

MINUTES
MULTNOMAH COUNTY BOARD OF COMMISSIONERS
MARCH 20, 1990 MEETING

Vice-Chair Gretchen Kafoury convened the meeting at 9:37 a.m., with Commissioners Pauline Anderson, Rick Bauman and Sharron Kelley present, and Chair Gladys McCoy absent.

1. PR 1-90
APPROVE change in the Rockwood Community Plan redesignating the subject property for Urban Transit Low Density Residential to Urban High Density Residential;
ZC 2-90
APPROVE, SUBJECT TO CONDITIONS, amendment of Sectional Zoning Map #386, changing the described property from TLR-5 to THR, all for property located at 15809 East Burnside Street

UPON MOTION of Commissioner Anderson, seconded by Commissioner Kelley, item 1 was UNANIMOUSLY APPROVED.

2. ZC 1-90
DENIED request for a change in the zone designation of the northerly portion of the subject property from LR-10 to LR-7;
PD 1-90
DENIED request for Planned-Development overlay zone, all for property located at 13300 SE Holgate Blvd.

UPON MOTION of Commissioner Anderson, seconded by Commissioner Kelley, item 2 was UNANIMOUSLY APPROVED.

3. RPD 1-90
APPROVE amendment of Sectional Zoning Map #109, changing the described property from MUF-19 to MUR-19, RPD, rural Planned-development;
LD 1-90
APPROVE, SUBJECT TO CONDITIONS, a Tentative Plan for a Type I land division, resulting in 12 lots, all for property located 11000 NW Saltzman Road

Planning Director Lorna Stickel gave the staff report and advised that staff recommends that the Board call this matter up for a de novo hearing.

Commissioner Anderson moved and Commissioner Bauman seconded, to set the matter for a de novo review by the Board.

In response to a question of Commissioner Bauman, Deputy County Counsel John DuBay stated it would be appropriate but not necessary to include setting a date in the motion, as it could be set in a separate motion. In response to a question of Commissioner Bauman, Mr. DuBay advised it would not be appropriate for the Board to set time limits in a de novo hearing.

Ms. Stickel advised she asked County Counsel to attend this meeting to address an issue relating to the County ordinance, and advised the ordinance provides an opportunity for parties to discuss the scope of review if the Board chooses to establish a

hearing for deciding on the scope of review but that it is at the Board's discretion to do so. Ms. Stickel noted that regardless of whether the Board calls this issue up on its own motion, the ordinance does not provide for public input.

Mr. DuBay explained that the Board may take information from involved parties at its discretion.

Richard Whitman of 101 SW Main, representative of applicant Forest Park Estate Joint Ventures, testified that this particular proposal has been through 2 extensive hearings before the Planning Commission, constituting over 7 hours of public testimony, and asked that the Board consider holding a review based on the record of the Planning Commission hearings.

Vice-Chair Kafoury noted that owing to the difficulty in reading typed Planning Commission transcripts, it is easier, especially in heavily contested matters, to begin again.

Mr. Whitman stated that this matter has not been heavily contested as evidenced by the fact there has been no appeal of the decision, other than the Planning staff recommendation to the Board.

Commissioner Anderson noted that a Planning staff recommendation is considered significant.

Vice-Chair Kafoury thanked Mr. Whitman for his testimony and called for a vote on the motion before the Board.

It was UNANIMOUSLY APPROVED that a de novo hearing on item 3 be scheduled for Tuesday, April 24, 1990.

At this point in the meeting Ms. Stickel reported she has been advised that an appeal was submitted to the Planning office at 4:45 p.m. yesterday relative to item 2, the ZC 1-90 and PD 1-90 issue concerning a mobile home park on 133rd and Holgate. Ms. Stickel related that applicant is requesting a hearing on the record, plus additional testimony relating to the topographic features of the site insofar as it effects the flood plains and wetlands issue.

UPON MOTION of Commissioner Bauman, seconded by Commissioner Kelley, RECONSIDERATION of item 2 was UNANIMOUSLY APPROVED.

UPON MOTION of Commissioner Bauman, seconded by Commissioner Kelley, it was UNANIMOUSLY APPROVED that a hearing on the record with additional testimony on the topographic features relating to item 2, be scheduled for Tuesday, May 1, 1990, with testimony limited to 20 minutes per side.

There being no further business, the meeting was adjourned at 11:04 a.m.

OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON

By DEBORAH C. ROGERS



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 605, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308
PAULINE ANDERSON • DISTRICT 1 • 248-5220
GRETCHEN KAFOURY • DISTRICT 2 • 248-5219
RICK BAUMAN • DISTRICT 3 • 248-5217
SHARRON KELLEY • DISTRICT 4 • 248-5213
JANE McGARVIN • Clerk • 248-3277

AGENDA OF
MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS
FOR THE WEEK OF
March 19 - 23, 1990

Tuesday, March 20, 1990 - 9:30 AM - Planning Items . . . Page 2
Tuesday, March 20, 1990 - 1:30 PM - Informal Meeting . . Page 2
Thursday, March 22, 1990 - 9:30 AM - Formal. Page 3

Thursday Meetings of the Multnomah County Board of Commissioners are recorded and can be seen at the following times:

Thursday, 10:00 PM, Channel 11 for East and West side subscribers
Friday, 6:00 PM, Channel 27 for Paragon Cable (Multnomah East) subscribers
Saturday 12:00 PM, Channel 21 for East Portland and East County subscribers

Tuesday, March 20, 1990 - 9:30 AM

Multnomah County Courthouse, Room 602

Decisions of the Planning Commission of February 26, 1990, are reported to the Board for acceptance and implementation by Board Order:

1. PR 1-90 Approve change in the Rockwood Community Plan redesignating the subject property for Urban Transit Low Density Residential to Urban High Density Residential;
ZC 2-90 Approve, subject to conditions, amendment of Sectional Zoning Map #386, changing the described property from TLR-5 to THR, all for property located at 15809 East Burnside Street
2. ZC 1-90 Denied request for a change in the zone designation of the northerly portion of the subject property from LR-10 to LR-7;
PD 1-90 Denied request for Planned-Development overlay zone, all for property located at 13300 SE Holgate Blvd.
3. RPD 1-90 Approve amendment of Sectional Zoning Map #109, changing the described property from MUF-19 to MUR-19, RPD, rural Planned-development;
LD 1-90 Approve, subject to conditions, a Tentative Plan for a Type I land division, resulting in 12 lots, all for property located 11000 NW Saltzman Road

* * * * *

Tuesday, March 20, 1990 - 1:30 PM

Multnomah County Courthouse, Room 602

INFORMAL

1. Semi-Annual Report to the Board concerning the activities and recommendations of the Citizen Involvement Committee (CIC). Presented by Dennis Payne, CIC Chair - TIME CERTAIN 1:30 PM
2. Update on Library Serial Levy Campaign
3. Informal Review of Formal Agenda of March 22, 1990

PUBLIC TESTIMONY WILL NOT BE TAKEN AT INFORMAL MEETINGS

Thursday, March 22, 1990, 9:30 AM

Multnomah County Courthouse, Room 602

Formal Agenda

REGULAR AGENDA

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-1 In the Matter of Appointments of Peter W. Preston, Katherine Tennyson, Jill S. Gelineau, Greg Oldham and Paula Biggs Hammond as Animal Control Hearings Officers for the potentially Dangerous Dog Program, pursuant to Ordinance No. 517

NON-DEPARTMENTAL

- R-2 In the Matter of Appointment of Curtis McCracken to the DUII Community Program Advisory Board, term expires 1995

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-3 Budget Modification DES #11 to reclassify Office Assistant II in Transportation Division to an Office Assistant III as a result of increased duties and responsibilities
- R-4 Budget Modification DES #12 to reclassify Office Assistant II in Transportation - Bridge Section to an Office Assistant III as a result of increased duties and responsibilities as a result of the merger of the Bridge Maintenance and Bridge Engineering Sections. Position is being reclassified under the class/comp plan and is currently vacant
- R-5 In the Matter of Ratification of an Intergovernmental Agreement with the State of Oregon Highway Division and Multnomah County for improvement of 242nd Avenue from 23rd St. to Division St. with Federal Funds \$793,000

DEPARTMENT OF HUMAN SERVICES

- R-6 Budget Modification DHS #39 requests approval of reclassification of a Program Supervisor position in Juvenile Justice to a Program Manager I position based on a recent audit of duties and responsibilities

NON-DEPARTMENTAL

- R-7 In the Matter of the Board setting a Hearing Date for an Appeal of the Decision of the County Engineer denying access to SW 49th Avenue (Kerr Road) for a proposed multi-family residential development
- R-8 In the Matter of Ratification of an Intergovernmental Agreement with the City of Portland and Multnomah County for the dispersal of assets and property subject to forfeiture under Oregon Laws
- R-9 Resolution in the Matter of a finding regarding the existence of a recycling system that is actively supported by the plastic industry
- R-10 In the Matter of Ratification of an Intergovernmental Agreement with the City of Portland, Bureau of Environmental Services delineating the manner in which the sanitarians will use their restaurant inspections to note vendors compliance with City or County polystyrene foam management regulations and outlining how the City will provide enforcement of these regulations
- R-11 In the Matter of Ratification of an Intergovernmental Agreement regarding acceptance of U.S. Federal Marshal grant of \$750,000 for construction of 30 to 44 additional beds at Inverness Jail

ORDINANCES - NON-DEPARTMENTAL

- R-12 Second Reading - An Ordinance prohibiting possession of a loaded firearm and discharge of a firearm in a public place, regulating possession of assault weapons in public place, establishing a firearms safety training course, and imposing fees
- R-13 Second Reading - An Ordinance in the Matter of repealing Multnomah County Code Chapter 6.80 and adopting Multnomah County Code Chapter 6.81 regulating occasional secondhand dealers and secondhand dealers

700C.71-74
cap



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 605, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308
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SHARRON KELLEY • DISTRICT 4 • 248-5213
JANE McGARVIN • Clerk • 248-3277

SUPPLEMENTAL AGENDA

Tuesday, March 20, 1990 - 1:30 PM

Multnomah County Courthouse, Room 602

INFORMAL

4. Presentation and Discussion Concerning a Policy on Evaluation of Multnomah County Programs and an Implementation Plan. Presented by Orin Bolstead, Marilyn Miller, Gary Smith and Elizabeth Tarr.

0700C.75/dr
3/16/90

PAULINE ANDERSON
Multnomah County Commissioner
District 1



605 County Courthouse
Portland, Oregon 97204
(503) 248-5220

March 15, 1990

To: Board of County Commissioners

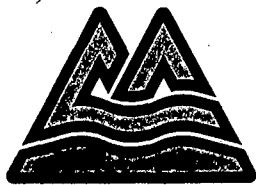
From: Pauline Anderson *pa*

Re: Skyline Meadows proposal

The Board of County Commissioners will be receiving a report from the Planning Commission on Tuesday, March 20. It is my intention to "call up" the Skyline Meadows development for our de novo review (RPD 1-90 #109 AND LD 1-90 #109).

I hope you will join me in deciding to review this proposed development.

RECEIVED
BOARD OF
COUNTY COMMISSIONERS
1990 MAR 16 AM 11:47
MULTNOMAH COUNTY
OREGON



MAR 20 1990

MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 605, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

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BOARD OF COUNTY COMMISSIONERS

Tuesday, March 20, 1990

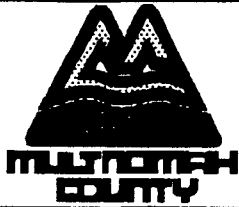
9:30 a.m., Room 602

A G E N D A

BOARD OF
COUNTY COMMISSIONERS
1990 MAR 13 PM 1:59
MULTNOMAH COUNTY
OREGON

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

- PR 1-90** Approve change in the Rockwood Community Plan redesignating the subject property from Urban Transit Low Density Residential to Urban High Density Residential;
- ZC 2-90** Approve, **subject to conditions**, amendment of Sectional Zoning Map #386, changing the described property from TLR-5 to THR, all for property located at **15809 East Burnside Street** *ACCEPTED & IMPLEMENTED 3/20/90*
- ZC 1-90** Denied request for a change in the zone designation of the northerly portion of the subject property from LR-10 to LR-7;
- PD 1-90** Denied request for Planned-Development overlay zone, all for property located at **13300 SE Holgate Blvd.** *Q:30 5/1/90 REVIEW on the RECORD & ADDITIONAL TESTIMONY RELATING TO TOPOGRAPHIC FEATURES OF SITE - FLOOD PLAIN & WETLANDS ISSUE - limit 20' or less*
- RPD 1-90** Approve amendment of Sectional Zoning Map #109, changing the described property from MUF-19 to MUF-19, RPD, rural Planned-development;
- LD 1-90** Approve, **subject to conditions**, a Tentative Plan for a Type I land division, resulting in 12 lots, all for property located **11000 NW Saltzman Road.** *Q:30 4/24/90 DE NOVO HEARING*



**Department of Environmental Services
Division of Planning and Development
2115 S.E. Morrison Street
Portland, Oregon 97214 (503) 248-3043**

Decision

This Decision consists of Findings of Fact and Conclusions
February 26, 1990

**PR 1-90, #386
ZC 2-90, #386**

Comprehensive Plan Amendment Zone Change Request (TLR-5 to THR)

Applicant requests a Comprehensive Plan amendment and change in zone designation from the current Transit Low Density Residential and TLR-5 to Transit High Density Residential and THR for this property.

Location: 15809 E. Burnside Street

Legal: A portion of Lots 16 & 127, Meyermead
(Described by Attached Metes and Bounds)

Site Size: 186' x 240'

Size Requested: Same

Property Owner: Jack B. Hoggard
PO Box 16278, Portland 97216

Applicant: Same

Comprehensive Plan: Transit Low Density Residential

Current Zoning: TLR-5, Urban Transit Low Density Residential

Proposed Zoning: THR, Urban Transit High Density Residential

Planning Commission Decision: APPROVE, subject to a condition, a change in the Rockwood Community Plan redesignating this property from Urban Transit Low Density Residential to Urban High Density Residential and amending Sectional Zoning Map #386, changing the described property from TLR-5 to THR, based upon the following Findings and Conclusions.

PR 1-90/ZC 2-90

Description:

Portions of Lots 16 and 17, Block 1, MEYERMEAD, in the County of Multnomah and State of Oregon, described as follows:

Beginning at the Northeast corner of said Lot 17; thence West along the North line of said lot, 185.88 feet to the Northeast corner of the tract described in the Contract to Donahue et ux, recorded May 21, 1980 in Book 1442 at Page 1650; thence South, along the East line of said Donahue tract and the Southerly extension thereof, 110.0 feet to the North line of the Peterson tract described in deed recorded May 8, 1981 in Book 1522 at Page 1272; thence East 25.5 feet, more or less, to the Northeast corner of said Peterson tract; thence South 140 feet to the Southeast corner of said Peterson tract on the South line of said Lot 16; thence East 160.78 feet to the Southeast corner of said Lot 16; thence North 250.0 feet to the point of beginning.

Dated January 3, 1990

PR 1-90/ZC 2-90

2946

ED N E GLISAN STREET

(VILLA AVE.)

Zoning Map
Case #: PR 1-90 & ZC 2-90
Location: 15809 East Burnside Street
Scale: 1 inch to 200 feet
Shading indicates subject property

MR-3

LC

MARION

NE 156th AVENUE

TRACTS

TLR-5

LR-7

NE 157th AVENUE

TMR

NE 160th AVENUE

EYE

NE COUCH STREET

MR-4

TMR

THR

(MT HOOD RY R/W)

EAST BURNSIDE STREET
(Light Rail Route)

DRIVE E 155th PLACE

CIRCLE

TLR-5

SE 160th AVENUE

THR

SITE PLAN

LEGAL:
LOT 17
"METER/MEND" ADD.
CITY OF PORTLAND
CURRENT ZONING
IS TLR-5

• 152 SPACES FOR UNIT AS IS	
• LOT SIZE - 42,011	SQ. FT.
• CANTAINS	SQ. FT.
• UNITS AREA	SQ. FT.
• ASPHALT AREA	SQ. FT.
• CONCRETE LAER	SQ. FT.
• LANDSCAPING AREA	SQ. FT.

0' 20' 30' 40' 50'

14'-15' D. BACKYARD
AREAS TO HAVE
6'-0" H. MIN. FENCE
SCREENING AROUND

6'x13' PATIO SLABS
INCLUDE A 6'x2'0"
STORAGE SHED ON
N. OR E. SIDES FOR
WEATHER PROTECT.

