and building from neighboring houses.
- (2) Natural Resources, Farm and Forest Uses, and Big Game Habitat: The proposed church and parking area expansions are not within a big game habitat area and there are no surrounding farm or forest uses. The site lacks significant natural resources, however, several mature trees will be retained according to submitted plans.
- (3) Public Services and Hazardous Conditions: Northeast San Rafael Street lacks adequate right-of-way width in this area to serve its Major Collector classification. A 5-foot right-of-way dedication to NE San Rafael Street will provide for a 60-foot width overall. A similar dedication and street improvements (i.e., curbs and sidewalks) were recently imposed on a new fire station site immediately north of the church property. Conditions No. 1 and No. 2 address the right-of-way issue.

The proposed parking area layout may pose some hazards for drivers; parking lot dimensions (i.e., aisle widths and stall depth) are substandard from that specified in MCC .6130. Condition No. 4 (Design Review) will assure compliance with applicable dimensions for parking lots. No other hazards from the proposal have been identified.

(4) Applicable Comprehensive Plan Policies: The following policies of the Cully Parkrose Community Plan are found to apply to this proposal:

a) No. 31 - Community Facilities and Uses: This proposal is categorized as a Minor Community Facility. The church's location on a site with average slope less than ten percent satisfies the site development standard. Also, its primary accesses are on a collector street; however, the access to 134th Place would route traffic through a local neighborhood street.

b) No. 26 - Transportation System Development Requirement: Engineering Services indicates that there are no additional dedications of N.E. 134th Avenue required as a result of this proposal. Northeast San Rafael Street requires a 5-foot right-of-way dedication and street improvements (Conditions No. 1, No. 2, and No. 3). Northeast 132nd Avenue lies within the City of Portland (see Condition No. 3).

(5) Off-Street Parking Requirements: MCC .6100 - .6148 specifies standards for off-street parking. MCC .6142(B)(2) requires the following minimum number of spaces for a church:

"One space for each 80 square feet of floor area in the main auditorium or, where seating is fixed to the floor, one space for each four seats or 8 feet of bench length."

This standards yields a 49-space parking requirement for the current facility (392 ft. bench length divided by 8 = 49 spaces) and a 113 space parking requirement after the Phase II expansion (9000 sq. ft. sanctuary divided by 80 sq. ft. = 113 spaces). Existing parking facilities (120+ spaces) exceeds the minimum requirement.

Conclusions:

1. There is a public need to provide for the adequate provision of off-street parking in association with CS uses and it is in the public interest to allow such expansion at locations contiguous to that use.
2. This proposal generally satisfies Cully/Parkrose Community Plan Policies Nos. 31 and 36 as demonstrated by Finding 2.D.(4); however, the access to 134th Place conflicts with Policy No. 31.
3. The applicant has carried the burden necessary for the designation of this property for off-street parking purposes.

IN THE MATTER OF CS 8-87:

Signed December 14, 1987

By *Ruth Spetter, Jr*
Ruth Spetter, Chairperson

December 24, 1987
Filed with Clerk of the Board

Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 4:00 p.m. on Monday, January 4, 1988 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision in this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, January 5, 1987 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Division of Planning and Development at 248-5270.



MULTNOMAH COUNTY OREGON

Department of Environmental Services/Division of Planning and Development/2115 S.E. Morrison St./Portland, Oregon 97214 • 248-5270

DECISION OF THE
MULTNOMAH COUNTY PLANNING COMMISSION

Meeting of December 14, 1987

IN THE MATTER OF:

LE 10-87, #47

Lot of Exception
(Single Family Residence)

Applicant requests Lot of Exception approval to divide this property to create a 17.18-acre parcel and a remaining lot of 19 acres. Each of the parcels would be eligible for development with a single family residence.

Location: 15710 NW McNamee Road

Legal: Tax Lot '28', Section 19, 2N-1W
1987 Assessor's Map

Site Size: 36.18 Acres

Size Requested: Same

Property Owner: Al Steiner
5403 North Harvard Street, 97203

Applicant: Same

Comprehensive Plan: Multiple Use Forest

Present Zoning: MUF-19, Multiple Use Forest District
Minimum lot size of 19 acres

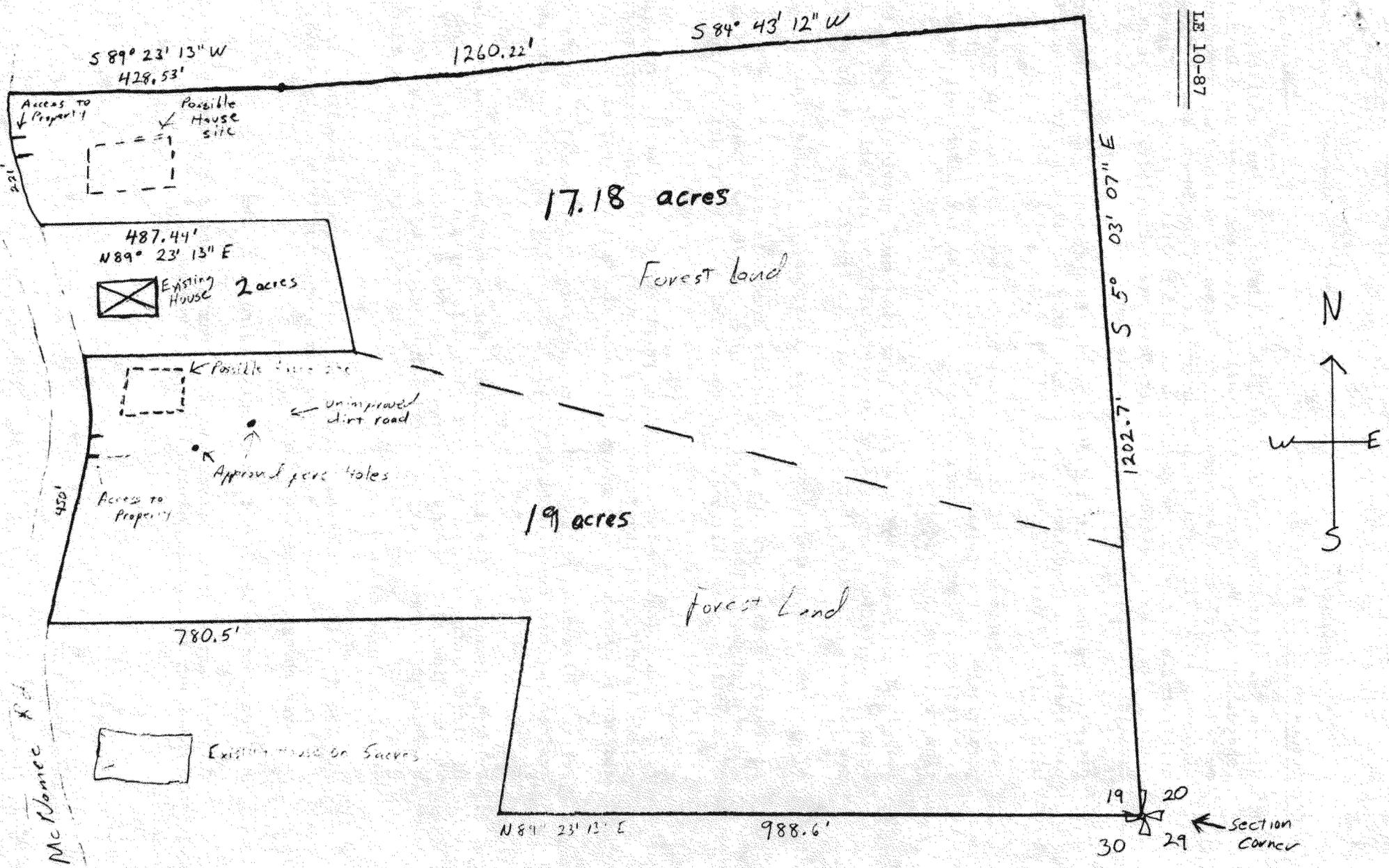
PLANNING COMMISSION
DECISION:

Approve, subject to conditions, a 17.18-acre Lot of Exception to allow this 36.18-acre Lot of Record to be divided into lots of 19 and 17.85 acres in the Multiple Use Forest District, based on the following Findings and Conclusions.

