

ANNOTATED MINUTES

Tuesday, February 20, 1990 - 9:00 AM
Multnomah County Courthouse, Room 602

INFORMAL

Informal Review of Formal Agenda of February 22, 1990

REQUEST THAT R-7 BE HELD OVER TO MARCH 1, 1990. SOCIAL SERVICES DIRECTOR GARY SMITH TO ADVISE HOSPITALS OF COUNTY'S PROPOSED RESOLUTION AND INVITE THEM TO RESPOND.

COUNTY ENGINEER LARRY NICHOLAS ASKED THAT BOARD CONSIDER TAKING IMMEDIATE ACTION ON R-10.

VICE-CHAIR KAFOURY DIRECTED STAFF ASSISTANT MARGARET BAX TO CHECK INTO URGENCY OF R-11 AS AN UNANIMOUS CONSENT ITEM.

Tuesday, February 20, 1990 - 9:30 AM
Multnomah County Courthouse, Room 602

PLANNING ITEMS

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 excused.

UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KELLEY, ON A ROLL CALL VOTE, CONSIDERATION OF THE FOLLOWING ITEM WAS UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

R-10 Resolution in the Matter of Accepting Compensation from the Oregon Department of Transportation Highway Division for the Purchase of Land, Improvements and Access from the County at the Multnomah County Exposition Center

UPON MOTION OF COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER ANDERSON,

RESOLUTION 90-18 WAS UNANIMOUSLY APPROVED.

C 1-88 PERIODIC REVIEW

JOHN DuBAY INSTRUCTED BOARD REGARDING QUASI-JUDICIAL HEARINGS AND EX PARTE CONTACTS.

COMMISSIONERS KELLEY, ANDERSON, BAUMAN AND KAFOURY REPORTED ON RECEIVING CONSTITUENT CALLS. PAUL HRIBERNICK REQUESTED A LIST OF NAMES OF THE INDIVIDUALS WHO CONTACTED BOARD MEMBERS.

LORNA STICKEL ADVISED THAT STAFF RECOMMENDS ADOPTION OF PERIODIC REVIEW ORDINANCES WITH AMENDMENTS PURSUANT TO MEMORANDUM OF FEBRUARY 6, 1990 SUBMITTED AT FIRST READING, AND ADVISED THAT STAFF RECOMMENDS A TWO WEEK SET OVER OF THE ESEE ANALYSIS PERTAINING TO THE ANGELL BROTHERS QUARRY AND HOWARD CANYON SITES. MS. STICKEL RESPONSE TO BOARD QUESTIONS AND DISCUSSION.

Chair Gladys McCoy arrived at 10:03 a.m.

1. Second Reading - An Ordinance Amending Multnomah County Comprehensive Framework Plan to Comply with the Periodic Review Requirements of the Oregon Department of Land Conservation and Development

PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. NO ONE WISHED TO TESTIFY. UPON MOTION OF COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER ANDERSON, ORDINANCE 640 WAS UNANIMOUSLY APPROVED WITH RECOMMENDED AMENDMENTS AND INCLUSION OF EMERGENCY ADOPTION LANGUAGE.

2. Second Reading - An Ordinance Amending Multnomah County Code Chapter 11.05 to Comply with the Periodic Review Requirements of the Oregon Department of Land Conservation and Development

PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. NO ONE WISHED TO TESTIFY. UPON MOTION OF COMMISSIONER BAUMAN,

SECONDED BY COMMISSIONER ANDERSON, ORDINANCE 641 WAS UNANIMOUSLY APPROVED WITH RECOMMENDED AMENDMENTS AND INCLUSION OF EMERGENCY ADOPTION LANGUAGE.

3. Second Reading - An Ordinance Amending Multnomah County Code Chapter 11.15 and Selected Sectional Zoning Maps to Comply with the Periodic Review Requirements of the Oregon Department of Land Conservation and Development

PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. NO ONE WISHED TO TESTIFY. UPON MOTION OF COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER KELLEY, ORDINANCE 643 WAS UNANIMOUSLY APPROVED WITH RECOMMENDED AMENDMENTS AND INCLUSION OF EMERGENCY ADOPTION LANGUAGE.

4. Second Reading - An Ordinance Amending Multnomah County Code Chapter 11.45 to Comply with the Periodic Review Requirements of the Oregon Department of Land Conservation and Development

PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. UPON MOTION OF COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER ANDERSON, ORDINANCE 642 WAS UNANIMOUSLY APPROVED WITH RECOMMENDED AMENDMENTS AND INCLUSION OF EMERGENCY ADOPTION LANGUAGE.

5. Resolution in the Matter of Submitting to the State the County's Local Review Order Under ORS 197.640 (C 1-88)

UPON MOTION OF COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER ANDERSON, RESOLUTION 90-19 WAS UNANIMOUSLY APPROVED WITH DELETION OF PAGE 59 OF THE COUNTY'S LOCAL REVIEW ORDER.

BOARD AND STAFF DISCUSSION REGARDING ANGELL BROTHERS QUARRY AND HOWARD CANYON ISSUES. MR. HRIBERNICK ADVISED HE WOULD BE SUBMITTING ADDITIONAL MATERIALS. DON ANDERSON, MR. HRIBERNICK, MOLLY O'REILLY, KARIN HUNT, JULIE GIBSON AND SKIP

ANDERSON COMMENTS AND RESPONSE TO BOARD QUESTIONS. UPON MOTION OF COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER ANDERSON, IT WAS UNANIMOUSLY APPROVED THAT THE HEARING REGARDING PROPOSED CHANGES IN THE COUNTY'S LOCAL REVIEW ORDER TO THE ECONOMIC, SOCIAL, ENVIRONMENTAL AND ENERGY (ESEE) ANALYSIS DESIGNATIONS FOR MINERAL AND AGGREGATE SITES #4(ANGELL BROTHERS QUARRY) AND #8(HOWARD CANYON), AND THE HEARING REGARDING A PROPOSED ALTERNATE SITE DESIGNATION FOR HOWARD CANYON BE CONTINUED TO 9:30 AM, TUESDAY, MARCH 6, 1990.

There being no further business, the meeting was adjourned at 11:00 a.m.

OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON

Deborah L. Bogstad

Deborah L. Bogstad

Tuesday, February 20, 1990 - 1:30 PM
Multnomah County Courthouse, Room 602

INFORMAL BRIEFINGS

1. Portland/Multnomah Commission on Aging and Aging Services Division Summary of Local Issues for Governor's Conference on Aging. Presented by Becky Wehrli
2. Department of Human Services Discussion of the Proposed Rebuilding of the Donald E. Long Juvenile Detention Facility. Presented by Duane Zussy, Bob Nilsen, Kaplan, McLaughlin & Diaz, Architects.

PAUL YARBOROUGH REQUESTED POLICY DEVELOPMENT COMMITTEE MEETING TO DISCUSS RELATED SPACE ISSUES. CHAIR McCOY DIRECTED DUANE ZUSSY TO PROVIDE BOARD WITH A COST ESTIMATE ON FURNISHINGS FOR PROPOSED FACILITY.

3. Multnomah County Audit Follow Up Report to the Board. Presented by Daniel A. Ivancie

SET OVER TO FEBRUARY 27, 1990 AT AUDITOR'S REQUEST.

4. Multnomah County Audit Report #1-90 - Real Property Assessment Level and Uniformity. Presented by Daniel A. Ivancie
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Thursday, February 22, 1990, 9:30 AM
Multnomah County Courthouse, Room 602

FORMAL AGENDA

Chair Gladys McCoy convened the meeting at 9:35 a.m., with Vice-Chair Gretchen Kafoury, Commissioners Pauline Anderson, Rick Bauman and Sharron Kelley present.

CONSENT CALENDAR

UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KELLEY, THE CONSENT CALENDAR (ITEMS R-1 AND R-2) WAS UNANIMOUSLY APPROVED.

- R-1 Appointment of Judy Boyer, Denise Chuckovich, Bill Farver, Joanne Fuller, Mindy Harris, Deanna Meyer and Maria Rojo-Steffey to the Campaign Management Council of Multnomah County
- R-2 Sheriff's Request for Approval of Transfer of Found/Unclaimed Property - List 90-1 to the Department of General Services for Sale or Disposal as Provided Pursuant to Multnomah County Code 7.70

DEPARTMENT OF GENERAL SERVICES

- R-3 First Reading of an Ordinance Relating to the Business Income Tax, and Amending MCC 5.70. Proposed Ordinance Amends Multnomah County Code so that it is Consistent with ORS Reference Changes Made During 1989 Legislative Session

PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. DAVE BOYER EXPLANATION. COMMISSIONER ANDERSON MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF THE FIRST READING. NO ONE WISHED TO TESTIFY. FIRST READING UNANIMOUSLY APPROVED. SECOND READING MARCH 1, 1990.

PUBLIC CONTRACT REVIEW BOARD

(Recess as the Board of County Commissioners and convene as the Public Contract Review Board)

- R-4 Order in the Matter of an Exemption From Public Bidding to Exceed the 20% Limitation on Contract Change Orders for the Courthouse Doors Project

**UPON MOTION OF COMMISSIONER ANDERSON,
SECONDED BY COMMISSIONER KELLEY, ORDER
90-20 WAS UNANIMOUSLY APPROVED.**

(Recess as the Public Contract Review Board and reconvene as the Board of County Commissioners)

DEPARTMENT OF JUSTICE SERVICES

- R-5 Ratification of Intergovernmental Agreement Between Multnomah County and Oregon Health Sciences University School of Nursing for the Evaluation of Services Provided to Pregnant Substance Abusing Women in the ADAPT Program

**UPON MOTION OF COMMISSIONER KAFOURY,
SECONDED BY COMMISSIONER KELLEY, R-5 WAS
UNANIMOUSLY APPROVED.**

DEPARTMENT OF HUMAN SERVICES

- R-6 Ratification of Intergovernmental Agreement Between Multnomah County and the State of Oregon acting by and through the State Board of Higher Education on behalf of Portland State University, whereby Multnomah County will pay PSU to prepare a study of the current syphilis epidemic in Multnomah County from date of contract execution through August 31, 1990

**UPON MOTION OF COMMISSIONER BAUMAN,
SECONDED BY COMMISSIONER KELLEY, R-6 WAS
UNANIMOUSLY APPROVED.**

- R-7 Resolution in the Matter of County Costs for Emergency Mental Holds

**UPON MOTION OF COMMISSIONER BAUMAN,
SECONDED BY COMMISSIONER KELLEY, R-7 WAS
UNANIMOUSLY SET OVER TO THURSDAY, MARCH
1, 1990.**

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-8 Order in the Matter of Conveying Deeds for Certain Real Property to the Public for Road Purposes and Authorizing Chair to Execute Deeds for County Road

Purposes

**UPON MOTION OF COMMISSIONER ANDERSON,
SECONDED BY COMMISSIONER KELLEY, ORDER
90-21 WAS UNANIMOUSLY APPROVED.**

NON-DEPARTMENTAL

- R-9 Budget Modification Non #4 Authorizing Transfer of \$1,230.00 from Existing Personal Services Appropriation to Materials and Services for the Purpose of Reimbursing George Muir Regional Citizen Participation Conference Costs

**UPON MOTION OF COMMISSIONER KELLEY,
SECONDED BY COMMISSIONER KAFOURY, R-9 WAS
UNANIMOUSLY APPROVED.**

**UPON MOTION OF COMMISSIONER KAFOURY,
SECONDED BY COMMISSIONER KELLEY, ON A
ROLL CALL VOTE, CONSIDERATION OF THE
FOLLOWING ITEM WAS UNANIMOUSLY APPROVED.**

DEPARTMENT OF JUSTICE SERVICES

- R-11 Request for Approval of Modification to 1989-91 Community Corrections Plan

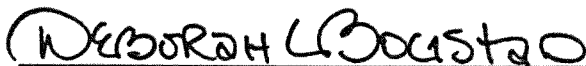
**CARY HARKAWAY EXPLANATION AND RESPONSE
TO BOARD QUESTIONS. UPON MOTION OF
COMMISSIONER BAUMAN, SECONDED BY
COMMISSIONER KAFOURY, R-11 WAS
UNANIMOUSLY APPROVED.**

The meeting was recessed at 9:50 a.m. and reconvened at 10:15 a.m.

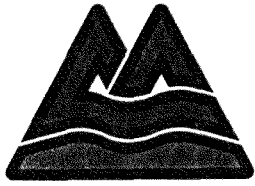
**BOARD DISCUSSION WITH MICHAEL SCHRUNK,
ROBERT SKIPPER, BILL VANDEVER, GRANT
NELSON, HAROLD AMIDON, KELLY BACON AND
RAMSEY WEIT CONCERNING PROPOSED OJP
COORDINATOR POSITION.**

There being no further business, the meeting was adjourned at 11:00 a.m.

OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON



Deborah L. Bogstad



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

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

FEBRUARY 19 - 23, 1990

Monday, February 19, 1990 - PRESIDENT'S HOLIDAY - OFFICES CLOSED

Tuesday, February 20, 1990 - 9:00 AM - Informal Review . . . Page 2

Tuesday, February 20, 1990 - 9:30 AM - Periodic Review . . . Page 2

Tuesday, February 20, 1990 - 1:30 PM - Informal Briefing . . Page 3

Thursday, February 22, 1990 - 9:30 AM - Formal Meeting . . . Page 4

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, February 20, 1990 - 9:00 AM
Multnomah County Courthouse, Room 602

INFORMAL

Informal Review of Formal Agenda of February 22, 1990

PUBLIC TESTIMONY WILL NOT BE TAKEN AT INFORMAL MEETING

Tuesday, February 20, 1990 - 9:30 AM
Multnomah County Courthouse, Room 602

PLANNING ITEMS

Angell Bros Quarry
& Howard Canyon
Set over to 3/6/90

C 1-88 PERIODIC REVIEW

1. #640 Second Reading - An Ordinance Amending Multnomah County Comprehensive Framework Plan to Comply with the Periodic Review Requirements of the Oregon Department of Land Conservation and Development (Continued from January 9, 1990)
2. #641 Second Reading - An Ordinance Amending Multnomah County Code Chapter 11.05 to Comply with the Periodic Review Requirements of the Oregon Department of Land Conservation and Development (Continued from January 9, 1990)
3. #643 Second Reading - An Ordinance Amending Multnomah County Code Chapter 11.15 and Selected Sectional Zoning Maps to Comply with the Periodic Review Requirements of the Oregon Department of Land Conservation and Development (Continued from January 9, 1990)
4. #642 Second Reading - An Ordinance Amending Multnomah County Code Chapter 11.45 to Comply with the Periodic Review Requirements of the Oregon Department of Land Conservation and Development (Continued from January 9, 1990)
5. #90-19 Resolution in the Matter of Submitting to the State the County's Local Review Order Under ORS 197.640 (C 1-88) (Continued from January 9, 1990)

Tuesday, February 20, 1990 - 1:30 PM
Multnomah County Courthouse, Room 602

INFORMAL BRIEFINGS

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3. Multnomah County Audit Follow Up Report to the Board. Presented by Daniel A. Ivancie
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Thursday, February 22, 1990, 9:30 AM

Multnomah County Courthouse, Room 602

FORMAL AGENDA

CONSENT CALENDAR

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- R-2 Sheriff's Request for Approval of Transfer of Found/Unclaimed Property - List 90-1 to the Department of General Services for Sale or Disposal as Provided Pursuant to Multnomah County Code 7.70

DEPARTMENT OF GENERAL SERVICES

- R-3 First Reading of an Ordinance Relating to the Business Income Tax, and Amending MCC 5.70. Proposed Ordinance Amends Multnomah County Code so that it is Consistent with ORS Reference Changes Made During 1989 Legislative Session

PUBLIC CONTRACT REVIEW BOARD

(Recess as the Board of County Commissioners and reconvene as the Public Contract Review Board)

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DEPARTMENT OF JUSTICE SERVICES

- R-5 Ratification of Intergovernmental Agreement Between Multnomah County and Oregon Health Sciences University School of Nursing for the Evaluation of Services Provided to Pregnant Substance Abusing Women in the ADAPT Program

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R-7 Resolution in the Matter of County Costs for Emergency
Mental Holds

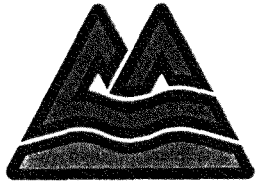
DEPARTMENT OF ENVIRONMENTAL SERVICES

R-8 Order in the Matter of Conveying Deeds for Certain Real
Property to the Public for Road Purposes and Authorizing
Chair to Execute Deeds for County Road Purposes

NON-DEPARTMENTAL

R-9 Budget Modification Non #4 Authorizing Transfer of
\$1,230.00 from Existing Personal Services Appropriation to
Materials and Services for the Purpose of Reimbursing
George Muir Regional Citizen Participation Conference Costs

0700C.45-49/dr



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
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RICK BAUMAN • DISTRICT 3 • 248-5217
SHARRON KELLEY • DISTRICT 4 • 248-5213
JANE McGARVIN • Clerk • 248-3277

SUPPLEMENTAL AGENDA

UNANIMOUS CONSENT ITEMS

Thursday, February 22, 1990 - 9:30 AM

Multnomah County Courthouse, Room 602

NON-DEPARTMENTAL

- R-10 Resolution in the Matter of Accepting Compensation from the Oregon Department of Transportation Highway Division for the Purchase of Land, Improvements and Access from the County at the Multnomah County Exposition Center

DEPARTMENT OF JUSTICE SERVICES

- R-11 Request for Approval of Modification to 1989-91 Community Corrections Plan

0700C.50/dr
2/16/90

DATE SUBMITTED _____

(For Clerk's Use)

Meeting Date FEB 22 1990

Agenda No. R-10

UNANIMOUS CONSENT

2/20/90

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: Resolution

Informal Only* _____
(Date)

Formal Only 2/22/90
(Date)

DEPARTMENT Nondepartmental DIVISION County Chair's Office

CONTACT Paul Yarborough TELEPHONE 248-5000

*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD Larry Nicholas

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

Resolution accepting offer on sale of county property to Oregon State Highway Department

~~*Resolution comes 2/20/90 per Susan L. Sene~~

(IF ADDITIONAL SPACE IS NEEDED, PLEASE USE REVERSE SIDE)

ACTION REQUESTED:

☐ INFORMATION ONLY ☐ PRELIMINARY APPROVAL ☐ POLICY DIRECTION ☒ APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA 5-10 minutes

IMPACT:

☐ PERSONNEL

☐ FISCAL/BUDGETARY 2/20/90 copy of Resolution to Paul Yarborough

☐ General Fund

☐ Other _____

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: Gladys McE

BUDGET / PERSONNEL /

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) _____

OTHER _____

(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
TRANSPORTATION DIVISION
1620 S.E. 190TH AVENUE
PORTLAND, OREGON 97233
(503) 248-5050

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

February 16, 1990

Gladys McCoy, Chair
Board of County Commissioners
1021 SW 4th
Portland, OR 97204

RE: Resolution to accept compensation from Oregon Department of
Transportation's, Highway Division for the purchase of land,
improvements and access from the County

Dear Gladys:

Attached please find a resolution in the matter of accepting compensation from ODOT for land, improvements and access from the County in the vicinity of the Expo Center. The compensation offered by the Oregon Department of Transportation to the County is \$214,200. This amount was negotiated by the County's Transportation Division to cover loss of property and access to Expo. It is intended that these funds will be used to construct a new access road south of the Expo facility to provide circulation and access for events.

Very truly yours,

Paul Yarborough, Director
Department of Environmental Services

PY:rj

Attachment

7136V

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF MULTNOMAH COUNTY, OREGON

In the Matter of Accepting Compensation)	
from the Oregon Department of Transportation)	R E S O L U T I O N
Highway Division for the Purchase of Land)	
and Improvements and Access from the County)	#90-18
at the Multnomah County Exposition Center)	
(EXPO))	

WHEREAS, the Oregon Department of Transportation is undertaking a project to improve I-5 and the Swift/Delta Interchange in the vicinity of the Expo Center and,

WHEREAS, the improvement of the interchange by the Oregon Department of Transportation requires acquisition of land, improvements and access from the County's Expo Center, and

WHEREAS, the acquisition of land, improvements and access from the Expo Center by the Oregon Department of Transportation will affect traffic circulation and access at Expo events, and

WHEREAS, Multnomah County needs to replace lost access to the Expo Center by the construction of an access road south of the facility, and

WHEREAS, the Oregon Department of Transportation is offering compensation to the County for the land, improvements and lost access at the Center, and

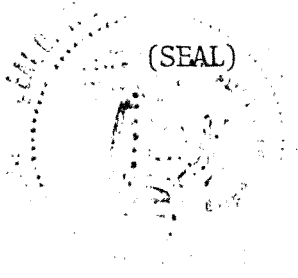
WHEREAS, in accordance with ORS 275.070 the sale of local government property to the State of Oregon requires authorization through adoption of a resolution.

THEREFORE BE IT RESOLVED, that Multnomah County shall accept the State of Oregon's offer of \$214,200 as described in the Real Estate option for the property improvements and access as outlined in exhibits A, B, and H and authorize signatures by the chair, or other commissioners as may be required on the Real Estate Option and all deeds or other instruments necessary to complete the transaction.

RESOLUTION
Page 2

BE IT FURTHER RESOLVED, that the County will use these funds for construction of a road south of Expo Center to replace access lost as a result of this transfer.

ADOPTED, this 20th day of February, 1990.



By: Gretchen Kafoury
Gretchen Kafoury, Vice-Chair
Multnomah County, Oregon

The foregoing resolution was acknowledged before me on February 20, 1990, by Gretchen Kafoury, Vice-Chair Multnomah Board of County Commissioners.

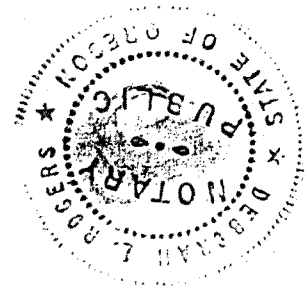
REVIEWED:

LAURENCE KRESSEL, County Counsel
Multnomah County, Oregon

By: John DuBay
John DuBay, Chief Deputy

Deborah L. Rogers
Notary Public for Oregon
My Commission expires: 6/27/93

7133V



REAL ESTATE OPTION

File No: 58177

Fed. Aid No: I-5-6(134)307

Grantor Multnomah Address 1620 SE 190th Ave.

Grantor _____ Address Portland, OR 97233

Section Swift/Delta Park Highway Pacific

County Multnomah Purpose Highway Construction

IN CONSIDERATION of the offer to the undersigned for the hereinafter described property, the undersigned hereby give and grant to the State of Oregon, by and through its Department of Transportation, upon the terms and conditions hereinafter stated, the option to purchase the property described on Exhibit "A" attached, bearing date of 2-8-89 and covering 3 parcels, subject to special provisions contained in Exhibit(s) H & B attached and by this agreement made a part of this option.

The Oregon Transportation Commission shall have the irrevocable right, at any time, within six (6) _____ months from the date hereof, to accept this option. The person(s) who have executed the option acknowledge that the signing and delivering of a deed and voucher at the same time the option was executed, does not constitute acceptance by the State of the deed and voucher and that the acceptance by the State of the deed and voucher is conditioned on the clearing of the title satisfactory to the State and acceptance of the option by the State.

The undersigned, hereinafter referred to as "Grantors," agree to deliver to the State of Oregon, by and through its Department of Transportation, hereinafter referred to as "State," a warranty deed to said property, CONVEYING A GOOD AND MERCHANTABLE TITLE THERETO FREE FROM ALL OUTSTANDING LIENS AND ENCUMBRANCES, INCLUDING UNPAID AND DEFERRED REAL PROPERTY TAXES, AND FREE FROM ALL RIGHTS OF LESSEES, TENANTS, AND OTHER PERSONS CLAIMING ANY RIGHTS IN OR TO SAID PROPERTY. The conveyances shall include all buildings, fixtures and crops located on said property as well as appurtenances thereto (except for the items herein reserved by Grantors). Grantors further agree not to sell or encumber said property during the term of this option.

Upon delivery of said deed and the clearing of title satisfactory to State, Grantors, in the usual course and through the usual channels of auditing claims against State, shall be paid the sum of (\$ \$214,200) _____ two hundred fourteen thousand two hundred (Less \$ -0-) for items as listed on Exhibit(s) _____ as full payment of the purchase thereof. Grantors are entitled to receive payment, less any deposits and allowances as listed on exhibits before State takes possession of the property.

~~Grantors shall surrender possession of the property upon payment from the State. Written notice to vacate the property will not be required.~~

OR:

~~Grantors are entitled to 90 days written notice before they are required to vacate. State will give grantors 30 days written notice of the specific vacation date when making payment for property less any deposits and allowances.~~

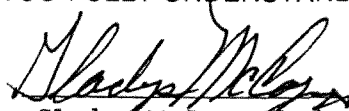
Grantors received 90 days notice on June 16, 1989

Grantor does not have to provide title insurance. State will pay all recording charges for documents required to vest clear title in State; and prorate taxes as of the date of possession or transfer of title, whichever is earlier.

Grantors acknowledge all items of damages, all sums of money to be paid, and all things to be done by State are in this option. Grantors agree, the consideration recited herein is just compensation for the optioned property, including any and all damages to grantors remaining property, if any, which may result from the acquisition or use of said property and the construction or improvement of the highway. All claims for damages, injury or loss on account of failure to close this option are hereby expressly waived.

NOTICE: BEFORE SIGNING THIS OPTION BE SURE ALL OBLIGATIONS, INCLUDING THOSE YOU EXPECT STATE TO PERFORM, ARE SET OUT IN THIS OPTION AND THAT YOU FULLY UNDERSTAND ALL OF THE TERMS OF THIS OPTION.

Dated this 20th day of February, 1990


Gladys McCoy, Chair

OPTION



ACCESS CONTROL

EXHIBIT B
 FILE NO. 58177
 DATE 2-12-90

It is understood and agreed that any instrument or conveyance which may be required to complete the transaction with State that involves access control shall contain provisions substantially as follows:

RESTRICTION . . . Also for the above stated consideration, there is hereby conveyed to Grantee all existing, future, or potential common law or statutory abutter,s easements of access between the (parcels) ~~(highway)~~ herein described and all of Grantors, remaining property.

RESERVATION . . . Reserving, for service of Grantors, remaining property, rights of access to and from the abutting highway right of way, at each of the following places and for the following widths:

Hwy. Engr,s Sta.	Side of Highway	Widths Reservation Top Surface Curb Cut	*To Be Constructed By
"US" 12 + 50	E-W-N- <u>S</u>	40' 26' 35'	State
"US" 13 + 70	S	40' 26' 35'	"
"US" 14 + 80	S	35' 26' 35'	"

*When Grantor is to construct the approach road, a standard Approach Road Permit must be applied for and obtained from the Highway Division,s District Maintenance Supervisor before construction is begun. When the State constructs the approach road, Grantors will be required to sign a standard Approach Road Permit to assure proper operation and maintenance of the approach road.

FARM CROSSING . . . Reserving, for the service of Grantor,s remaining property for farm use only, a right to establish, maintain and use a crossing of a width of N/A feet at a point opposite Highway Engineer,s Station N/A, such right is to continue only so long as the crossing is used for farm purposes exclusively, and such right is to continue only so long as any portion of the said remaining property on both sides of the highway and served by such crossing is held in a single ownership.

FRONTAGE ROAD . . . Grantee shall either construct a public frontage road or provide some other access road on the N/A side of the highway, and Grantors, their heirs (successors) and assigns, shall be entitled to reasonable access to the said road for any purpose. A standard Approach Road Permit must applied for and obtained from Highway Division,s District Maintenance Supervisor before construction is begun. When the State constructs the frontage road, Grantors will be required to sign a standard Approach Road Permit to assure proper operation and maintenance of the approach road. Said road shall be connected to the main highway or to other public ways only at such places as Grantee may select.

If any of the construction under the terms of this option is outside of the highway right of way, Grantors hereby grant State, its employees or contractors, permission to enter upon their remaining property for the purpose of performing any of said construction work.

It is expressly intended that the above benefits and restrictions shall run with the land and shall forever bind the Grantors, their heirs (successors) and assigns.