20'-0" MIN. CLEAR
BETWEEN BUILDINGS.

(21) 16'x32' 2-STORY
TOWNHOUSE UNITS
(943 SQ. FT. NET PER)

5'-0" MIN. SIDE-YARD
BUFFERS SHOWN @
PROP. LINES ALONG-
SIDE PARKG. AREAS

2'-6" BUMPER OVERHANG
SHOWN INTO BUFFER'S
AREA. WILL USE LOW
PLANTING & GROUNDCOVER
THERE

4'-0" W. SIDEWALKS TIP
ALONG IN FRONT OF ALL
UNITS (10' NEXT TO BLDG.
TO BE FOR PLANTINGS)

15'-0" MIN. SETBACKS
THRU-OUT-BUILDGS.
TO PROP. LINES

(2) 8'x20'
SPACES
OR 10'
HINDR SPACE

(11) 5'x18' SPACES

(3) 7'x16'
CONCEPT
SPACES

5'-0" W. BUFFERS TIP
ALONG BUILDGS. &
BETWEEN PARKG. &
WALKWAYS

(7) 8'x18' SPACES

(5) 9'x18' SPACES

(4) 7'x18' CONCEPT SPACES

TYPICAL
TRASH
DUMP
ENCLOSURE

25'-0" W.
ACCESSWAY

VICINITY MAP

0' 50' 100' 150'

(21) 2-STORY
TOWNHOUSE
UNITS APPROVED

S.F.R.'S TYPICAL

EXISTG.

EXISTING
25'
W. ACCESSWAY

16 APT. UNITS

16 APT. UNITS

14 APT. UNITS

NE. 157th

E. BURNSIDE

PR 1-90/ZC 2-90

PREPARED BY:
KNIGHTS BUILDING DESIGN 11/2/89 ADM
281.0087

Condition:

The applicant shall construct a six foot high privacy fence around the west, north and east sides of the subject property.

Findings of Fact:**1. Applicant's Proposal:**

The applicant requests Planning Commission approval for Comprehensive Plan Revision and zone change to allow this property to be developed as an expansion of an existing apartment complex on property immediately to the south.

2. Ordinance Considerations:

- A. The burden is on the applicant for a comprehensive plan amendment to demonstrate that the revision is:
 - (a) In the public interest;
 - (b) In compliance with the applicable elements of the comprehensive plan; and
 - (c) Proof that circumstances in the area affected by the proposed revision have changed since the adoption of the plan, or that there was a mistake in the plan.
- B. The burden is on the applicant for a zone change to persuade the Planning Commission that:
 - (a) Granting the request is in the public interest;
 - (b) 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;
 - (c) The proposed action fully accords with the applicable elements of the Comprehensive Plan.

3. Site and Vicinity Characteristics:

This property is located approximately 750 feet west of the intersection of 162nd and E. Burnside. A light rail passenger station is located at that intersection. The site adjoins immediately to the north and east an existing 32 unit apartment complex of which this would be a 21 unit expansion. Other land uses in the area include single family to the west and north.

Zoning in the surrounding area includes TLR-5 to the west and north, TMR to the east and southwest, and THR to the south.

The site is served by the Rockwood Water District, a sanitary sewer in Burnside Street, and PGE, PNB and Northwest Natural gas along the property frontage.

4. Compliance with Ordinance Criteria:

This proposal satisfies the criteria for a zone change and plan revision as follows:

- A. *Public Interest:* It is in the public interest to promote land uses which support the light rail system along the route of that system. This proposed apartment complex would increase the residential density in close proximity to that system; thereby, increasing the potential ridership of the light rail.
- B. *Public Need:* The public need for additional housing units is best shown by examination of vacancy rates in the surrounding area. The most recent data for the east part of the urban area of Multnomah County indicate a rate in the range of 1.5%, well below the 5% figure generally accepted as showing a need. In addition, detached housing for rent is very difficult to find.

There are no other vacant and available sites adjacent to this development that would allow expansion. Irrespective of that, it is much better to change an area such as this where apartment housing already exists as does also the infrastructure necessary to support such development, than to change a more remote site with less services.

- C. *Compliance with Applicable Comprehensive Plan Policies:* This proposal satisfies the following policies of the Comprehensive Framework Plan:
 - (a) No. 20—Arrangement of Land Uses: This request is to increase density in an area which is served by light rail, has a park within three blocks which provides access to an elementary school, and has shopping within five blocks. The gradual transition from intense uses at the light rail station to less intense uses as distance from the station increases, is a readily accepted land use concept. In addition it increases the potential for additional ridership on MAX, increasing the potential to generate operating revenue.
 - (b) No. 21—Housing Choice: This policy is fully supported by this proposal by creating additional choice in the marketplace in the form of apartment units.
 - (c) No. 22—Energy Conservation: The proposal will allow utilization of a fully served parcel of bypassed land, taking advantage of existing services in place and ready to use. Its location at a light rail station allows efficient movement to any location along the line for work, shopping, recreation, etc. It will increase density in the primary transit corridor of the metropolitan area and support employment and commercial centers in that corridor. As an example, the new regional Winmar Center of over one

million square feet will be within four stops of this site, and will supply many jobs and shopping opportunities. Active recreation facilities exist three blocks west and 12 blocks east in the City of Gresham.

The site configuration is such that 10 of the 21 townhouse units are oriented to take advantage of solar heating and cooling. In addition, location of storage and fences is used to minimize the effects of the winter winds.

No new streets are required to serve the site. Additional driveway and parking area will be kept to the minimum necessary to serve the needs of the tenants. There is a direct pedestrian link along Burnside Street connecting to the light rail station.

- (d) No. 24—Housing Location: This request expands on a proven housing type where there is substantial demand. Multi family housing vacancy rates are in the range of 1.5% which is the lowest it has been in many years.

The purposes of this policy are supported by this request. It is an area which is fully served, utilizes land which would be very difficult to serve with public streets, supports the light rail transit corridor, provides a housing choice for people who choose this lifestyle, is designed as an expansion of an existing project, with no access to other than Burnside Street, and has a control built in to the project due to one access point and fencing which will reduce crime potential.

- (e) No. 35—Public Transportation: Increasing density at this location will support the public transportation system on light rail existing in Burnside Street. The Burnside corridor has been improved to its planned level in this area, reducing travel time and congestion near this site.

- (f) No. 37—Utilities: The proposal satisfies this policy as follows:

- The proposed use can be connected to a public sewer and water system, both of which have adequate capacity.
- The water run off can be handled on the site or adequate provisions can be made: (run off can be handled on site)
- There is adequate energy supply to handle the needs of the proposal and the development level projected by the plan (the area is served by PGE and Northwest Natural Gas).
- Communication facilities are available (the area is served by Pacific Northwest Bell).

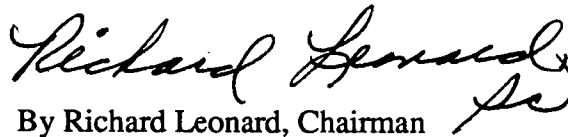
- (g) No. 38—Facilities: This property is in the Reynolds School District, and will be notified of the requested change. The Rockwood Water District has certified they can serve the property adequately from existing facilities. Fire District 10 and the

Portland Fire Bureau will be notified of this request. At present the area is patrolled and protected by the Multnomah County Sheriff.

Conclusion:

The applicant has carried the burden necessary for the granting of the requested plan amendment and zone change based on Finding No. 4 above. The proposed changes satisfy the applicable approval criteria and result in plan and zone designations comparable to those of surrounding properties and ones which are more supportive of the light rail system.

Signed February 26, 1990

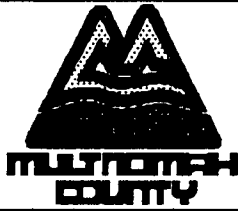

By Richard Leonard, Chairman

Filed With the Clerk of the Board on March 8, 1990

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 4:30 p.m. on Monday, March 19, 1990 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision on this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, March 20, 1990 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development Division at 248-3043.



**Department of Environmental Services
Division of Planning and Development
2115 S.E. Morrison Street
Portland, Oregon 97214 (503) 248-3043**

Decision

**This Decision consists of Findings of Fact and Conclusions.
February 26, 1990**

**PD 1-90, #421
ZC 1-90, #421**

**Planned Development
Zone Change Request
(LR-10 to LR-7)**

Applicant requests amendment of Sectional Zoning Map #421, changing a portion of the described property from LR-10, FF, low density residential, flood fringe district (minimum lot size of 10,000 square feet) to LR-7, FF, low density residential, flood fringe district (minimum lot size of 7,000 square feet) and approval of a Planned-Development for the entirety of the property to allow its development with a 124-unit mobile home park.

Location: 13300 SE Holgate Blvd.

Legal: Lots 14 and 15, Wiley Acre Tracts; Lots 13-15, Blk. 1 & Lots 14 & 15, Blk. 2, Sunset Gardens; Tax Lot '6' of Lot 1, Lamargent Park, plus Tax Lots '501', '442', and '497', Section 14, 1N-2E, 1988 Assessor's Map

Site Size: 25.22 Acres (1,098,583 Square Feet)

Size Requested: Same

Property Owner: David Douglas Public School District #40, 1500 SE 130th Ave., 97233

Applicant: Jeffrey L. Payne
PO Box 69253, 97201

Comprehensive Plan: Low Density Residential

Present Zoning: LR-7 and LR-10, FF, Urban Low Density Residential
Flood Fringe District Minimum lot size of 7,000 and 10,000 square feet

Sponsor's Proposal: LR-7, FF, P-D, Urban Low Density Residential, Flood Fringe,
Planned-Development District Minimum lot size of 7,000 square feet

XC 53-58

ZC 53-58

SE MALL

LR-10 TRACTS

WILEY RE TRACTS

JANAL



Zoning Map
Case #: ZC 1-90 & PD 1-90
Location: 13300 SE Holgate Blvd.
Scale: 1 inch to 600 feet
Shading indicates subject property

LD 26-81

FF

FF

LONG

LR-10

FF

ST LAR
ZC 27-63

LR

3543

LR-7

VERDANT
SLOPE

RIDGECREST

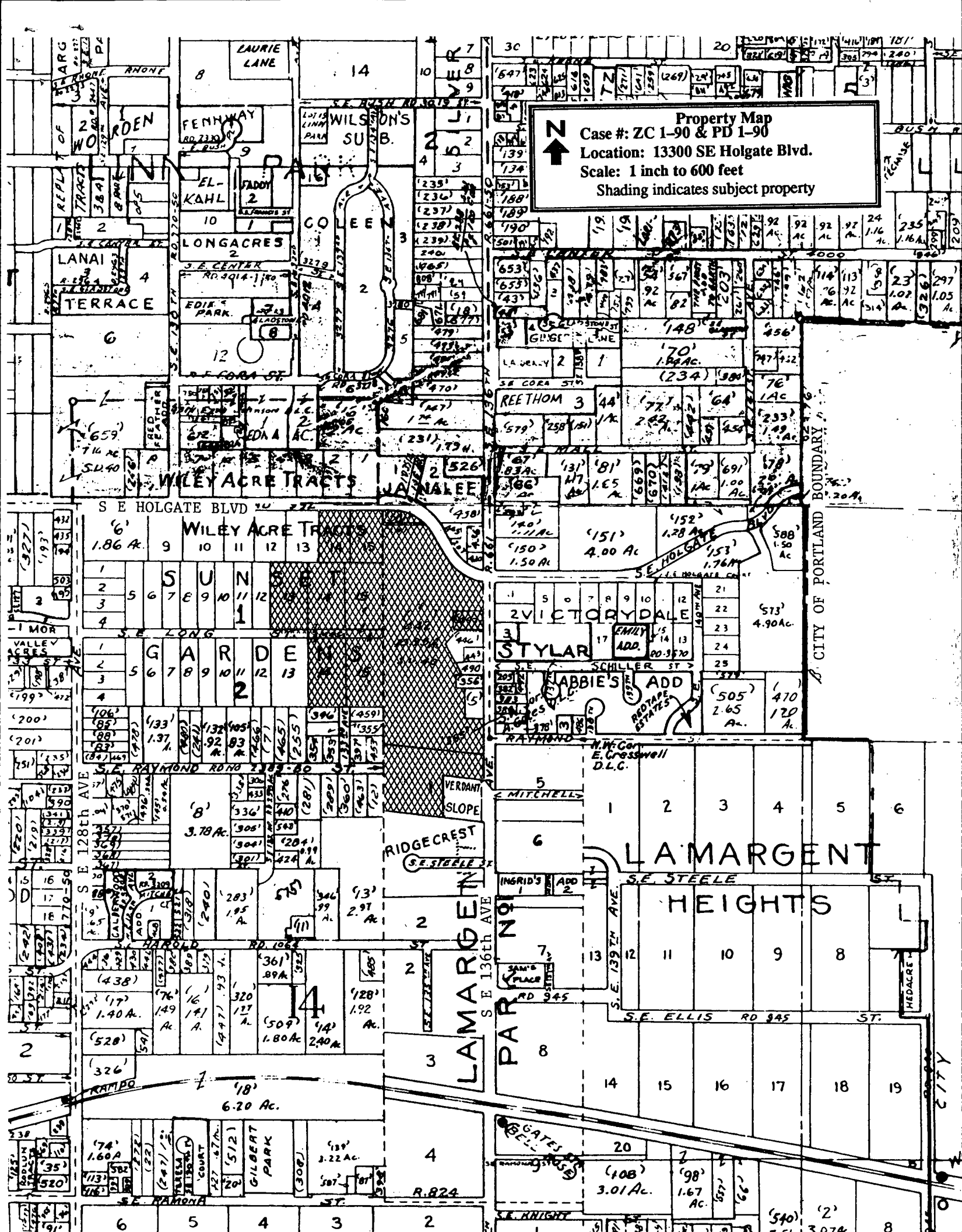
S.E. STEELE ST.

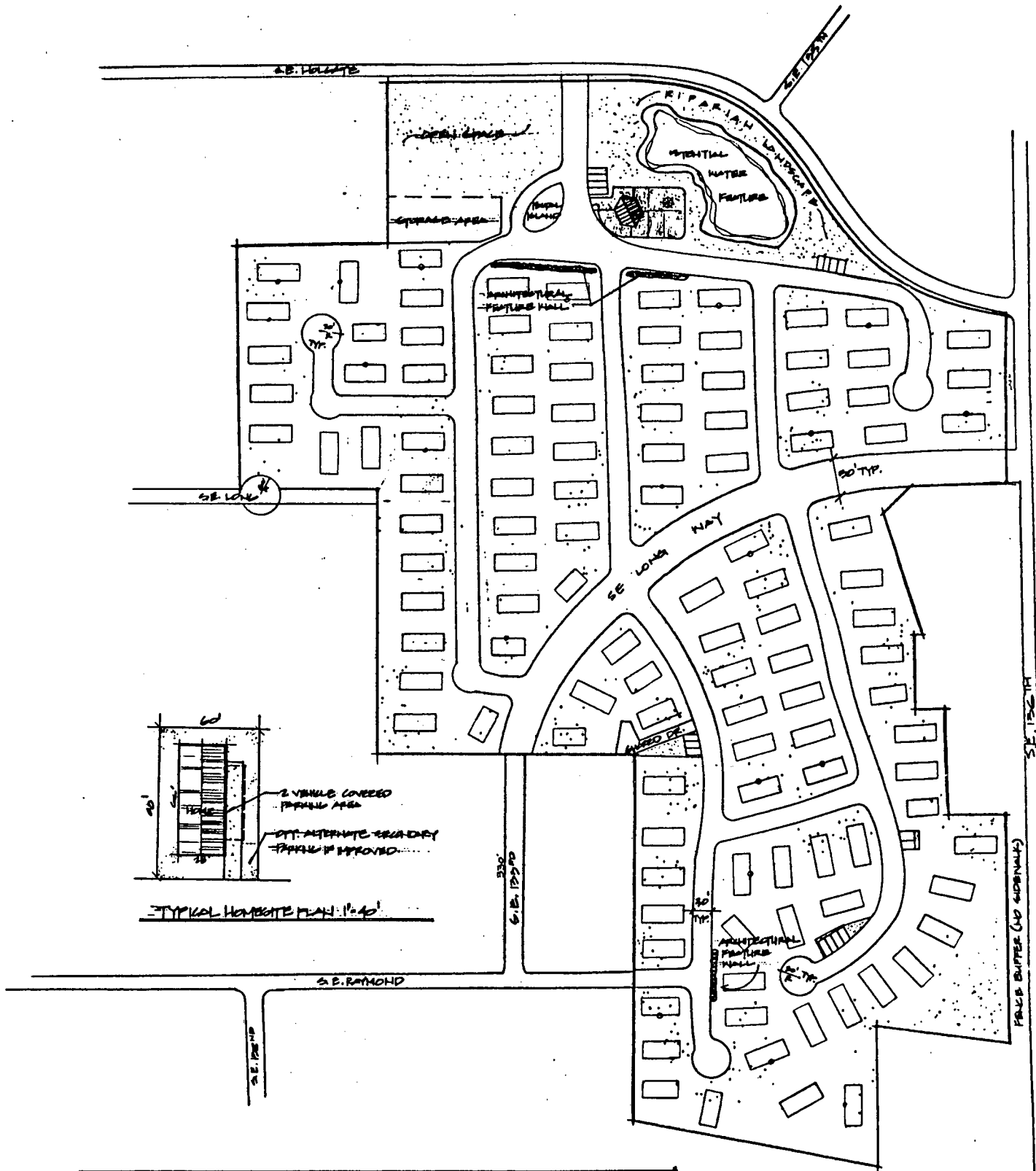
S.E. MITCHELL ST.



