



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
• District 4 • 248-5213
JANE McGARVIN • Clerk • 248-3277

AGENDA OF
MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS
FOR THE WEEK OF
May 1 - 5, 1989

- Tuesday, May 2, 1989 - 9:00 AM - Legislative Briefing . . Page 2
9:30 AM - Planning Items followed by
Informal Briefings
- Tuesday, May 2, 1989 - 1:00 PM - Executive SessionPage 4
1:30 PM - Joint Emergency Policy Board/
Board of Commissioners Meeting
followed by Informal Briefing
and Informal Review of Formal
meeting May 4
- Thursday, May 4, 1989 - 9:30 AM - Formal. Page 5

Tuesday, May 2, 1989 - 9:00 AM

Multnomah County Courthouse, Room 602

1. Legislative Briefing (if needed) - Fred Neal, Howard Klink
2. Informal Review of Bids and Requests for Proposals:
 - a) SE 242nd Drive
 - b) Developmental Disabilities Program/Earl Intervention Services
 - c) Administrative Services for Multnomah County's Medical, Vision and Dental Benefits Plans

FORMAL ACTION REQUIRED

3. In the matter of Decisions of the Planning Commission of April 10, 1989 for acceptance and implementation by Board Order:

- A
- PR 2-89 Approve, requested change in the Centennial Community Plan, redesignating this property from Urban Medium Density Residential to Neighborhood Commercial; and
 - ZC 2-89 Approve, subject to a condition, amendment of Sectional Zoning Map #400, changing the described property from MR-3, medium density residential district to NC, neighborhood commercial district, all for property at 14815 SE Division Street
 - ZC 4-89 Approve amendment of Sectional Zoning Map #73 and #74, changing the described property from MUA-20, multiple use agricultural, to EFU-76, WRG, exclusive farm use, Willamette River Greenway, all for property located at 14730 NW Gillihan Road
 - ZC 5-89 Deny requested amendment of Sectional Zoning Map #415, changing the described property from LR-10, Low Density Residential District, minimum lot size of 10,000 square feet, to LR-7, Low Density Residential District, minimum lot size of 7,000 square feet; and
 - LD 6-89 Deny tentative plan for a Type III Land Division, all for property located at 4146 SE 141st Avenue

In the matter of the decisions of the Planning Commission of April 10, 1989, reported to the Board for acknowledgement by the Presiding Officer:

- Aek
- CU 5-89 Approve, subject to conditions, conditional use request to add a boat lift and repair facility at Lucky Landing Moorage; and
 - WRG 3-89 Approve requested WRG, Willamette River Greenway Permit, all for property located at 12900 NW Marina Way
 - CU 4-89 Approve, subject to conditions, conditional use request to develop the subject property with a non-resource related single family residence, for property located at 46317 E Larch Mountain Road

INFORMAL BRIEFINGS

4. Briefing on progress by Assessment & Taxation in defining neighborhoods as part of the appraisal process for the 1989-90 tax roll - Janice Druian
5. Presentation of Youth Planning Document, which incorporates demographic trends, service gaps, services provided, and emerging issues for youth in Multnomah County - Duane Zussy, Michael Morrissey

PUBLIC TESTIMONY WILL NOT BE TAKEN AT INFORMAL MEETINGS

Tuesday, May 2, 1989 - 1:00 PM

Multnomah County Courthouse, Room 602

EXECUTIVE SESSION

Executive Session regarding pending litigation (allowed under ORS 192.660 (1)(h))

JOINT EMERGENCY MEDICAL SERVICES POLICY BOARD
AND
MULTNOMAH COUNTY BOARD OF COMMISSIONERS

1:30 PM (following Executive Session)

EMS Public provider concept, financial implementation plan

Testimony shall be limited to five (5) minutes

The following will be heard at the conclusion of the Emergency Medical Services Hearing:

INFORMAL BRIEFING

Present findings in relation to a four year research project on Probation Management in Multnomah County which was funded by the Edna McConnell-Clark Foundation - John Angell, Todd Clear (Rutger's University)

Informal Review of Formal Agenda of May 4

PUBLIC TESTIMONY WILL NOT BE TAKEN ON INFORMAL BRIEFINGS

Thursday, May 4, 1989, 9:30 AM

Multnomah County Courthouse, Room 602

Formal Agenda

REGULAR AGENDA

BOARD OF COUNTY COMMISSIONERS

- R-1 In the matter of the appointment of Sharon Nesbit (Troutdale/Gresham), Dutch Holub (County Technical Staff), Marge Schmunk (Troutdale), and Robert C. Wiggin (Troutdale) to the Edgefield Task Force
- R-2 Proclamation in the matter of Proclaiming the week of May 7-13, 1989 Be Kind to Animals Week in Multnomah County

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-3 Resolution in the matter of Substituting Light Rail Transit in the I-205 Freeway (for bus lanes allowed when freeway was built) [Continued from April 20]

DEPARTMENT OF GENERAL SERVICES

- R-4 In the matter of ratification of an Intergovernmental Service Agreement with Washington County Juvenile Department and Multnomah County Information Services Division, for the providing of computer time for the Tri-County Juvenile Information System, for period January 1, 1989 to June 30, 1989

DEPARTMENT OF HUMAN SERVICES

- R-5 In the matter of ratification of an amendment to an Intergovernmental Agreement with Oregon Health Sciences University, to restate terms and conditions in the existing agreement to manage and authorize payment for involuntary hospitalization of patients diverted from Dammasch State Hospital, due to overcrowding, and allowing payment for emergency holds occurring on or after April 1, 1989
- R-6 In the matter of ratification of an Intergovernmental Agreement with Oregon Health Sciences University, to provide emergency hold services to patients in pre-commitment status, for period May 1, 1989 to June 30, 1990

DEPARTMENT OF JUSTICE SERVICES

- R-7 In the matter of ratification of an intergovernmental agreement with the U.S. Department of Agriculture, Forest Service, for the Sheriff's Office to enforce Federal/State laws and regulations in the National Forest, for period May 25, 1989 to September 4, 1989
- R-8 Notice of Intent from Office of Women's Transition Services to apply for federal grant (Office to Substance Abuse Prevention: Public Health Service) (\$182,480) for a project to coordinate services to substance abusing pregnant women

THE FOLLOWING WILL BE HEARD FOLLOWING THE FORMAL AGENDA

WORK SESSION

Approximately - 10:00 A.M.

1. Department of Justice Services Reorganization

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 P.M., Channel 27 for Rogers Multnomah East subscribers

Saturday 12:00 PM, Channel 21 for East Portland and East County subscribers



MULTNOMAH COUNTY OREGON

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GRETCHEN KAFOURY •	District 2	• 248-5219
RICK BAUMAN •	District 3	• 248-5217
	District 4	• 248-5213
JANE MCGARVIN •	Clerk	• 248-3277

May 2, 1989

Ms. Lorna Stickel, Planning Director
Division of Planning & Development
2115 SE Morrison
Portland, OR

Dear Ms. Stickel:

Be it remembered, that at a meeting of the Board of County Commissioners held May 2, 1989, the following action was taken:

In the matter of the Decisions of the Planning)
Commission of April 10, 1989; Cases PR 2-89,)
ZC 2-89; ZC 4-89; ZC 5-89; LD 6-89)

There being no notice of review before the Board for the above-entitled matters and the Board not wanting to review the matter on its own motion, upon motion of Commissioner Bauman, duly seconded by Commissioner Kafoury, it is unanimously

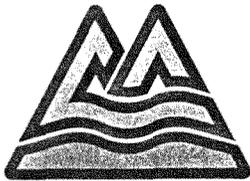
ORDERED that said Decisions, including findings, conclusions and conditions be adopted and implemented.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS

By Jane McGarvin
Jane McGarvin
Clerk of the Board

jm
cc: Engineering Services
Assessment & Taxation



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May 2, 1989

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Division of Planning & Development
2115 SE Morrison
Portland, OR

Dear Ms. Stickel:

Be it remembered, that at a meeting of the Board of County Commissioners held May 2, 1989, the following action was taken:

In the matter of the Decisions of the Planning Commission of April 10, 1989, Cases CU 5-89, WRG 3-89; CU 4-89))

There being no Notice of Review before the Board for the above-entitled matters, and the Board not wanting to review the matters on its own motion, the Chair acknowledged receipt of the decisions.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS

By *Jane McGarvin*
Jane McGarvin
Clerk of the Board

jm
cc: Assessment & Taxation
Engineering Services



MULTNOMAH COUNTY OREGON

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POLLY CASTERLINE • District 4 • 248-5213
JANE McGARVIN • Clerk • 248-3277

BOARD OF COUNTY COMMISSIONERS

TUESDAY, MAY 2, 1989

9:30 a.m., Room 602

A G E N D A

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

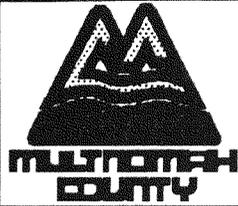
- PR 2-89** **Approve**, requested change in the Centennial Community Plan, redesignating this property from urban medium density residential to neighborhood commercial;
- ZC 2-89** **Approve**, subject to a condition, amendment of Sectional Zoning Map #400, changing the described property from MR-3, medium density residential district to NC, neighborhood commercial district, all for property located at 14815 SE Division Street.
- ZC 4-89** **Approve** amendment of Sectional Zoning Maps #73 and #74, changing the described property from MUA-20, multiple use agricultural, to EFU-76, WRG, exclusive farm use, Willamette River Greenway, all for property located at 14730 NW Gillihan Road.
- ZC 5-89** **Deny** requested amendment of Sectional Zoning Map #415, changing the described property from LR-10, low density residential, minimum lot size of 10,000 square feet, to LR-7, low density residential district, minimum lot size of 7,000 square feet;
- LD 6-89** **Deny** tentative plan for a Type III land division, all for property located at 4146 SE 141st Avenue.

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

CU 5-89 Approve, subject to conditions, conditional use request to add a boat lift and repair facility at Lucky Landing Moorage;

WRG 3-89 Approve requested WRG, Willamette River Greenway Permit for the described property, all for property located at 12900 NW Marina Way

CU 4-89 Approve, subject to conditions, conditional use request to develop the subject property with a non-resource related single family residence, for property located at 46317 East Larch Mountain Road.



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

DECISION

PR 2-89, #400
ZC 2-89, #400

**Comprehensive Plan Amendment
Zone Change Request
(MR-3 to NC)**

Applicant requests a Comprehensive Plan amendment and change in zone designation from the current Urban Medium Density Residential and MR-3 to Urban Neighborhood Commercial and NC for an existing office complex..

Location: 14815 SE Division Street

Legal: Tax Lot '150', Section 1, T1S, R2E (1988 Assessor's Map)