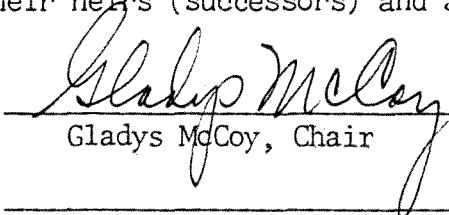

 Gladys McCoy, Chair

Exhibit H
File No. 58177
Date 2-12-90

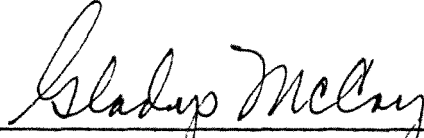
POSSESSION

OSHD-R/W SECTION

Public Law 91-646 Section 301(4) and ORS 281.060 provide, no owner shall be required to surrender possession of real property before the head of the agency pays the agreed purchase price, or deposits with the court... for the benefit of the owner, an amount not less than the agency's approved appraisal of the fair market value of such property.

Upon your receipt of notification of acceptance of this option agreement by the Transportation Commission, the State shall take possession of the property described on the attached Exhibit "A".

The undersigned as grantors understand that they knowingly and willingly waive the right of payment prior to possession. It is understood this permission will in no way release the State from handling this transaction in a timely manner.



Gladys McCoy, Chair

EXHIBIT A

File 58177
Multnomah County
CLM 2-8-89 1A-13-24

Survey Approval Project
Section: Swift Intchge.-Delta Park Intchge.
Highway: Pacific
Throughway

PARCEL 1

A parcel of land lying in the George W. Force D.L.C. No. 39, Township 2 North, Range 1 East, W.M., Multnomah County, Oregon and being a portion of that property designated as Parcel III in that deed to Multnomah County, recorded August 9, 1965 in Book 353, Page 11, Multnomah County Record of Deeds; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Southwesterly side of the "US" center line which center line is described as follows:

Beginning at Engineer's center line Station "US" 12+22.79, said station being 800.37 feet North and 1301.11 feet West of the Southeast corner of Section 33, Township 2 North, Range 1 East, W.M.; thence South 65° 03' 33" East 111.72 feet; thence on a spiral curve right (the long chord of which bears South 59° 43' 45" East 398.62 feet) 400 feet; thence on a 716.20 foot radius curve right (the long chord of which bears South 45° 21' 33" East 92.44 feet) 92.50 feet; thence on a spiral curve right (the long chord of which bears South 30° 59' 20" East 398.62 feet) 400 feet; thence South 25° 39' 33" East 397.34 feet to Engineer's center line Station "US" 26+24.35.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on Southwesterly Side of Center Line
"US"12+60		"US"18+00	45
"US"18+00		"US"19+25	45 in a straight line to 50
"US"19+25		"US"20+50	50 in a straight line to 60
"US"20+50		"US"22+00	60

Bearings are based upon the Oregon Co-ordinate System, North Zone.

The parcel of land to which this description applies contains 12,620 square feet, more or less, outside of the existing right of way.

PARCEL 2 - Permanent Easement for Slopes

A parcel of land lying in the George W. Force D.L.C. No. 39, Township 2 North, Range 1 East, W.M., Multnomah County, Oregon and being a portion

OVER

of that property designated as Parcel III in that deed to Multnomah County, recorded August 9, 1965 in Book 353, Page 11, Multnomah County Record of Deeds; the said parcel being that portion of said property lying Southeast-erly of a line at right angles to the "US" center line at Engineer's Station "US" 17+00 and included in a strip of land variable in width, lying on the Southwesterly side of said center line which center line is de-scribed in Parcel 1.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on Southwesterly Side of Center Line
"US"17+00		"US"18+00	45 in a straight line to 55
"US"18+00		"US"19+25	55 in a straight line to 75
"US"19+25		"US"22+00	75 in a straight line to 90

EXCEPT therefrom Parcel 1.

The parcel of land to which this description applies contains 8,010 square feet, more or less.

PARCEL 3 - Permanent Easement for Slopes

A parcel of land lying in the George W. Force D.L.C. No. 37, Township 1 North, Range 1 East, W.M., Multnomah County, Oregon and being a portion of that property designated as Parcel IV in that deed to Multnomah County, recorded August 9, 1965 in Book 353, Page 11, Multnomah County Record of Deeds; the said parcel being that portion of said property lying between lines at right angles to the "US" center line at Engineer's Station "US" 23+90 and "US" 25+70 and included in a strip of land variable in width, lying on the Southwesterly side of said center line which center line is described in Parcel 1.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on Southwesterly Side of Center Line
"US"23+90		"US"25+00	410 in a straight line to 550
"US"25+00		"US"25+70	550 in a straight line to 560

The parcel of land to which this description applies contains 7,100 square feet, more or less.

el/
-10-88

NOTE: Parcel 1 Access Controlled (to Parcel).
Parcels 2 and 3 Access Not Controlled.

ORIGINAL

DEED

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, hereby conveys unto the **STATE OF OREGON**, by and through its **DEPARTMENT OF TRANSPORTATION, Highway Division**, Grantee, fee title to the following described property, to wit:

PARCEL 1

A parcel of land lying in the George W. Force D.L.C. No. 39, Township 2 North, Range 1 East, W.M., Multnomah County, Oregon and being a portion of that property designated as Parcel III in that deed to Multnomah County, recorded August 9, 1965 in Book 353, Page 11, Multnomah County Record of Deeds; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Southwesterly side of the "US" center line which center line is described as follows:

Beginning at Engineer's center line Station "US" 12+22.79, said station being 800.37 feet North and 1301.11 feet West of the Southeast corner of Section 33, Township 2 North, Range 1 East, W.M.; thence South 65° 03' 33" East 111.72 feet; thence on a spiral curve right (the long chord of which bears South 59° 43' 45" East 398.62 feet) 400 feet; thence on a 716.20 foot radius curve right (the long chord of which bears South 45° 21' 33" East 92.44 feet) 92.50 feet; thence on a spiral curve right (the long chord of which bears South 30° 59' 20" East 398.62 feet) 400 feet; thence South 25° 39' 33" East 397.34 feet to Engineer's center line Station "US" 26+24.35.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on Southwesterly Side of Center Line
"US"12+60		"US"18+00	45
"US"18+00		"US"19+25	45 in a straight line to 50
"US"19+25		"US"20+50	50 in a straight line to 60
"US"20+50		"US"22+00	60

Bearings are based upon the Oregon Co-ordinate System, North Zone.

The parcel of land to which this description applies contains 12,620 square feet, more or less, outside of the existing right of way.

TOGETHER WITH all abutter's rights of access between the above-described parcel and Grantor's remaining real property, EXCEPT, however,

Reserving access rights, for the service of Grantor's remaining property, to and from said remaining property to the abutting highway at the following places, in the following widths, and for the following purposes:

Hwy. Engr's Sta.	Side of Hwy.	Width	Purpose
"US" 12+50	S	40'	Unrestricted
"US" 13+70	S	40'	Unrestricted
"US" 14+80	S	40'	Unrestricted

Grantor also grants to Grantee, its successors and assigns, permanent easements to construct and maintain slopes, upon the following described property, to wit:

PARCEL 2 - Permanent Easement for Slopes

A parcel of land lying in the George W. Force D.L.C. No. 39, Township 2 North, Range 1 East, W.M., Multnomah County, Oregon and being a portion of that property designated as Parcel III in that deed to Multnomah County, recorded August 9, 1965 in Book 353, Page 11, Multnomah County Record of Deeds; the said parcel being that portion of said property lying Southeast-erly of a line at right angles to the "US" center line at Engineer's Station "US" 17+00 and included in a strip of land variable in width, lying on the Southwesterly side of said center line which center line is de-scribed in Parcel 1.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on Southwesterly Side of Center Line
"US" 17+00		"US" 18+00	45 in a straight line to 55
"US" 18+00		"US" 19+25	55 in a straight line to 75
"US" 19+25		"US" 22+00	75 in a straight line to 90

EXCEPT therefrom Parcel 1.

The parcel of land to which this description applies contains 8,010 square feet, more or less.

PARCEL 3 - Permanent Easement for Slopes

A parcel of land lying in the George W. Force D.L.C. No. 37, Township 1 North, Range 1 East, W.M., Multnomah County, Oregon and being a portion of that property designated as Parcel IV in that deed to Multnomah County, recorded August 9, 1965 in Book 353, Page 11, Multnomah County Record of Deeds; the said parcel being that portion of said property lying between lines at right angles to the "US" center line at Engineer's Station "US" 23+90 and "US" 25+70 and included in a strip of land variable in width, lying on the Southwesterly side of said center line which center line is described in Parcel 1.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on Southwesterly Side of Center Line
"US" 23+90		"US" 25+00	410 in a straight line to 550
"US" 25+00		"US" 25+70	550 in a straight line to 560

The parcel of land to which this description applies contains 7,100 square feet, more or less.

IT IS UNDERSTOOD that the easements herein granted do not convey any right or interest in the above-described Parcels 2 and 3, except as stated herein, nor prevent Grantor from the use of said property; provided, however, that such use shall not be permitted to interfere with the rights herein granted or endanger the lateral support of said highway, that Grantee shall never be required to remove the slope materials placed by it upon said property, nor shall Grantee be subject to any damages to Grantor, its successors and assigns, by reason thereof or by reason of any change of grade of the highway abutting on said property.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

The true and actual consideration received by Grantor for this conveyance is
\$ 214,200.00.

Dated this 20th day of February, 1990.

MULTNOMAH COUNTY

By Gladys McCoy
Chairperson

By _____
County Commissioner

By _____
County Commissioner

ATTEST:

Rebecca C. Rogers
Asst. County Clerk

STATE OF OREGON, County of Multnomah

February 20, 1990. Personally appeared Gladys McCoy,

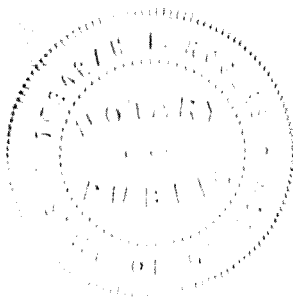
_____, _____, and

_____, who, being sworn, stated that they are the Chair-
person, ~~County Commissioners~~ and County Clerk of Multnomah County, Oregon, and that

this instrument was voluntarily signed in behalf of the County by authority of an order
of the Board of Commissioners. Before me:

Rebecca C. Rogers
Notary Public for Oregon

My Commission expires 6/27/93



Date 2-20

NAME

DON ANDERSON

ADDRESS

2828 SW CORBETT

Street

PORTLAND

City

OR

97210

Zip

I wish to speak on Agenda Item #

Subject

Angell Bros



FOR

☐ AGAINST

Date 2-20

NAME

Paul Herborenak

ADDRESS

1200 BankCal Tower

Street

Portland

Or

97232

City

Zip

representing Raymond Smith
I wish to speak on Agenda Item # _____
Subject _____

____ FOR

____ AGAINST

PLEASE WRITE LEGIBLY!

Date 2/20/90

NAME

Molly O'Reilly

ADDRESS

1419 NW 53rd Dr

Street

PORT OR

City

97210

Zip

I wish to speak on Agenda Item #

C-188

Subject

Wild, CORDON

X FOR

AGAINST

PLEASE WRITE LEGIBLY!

Date 2-20

NAME

ES Sullivan

ADDRESS

101 SE Main #2000

Street

City

Portland, Or

97204

Zip

I wish to speak on Agenda Item #

Subject

Howard Canyon

☒ FOR

AGAINST

3B designation
PLEASE WRITE LEGIBLY!

Date _____

NAME

JAMES D. Thayer

ADDRESS

2135 NW 107th PL.

Street

Portland

OR

97229

City

Zip

Angell Bros. Quarry

I wish to speak on Agenda Item #

Expansion

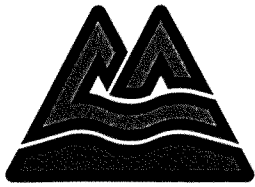
Subject _____

____ FOR

☒

AGAINST

PLEASE WRITE LEGIBLY!



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

BOARD OF COUNTY COMMISSIONERS

Tuesday, February 20, 1990

9:30 a.m., Room 602

A G E N D A

C 1-88

Periodic Review

A public hearing for the purpose of discussing mineral and aggregate issues relating to Periodic Review

2/28/90 copies of ordinances
Sent to ordinance list,
Sharon Cowley & Gary
Clifford (+ copies of Resolution C1-88)

1990 JAN 31 11:03:34
MULTNOMAH COUNTY
OREGON

Portland Office

GLADYS MCCOY
 MULTNOMAH COUNTY CHAIR
 1021 S.W. 4th, ROOM 134
 PORTLAND, OREGON 97204
2/13/90

February 12, 1990

Gladys McCoy, Chair
 Board of County Commissioners
 Multnomah County Courthouse
 1021 SW 4th Ave
 Portland OR 97204

Re: Angell Brothers, Inc./Periodic Review
 Our File No. 42469/21392

Dear Chairwoman McCoy:

This office represents Angell Brothers, Inc. with respect to the County's continuing periodic review process. This letter is in specific response to the February 6, 1990 memorandum from Lorna Stickel to the Board of County Commissioners presented at the Board Work Session on February 6, 1990. That memorandum contains three issues of which we are very concerned and it is the purpose of this letter not only to contest those issues but to explain to the commissioners the problems associated with each.

1. The staff has proposed to amend Code §11.15.7325(C)(4) (page 160) pertaining to the hours and days of operation. The principal change is to require that operating hours shall be 7:00 A.M. to 6:00 P.M. and that there shall be no operation allowed on Sundays or holidays.

With respect to the hours of operation, the Commission has heard testimony from the Associated General Contractors and the Portland Metropolitan Association of Homebuilders to the effect that the code provisions on aggregate and mineral resources should not in any way be allowed to conflict with the operation of the construction industry. The Commission has heard substantial testimony that the construction industry begins work much earlier than 7:00 A.M. and that the aggregate producers in the County must be allowed to operate and provide materials at the start of each construction day.