LD 74-81

LR-10

Property Map
Case #: ZC 1-90 & PD 1-90
Location: 13300 SE Holgate Blvd.
Scale: 1 inch to 600 feet
Shading indicates subject property





ASPEN 1.20.81 PAV. LOT 442, ETAL. 6.14-16 SE. MULT. CO. OF JEFF PAYNE, APPLICANT	REVISED PRELIMINARY SITE PLAN 117   1"=100'
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PD 1-90/ZC 1-90

Planning Commission Decision: DENY a change in the zone designation of the northerly portion of this property from LR-10 to LR-7; thereby disallowing a planned development for the entirety of the site which would have allowed its development with a 124-unit mobile home park, based upon the following Findings and Conclusions.

Findings of Fact:

1. Applicant's Proposal:

The applicant requests Planning Commission approval of a zone change from LR-10 to LR-7 for the northerly portion of this property and approval of a 124-unit mobile home park on the entirety of the site as a Planned Development.

2. Ordinance Considerations:

- A. The burden is on the applicant for a zone change to persuade the Planning Commission that:
 - (a) Granting the request is in the public interest;
 - (b) 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;
 - (c) The proposed action fully accords with the applicable elements of the Comprehensive Plan.
- B. Planning Commission action on the Preliminary Development Plan and Program shall be based on findings that the following are satisfied:
 - (a) The proposed action fully accords with the applicable elements of the Comprehensive Plan;
 - (b) The applicable provisions of MCC 11.45 the Land Division Chapter;
 - (c) That any exceptions from the standards or requirements of the underlying district are warranted by the design and amenities incorporated in the Development Plan and Program, as related to the purposes of the Planned Development subdistrict which are:

To provide a means of creating planned environments through the application of flexible and diversified land development standards; to encourage the application of new techniques and new technology to community development which will result in superior living or development arrangements; to use land efficiently and thereby reduce the costs of housing, maintenance, street systems and utility networks; to promote energy conservation and crime prevention; to relate developments to the natural environment and to inhabitants, employers, employees, cus-

tomers, and other users in harmonious ways.

(d) That the system of ownership and the means of developing, preserving and maintaining open space is suitable to the purposes of the proposal.

(e) The following environmental standards:

- (1) The Development Plan and Program shall indicate how the proposal will be compatible with the natural environment.
- (2) The elements of the Development Plan and Program shall promote the conservation of energy, and may include such factors as the location and extent of site improvements, the orientation of buildings and usable open spaces with regard to solar exposure and climatic conditions, the types of buildings and the selection of building materials in regard to the efficient use of energy and the degree of site modification required in the proposal.
- (3) The Development Plan and Program shall be designed to provide freedom from hazards and to offer appropriate opportunities for residential privacy and for transition from public to private spaces.
- (4) The location and number of points of access to the site, the interior circulation patterns, the separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings, structures and uses shall be designed to maximize safety and convenience and be compatible with neighboring road systems, buildings, structures and uses.

(f) That the proposed development can be substantially completed within four years of the approval or according to development stages proposed as follows:

- (1) The applicant may elect to develop the site in successive stages in a manner indicated in the Development Plan and Program. Each such stage shall satisfy the requirements of this Chapter.
- (2) In acting to approve the Preliminary Development Plan and Program, the Planning Commission may require that development be completed in specific stages if public facilities are not otherwise adequate to service the entire development.

(g) The following Development Standards:

- (1) A Planned Development District shall be established only on a parcel of land found by the Planning Commission to be suitable for the proposed development and of sufficient size to be planned and developed in a manner consistent with the purposes stated in MCC .6200.

- (2) Open space in a Planned Development District means the land area used for

scenic, landscaping or open recreational purposes within the development.

- (a) Open space shall not include street rights-of-way, driveways or open parking areas.
 - (b) Locations, shapes and sizes of open space shall be consistent with the proposed uses and purposes of the Planned Development.
 - (c) Open spaces shall be suitably improved for intended use. Open spaces containing natural features worthy of preservation may be left unimproved or may be improved to assure protection of the features.
 - (d) The development schedule shall provide for coordination of the improvement of open spaces with the construction of other site improvements proposed in the Development Plan and Program.
 - (e) Assurance of the permanence of open spaces may be required in the form of deeds, covenants or the dedication of development rights to Multnomah County or other approved entity.
 - (f) The Planning Commission may require that instruments of conveyance provide that in the event an open space is permitted to deteriorate or is not maintained in a condition consistent with the approved plan and program, the County may at its option cause such maintenance to be done and assess the costs to the affected property owners. Any instruments guaranteeing the maintenance of open spaces shall be reviewed as to form by the County Counsel.
- (3) In order to preserve the integrity of the Comprehensive Plan and relate to a residential Planned Development to it, the number of dwelling units permitted shall be determined as follows:
- (a) Divide the total site area by the minimum lot area per dwelling unit required by the underlying district or districts in which the Planned Development is located.
 - (b) Optional Density Standards. The following standards for the calculation of residential density may be used singularly or in combination, when approved by the Planning Commission:
 - (i) The permitted number of dwelling units determined under subsection (A) above may be increased up to 25 percent upon a finding by the Planning Commission that such increased density will contribute to:
 - Satisfaction of the need for additional urban area housing of the type proposed;
 - The location of housing which is convenient to commercial, employ-

ment and community services and opportunities;

- The creation of a land use pattern which is complementary to the community and its identity, and to the community design process;
- The conservation of energy;
- The efficient use of transportation facilities; and
- The effective use of land and of available utilities and facilities.

(ii) The permitted number of dwelling units may be increased over those computed above upon a finding by the Planning Commission that:

- The total number of persons occupying the site will not exceed the total otherwise permitted or authorized in the district, based upon the difference between the average family size occupying permitted units in the vicinity and the family size limited by the proposed number of bedrooms, the proposed number of kitchens, the age composition of prospective residents, or other similar occupancy limitations; and
- The criteria of (i) above are satisfied.

(h) The purposes of the Planned Development subdistrict; and

(i) That modifications or conditions of approval are necessary to satisfy the purposes of the Planned Development subdistrict.

3. Site and Vicinity Characteristics:

This property is located at the southwest corner of the intersection of SE 136th Avenue and SE Holgate Street. The site is undeveloped and the majority has been in the ownership of David Douglas School District since 1965. The site slopes downward from south to north, with the northerly portion being a portion of an area which experiences occasional flooding and is known as Holgate Lake. That area, however, has undergone extensive filling and the area which would be subject to flooding is greatly reduced, if not eliminated. Properties on all sides of the site are developed for residential purposes.

4. Development Proposal:

The applicant plans to develop the property with a 124-unit mobile home park at a density of approximately one unit per 8,860 square feet. While individual lot sizes will be less than that allowed by the present LR-10 and LR-7, the resulting site density is not significantly different than what would be realized by a subdivision development of the entire site under the provisions of the existing zoning. The difference results from the proposed provision of open space, common areas and a water feature.

The proposed development includes the completion of the public street system for the

Decision

February 26, 1990

surrounding area. Engineering Services is requiring that SE 133rd Avenue be improved by the applicant and connected with SE 136th Avenue. SE Raymond Street will be connected with the interior streets of the development, and SE Long Street will be *cul-de saced* at the westerly boundary of the project. The main access to the development will be from SE Holgate Blvd.

Interior development is proposed to be comparable to that of the Meadowland mobile home development at 160th and SE Powell Blvd. The perimeter will be fenced from adjoining properties, areas around individual sites will be landscaped, a common storage area will be provided, and an office/clubhouse is proposed. Each site will be provided a garage or carport area and all units must be of a minimum size of 950 square feet.

5. Compliance with Ordinance Criteria:

This proposal satisfies the criteria for a zone change and planned development as follows:

- A. *Public Interest:* It is in the public interest to provide communities with a range of affordable housing types. The LR-7 zoning district recognizes this fact by allowing mobile home parks as a Conditional Use.
- B. *Public Need:* There is a public need for providing additional areas within the County where manufactured homes may be located. As the cost of site built homes increases to an average of nearly \$65 per square foot, fewer residents are able to afford them. Manufactured units, then, which average around \$25 per square foot become an attractive option, and one which more of the population is turning as witnessed by the low vacancy rates in existing developments.
- C. *Compliance with Applicable Comprehensive Plan Policies:* This proposal satisfies the following policies of the Comprehensive Framework and Powellhurst Community plans:
 - (a) No. 13—Air, Water and Noise Quality: No adverse impacts with respect to air, water and noise quality have been identified which would result from this development.
 - (b) No. 14—Development Limitations: The northern portion of this site is within a designated flood hazard area. However, a large portion of that area has been filled with earthen material over the years. The flood elevation of this area is identified by FEMA as being 210 feet above MSL. A 1963 topographic map indicates that the lowest elevation of the site was 190.1 feet. Staff inspection of the property concluded that it is possible that the depth of fill material for a significant portion of the flood hazard area may have raised the ground elevation above the 210 foot elevation.

The Planning Commission determines that the volume and depth of fill required to elevate the entire area planned for development would not be in keeping with the character of the surrounding area and could possibly increase the potential for flooding in that surrounding area; therefore, find that there is not compliance with this Plan policy.

- (c) No. 16—Natural Resources: With the exception of the flood hazard area identified in

(b) above, there are no natural resources that have been identified which would be impacted as a result of the proposed zone change and planned development.

- (d) No. 21—Housing Choice: This proposal provides for the location of housing units at a cost well below that of site built residences.
- (e) No. 22—Energy Conservation: This proposal would allow the optimum use of solar access for its residents. North-south street and east-west site layout results maximum solar potential for the units.
- (f) No. 24—Housing Location: This proposal allows the infill of vacant urban land with a housing type that is currently in great demand.
- (g) No. 25—Mobile Homes: Development of this property with a mobile home complex under the provisions of the Planned Development subdistrict satisfies this policy.
- (h) No. 36—Transportation System Development Requirements: Engineering Services is requiring the following improvements:
- Dedicate and improve cul-de-sacs at east end of SE Long Street and either SE Raymond Street or north end of SE 133rd Avenue. (Approval to extend SE Raymond Street directly east is not safe).
 - Relocate proposed main entrance west as far as practical to maximize sight distance on SE Holgate Blvd.
 - Create new access point approximately 200 ft. south of SE Holgate Blvd. on SE 136th Avenue. This should be a public street curving southwesterly through the site to connect to either SE 133rd Avenue or SE Raymond Street, having 50 ft. of right-of-way and be improvement to county standards with curbs, sidewalks, street lighting, etc. This access provides an alternative access necessitated by periodic inundation of the principal access point on SE Holgate Blvd.
 - Dedications and improvements to county standards (60 ft. of right-of-way with a 44 ft. pavement section, curb and sidewalks for SE 136th Avenue, and 80 ft. right-of-way with a 66 ft. pavement section for SE Holgate Blvd.), will be required.
 - If the internal street connects to SE 133rd Avenue, it must be improved to its intersection with SE Raymond Street
 - The improvements of the private streets are not subject to our standards for public streets.
- (i) No. 37—Utilities: Water is provided by Gilbert Water District who indicates they are capable of serving the project with water at 50 pounds pressure. Sewage disposal will be via public sewer which is available at SE 136th and Holgate. Drainage is handled on-site by means of dry wells. All necessary power and communication

facilities are available along both street frontages.

- (j) No. 38—Facilities: David Douglas School District has been informed of this request and has made no response. Fire protection is provided by Fire District No. 10 and police protection by the Multnomah County Sheriff.

C. Additional Planned Development Considerations: A number of the Planned Development approval criteria are discussed in (C) above and a number of others are not applicable to this proposal since they involve the processing of special requests which are not being made by this applicant (*e.g.*, land division, density increase, *etc.*). Those that remain are satisfied as follows:

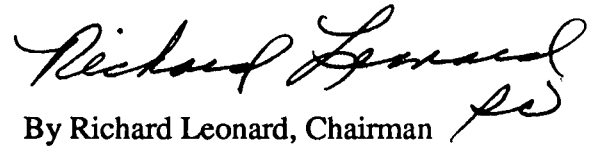
- (a) *System of Ownership* — It is proposed that this project remain under single ownership. That has been found to be the best method of insuring that open space is adequately preserved and maintained.
- (b) *Size* — This parcel is of sufficient size (25.22 acres) to be suitable to accommodate the development as proposed. It allows a system of mainly private streets, sizable areas of open space, and energy efficient dwelling location.
- (c) *Development and Placement of Open Space* — This is an item that is best controlled through the Design Review Process. The approval is conditioned to insure that these items will be provided.
- (d) *Density* — The proposed density is less than that which could be achieved through a subdivision of the land, a far less than that possible through the planned development process.
- (e) *Satisfaction of Planned Development Purpose* — This proposal is an efficient use of undeveloped urban land. It employs development techniques different than that of a conventional subdivision by creating a circulation pattern that is mainly in private ownership; consequently not a maintenance burden of the public. It allows for energy efficient orientation of units and provides amenities in the form of useable open space and a central recreation area. All necessary public support services and facilities are directly available to the site and no additional public funds are necessary to achieve program implementation.
- (f) *Development Timetable* — The development is proposed to be completed within four years without phasing.

Conclusions:

1. The applicant has not carried the burden necessary for the granting of the requested zone change and planned development based on Finding No. 5 above.

In the Matter of PD 1-90 & ZC 1-90

Signed February 26, 1990

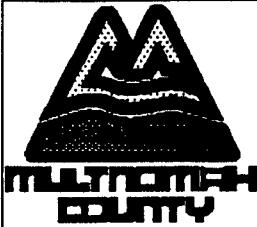

By Richard Leonard, Chairman

Filed With the Clerk of the Board on March 8, 1990

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 4:30 p.m. on Monday, March 19, 1990 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision on this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, March 20, 1990 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development Division at 248-3043.



DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING AND DEVELOPMENT
2115 SE MORRISON STREET
PORTLAND, OREGON 97214 (503) 248-3043

Decision

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

February 26, 1990

RPD 1-90, #109/LD 1-90, #109

MUF-19, RPD, Multiple Use Forest-Rural Planned Development Twelve-Lot Land Division

Applicant requests amendment of Sectional Zoning Map #109, changing the described property from MUF-19, multiple use forest district, to MUF-19, RPD, multiple use forest-rural planned-development district, for this 120-acre parcel.

Applicant requests approval for a twelve-lot land division in the MUF-19 zoning district, which could each be developed with a single family residence.

Location: 11000 NW Saltzman Road.

Legal: Tax Lot '4', Section 22, 1N-1W, 1988 Assessor's Map

Site Size: 120 Acres

Size Requested: Same

Property Owner: Forest Park Estate Joint Venture
117 SW Taylor Street, 97204

Applicant: Same

Comprehensive Plan: Multiple Use-Forest

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

Sponsor's Proposal: MUF-19, RPD, Multiple Use Forest,
Rural Planned-Development; Lot sizes vary, average 10 acres and a
twelve-lot land division

PLANNING COMMISSION

DECISION: #1: Approve amendment of Sectional Zoning Map #109, changing the described property from MUF-19 to MUF-19, RPD, rural planned-development, based on the following Findings and Conclusions.

DECISION: #2. Approve the Tentative Plan for the Type I Land Division requested, a rural area subdivision resulting in 12 lots, all subject to the following conditions and based on the following Findings and Conclusions.