Site Size: 0.63 Acres

Size Requested: Same

Property Owner: Henry Hai-Loong Fang
PO Box 155 97207

Applicant: Same

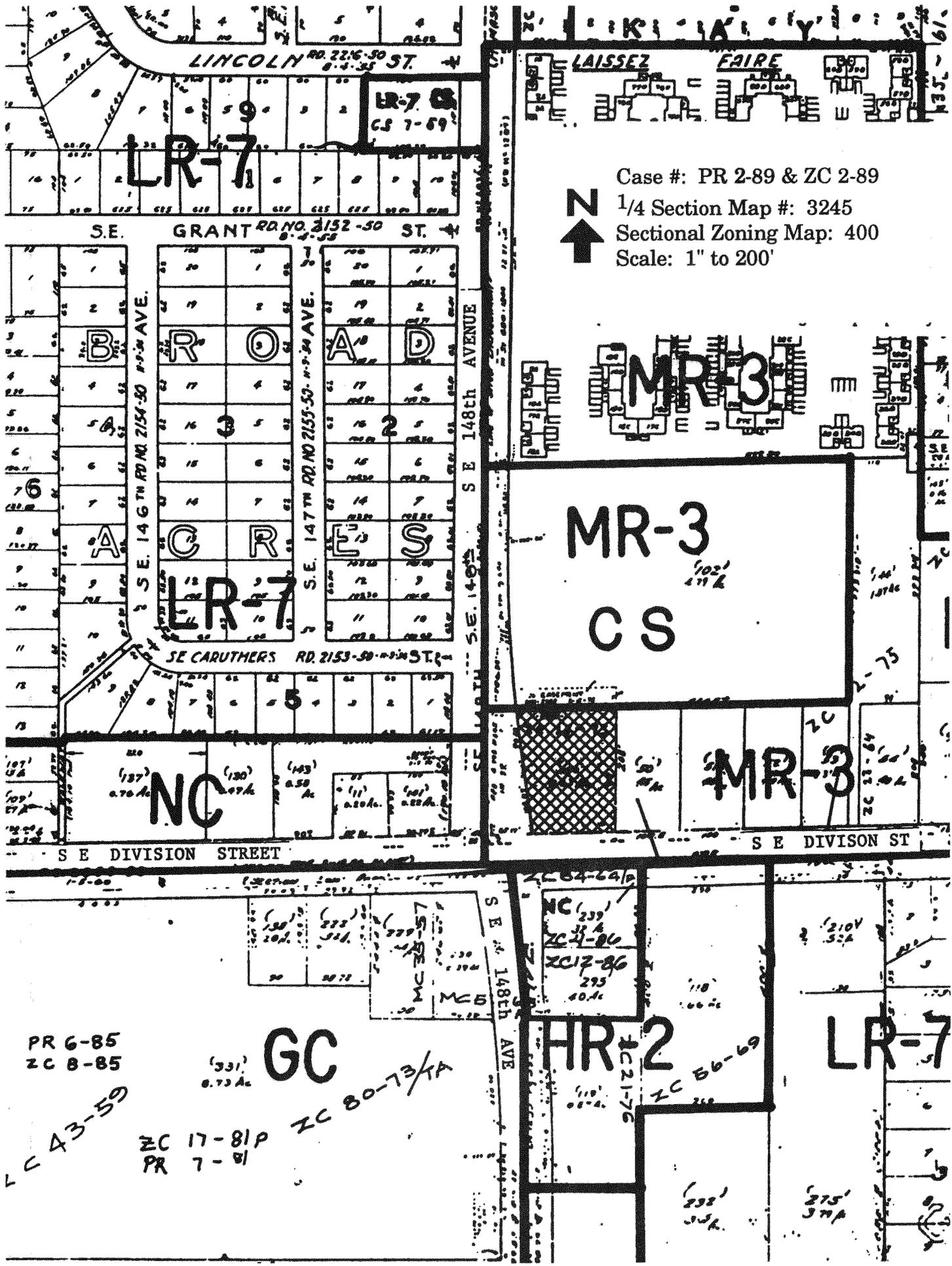
Comprehensive Plan: Medium Density Residential

Current Zoning: MR-3

Proposed Zoning: NC—Neighborhood Commercial

Planning Commission Decision: APPROVE, subject to a condition, a change in the Centennial Community Plan redesignating this property from Urban Medium Density Residential to Neighborhood Commercial and amending Sectional Zoning Map #400, changing the described property from MR-3 to NC, based upon the following Findings and Conclusions..

PR 2/89/ZC 2-89



Case #: PR 2-89 & ZC 2-89
 1/4 Section Map #: 3245
 Sectional Zoning Map: 400
 Scale: 1" to 200'



MR-3
 CS

MR-3

GC

HR-2

LR-7

PR 6-85
 ZC 8-85

ZC 17-81P
 PR 7-81

ZC 80-73/KA

ZC 43-59

ZC 21-76

ZC 56-69

NC (239)
 ZC 24-86
 ZC 17-86
 295
 40.4c

ZC 21-84

(232)
 35.4c

(275)
 37.4c

Condition:

Satisfy the applicable requirements of Engineering Services regarding future improvements of SE 148th Avenue and/or SE Division Street.

Findings of Fact:

1. Applicant's Proposal:

The applicant requests Planning Commission approval to amend the Centennial Community Plan, changing the designation of this property from Urban Medium Density Residential to Urban Neighborhood Commercial and a change in zone designation from the current MR-3 to NC. No additional development is proposed as a result of this proposed amendment and zone change.

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 at the northeast corner of the intersection of SE 148th Avenue and SE Division Street. The site is essentially level and is developed with 6,126 sq.ft. office complex and 29 space parking lot, which were approved by ZC 25-75. St. Joseph School lies immediately to the north and the property to the east is scheduled for development with an apartment complex under its High Density residential zoning. Further east are single

family residences on parcels designated Medium Density Residential. Across SE Division Street to the south is property designated Neighborhood Commercial, and east of that an apartment complex within a High Density Residential zone. A Fred Meyer Shopping Center is located on the southwest corner of the intersection of SE 148th and Division on property zoned General Commercial. To the north, across Division Street are several commercial businesses on Neighborhood Commercial land.

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 coordinate the planning efforts of the various governmental units within Multnomah County. In November of 1988, the City of Portland adopted a new Centennial Community Plan covering those areas of the Centennial Community that had been annexed, and included proposed designations for areas scheduled for annexation. The plan, for those areas not yet within the City, would become operational upon annexation.

Policy 4 of that plan indicates that commercial enterprises "...are encouraged in nodes located in the vicinity of SE 148th and Division Street," among other locations. This property also satisfies the locational criteria for commercial development established by Policy 11 of the Portland plan.

- B. *Public Need:* There is a public need for providing office space at this location. That need was recognized in the approval of ZC 25-75 which changed the zoning designation of this property from R-7, Single Family Residential to A-1-B, Apartment-Residential-Business Office. That zone allowed a wide range of office uses as outright uses. The MR-3 imposed by the Centennial Community Plan allows office uses only as conditional uses; thereby, requiring a public hearing for a change of occupancy from one category of office use to another. This is an unfair burden in light of the original zone change and the zone changes that have occurred within the immediate area in the past few years.

- C. *Compliance with Applicable Comprehensive Plan Policies:* This proposal satisfies the following policies of the Comprehensive Framework Plan:

- (a) No. 13—Air, Water and Noise Quality: The site is developed with a small office complex using dry wells for disposal. No adverse impacts with respect to air, water and noise quality have been identified in the thirteen years of its existence.
- (b) No. 14—Development Limitations: No new development is proposed and the site has posed no limitations for the development that exists.
- (c) No. 16—Natural Resources: There are no known natural resources that would be affected by the proposed plan and zone change.
- (d) No. 22—Energy Conservation: This proposal would allow the optimum use of a

property located at the intersection of two arterial streets, one of which is served by Tri-Met. This intersection has developed into a major east County traffic attractor, and the provision of a wide range of commercial goods and services at such locations helps to conserve energy by reducing the need travel to several locations to acquire those commodities.

- (e) No. 27—Commercial Location: This proposal satisfies all of the locational criteria for a Neighborhood Commercial designation. It is at the intersection of two arterials, it is of appropriate size and shape, has no known development limitations, and is in an area of comparably designated properties.
- (f) No. 36—Transportation System Development Requirements: Engineering Services is requiring a radius and signal improvement, or bond insuring future improvement, at the intersection of SE 148th and Division Street as a result of this proposal.
- (g) No. 37—Utilities: Water is provided by Powell Valley Road Water district and sewage is disposed of by a subsurface disposal system (public sewer is scheduled in the area in 1993). Drainage is handled on-site by means of dry wells. All necessary power and communication facilities are available along both street frontages.
- (h) No. 38—Facilities: Centennial 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.

D. *Change in Circumstance:* At the time of adoption of the Centennial Community Plan (May, 1979), the character of development around the intersection of SE 148th and Division Street was much different than today. In 1985 a zone change (ZC 8-85) to General Commercial on the southwest corner of the intersection allowed the development of a large shopping center. Another zone change (ZC 4-86) in 1986 redesignated the southeast corner Neighborhood Commercial, and that property is pending development. A third zone change on the property immediately to the east of this site (ZC 3-88) changed its zoning from MR-3 to HR-2 to allow a 27 unit apartment complex. Consequently, this site, at what has developed into a major east county intersection, reflects a step-down in zone when compared to adjacent property and to properties on the other corners of that intersection. Other new commercial development has also occurred to the west on the north side of SE Division, and to the east on the south side of SE Division since the adoption of the original Centennial Community Plan.

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 that contemplated for the site after annexation to the City of Portland.

In the Matter of PR 2-89 and ZC 2-89:

Signed April 10, 1989



By Richard Leonard, Chairman

Filed With the Clerk of the Board on April 20, 1989

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, May 1, 1989 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, May 2, 1989 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

ZC 4-89, #73 and #74

Zone Change Request

(MUA-20 to EFU-76)

Applicant requests amendment of Sectional Zoning Map #73, changing the zone designation of this property from MUA-20., WRG (Multiple Use Agriculture) to EFU-76 , WRG (Exclusive Farm Use). No development would occur as a result of this proposed change.

Location: 14730 NW Gillihan Road

Legal: Tax Lot '13', Section 27, T2N, R1W (1988 Assessor's Map)

Site Size: 0.97 Acres

Size Requested: Same

Property Owner: Frederick C. & Edna P. Van Abkoude
14730 NW Gillihan Rd. 97231

Applicant: Same

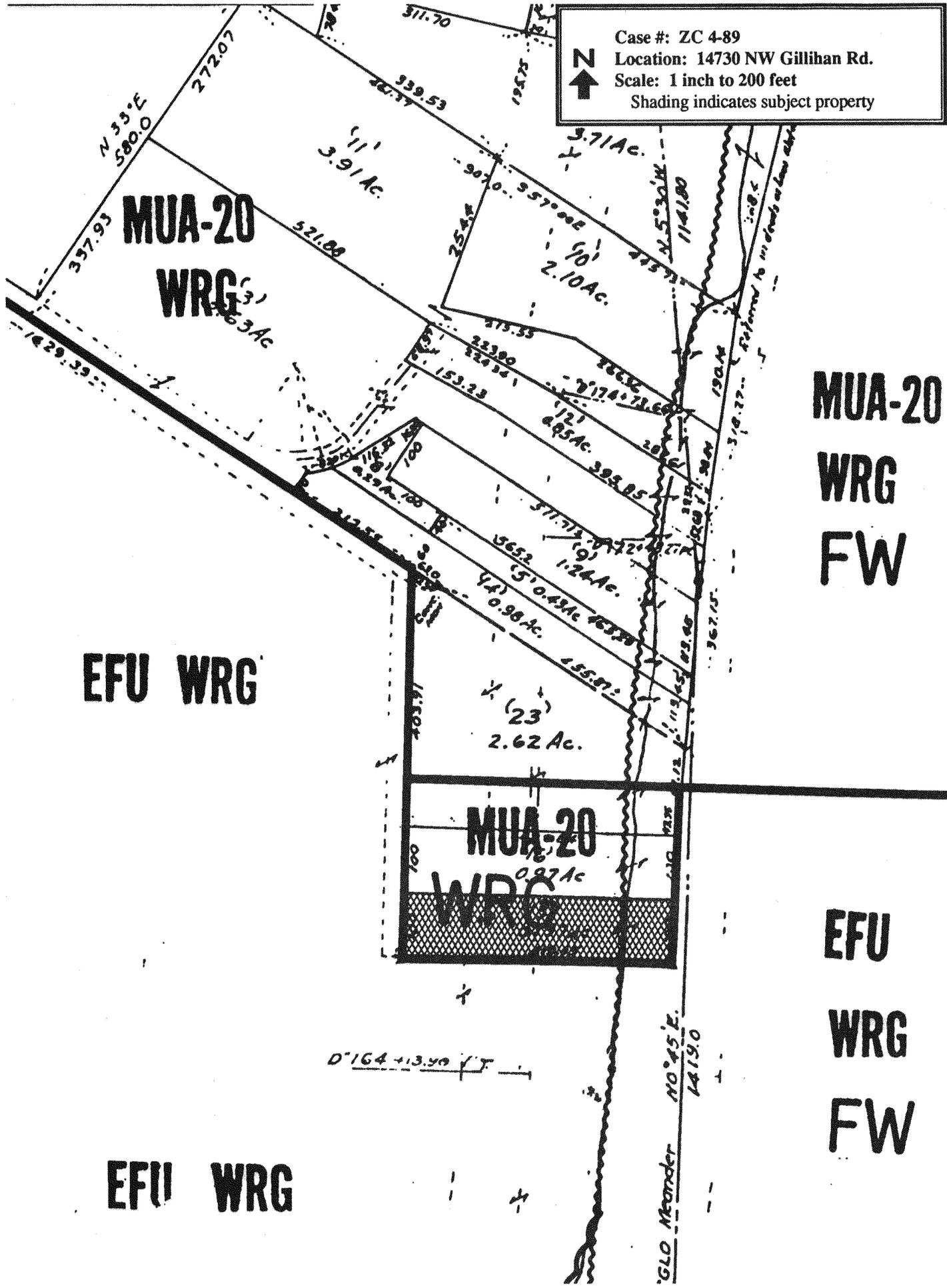
Comprehensive Plan: Multiple Use Agriculture

Current Zoning: MUA-20, WRG, Willamette River Greenway

Proposed Zoning: EFU-76, WRG,
Exclusive Farm Use, Willamette River Greenway

Planning Commission Decision: APPROVE amendment of Sectional Zoning Map #73 and #74, changing the described property from MUA-20 to EFU-76, WRG, Willamette River Greenway, based on the following Findings and Conclusions

Case #: ZC 4-89
 Location: 14730 NW Gillihan Rd.
 Scale: 1 inch to 200 feet
 Shading indicates subject property



EFU WRG

MUA-20
 WRG
 FW

EFU
 WRG
 FW

EFU WRG

Tax lot 13

Annex SID
Add Section 27 2 N 1 W
TL Ac.