ATTORNEYS
 JOHN H. BAKER, AIA
 RALPH BOLLIGER†
 ANDREW E. GOLDSTEIN**†
 LEWIS B. HAMPTON
 DARIN D. HONN
 HARLAN EDWARD JONES*
 E. ANDREW JORDAN
 BRUCE H. ORR*
 ARTHUR L. TARLOW

*Admitted Oregon and Washington
 *Admitted New York
 †Of Counsel

LEGAL ASSISTANTS
 KAREN L. HAYS
 BARBARA S. KELLY
 VIVIAN T. LENTZ
 MARLENE L. MIYASATO
 PATRICIA L. MORGAN
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1600 S.W. CEDAR HILLS BLVD.
 SUITE 102
 PORTLAND, OREGON 97225
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 FAX (503) 641-2991

101 EAST EIGHTH
 SUITE 325
 P.O. BOX 891
 VANCOUVER, WASHINGTON 98666-0891
 (206) 694-9633
 AX (206) 693-4534

909 THIRD AVENUE
 17TH FLOOR
 NEW YORK, NEW YORK 10022
 (212) 826-2000
 FAX (212) 644-7485

If a construction project begins at 6:00 A.M., the construction industry will be substantially harmed if aggregate resources cannot be provided until 7:00 A.M. Therefore, we strongly advise that the provisions of the above section be amended to allow commencement of operations at 6:00 A.M.

Secondly, prevention of operation on Sundays and holidays makes sense only to the extent that the operation is surrounded by extensive land uses which would be negatively impacted by Sunday and holiday operation. Such negative impacts should be clearly demonstrated prior to an arbitrary prohibition on operation on Sundays and holidays. Where extensive conflicting land uses do not exist, there is no reason for that restriction. We therefore advise that the staff proposal be revised to permit an operator to demonstrate that Sunday or holiday operation will not cause the impacts which the staff blindly assumes to exist. Operation restrictions should be geared to each site and not placed arbitrarily on all sites regardless of need.

2. The staff proposes to amend Code §11.15.7330 to establish a maximum of five years for aggregate operations and a maximum of ten years where the ESEE analysis has identified a longer potential time limit.

In the first place, the sentence allowing a maximum of ten years renders the sentence allowing for a maximum of five years meaningless; the five year provision should be removed.

Secondly, by establishing any limit on years of operation, the County is simply closing its eyes to the economic realities of operation of an aggregate site. If, for example, the County is willing to authorize mining on a 100 acre parcel, the question of whether that mining will take five years or fifty years is irrelevant. The issue in every case should be the degree to which the operator complies with lawful operational restrictions. That issue can be accommodated by a periodic review process designed to assure compliance. By legislating a maximum number of years, however, the County simply establishes an arbitrary deadline beyond which the operator is

faced with the insecurity of not knowing whether he will be able to recoup his investment. We urge the County, therefore, to adopt review standards or processes, and remove the maximum time limits from the ordinance. The staff's original proposal to the Board was to remove all such time limits and the County should return to that original recommendation.

Also with respect to Code §11.15.7330, the staff proposes that renewal applications may be approved or denied based upon previous impacts of the use upon surrounding lands and activities and based upon changes in surrounding land uses and activities. The consequence of these standards is that an aggregate site may be denied renewal because of its impact upon land uses which came to exist after commencement of the aggregate operation. Since the County is not proposing any measures to prevent development of conflicting uses around an existing aggregate site, such aggregate facilities will undoubtedly become surrounded over time by conflicting uses. The existence of those new conflicting uses will very likely prevent any renewal of a site's conditional use permit. This is an anomalous situation and is in violation of Goal 5 to the extent that it fails to protect the Goal 5 resource. The County must not create a situation which will inevitably result in the denial of a Goal 5 resource. We therefore insist that these provisions be deleted or that the County install protections in the ordinance to prevent new conflicting land uses.

3. Finally, §IIA8(b) of the Periodic Review Order (Page 59) provides that the 325.37 acres of expansion area at the Angell Brothers' site is to be given no ESEE designation pending collection of additional information regarding conflicting uses. It is our position now, as it has been for several months, that this failure to designate the Angell Brothers' site as 3C is a violation of Goal 5. At the February 6, 1990 Board workshop, a representative of DLCD informed the Board that such failure to designate Angell Brothers will likely be rejected by DLCD. The Board has simply failed to recognize that the restrictions and conditions to be placed upon a 3C site under the new ordinance amendments will substantially

Gladys McCoy, Chair of the Board
February 12, 1990
Page 4

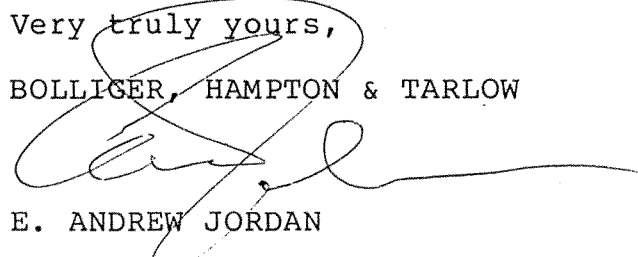
accommodate the concerns regarding Wildlife corridors, views and any other potential conflicting uses which the County perceives. It is redundant for the County to go through the process of amending its ordinance to create such restrictions and then preclude the Angell Brothers' site from even entering the process in which those restrictions will apply. Either the restrictions are adequate, in which case Angell Brothers should be granted a 3C designation and allowed to file a conditional use permit application, or the restrictions are inadequate and should be abandoned. The County is attempting to have it both ways, and that attempt will surely be rejected by DLCD.

We strongly recommend that this issue be resolved now so that the future expansion of the Angell Brothers site can be determined.

Once again, we appreciate your consideration.

Very truly yours,

BOLLIGER, HAMPTON & TARLOW



E. ANDREW JORDAN

EAJ/FS/1932G-2

cc: Angell Brothers, Inc.
Bob Price - David Evans & Associates
Jim Sitzman - Department of Land Conservation & Development
Lorna Stickel - Department of Environmental Services
Pauline Anderson - Board of County Commissioners
Gretchen Kafoury - Board of County Commissioners
Rick Bauman - Board of County Commissioners
Sharron Kelley - Board of County Commissioners

Portland Office

February 9, 1990

V I A F A C S I M I L E
FAX No. 248-3389

Lorna Stickel, Planning Director
 Department of Environmental Services
 Division of Planning and Development
 2115 SE Morrision St
 Portland OR 97214

Re: CU 3-90/Angell Brothers, Inc.
 Our File No. 42469/21393

Dear Lorna:

I am in receipt of your letter of February 9, 1990
 responding to mine of February 7, 1990 pertaining to
 the above matter.

First, please find enclosed a check in the amount of
 \$100.00 for the rescheduling fee.

Second, I do not mean to imply that the Chair of the
 Board was speaking for the entire board in her
 negotiations with the Department of Land Conservation
 and Development (DLCD) or that a compromise has been
 agreed to on the Angell Brothers expansion area. I
 only meant to suggest that discussions have been held
 and that the Chair and DLCD agreed to a process in
 which a compromise will be considered by the Board. In
 that process, we will provide the information requested
 to allow consideration of a 3C designation on the
 portion of the expansion area to occur. I understand
 that the Board has not committed to an agreement.

Pertaining to your comments on the expansion period, we
 recognize the wildlife corridor study to be an
 approximate two- to three-year period as you say in
 your letter. My reference to "a period of time
 thereafter necessary to make the site operationally
 viable" is simply a reference to the fact that a two-
 to three-year expansion may not be viable. Our intent
 in providing additional information is to propose a
 minimum period, which may or may not be greater than
 the study period, which would be necessary to make
 whatever expansion is granted economically viable.

**BOLLIGER
 HAMPTON
 & TARLOW**

ATTORNEYS
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 FAX (212) 644-7485

Lorna Stickel, Planning Director
February 9, 1990
Page 2

Thank you for your prompt response, and we will provide the requested information as quickly as possible.

Very truly yours,

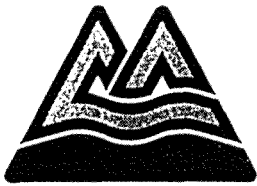
BOLLIGER, HAMPTON & TARLOW

E. ANDREW JORDAN

EAJ/JWW/1931G-2

Enclosure

cc: Bob Price, David Evans and Associates
Angell Brothers, Inc.
Gladys McCoy, Multnomah County Courthouse
Jim Sitzman, Department of Land Conservation and
Development



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

February 9, 1990

GLADYS McCOY
MULTNOMAH COUNTY CHAIR
1021 S.W. 4th, ROOM 134
PORTLAND, OREGON 97204
2/9/90

Andrew Jordon
Bolliger, Hampton & Tarlow
1600 S.W. Cedar Hills Blvd.
Suite 102
Portland, Oregon 97235

Dear Mr. Jordon:

In reference to your February 7, 1990 letters I offer the following. We will relay to the Planning Commission your desire to postpone the February 12 hearing on CU 3-90. Our course of events is to send out a postponement notice so people do not show up a hearing which will not be held. Under M.C.C, 11.15.9030 any rescheduled hearing at the request of the applicant must be accompanied by a \$100.00 fee. We need to receipt that fee as soon as possible.

In regards to the other letter addressing periodic review I think the impression is given that the Chair of the Board is speaking for the entire Board and that between them and DLCD a compromise has been agreed to on the expansion area for the Angell Brothers Quarry. That is not my understanding. At the meeting between Mr. Sitzman, Chair McCoy, and the Planning Division staff all that was agreed to is that certain information is needed about the Quarry before any consideration can be given on February 20 to any proposal to allow any additional area to be designated 3c beyond the existing Quarry approval site. There was no agreement to actually commit the Board to changing the current proposal which freezes the ESEE process at step 2 until the corridor studies are completed. The main issue which has made it hard to understand why any additional area is needed beyond the existing Quarry approval area has been pointed out in the staff report to the Planning Commission for CU 3-90.

There has been no suitably detailed information presented as to how much material is needed for the next two to three year period to keep the operation viable while the County obtains the necessary information about the wildlife corridor and scenic resources at the site. These needs must then be related to the existing 22 acres that remain to be mined (which excludes the 7 acre leave area for scenic protection). If the already approved site does not have enough material then just how many more acres beyond this are needed. The relationship must be stated between quantity needed and the acreage needed to get this specific quantity. Your letter referred to demonstrating the needs of Angell Brothers "during the study period and during a period of time thereafter necessary to make the site operationally viable." I agree about the time needed during the study period, the additional time you cite was not agreed upon more than enough to program for the additional time that may be necessary to complete any needed future approvals. This should not be construed to mean some 5-10 year period of time, but rather to reflect only the time needed to complete the wildlife corridor study which we are willing to expand to a 2-3 year period to give the operator enough time to complete his commitments to provide material and make any necessary applications that may be possible after the County has concluded its ESEE process.

I hope this provides you the additional clarification you were seeking.

Sincerely Yours,



Lorna Stickel
Planning Director

cc. Bob Price
Gladys McCoy
Jim Sitzman

Portland Office

February 7, 1990

GLADYS McCOY
 MULTNOMAH COUNTY CHAIR
 1021 S.W. 4th, ROOM 134
 PORTLAND, OREGON 97204
 2/9/90

Lorna Stickle, Director
 Department of Environmental Services
 2115 SE Morrison St
 Portland OR 97214

Re: Angell Brothers, Inc. Periodic Review
 Our File No. 42469/20977

Dear Lorna:

This will confirm my understanding of discussions between James Sitzman of the Department of Land Conservation and Development and Gladys McCoy, Chairman of the Board of County Commissioners. Such discussions were had in an effort to resolve the pending dispute between Angell Brothers, Inc. and the county with respect to the ESEE designation of the expansion area of the Angell Brothers site. I understand the solution discussed to be of a temporary nature pending a study of a suspected wildlife corridor near that site.

My understanding of the proposal is as follows:

- (a) That Angell Brothers, Inc. will postpone the processing of the pending Conditional Use Permit Application (Case No. CU3-90) in the expansion area.
- (b) That the county designates a portion of the expansion area, yet to be determined, as "3C" in its ESEE evaluation thus permitting the filing of a Conditional Use Permit on such portion of the expansion area.
- (c) That the portion of the expansion area to be designated "3C" will be based upon submission of evidence prior to the county board's hearing on periodic review which information shall demonstrate the amount and location of land needed

**BOLLIGER
 HAMPTON
 & TARLOW**

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Lorna Stickle, Director
February 7, 1990
Page 2

by Angell Brothers, Inc. during the study period and during a period of time thereafter necessary to make the site operationally viable. The submission will include substantial evidence of need as well as expert analysis of the impact of the expansion on the suspected wildlife corridor.

- (d) That the new Conditional Use Permit Application on the "3C" land would be subject to the regulations to be adopted in the new aggregate and mineral resource amendments to the zoning ordinance.
- (e) That the pending Conditional Use Application (CU3-90), which is to be postponed, will be revived and processed in the event of denial of the subsequent permit application. Angell Brothers, Inc. will waive any statutory time requirements on processing the application.

If you have any reservations or modifications to my understanding of the proposal, please call me so that we may determine as soon as possible any misunderstandings. We are currently generating the information necessary to put the above resolution into effect and hope to provide that information next week. The extent of this effort necessitates your early response if any of the above terms are misstated.

Thank you for your continued assistance.

Very truly yours,

BOLLIGER, HAMPTON & TARLOW

E. ANDREW JORDAN

EAJ/FS/1925G-2

cc: Angell Brothers, Inc.
Bob Price
/Gladys McCoy

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

IN THE MATTER OF THE PERIODIC)
REVIEW OF THE COMPREHENSIVE) MEMORANDUM IN
PLAN AND LAND USE REGULATIONS) SUPPORT OF 3 B
REGARDING GOAL 5 OF THE) DESIGNATION FOR THE
STATEWIDE PLANNING GOALS) HOWARD CANYON SITE

I. INTRODUCTION

In 1987, Multnomah County denied, for the fifth time, a permit to use the subject site, known as site 15 or the Howard Canyon site, for aggregate mining. The County gave as some of its reasons for denial:

1. lack of adequate public services, especially roads;
2. creation of hazardous conditions, particularly the state of Howard Canyon Road and a lack of evidence to demonstrate that blasting could be undertaken safely;
3. lack of mitigation of off-site effects through conditions;
4. failure to demonstrate the proposed use could meet applicable noise regulations;
5. failure to conform to county industrial policies; and
6. incompatibility of the use with the character of the surrounding area.

See Planning Commission Final Order of Denial on Application of Reuben Lenske and Raymond Smith, dated May 11, 1987, attached as Exhibit "A."1

1. Neighbors have requested that the file accompanying this order be made a part of the record of these proceedings.

1 The applicants did not try a sixth time. Instead, they
2 waited until periodic review and, without presenting any
3 substantial site specific evidence, prevailed upon the planning
4 staff and Planning Commission to place the Howard Canyon site on
5 the inventory of potential aggregate sites and asserted that the
6 site must be used for such mining. They assert the Board may not
7 deny them their proposed use, regardless of past County action.