RPD 1-90/LD 1-90

5
5100
5500
5000
4000
WASHINGTON COUNTY

Zoning Map
Case #: RPD 1-90 & LD 1-90
Location: 11000 NW Saltzman Rd.
Scale: 1 inch to 600 feet
Shading indicates subject property

EFU

EFU

MUF-19

MUF-19

MUF-19

CITY OF PORTLAND

CITY OF PORTLAND '10'

CITY OF PORTLAND BOUNDARY

CITY OF PORTLAND

MUF-19

MUF-19

RR

RR

RR

P

'28'
2.57 Ac.

'12'
2.26 Ac.

'13'
93.87 Ac.

'51'
0.644 Ac.

'52'
5.13 Ac.

'68'
8.08 Ac.

'8'
12.58 Ac.

'69'
2.00 Ac.

'26'
20.49 Ac.

'27'
12.58 Ac.

'11'
1.90 Ac.

'49'
2.00 Ac.

'67'
24.53 Ac.

'6'
2.02 Ac.

'50'

'42'
25.30 Ac.

19

18

17

16

21

22

23

24

25

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27

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49

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51

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53

54

55

56

57

34

N W EAST ROAD

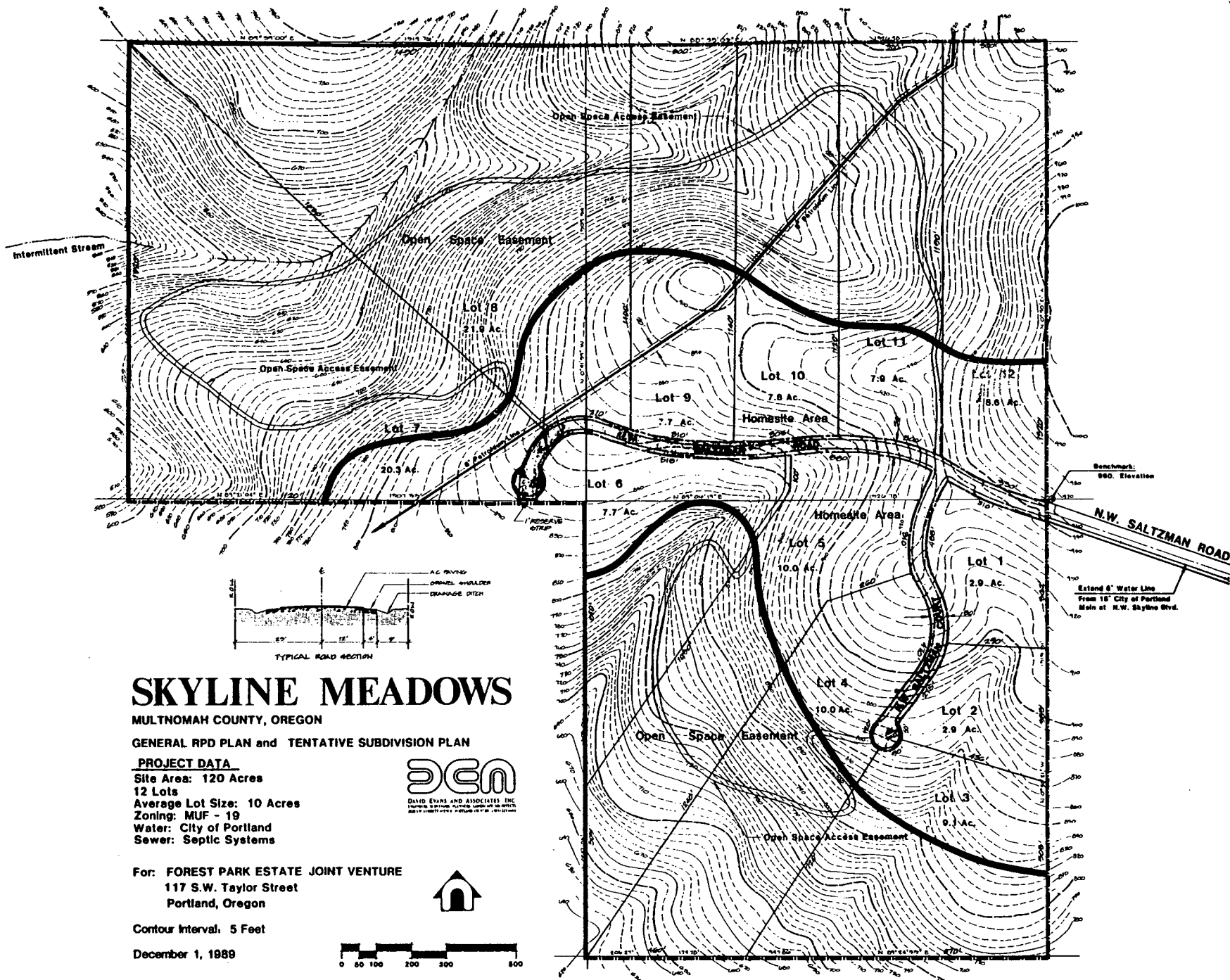
SALTZMAN RD

N W SKYLINE RD

SPRINGVILLE

N W 124th AVENUE

N W 124th AVENUE



SKYLINE MEADOWS

MULTNOMAH COUNTY, OREGON

GENERAL RPD PLAN and TENTATIVE SUBDIVISION PLAN

PROJECT DATA

Site Area: 120 Acres
 12 Lots
 Average Lot Size: 10 Acres
 Zoning: MUF - 19
 Water: City of Portland
 Sewer: Septic Systems



For: FOREST PARK ESTATE JOINT VENTURE
 117 S.W. Taylor Street
 Portland, Oregon



Contour Interval: 5 Feet

December 1, 1989

Revised: January 10, 1990

February 8, 1990

EXHIBIT 1

LD 1-90

Dated 2/15/90

RPD 1-90/LD 1-90

SKYLINE MEADOWS

MULTNOMAH COUNTY, OREGON

GENERAL RPD PLAN and TENTATIVE SUBDIVISION PLAN

PROJECT DATA

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12 Lots
Average Lot Size: 10 Acres
Zoning: MUF - 19
Water: City of Portland
Sewer: Septic Systems



For: FOREST PARK ESTATE JOINT VENTURE
117 S.W. Taylor Street
Portland, Oregon

Contour Interval: 5 Feet

December 1, 1989

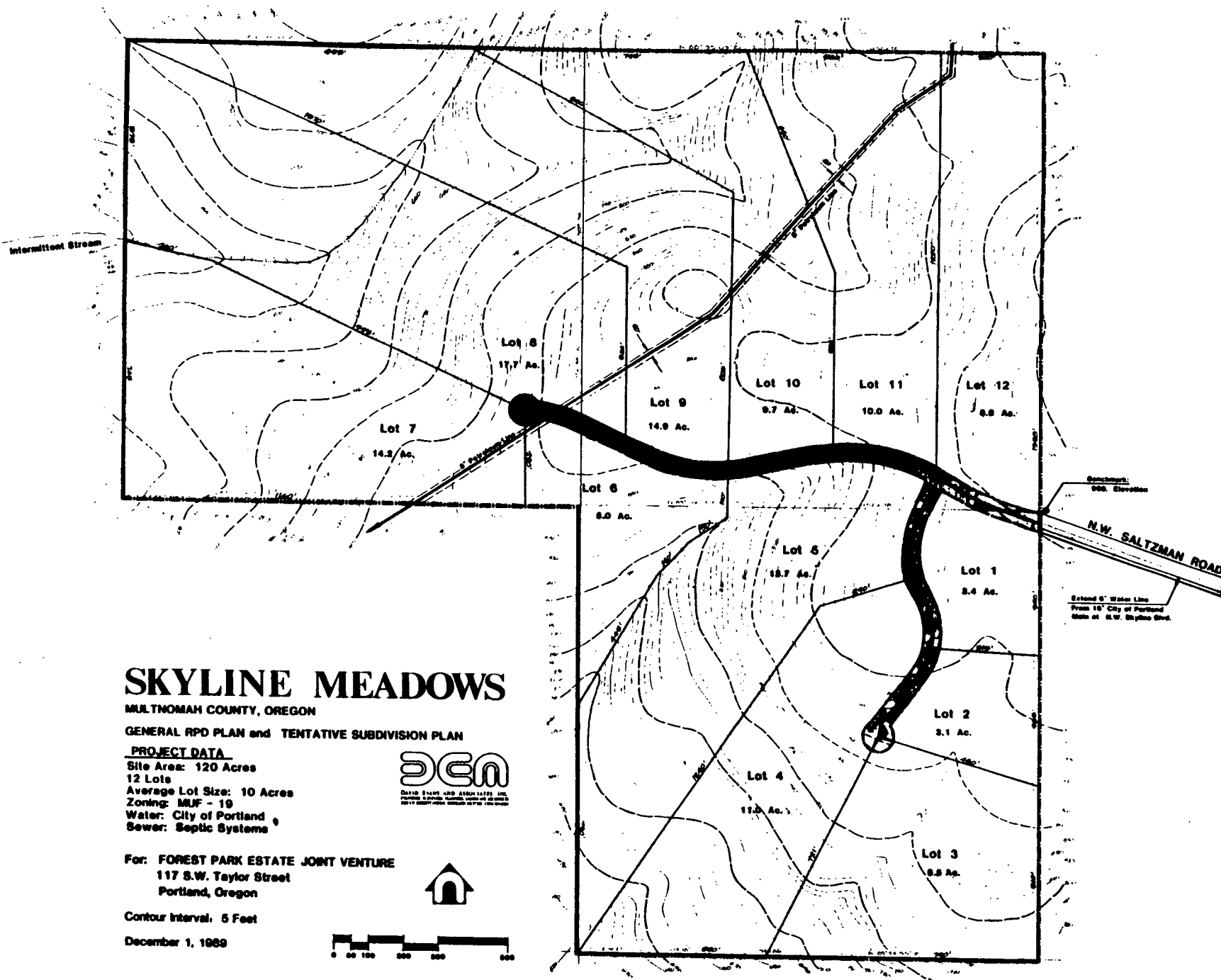


EXHIBIT 1

WASHINGTON COUNTY
MULTNOMAH COUNTY

EFU
MUA-20
MUF-19
MUF-19 CS
RR
FF
URBAN (RURAL)
URBAN RURAL
RURAL
URBAN
R10
R20

LEGEND

- PORTLAND CITY LIMITS
- COUNTY LINE
- URBAN GROWTH BOUNDARY
- LAND USE DESIGNATIONS

JURISDICTION	DISTRICT	MINIMUM LOT SIZE
MULTNOMAH COUNTY	RR	5 ACRES
	MUF-19	19 ACRES
	MUA-20	20 ACRES
	EFU	38 ACRES
CITY OF PORTLAND	R-10	10,000 SQ. FT.
	R-20	20,000 SQ. FT.
	FF	2 ACRES

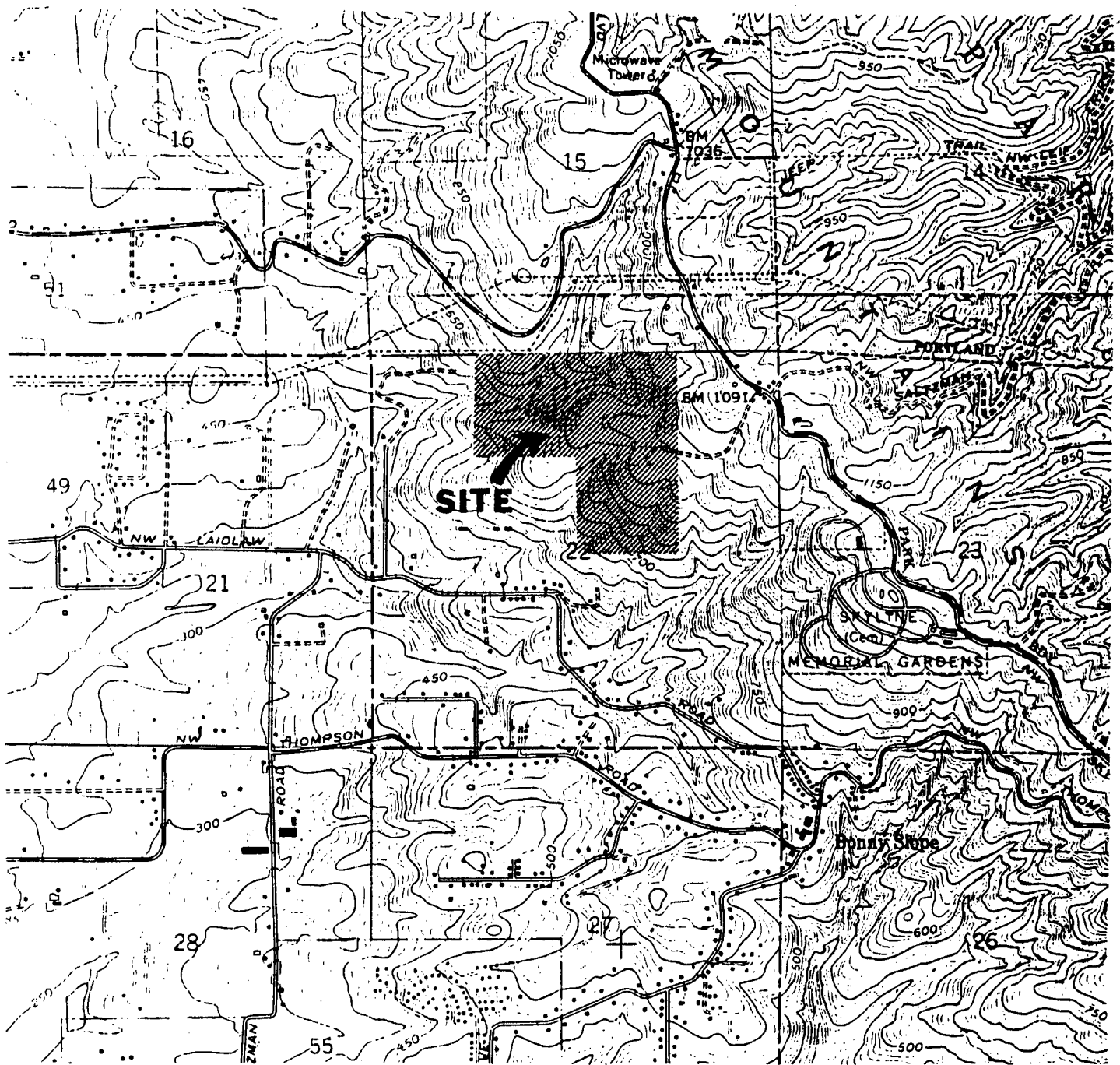
LAND USE DISTRICTS
SKYLINE MEADOWS
MULTNOMAH COUNTY, OREGON

For: **FOREST PARK ESTATE JOINT VENTURE**
117 S.W. Taylor Street
Portland, Oregon

DAVID FRANK AND ASSOCIATES, INC.
PLANNERS, DESIGNERS, ENGINEERS, ARCHITECTS
1111 10TH AVENUE, SUITE 100, PORTLAND, OREGON 97204

December 1, 1989

0 250 500 1000 1500 2500



USGS TOPOGRAPHIC MAP
LINNTON, OREG. QUAD PR 1975



0 1/2 1 MILE

GEOTECHNICAL RESOURCES, INC.

CONSULTING ENGINEERS AND GEOLOGISTS
HGW, INC.