0.97 Ac.

0.24 Ac.

← N

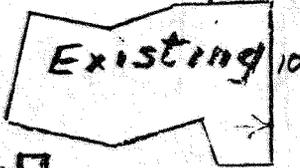
ZC 4-89

100'

25'

Dyke

35'



10006
Conc
Sept.



35'

EFU

Exist.

Adjusted Lot Line

30' Easement

Site Plan

Scale 1" = 50' 1-26-89

Findings of Fact:

1. Applicant's Proposal:

The applicant requests Planning Commission approval to change the zone designation of the above described property from the existing MUA-20, Multiple Use Agriculture to EFU-76, Exclusive Farm Use. No development is proposed as a result of this proposed amendment.

2. Ordinance Considerations:

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 near the southern tip of Sauvie Island approximately one mile southeasterly of the Sauvie Island Bridge. It is at the southerly edge of a group of small acreages zoned MUA-20, but adjacent to a 121 acre parcel designated EFU-76. The large parcel, in addition to extensive acreages to the northwest, are utilized for commercial agricultural purposes. The MUA-20 acreages are devoted mostly to small agricultural operations and rural residential uses.

This proposal will not result in any additional residential potential. In fact, approval would place more stringent development regulations on the property. The applicant proposes to construct an agricultural building to house a tractor, truck and garden equipment.

4. Compliance with Ordinance Criteria:

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

- A. *Public Interest:* It is in the public interest to maintain the County's inventory of agricultural lands for current or future agricultural use. This proposal results in a small increase in that inventory.
- B. *Public Need:* There is a public need to resolve the problems created by illegal land divisions. This proposal would be a first step in the resolution of problems created when the applicant purchased adjoining property from his neighbor. Final resolution depends on amendments of the zoning code which are currently in the proposal stage.

C. *Compliance with Applicable Comprehensive Plan Policies:* This proposal satisfies the following policies of the Comprehensive Framework Plan:

(a) No. 9 — Agricultural Land Area: It is the County's policy to designate and maintain as exclusive agricultural those lands of SCS Capability Classes I-IV which are predominately surrounded by commercial agricultural lands. This property is surrounded by such land on two sides and the Willamette River on another. Approval of the zone change will increase slightly the County's inventory of agricultural land and remove from this parcel the potential forms of future development allowed by the MUA-20 district.

(b) Nos. 37 & 38 — Utilities: No additional demands would be placed on the local services as a result of this proposal since no additional development would result.

Conclusion:

The applicant has carried the burden necessary for the granting of a zone change for this property changing its designation from MUA-20 to EFU-76 based on Finding No. 4 above.

Signed April 10, 1989



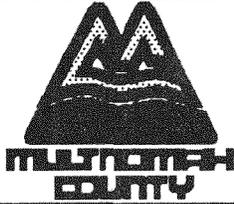
By Richard Leonard, Chairman

Filed With the Clerk of the Board on April 20, 1989

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, May 1, 1989 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

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

II

DECISION

ZC 5-89 **LR-7, Urban Low Density Residential District**
LD 6-89 **Creation of One-Lot Land Division**
 New Single Family Residence

Applicant requests amendment of Sectional Zoning Map #415, changing the described property from LR-10, Low Density Residential District to LR-7, Low Density Residential District to allow creation of an additional single family residential lot.

Location: 4146 SE 141st Avenue

Legal: Tax Lot '747', Section 11, T1S, R2E (1988 Assessor's Map)

Site Size: 125' x 122.4'

Size Requested: Same

Property Owner: Wallace J. Newbill
 5818 NE 58th Street, Vancouver, WA 98661

Applicant: Same

Comprehensive Plan: Low Density Residential

Current Zoning: LR-10, Urban Low Density Residential District Minimum lot size of
 10,000 square feet per dwelling

Proposed Zoning: LR-7, Urban Low Density Residential District. Minimum lot size of 7,000
 square feet per dwelling.

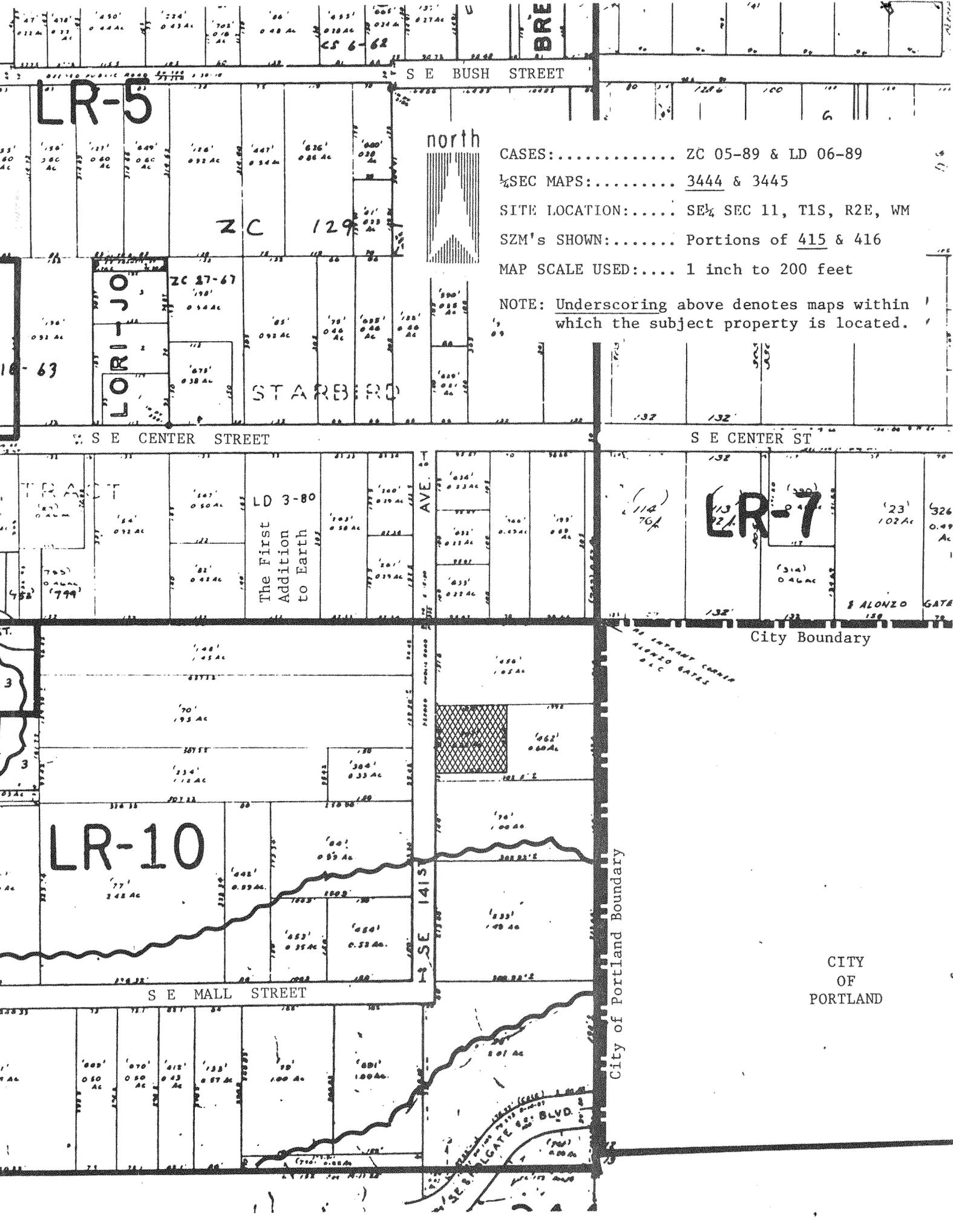
PLANNING COMMISSION

DECISION NO.1: Deny, based on the following Findings and Conclusions, requested amendment of Sectional Zoning Map #415, changing the described property from LR-10, Low Density Residential District to LR-7, Low Density Residential District.

PLANNING COMMISSION

DECISION NO.2: Deny tentative plan for a Type III Land Division which will create two parcels, all based upon the following Findings and Conclusions.

ZC 5-89/LD 6-89



BRE

S E BUSH STREET

LR-5

north

CASES:..... ZC 05-89 & LD 06-89
 1/4 SEC MAPS:..... 3444 & 3445
 SITE LOCATION:..... SE 1/4 SEC 11, T1S, R2E, WM
 SZM's SHOWN:..... Portions of 415 & 416
 MAP SCALE USED:..... 1 inch to 200 feet

ZC 129

LORI-JO

ZC 27-67

STARBUCK

NOTE: Underscoring above denotes maps within which the subject property is located.

S E CENTER STREET

S E CENTER ST

LD 3-80
 The First Addition to Earth

LR-7

ALONZO GATE

City Boundary

LR-10

S E MALL STREET

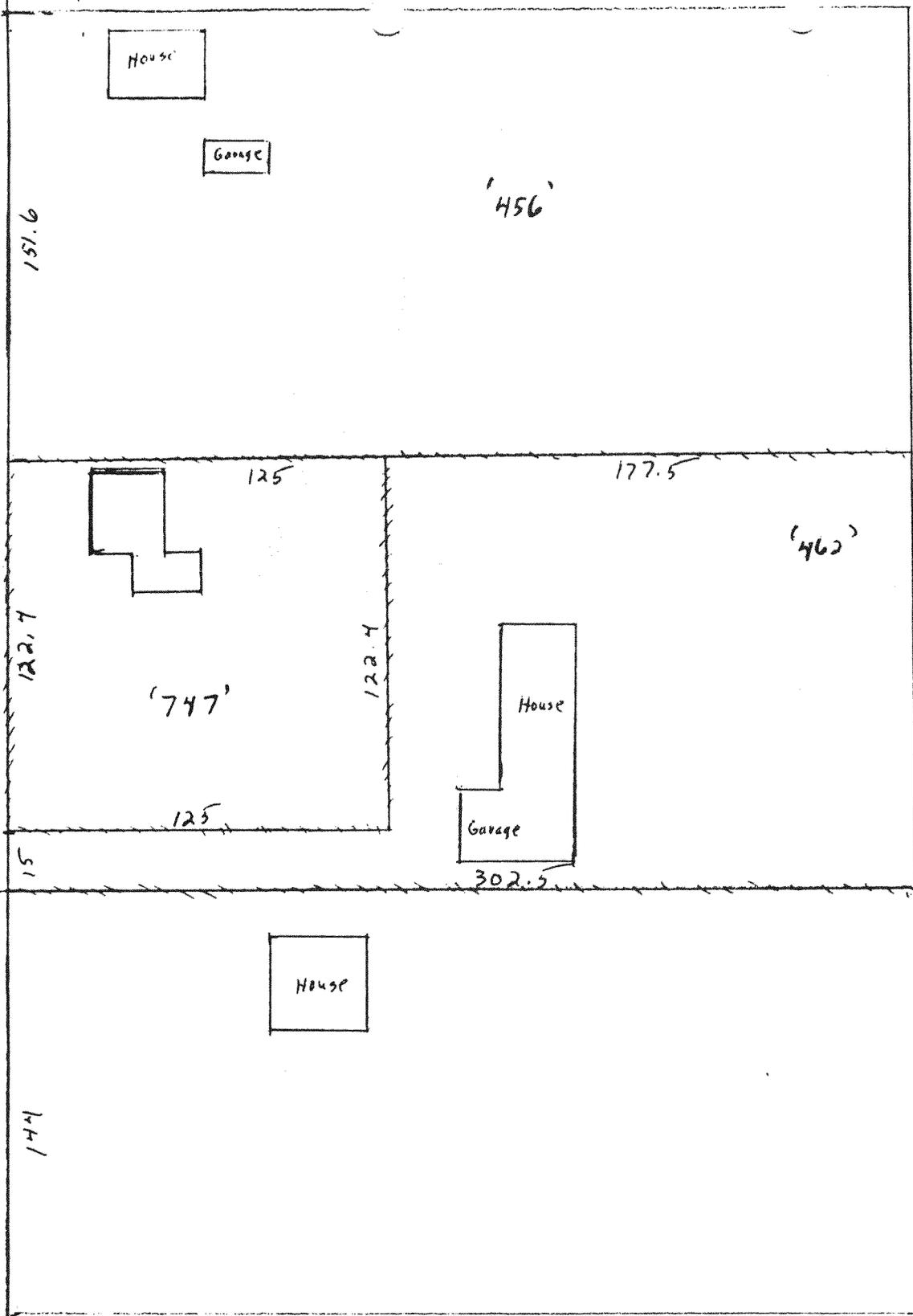
S E 141 S

City of Portland Boundary

CITY OF PORTLAND

ZC 5-89/LD 6-89

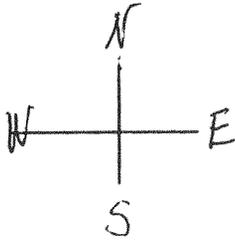
SE 1/4 ST.