8 The neighbors, on the other hand, suggest not only that the
9 County was correct the first five times, but also that, in the
10 absence of data on which the County can evaluate the effects of
11 the proposed use on other allowable uses in the vicinity, that the
12 applicants are not entitled to approval of their request.

13 Moreover, in LaPine Pumice Co. v. Deschutes County, 75 Or.
14 App. 691, 707 P.2d 1263 (1985), rev. den. 300 Or. 704 (1986)
15 contradicts the applicants' position that the county is obligated
16 to provide for aggregate mining to the detriment of other uses.
17 That Court of Appeals decision affirmed a LUBA decision at 13 Or.
18 LUBA 292 (1985), in which both Mr. Kressel and Mr. DuBay
19 participated. We are confident they will advise the Board that
20 their view in 1985 is still the law today.

21 In this Memorandum, neighbors will attempt to demonstrate
22 that the Board can, and should, exercise its discretion to place
23 the Howard Canyon site as a "3B site," in which other uses, e.g.
24 residential, farm and forest uses, may be used fully without the
25 threat of a surface mining use. The other alternatives include:

1 1. A "3A" designation, under which the Board must find no
2 conflicting uses. Neighbors believe this is not a possibility, in
3 view of the five previous denials, largely due to conflicts with
4 surrounding uses; and

5 2. A "3C" designation, under which the County would, at this
6 time, determine the nature of conflicts between the surface mining
7 use, and other uses allowable in the vicinity, and resolve those
8 conflicts through the use of "clear and objective conditions."
9 Neighbors believe this is not a viable alternative either, because
10 the conflicts have not been objectively set forth, and therefore
11 cannot be the subject of clear and objective conditions. This is
12 so due to the lack of information presented by the applicants
13 themselves.

14 Michael Beyer, Michael Gamma, Ross Senske, and Pam Pebbles,
15 among others, are residents and neighbors of the proposed site for
16 the Howard Canyon quarry ("neighbors"). Their residential use is
17 a noise and dust sensitive use which conflicts with the proposed
18 development of a quarry. Operation of a quarry at this site is
19 both unnecessary and would negatively impact neighbors in a number
20 of ways, including air and noise pollution, and traffic and road
21 capacity problems.

22 Multnomah County has included the Howard Canyon site in its
23 inventory of significant natural resources compiled pursuant to
24 Goal 5 inventory requirements. Neighbors suggest that the
25 appropriate site designation is 3B, which allows conflicting uses
26 even though a significant resource exists. This classification is

1 consistent with the County's discretion under the provision of OAR
2 660-16-010 (2). However, a 3B designation does not remove the
3 site from the inventory; the designation merely prohibits
4 immediate exploitation protecting other allowable uses.

5 Immediate exploitation of this resource is neither desirable
6 nor required. The ESEE consequences of operation of a quarry at
7 this site, as summarized below, demonstrate that this site need
8 not and should not be developed for mineral and aggregate
9 extraction during this planning period.

10 II. ESEE CONSEQUENCE ANALYSIS

11 The County's economic, social, environmental, and energy
12 ("ESEE") consequence analysis supports a 3B designation because
13 the benefits of allowing the conflicting uses outweigh the
14 benefits of current exploitation of the resources at this site in
15 light of the conflicts created and negative impacts resulting from
16 such exploitation.

17 A. Economic

18 The County has determined that there are at least eight other
19 aggregate developments in operation within a 25 mile range of this
20 site to serve the local area. The report of a certified
21 geological engineer lists several specific sites, which have been
22 identified as currently and adequately supplying the East
23 Multnomah County area. Therefore, development of the Howard
24 Canyon site is not necessary to meet the local needs for this
25 resource.

1 In addition, full development of the site has the potential
2 to conflict with current use levels of roads for farm and forestry
3 operations. Road improvements at a cost of \$500,000 to \$1,000,000
4 would be required to handle the traffic from the proposed use.
5 In light of these expenses, it would not be economical to develop
6 the site. Because of the relatively low level of usage permitted
7 under current zoning, the proposed 3B designation will not
8 preclude a later decision to utilize the subject site for
9 aggregate mining at a later periodic review.

10 The existence of other resource sites in the area is relevant
11 to the question of economic consequences. The site is not now
12 necessary to meet the demand for the resource, chiefly because
13 there is no demand for rock in this rural area for the foreseeable
14 future. Transportation is considered to be economically viable up
15 to 25 miles for a one way trip. (Gray, DOGAMI, 1988). There are
16 at least eight other aggregate sites in operation within a 25 mile
17 range of this site which are sufficient to meet the needs of the
18 county for the duration of the planning period. If land use
19 patterns change, economic consequences may be analyzed in future
20 periodic reviews.

21 On the other hand, homes and other allowable uses too near
22 the noise and dust of extraction activities will have lessened
23 resale value. Proportionally, there is a greater economic impact
24 on the value of the nearby homes and other uses than there is on
25 the resource. The value of the resource may indeed increase over
26

1 time if left in place. The economic consequences of developing a
2 quarry at this site support a 3B designation.

3 B. Social:

4 No portion of the resource site is more than one-half mile
5 from a noise sensitive use. Therefore, an extraction operation
6 would be subject to limitations on hours of operation and days of
7 blasting (as proposed in the amended Mineral Extraction Code
8 section). Because of the wind and funnel effect of the canyon
9 topography, buffering will have to be extensive to protect nearby
10 noise sensitive uses, if effective at all.

11 Operation of the quarry will interfere with the use and
12 enjoyment of property by nearby residents. The noise generated by
13 blasting, machinery, and rock crushing is considerable. In the
14 opinion of a certified engineering geologist, on-site crushing
15 will constantly challenge DEQ and County noise and dust limits.
16 The impact of the noise is increased by the topography of the
17 site. The noise is amplified through the wind and funnel effect
18 of the canyon topography. The social consequences of the proposed
19 operation justify a 3B designation at this time.

20 C. Environmental:

21 1. Noise and Air Pollution

22 Noise, dust particulates, and blasting are impacts on such
23 nearby sensitive land uses as homes, schools, and public parks.
24 There are several homes located in close proximity to the site
25 that would suffer negative environmental consequences from a
26 quarry operation. A 3B designation does not remove the site from

1 the inventory, the designation merely prohibits immediate
2 exploitation and protects the conflicting residential use.

3 2. Slope Hazard

4 There is a potential slope hazard existing on the site.
5 The side slopes on the site vary from 50 to 90% (Schnitzer,
6 DOGAMI, 1986). A study submitted into the record by an
7 engineering geologist indicated a slope hazard at the site due to
8 the following:

- 9 1. Evidence of numerous landslides along the contact of
10 the Boring Lava and Troutdale Formation;
- 11 2. The presence of numerous springs and seeps which
12 occur along the contact of the Boring Lava and Troutdale
13 Formation; and
- 14 3. The Troutdale Formation at this site is subject to
15 failure when overburden is removed.

16 The area is underlain by the Troutdale Formation which can
17 become unstable when exposed. At the very least, additional study
18 is necessary to determine the geologic hazard potential.

19 The resource site is associated with a known mapped hazard
20 area (ODF, 1987 Geologist site review and Shannon and Wilson
21 Study, 1978). A slump area, active in the last 20 to 30 years was
22 identified. Erosion and subsequent sedimentation of the Class I
23 Stream was documented during the development of an access road
24 near the site by ODF in 1987. (See 1987 Forest Practices Act
25 violation above; see also Findings in support of Denial of
26 Conditional Use Permit, Multnomah County File No. CU 7-87, #681;
see also Lewis Scott, Certified Geological Engineer's January 9,
1990 Report; and public testimony of Lewis Scott before the

1 Multnomah County Board of Commissioners on January 9, 1990). The
2 use of this resource may create slope hazard conditions below the
3 site and presents erosion and sedimentation problems off-site.
4 Heavy truck use increases these risks. Conflict with Goal 7 has
5 occurred in the past and is likely to occur again if the site is
6 developed.

7 3. Water Quality and Wetlands

8 There is a Class I stream immediately north of the resource
9 ridge. The mapped resource area does not include the stream and
10 it appears that actual extraction can occur without disturbance of
11 the stream. However, road construction at the site has already
12 resulted in disturbance of this Class I Stream.

13 The Class I stream noted above also is identified as a
14 wetland on the U.S. Fish and Wildlife "National Wetland
15 Inventory." In addition to creation of dust and other off-site
16 impacts, development of the site, including extraction and road
17 construction may adversely affect the wetland area.

18 4. Fish and Wildlife Habitat

19 A deer and elk wintering area (ODF&W, 1988) is located within
20 one mile of the resource site to the southwest and poses a
21 conflict in terms of proximity to weakened wintering herds. In
22 addition, past operations at the site have resulted in violations
23 of the Oregon Forest Practices Act due to disturbance of a Class I
24 Stream which adversely affects fish habitat. These constitute
25 direct conflicts with other Goal 5 Resources.

1 Due to the environmental consequences of development, the
2 site should be designated 3B.

3 D. Energy

4 Operation of a quarry in the vicinity of noise and dust
5 sensitive use requires alteration of the manner, location and
6 extent of extraction activities, resulting in greater use of
7 energy to the operator. Existing sites in the area do not require
8 additional expenditure of energy in terms of road construction and
9 extraction programs which are compatible with surrounding uses
10 because they are developed and operating, whereas the proposed
11 operation would be less energy efficient due to required
12 accommodation of nearby noise and dust sensitive uses.

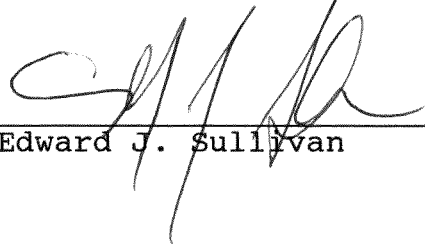
13 III. CONCLUSION

14 Goal 5 does not require immediate use or exploitation of Goal
15 5 resources. See Coats vs. Deschutes County, 3 Or LUBA 69 (1981);
16 La Pine Pumice Company, supra. If minerals are not extracted,
17 they do not go away. Those minerals may be protected and
18 preserved for future use when a subsequent ESEE analysis indicates
19 a change in circumstance requiring reclassification of a
20 particular site. The County's Goal 5 process is sufficient to
21 protect Goal 5 resources.

22 Due to the numerous existing conflicts, the potential for
23 additional conflicts with statewide planning goals, and the
24 existence of other viable options, the County should designate the
25 Howard Canyon site as 3B.

1 Respectfully submitted,

2 MITCHELL, LANG & SMITH

3 
4 _____
5 Edward J. Sullivan
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MULTNOMAH COUNTY OREGON

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

DECISION OF THE
MULTNOMAH COUNTY PLANNING COMMISSION

Meeting of May 11, 1987

IN THE MATTER OF:

CU 7-87, #681

Conditional Use Request
(Sale of Rock From Private Quarry)

Applicant requests conditional use approval to sell rock from a quarry which is being operated for the applicant's own use.

Location: 38500 SE Howard Road, Corbett

Legal: A Portion of Tax Lots '2' and '3',
Section 1, 1S-4E, 1986 Assessor's Map

Site Size: 2 Acres

Size Requested: Same

Property Owner: Reuben Lenske/Raymond Smith
PO Box 183, Corbett, 97019

Applicant: Raymond Smith
PO Box 183, Corbett, 97019

Comprehensive Plan: Rural Residential

Present Zoning: MUF-39, Multiple Use Forest District
Minimum lot size of 38 acres

PLANNING COMMISSION
DECISION:

Deny proposal for any commercial gravel quarry use on the above described property, based on the following Findings and Conclusions.

20.00 Ac.

27.20 Ac.

(45)
8.53 Ac.

(53)
8.00 Ac.

22.30 Ac.

36

north

CU 7-87

MUF-19



SITE:.....TL '2' & '3'

LOCATION:..NE 1/4 Sec. 1

T. 1S., R. 4E

SZM's:.....666 & 681

SCALE:.....1"=250' (approx.)

(9)
39.40 Ac.

(8)
28.22 Ac.

(42)
10.00 Ac.

(14)
18.05 Ac.

(10)
5.27 Ac.

(38)
13.49 Ac.

(56)
3.00 Ac.

(49)
5.00 Ac.

(25)
32.35 Ac.

MUF-38

(13)
34.44 Ac.

Possible Access

EFU

(16)
39.38 Ac.

(17)
39.06 Ac.

(2)
19.02 Ac.

(13)
19.79 Ac.

PRIMARY ACCESS

11.556-60

(16)
2 Ac.

(5)
5.45 Ac.

MUF-19

(7)
25.24 Ac.

(28)
2.01 Ac.

MUF-38

(19)
10.478 Ac.

(11)
74.66 Ac.