120-ACRE SITE N.W. SALTZMAN ROAD

VICINITY MAP

DATE NOV. 1989 JOB NO. 597

FIG. 1

RPD 1-90/LD 1-90

Conditions of Approval (LD 1-90)

1. Within one year of the date of this decision, deliver the final plat and other required attachments to the Planning and Development Division of the Department of Environmental Services in accordance with ORS Chapter 92 as amended. **Please obtain Instructions for Finishing a Type I Land Division from the Planning and Development office.**
2. Prior to recording the final plat, comply with the following Engineering Services Division requirements:
 - A. Dedicate 50 feet of right-of-way for the westerly extension of N.W. Saltzman Road over the subject property as shown on the Tentative Plan Map.
 - B. Provide a 1-foot street plug at the end of N.W. Saltzman Road between the southerly lines of Lots 6 and 7. The street plug shall be identified as Tract A and shall be deeded to Multnomah County.
 - C. Dedicate 50 feet of right-of-way for a cul-de-sac identified on the Tentative Plan Map as N.W. Saltzman Court. The radius of the bulb at the end of the cul-de-sac shall be 50 feet unless otherwise approved by the County Engineer.
 - D. Improve the new roads to provide a pavement width of 28 feet with gravel shoulders. Improvements shall be to standards specified by the County Engineer.
3. In conjunction with road construction for the land division, construct on-site water retention and/or control facilities adequate to insure that surface runoff volume after development is no greater than that before development per MCC 11.45.600. Plans for the retention and/or control facilities shall be subject to approval by the County Engineer with respect to potential surface runoff on the adjoining public right-of-way.
4. Prior to issuance of building permits for each lot, apply for and obtain a Land Feasibility Study confirming the ability to use an on-site sewage disposal system on that lot.
- 5.. Prior to issuance of a building permit for any lot, 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 geotechnical engineer or engineering geologist, licensed by the State of Oregon, that the lot 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 the slopes are steep;
 - B. Measures to be taken to prevent soil erosion; and
 - C. That areas of the lot with slopes exceeding 20 percent are not subject to slumping, earth slides, or movement.
6. Prior to endorsement of the final plat by the Multnomah County Planning Divi-

Decision

February 26, 1990

sion, provide evidence that water in sufficient amounts and pressure will be available to serve a house on each lot. Evidence that a private well in 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 in Salem (378-3066) which would substantiate the likelihood of a successful well being drilled on the property.
- 7. Develop and utilize an erosion and sediment control plan to mitigate erosion hazards during homesite and road construction, as specified in the County's erosion control ordinance.
 - 8. Prior to issuance of building permits on any of the proposed lots, construct site improvements and record open space easements, access easements and Covenants, Conditions and Restrictions substantially as represented in the application – except as modified by any conditions of approval for LD 1-90.
 - 9. Prior to recording the final plat, obtain approval of a resource management plan for the open space easement area shown on the Tentative Plan Map, and prior to issuance of a building permit for any lot of 10 acres or more in size, obtain approval of a supplemental resource management plan for that lot in accordance with MCC 11.15.2170(A)(2).
 - 10. Within the Portland city limits, to the extent reasonably possible in view of city standards, the applicant shall improve N.W.Saltzman Road so as to avoid entry problems for abutting lots and so as to avoid runoff onto abutting lots except into natural ravines.

Findings of Fact Regarding the RPD Request:

The Multnomah County Planning Commission conducted a public hearing on this request on January 22, 1990. The Commission approved the RPD request in a 3-2 vote. The Applicant and Staff were directed to prepare a written decision detailing the findings and conclusions on which the approval was based.

1. Summary of the Proposal:

The proposed development consists of 12 single family residences clustered in the open areas of the site, with lot sizes ranging from 3.1 to 17.7 acres. Under MCC §11.15.7720(A) the number of dwelling units allowed in an RPD is calculated by dividing the acreage of the proposed RPD by a factor based on the underlying zoning designation. A divisor of 10 is applied within the MUF-19 district—yielding 12 dwelling units in this case. Individual lots may vary from the average lot size of 10 acres so long as the average is maintained, as it is in this proposal [Reference MCC § 11.15.7720(B)]. The homesite portion of each lot exceeds the minimum acreage required for a septic system and drainfield [MCC § 11.15.7720(C)].

Due to the physical limitations, a substantial majority of the RPD will not be

developed. The applicant will maintain the undeveloped portion of the property in its current state through an open space easement. The terms of this easement will prohibit any use that interferes with the resource values of this portion of the property.

Domestic water service to the site can be provided by private wells, although an extraterritorial extension of city water is the applicant's preference. The City of Portland, at the applicant's expense, will extend a water line from an existing 16-inch line in NW Skyline Boulevard to the city limits at the property's eastern edge. A hydrant will be provided at the city boundary to enhance fire fighting capability within the site. Extension of city water beyond the city limits requires approval of the Portland Metropolitan Area Local Government Boundary Commission.

The 12 lots will be on individual septic systems. Fire protection is provided by the Tualatin Valley Fire and Rescue. PGE provides electric service and US West telephone service.

The applicant indicates construction of improvements necessary to provide basic services to the RPD should begin in the summer of 1990 or 1991, depending on market conditions. The improvements will be constructed in a single phase. Individual lots will be sold as the improvements are completed.

2. **Site and Vicinity Information:** The 120-acre site proposed for this Rural Planned Development (RPD) is located in unincorporated Multnomah County, approximately 1/4 mile west of the intersection of NW Saltzman Road and NW Skyline Boulevard, and immediately to the north of the Bonny Slope subdivision. The Urban Growth Boundary (UGB) borders the site on the east and north, and is in close proximity to the site on the south and west. The eastern and northern boundaries are also adjacent to the Portland City Limits. The entire site is identified as Tax Lot 4, Section 22, 1N-1W.
3. **Zoning and Comprehensive Plan Designations.** The property is zoned MUF-19 and has a Comprehensive Plan designation of Multiple Use Forest.
4. **Access.** Access to the property is currently provided by NW Saltzman Road, west of NW Skyline Boulevard. This portion of NW Saltzman Road, a dedicated public right-of-way under City of Portland jurisdiction, is graded but unimproved and terminates at the site's eastern boundary. The Portland Office of Transportation indicates Saltzman Road may be used to access the proposed subdivision if the developer upgrades the road to City standards. The corresponding Land Division case (LD 1-90) specifies access requirements for the new lots.

Access within the RPD will be provided by a westward extension of Saltzman Road across the site. It will be dedicated and improved to County standards. Additional access will be provided by a cul-de-sac (tentatively called NW Saltzman Court) extending south from Saltzman Road. It too will be dedicated and built to County

standards. The alignments of the roads have been located in relatively level portions of the site, avoiding steep, hazardous and forested areas.

5. **Terrain and Vegetation.** The 120-acre site is described by the applicant as three subareas that have distinct characteristics. The first subarea consists of 60 acres in the north one-half of the property. This subarea is characterized by a steep ravine, with slopes ranging from 30 to 70 percent, leading to an intermittent stream running from east to west. The primary vegetative cover is hardwood trees.

The second subarea is 21 acres of relatively flat open meadows along the ridge top in the center of the property. This includes the proposed private access easements and home sites for this RPD. This area is not forested and affords views of the Tualatin Valley.

The third subarea is the southern 40 acres of the site. It consists of moderate slope ranging to 30 percent. The vegetative cover is a mixture of heavy brush, grass, and hardwoods.

The site is completely undeveloped. A 20-foot wide utility easement for a high-pressure petroleum products pipe line crosses the site from the northeast to the southwest.

6. **Ordinance Considerations:** There are three areas in the Zoning Ordinance which specify criteria for RPD applications in the MUF district. The first group are within the MUF section of the Ordinance [reference MCC 11.15.2172(C)(1-3a)]; it cross references *Conditional Use Approval Criteria* in MCC .7105 – .7640 and required *Findings* for approval of an RPD in MCC .7705 – .7760.

The Multiple Use Forest District provides that Rural Planned Developments – a type of *Conditional Use* – may be permitted only upon affirmative findings as follows:

A. The proposal satisfies *Conditional Use Approval Criteria* required by MCC .7105 through .7640:

- (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; and

(7) Will satisfy the applicable policies of the Comprehensive Plan.

B. The RPD (Conditional Use) meets the following standards for the MUF district:

(1) The capability of the land for resource production is maintained;

(2) The use will neither create nor be affected by any hazards; and

(3) Access for fire protection of timber is assured;

C. Rural Planned Developments for single family residences shall satisfy provisions of MCC .7705 through .7760:

(1) Substantially maintain or support the character and the stability of the overall land use pattern of the area;

(2) Utilize as gross site acreage, land generally unsuited for agricultural or forest uses, considering the terrain, adverse soil conditions, drainage or flooding, vegetation or the location or size of the tract;

(3) Be compatible with accepted farming or forestry practices on adjacent lands;

(4) Be consistent with the Comprehensive Plan and the purposes described in MCC.7705.

(5) Satisfy applicable standards of water supply, sewage disposal, and minimum access; and

(6) Not require public services beyond those existing or programmed for the area.

The following section presents findings regarding the proposed Rural Planned Development; the applicable standard is in ***bold italics***, followed by findings and conclusions.

A. *General Conditional Use Criteria (MCC .7120)*

MCC .2172(C) states in part that "...[t]he following Conditional Uses may be permitted upon findings in addition to those required by MCC .7105 through .7640 ...".

A(1) Is consistent with the character of the area;

The purpose of the RPD section is to allow development of properties suitable for rural residential uses where productive resource use is not viable. MCC § 11.15.7705. Most of the area surrounding the proposed RPD is already committed to rural residential use. Sixty-seven percent of the land area immediately surrounding this site is already committed to rural residential level development based on Washington County, City of Portland, and Multnomah County map designations. Lot sizes in 1N, 1W Sections 15, 16, 22, and 26 (the one-mile area surrounding the site) average 6.85 acres reflecting this rural residential character. A substantial portion of this area, the Bonny Slope subdivision, has an average lot size of 5.18 acres.

Of the 120 acres in this proposal, a large portion will be maintained in a resource state through an open space easement. Since between three and six residential units are allowed on this site under the MUF-19 text without an RPD, the marginal effect of twelve units on resource uses will be insignificant, particularly since the majority of the site will be maintained as open space.

Conclusion.

For the reasons stated above, the proposed RPD is consistent with the character of the area.

A(2) Will not adversely affect natural resources;

The 120-acre site does not contain any of the natural resources listed in Policy 16 of the Multnomah County Comprehensive Plan. The Department of Fish and Wildlife has verified that the site does not include big game habitat. Although the site is not a domestic water supply watershed, it does include an intermittent stream which is a tributary to Bronson Creek. This watershed will be protected through resource management plans and an open space easement (see Land Division 1-90).

Conclusion.

For the reasons stated above, the proposed RPD will not adversely affect natural resources.

A(3) Will not conflict with farm or forest uses in the area;

There are two MUF parcels adjoining the RPD site, one small parcel of approximately 20 acres on the northern edge, and one 40-acre parcel on the southwestern corner. Both of these sites are characterized by the same physi-

cal limitations for forest use that motivated this proposal. That is, they are made up of steep terrain and are forested with non-commercial trees. Commercial timber harvesting in both parcels would lead to substantial erosion. As a result neither parcel is currently managed for either commercial timber and no conflict with the RPD is present.

In the event either parcel were used for such purposes, there would still be no conflict with the RPD due to the siting of the RPD homesites in the center of the property, the surrounding steep terrain, and the maintenance of forest cover as a buffer for noise and visual impacts. In addition, the MUF property on the north is separated from the homesites by an intermittent stream. The presence of a stream lessens potential conflicts from herbicide use on MUF lands because the Forest Practices Act prevents spraying next to streams. The open space easement and resource management plans for the RPD will insure that these buffering features remain in place. The owner has agreed to record a statement that the owner and the successors in interest acknowledge the rights of owners of nearby properties to conduct accepted forestry or farming practices with the Division of Records and Elections (Reference Condition #3.).

Conclusion.

For the above reasons, the proposed RPD will not conflict with farm or forest uses in the area.

A(4) Will not require public services other than those existing or programmed for the area;

a. Water Supply.

Domestic water can be supplied by wells. Well logs from the State Department of Water Resources were reviewed for properties surrounding this site (IN IW Sections 14, 15, 16, 21, 22, 23, 26, 27, and 28). According to these records a total of 63 wells have been drilled in this area with average flows of 26.2 gallons per minute (gpm). A flow of 10 gpm is generally considered to be more than adequate for single family dwellings.

Several wells have been drilled on the Skyline Memorial Gardens property, which is similar to the subject property in terms of elevation and geologic formation. These wells have flows averaging 195 gpm, providing a good indication of groundwater availability at the Skyline Meadows site. The applicant's preferred alternative for domestic water, however, is an extraterritorial extension of city water to the site.

Regarding the availability of water for fighting fires, service is provided by

Tualatin Valley Fire and Rescue, with additional assistance through mutual aid agreements with the City of Portland and the Oregon State Department of Forestry. Forest fires are seldom fought primarily by applying water, nevertheless the Applicant will extend a six-inch line from the existing 16-inch main in NW Skyline Boulevard down NW Saltzman Road (as per City requirements) to a hydrant adjacent to the property line. The willingness of the City to do this has been verified in a letter to the Applicant from Mr. Hampton, City of Portland Water Bureau. This capability will allow faster and more effective domestic and forest fire suppression.

Conclusion.

For the reasons stated above, the RPD will not require water service beyond that existing or programmed for the area.

b. Sewer.

The Applicant proposes to provide sewage disposal through individual septic systems. It has been noted that the Cascade soils present on the site commonly have development limitations for septic systems in the form of a fragipan and a seasonal perched water table. The Applicant's consultant, Cascade Earth Sciences, Ltd. performed an on-site evaluation of whether septic systems were feasible on the property. See Skyline Meadows RPD Application, Appendix F. This study found that such a system is feasible — with the only issue being whether standard disposal fields or a sand filter system will be needed.

Conclusion.

For the reasons stated above, the RPD will not require sewer service beyond that existing or programmed for the area.

A(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;*

The site is not identified as a big game habitat area in the Comprehensive Plan or by the Oregon Department of Fish and Wildlife.

Conclusion.

For the reasons stated above, the RPD is not located within a big game winter habitat as defined by the Oregon Department of Fish and Wildlife.

A(6) *Will not create hazardous conditions;*

The area designated for homesites within the RPD contains soils rated as having moderate development limitations (soil classes 7B and C), which the U.S. Soil Conservation Service defines as meaning that "limitations can be overcome or minimized by special planning and design." U.S. SCS Soil Survey of Multnomah County (1983) at 98, 162. Homesites are located in the central portion of the property along the ridgetop where slopes generally range from zero to ten percent — avoiding any severe soils or water hazards.

The Applicant will develop and utilize an erosion and sediment control plan to deal with any erosion hazards during homesite and road construction, as required by the County's erosion control ordinance. Applicant indicates construction will occur during the dry summer months to avoid erosion problems. In addition, the homes will utilize drainage improvements to control any moisture problems associated with a perched water table.

Conclusion.

For the reasons stated above, the RPD will not create hazardous conditions.

A(7) *Will satisfy the applicable policies of the Comprehensive Plan.*

The following policies of the County's Comprehensive Plan are applicable to this RPD: Policy 3 (Citizen Involvement), Policy 8 (Rural Residential Land), Policy 12 (Multiple Use Forest), Policy 13 (Air, Water and Noise Quality), Policy 14 (Development Limitations), Policy 19 (Community Design), Policy 21 (Housing Choice), Policy 22 (Energy Conservation), Policy 24 (Housing Location), Policy 33A (Trafficways), Policy 38 (Public Facilities),

- a. **Policy 3 – Citizen Involvement.** The public will be informed of the proposed development through the County's notification procedures and given an opportunity to comment at the Planning Commission public hearing.
- b. **Policy 8 – Rural Residential Land Area.** Although the proposed development is not designated as Rural Residential, it is consistent with these policies. In fact, the primary purpose of the RPD District is to provide for rural residential scale development on lands generally unsuited for productive resource use, MCC § 11.15.7705. Policy 8 calls for rural residential development in an area that is not a cohesive commercial farm or forest resource area. Policy 8(B).

A large-lot RPD for single family dwellings is a compatible land use with adjacent rural residential, and farm and forest uses. Limited, but adequate services including water, electricity, telephone, and fire protection are avail-

able to serve development at the site. Each lot will be served by a septic system.

- c. **Policy 12 – Multiple Use Forest Area.** Although the site is designated Multiple Use Forest, it is not suitable for either commercial use or as small wood-lots due to the physical and economic limitations described in Section IV. C., above.

Policy 12 specifically states that the County will allow nonforest uses along with forest uses, provided that such non-forest uses are compatible with adjacent forest lands. This policy directly supports this RPD application since the proposed development utilizes lands not suitable for commercial forest uses and is compatible with forest practices on adjacent lands as detailed above.

- d. **Policy 13 – Air, Water, and Noise Quality.** A large lot RPD, with 12 dwelling units would not create air, water, or noise impacts beyond standard temporary construction impacts.
- e. **Policy 14 – Development Limitations.** The application of this policy to the RPD has been discussed above in Section III. B. (in the application)
- f. **Policy 19 – Community Design.** The proposed development has been designed to be complementary to the existing land use pattern in the area. The RPD has been designed to provide privacy as well as flexibility in design and orientation of future residences. The private access easements within the site have been designed to serve the development and avoid known development hazards.