DP/0793P

LE 10-87

LE 10-87



Conditions of Approval:

1. Within one year from the date of this Decision, a final partition map (and other required attachments) shall be delivered to the Land Development Section of the Department of Environmental Services in accordance with MCC 11.45.710. Obtain a "Summary Instruction Sheet", which gives more details regarding the partition map and the steps remaining for completing the land division. Contact Dave Prescott (248-3047) for additional information regarding this requirement.
2. Prior to issuance of a building permit for a house on the northerly parcel obtain a Conditional Use Permit for a dwelling not in conjunction with a primary use under MCC 11.15.2172(D).
3. Meet the requirements of the Engineering Services Division to commit to participate in the future improvement of N.W. McNamee Road through deed restrictions. Contact Richard Howard (248-3599) for additional information regarding this requirement.
4. Prior to endorsement of the final partition map, provide evidence that water in sufficient amounts and pressure will be available to serve the new parcels. Evidence that a private well is feasible may consist of:
 - A. Written testimonials from drillers of successful wells in the area, or
 - B. Data regarding private wells in the immediate area from the Department of Water Resources at Salem, Oregon (378-8455) which would substantiate the likelihood of a successful well being drilled on this property.
5. Prior to application for a building permit on the northerly parcel, obtain a Land Feasibility Study from the County Sanitarian confirming the ability to use an on-site sewage system on the northerly parcel.
6. Prior to issuance of a building permit for either parcel, satisfy the residential use development standards for the MUF District as contained in MCC 11.15.2194.
7. Prior to issuance of a building permit for either parcel, show the slope of the building site on the plot plan. If any portion of the slope of the building site exceeds 20 percent, provide written certification from a geotechnic engineer or engineering geologist licensed by the State of Oregon that the parcel is suitable for the construction of a residence. Specifics to be covered include:
 - A. The ability to construct a single-family, detached dwelling, including two uncovered off-street parking spaces built to County standards even though slopes are steep;
 - B. Measures to be taken to prevent soil erosion; and
 - C. That areas of the parcel with slopes exceeding 20 percent are not subject to slumping, earth slides, or movement.

8. Prior to recording of the final partition map, complete a "statement of water rights" in accordance with the provisions of Senate Bill 142 as adopted by the 1987 Oregon Legislative Assembly. Please contact the State Water Resources Department (378-3066) for additional information concerning this requirement.

Findings:

1. Applicant's Proposal:

The applicant proposes to create two lots from a 36.18 acre parcel. The northerly parcel is proposed as a Lot of Exception, containing 17.18 acres. The southerly parcel would contain 19 acres. Each parcel is anticipated to eventually contain a non-resource dwelling approved by future Conditional Use applications. Access to each parcel would be directly from N.W. McNamee Road.

2. Site and Vicinity Information:

The subject site is 36.18 acres in size. It abuts N.W. McNamee Road on the west property line. Northwest McNamee Road connects to N.W. Skyline Boulevard to the south. Both roads are maintained by the County. The property is wooded and contains no structures at the present. The terrain consists of relatively steep slopes. Other lots in the area along McNamee Road range in size from 2 to 16 acres. Zoning is MUF-19 on the subject property and on land immediately to the north. Land to the south and to the east is zoned MUF-38. Land adjoining the subject property on the south and abutting McNamee Road, as well as lands across McNamee Road from the subject property, is zoned RR, Rural Residential.

3. Zoning Ordinance Considerations:

The burden is on the applicant for Lots of Exception to demonstrate that the proposal will:

- A. Substantially maintain or support the character and stability of the overall land use pattern of the area;
- B. Be situated upon land generally unsuitable for commercial forest use or the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, and the location or size of the tract;
- C. Be compatible with accepted farming or forestry practices on adjacent lands;
- D. Be consistent with the purposes described in MCC .2162;
- E. Satisfy the applicable standards of water supply, sewage disposal, and minimum access; and
- F. Not require public services beyond those existing or programmed for the area.

4. Land Division Ordinance Consideration:

Pursuant to MCC 11.45.100, a land division proposal under any of the following circumstances is designated a Type III Land Division:

- A. A minor partition located at the end of a street;
- B. A minor partition abutting a street which has a centerline to property line width less than one-half the width specified for that functional street classification according to the Multnomah County Street Standards Ordinance;
- C. A partition which will result in a flag lot;
- D. A minor partition which will result in one or more parcels with a depth-to-width ratio exceeding 2.5 to 1;
- E. A minor partition which will result in a proposed parcel with an area four or more times the area of the smallest proposed parcel; and
- F. A minor partition of land classified as Significant Environmental Concern (SEC), Willamette River Greenway (WRG), Flood Hazard (FH), or Special Plan Area (SPA) under MCC 11.15 (the Zoning Ordinance).

5. In response to Finding No. 3, the following Findings are given:

- A. The proposal will substantially maintain and support the character and stability of the overall land use pattern of the area. The proposed 17.18 acre parcel as well as the 19 acre parcel exceeds the size of the 24 other parcels abutting N.W. McNamee Road in the immediate vicinity. Of those 24 other parcels, only two exceed 10 acres; the remainder range in size from 2 to 7.46 acres. Approximately 90 percent of the subject property would remain as forest land following construction of a house on each of the proposed parcels. Eight of the parcels in the vicinity are developed with single-family residences. None of these residences are associated with any commercial resource activity.
- B. The proposed Lot of Exception is situated upon land generally unsuitable for commercial forest use or the production of farm crops or livestock. The relatively steep slopes and the characteristics of the soil (Goble Silt Loam) make the property poorly suited for farming, based on information compiled by the Soil Conservation Service of the U.S. Department of Agriculture. Considering its location in relation to smaller parcels along McNamee Road in the immediate vicinity, the Lot of Exception is generally not suitable for commercial forest use. Also, the subject property does not appear to be a viable timber production unit considering its size (36.18 acres) in comparison to the size of adjacent tracts to the south, southeast, and east which contain 79, 400, and 175 acres, respectively.
- C. The proposed Lot of Exception would be compatible with accepted farming or forestry practices on adjacent land. Except for three

cows on an 11.8 acre parcel located to the north of the subject property, there is no farming in the area. Retention of 90 percent of the subject property as forest land following construction of houses on each of the proposed parcels would be compatible with such forestry practices as are occurring on adjacent lands.

- D. For the reasons stated above, the proposal is consistent with the purposes of the MUF district.
 - E. In accordance with approval Condition No. 4, the applicant will be required to provide evidence that water will be available in sufficient amounts and pressure to serve the new parcels. In accordance with approval condition No. 5, the applicant will be required to obtain a Land Feasibility Study from the County Sanitarian confirming the ability to use an on-site sewage disposal system on the northerly parcel. A Land Feasibility Study has been approved for the southerly parcel. In accordance with condition No. 6, the applicant will be required to comply with the Residential Use Development Standards contained in MCC 11.15.2194, including standards for access drives.
 - F. Electricity and telephone lines are the only public utilities in the area, and they are available to the subject property.
6. In response to the Land Division Ordinance considerations of Finding No. 4, the proposal is not considered to be a Type III Land Division. It does not involve a minor partition at the end of a street. Based on information from the County Engineer, no additional right-of-way dedication is required for N.W. McNamee Road adjacent to the subject property. The proposal will not result in the creation of a flag lot. The proposal will not result in lots having a depth-to-width ratio exceeding 2.5 to 1. The proposal will not result in a proposed parcel with an area four or more times the area of the smaller proposed parcel. Finally, the subject property is not located on land classified as Significant Environmental Concern, Willamette River Greenway, Flood Hazard, or Special Plan Area under the Zoning Ordinance. Consequently, creation of the Lot of Exception can be concluded through the "Exempt Minor Partition" process in accordance with approval condition No. 1.
7. Significant portions of both parcels contain slopes exceeding 20 percent in some areas. Policy 14 of the Comprehensive Framework Plan relates to development limitations. It states that:

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

- (1) Slopes exceeding 20%;
- (2) Severe soil erosion potential;

- (3) Land within the 100 year floodplain;
- (4) A high seasonal water table within 0-24 inches of the surface for 3 or more weeks of the year;
- (5) A fragipan less than 30 inches from the surface;
- (6) Land subject to slumping, earth slides, or movement."