HOWARD

ROAD

LOUPEN RD

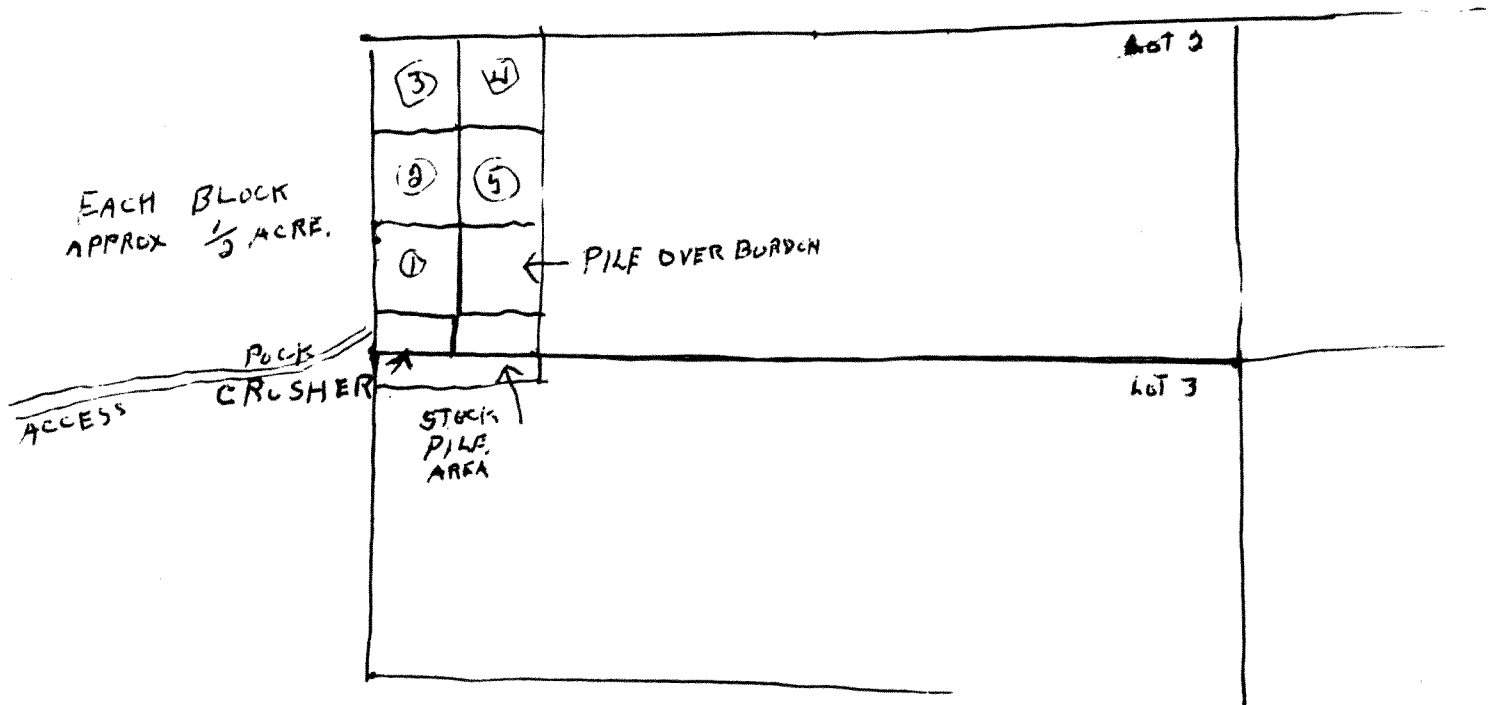
(9)
0.62 Ac.

1.719

NO 11884
NO 11882

N

TAX LOT 2 SEC 1, 1, S, W.E.
" " 3 " " " "



CU 7-87

Findings of Fact.

1. Applicant's Proposal.

The applicant requests approval for a 2-3 acre gravel quarry operation to take place on his property on a ridge between Howard Canyon and Knieriem Canyon at about the 750-foot elevation level. The area of excavation involves the western end of Tax Lot '2' (a 20-acre parcel) to cover about six and one-half acres of the total parcel. Tax Lot '3' includes the crushing and stockpile area and truck loading level.

The applicant has already built an access road off Howard Road which rises about 125 feet to an area below the ridge top and to a floor area below an abrupt rock face. The applicant has leveled out a platform below the rock face on which are now located a rock crusher, trailer and a large shovel. The crusher then pours the crushed rock to the lower access road level landing where trucks load and haul the material down to Howard Road. The proposal is to remove the soil overburden (about one and one-half to five feet) on the grass ridge top and then cut into the face of the rock cliff in one-half acre cells. Each one acre contains about 75,000 cubic yards of material (applicant's estimate). The proposal would result in a lower ravine in the middle of the east/west hill top. The side of the excavation would be sloped and overburden material would be replaced to three feet in depth. The surface would then be reseeded with grasses and/or Christmas trees. The viable deposit is a basalt layer (Boring Lava) about 40 feet thick over Troutdale formation.

The applicant intends to mine less than one acre per year. One acre at 75,000 cubic yards of material would generate 7,500 truck trips at 10 cubic yards/truck. The applicant estimates ten truck trips per day which would result in about only one-half acre of mined material (36,400 cubic yards) if the operation were seven days a week and all material removed was crushed (or about 3,640 truck trips/year). The applicant indicates a life span of four to five years for the present application, however, he states that the deposit could serve the Corbett area for 100 years.

2. Past History and Area Setting.

A proposal for a mining operation at this area was made in 1968 (ZC 51-68), 1970 (ZC 23-70), 1971 (as a temporary permit), and in 1980 (CU 13-80). Each time the request was denied based upon impacts to road system and on adjacent uses. The scope of prior applications was for more land area to be mined over larger periods of time.

The setting of the area is largely natural resource in nature, but it is of a more impacted nature. The area to the west has more farm uses and rural residential whereas the further east one goes the more forest-oriented the areas are and fewer rural residences. The commercial forest zone starts about two and one-half miles east of the proposed quarry site, but the ownerships are fairly large (well over 40 acres) within Section 1, 1S-4E and in Section 36, 1N-4E south of Knieriem Road. The farther east in succeeding sections, the larger the ownerships become.

The quarry site is a cleared ridge top currently used for grazing and the personal use quarry of the applicant. The ridge is bordered by forested ravines to the north with a small creek and to the south by Howard Canyon and a small creek (Big Creek). Much of the land up Howard Canyon has been logged and the stocking level of commercial species is low.

The first two-third's of a mile of Howard Road has rural residential uses on it with nine homes directly accessing Howard Road. Immediately to the south of this canyon is a ridge which is traversed by Loudon Road which has some 25 homes along a one and one-half mile stretch due south of Howard Road. According to the County's recently completed Rural Lands Inventory, there are approximately 96 homes within a one-mile radius of the quarry site.

The location of the quarry is largely screened from view during the summer by trees. It is not visible from Howard Road. It can be seen in winter from houses on the ridge to the south and from Loudon Road in some locations (e.g., intersection with O'Regan Road) as well as from Saltzman Road in some very small areas.

The roads in the immediate area are all oil matte surfaces. Howard Road is the main access point requested. It starts from SE Littlepage Road to 3,609 feet east with a 40-foot right-of-way and 20 feet of paved width (on average). From 3,609 feet the right-of-way increases to 60 feet but the paved width is still 20 feet to a point 5,190 feet from SE Littlepage Road. At about this one mile point the paved section narrows to 12 feet. The applicant's access to the quarry is a little less than at the one-mile point. After 6,901 feet east of SE Littlepage Road, Howard Road is no longer paved and the right-of-way ends 2,260 feet beyond the paved area. The applicant received a permit (#85-0393-5) from Multnomah County to rock the unpaved portion of SE Howard Road in 1985, which he has done. Site investigation reveals a pavement width on SE Howard Road, prior to the quarry access that varies between 14 feet to 20 feet. The road in places is bound by Big Creek and a steep slope such that expansion would be difficult.

The other possible access road, Knieriem Road, is to the north and it has a 40-foot right-of-way and a 22-foot paved width. SE Littlepage Road, which directly accesses Crown Point Highway, has a 40-foot right-of-way and a 20-21 foot paved width.

3. Ordinance Considerations.

There are two parts of the Multnomah County Zoning Code which apply to this application, both within the Conditional Use Section of MCC 11.15-.7105.

A. Section .7102 states that the approval authority shall find that the proposal:

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

(B). Will not adversely affect natural resources;

- (C). Will not conflict with farm or forest uses in the area;
- (D). Will not require public services other than those existing or programmed for the area;
- (E). 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;
- (F). Will not create hazardous conditions; and
- (G). Will satisfy the applicable policies of the Comprehensive Plan.

B. Section .7325 requires that the approval authority find that:

- (A). An economic deposit of the mineral resource proposed to be extracted exists.
- (B). There is a proposed reclamation plan which is in conformance with the Comprehensive Plan and the underlying district.
- (C). Adverse impacts on surrounding areas with regard to the following have been, or can be mitigated:
 - (1). Access and traffic;
 - (2). Screening, landscaping, lighting and visual appearance;
 - (3). Signing;
 - (4). Hours of operation;
 - (5). Air, water and noise pollution;
 - (6). Insurance and liability;
 - (7). Architectural designs of structures;
 - (8). Excavation depths, lateral support, and slopes;
 - (9). Blasting and other vibration causing actions;
 - (10). Safety and security;
 - (11). Phasing program; and
 - (12). Reclamation.
- (D). The proposed operations will not result in the creation of a geologic hazard to surrounding properties, such as through slumping, sliding or drainage modifications, and have been certified by a registered soils or mining engineer, or engineering geologist as meeting this requirement.

(E). Setbacks for the proposed operations are appropriate for the nature of the use and the area where the use is to be conducted.

(F). Conditional or preliminary approval for all phases of the proposed operation, including reclamation, has been received from all governmental agencies having jurisdiction over mineral extraction, and the applicable requirements in ORS 517 and ORS 522 have been complied with.

(G). The applicable standards in MCC .7120 have been complied with.

4. Compliance with Ordinance Criteria.

A. MCC 11.15.7120, General Conditional Use Approval Criteria:

(A) Is Consistent with the Character of the Area:

The use of the ridge as a gravel quarry is a natural resource use. The location is on the edge of the more rural residential/farming part of the foothills. The roads in the area are built to serve relatively light uses. Although the quarry is not of an obstrusive visual nature, due to topographic screening, its noise level is considerably different than most natural resource uses. A gravel quarry on land is a more industrial type of use. The noise is considerable through Howard Canyon from the blasting, machinery, and rock crusher. Unlike a logging operation which is sparodic and movable, this use stays in one area year around. By the applicant's indication, the use could stay for many decades.

Rural residents in natural resource zones must be prepared to accept the normal natural resource uses with logging and farming. There are no guarantees of quiet country life for residential purposes alone. However, a quarry with 96 homes in a mile radius will create a more than normal burden from farm or logging practices primarily due to noise and increased truck traffic. The applicant is asking for a commecial quarry in an area unimpacted by such uses in a remote location that requires truck traffic to traverse miles of roads which are lightly constructed with marginal sight distances.

For the above reasons, the proposed site cannot be found to be consistent with the character of the area.

(B). Will Not Adversely Affect Natural Resources.

The use of the ridge for a gravel quarry would remove a small area of cleared grass used for pasture (about three to four acres). The value of the gravel resource, however, outweighs the value as farm ground. The quarry noise may affect some wildlife species, but no significant species have been identified on or near the site that would be affected by the use.

(C). Will Not Conflict with Farm or Forest Uses.

The gravel operation is currently underway and cattle are being simultaneously grazed on the ridge top pasture. The use is partly for the purposes of gravelling logging operations on the applicant's own forest lands. No forest lands are taken out of production by this use nor will affect any adjacent commercial forest lands. The use of the rural roads for gravel trucks would affect the wear of the roads which in turn reduces their capacities for logging trucks. On balance the use would not affect farm or forest operations.

(D). Public Services for the Site.

The use will require public services not available to the site. According to the Multnomah County Engineer, neither Howard or Knieriem Roads are constructed to sufficiently withstand the extra load of gravel trucks on a consistent basis. Oil matte surface roads are not built to withstand consistent heavy truck traffic without breaking up. The applicant would have to construct SE Howard Road to a much stronger standard for a distance of nearly one mile to SE Littlepage Road. Due to road width limitations, SE Howard Road would be very difficult to improve to sufficient safe conditions. The applicant proposes using SE Knieriem Road as his access to the north once the ridge top is excavated. SE Knieriem Road, although wider and having better sight distances, also would need to be improved about one-half mile to SE Littlepage Road. Moreover, SE Littlepage Road also is a oil-matte road. The dispersal of trucks north and south would, however, reduce the truck load on SE Littlepage Road. SE Knieriem Road going northeast provides the shortest distance to Crown Point Highway (about 1.2 miles). If SE Knieriem Road were improved that distance, and all trucks went directly to Crown Point Highway, then the impact to road surfaces may be acceptable.

The applicant has made no proposals for the County roads which his site would access. The materials submitted by the applicant are not clear in terms of numbers of trucks generated as compared to the material to be removed on a yearly or monthly basis. The range would appear to be between 70 and 144 truck trips per week based upon the applicant's submitted material (10 truck trips per day versus one acre of mined area/year).

For the above reasons, the use cannot be found to have adequate services to the site, primarily safe and adequate roads.

(E). Big Game Winter Area.

The site is not located within or close to an identified Big Game Winter Habitat area as identified by the Oregon Department of Fish and Wildlife.

(F). Will Not Create Hazardous Conditions.

The County has a Geologic and Slope Hazard Study for the County which was done in 1978. It contains a map which shows that the rock face on the quarry site has a hazard potential due to its slope. The applicant has submitted a letter from a soil scientist who conducted on a preliminary investigation of the site in 1986. It states that "due to the combination of site drainage, landscape position, and apparent stability, it does not appear that adverse geologic or natural effects to surrounding properties will occur as a result of the proposed operation". In addition, a site investigation report by the Oregon Department of Geology and Mineral Industries reclamationist in December of 1986 found no problem with either the drainage, stability or reclamation potential of the site.

The traffic situation is another safety consideration apart from the natural ones. The condition of SE Howard Road in terms of its width, curves and in places, no escape routes, makes it very dangerous for heavy truck traffic. Other roads which would be traversed by gravel trucks in more than normal levels for home site or logging road purposes also are:

- 1). narrow (average of 20-foot paved width);
- 2). curvey;
- 3). have many intersections (including three at one place where Howard, Littlepage and Pounder Roads come together) and
- 4). have marginal site distances.

A traffic safety study of the local roads has been submitted by the adjacent resident which was prepared by a traffic engineer. The conclusions of that study are that the proposed use would generate unsafe conditions due to congestion, sight distances, roadway characteristics, traffic/pedestrian conflict and driver behavior.

One last hazard factor is the use of dynamite blasting to loosen the mineral basalt deposit. Adjacent residents, particularly from the closest residence at about 700 feet, have noted that the blasts shake their homes to a considerable extent. No evidence has been placed into the record by the applicant about the relative safety of dynamite blasts at this location.

For the above reasons, the proposed use does present hazardous conditions for truck traffic. The vibration effect of blasting cannot be found to be safe due to lack of evidence in the record to the contrary.

(G). Satisfy Applicable Policies of the Comprehensive Plan.

a. No. 2, Off-Site Effects.

For reasons of traffic impact and safety, it is not possible to mitigate off-site effects through the imposition of reasonable conditions. Conditions related to numbers of truck trips allowed per day, week, or month are exceedingly difficult to monitor and enforce.

b. No. 12, Multiple Use Agriculture.