As the surrounding area becomes increasingly more urban, the large-lot design of the RPD will contribute towards the maintenance of the area's rural residential character. Additionally, the RPD will maintain the existing forested appearance of the site, providing an important and long-lasting visual amenity to the larger community.

- g. **Policy 21 – Housing Choice.** The 12-unit RPD will contribute to the variety of housing types currently available within the County. There are a number of single family dwellings located on small lots along NW Skyline Boulevard. The large-lot RPD will provide homesites on larger properties ranging from 3.1 to 17.7 acres in size. The RPD has been designed to strengthen the rural residential character of the area and contribute to housing choices in this section of Multnomah County.
- h. **Policy 22 – Energy Conservation.** The RPD has been designed to provide 12 homesites with maximum solar access.

- i. **Policy 24 – Housing Location.** According to this policy, the proposed 12 unit RPD will have a minimal impact on surrounding areas and the support system. Policy 24, Table 1. As a “minor residential project” the proposed RPD is to have direct access to a public street, which it does through NW Saltzman Road. At the same time the proposed development will increase housing choices within the County in an area where services are available to support the new development. As documented above, the RPD is compatible with adjacent land uses and will help maintain the rural residential nature of the surrounding area.
- j. **Policy 34 – Trafficways.** Access to the site is provided by a an existing public right-of-way. The private access easements within the site have been designed as local streets to serve the 12 dwelling units. The traffic generated by a 12-lot RPD is not anticipated to create a discernible difference in existing levels of service on the adjacent street system.
- k. **Policy 38 – Facilities.** Fire Protection to the site is provided by Tualatin Valley Fire and Rescue. The RPD is within Portland School District #1. Police protection is through the County Sheriff’s Office.

B. Specific Criteria For RPD's in MUF District [MCC .2172(C)]

B(1) The capability of the land for resource production is maintained;

As documented in Section C(2), below, the site is generally unsuited for productive agricultural or forest uses. The land’s primary capability for resource uses is in noncommercial uses including the preservation and enhancement of open space, wildlife habitat, watershed protection, and in the management of existing forested areas for small woodlot uses. These capabilities will be maintained through the implementation of resource management plans for those lots exceeding ten acres in size, and for that-portion of the site designated by the Applicant in Applicant’s Exhibit 6 as being within an open space easement. The terms of the resource management plans are outlined in proposed LD 1-90, # 109.

The homesites proposed for this RPD will be located on portions of lots that are least suited for open space, wildlife habitat, watershed protection and small woodlot uses, leaving the areas that are suitable for these uses undeveloped (see Applicant’s Exhibit 6). The open space easement and resource management plans encompassed in this development insure that the negative impacts that would result from commercial resource use (see Applicant’s Appendices D and E) will be avoided.

Conclusion.

For the above reasons, the proposed RPD will maintain the capability of the land for resource production.

B(2) The use will neither create nor be affected by any hazards;

Reference A(6) above

B(3) Access for fire protection of timber is assured;

The applicable legal standard is MCC § 11.15.2194(A)(1) which requires fire lanes of at least 30 feet wide between each dwelling and adjacent forested areas. This standard will be met initially by the developer and maintained through conditions, covenants, and restrictions (CC&Rs) on the Skyline Meadows Subdivision.

Concern has been expressed regarding access for fire suppression and the risk of explosive fires. The risk of fire on this site is substantially lower than for other forested areas of the Northwest hills and, in particular, Forest Park for the following reasons. Explosive fires are most likely to occur in areas where a forest cover of conifers exists in combination with a large number of people. The vastly predominant cover on the proposed RPD site is hardwood maples, which do not burn explosively. The forest floor cover now present on the site indicates that the amount of forest fire fuel being added is in balance with natural rates of decay, meaning that dangerous fuel conditions are unlikely to occur without a major change in the existing forest cover.

The most effective control for forest fires is fire breaks, particularly on ridge tops. The ridge-top portions of the property are not forested, and this natural fire control feature will be maintained and enhanced through fire breaks between each dwelling and the surrounding forested areas as described above. Homeowners will be required to maintain these fire breaks, and to use plantings and ground cover recommended by the Oregon Department of Forestry for fire control.

Additional access for fire protection in the unoccupied portions of the property will be provided by an open space access easement as a component of the open space easement. A site map showing the location of this fire break has been submitted to the Planning Commission. This access will substantially enhance the capability to fight forest fires beyond existing conditions drainage which limit available management practices under the Forest Practices Act, would result in costs that preclude a viable commercial forest use on this site. Additional constraints on commercial forest uses are imposed by conflicts between necessary management practices (clearcutting, herbicide

use, slash burning, and log transport) and surrounding residential uses.

Conclusion.

For the above reasons, the site is generally unsuited for forest uses.

C. Findings Required to Approve an RPD (MCC .7750)

C(1) Substantially maintain or support the character and the stability of the overall land use pattern of the area;

The 120-acre site is located in unincorporated Multnomah County. The site is currently undeveloped and surrounded primarily by rural residential land uses (see Exhibit 4). The site is bordered on its eastern and northern sides by both the Urban Growth Boundary (UGB) and the Portland City Limits. The western boundary of the site is approximately one quarter mile from the Washington County Line and the UGB. The southern boundary of the site is adjacent to a 40-acre undeveloped parcel which is zoned MUF-19, and the Bonny Slope Subdivision which is zoned Rural Residential (RR), with a five-acre minimum lot size. The UGB is located approximately one-half mile from the southern boundary of the site. The Bonny Slope subdivision, which is adjacent to the site on the southern boundary includes 57 lots, and has an average lot size of 5.18 acres. This area is zoned RR-5 and is characterized by rural residential land uses.

Forest lands encompass a large proportion of the surrounding lands uses ... However, much of these lands are within the City of Portland and the UGB. These areas are zoned Farm and Forest (FF), with a two acre minimum lot size. Land uses to the east of the site, along Skyline Boulevard, include a number of small lots that comprise less than one acre of land and are developed with single family residences. Those parcels within the UGB are already programmed for non-resource dwellings. See City of Portland Planning and Zoning Code §33.18.030. There does not appear to be any recent commercial logging activity in these areas.

The forest lands in Multnomah County in the vicinity of the site are to the west and north. As in the City of Portland, the parcelization and lack of recent logging on forest land in the County suggests that the RPD is consistent with, and will maintain existing land use patterns on forested lands.

Conclusion.

For the reasons stated above, the RPD will substantially maintain and support the rural residential character of the area.

C(2) Utilize as gross site acreage, land generally unsuited for agricultural or forest uses, considering the terrain, adverse soil conditions, drainage or flooding, vegetation or the location or size of the tract;

Agricultural Capability:

The capability of MUF District lands for farming is defined in MCC § 11.15.2172(D)(2)(a-c). That section states that lands are incapable of sustaining a farm use if there is "[a] Soil Conservation Service Agricultural Capability Class of IV or greater for at least 75% of the lot area."

Of the 120-acre site, 103 acres (86 percent of the site) have slopes of greater than 15 percent and are in an Agricultural Capability Class of IV or greater (see Exhibit 3). These areas also are designated by the Soil Conservation Service as having an erosion hazard. Thus, under the terms of the MCC, the land is incapable of sustaining an agricultural use.

Conclusion.

For the above reasons, the site is generally unsuited to agricultural use.

Forestry Capability:

The capability of RPD lands in an MUF District for forestry is defined in two parts. First, the MUF District standards establish a process for demonstrating unsuitability. MCC § 11.15.2172(D)(2)(a-c). That section states that lands are incapable of sustaining a forest use if there is a "[c]ertification by the Oregon State University Extension Service, the Oregon Department of Forestry, or a person or group having similar expertise, that the land is inadequate for forest uses" and the person or group states the basis for the conclusion.

Secondly, the RPD section of the MCC lists the substantive criteria that are to be considered in evaluating suitability. MCC § 11.15.7750(B). These criteria are: terrain, adverse soil or land conditions, drainage or flooding, vegetation or the location or size of the tract. These criteria are evaluated for their effect on the viability of commercial forest uses as described in the Applicant's proposal at pages 14-15.

The Applicant's consultants have documented the constraints imposed on forest use of the site by terrain, adverse soil and land conditions, drainage and the existing vegetation (Reference Applicant's Appendices D and E). In sum, the combination of the existing non-commercial vegetative cover, the need to clear and replant, steep slopes and drainage which limit available management practices under the Forest Practices Act, would result in cost that preclude a viable commercial forest use on this site. Additional constraints on commercial forest uses are imposed by conflicts between necessary manage-

ment practices (clearcutting, herbicide use, slash burning, and log transport) and surrounding residential uses.

Conclusion.

For the above reasons, the site is generally unsuited for forest use.

C(3) Be compatible with accepted farming or forestry practices on adjacent lands;

Reference A(3) above

C(4) Be consistent with the Comprehensive Plan and the purposes described in MCC .7705.

Reference A(7) above regarding applicable Comprehensive Plan Policies

MCC Section 11.15.7705 includes four stated purposes for the RPD subdistrict:

- a. To provide standards and procedures for the orderly development of rural land demonstrated as not suitable for agriculture or forest use, but suitable for rural residential purposes.***

This property is unsuited for forest or agricultural resource use as documented above. Development of the site as 12 large lots within an RPD is consistent with existing development in the area and will help maintain the rural residential character along Skyline Boulevard. The UGB and Portland City limits' location adjacent to the site's eastern boundary indicate that the site is suitable for a slightly more intensive level of development than that allowed by the MUF-19 zone generally. The development complies with all applicable development standards and does not call for the extension of urban services beyond what is already programmed in the area.

Conclusion.

For the above reasons, the proposed RPD is not suitable for agricultural or forest use; it is suitable for rural residential purposes.

- b. To promote desirable rural living environments while preserving rural character.***

The RPD includes 12 lots ranging in size from 2.9 to 21.9 acres. These lots are generally larger than the average parcel in the surrounding area (6.85 acres). In addition, the RPD will maintain the existing forested portions of the site in their current condition. This combination will both create a desirable rural living environment and help preserve the rural character of the sur-

rounding area.

By precluding development of a large portion of the site and regulating resource uses through a management plan, the RPD will protect the rural character of the site. The site affords excellent views of the Tualatin Valley to the west and south and its generally wooded undeveloped character provides an important visual amenity to surrounding areas.

Conclusion.

For the above reasons, the proposed RPD promotes a desirable rural living environment while preserving rural character.

- c. To encourage innovative approaches to the development of rural areas within the limits of topography and the natural resources while recognizing that residents will be adjacent to normal and accepted farming or forestry practices.***

The RPD has been designed with homesites in those portions of the site least important for natural resources and relatively free of development hazards. The homesites are surrounded by a perimeter of steep slopes and forested areas. These topographical and vegetative features will buffer future homesites from adjacent farming or forestry practices, while maintaining the visual character of the area. The owner has agreed to record a statement that the owner and the successors in interest acknowledge the rights of owners of nearby properties to conduct accepted forestry or farming practices with the Division of Records and Elections.

- d. To realize economies of cost and energy savings in rural land development and to limit the extension of accesses and public services.***

By clustering development in the relatively flat, open and central portion of the site, this RPD will realize economies of scale in both overall cost and in energy savings. The siting of homesites under the RPD will lower the per unit cost of providing services while maintaining the rural nature of the property.

Public services and access to the RPD will only be extended as necessary to serve the RPD. The existing NW Saltzman Road right-of-way currently provides access to the property. This public right-of way is graded but unimproved, and is under City of Portland jurisdiction. Suitable road improvements will be made as required by the City. Access within the RPD will be provided by two dedicated public roads built to county standards.

A six-inch water line, providing fire flow to the east boundary of the site, will be extended from the existing 16-inch line in NW Skyline Boulevard. Wells will provide water to the homesites unless the Boundary Commission allows

extraterritorial extension of city water to the site. Individual septic systems will serve the future homesites. Other public services such as electricity and telephone are currently available in the area.

Conclusion:

For the reasons stated above, the proposed RPD realizes economies of cost and energy savings in rural land development while limiting extension of accesses and urban services.

C(5) Satisfy applicable standards of water supply, sewage disposal, and minimum access;

- a. Water Supply and Sewage Disposal. Reference A(4) above.
- b. Minimum Access. Reference Finding #4. above regarding access. The standard for access in the MUF District is that lots shall abut a street, or have other access determined to be safe and convenient for pedestrians and passenger and emergency vehicles. MCC § 11.15.2188.

The Portland Office of Transportation requests the County impose improvement requirements for Saltzman Road in a memo dated January 4, 1990. Portland requests that any approval be conditioned to require "...[a]s a minimum, ... curbs, 28 foot wide hard surface paving, sidewalk, drainage facilities and street lighting. The roadway width may need to be increased to 32 feet wide, depending on whether NW Saltzman is to continue through the site, and on on-street parking needs." The associated Land Division case will address access improvement requirements for the new lots.

C(6) Not require public services beyond those existing or programmed for the area.

Reference A(4) above.

Conclusion Regarding the RPD Request:

1. Based on the findings and conclusions above, the applicant has demonstrated compliance with applicable criteria and required findings for approval of a Rural Planned Development.

Findings Of Fact Regarding the LD Request:

1. **Applicant's Proposal:** The applicant proposes to develop a 12-lot subdivision on a 120-acre parcel. The subdivision proposal is in conjunction with the accompanying Rural Planned Development (RPD) request. The applicant proposes to provide access to the lots by extending, dedicating and improving N.W. Saltzman Road across the site, and by providing a new road, N.W. Saltzman Court, to connect the southerly part of the site with N.W. Saltzman Road. As stated in the findings for RPD 1-90, N.W. Saltzman Road runs west from N.W. Skyline Boulevard to the easterly edge of the subject site, where one of the proposed private road easements would begin. The Comprehensive Plan designates the site as Multiple Use Forest. The zoning is MUF-19, Multiple Use Forest District
2. **Site and Vicinity Information:** Finding 1 for RPD 1-90 describes the site and its relationship to the surrounding area.
3. **Terrain and Vegetation:** Finding 5 for RPD 1-90 describes terrain and vegetation characteristics for the three subareas of the site as identified by the applicant.
4. **Land Division Ordinance Considerations (MCC 11.45)**
 - A. The proposed land division is closely related to the accompanying Rural Planned Development (RPD) request. Approval of the land division cannot occur without approval of the RPD.
 - B. The proposed land division is classified as a Type I because it is *a rural area subdivision* [MCC 11.45 .080(A)]. A subdivision is defined by MCC 11.45.015(JJ) as a land division resulting in the creation of four or more lots. This proposal is in the rural area and would create 12 lots. Therefore the proposal is a rural subdivision; as such it is a Type I Land Division. The proposal is also a Type I Land Division because it is associated with an application (the RPD) that requires Planning Commission approval.
 - C. MCC 11.45.230 lists the approval criteria for a Type I Land Division. The approval authority must find that:
 - (1) *The Tentative Plan is in accordance with:*
 - a) *the applicable elements of the Comprehensive Plan;*
 - b) *the applicable Statewide Planning Goals adopted by the Land Conservation and Development Commission, until the Comprehensive Plan is acknowledged to be in compliance with said Goals under ORS Chapter 197; and*
 - c) *the applicable elements of the Regional Plan adopted under ORS Chapter 197. [MCC 11.45.230(A)]*
 - (2) *Approval will permit development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this and other applicable ordinances; [MCC 11.45.230(B)]*
 - (3) *The Tentative Plan or Future Street Plan complies with the applicable provisions, including the purposes and intent of this*

Chapter; [MCC 11.45.230(C)]

- (4) ***The Tentative Plan or Future Street Plan complies with the Zoning Ordinance or a proposed change thereto associated with the Tentative Plan proposal; [MCC 11.45.230(D)]***
- (5) ***If a subdivision, the proposed name has ben approved by the Division of Assessment and Taxation and does not use a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in Multnomah County, except for the words "Town", "City", "Place", "Court", "Addition" or similar words, unless the land platted is contiguous to and platted by the same applicant that platted the subdivision bearing that name and the block numbers continue those of the plat of the same name last filed; [MCC 11 11.45.230(E)]***
- (6) ***The streets are laid out so as to conform, within the limits of the Street Standards Ordinance, to the plats of subdivisions and maps of major partitions already approved for adjoining property unless the approval authority determines it is in the public interest to modify the street pattern; [MCC 11.45.230(F)] and***
- (7) ***Streets held for private use are clearly indicated on the Tentative Plan and all reservations or restrictions relating to such private streets are set forth thereon. [MCC 11.45.230(G)]***

5. Response to Type I Land Division Approval Criteria:

A. Applicable Elements of the Comprehensive Plan

Applicant's Response: *The County has identified the following policies of the Comprehensive Plan as being applicable to a Type I Land Division: Policies 13 16, 19, 21, 22, 24, 35, 36-39.*

Staff Comment: In addition to those identified by the applicant, staff finds that due to the location and nature of the proposal, Policies 12 and 14 are applicable.