In order to comply with Plan Policy No. 14, it will be necessary to provide written certification, in accordance with condition No. 7, that both parcels (significant portions of which contain slopes exceeding 20 percent) are suitable for construction of a single-family house and two, uncovered parking spaces.

8. The County Engineer has determined that no additional right-of-way will be needed to be dedicated in N.W. McNamee Road abutting the subject property. However, as a condition of approval, the owner will be required to commit to participate in future improvements to the road through deed restrictions in order to comply with the provisions of MCC 11.60 (the Street Standards Ordinance).

Conclusions:

1. Finding No. 5 indicates that the proposed Lot of Exception meets the criteria for Lots of Exception contained in MCC 11.15.2180.
2. Finding No. 6 indicates that the proposal is not subject to the Type III Land Division approval process contained in MCC 11.45 (the Land Division Ordinance). Therefore, final creation of the Lot of Exception can be accomplished through the "Exempt Minor Partition Process" by submitting a final partition map in accordance with the approval condition No. 1.
3. There appear to be development limitations as defined in Policy No. 14 of the Comprehensive Framework Plan. These are addressed in condition No. 7.

IN THE MATTER OF LE 10-87:

Signed December 14, 1987

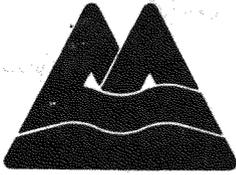
By *Ruth Spetter, pc*
Ruth Spetter, Chairperson

December 24, 1987
Filed with Clerk of the Board

Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 4:00 p.m. on Monday, January 4, 1988 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

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MULTNOMAH COUNTY OREGON

Department of Environmental Services/Division of Planning and Development/2115 S.E. Morrison St./Portland, Oregon 97214 • 248-5270

DECISION OF THE
MULTNOMAH COUNTY PLANNING COMMISSION

Meeting of December 14, 1987

IN THE MATTER OF:

CU 25-87, #393

Conditional Use Request
(Automobile Repair Facility)

Applicant requests Conditional Use approval of a change to another unlisted use, allowing the conversion of this property from its previous church use to an auto repair facility

Location: 15570 SE Stark Street

Legal: North 190.5' of East 100' of West 1/2' of Lot 2,
Blk. B, Ritlow Acres, 1987 Assessor's Map

Site Size: 190' x 100'

Size Requested: Same

Property Owner: Community Free Will Baptist Church
6306 SE 87th Avenue, 97266

Applicant: WC Trafton
17911 SE Marie Street, 97236

Comprehensive Plan: High Density Residential

Present Zoning: HR-2, Urban High Density Residential District
Density range from 8.1 to 20.7 dwellings units per square acre.

PLANNING COMMISSION
DECISION:

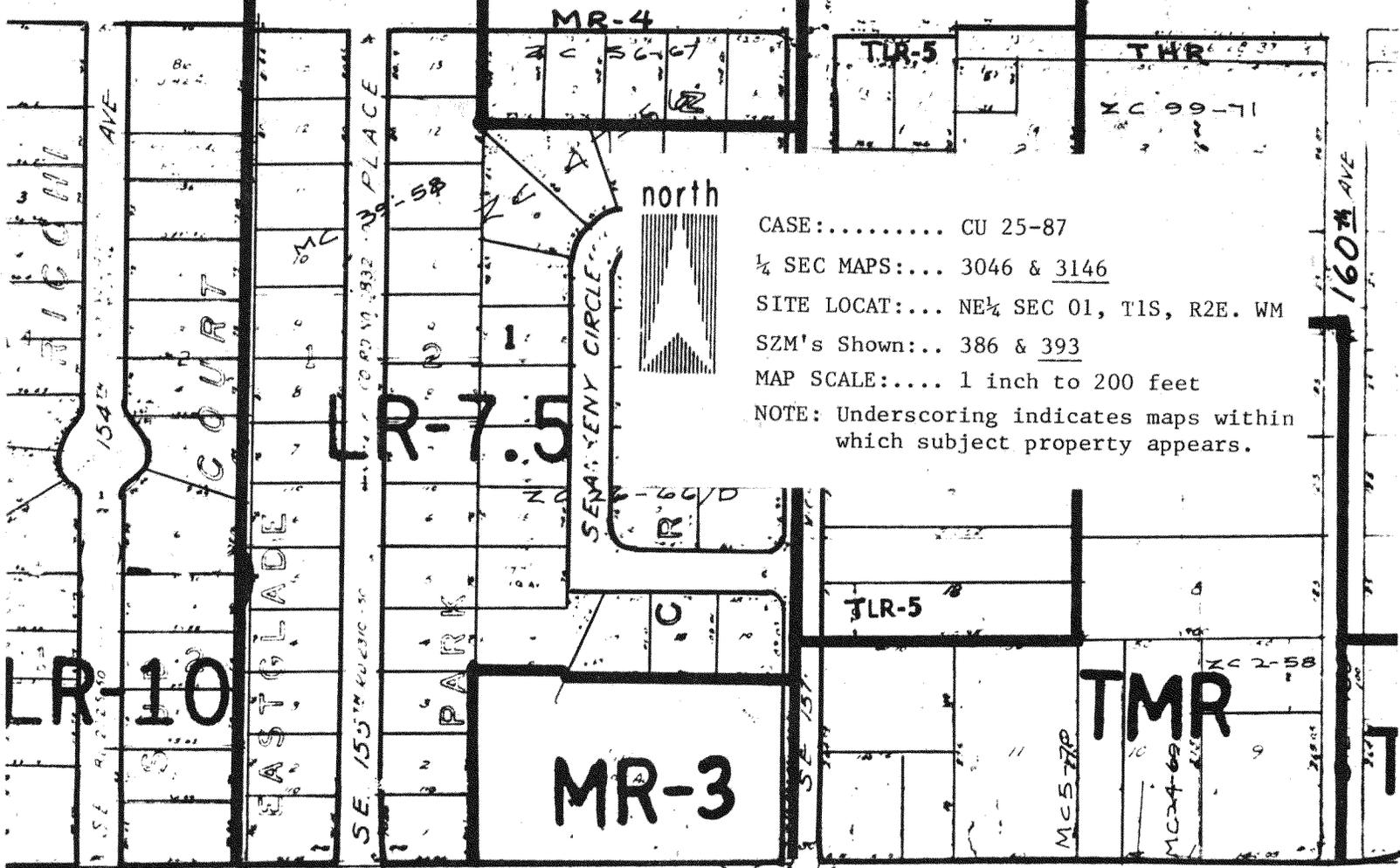
Approve, subject to conditions, conditional use request for the conversion of the use of this property to an automobile repair facility, based on the following Findings and Conclusions.