The use of a gravel resource is allowed in the Multiple Use Forest Zone with no goal exception required. There would be no loss of forest resources through this use.

c. No. 13, Air, Water and Noise Quality.

There is evidence in the record that no water quality damage will be caused at the site itself. Unlike past proposals, there will be no use of water to wash the gravel as it is dry crushed. At the entrance of the existing gravel access road to Howard Road there has been shifting of the bank and sediment is tracked onto Howard Road and sediment has gotten in the culvert and thereby into Big Creek. Air quality appears not to be a concern except in the dry part of the year when dust is put into the air by the use of machinery, the crusher and trucks. The crusher itself does have a DEQ Air Quality Permit. The noise factors have not been addressed by the applicant. Several residents have indicated that the noise in Howard Canyon is considerable when the blasting, machinery and particularly the crusher are operating. Residents on SE Loudon Road are particularly subject to the amplification effect of this use. Staff could clearly hear a bulldozer operating at the site while at several points along Loudon Road during the site visit. The noise levels cannot be evaluated from the applicant's submission, but it is doubtful that they would be physically damaging due to the distance of the nearest residences. The intrusion of noticeable noise however in a rural setting is obvious from this use which could be fairly constant for a period of years. This noise would be more constant than normal expected natural resource uses such as farming (plowing), forestry (tractors, kidders, and log trucks) or clearing (which could involve stump blasting).

Absent any direct information from the applicant, it would appear that the use does not meet the Noise Policy.

d. No. 14, Development Limitations.

There is evidence in the record which indicates that this use can be conducted in such a fashion as to not be impacted by the steep slopes on part of the proposed site. There is, however, no evidence in the record to address the effects of blasting at this site as far as vibrations on adjacent residences or other buildings.

e. No. 15, Significant Environmental Concerns.

With the exception of the sedimentation currently occurring at the access road junction at Howard Road (which can easily be corrected according to the County Engineering Staff), there are no significant environmental concern areas which would be affected by this use. Howard Canyon is a dead-end road that is not heavily used for public recreation, the area is outside the Columbia Gorge National Scenic Area, there are no historic sites, or identified ecologically significant sites. The site is effectively screened for half the year and is primarily visible only from SE Loudon Road which has not been identified for significant scenic status.

f. No. 16, Natural Resources.

With the exception of the first resource listed in this Policy (Mineral and Aggregate), there are no natural resources present on the site or affected by this proposed use. The Policy states that it is the County's policy "to protect natural resource areas and to require a finding prior to approval if a legislative or quasi-judicial action that the long-range availability and use of the following will not be limited or impaired". Gravel is a resource of importance to the County, particularly as the major gravel resource of the east County area has been built up and siting new pits is very difficult.

A 1978 Rock Materials Resource Study done by the Oregon Department of Geology and Mineral Industries indicates few sites in the area east of the Sandy in Multnomah County. Some existing sites are no longer active, the Columbia Gorge National Scenic Area will limit the number of new sites in the northern County area, and other sites are farther away in Clackamas County and in Multnomah County west of the Sandy. The County recently approved a three-year gravel operation at the mouth of the Sandy River, but that use is now in the Columbia Gorge N.S.A. and it may or may not be continued after the three year approval period.

The long-range ability of this site to produce gravel would not be affected if it were not used at this time due to lack of adequate road services. Other sites exist within economic range at this time to serve the needs of development in the Corbett Area. Sand and gravel are extracted by Columbia River dredging on a yearly basis and a site is available just west of the Sandy river as well as at the area of SE 190th Avenue and SE Division Street.

g. No. 30, Industrial Location.

There is no direct rural industrial policy, but it is the County's overall industrial policy that the County is to "restrict the siting of industrial activities in locations where the site access would cause dangerous intersections or traffic congestion, considering the following:

1. Roadway capabilities;
2. Existing and projected traffic counts;
3. Speed limits;
4. Number of turning points

A gravel quarry is in nature more like an industrial use (from medium to heavy depending on size) and should be subject to the above policy. For reasons stated in subpart D. above, this proposal does not meet this Policy.

h. No. 33a, Transportation System.

Because of the impacts on the adjacent light duty road system, this proposal does not fulfill the Policy to implement a safe and efficient transportation system.

B. MCC 11.15.7120, Gravel Extraction Approval Criteria .

Because this proposal cannot meet the General Conditional Use Criteria under parts A, D, F, And G, it therefore cannot meet the specific gravel extraction criteria under C. 1, 5, and 9 and G, based upon the same Findings and analysis as above.

Conclusions.

1. The proposed use for a commercial gravel quarry at this site cannot meet the burden of proof under the General Conditional Use Criteria of MCC 11.15.7102.
 - A. The use is inconsistent with the character of the area.
 - D. The use does require public services in the form of roads not available to the site.
 - F. The use will create hazardous traffic conditions on SE Howard Road.
 - G. The use cannot meet Comprehensive Plan Policies (specifically No. 2, Off-Site Effects, No. 13, Noise, No. 14, Development Limitations, No. 30, Industrial Location and No. 33a, Transportation).

2. The proposed use also cannot meet the Approval Criteria of MCC 11.15.7120 because it cannot specifically meet subsections C. 1., Impact on Surrounding Areas due to access and traffic, C. 5., Noise Pollution, C. 9., Blasting, and G. the general conditional use criteria of Number 1. above.

Signed May 11, 1987

By *Ruth Spetter, ss*
Ruth Spetter, Chairperson

May 21, 1987
Filed With the Clerk of the Board

Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 4:00 p.m. on Monday, June 1, 1987 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 S.E. 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, June 2, 1987 in Room 602 of the Multnomah County Courthouse. For further information, call the Multnomah County Division of Planning and Development at 248-5270

BCC/
Planning

Multnomah County Board of Commissioners
1021 S.W. 4th Ave.
Portland, Oregon 97204

February 7, 1990

Dear Sir/Madame,

Since 1972 We have been fulltime residents of Multnomah County. We have lived in Southwest Portland, Northwest Portland, Southeast Portland, and now in the unincorporated area of Northwest Multnomah County, near the proposed expansion of the Angell Brothers Rock Quarry.

We would like to go on record as opposing the expansion of the Angell Brothers Rock Quarry. Similarly, we would be opposed to any activity that would infringe upon the valuable and irreplaceable "Wildlife Corridor" and "Scenic View" in the Tualatin Mountains.

The Angell Brothers Rock Quarry expansion request appears to be directly aimed at circumventing the process of review of Goal 5, and the County Board. We urge you to reject this permit, at least until more time has been set aside to study more closely the impact of such an expansion, especially given that the rock quarry has a 20-30 year supply of aggregate on hand.

Thank you for your consideration in this matter.

Sincerely,

Capt. & Mrs. J. M. Vonfeld

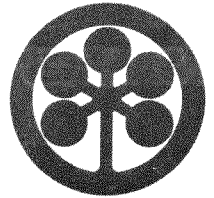
Capt. and Mrs. J. M. Vonfeld

CLERK OF
COUNTY COMMISSIONERS
1990 FEB 12 AM 10:37
MULTNOMAH COUNTY
OREGON



CITY OF PORTLAND
BUREAU OF PARKS AND RECREATION

1120 S.W. 5TH, ROOM 502
PORTLAND, OREGON 97204-1976
(503) 796-5193



MIKE LINDBERG, Commissioner

CHARLES JORDAN, Superintendent

February 20, 1990

Board of Commissioners
Multnomah County
1021 S.W. 4th Avenue
Portland, OR 97204

Revised

1990 FEB 20 11:00
MULTNOMAH COUNTY
OREGON

Dear Commissioners:

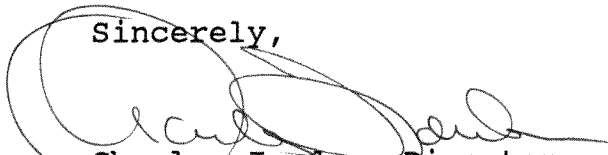
The Portland Parks Bureau is aware of an issue before you regarding balancing of natural resources through periodic review of the County's Comprehensive Plan. We believe that the considered resources must include the Forest Park wildlife corridor and that this resource must be acknowledged as an important resource for Multnomah County and the City of Portland. Our staff have also submitted testimony regarding the importance of this resource at the appropriate time before you as well as before the Multnomah County Planning Commission.

Our concern on this issue relates primarily to future impacts on this corridor linking Forest Park to the Coast Range. As large as it is, Forest Park's 4,800 acres are not enough to support populations of deer, elk, black bear, and bobcat. The migration of these species to and from the park add a great deal to the park and represent a very significant resource to the citizens of Portland.

The Portland Parks Bureau is supporting the County's ongoing study of the wildlife corridor resource this next fiscal year with a contribution of \$5,000. We believe that a corridor does exist, and that it is important to know more about how it functions for wildlife.

I believe that any action taken at this time which does not benefit from a full understanding of this important resource would be unwise. The Park Bureau and the citizens of this region have invested too much in our system's premier natural park to not give it this reprieve.

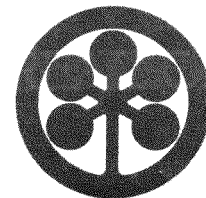
Sincerely,


Charles Jordan, Director



CITY OF PORTLAND
BUREAU OF PARKS AND RECREATION

1120 S.W. 5TH, ROOM 502
PORTLAND, OREGON 97204-1976
(503) 796-5193



MIKE LINDBERG, Commissioner

CHARLES JORDAN, Superintendent

February 20, 1990

Board of Commissioners
Multnomah County
1021 S.W. 4th Avenue
Portland, OR 97204

Dear Commissioners:

The Portland Parks Bureau is aware of an issue before you regarding the expansion of a quarry located less than a mile north of Forest Park. Our staff have submitted testimony at the appropriate time before you as well as before the Multnomah County Planning Commission.

I would like to reiterate our concern on this issue as it relates to possible negative impacts to the wildlife corridor which connects Forest Park to the Coast Range. As large as it is, Forest Park's 4,800 acres are not enough to support populations of deer, elk, black bear, and bobcat. The migration of these species to and from the park add a great deal to the park and represent a very significant resource to the citizens of Portland.

The Portland Parks Bureau is supporting the County's ongoing study of the wildlife corridor resource this next fiscal year with a contribution of \$5,000. We believe that a corridor does exist, and that it is important to know more about how it functions for wildlife.

I believe that any action now taken which threatens the connection between Forest Park and adjacent rural areas would be unwise until more is known. The Park Bureau and the citizens of this region have invested too much in our system's premier natural park to not give it this reprieve.

Sincerely,


Charles Jordan, Director

1990 FEB 20 11 03 34
MULTNOMAH COUNTY
OREGON

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF MULTNOMAH COUNTY, OREGON**

ORDINANCE NO. 640

An ordinance amending Multnomah County Comprehensive Framework Plan to comply with the Periodic Review requirements of the Oregon Department of Land Conservation and Development.

SECTION 1. FINDINGS

The Board of County Commissioners finds that certain amendments of the Multnomah County Comprehensive Framework Plan are necessary to comply with the Periodic Review requirements of the Oregon Department of Land Conservation and Development.

SECTION 2. AMENDMENT

The Comprehensive Framework Plan is amended as follows:

Note: Deleted language is bolded and struck thru (~~temporary daytime~~), and new language bolded and enlarged(**is distinguished**).

A. Policy 1- Plan Relationships

INTRODUCTION

The purpose of this policy is to establish and maintain the relationships between this Comprehensive Framework Plan ("Framework Plan") and its implementation measures.

1. The Statewide planning goals adopted by the Land Conservation and Development Commission;
2. The Urban Growth Boundary adopted by METRO;
3. The Comprehensive Plan in effect prior to September, 1977, ("Pre-existing Plan"); and
4. The Wilkes and Hayden Island Community Plans adopted prior to September 1977, and all other community plans adopted after September 1977.

This policy also establishes the relationship between this Framework Plan and County zoning regulations.

POLICY 1.

IT IS THE COUNTY'S POLICY THAT:

- A. THIS FRAMEWORK PLAN WITH ITS COMPONENT INDIVIDUAL COMMUNITY PLANS AND ALL FUTURE COUNTY PLANS AND PLAN REVISIONS SHALL BE DESIGNED TO BE CONSISTENT WITH THE STATEWIDE PLANNING GOALS ADOPTED BY THE LAND CONSERVATION AND DEVELOPMENT COMMISSION AND THE URBAN GROWTH BOUNDARY AND ITS IMPLEMENTING POLICY ADOPTED BY THE METRO**

COUNCIL.

- B. COMMUNITY PLANS AND IMPLEMENTATION MEASURES ADOPTED BY MULTNOMAH COUNTY AFTER THE EFFECTIVE DATE OF THIS FRAMEWORK PLAN SHALL BE DESIGNED TO BE CONSISTENT WITH THIS FRAMEWORK PLAN.**
- C. IN DETERMINING THE PERMISSIBLE USES OF A SPECIFIC PARCEL, THE PROVISIONS OF AN APPLICABLE COMMUNITY PLAN, IF ANY, SHALL CONTROL OVER CONFLICTING PROVISIONS OF THIS FRAMEWORK PLAN OR THE PRE-EXISTING PLAN. FURTHERMORE, UNLESS A SPECIFIC FRAMEWORK PLAN POLICY STATES THAT IT IS TO SUPERSEDE A COMMUNITY PLAN POLICY,, IN CASE OF LAND USE ACTIONS WHERE ANY CONFLICT OCCURS BETWEEN THE FRAMEWORK PLAN AND THE COMMUNITY PLAN, THE COMMUNITY PLAN WILL PREVAIL.**
- D. IN AREAS DESIGNATED BY THIS FRAMEWORK PLAN AS NATURAL RESOURCE OR RURAL, THE COMPARABLE LAND USE DESIGNATIONS ON THE PRE-EXISTING PLAN SHALL BE REPEALED ON THE DATE THE FRAMEWORK PLAN IS ADOPTED. AT THAT TIME, ZONING REGULATIONS IMPLEMENTING THE FRAMEWORK PLAN DESIGNATIONS SHALL BE ADOPTED.**
- E. IN AREAS DESIGNATED BY THIS COMPREHENSIVE FRAMEWORK PLAN AS URBAN, AND WHERE AN APPLICABLE COMMUNITY PLAN HAS NOT BEEN ADOPTED, THE PRE-EXISTING PLAN AND COUNTY ZONING SHALL REMAIN IN EFFECT. ANY CHANGE IN SUCH DESIGNATIONS SHALL BE CONSISTENT WITH THIS COMPREHENSIVE FRAMEWORK PLAN. WHERE A PROPOSED USE IS PERMITTED BY BOTH THE PRE-EXISTING PLAN AND THE ZONING MAP, REQUIRED PERMITS MAY BE ISSUED, NOTWITHSTANDING A CONFLICT WITH THIS COMPREHENSIVE FRAMEWORK PLAN.**
- F. THIS PLAN WILL BE UPDATED EVERY FIVE YEARS BEGINNING SEPTEMBER 1977.**
- G. THE NEW ZONING REGULATIONS SHALL PROVIDE, AMONG OTHER THINGS, FOR THE CONTINUANCE, BUT NOT THE EXPANSION OF NON-CONFORMING USES.**
- H. ANY COUNTY ACTION TAKEN REGARDING INCORPORATION OF A NEW CITY SHALL BE DONE IN ACCORDANCE WITH STATE RULES ADOPTED IN OREGON ADMINISTRATIVE RULE 660-14-000 THROUGH -040.**

B. Policy 10 - Multiple Use Agricultural Land Area

INTRODUCTION

The purpose of the Multiple Use Agriculture Land Area Classification is to conserve those lands agricultural in character which have been heavily impacted by non-farm uses and are not predominantly Agricultural Land as defined in Statewide Planning Goal 3. This conservation is necessary to protect adjacent exclusive farm use areas and in some cases, the fragile nature of the lands themselves. These lands are conserved for diversified agricultural uses and other uses such as outdoor recreation, open space, residential development, and forestry when these uses are shown to be compatible with the natural resource base, character of the area, and other applicable plan policies.