(1). Policy No. 12, Multiple Use Forest Lands

Applicant's Response: *The proposed land division would create lots with sizes ranging between 2.9 and 21.9 acres, and averaging 10 acres. Under the MUF-19 /RPD zone, 10 acres is the minimum average lot size (individual lots may be smaller).*

Staff Comment: Since some proposed lots are less than the 19-acre minimum required in the underlying MUF-19 zone, approval of the land division is dependent on approval of the related RPD request. For reasons stated in the findings for RPD 1-90, the proposed RPD meets the applicable RPD approval criteria. As a result, the lots as proposed do not need to meet the minimum MUF-19 area standard of 19 acres. Therefore the proposal complies with Policy 12.

(2). Policy No. 13, Air, Water, and Noise Quality:

Applicant's Response: *A large-lot RPD, with 12 dwelling units would not create air, water, or noise impacts beyond standard construction impacts. Obtaining a Land Feasibility Study from the County Sanitarian for each lot will be a condition of approval*

Staff Comment: Staff concurs with the applicant's statements.

(3). Policy No. 14, Development Limitations:

Staff Comment: The applicant addresses Policy 14 in its February 15, 1990 revised narrative in the last paragraph on page 6 and the first paragraph on page 7. For the reasons stated by the applicant, the proposal satisfies Policy 14.

(4). Policy No. 15, Significant Environmental Concerns:

Applicant's Response: *The site of the RPD is not identified as an Area of Significant Environmental Concern in the Comprehensive Plan.*

Staff Comment: Staff concurs with the applicant's finding.

(5). Policy No. 16, Natural Resources:

Applicant's Response: *The site does not include the natural resources which are listed in Policy 16. The Department of Fish and Game has verified that the site does not include big game habitat.*

Staff Comment: Staff concurs with the applicant's finding.

(6). Policy No. 19, Community Design:

Staff Comment: The applicant addresses Policy 19 in its February 15, 1990 revised narrative on page 7. For the reasons stated by the applicant, the proposal satisfies Policy 19.

(7). Policy No. 22, Energy Conservation:

Applicant's Response: *The RPD has been designed to provide 12 homesites with maximum solar access.*

Staff Comment: Staff does not disagree with the applicant.

(8). Policy No. 36, Transportation System Development Requirements:

Applicant's Response: *The 12 dwelling units will use a single access point on NW Skyline Boulevard, therefore consolidating ingress and egress. The applicant will construct and dedicate roads within the parcel to County standards. The City of Portland has indicated that it will allow use of Saltzman Road as access.*

Staff Comment: As stated below, the proposed road system as

revised by the applicant conforms to the County Street Standards Ordinance. For these reasons, and those stated by the applicant, the proposal satisfies Policy 36.

(9). **Policy No. 37, Utilities:**

Staff Comment: The applicant addresses Policy 37 in its February 15, 1990 revised narrative on page 8. For the reasons stated by the applicant, the proposal satisfies Policy 37.

(10). **Policy No. 38, Facilities:**

Staff Comment: The applicant addresses Policy 38 in its February 15, 1990 revised narrative on page 8. For the reasons stated by the applicant, the proposal satisfies Policy 38.

B. Development of Property [MCC 11.45.230(B)]

Applicant's Response: *"The entire acreage of Tax Lot 4 is included in this application for an RPD and Subdivision. The applicant will extend N.W. Saltzman Road to the western boundary of the property, adjacent to Tax Lot 6, to make future access to this parcel possible. Roads within Tax Lot 4 will be dedicated to the County with a right-of-way width of 59 feet, and improved in accordance with the County Street Standards Ordinance (see tentative plan map for typical road section)."*

Staff Comment: Under the revised tentative plan, access to the proposed lots is by two public roads, including an extension of N.W. Saltzman Road. The proposed 50-foot right-of-way width meets the requirements of the Street Standards Ordinance (MCC 11.60). The City of Portland has jurisdiction over the portion of N.W. Saltzman Road that runs between N.W. Skyline Boulevard and the subject site, and will require the applicant to improve that section of Saltzman Road to a pavement width of 28 feet with curbs and sidewalks. The applicant's revised tentative plan map includes a typical road section showing a 24-foot pavement width with gravel shoulders and drainage ditches. Gravel shoulders, instead of curbs and sidewalks, meet County standards for the proposed roads in the subdivision. However, in order to provide a smoother transition between the City and County portions of the improved Saltzman Road and safer travel conditions, the pavement width on the proposed roads on the site should be 28 feet instead of 24 feet. The County Engineer has stated that a 28-foot pavement width with gravel shoulders would meet the requirements of the Street Standards Ordinance. The access proposed by the applicant under the revised tentative plan will permit development of the site and Tax Lot 6 in accordance with the Street Standards Ordinance. For these reasons and those stated by the applicant, the proposal satisfies MCC 11.45.230(B).

C. Compliance with Applicable Provision, Including Purpose and Intent of Land Division Ordinance [MCC 11.45.230(C)]:

Applicant's Response: *The Tentative Subdivision Plan has been prepared in accordance with the Multnomah County Zoning and Ordinance Subdivision Standards. The RPD has been designed to provide an attractive and environmentally sound development which is consistent with these requirements. The large-lot design allows the development of a*

rural residential RPD while maintaining the existing visual character of the site and land use character of the surrounding area.

The density of development is in accordance with the RPD requirements of the Code and will not create traffic congestion or add a significant burden to public facilities in the area.

All necessary public facilities and services are currently available to the site or in the area, or can be readily provided to future homesites. Domestic water can be provided from private wells, although an extension of a water line from NW Saltzman Road is the preferred alternative. Lots within the RPD will be serviced by septic systems. Other utilities, including electricity and telephone are available in the area.

Staff Comments: The proposal complies with the submittal requirements for a Type I Land Division, and the companion RPD meets the applicable approval criteria for the reasons stated in the findings for RPD 1-90. For these reasons, the proposed land division satisfies MCC 11.45.230(C).

- D. **Zoning Ordinance Considerations:** The applicable Zoning Ordinance criteria (MCC 11.15) are as follows:
- a. The site is zoned MUF-19, Multiple Use Forest District.
 - b. The following minimum area standards apply per MCC 11.15.2178:
 - (i) MCC 11.15.2178(A) states that except as provided by the density requirements for Rural Planned Developments (RPD's) under MCC 11.15.7720, the minimum lot size shall be 19 acres, including one-half of the road right-of-way adjacent to the parcel being created. As shown on the Tentative Plan Map, all of the proposed lots except for Lots 5 and 8 contain less than 19 acres. However, for reasons stated in the findings for RPD 1-90, the proposal meets the standards for approval as a Rural Planned Development. Therefore, the proposed land division this requirement.
 - (ii) In response to concerns expressed by the Planning Commission, the applicant, in its February 15, 1990 revised narrative on page 10, proposes resource management plans for the areas within the opens space easement and for each lot 10 acres in size or more. Condition 9 requires approval of those resource management plans prior to recording the final plat (for the areas within the open space easement) and before building permit issuance (for lots having 10 acres or more)..

- E. **Subdivision Name [MCC 11.45.230(E)]:**
Applicant's Response: *Skyline Meadows has been reserved with the Multnomah County Division of Assessment and Taxation as the name of the subdivision*

Staff Comment: Staff has no objection to the proposed subdivision name "Skyline Meadows."

F. Street Layout [MCC 11.45.230(F)]:

Staff Comment: The applicant has addressed this criterion in Finding 5.B and in the findings for RPD 1-90. For the reasons stated therein, the proposal satisfies MCC 11.45.230(F)

G. Private Streets [MCC 11.45.230(G)]:

Staff Comments: In its revised tentative plan, the applicant has substituted public roads for the private roads propose originally. Therefore, MCC 11.45.230(G) is not applicable

Conclusions Regarding the LD Request:

1. The proposed land division satisfies the applicable policies of the Comprehensive
2. The proposed land division satisfies the approval criteria for Type I Land Divisions.
3. The proposed land division satisfies the requirements of the Zoning Ordinance.

In the Matters of RPD 1-90 and LD 1-90

Signed February 26, 1990



By Dean Alterman, Vice, Chairman

Filed With the Clerk of the Board on March 8, 1990

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 4:30 PM. on Monday, March 19, 1990** on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision on this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday March 20, 1990 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development Division at 248-3043.



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING
AND DEVELOPMENT
2115 S.E. MORRISON STREET
PORTLAND, OREGON 97214
(503) 248-3043

BOARD OF COUNTY COMMISSIONERS
GLADYS MCCOY • CHAIR OF THE BOARD
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER
GRETCHEN KAFOURY • DISTRICT 2 COMMISSIONER
RICK BAUMAN • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

Returned
Stickel
412

3/14/90

MEMORANDUM

TO: Board of County Commissioners

FROM: Lorna Stickel

RE: Skyline Meadows Rural Planned Development & Land Division

RPD 1-90 and LD #109-90 will be reported to the Board on Tuesday March 20 as a part of the decisions to be reported to the Board. I ask that you give serious consideration to calling this case up for Board review on your own motion. I recommend a de novo hearing as the transcripts would be very long in this case and require the same time as a new hearing. Attached to this memo you will find copies of the minutes from the Planning Commission hearings on this matter and written testimony submitted into the record.

cc Mark Hess

DEPARTMENT OF ENVIRONMENTAL SERVICES

DIVISION OF PLANNING AND DEVELOPMENT

MULTNOMAH COUNTY PLANNING COMMISSION

January 22, 1990

MINUTES

Vice Chairman Alterman called the regular meeting of the Planning Commission to order at 6:15 p.m. on Monday, January 22, 1990 in Room 602 of the Multnomah County Courthouse.

Roll Call.

Present: Vice Chairman Alterman - Douglas - Spetter - Fry - Hunt

Absent: Leonard and Fritz (Conflict of Interest for Both) - Chiedu

Staff: S. Cowley - Hall

Procedure.

Vice Chairman Alterman summarized the hearing procedure, time limits and methods of appeal, etc.

He gave an opportunity for the presentation of each case by staff, proponents and opponents, followed by Planning Commission discussion and action.

Adoption of Minutes

Motion by Spetter, seconded by Hunt and carried unanimously to adopt the December 11, 1989 and January 8, 1990 Minutes as circulated.

Agenda A.

Line 1.RPD 1-90/LD 1-90 (6:15 - 10:30) (All of Tapes 1 thru Tape 3)
Multiple Use Forest-Rural Planned-Development District
(Twelve-Lot Land Division - Skyline Meadows)

11000 NW Saltzman Road

Continued to February 26, 1990 at 7:00 p.m.

The applicants, Ann Thompson and Bob Hartford (Forest Park Estate Joint Venture), 117 SW Taylor Street, was represented by Steve Janik, Attorney at Law, One Main Place, 101 SW Main Street, Suite 1100, 97204, who made the following comments:

- He stated that Slides #1, 2, 4 and 5 that were just previously shown by Mark Hess were not slides of the proposed site - the slides shown are located next to Skyline Memorial Gardens.
- They would build the road to County and City standards - which will be on a relatively flat area - 10% to 20% slope.
- He made reference to their correspondence to the Planning Commission, marked as Applicant's Exhibit A, dated January 22, 1990.
- He feels there is much misunderstanding about the factual facts.
- The area is not ready for forest uses - only a potential for forest uses.
- The area does not have the capability to be developed at urban levels.
- He submitted and described Applicant's Exhibits 1, 2, 3, 4 and 5, all dated January 22, 1990.
- The proposed area is 12 to 15 minutes from downtown Portland.
- The average lot size is 11.85 acres.
- The area will never be developed as an urban development.

- Multnomah County's RPD zoning designation is the best way to develop this site..
- They will have additional fire protection to the area.
- The area is not suitable for agricultural uses.

Richard Whitman, Attorney at Law, One Main Place, 101 SW Main Street, Suite 1100, 97204 addressed the conditional use criteria of the Zoning Code for the MUF-19 and RPD Sections of the Code

John Davis, Forester with TimberNet, Inc., 400 SW Cruiseway Place, Lake Oswego, 97035 made the following comments:

- He has inspected the site on three separate occasions to determine the suitability of the land and the compatibility of this site and adjacent properties.
- This site is a high site 3 - covered with hardwood species
- He explained Applicant's Exhibit 2.
- This site is not a good hardwood producer.
- Fifty-fifty mix of big leaf maples and douglas firs cover the property.
- He submitted two sheets of colored photographs, marked as Applicant's Exhibit B, dated January 22, 1990.
- The property was harvested 30 to 40 years ago - the north half of the property.
- He described the site practices and preparation that would be required for commercial forestry purposes.
- The surrounding area is experiencing rapid growth.
- The area has very steep topography.
- He disputed some comments of the 1000 Friends of Oregon letter, dated January 4, 1990.
- The property has been unmanaged for at least 30 years.
- Some harvesting of trees was done about 50 years ago.

- There was a reasonable cover of Douglas Fir trees at one time.
- There was a reasonable cover of Douglas Fir trees on the property at one time.
- Forest Practices Act requires only minimum practices - it leaves no requirement for a property owner to manage his property.
- This area is a hardwood forest - no build-up of explosive conditions.

In Favor:

Larry Scott, 11519 NW Laidlaw Road, thinks there is deer on this property and he would like to see the animals stay and live in the area. They have access through this area.

Opposition:

Molly O'Reilly, c/o Forest Park Association, 1414 NW 53rd Drive:

- Agrees with most of the Staff Report.
- She has walked the site - from NW Saltzman Road down from NW Skyline.
- They oppose development outside the urban growth boundary.
- Forest Heights is zoned R-10.
- She believes there should be an orderly expansion of the urban growth boundary..
- She believes this site would be very good for agricultural purposes
- These 12 units will impact the traffic greatly.
- They need orderly growth

Comments:

Mr. Curth, 11521 NW Laidlaw Road, 97231:

- Has heard that the area has not been logged in the past - there was a fire on the site.
- Walnut orchards adjoin this property.
- The character of this area is tied to the Skyline area.
- He prefers to see the site stay at MUF-19 zoning, not as an RPD. The density should stay at six units.

Rebuttal:

Steve Janik:

- This property was purchased prior to when the urban growth boundary rules were put into effect.
- Forest Park Estates owns Forest Park Heights.
- They will develop with either six or 12 units.
- Forest Heights has far less slope conditions
- There would be a 100-acre buffer between their development and any adjoining sites.
- They have no interest in managing this property for forestry use.
- They did not acquire the property to develop it with timber practices.
- The distance and cost makes connecting to sewers prohibitive.
- They are not responsible for the stewardship of the property in the past.
- The legal test is whether or not this property is a commercially forested site.
- Wells (63 in the area) and water from the City of Portland are the water alternatives.
- Fire protection - this is not a fire hazardous area.
- They would only build on slopes of 0 to 10%
- They can have a better development with 12 units vs. six units.

Following discussion, motions as follows:

Decision #1: RPD 1-90:

ALTEMAN - YES
Motion by Spetter and seconded by Douglas, with Fry and Hunt opposed, to **approve** RPD zoning based on Findings A thru C on Pages 8 and 9 of the Staff Report. Findings to be brought back for adoption at the **February 26, 1990 meeting, at 7:00 p.m.**

5-2
Decision #2 - LD 1-90:

Motion by Douglas, seconded by Fry and carried unanimously to **continue this item to February 26, 1990 at 7:00 p.m.** to allow the applicant to come back with a different land division plan.

There being no further business before the Planning Commission, the meeting was adjourned at 10:30 p.m.