BH/0794P

CU 25-87

BURNSIDE

(MT HOOD RY R/W)



CASE:..... CU 25-87

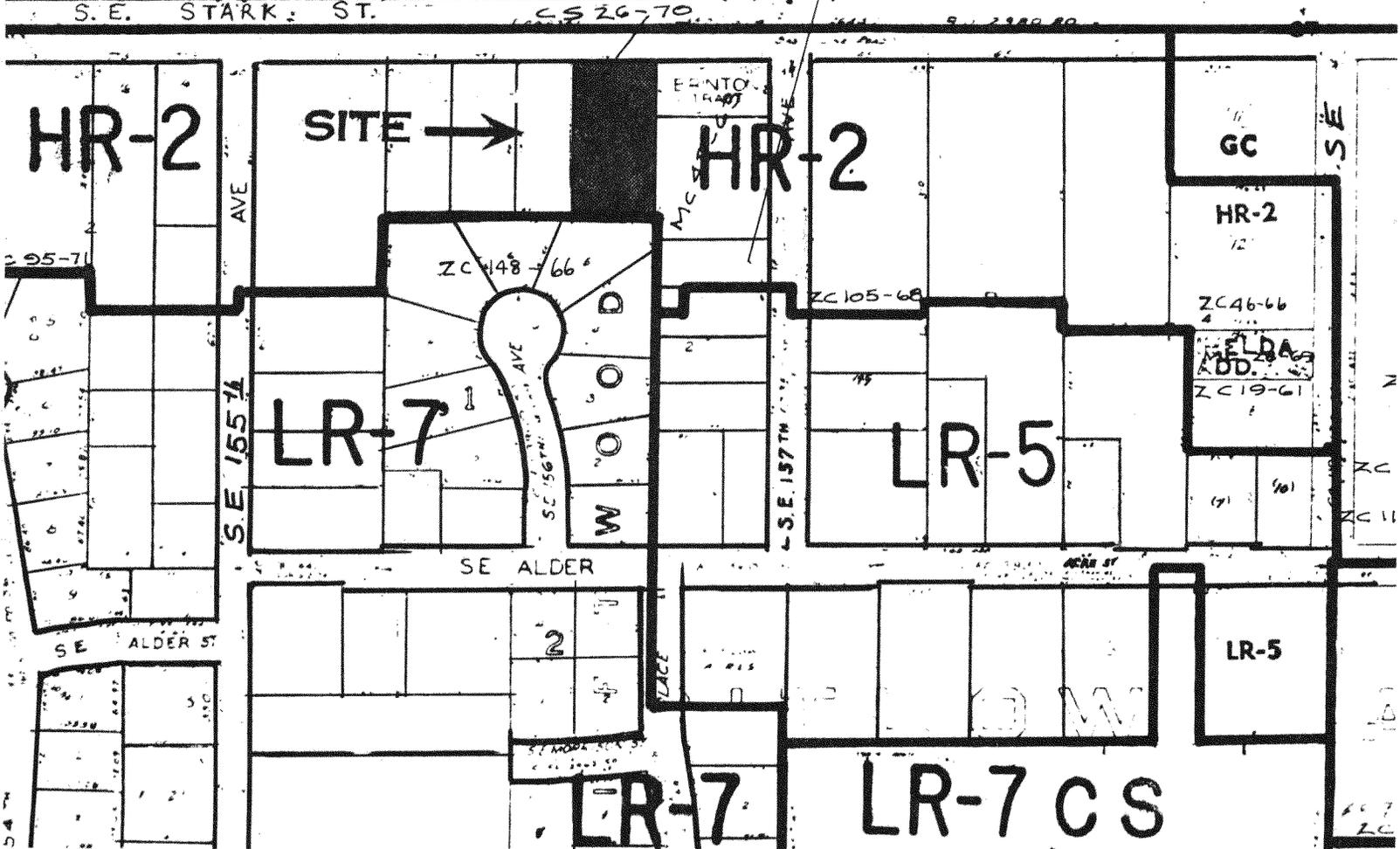
1/4 SEC MAPS:... 3046 & 3146

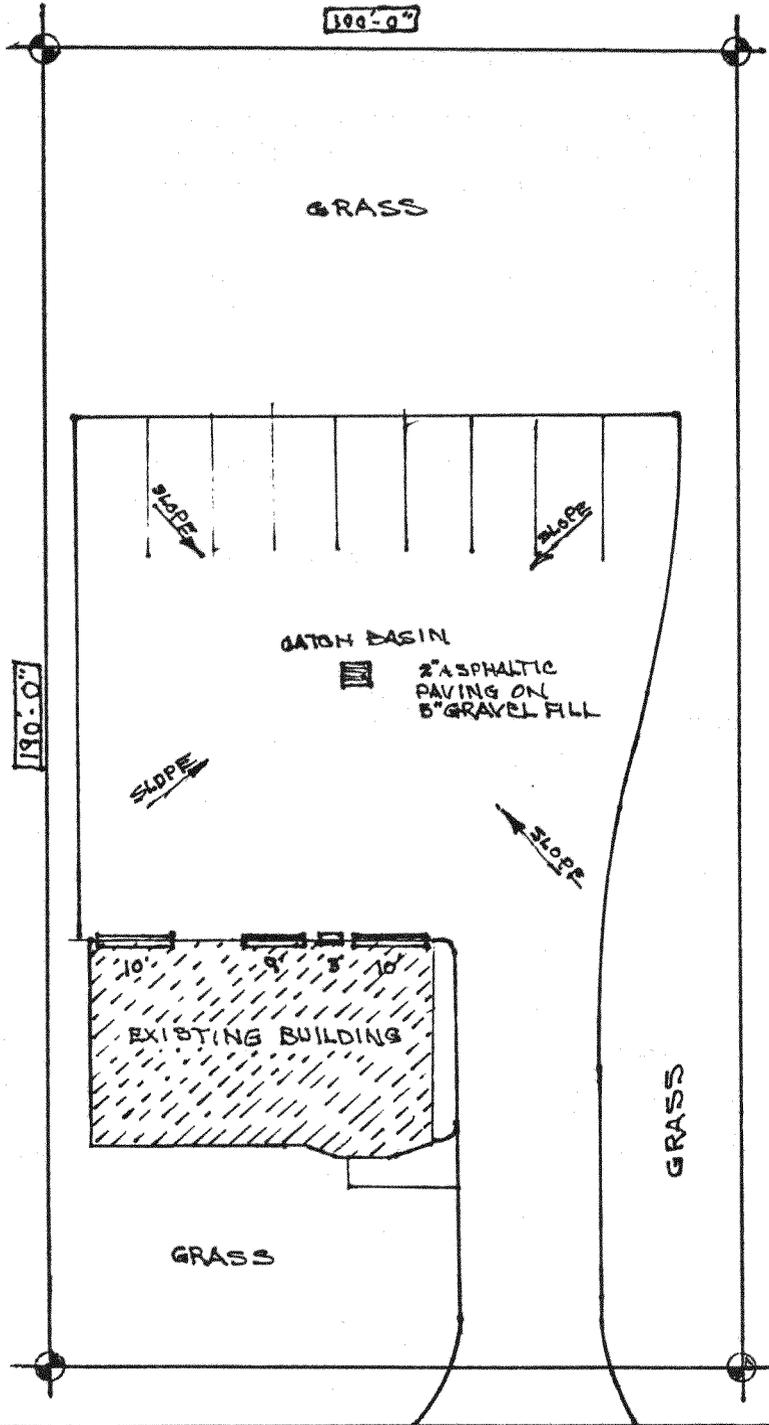
SITE LOCAT:... NE 1/4 SEC 01, T1S, R2E. WM

SZM's Shown... 386 & 393

MAP SCALE:..... 1 inch to 200 feet

NOTE: Underscoring indicates maps within which subject property appears.