indicates fence

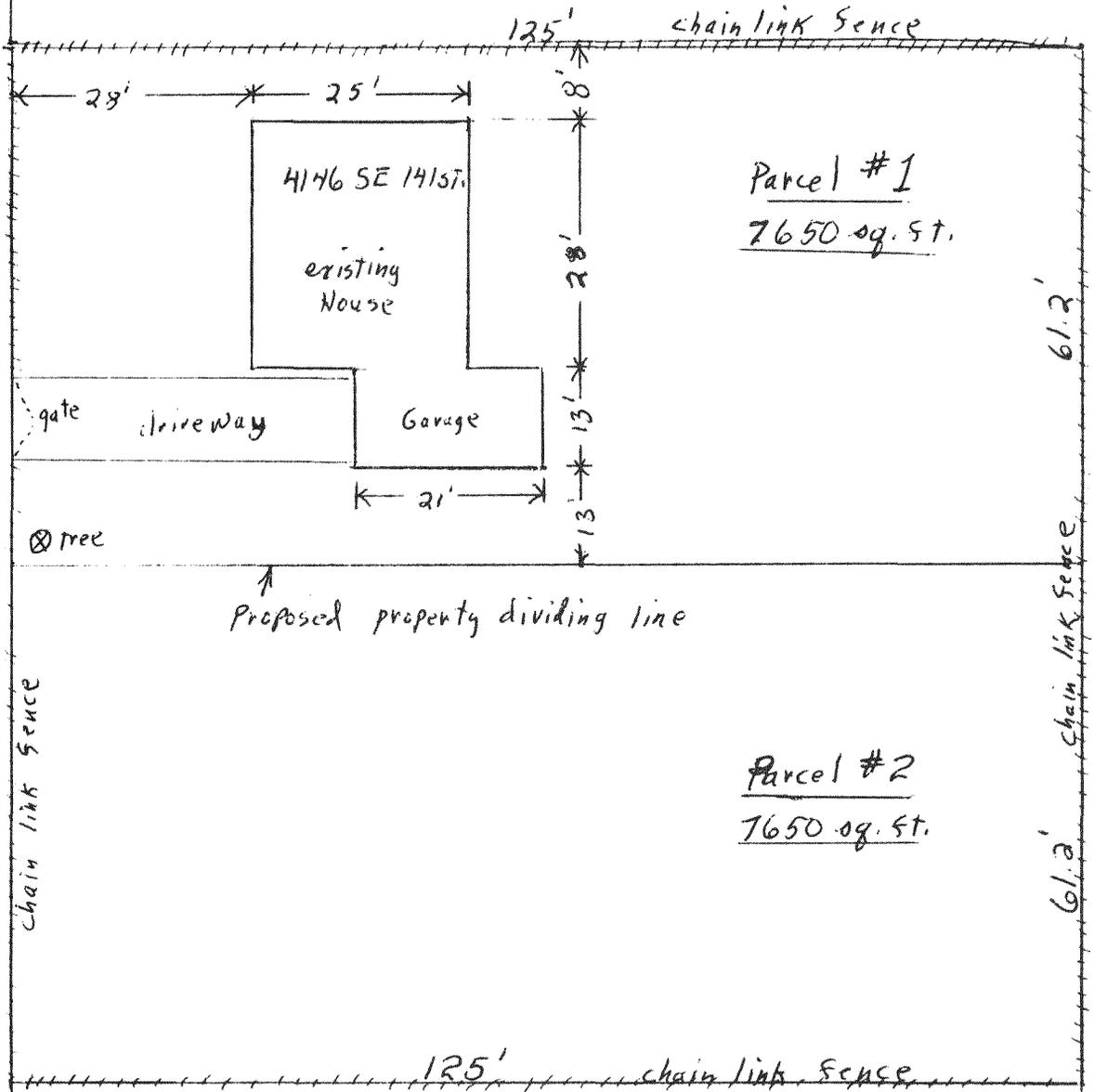
SE 1/4 Section 11 T15R2E
Assessors # 3444
Peripheral AREA MAP
Scale 1/50" = 1'
2-20-89





ZC 5-89/LD 6-89

SE 141 ST.



TENTATIVE PLAN MAP

TL '747' - 3444

Scale 1" = 20'

2-20-89

Findings:

1. **Applicant's Proposal:** The applicant requests a zone change from LR-10, Low Density Residential District to LR-7, Low Density Residential District. LR-10 allows a single family residence on a 10,000 square foot lot, while LR-7 allows a single family residence on a 7,000 square foot lot. The applicant further requests a Type I Land Division to create two parcels as shown on the Tentative Plan Map. Parcel 1 contains a residence and Parcel 2 is vacant. Each parcel would contain about 7,650 square feet, and each would have access onto S.E. 141st Avenue.
2. **Site and Vicinity Information:** The subject property is located on the east side of S.E. 141st Avenue approximately midway between S.E. Center and Mall Streets. The property contains a total of approximately 15,250 sq. ft. and has a single family residence on it. Parcels adjacent to the property on the north and south each have residences on them, as does a flag lot located immediately to the east of the subject site. As shown on the Vicinity Map, parcels to the north, east and south of the subject property all are adjacent to the Portland city limits.
3. **Zoning Ordinance Considerations (MCC 11.15):**
 - A. The existing LR-10 zoning requires a minimum lot area of 10,000 square feet for a residence. Since the subject site contains about 15,300 square feet, the LR-10 zoning limits the property to the existing residence. The requested LR-7 zoning requires at least 7,000 square feet of lot area for a residence.
 - B. Under MCC 11.15.8230 (D) lists approval criteria for a zone change. It must be demonstrated that:
 - "(1) Granting the request is in the public interest;
 - (2) There is a public need for the requested change and that need will be best served by changing the classification of the property in question as compared with other property;
 - (3) The proposed action fully accords with the applicable elements of the Comprehensive Plan."
4. **Compliance with Zoning Ordinance Criteria:** In response to the Zoning Ordinance Approval Criteria, the following findings are given:
 - A. **Public Interest:** Policy No. 24 (Housing Location) of the Powellhurst Community Plan indicates that it is in the public interest to allow LR-7 residential development in the subject area. The Plan designates the area as being within a Residential Development Area. Locational Criteria #5 of the Policy states: *Detached dwellings will be allowed as an outright use in Residential Development Areas. The minimum required lot size per unit must be 7,000 square feet.* Approval of the proposed zone

change would allow two parcels each with a size of about 7,650 square feet.

- B. **Public Need:** There is not a sufficient demonstration that there is a public need for the proposed zone change, and there is not a demonstration that the public need would best be served by changing the classification of the property in question as compared with other property. There has been no demonstration of a need for more housing in the specific area where the subject property is located. No evidence has been presented to prove that the housing that would be built in the area would be affordable except that the land would be smaller in size; no evidence has been presented as to anything else that would particularly make the proposed housing more affordable. Since all property adjacent to the subject property is currently zoned LR-10, the proposed zone change would not be in keeping with the character of the area.
- C. **Comprehensive Plan:** Finding No. 5 indicates that the proposal satisfies the applicable Powellhurst Community Plan Policies.

5. **Conformance with Powellhurst Community Plan Policies:**

- A. The proposal satisfies applicable Plan Policies No. 13 (Air and Water Quality and Noise Level), No. 14 (Development Limitation), and No. 16 (Natural Resources)>
- (1) Existing background air quality and noise levels will not be appreciably affected by the proposed second residence.
 - (2) The County Sanitarian has indicated that sewage waste could be accommodated by a cesspool, subject to approval of a Land Feasibility Study (Condition 4). Under the Mid-County Sewer Project, homes in the area will be connected to sewers by the end of 1994.
 - (3) The site is level and outside of the 100 year floodplain of Johnson Creek.
 - (4) There are no significant natural resources on the site.
- B. The proposal satisfies Plan Policies No. 21 (Housing Choice), No. 22 (Energy Conservation) and No. 24 (Housing Location).
- (1) It is not clear that the proposal supports the affordable housing goal of Policy No. 21 by providing housing sites smaller than now possible under the existing zoning, because the evidence does not demonstrate that the proposed house would be priced to be any more affordable than a house on a 10,000 sq. ft. lot.
 - (2) Finding No. 3 of Policy No. 22 states *The infill of developable vacant land in the single family residential areas of the community will help to reduce further urban sprawl which is costly in energy use.*

- (3) As discussed in Finding 4.A., the rezoning of the site to LR-7 complies with Policy No. 24, Housing Location.
- C. The proposal satisfies Plan Policies No. 35 (Public Transportation), No. 36 (Transportation Development Requirements), No. 37 (Utilities) and No. 378 (Facilities).
- (1) Tri-Met bus route No. 17 (SE Holgate) runs on SE 136th Avenue every quarter-hour. A bus stop is located at S.E. 136th Avenue and Center Street, about one-third of a mile from the site.
 - (2) Were this proposal approved, a condition of approval would have required the owners of both new lots to dedicate 5 feet of additional right-of-way for S.E. 141st Avenue. Condition 3.B. requires the owners of both new lots to participate in future improvements of S.E. 141st Avenue.
 - (3) The County Sanitarian has indicated that sewage waste could be accommodated by a cesspool system. All other needed utilities and facilities already serve the area.

6. Land Division Ordinance Considerations (MCC 11.45):

- A. The proposed land division is classified as a Type III because it is a minor partition abutting a street which has a centerline to property line width less than one-half width specified for that functional street classification according to the Multnomah County Street Standards Ordinance (MCC 11.60). Southeast 141st Avenue is classified under the Street Standards Ordinance as a Minor Collector with a total right-of-way width of 50 feet. The existing right-of-way for S.E. 141st Avenue is 40 feet.
- B. MCC 11.45.390 lists the approval criteria for a Type III Land Division. The approval authority must find that:
- (1) The tentative plan is in accordance with the applicable policies of the Comprehensive Plan.
 - (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.
 - (3) The tentative plan complies with the applicable provisions, including the purposes and intent of this ordinance.
 - (4) The tentative plan complies with the Zoning Ordinance or a proposed change thereto associated with the tentative plan proposal.
- C. In response to the above criteria, the following findings are given:

- (1) **Comprehensive Plan:** Finding 5 indicates that the proposal satisfies the applicable Framework Plan Policies.
 - (2) **Development of Property:** Pursuant to MCC 11.15.2180(B)(1), no further partitioning of the property will be possible after the requested zone change and land division are approved. Neither development of, nor access to nearby properties will be affected by approval of the request.
 - (3) **Purpose and Intent of Ordinance:** Based on the preceding findings and subject to the stated conditions of approval, the proposal satisfies the purpose and intent of the Land Division Ordinance.
 - (4) **Compliance with Zoning:** The proposed land division is consistent with the requested zone change from LR-10 to LR-7. However, without approval of the requested zone change, the proposed land division cannot be approved because the proposed lots do not meet the minimum area requirements of the existing LR-10 zoning.
7. The County Engineer has determined that 5 feet of additional right-of-way would have been needed to be dedicated in SE 141st Avenue abutting the subject property. As a further condition of approval, the owner would have been required to commit to participate in future improvements of the street through deed restrictions in order to comply with the provisions of MCC 11.60 (the Street Standards Ordinance).

Conclusions:

1. Finding 4.B indicates that the proposal does not fully satisfy the approval criteria for zone changes contained in MCC 11.15.8230(D).
2. Finding 5 indicates that the proposal satisfies the applicable policies of the Comprehensive Framework Plan.
3. Finding 6.C(4) indicates that the proposal does not fully satisfy the Type III Land Division approval criteria of the Land Division Ordinance.