Respectfully Submitted,


Sharon Cowley, Secretary



METRO

2000 SW First Avenue
Portland, OR 97201-5398
(503) 221-1646
Fax 241-7417

January 22, 1990

Mark Hess
Multnomah County Planning Department
2115 SE Morrison Street
Portland, Oregon 97214

Re: RPD 1-90, #109
LD 1-90, #109

Executive Officer
Rena Cusma

Metro Council

Mike Ragsdale
Presiding Officer
District 1

Sharron Kelley
Deputy Presiding
Officer
District 7

Lawrence Bauer
District 2

Jim Gardner
District 3

Richard Devlin
District 4

Tom DeJardin
District 5

George Van Bergen
District 6

Andy Wyers
District 8

Tanya Collier
District 9

Roger Buchanan
District 10

David Knowles
District 11

Gary Hansen
District 12

Dear Mr. Hess,

I am writing on behalf of Rena Cusma, Executive Officer, to express Metro's opposition to the proposed change in zoning from MUF-19 to MUF-19, RPD, and concurrent development approval for a 12-lot land division for the 120 acre site located approximately at 11000 NW Saltzman Road. We make this recommendation for the following reasons:

- 1) Metro is currently in to process of developing and Urban Growth Management Plan. The plan is intended to offer the Metro Council a policy framework for its consideration of proposals to amend the urban growth boundary, and to give local governments and special districts an integrating structure for regional planning efforts. One of the critical urban growth issues that Metro has targeted is the relationship between urban development inside the urban growth boundary and non-resource related rural residential development outside and adjacent to the boundary.

Metro is concerned that rural residential development adjacent to the urban growth boundary, of the type proposed here, will serve as a barrier to future expansion of the urban area on lands most appropriate for that purpose. It is highly unlikely that new development on relatively small rural parcels can ever be redeveloped to urban densities.

Parcelization of the type sought here will only force future urban expansion to lands protected for resource use. The pattern of this kind of activity throughout the region is leading to growth management by default, rather than through a careful and considered policymaking process.

- 2) This proposal, and others like it, do not support Metro's adopted and acknowledged objectives pertaining to the development of a compact urban growth form. To the contrary, by seeking extraterritorial extensions of urban services to support the proposed development and by creating a lotting pattern which, according to the materials presented in the staff report, is neither supportive of forest use or of the present rural land development pattern in the vicinity, this proposal would contribute to the conversion of rural land at the urban growth boundary to a residential, non-resource based use.

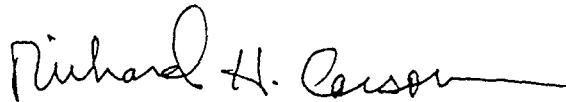
It is impossible to regard this proposal as simply a rural planned development that is not directly related to the adjacent urban area. In fact, the applicant admits that the development of the site would occur as the market permits, that market being the housing market in the Portland metropolitan area.

Consequently, this proposal contributes to the conversion of rural resource land to residential uses at a pace and of a type governed by what seem to be primarily urban circumstances. If this is an appropriate use for the land in question, then that decision should be made through regional consideration of urban land needs. To do otherwise is to contribute to a pattern of sprawl on the urban edge which doesn't appear to serve either long-term rural resource or urban needs.

In conclusion, I believe that the staff recommendation should be supported, and the proposal rejected.

Thank you for the opportunity to comment.

Sincerely,



Richard H. Carson, Director
Planning and Development Department

cc: Steve Janik

RECEIVED
JAN 23 1990

Multnomah County
Zoning Division

1000 FRIENDS OF OREGON

January 4, 1990

✓ RPPD1-90
LPI-90

Multnomah County Planning Commission
2115 SE Morrison Street
Portland, OR 97214

RE: Application for Skyline Meadows Subdivision;
Planning Commission Hearing: January 8, 1990

The staff of 1000 Friends of Oregon has reviewed the materials for the application of Forest Park Estate Joint Venture to subdivide and construct a rural planned development in the northwest portion of unincorporated Multnomah County. The property in question is within Tax Lot 4 of Section 22, Township 1 North, Range 1 West, and is zoned MUF-19 with a comprehensive plan designation of Multiple Use Forest.

The 120-acre site in question is not generally unsuitable for forest and agricultural uses, but rather presents several opportunities for resource production. The importance of potential wood supply from nonindustrial forest lands if properly managed, and of keeping the rural character of Multiple Use Forest lands in the western part of Multnomah County, merits a denial of this application for a rural planned development and subdivision.

Please enter this letter into the record for the Planning Commission hearing on this request, scheduled for the evening of Monday, January 8, 1990.

Background

The 120-acre site in question is characterized by woodlands and open meadows, on slopes ranging from nearly level to over 50 percent. Being on the west slope of the Tualatin Mountains, the site receives generous annual precipitation of over 50 inches, and exhibits a vegetative cover and climate typical of Willamette Valley foothills.

This site is located outside the Portland area urban growth boundary, and contains inherently productive forest soils. The property's slopes, soils, and other physical features are not exceptionally different from other nonindustrial private forest (NIPF) land holdings in active forest management throughout the north Willamette Valley, and indeed are slightly more productive

because of the generally western aspect of this slope of the Tualatin Mountains.

Ample information about the property's site quality is available through the Multnomah County Soil Survey, the soil interpretation sheets of the Portland office of the U.S. Soil Conservation Service, and an inspection of the site. This information shows that the property is highly productive and suitable for forest uses, and therefore does not meet the criteria for allowance of non-resource dwellings in areas designated Multiple Use Forest through the Multnomah County Comprehensive Plan.

Site Quality Information

Information of the Multnomah County Soil Survey indicates that the soils of the site in question are Cascade silt loams on slopes ranging from nearly level to about 60 percent. The Douglas-fir site index, measured as the height of the dominant canopy of trees at 100 years, ranges from 150 to 165. Using the Soil Survey's site index of 157, these soils are a high cubic foot site class (CFSC) 3/low CFSC 2, capable of growth at the culmination of annual wood production of over 165 cubic feet per acre.¹

These forest soils are therefore highly productive by state and national standards for mean annual growth of commercial timber.

The August 1983 Multnomah County Soil Survey, page 158, lists the Cascade soils as having only slight to moderate forest management concerns for equipment use, seedling mortality, windthrow hazard, and plant competition. Additionally, the Cascade silt loam soils on the site that are less than 15 percent slope (the "7B" and "7C" soils, about 25 percent of the property) are suited to farming for several types of crops, though the native vegetation will tend to return the site to shrubs, hardwoods, and conifers including western hemlock, western red cedar, grand fir, and Douglas-fir.

The basic facts about the Forest Park Estate's site at Skyline Meadows are that it is an especially productive growing site for Douglas-fir, using management techniques common to much of Western Oregon. Contentions that the site has limited inherent productivity are not supported by the facts.

The site in question is not generally unsuitable for forest and agricultural uses, but rather presents several opportunities for resource production.

¹ Source: Technical Notes - Forestry No. 2 Revised: "Culmination of Mean Annual Increment for Commercial Forest Trees of Oregon." U.S. Dept. of Agriculture, Soil Conservation Service. June 1986. Portland, Oregon.

Comparison of the Forest Park Estate's Site Quality With Other
NIPF Lands in Western Oregon²

The 120-acre property evaluated in this letter of comment for site quality has a site index of about 157. This is slightly higher than the average site quality for Western Oregon NIPF lands as reflected in data of the landmark "Beuter Report" of 1975, using standard yield tables commonly accepted for comparison of forestland site productivity (see enclosed copy of Table 3 from 1000 Friends' November 1987 document). Put another way, the forest site quality of the Forest Park Estate property is representative of hundreds of thousands of acres of NIPF land in Western Oregon now managed for forest uses or potentially convertible to very productive forestlands.

As described in the Beuter Report, Western Oregon NIPF lands have a higher average site index than found in any other region of the United States, and have twice the national average for annual cubic foot wood production as described by another nationally recognized forestlands researcher, Marion Clawson, in The Economics of U.S. Nonindustrial Private Forests (Washington, D.C.: Resources for the Future, 1979).

The Need for NIPF Resource Forestry Lands As a Source of Future
Wood Production; Assurance of Landowners' Rights to Conduct Forest
Practices³

The property requested for the Skyline Meadows Subdivision is representative of nonindustrial private forest (NIPF) lands that are among the most productive in Oregon. NIPF timber harvests are likely to have a significant role in meeting Western Oregon timber supply requirements at a time of declining timber supplies from both public and industry-owned forest lands.

Western Oregon timber supply is projected to decline markedly for two reasons: 1) the decrease in harvest from industrially-owned lands because of conversion of old-growth stands to second-growth over the last four decades, and 2) a similar decrease in harvest from public forest lands because of dwindling amounts of available old-growth timber. Much of what is now considered NIPF lands were initially harvested in the 1920s to 1940s; the regrowth of these lands will become available, and of a merchantable size, during a period of projected timber shortage in the 1990s and beyond.

Furthermore, because NIPF lands are lower in elevation, more accessible year-round, have a more moderate climate, and are

² Source: Management of Western Oregon Nonindustrial Private Forest Lands: The Key to Rural Economic Development and Land Conservation; November 30, 1987 discussion draft prepared by Henry R. Richmond, Executive Director - 1000 Friends of Oregon.

³ Ibid.

closer to wood products mills and forest workers than either public or industrial forestland, NIPF lands are a more efficient producer of wood products, based on their inherent potential productivity, than other forestlands in Oregon.

The Oregon Legislative Assembly, recognizing the long-term nature of commercial forest production and the importance of wood supply from private forest lands, has affirmed the basic rights of forest landowners to conduct accepted forest practices on forest lands outside of acknowledged urban growth boundaries (ORS 527.722, 527.800). Forest practices conducted on forest lands in accordance with ORS chapters 477 and 527, with the oversight of the Oregon State Department of Forestry, cannot be declared or held to be a private or public nuisance.

Conclusions

The 120-acre site of the request for a rural planned development and subdivision is not generally unsuitable for forest and agricultural uses. Though adjacent to the Portland urban growth boundary, the site is nonetheless a viable piece of nonindustrial private forest land. The importance of the resource values of Multiple Use Forest lands in the western part of Multnomah County justify a denial of this application.

Sincerely,



Richard D. Holoch
Resource Planner/Forester

enclosures: Table 3 from 1000 Friends' November 1987 document

cc: Lorna Stickel, County Planning Director
Skyline Citizens Group
West Multnomah Soil & Water Conservation District

Table 3

ACREAGE AND APPROXIMATE POTENTIAL YIELD/MEAN ANNUAL INCREMENT BY DOUGLAS-FIR
SITE CLASSES FOR WESTERN OREGON NONINDUSTRIAL PRIVATE FOREST LANDS, 1975

Yield and Mean Annual Increment in Thousands of
Cubic/Board Feet for Trees 7 Inches DBH and Larger

Beuter Report/11 Site Class	Corresponding Tech- nical Bulletin 201. Site Classes & Indices/15	Beuter Report Acres	Annual Potential Yield, Cubic Feet/14 (Acres x Yield per Acre Divided by Age)		Annual Potential Yield, Board Feet International Rule /16 (Acres x Yield per Acre ÷ Age)	Total Mean Annual Increment, Board Feet Interna- tional Rule/16 (Acres x M.A.I. per Acre)
			Age			
High	All of Site Class I, upper 2/3 of Site Class II (100-year Site Index \geq 166)	862,000 (39% of NIPF acreage)	50	167,918	1,124,048	1,258,520
			60	172,400	1,222,603	1,217,719
			70	171,784	1,260,983	1,126,347
Medium	Lower 1/3 of Site Class II, all of Site Class III, upper 1/6 of Site Class IV (Site Index 120-165)	774,000 (35% of NIPF acreage)	50	101,394	574,308	574,308
			60	109,650	670,800	668,736
			70	111,014	725,349	725,238
Low	Lower 5/6 of Site Class IV, all of Site Class V, upper 1/2 of Site Class VI (Site Index 50-119)	574,000 (26% of NIPF acreage)	50	23,878	109,060	117,861
			60	31,379	152,110	159,189
			70	34,932	181,220	187,889
Totals, Western Oregon NIPF		2,210,000 (100%)	50	293,190	1,807,416	1,950,689
			60	313,429	2,045,513	2,045,644
			70	317,730	2,167,552	2,039,474

Source: McArdle, The Yield of Douglas-fir in the Pacific Northwest.



CITY OF

PORTLAND, OREGON

BUREAU OF PLANNING

Earl Blumenauer, Commissioner
Robert E. Stacey, Jr., Acting Director
1120 S.W. 5th, Room 1002
Portland, Oregon 97204-1966
(503) 796-7700

Current Planning

Housing

Long Range Planning and Urban Design

Land Use Permits

December 28, 1989

Multnomah County Planning Commission
2115 SE Morrison Street
Portland, Oregon 97214

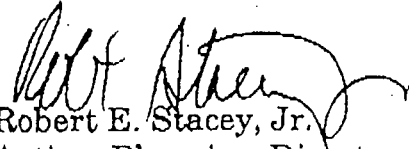
Dear Commissioners:

The Portland Bureau of Planning cannot support the 12-unit rural planned development proposed for 120 acres of land adjacent to the City of Portland boundary.

The Northwest Hills Study of 1985 reaffirmed that there is sufficient land available for residential development within the Urban Growth Boundary. Metro projects a demand for approximately 2,200 new housing units in the Northwest Hills study area over the next 20 years. Development potential already inside the Urban Growth Boundary exceeds twice that amount, and the Forest Heights project alone will provide nearly that many units.

If the Urban Growth Boundary is expanded in the future based on the need for more residential land, land must be available for an urban level of development. The proposed development would preclude the ability to efficiently provide urban services to that level of development by creating lots that are not suitable for further division. We request that you adopt a negative recommendation on the request.

Very truly yours,


Robert E. Stacey, Jr.
Acting Planning Director

RES/JEH



**TUALATIN VALLEY FIRE & RESCUE
AND
BEAVERTON FIRE DEPARTMENT**

4755 S.W. Griffith Drive • P.O. Box 4755 • Beaverton, OR 97076 • (503) 526-2469 • FAX 526-2538

February 28, 1990

Dave Prescott
Department of Environmental Services Division of Planning and Development
2115 S.E. Morrison Street
Portland, Oregon 97214

Re: Forest Park Estate Joint Adventure
MUF 19

Dear Dave:

My apologies for being late in getting back to you on the above captioned project. After illness and work loads, I finally got down to your request again.

At this point in time, it is the Fire District's understanding that there is very little that can be done with this particular project. The Fire District would like to point out and allow all parties purchasing lots in this development to understand that fire department response will be five to six miles away, and could be as long as ten to fifteen minutes because of the layout and excessive distances for response from the nearest station. Fire District would also point out that the extension of N. W. Saltzman could run along the property lines of lots #7 and #8 and possibly in the future, connect into N.E. 124th Avenue, which would give considerably better access and versatility to providing emergency services to this development.

If I can be of any further assistance to you, please feel free to contact me at 526-2502.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gene Birchill".

Gene Birchill
Deputy Fire Marshal

GB:kw

RECEIVED
MAR 5 1990

Multnomah County
Zoning Division



METRO

2000 SW First Avenue
Portland, OR 97201-5398
(503) 221-1646
Fax 241-7417

January 22, 1990

Mark Hess
Multnomah County Planning Department
2115 SE Morrison Street
Portland, Oregon 97214

Re: RPD 1-90, #109
LD 1-90, #109

Executive Officer
Rena Cusma

Metro Council

Mike Ragsdale
Presiding Officer
District 1

Sharron Kelley
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Officer
District 7

Lawrence Bauer
District 2

Jim Gardner
District 3

Richard Devlin
District 4

Tom Dejardin
District 5

George Van Bergen
District 6

Judy Wyers
District 8

Tanya Collier
District 9

Roger Buchanan
District 10

David Knowles
District 11

Gary Hansen
District 12

Dear Mr. Hess,

I am writing on behalf of Rena Cusma, Executive Officer, to express Metro's opposition to the proposed change in zoning from MUF-19 to MUF-19, RPD, and concurrent development approval for a 12-lot land division for the 120 acre site located approximately at 11000 NW Saltzman Road. We make this recommendation for the following reasons:

- 1) Metro is currently in to process of developing an Urban Growth Management Plan. The plan is intended to offer the Metro Council a policy framework for its consideration of proposals to amend the urban growth boundary, and to give local governments and special districts an integrating structure for regional planning efforts. One of the critical urban growth issues that Metro has targeted is the relationship between urban development inside the urban growth boundary and non-resource related rural residential development outside and adjacent to the boundary.

Metro is concerned that rural residential development adjacent to the urban growth boundary, of the type proposed here, will serve as a barrier to future expansion of the urban area on lands most appropriate for that purpose. It is highly unlikely that new development on relatively small rural parcels can ever be redeveloped to urban densities.

Parcelization of the type sought here will only force future urban expansion to lands protected for resource use. The pattern of this kind of activity throughout the region is leading to growth management by default, rather than through a careful and considered policymaking process.