CU 25-87

SE STARK ST

ADDRESS 15570 SE STARK
LOT 2 BLOCK E
RITLOW ACRES

PLOT PLAN
SCALE 1" = 50' 0"

Conditions of Approval:

1. Hours and days of operation shall be limited to those requested (i.e., 8:00 a.m. to 6:00 p.m., Monday through Friday).
2. All repair work and parts and material storage shall be contained within the building. Only vehicles left for repair may be stored outside, and they shall be confined to the improved parking area to the rear of the building.
3. All site and building modifications shall be approved by Design Review to insure maximum compatibility with and minimum impact on surrounding residential land uses.
4. Signage shall be limited to that allowed in the HR-2 district.
5. Applicant shall satisfy requirements of Engineering Services regarding improvements within the right-of-way of S.E. Stark Street.
6. Any building or parking area enlargement shall be allowed only after Planning Commission review.

Findings of Fact:

1. Applicant's Proposal: Applicant requests Conditional Use approval to convert the vacant building on this property to an automobile repair facility.
2. Ordinance Considerations: The burden is on the applicant for a change of an unlisted use to demonstrate that:
 - A. The current use is of a building, buildings, or other substantial site improvements of a nature such that conversion to a use listed in the district would not be practical; and
 - B. The change or expansion will affect the surrounding area to a lesser negative extent than the current unlisted use, considering:
 - (a) The character and history of the use and of development in the surrounding area;
 - (b) The comparable degree of noise, vibration, dust, odor, fumes, glare, or smoke detectable at the property line;
 - (c) The comparative numbers and kinds of vehicular trips to the site;
 - (d) The comparative amount and nature of outside storage, loading, and parking;
 - (e) The comparative visual appearance;
 - (f) The comparative hours of operation;
 - (g) The comparative effect on existing vegetation;

- (h) The comparative effect on water drainage;
- (i) The degree of service or other benefit to the area; and
- (j) Other factors which tend to reduce conflicts or incompatibility with the character or needs of the area.

3. Site and Surrounding Area Characteristics: This property is located on the south side of S.E. Stark Street one lot west of S.E. 157th Avenue. The site is developed with a concrete building approximately 1500 square feet in area and setback 30 feet from the right-of-way of S.E. Stark Street. The property is served by a single driveway that accesses a parking lot located to the rear of the structure. The remainder of the lot is landscaped. The perimeter of the lot to the rear of the building is enclosed by a fence.

The building was constructed in 1948 and utilized for some time as a sculpture studio. In 1970 a Community Service permit was approved to allow the property to be used for church purposes. The approved use of the site was discontinued in 1984 and has been vacant since, with the exception of occasional attempts to reestablish a church use. Consequently, the recognized approved use is that of a sculpture studio.

Surrounding land uses consist mainly of single and multiple family residences. There are apartment complexes directly across S.E. Stark Street and one block east and west of the property. The subject site is surrounded by single family residences on all three sides. Commercial development exists two blocks from the property both east and west along S.E. Stark Street.

4. Compliance With Ordinance Criteria: The applicant submits the following narrative as demonstration of compliance with the Ordinance criteria:

- "A. The property has been vacant for quite some time. If changed to a repair shop, it would be active during day hours. The yard would be landscaped and neat in appearance, and the structure painted to show consideration toward surrounding neighbors.
- B. The surrounding area is a busy, fast moving business community. Stark Street has sprung up with various businesses in the need for new development. Our business has been on Stark for almost ten years. This property for sale has been a sculpture studio and building is concrete with a concrete floor. It would make an excellent repair shop. It does not look like a church or possible home site. When it was used as a church, the owner was upset that small churches couldn't afford to rent or buy the property.
- C. Noise, vibration, dust, odor, fumes, and smoke would not be a problem. At the property line, there is approximately 130 feet to the rear of the property, over 40 feet to west of property, and east has nothing on the first 40 feet back.

It appears owner of property to east on corner of 155th and Stark is holding-out to commercialize property in the future.

The building is solid concrete. It would be converted to a three-door shop to rear of building and off-street parking. Noise of car service and repairs would consist only to inside of building, which is thick concrete. In front of the building there is one small entrance door.

- D. We get approximately two deliveries per day for parts. We stock a sufficient amount of supplies for Volkswagons. This stops a lot of additional running around. We only have two, full-time mechanics and at most three.
 - E. Off-street parking in the rear would consist of customers' cars and cars left for repair. There is a 6-foot fence on three sides at the present.
 - F. The property is pretty bare around the building now. Previous flowers and trees have died, other than a few shrubs in front of building and neglected lawn. We have a professional landscaper that would provide services and improve the appearance immensely.
 - G. Hours of operation would be strictly enforced from 8:00-6:00 p.m. five days a week. We have not worked weekends for years, and do not plan to in the future.
 - H. In regards to vegetation existing now. It would be beneficial with proper care of lawn, shrubs, etc.
 - I. The water drainage would be sufficient with cesspool and dry well. The bathrooms would function properly.
 - J. Degree of service to the community would be of good reputation, since we have had a business close by for nearly ten years. Because of our excellent reputation, the Gresham Outlook did a community interest story on our business.
 - K. We would like to do our part by changing the front of the building to a more modern facing on top with a raised roof atop walls with a 3-foot overhang with approval of land use, then a permit."
5. Analysis of Applicant's Submittal: This property is developed with a substantial building (\$30,000 1987 assessed value) that was determined by the Planning Commission in 1970 not to be suitable for residential development. There have been attempts to utilize the building for church purposes, which have not proven viable due to the small building size and lack of available property for building and parking expansion.

The applicant's proposed site modifications are minimal. The front of the building will remain unchanged with the exception of facing and roof improvements. Garage doors will be added to the rear of the building, out of sight from the street. The parking area also will not be visible from the street. The remainder of the site is proposed to be improved with landscaping.

The proposed hours and days of operation occur so as to produce minimal

impact on surrounding residential properties. That, coupled with all activity and storage confined within the building, should result in maximum neighborhood compatibility. No activity will occur on the site during the evenings or on weekends when residents are most likely to be at home.

The use will generate more vehicular trips than the current vacant property, but fewer trips than would be expected of a church use with many weekly functions. The comparative degree of service or benefit is unmeasurable with a church or studio. The use would benefit those people in the surrounding area needing Volkswagen repairs. No affect on water drainage will be experienced.

Conclusions:

1. The applicant has carried the burden necessary to allow conversion of the use of this property to automobile repair.
2. Conditions are necessary to insure compliance with all Ordinance provisions.

Signed December 14, 1987

By *Ruth Spetter, ps*
Ruth Spetter, Chairperson

December 24, 1987
Filed with Clerk of the Board

Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 4:00 p.m. on Monday, January 4, 1988 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision in this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, January 5, 1987 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Division of Planning and Development at 248-5270.



MULTNOMAH COUNTY OREGON

Department of Environmental Services/Division of Planning and Development/2115 S.E. Morrison St./Portland, Oregon 97214 • 248-5270

DECISION OF THE
MULTNOMAH COUNTY PLANNING COMMISSION

Meeting of December 14, 1987

IN THE MATTER OF:

CU 26-87, #420

Conditional Use Approval
(Temporary Automobile Storage)

Applicant requests conditional use approval of a change to another unlisted use, allowing the conversion of the use of this property from automobile restoration to temporary automobile storage for a maximum of 50 vehicles.

Location: 12920 SE Holgate Blvd.

Legal: Lot 9, Wiley Acres Tract, Except North 25' Thereof
1987 Assessor's Map

Site Size: 215' x 177'

Size Requested: Same

Property Owner: KC/CA Smith
260 Kaiolohia Place, Honolulu, Hawaii, 96825

Applicant: KC Smith, c/o Dave Tacheny
14022 SE Fair Oaks Way, Milwaukie, 97222

Comprehensive Plan: Single Family Residential, Flood Fringe

Present Zoning: LR-10, FF, Urban Low Density Residential,
Flood Fringe District
Minimum lot size of 10,000 square feet per single family dwelling

PLANNING COMMISSION
DECISION:

Deny conditional use request for a change to another unlisted use to allow the conversion of the use of this property from automobile restoration to that of automobile storage for a maximum of 50 vehicles, based on the following Findings and Conclusions.