A handwritten signature in cursive script that reads "Richard Leonard" with the initials "RL" written below the name.

By Richard Leonard, Chairperson

Filed with the Clerk of the Board on April 20, 1989

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, May 1, 1989 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision in this item will be reported to the Board of County Commissioners for review at 1:30 p.m. on Tuesday, May 2, 1989 in Room 602 of the Multnomah County Courthouse. For further information call Multnomah County Planning and Development 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 Conditions, Findings of Fact and Conclusions.

CU 5-89, #85
WRG 3-89, #85

Conditional Use Request
Willamette River Greenway Permit
(Expansion of Lucky Landing Moorage)

Applicant requests conditional use approval to add a boat lift and repair facility at Lucky Landing Moorage. Repair is initially proposed to be conducted in an outdoor fenced yard, but future plans call for construction of an approximately 6,000-square foot building which would house the repair use. All existing facilities are proposed to be improved and maintained. A Willamette River Greenway Permit is also requested, to allow the proposed boat repair use.

Location: 12900 N.W. Marina Way

Legal: Tax Lots '16', '24' and '30', Section 33, 2N-1W
1988 Assessor's Map

Site Size: 8.45 Acres

Size Requested: Same

Property Owner: Andrew Kershaw/Gene Patrick
PO Box 2046, Portland, Oregon 97202

Applicant: Pamela and Michael Yerger
4909 Willamette River Drive, Vancouver, WA.

Comprehensive Plan: Multiple Use Forest

Present Zoning: MUF-19, Multiple Use Forest District; WRG,
Willamette River Greenway; FF, Flood Fringe

PLANNING COMMISSION

DECISION No. 1: Approve, subject to conditions, conditonal use request for the above described property;

DECISION No. 2: Approve, subject to conditions, the requested WRG, Willamette River Greenway Permit for the site described above, all based on the following findings and conclusions.

MUF-19 WRG

MUA-20 WRG

Cases: CU 5-89 & WRG 3-89
 Location: 12900 NW Marina Way
 Scale: 1 inch to 200 feet
 Shading indicates subject property



(50')
2.30 Ac.

FF⁽⁵¹⁾
2.82 Ac.
CU 1-779

FW

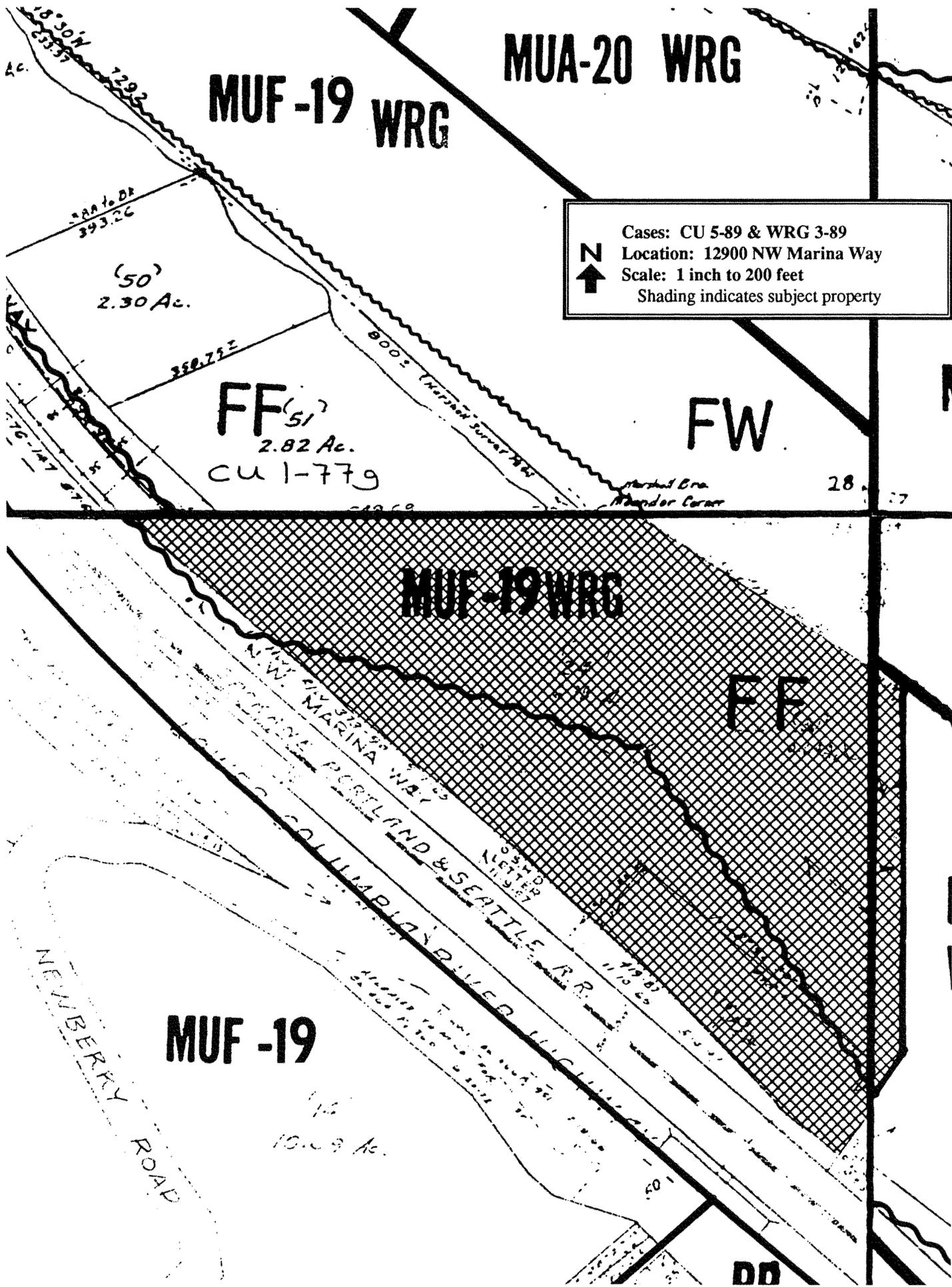
MUF-19 WRG

FF

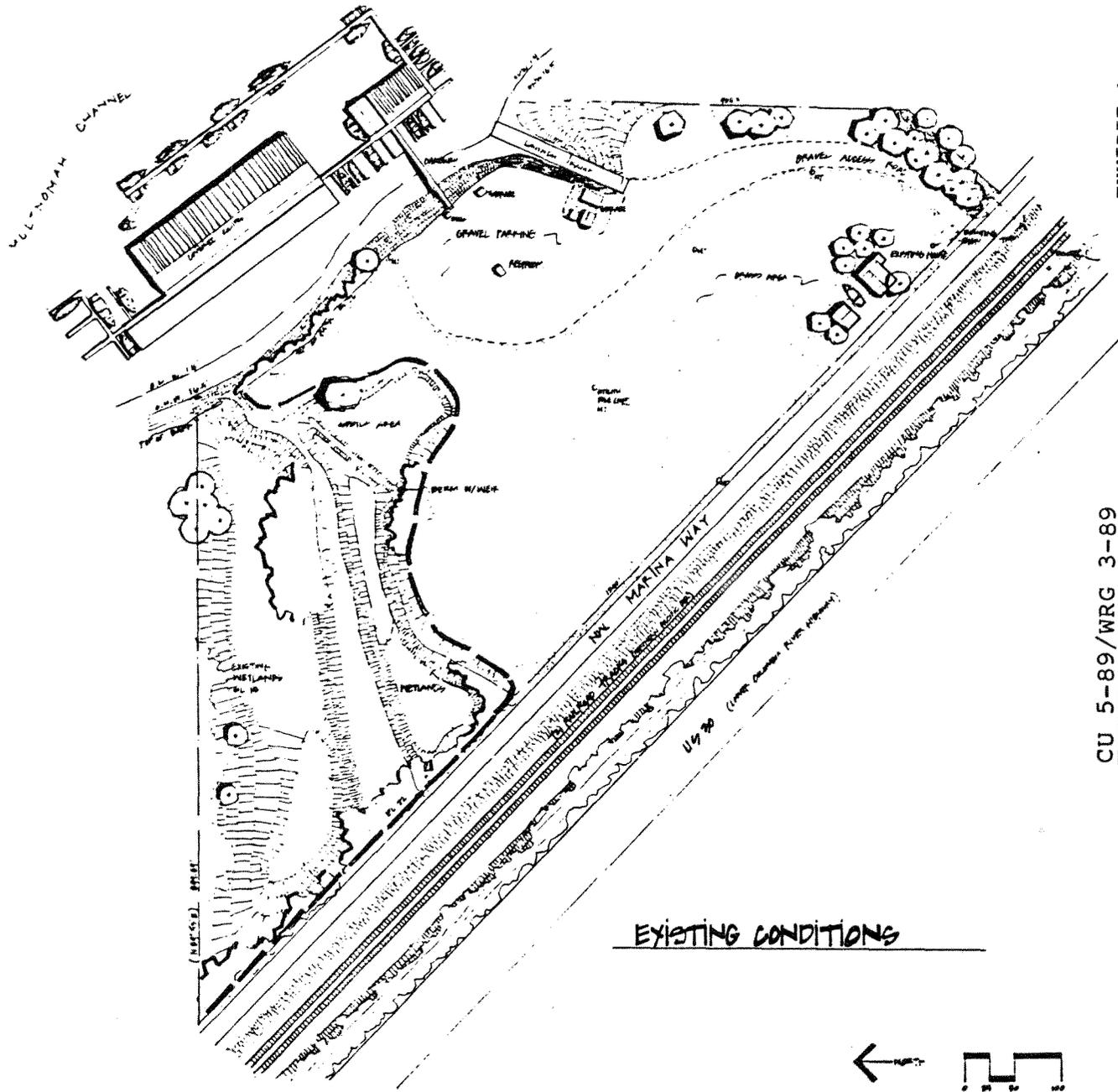
MUF-19

10.09 Ac.

DD



- LEGEND**
-  EXISTING VEGETATION
 -  CLEARING LAND
 -  EDGE OF GRAVEL
 -  RAILROAD TRACKS
 -  AIRPORT ISLANDS BOUNDARY



EXISTING CONDITIONS

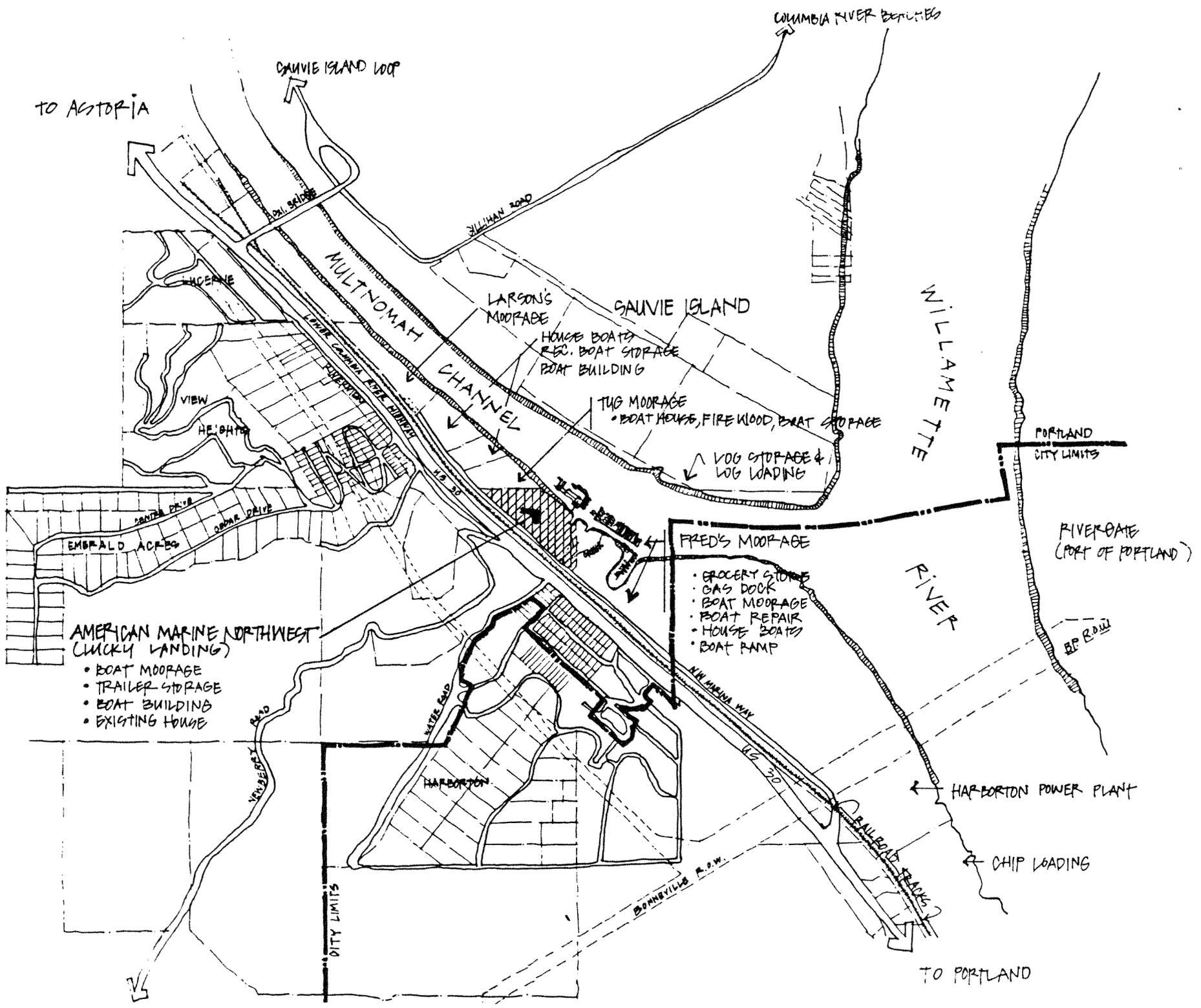


CU 5-89/WRG 3-89

EXHIBIT 1

	<p>AMERICAN MARINE NORTHWEST</p>	<p>seeley and associates landscape architects and urban planning 4038 north colonial avenue portland, oregon 97227 (503) 282-0828</p>
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PERIPHERAL AREA MAP
 "EXHIBIT 3"
 CU 5-89/WRG 3-89



Conditions of Approval:

1. Complete Design Review requirements for the first phase prior to commencement of the proposed boat lift and repair business. Contact Mark Hess at 248-3043 for additional information.
2. Each subsequent phase shall require a separate Design Review approval (i.e., future building plans, office conversion, etc.).
3. Maintain the existing wetland area in the northwest portion of the site in a natural unaltered state (as indicated in the submittal) and provide and maintain a buffer and landscaped area between the parking and boat repair uses and the wetland.
4. The site may not be used for repair and/or service of more than twenty (20) boats at any given time. This approval does not permit boat manufacturing on the site.
5. That boat slips and moorage of boats be removed from the upstream side of the existing floating walkway nearest Fred's Marine (southeast of the subject site).

Findings of Fact:

1. Background Information and Proposal Description:

Applicants, Pamela and Michael Yerger, propose to establish a boat lift and repair facility as a complementary use to an existing recreational boat moorage and boat ramp on the subject property (*Lucky Landing Moorage*).

The subject property is located on the Multnomah Channel, a short distance from the confluence with the Willamette River. The property is described as Tax Lots '16', '24' and '30' of Section 33, T. 2N-R. 1W. According to Multnomah County deed records, the three contiguous tax lots encompass a total of 8.45 acres.

Current improvements on the subject property and waterfront include a boat moorage for approximately 100-125 boats, a boat launch ramp, a dwelling adjacent to Marina Way, a small restroom building, a gravel driveway and open parking area, and three small storage buildings. Existing site conditions are illustrated on an attached map (Exhibit 1).

Applicants indicate the existing moorage and boat ramp would be maintained. Additionally, the dwelling would be retained at least on an interim basis and may ultimately be used for a caretaker of small office. The open upland portion of the property will be cleaned of all debris and a portion of it will be fenced. The access driveway and parking area for the moorage will be better defined and organized with natural landscaping and timber tire stops. The existing wetland area at the northwestern end of the property will not be modified and a significant setback and buffer will be maintained between the wetland and adjacent uses.

The boat lift will be located on finger piers adjacent to the boat ramp. Michael Yerger has received approval of a 404 permit from the Army Corps of Engineers to place pilings and construct finger piers to accommodate the boat lift. Upland area adjacent to the moorage and boat lift would accommodate a yard area for small-scale boat repair activities. Ultimately, the applicants plan to locate a building on the upland area to have the ability to do insurance repair work inside an enclosed building. The proposed location for the boat maintenance and repair building is illustrated on an attached map (Exhibit 2). Other site improvements, including the location of the boat lift, are also illustrated.

Applicant indicates the site will not be used as a boat storage yard. They envision that the boat lift and repair activities will be small-scale and complementary to existing uses on the site. The boat lift will be targeted for use by recreational boaters with boats moored in the Multnomah Channel area. Boats must be lifted out of the water once a year for hull inspections and must also be inspected prior to any change of ownership. Additionally, the lift will also be available to boaters requiring a lift out of the water because of hull damage or other emergency.

2. **Surrounding Land Uses:**

Existing land uses within the immediate vicinity of the site are predominantly industrial (Georgia Pacific chip yard) and institutional (Harborton electrical plant) to the southeast of the site. Waterfront moorages and accessory uses are the predominant use along the Multnomah Channel in the vicinity of Sauvie Island Bridge. A lumber facility and channel log storage is located on the end of Sauvie Island immediately across the channel from the subject property. Agricultural uses predominate on the Sauvie Island frontage of the channel further northwest of the log storage area.

The subject property and the waterfront area is located at a lower elevation than Highway 30. An active railroad line parallels Highway 30 on the waterfront side. Forest Park extends up the steep hillside rising from the west side of Highway 30.

The only residential uses within the immediate vicinity of the site are houseboats at nearby moorages. The community of Linnton (within Portland) is located a short distance southeast of the subject property along Highway 30.

Fred's Moorage abuts the eastern boundary of the subject property. Fred's Moorage includes a boat moorage, boat launch ramp, gas dock, small grocery store, and small boat service and repair activities. The parcel abutting the subject property to the northwest is used for outside boat storage and A-1 boat repair. Cassidy Moorage, a houseboat moorage, lies further northwest of the site toward Sauvie Island Bridge (see Exhibit 3).

3. **Ordinance Considerations:**

The subject property is designated and zoned Multiple Use Forest (MUF-19). Adjacent parcels are also zoned MUF-19. The site is also subject to the provisions of the Willamette River Greenway overlay zone.

The portion of Sauvie Island across the channel from the subject property is zoned for Exclusive Farm Use (EFU). City of Portland Heavy Industrial zoning predominates to the southeast of the subject property along the waterfront industrial area.

Primary uses permitted in the MUF District include forest practices associated with the production, management and harvesting of timber; wood processing operations; farm uses; and public and private conservation areas and structures. Residential uses are permitted under prescribed conditions.

The following **conditional uses** are permitted in the MUF District when found by the approval authority to satisfy the applicable ordinance standards:

- A. Community Service Uses;
- B. Houseboats and Houseboat Moorages;
- C. Cottage Industries;
- D. Limited Rural Service Commercial Uses; and
- E. Tourist Commercial Uses.

The applicants request approval of a conditional use permit to establish the boat lift and repair service as a **limited service commercial use** oriented to the rural Multnomah Channel area.

4. **Comprehensive Framework Plan**

Applicant's proposal must address specific policies of the Comprehensive Framework Plan. Additionally, the applicants have determined that additional policies are relevant to the proposed conditional use of the boat lift and repair facility in the MUF-19 district. Relevant policies of the Comprehensive Framework Plan are highlighted below. (Note: Applicant's comments are in italics):

- A. **Policy 12 - Multiple Use Forest Area:** The county's policy is to designate and maintain as multiple use forest, land areas which are:
 - (1) Predominantly in Forest Site Class I, II and III for Douglas Fir as classified by the U.S. Soil Conservation Service;
 - (2) Suitable for forest use and small wood lot management, but not in predominantly commercial ownerships;
 - (3) Provided with rural services sufficient to support the allowed uses and are not impacted by urban-level services; or

- (4) Other areas which are:
- a) Necessary for watershed protection or are subject to landslide, erosion or slumping; or
 - b) Potential reforestation areas, but not at the present used for commercial forestry; or
 - c) Wildlife and fishery habitat areas, potential recreation areas or areas of scenic significance.

The county's policy is to allow forest uses along with non-forest uses such as agriculture, service uses, and cottage industries, provided that such uses are compatible with adjacent forest lands.

Comment: Although the subject property is designate Multiple Use Forest, the site is not part of a commercial forest area or suited to small wood lot management. The MUF-19 lands along the Multnomah Channel are separated from commercial forest lands by the major physical barriers of the railroad and U.S. Highway 30. A pattern of water-related uses has been established in this segment of MUF zoned land adjacent to the Multnomah Channel. The boat lift and boat repair services proposed by the applicants are compatible with existing waterfront uses along the Multnomah Channel. The scale and nature of the conditional use proposed by the applicants is appropriate for the rural area and will not require the extensions of urban facilities and services and will not impact the use of productive forest lands in the vicinity.

Staff Comment: Condition No. 4 limits the scale of the boat repair business to insure it remains compatible with the rural area.

- B. **Policy 13 - Air, Water and Noise Quality:** Multnomah County, recognizing that the health, safety, welfare and quality of life of its citizens may be adversely affected by air, water and noise pollution, supports efforts to improve air and water quality and to reduce noise levels. If the proposed use is a noise generator, the following shall be incorporated into the site plan:

- (1) Building placement on the site in an area having minimal noise level disruptions;
- (2) Landscaping or other techniques to lessen noise generation to levels compatible with surrounding land use;
- (3) Insulation or other construction techniques to lower interior noise levels in noise-impacted areas.

Comment: Other than the rental dwelling on the subject property, there are no resi-

dential uses or other noise-sensitive uses within the immediate vicinity. None of the boats moored in the Lucky Landing Moorage and very few of the boats in Fred's Moorage are used as houseboats.

The conditional use proposed by the applicants will not generate noise, air or water quality impacts incompatible with surrounding boat moorage and associated land uses. The boat lift operates hydraulically and is not excessively noisy. Power spray washing will be used to clean and inspect the boat hulls. Other equipment such as compressors, sanders, air hoses and spray guns will be used on an "as needed" basis for small-scale recreational boat maintenance and repair.

The site will not be used for boat manufacturing or commercial boat repair. Given the scale and nature of the use proposed, and the existing conditions of river traffic and noise and air quality impacts generated by the adjacent railroad and truck traffic on Highway 30, approval of the conditional use permit will comply with Policy 13 of the Comprehensive Plan.

- C. **Policy 14 - Development Limitations:** The county's policy is to direct development and land form alterations away from areas with development limitations except upon a showing that design and construction techniques can mitigate any public harm or associated public cost, and mitigate any adverse effects to surrounding persons or properties.

Comment: The subject property is essentially flat and is not subject to slumping, sliding, or erosion constraints. Minimal alteration of existing site conditions and character will occur with the addition of the boat lift and repair uses. The natural shoreline bank will not be altered and the future building for boat repair activities will be set back from the waterfront to a location adjacent to Marina Way. The existing wetland area on the site will not be modified and a significant buffer will be maintained between the outer boundary of the wetland and the adjacent parking area and boat repair yard.

Staff Comment: Reference Conditions number 1 and 3.

- D. **Policy 15 - Areas of Significant Environmental Concern:** The county's policy is to designate and protect areas of significant environmental concern.

Comment: The subject property is not included on county inventories of "Areas of Significant Environmental Concern". The applicants understand that the shoreline adjacent to the Multnomah Channel is subject to the Willamette River Greenway ordinance and special setbacks and maintenance and enhancement of shoreline vegetation is required. Additionally, the proposed use will not impact or modify the boundaries or character of the existing wetland in the norther portion of the property.

Staff Comment: Reference Conditions 1-3.

- E. **Policy 16 - Natural Resources:** The county's policy is to protect natural resource areas.

Comment: The subject property has not been identified as a resource area for mineral and aggregate supplies, energy resources, a domestic water supply watershed, or an ecologically and scientifically significant natural area. The Multnomah Channel and adjacent upland and wetland areas do provide habitat for fish and wildlife. Approval of the requested conditional use permit will result in a modest increase in the level of human activity and use of the site. Existing vegetation will be retained and enhanced with additional landscaping. The wetland area on the property will not be disturbed and a significant buffer will be retained between the wetland resource and adjacent parking and activity area.

- F. **Policy 20 - Arrangement of Land Uses:** The county's policy is to support higher densities and mixed land uses within the framework of scale, location and design standards which:

- (1) Assure a complementary blend of uses;
- (2) Reinforce community identity;
- (3) Create a sense of pride and belonging; and
- (4) Maintain or create neighborhood long-term stability.