S E 132nd AVENUE

GLADSTONE CT

PARK

north



CASE:..... CU 26-87

¼ SEC MAPS:... 3443 & 3543

SITE LOCAT:... NW¼ SEC 14, T1S, R2E

SZM's SHOWN:... 414 & 420

MAP SCALE:..... 1 inch to 200 feet

NOTE: Underscoring denotes maps within which the subject property appears.

S E BOISE ST

LR-7

5-84

12-84

20 19 18

5 6

7 8

9 10

16 17

LOCATE

MC 50-63

CS 19-56

LR-7

CS

FF

ED FEAT. ADD

S E 130th AVENUE

W LR-5

LR-10

ZC 163-63

ZC 1-85

EDNA

ACR E

ZC 53-58

LR-10

LR-10

TRACTS

S E HOLGATE BOULEVARD

R-5

FF

3

SE LONG ST

O-MOR

N VALLEY ACRES

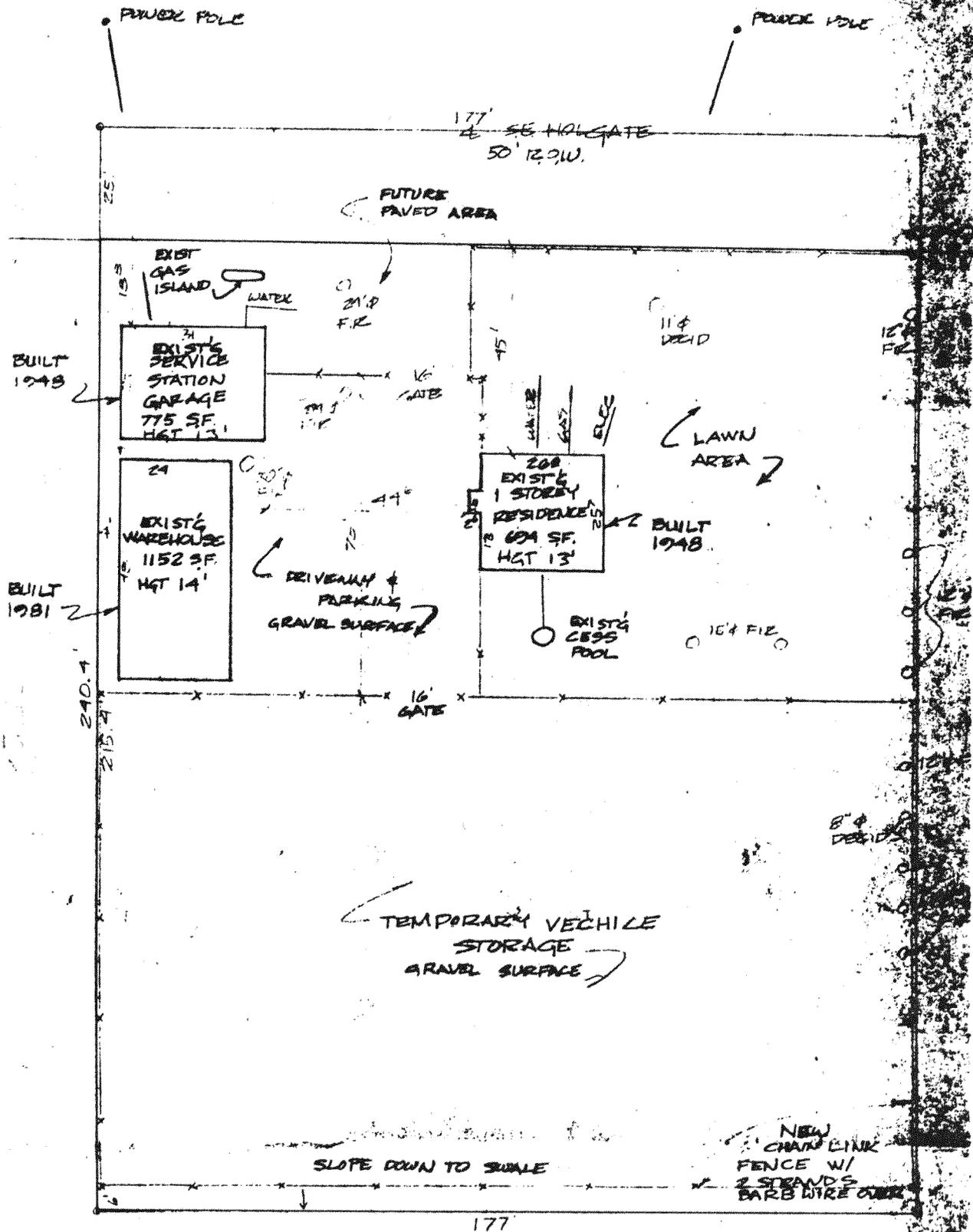
ST

S E 128th AVENUE

SE LONG ST

LR-10 2

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CU 26-87

LOT 99 WILEY ACRES TRACT

Findings of Fact:

1. Applicant's Proposal: Applicant requests conditional use approval of a change to another unlisted use to allow the conversion of the use of this property from automobile restoration and gas station to automobile storage for a maximum of 50 vehicles.
2. Site and Vicinity Characteristics: This property is located on the south side of SE Holgate Boulevard just westerly of its intersection with SE 130th Avenue. The property is developed with a single family residence, an accessory building that was originally a service station constructed in the late Forties, and a new metal accessory building used for automobile restoration. The rear portion of the property has been filled to a height of three or four feet above adjacent ground level and is being utilized for automobile storage without a permit. The entirety of the property is fenced.

The area surrounding this property is predominately single family residential. Exceptions include Gilbert Heights School on the north side of SE Holgate to the west of SE 130th and a nursing home also to the north of SE Holgate, but easterly of SE 130th. There is a generally undeveloped area to the south of this site which floods periodically and is one of the few remaining remnants of Holgate Lake.

3. Ordinance Considerations: The burden is on the applicant requesting a change to another unlisted use to demonstrate that:
 - A. The current use is of a building, buildings, or other substantial site improvements of a nature such that conversion to a use listed in the district would not be practical; and
 - B. The change or expansion will affect the surrounding area to a lesser negative extent than the current unlisted use, considering:
 - (a) the character and history of the use and of development in the surrounding area;
 - (b) the comparable degree of noise, vibration, dust, odor, fumes, glare, or smoke detectable at the property line;
 - (c) the comparative numbers and kinds of vehicular trips to the site;
 - (d) the comparative amount and nature of outside storage, loading, and parking;
 - (e) the comparative visual appearance;
 - (f) the comparative hours of operation;
 - (g) the comparative effect on existing vegetation;
 - (h) the comparative effect on water drainage;
 - (i) the degree of service or other benefit to the area; and

(j) other factors which tend to reduce conflicts or incompatibility with the character or needs of the area.

4. Compliance with Ordinance Criteria: This request fails to satisfy the approval criteria as follows:

A. History of Use and Development:

The applicant argues that this property has been used for automobile storage since 1948. The application provides the following history:

"The desire to continue the allowable use of the property as a site for the temporary storage of vehicles coincides with the existing structures which at all times have been used as automotive related. The original Service Station built 29 years ago, 1948 total square feet of 775 feet has been used to repair and restore cars as an auto parts shop. The owners have been in the process of removing all autos (without complete body and engines) and clean-up of old tires and parts, of unsightly parts and rubble. Fencing and landscaping will be used to screen Holgate from any visual neighborhood traffic.