Comment: The uses proposed for the subject property will complement the existing boat moorage and launch uses on the site and will be compatible with other waterfront uses in the immediate vicinity. The character and scale of the use proposed by the applicants is oriented to the rural area of the Multnomah Channel and will respond to a documented rural need.

The applicants plan to remove all debris and unused equipment from the upland portion of the site and will define the access roadway, parking areas and boat repair yard area with additional landscaping, placement of timber tire stops and selected fencing. The overall appearance of the site visible from the waterfront and from Marina Way and Highway 30 will be upgraded. The site improvements illustrated on Exhibit 2 are consistent with rural area development and will enhance the overall character of the Multnomah Channel vicinity.

The applicants are aware that the uses proposed in this conditional use permit application and the planned future building are subject to the county's design review process.

Staff Comment: Applicant has provided a market demand analysis of the proposed boat lift and repair service at this location. The analysis is attached to this report as

Exhibit 4.

- G. **Policy 22 - Energy Conservation:** The county's policy is to promote the conservation of energy and to use energy resources in a more efficient manner. In addition, it is the policy of Multnomah County to reduce the dependency on non-renewable energy resources and to support greater utilization of renewable energy resources.

Comment: The use proposed by the applicants will have a minimal impact on energy resource consumption. However, there are currently no boat lifts with associated repair facilities available to boaters moored in or using the Multnomah Channel. Boaters requiring a lift out of the water for an inspection or an emergency situation are faced with an expensive tow to Hayden Island, both in terms of energy consumption and dollar cost.

- H. **Policy 33b - Marine Transportation System:** The county's policy is to identify, evaluate and encourage the development of sufficient needed port and marine facilities.

Comment: The use proposed by the applicants is dependent upon a waterfront location but does not require port or marine facilities. The applicants have conducted a thorough search for an available, small waterfront site for sale within the Portland metropolitan area. The subject property is available and has adequate upland land adjacent to the waterfront to accommodate the boat lift and associated boat repair yard in conjunction with the existing moorage and boat launch uses.

The proposed use does not require urban facilities and services and is primarily oriented to serving the rural market area of the Multnomah Channel moorages. Therefore, approval of the conditional use permit at this location will not displace heavy marine industrial users which require marine terminal and port facilities supported by urban infrastructure.

- I. **Policy 37 - Utilities:**

Comment: The existing uses on the site are served by city water, a private septic system and PGE utility facilities. Inspection of the existing septic system will be required as a condition of the property sale and conditional use permit approval. The boat lift and repair uses will not place a significant impact on the existing domestic water and septic systems. No manufacturing activities will occur on the premises and only 1-2 persons are expected to be employed on the site.

However, if improvements or expansion to existing septic system is required, the applicants recognize that it is their responsibility to make the improvements and public sewer facilities will not be extended outside the Regional UGB.

There is not an improved storm drainage system serving the site. Runoff from the site percolates down to the water table through the gravel surface and flows to the

lower portions of the site and ultimately to the Multnomah Channel. A creek flows between the Lucky Landing Moorage site and the adjacent Fred's Moorage and carries runoff from the hillside areas to the Multnomah Channel. The addition of the boat lift and boat repair uses to the site will not alter existing drainage conditions because the property will not be paved.

Energy supplies and communication facilities are currently available to the site and are adequate to accommodate the uses proposed by the applicants. However, there may be a need for a larger transformer to eliminate power surges.

J. Policy 38 - Facilities:

Comment: Approval of the requested conditional use will not affect school enrollments or otherwise impact the Portland School District.

The site lies outside of the city limits of Portland but is served with city water. The Portland Fire Bureau provides fire protection services to this portion of the Multnomah Channel on a contract basis. Additionally, the fire bureau has fire boats available to provide fire protection services from the waterfront.

The Multnomah County Sheriff is responsible for providing police protection services to the unincorporated portion of the county, including the Multnomah Channel area. The site is located at the fringe of the urban area and is easily accessible by improved roads. The presence of a watchman and/or employees on the site on a regular basis will enhance the overall level of security on the property.

5. Zoning Ordinance

Conditional use approval criteria are set forth in Section 11.15.7120 of the Zoning Ordinance. The applicant must document how and why the request meets or complies with each of the following criteria:

A. Is the use consistent with the character of the area?

Comment: The boat lift and boat repair uses proposed by the applicant complements the existing marine-oriented uses on the subject property and is also compatible with the character of the Multnomah Channel area.

The Multnomah Channel of the Willamette River has at least 1,040 boats in its moorages on a year-round basis. Some of the existing moorages provide limited boat repair services on the site. However, there are currently no boat lift facilities serving Multnomah Channel users.

The applicants propose to target their boat lift and repair services to the boat owners with recreational boats moored in the Multnomah Channel. The lift and repair service will provide an opportunity for annual hull inspections, cleaning and repair.

No manufacturing will occur on the property and the site will not be used as a boat storage yard. The applicants do not anticipate that any more than 10 boats would be using the yard at any one time.

The scale and nature of the proposed uses are obviously rural and small-scale and entirely consistent with the land use character of the Multnomah Channel area.

Staff Comment: Condition #4 limits the scale of the boat repair use on the site to not more than 20 boats at any given time to assure the proposed use remains consistently scaled with the area.

- B. Will the use adversely affect natural resources?

Comment: The proposed conditional use will not adversely affect natural resources. The vegetated shoreline bank and the existing wetland area will not be disturbed. A significant buffer (75-250 feet) will be maintained between the outer boundaries of the wetland and the adjacent boat yard and parking area. Open and unused portions of the site will be seeded and mowed and additional landscaping will be installed to define the access road way and parking areas.

Staff Comment: Reference Condition #3 regarding wetland buffer.

- C. Will the use conflict with farm or forest uses in the area?

Comment: There are no existing farm or forest uses on adjacent parcels or in the immediate vicinity of the site. Productive agricultural operations on Sauvie Island are separated from the subject property by Multnomah Channel and will not be affected by the addition of the boat lift and repair yard uses to the subject property.

- D. Will the use require public services other than those existing or programmed for the area?

Comment: The proposed conditional use will not require modification of existing public facilities and services available to the site. The rural, small-scale nature of the proposed use can be accommodated with a septic system. Existing water service and access to the property is adequate to accommodate the use.

- E. Will the use create hazardous conditions?

Comment: No manufacturing will take place on the property and the proposed use will not involve the use of hazardous materials in large volumes. The paints and materials on hand will be ordered in sufficient quantities to service any given repair request. Paints are ordered to match specific boat hulls and excess paint is returned to the customer. All materials will be stored inside a fire department approved storage container or inside the proposed building at such time as it is constructed.

F. Will the use satisfy applicable policies of the Comprehensive Plan?

Comment: The proposed conditional use is consistent with applicable policies of the Comprehensive Plan. Comments were provided under Section 4, A - J, of this report to address compliance with Comprehensive Plan policies.

G. Is there a public need for the requested use at the proposed location, and is the proposed location most suited for the specific use considering the specific locational needs of the use and other available land where the use could be located?

Comment: The applicants retained Eric Hovee with Economic Development Services to evaluate the public need for the requested use to serve the rural area of the Multnomah Channel. The market need research included an inventory of moorage and boat repair facilities along the Multnomah Channel of the Willamette River and an inventory of moorage and boat repair facilities along the Columbia River from the mouth of the Willamette east to Troutdale. See Appendix E. (Exhibit 4 of this report).

The Multnomah Channel of the Willamette River has at least 1,020 boats in its moorages on a year-round basis. With 13 operators, the average marina accommodates 80 boats. Two additional moorages are located at the north end of the Multnomah Channel at Scappoose Bay and St. Helens. Information on existing facilities on the Multnomah Channel is provided in Table 1 of Appendix E. (Exhibit 4).

Although there are several marinas offering a variety of boat repair service, there are presently no boat lift facilities operating on the Multnomah Channel. Currently, local boats must travel to other sites on the Columbia River to obtain such services. Nearest boat lift facilities with repair services are a distance of approximately 9.5 miles on Hayden Island.

By comparison, there are approximately 4,250 boats moored along the Columbia River from the mouth of the Willamette River east to Troutdale. This comprises 21 separate marinas, with the typical site accommodating an average of 200 boats. Unlike the Multnomah Channel, there are a variety of repair operations located along the Columbia River which include boat lift services.

The market review suggests that the need for boat lift and repair facilities within the rural area of the Multnomah Channel of the Willamette River can be supported for at least three reasons:

- (1) On the Columbia River, there are currently 6 lift and repair facilities for every 700 boats moored locally. The Multnomah Channel currently has none. Applying the ration from the Columbia River to the Multnomah Channel, one could generate a market potential of at least one such lift and repair operation.*

- (2) *Currently, the lift and repair services closest to the Multnomah Channel are on Hayden Island which is a minimum of 9.5 miles away by water. Distance to such services creates several problems for boats moored in or using the Multnomah Channel. These problems include hauling out older vessels for marine surveys and damage to boats in the Multnomah Channel requiring large towing fees to the Hayden Island area.*
- (3) *Contacts with moorage operators in the Multnomah Channel indicate strong support for local boat lift and repair services.*

Finally, the proposed location for the specific use is appropriate because of specialized waterfront and adjacent upland area requirements and because of compatibility with the existing moorage and boat launch facilities located on the site.

6. Willamette River Greenway (Section 11.15.6372)

The purpose of the Willamette River Greenway subdistrict is to protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River.

The Willamette River Greenway applies to the subject property and other lands along the Multnomah Channel. The MUF-19 zoning controls the range of permitted and conditional uses; however, change or intensification of use is subject to a Greenway permit.

Section 11.15.6372 contains the following elements of the Greenway Design Plan which must be evaluated with any proposed change or use or intensification of use:

- A. The maximum possible landscaped area, scenic and aesthetic enhancement, open space or vegetation shall be provided between any use and the river.

Comment: The boat lift requires a location adjacent to the water, and the Corps of Engineers has approved the 404 permit to accommodate construction of the finger piers for the boat lift.

The subject property is not landscaped at present. The shoreline bank supports some natural grasses and shrubs which will not be disturbed with the new use. The boat yard area and future building will be located adjacent to Marina Way and will not intrude on the waterfront.

- B. Reasonable public access to and along the river shall be provided by appropriate legal means to the greatest possible degree and with emphasis on urban and urbanizable areas.

Comment: The subject property lies outside the Urban Growth Boundary and there is no improved public access along the Multnomah Channel in the vicinity. However, the proposed conditional use will not restrict access to the river. The existing

boat launch is open to the public and will be retained. Since the area between the river and the boat yard and the building will be left open, anyone could have access to the waterfront.

- C. Developments shall be directed away from the river to the greatest possible degree, provided, however, that lands in other rural and natural resource districts may continue in urban areas.

Comment: The property is approximately 410 feet deep from the top of the river bank to the NW Marina Way property boundary. This property depth provides ample space to place the boat repair yard and future building away from the waterfront.

- D. Agricultural lands shall be preserved and maintained for farm use.

Comment: The subject property and adjacent parcels are not used for farm use. Productive agricultural operations on Sauvie Island are separated from the proposed use by the Multnomah Channel.

- E. The harvesting of timber, beyond the vegetative fringes, shall be conducted in a manner which shall insure that the natural scenic qualities of the Greenway will be maintained to the greatest extent practicable or will be restored within a brief period of time.

Comment: There is no timber on the subject property and the site is not suited to timber production or harvesting.

- F. Recreational needs shall be satisfied by public and private means in a manner consistent with the carrying capacity of the land and with minimum conflicts with farm uses.

Comment: The proposed use is oriented to pleasure boat recreation. The facility will provide a location for boat launching, boat lift, small-scale boat repair and boat moorage. All of these activities are supportive of waterfront recreation and the proposed uses will not conflict with farm uses.

- G. Significant fish and wildlife habitats will be protected.

Comment: The Multnomah Channel and the wetland on the site do provide habitat for fish and wildlife. The proposed use will not impact or intrude on these existing habitat areas.

- H. Significant natural and scenic areas and viewpoints and vistas shall be preserved.

Comment: There are no significant natural scenic areas or viewpoints located on the property or affected by the proposed use.

- I. Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.

Comment: The proposed uses will not cause any increase in the necessity to protect public and private property over what now exists. There is ample access both by water and by land to the property, and the proposed boat yard would be fenced to protect the property of customers. A caretaker and employees will be on the property on a daily basis and will enhance site security.

- J. The natural vegetative fringe along the river shall be enhanced and protected to the maximum extent practicable to assure scenic quality, protection from erosion and screening of uses from the river.

Comment: There is currently minimal vegetation along the river bank. However, existing vegetation will not be disturbed and additional landscaping will be planted to screen and define parking areas.

- K. Extraction of known aggregate deposits may be permitted, pursuant to the provisions of MC .7105 through .7640, when economically feasible and when conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise, safety, and to guarantee necessary reclamation.

Comment: The proposed use does not involve the extraction of aggregate from the river or the land. Siltation has not been a problem at this moorage or stretch of the Multnomah Channel.

- L. Areas of annual flooding, floodplains, water areas and wetlands shall be preserved in their natural state to the maximum possible extent to protect the water retention, overflow and natural functions.

Comment: There is an existing wetland area on the site, located at the far north-west end of the property. The wetland will be retained in its natural state and a significant buffer will be maintained between the outer boundaries of the wetland and adjacent parking and boat yard activities.

- M. Areas of ecological, scientific, historical, or archeological significance shall be protected, preserved, restored, or enhanced to the maximum extent possible.

Comment: There is no indication that this property would be considered an area of ecological, scientific, historical, or archeological significance.

- N. Areas of erosion or potential erosion shall be protected from loss by appropriate means which are compatible with the character of the Greenway.

Comment: The site is not subject to erosion, and bank stabilization or protection is not required.

- O. The quality of the air, water and land resources in and adjacent to the Greenway shall be preserved in development, change of use, or intensification of use of land designated WRG.

Comment: The quality of the air, land, and water, will not be adversely affected with approval of the conditional use. All required safety standards will be met for work with paints, such as appropriate ventilation fans for work done inside the building. The volume of repair materials kept on hand will only be enough to service any given repair request. Appropriate on-site sewage disposal will be installed if the use requires a larger tank and drainfield area.

- P. A building setback line of 150 feet from the ordinary low waterline of the Willamette River shall be provided in all rural and natural resource districts, except for dwellings provided in conjunction with farm use and except for buildings and structures in conjunction with a water-related or water-dependent use.

Comment: The boat lift is a water-dependent use and will be located adjacent to the existing boat ramp and moorage area. The boat repair yard and future building will be located beyond the 150 foot setback line from the ordinary low waterline.

- Q. Any development, change of use, or intensification of use of land classified WRG shall be subject to design review, to the extent that such design review is consistent with the elements of the Greenway Design Plan.

Comment: The applicants are aware that the uses and future building proposed for the subject property are subject to review under the county's design review process.

Staff Comment: Reference Conditions 1 and 2.

Conclusions:

1. Approval of the requested conditional use permit to establish a boat lift and repair facility in the MUF-19 zone is consistent with plan policies and zoning ordinance criteria pertaining to conditional uses and the Willamette River Greenway.
2. The proposed uses are complementary to the existing moorage and boat ramp on the subject property. Additionally, the applicants have documented that there is a need for the type of services proposed to serve the rural area of the Multnomah Channel.
3. Conditions of approval are necessary to insure proposed development on the site is consistent with county Design Review criteria, the Willamette River Greenway Design Plan, and that the wetland area areas on the site are adequately buffered from existing and proposed uses on the site.

Signed April 10, 1989



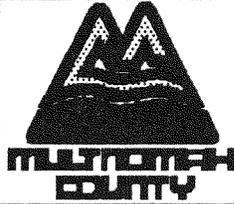
By Richard Leonard, Chairman

Filed With the Clerk of the Board on April 20, 1989

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, May 1, 1989 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, May 2, 1989 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 Conditions, Findings of Fact and Conclusions.

CU 4-89

Conditional Use Request

(Non-Resource Related Residence)

Applicant requests conditional use approval to develop this 5.0 acre Lot of Record with a non-resource related single family residence.

Location: 46317 E. Larch Mountain Road

Legal: Tax Lot '7', Section 3, T1S, R5E (1988 Assessor's Map)

Site Size: 5.0 Acres

Size Requested: Same

Property Owner: Joshua J. Wall
31315 Wand Road, Troutdale 97060

Applicant: Same

Comprehensive Plan: Commercial Forest Use

Zoning: CFU-80

Planning Commission Decision: APPROVE, subject to conditions, development of this property with a non-resource related single family residence, based on the following Findings and Conclusions

MAFFET RD N^o 1274-60'

Gov't Lot 4

Gov't Lot 3

(11)
50.44 Ac.

north



CASE:..... CU 04-89

SITE IDENT:..... Tax Lot 7

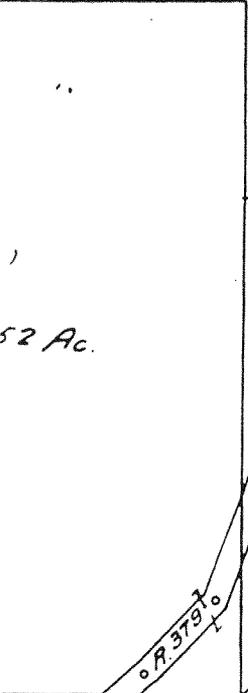
LOCATION:..... NE $\frac{1}{4}$ SEC 03, T1S, R5E, WM

SZM's SHOWN:..... 793 & 794

MAP SCALE:..... feet

0 500 1000

NOTE: Underscoring above denotes Sectional Zoning map within which the subject property is located.



CFU

87.26 Ac.

CFU

(18)
45.00 Ac.

(19)
40.34 Ac

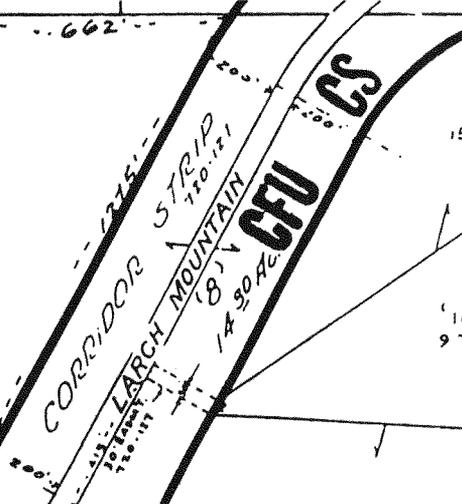
CFU

MAFFET RD.

ROAD

LARCH MOUNTAIN ROAD

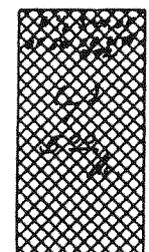
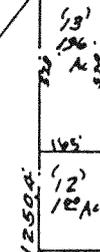
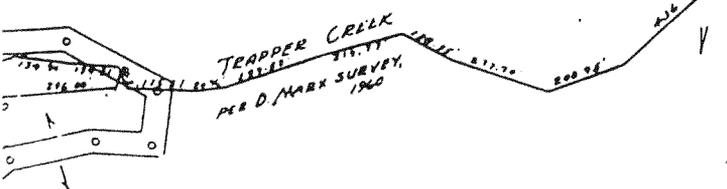
CFU



CFU

(15)
118.60 Ac.

CFU CS



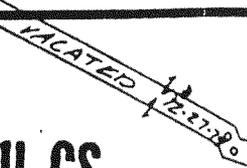
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51266'

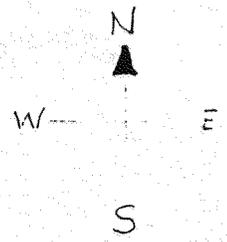
115155'

7102'

20' EASEMENT
BY 1962 P. 2154 3-11-76



330'



SLOPES

660'

80

RIDGE

50'

EXISTING
CONCRETE
SLAB

ST

LEACH
FIELD

175

SLOPES

OLD LOGGING CAMP

WATER LINE

EXISTING PAVED
TIMBER LAND
SURROUNDED ON THREE
SIDES

40

LARCH MOUNTAIN ROAD

SCALE = 1" = 60'

CU 4-89

Conditions of Approval

1. Prior to the issuance of building permits, the property owner shall provide the Planning and Development Division with a copy of the recorded restrictions required under MCC 11.15.2052(C)(5). A prepared blank copy of this deed restriction is available at the Planning and Development Offices.
2. Prior to issuance of building permits, meet any requirements of Engineering Services Division regarding future improvement of E. Larch Mountain Road.
4. Prior to issuance of building permits, satisfy the residential use development standards for the CFU District as contained in MCC 11.15.2074.

Findings of Fact:

1. Applicant's Proposal:

The applicant requests Planning Commission approval to develop the above described 5.0 acre Lot of Record with a non-resource related single family dwelling.

2. Ordinance Considerations:

A. A non-resource related single family dwelling is permitted in the CFU zoning district as a Conditional Use where it is demonstrated that:

- (1) The minimum lot size shall be 80 acres or the size of the Lot of Record.
- (2) The land is incapable of sustaining a farm or forest use, based upon one of the following:
 - a) A Soil Conservation Service Agriculture Capability Class of IV or greater for at least 75% of the lot area, and physical conditions insufficient to produce 50 cubic feet/acre/year or any commercial tree species for at least 75% of the area;
 - b) Certification by the Oregon State University Extension Service, the Oregon Department of Forestry, or a person or group having similar agricultural and forestry expertise, that the land is inadequate for farm and forest uses and stating the basis for the conclusions; or
 - c) For a lot greater than ten acres but less than 20 acres, a written description, filed by the owner, of the physical characteristics of the lot including size, location, hazards, topography, drainage, soil types, prior use or other factors which will support the required finding of forest or farm use unsuitability, or
 - d) The lot is a Lot of Record under MCC 11.15.2062(A) and (B) and is ten acres or less in size.

- (3) A dwelling, as proposed, is compatible with the primary uses listed in MCC 11.15.2048 on nearby property and will not interfere with the resources or the resource management practices or materially alter the stability of the overall land use pattern of the area.
 - (4) The dwelling will not require public services beyond those existing or programmed for the area.
 - (5) The owner shall record with the Division of Records and Elections a statement that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct accepted forestry or farming practices.
 - (6) The dwelling 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 are acceptable.
- B. A residential use located in the CFU District after August 14, 1980 shall comply with the following:
- (1) The fire safety measures outlined in the *Fire Safety Considerations for the Development in Forested Areas*, published by the Northwest Inter-Agency Fire Prevention Group, including at least the following:
 - a) Fire lanes at least 30 feet wide shall be maintained between a residential structure and an adjacent forested area;
 - b) Maintenance of a water supply and of fire-fighting equipment sufficient to prevent fire from spreading from the dwelling to adjacent forested areas.
 - (2) Access for a fire truck to within 16 feet of any perennial water source on the lot;
 - (3) The dwelling shall be located in as close proximity to a publicly maintained street as possible, considering the requirements of MCC 11.15.2058(B). The physical limitations of the site which require a driveway in excess of 500 feet shall be stated in writing as part of the application approval;
 - (4) The dwelling shall be located on that portion of the lot having the lowest productivity characteristics for the proposed primary use, subject to the limitations of subpart #3 above;
 - (5) Building setbacks of at least 200 feet shall be maintained from all property lines, wherever possible, except:
 - a) A setback of 30 feet or more may be provided for a public road, or
 - b) The location of dwelling(s) of adjacent lots at a lesser distance which allows for clustering of dwellings or sharing of access;

- (6) Construction shall comply with the standards of the Uniform Building Code or as prescribed in ORS 446.002 through 446.200, relating to mobile homes;
- (7) The dwelling shall be attached to a foundation for which a building permit has been obtained;
- (8) The dwelling shall have a minimum floor area of 600 square feet; and
- (9) The dwelling 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.

3. Site and Vicinity Characteristics:

This property is located on the north side of Larch Mountain Road approximately one-half mile easterly of Brower Road. It is a 5.0 acre Lot of Record. The site was previously developed with a single family residence that was removed a number of years ago, leaving only a foundation. The applicant proposes to locate a new residence at the same location. The property has been approved for subsurface sewage disposal and water will be provided by Corbett Water District. Power and communication facilities are available along the E. Larch Mountain Road frontage.

The surrounding area is utilized primarily for commercial timber production. The property to the west, north and east is owned and managed by Publishers Paper Company. The nearest residence is located one mile to the south on a forty acre parcel.

Conclusions:

1. The property is a Lot of Record of less than ten acres in size; thereby, is incapable of sustaining a farm or forest use.
2. Conditions are necessary to insure compliance with all Code provisions.
3. The applicant has carried the burden necessary for the approval of a non-resource related single family dwelling in the CFU-19 zoning district.

In the Matter Of CU 4-89:

Signed April 10, 1989


By Richard Leonard, Chairman 

Filed With the Clerk of the Board on April 20, 1989

Appeal to the Board of County Commissioners

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