The history of the Holgate site has retained automotive and vehical commercial uses continuously as automotive-related for 30 years, as verified by letters from previous owners.

This site as submitted for conditional use should be reviewed and accepted under the grandfathering of the auto related history spanning 30 years. Temporary auto storage is without noise, requires no additional structures, and will result in a total clean-up of the previous 20 years of auto restoration site and heavy construction storage of vehicles; the existing 1152 square foot shop, built in 1981 has a history of being used as antique car restoration enclosure and the grounds were storage for parts, equipment, and vehicles. This will be replaced by cars of 10 years or newer, without parts or unsightly tires and rubble."

The automobile storage use of the property is also referenced in two letters. One dated April 28, 1987 from Jerry Brundige states:

I took ownership in May, 1977. The property has had continuous use as vehicle storage of cars and trucks, and the converted service station and/or auto body shop for restoration of equipment and vehicles, since 1949.

The use of this property for automotive uses pre-

cedes zoning. The County has been aware of this property, and its use, and allowed this site for the painting of vehicles, as well as, storage of equipment, trucks, and cars.

As a boy, I grew up nearby, and the history I personally recall prior to 1977. For 25 years, it was used continuously as automotive uses including service station and/or auto paint and body shop, along with the allowed use as storage of vehicles, trucks, cars, and rolling equipment, which is why I purchased it."

The other, from Kenneth Smith and dated April, 1987, states:

"I desire to continue the allowable use of my property as a site for the storage and painting of vehicles. Since my ownership in 1981, this property has been in use as storage of trucks, cars, and vehicles as well as auto body repair. Prior to 1981 for 30 years, it was used as automotive related uses including: Service Station, Auto Paint Shop, Storage of Vehicles."

The original zoning of this property adopted July 3, 1956 was R-10, Single Family Residential. That zone did not allow automotive repair; therefore, the use became non-conforming. The Non-Conforming Uses section of the Zoning Code in affect at that time stipulated:

"A non-conforming structure or use may not be changed or altered in any manner unless such change or alteration more nearly conforms with the regulations of this district."

That section has remained unchanged in intent through the various modifications of the Zoning Code and today is contained in MCC 11.-15.8805(A). Therefore, the structures and uses that existed prior to July 3, 1956 would be legal to continue without expansion.

Contrary to the applicant's statement and letters in the file, the Staff can find no record that the southerly 130 feet of this site has even been used for automobile storage. Review of aerial photographs from 1955, 1966, 1974, 1977, and 1981 indicate that the rear portion of the property has never been utilized for automobile storage of any degree.

The only use made of the rear portion prior to 1981 was garden and yard purposes. In 1981 the rear portion was filled, bringing the property to its present elevation.

Further, the County has no record of a permit to allow the construction of the warehouse which the site plan indicates was built in 1981. Such construction is considered an expansion of a non-conforming use which can only occur after Planning Commission approval.

Therefore, the contention that this property has a continuous prior history of automobile storage is incorrect. In fact, any storage use of the rear of the property would have been impractical prior to 1981 due to periodic flooding by Holgate Lake as evidenced on the 1955 and 1974 aerial photographs. The only legal automobile-related use on the property is the service station garage.

B. Comparative Amount and Nature of Outside Storage, Loading, and Parking:

The expansion of this use to include the storage of up to 50 repossessed vehicles will have a greater negative impact on the surrounding area than the current residential and auto restoration use. The LR-10 zone allows the parking of a maximum of five vehicles per residential use. This request is ten times that number.

The manner in which these vehicles must be protected during storage is also not in keeping with a residential area. The applicant states that:

"Personal property will be protected by fence with V.I.P. slats, razor wire, mobile phone communication, guard dog, and 24-hour security on site."

The maximum allowable fence height in LR-10 is six feet. When made sight-obscuring and placed on top of a three to four foot fill, the visual impact of the proposed fence will be unlike any in the surrounding area. Also, the proposed razor wire would be illegal. MCC 7.20.060(A)(12) prohibits the use of such wire in a residential area. Further, a guard dog roaming free within the proposed fence enclosure poses a potential safety hazard. Accidental escape or release (when vehicles are brought or taken from the site) or by vandals could create a threat to surrounding residents or children at the school immediately across the street.

Conclusions:

1. This proposal fails to satisfy the approval criteria for a change to another unlisted use. The entire property has not had a history of automobile-related use; only the service station garage building which is recognized as a non-conforming use. The remainder of the property has been used for residential purposes comparable to other properties in the surrounding area, as evidenced by aerial photographs from five different years.
2. The use requires development and operation measures that are alien and possibly hazardous to the surrounding residential area. Fencing with VIP slats, razor wire, mobile phone communication, guard dog, and 24-hour security, are uses common to an industrial area, but not to a residential area. The applicant should seek to locate in such an industrial area where the use and protective measures are commonplace.

3. The applicant has failed to carry the burden necessary to grant the requested use.

Signed December 14, 1987

By *Ruth Spetter, pc*
Ruth Spetter, Chairperson

December 24, 1987
Filed with Clerk of the Board

Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 4:00 p.m. on Monday, January 4, 1988 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision in this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, January 5, 1987 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Division of Planning and Development at 248-5270.



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING
AND DEVELOPMENT
2115 S.E. MORRISON STREET
PORTLAND, OREGON 97214
(503) 248-3047

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY • CHAIR OF THE BOARD
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER
GRETCHEN KAFOURY • DISTRICT 2 COMMISSIONER
CAROLINE MILLER • DISTRICT 3 COMMISSIONER
POLLY CASTERLINE • DISTRICT 4 COMMISSIONER

January 5, 1988

Honorable Board of County Commissioners
Room 605, Multnomah County Courthouse
1021 SW Fourth Avenue
Portland, Oregon 97204

RE: Auto Wrecker's License - Renewal

82nd Auto Wrecking
(B.O. and C.H., Inc.)
8555 SE 82nd Avenue

Recommend: Approval of Business Location

Dear Commissioners:

The staff of the Division of Planning and Development respectfully recommends that the above license renewal be approved, based upon findings that they satisfy the location requirements for same as contained in ORS 822.10 and .135.

Sincerely,

MULTNOMAH COUNTY DIVISION OF PLANNING AND DEVELOPMENT

Robert N. Hall, Senior Planner

RNH:sec/0985L

Enclosure Wrecker's Application



Multnomah County Sheriff's Office

FRED B. PEARCE
SHERIFF

12240 N.E. GLISAN ST., PORTLAND, OREGON 97230

(503) 255-3600

MEMORANDUM

To: Sharon Cowley, Administrative Assistant
Planning and Development Division

From: Sergeant E.T. Hausafus, Manager 
Intelligence Unit

Date: December 16, 1987

Subject: Wrecker License

Attached is an application for a business certificate as a wrecker of motor vehicles at 8555 SE 82nd, Portland, Ore., 82nd Auto Wrecking.

The Sheriff's Office would recommend for the license provided that zoning requirements have been satisfied.

Thank you for your attention in this matter.



**APPLICATION FOR BUSINESS CERTIFICATE AS A WRECKER OF MOTOR VEHICLES
OR SALVAGE POOL OPERATOR**

CERTIFICATE NO.: _____
 ORIGINAL
 RENEWAL

NOTES: FAILURE TO ACCURATELY COMPLETE THIS FORM WILL CAUSE UNAVOIDABLE DELAY
 PLEASE TYPE OR PRINT LEGIBLY WITH INK
 DO NOT SUBMIT APPLICATION WITHOUT YOUR SURETY BOND AND THE \$54.00 FEE.

NAME (CORPORATION AND/OR ASSUMED BUSINESS NAME) B.O. & C.H. Inc. DBA 82nd Auto Wrecking			BUSINESS TELEPHONE 775-1581
MAIN BUSINESS LOCATION (STREET AND NUMBER) 8555 SE 82nd	CITY Portland	ZIP CODE 97266	COUNTY Mult
MAILING ADDRESS 7720 SE	CITY	STATE	ZIP CODE

LIST THE ADDRESSES OF ALL ADDITIONAL BUSINESS LOCATIONS. A SEPARATE APPLICATION FORM MUST BE COMPLETED FOR ANY ADDITIONAL LOCATIONS IN A DIFFERENT CITY.

STREET ADDRESS None	CITY	ZIP CODE	COUNTY	TELEPHONE
STREET ADDRESS	CITY	ZIP CODE	COUNTY	TELEPHONE

CHECK ORGANIZATION TYPE: <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> PARTNERSHIP <input checked="" type="checkbox"/> CORPORATION	IF CORPORATION, LIST THE STATE UNDER WHOSE LAW BUSINESS IS INCORPORATED OREGON
--	--

LIST NAME AND RESIDENCE ADDRESS OF ALL INDIVIDUAL OWNERS, PARTNERS OR PRINCIPAL CORPORATE OFFICERS

NAME	TITLE	DATE OF BIRTH	RESIDENCE TELEPHONE
Robert B. O'Day	Pres	3-31-56	(503) 774-7333
RESIDENCE ADDRESS 2726 SE 87th	CITY Port	STATE OR	ZIP CODE 97266
Laura J. O'Day	V.P.	3-20-55	() 774-7333
RESIDENCE ADDRESS 2726 SE 87th	CITY Port	STATE OR	ZIP CODE 97266
NAME	TITLE	DATE OF BIRTH	RESIDENCE TELEPHONE
RESIDENCE ADDRESS	CITY	STATE	ZIP CODE

THE DIMENSIONS OF THE PROPERTY ON WHICH THE BUSINESS IS LOCATED ARE **200** ft. x **200** ft.

I CERTIFY THAT I AM THE APPLICANT OR AN AUTHORIZED REPRESENTATIVE AND THAT ALL INFORMATION ON THIS APPLICATION IS ACCURATE AND TRUE. I ALSO CERTIFY THAT THE RIGHT OF WAY OF ANY HIGHWAY ADJACENT TO THE LOCATION(S) LISTED ABOVE IS USED FOR ACCESS TO THE PREMISES AND PUBLIC PARKING.

NAME Robert B. O'Day	TITLE Pres	RESIDENCE TELEPHONE () 774-7333
ADDRESS, CITY, STATE, ZIP CODE 8555 SE 82nd Port, Or. 97266	SIGNATURE Robert B. O'Day	DATE 11-16-87

APPROVAL: I CERTIFY THAT THE GOVERNING BODY OF THE CITY COUNTY OF _____ HAS:

- A) APPROVED THE APPLICANT AS BEING SUITABLE TO ESTABLISH, MAINTAIN OR OPERATE A WRECKING YARD OR BUSINESS (ORIGINAL APPLICATIONS ONLY).
- B) DETERMINED THAT THE LOCATION OR PROPOSED LOCATION MEETS THE REQUIREMENTS FOR LOCATION UNDER SECTION 802, CHAPTER 338, OREGON LAWS 1983 (AS AMENDED BY CHAPTER 16, OREGON LAWS 1985).
- C) DETERMINED THAT THE LOCATION DOES NOT VIOLATE ANY PROHIBITION UNDER SECTION 806, CHAPTER 338, OREGON LAWS 1983 (AS AMENDED BY CHAPTER 16, OREGON LAWS 1985).
- D) APPROVED THE LOCATION AND DETERMINED THAT THE LOCATION COMPLIES WITH ANY REGULATIONS ADOPTED BY THE JURISDICTION UNDER SECTION 807, CHAPTER 338, OREGON LAWS 1983 (AS AMENDED BY CHAPTER 16, OREGON LAWS 1985).

I ALSO CERTIFY THAT I AM AUTHORIZED TO SIGN THIS APPLICATION AND AS EVIDENCE OF SUCH AUTHORITY DO AFFIX HEREON THE SEAL OR STAMP OF THE CITY OR COUNTY (PLACE STAMP OR SEAL HERE)

NAME David A Phillips	TITLE Community Environment Admin
SIGNATURE David A Phillips	DATE 12-16-87

SURETY BOND

FAILURE TO ACCURATELY COMPLETE THIS FORM WILL CAUSE UNAVOIDABLE DELAY

BOND NO.: _____

KNOW ALL MEN BY THESE PRESENTS:

THAT B. O'Brien, Inc. DBA 82nd Auto Wrecking
(INDIVIDUAL, PARTNERS, CORPORATION NAME)

DOING BUSINESS AS 82nd Auto Wrecking
(ASSUMED BUSINESS NAME, IF ANY)

HAVING PRINCIPAL PLACE OF BUSINESS AT 8555 SE. 82nd Portland Oregon 97216
(ADDRESS, CITY, STATE, ZIP CODE)

WITH ADDITIONAL PLACES OF BUSINESS AT _____
(ADDRESS, CITY, STATE, ZIP CODE)

(ADDRESS, CITY, STATE, ZIP CODE)

STATE OF OREGON, AS PRINCIPAL(S), AND _____
(SURETY NAME)

_____ () _____
(ADDRESS, CITY, STATE, ZIP CODE) TELEPHONE NUMBER

A CORPORATION ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF _____, AND AUTHORIZED TO TRANSACT A SURETY BUSINESS IN THE STATE OF OREGON, AS SURETY, ARE HELD AND FIRMLY BOUND UNTO THE STATE OF OREGON IN THE PENAL SUM OF \$2000.00 FOR THE PAYMENT OF WHICH WE HEREBY BIND OURSELVES, OUR RESPECTIVE SUCCESSORS AND ASSIGNS, JOINTLY AND SEVERALLY, FIRMLY BY THESE PRESENTS.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT WHEN THE ABOVE NAMED PRINCIPAL HAS BEEN ISSUED A CERTIFICATE TO CONDUCT, IN THIS STATE, A BUSINESS WRECKING, DISMANTLING AND SUBSTANTIALLY ALTERING, THE FORM OF VEHICLES SAID PRINCIPAL SHALL CONDUCT SUCH BUSINESS WITHOUT FRAUD OR FRAUDULENT REPRESENTATION, AND WITHOUT VIOLATION OF ANY OF THE PROVISIONS OF CHAPTER 481, OREGON REVISED STATUTES THEN AND IN THAT EVENT THIS OBLIGATION TO BE VOID, OTHERWISE TO REMAIN IN FULL FORCE AND EFFECT UNLESS CANCELLED PURSUANT TO ORS 743.755.

THIS BOND IS EFFECTIVE _____ 19 ____ AND EXPIRES _____ 19 ____

ANY ALTERATION VOIDS THIS BOND

IN WITNESS WHEREOF, THE SAID PRINCIPAL AND SAID SURETY HAVE EACH CAUSED THESE PRESENTS TO BE EXECUTED BY ITS AUTHORIZED REPRESENTATIVE OR REPRESENTATIVES AND THE SURETY CORPORATE SEAL TO BE HEREUNTO AFFIXED THIS _____ DAY OF _____ 19 ____.

SIGNATURE OF PRINCIPAL/REPRESENTATIVE TITLE

SIGNATURE OF SURETY/REPRESENTATIVE TITLE

SURETY'S AGENT OR REPRESENTATIVE MUST COMPLETE THIS SECTION:

IN THE EVENT A PROBLEM ARISES CONCERNING THIS BOND, CONTACT:

NAME _____ TELEPHONE _____

ADDRESS _____

CITY, STATE, ZIP CODE _____

PLACE SURETY SEAL BELOW