The intent of this classification is to recognize the diminished nature of these areas for commercial

resource production, but to limit the adverse impacts of future development of them on nearby agricultural areas and on other lands of a more fragile nature (e.g., areas subject to flooding, but used for agricultural related uses).

POLICY 10

THE COUNTY'S POLICY IS TO DESIGNATE AND MAINTAIN AS MULTIPLE USE AGRICULTURE, LAND AREAS WHICH ARE:

- A. GENERALLY AGRICULTURAL IN NATURE, WITH SOILS, SLOPE AND OTHER PHYSICAL FACTORS INDICATIVE OF PAST OR PRESENT SMALL SCALE FARM USE;**
- B. PARCELIZED TO A DEGREE WHERE THE AVERAGE LOT SIZE, SEPARATE OWNERSHIPS, AND NON-FARM USES ARE NOT CONDUCTIVE TO COMMERCIAL AGRICULTURAL USE;**
- C. PROVIDED WITH A HIGHER LEVEL OF SERVICES THAN A COMMERCIAL AGRICULTURAL AREA HAS: OR,**
- D. IN AGRICULTURAL OR MICRO-CLIMATES WHICH REDUCE THE GROWING SEASON OR AFFECT PLANT GROWTH IN A DETRIMENTAL MANNER (FLOODING, FROST ETC.).**

THE COUNTY'S POLICY, IN RECOGNITION OF THE NECESSITY TO PROTECT ADJACENT EXCLUSIVE FARM USE AREA'S, IS TO RESTRICT MULTIPLE USE AGRICULTURAL USES TO THOSE COMPATIBLE WITH EXCLUSIVE FARM USE AREAS.

STRATEGIES

- A. The following strategies should be addressed as part of the Community**

Development Ordinance:

- 1. The Zoning Code should include a Multiple Use Farm Zone with:**

- a. a base minimum lot size; consistent with the character of the areas and the adjacent exclusive farm uses.**
- b. the following examples of uses:**
 - (1) permitted as primary uses; agriculture and forestry practices and single family dwellings on legal lots;**
 - (2) the sale of agricultural products on the premises, dwellings for farm help, and mobile homes, should be allowed under prescribed conditions;**
 - (3) on lands which are not predominantly Agricultural Capability Class I, II, or III, ~~rural~~ planned developments, cottage industries, limited rural service commercial, and tourist commercial may be allowed as conditional uses; and**
 - (4) the following uses should be allowed as conditional uses anywhere in the zone upon the showing that the conditional use standards can be met: commercial processing of**

agriculture or forest products, commercial services, commercial dog kennels, and mineral extraction.

- c. Lot size requirements for uses allowed as conditional uses should be based on such factors as:

- (1) topographic and natural features;
- (2) soil limitations and capabilities;
- (3) geologic limitation;
- (4) climatic conditions;
- (5) surface water sources, watershed areas and ground water sources;
- (6) the existing land use and lotting pattern and character of the area;
- (7) road access and capacity and condition;
- (8) type of water supply;
- (9) capacity and level of public services available; and
- (10) soil capabilities related to a subsurface sewerage system.

- d. Lots of Record Provisions.

- e. Mortgage Lot Provisions.

- f. Siting standards for dwellings proposed to be located adjacent to commercial agricultural or forestry use.

3. The County Streets and Road Standards Code should include criteria related to street width, road construction standards and required improvements appropriate to the function of the road and rural living environment.

4. The Capital Improvements Program should not program public sewers to this area and the County should not support the formation or expansion of existing service district areas for the provision of water service.

- B. It is intended that industrial development which has a minimum impact be allowed on the south tip of Sauvie Island upon meeting all the applicable standards of the plan and conditional use procedures.

- C. The conversion of land to another broad land use classification should be in accord with the standards set forth by the LCDC Goals, OAR's and in this Plan.

C. Policy 12 - Multiple Use Forest Area

INTRODUCTION

The purpose of the Multiple Use Forest Area Classification is to conserve those lands suited to the production of wood fibre by virtue of their physical properties and the lack of intensive development; however, in areas where the lands are suitable and the use does not impact existing forestry or agricultural uses, other uses will be allowed.

The intent of this classification is to encourage small wood lot management, forestry, reforestation and agriculture. Other non-forest or non-farm uses such as ~~rural planned developments~~, limited service commercial, extractive industries and cottage industries may also be allowed.

POLICY 12

THE COUNTY'S POLICY IS TO DESIGNATE AND MAINTAIN AS MULTIPLE USE FOREST, LAND AREAS WHICH ARE:

- A. PREDOMINANTLY IN FOREST SITE CLASS I, II, III, FOR DOUGLAS FIR AS CLASSIFIED BY THE U.S. SOIL CONSERVATION SERVICE;
- B. SUITABLE FOR FOREST USE AND SMALL WOOD LOT MANAGEMENT, BUT NOT IN PREDOMINANTLY COMMERCIAL OWNERSHIPS; AND
- C. PROVIDE WITH RURAL SERVICES SUFFICIENT TO SUPPORT THE ALLOWED USES, AND ARE NOT IMPACTED BY URBAN—LEVEL SERVICES; OR
- D. OTHER AREAS WHICH ARE:
 1. NECESSARY FOR WATERSHED PROTECTION OR ARE SUBJECT TO LANDSLIDE, EROSION OR SLUMPING; OR
 2. POTENTIAL REFORESTATION AREAS, BUT NOT AT THE PRESENT USED FOR COMMERCIAL FORESTRY; OR
 3. WILDLIFE AND FISHERY HABITAT AREAS, POTENTIAL RECREATION AREAS, OR 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.

STRATEGIES

- A. The following strategies should be addressed in the preparation of the Community Development Ordinance:
 1. The Zoning Code should include a Multiple Use Forest Zone with:
 - a. The minimum lot sizes for sub-areas of the district based on: the adjacent aggregated acreage tract size existing in each general sub-area, the forest use, and the productivity of the land. Small parcels in single ownership shall be aggregated.
 - b. The following examples of uses:
 - (1) Forestry practices, farm uses, resource conservation, and limited wood processing. Resource-related dwellings under prescribed conditions and non-resource-related dwellings under conditional uses. Such dwellings are to be allowed as approval criteria and siting standards designed to assure conservation of the natural resource base, protection from hazards, and protection of big game winter habitat.
 - (2) The sale of agricultural products on the premises should be allowed under prescribed conditions.
 - (3) ~~Rural planned developments~~, commercial processing of agricultural or forestry

products, cottage industries, limited rural service commercial, tourist facilities, recreational uses, and community facilities may be allowed as conditional uses.

(4) Mineral and aggregate extraction should be handled as a conditional use.

c. Lot size requirements for uses allowed as conditional uses should be based on such factors as:

- (1) topographic and natural features;
- (2) soil limitations and capabilities;
- (3) geologic limitation;
- (4) climatic conditions;
- (5) surface water sources, watershed areas, and groundwater sources;
- (6) the existing land use and lotting pattern;
- (7) road access and capacity and condition;
- (8) type of water supply;
- (9) capacity and level of public services available; and
- (10) soil capabilities related to a subsurface sewerage disposal system.

d. Mortgage Lot Provisions.

e. Lots of Record Provisions.

f. Homestead Lot Provisions.

2. The County Street and Road Standard Code should include criteria related to street widths, road construction standards, and required improvements appropriate to the function of the road and rural living environment.

3. The Capital Improvements Program should not program public sewers to this area, and the County should not support the formation or expansion of existing service district areas for the provision of water service.

B. The conversion of land to another land use classification should be in accord with the standards set forth by the LCDC Goals, OAR's and in this Plan.

D. POLICY 15 ~~AREAS OF SIGNIFICANT ENVIRONMENTAL CONCERN~~ WILLAMETTE RIVER GREENWAY

INTRODUCTION

~~The designation, "areas of significant environmental concern," is an overlay classification which will be applied as shown on the Comprehensive Framework Plan or as the result of a plan amendment to areas having significant natural or man-made features. It is not intended to restrict the use of land, as allowed by the Comprehensive Plan and other regulations, but to identify these areas in which land uses will be subject to a review process. However, the review process may result in the imposition of design standards to minimize adverse environmental and aesthetic impacts.~~

~~The purpose of the classification is to protect natural shoreline vegetation systems, critical and unique habitat areas, historic and archeological features, views and vistas, flood water storage areas and similar areas having public value. This will be achieved by locating buildings or uses on the site in a place which minimizes the impacts of the use on the features to be protected and~~

~~by design or landscaping techniques.~~

The Willamette River Greenway is a cooperative management effort between the state and local jurisdictions for the development and maintenance of a natural, scenic, historical, and recreational "greenway" along the Willamette River. The General Plan has been formulated by the Oregon Department of Transportation, pursuant to ORS 390.318. The Land Conservation and Development Commission has determined that a statewide planning goal (Goal 15) is necessary not only to implement the legislative directive, but to provide the parameters within which the Department of Transportation Greenway Plan may be carried out. Within those parameters local governments can implement Greenway portions of their Comprehensive Plans.

POLICY 15

THE COUNTY'S POLICY IS TO ~~DESIGNATE AS AREAS OF SIGNIFICANT ENVIRONMENTAL CONCERN, AREAS HAVING SPECIAL PUBLIC VALUE IN TERMS OF ONE OR MORE OF THE FOLLOWING:~~ PROTECT, CONSERVE, ENHANCE, AND MAINTAIN THE NATURAL, SCENIC, HISTORICAL, AGRICULTURAL, ECONOMIC, AND RECREATIONAL QUALITIES OF LANDS ALONG THE WILLAMETTE RIVER.

FURTHER, IT IS THE COUNTY'S POLICY TO PROTECT IDENTIFIED WILLAMETTE RIVER GREENWAY AREAS BY REQUIRING SPECIAL PROCEDURES FOR THE REVIEW OF CERTAIN TYPES OF DEVELOPMENT ALLOWED IN THE BASE ZONE THAT WILL ENSURE THE MINIMUM IMPACT ON THE VALUES IDENTIFIED WITHIN THE VARIOUS AREAS. THE PROCEDURES SHALL BE DESIGNED TO MITIGATE ANY LOST VALUES TO THE GREATEST EXTENT POSSIBLE.

- ~~A. ECONOMIC VALUE, E.G., A TOURIST ATTRACTION;~~
- ~~B. RECREATION VALUE, E.G., RIVERS, LAKES, WETLANDS;~~
- ~~C. HISTORIC VALUE, E.G., HISTORIC MONUMENTS, BUILDINGS, SITES OR LAND-MARKS;~~
- ~~D. EDUCATIONAL RESEARCH VALUE, E.G., ECOLOGICALLY AND SCIENTIFICALLY SIGNIFICANT LANDS;~~
- ~~E. PUBLIC SAFETY, E.G., MUNICIPAL WATER SUPPLY WATERSHEDS, FLOOD WATER STORAGE AREAS, VEGETATION NECESSARY TO STABILIZE RIVER BANKS AND SLOPES;~~
- ~~F. SCENIC VALUE, E.G., AREAS VALUED FOR THEIR AESTHETIC APPEARANCE;~~
- ~~G. NATURAL AREA VALUE, E.G., AREAS VALUED FOR THEIR FRAGILE CHARACTER AS HABITATS FOR PLANT, ANIMAL OR AQUATIC LIFE, OR HAVING ENDANGERED PLANT OR ANIMAL SPECIES, OR FOR SPECIFIC NATURAL FEATURES, OR VALUED FOR THE NEED~~
~~TO PROTECT NATURAL AREAS; OR~~
- ~~H. ARCHEOLOGICAL VALUE, E.G., AREAS VALUED FOR THEIR HISTORICAL, SCIENTIFIC AND CULTURAL VALUE.~~

~~FURTHER, IT IS THE COUNTY'S POLICY TO PROTECT THE ABOVE IDENTIFIED~~

AREAS BY THE FOLLOWING:

- ~~1. THE MAINTENANCE OF AN INVENTORY RELATED TO THESE SITES WHICH DELINEATES THEIR BOUNDARIES AND OTHER PERTINENT DATA WHICH PERTAINS TO THE VALUES OF THE IDENTIFIED AREAS.~~**
- ~~2. REQUIRING SPECIAL PROCEDURES FOR THE REVIEW OF CERTAIN TYPES OF DEVELOPMENT ALLOWED IN THE BASE ZONES THAT WILL ENSURE THE MINIMUM IMPACT ON THE VALUES IDENTIFIED WITHIN THE VARIOUS AREAS. THE PROCEDURES SHALL BE DESIGNED TO MITIGATE ANY LOST VALUES TO THE GREATEST EXTENT POSSIBLE.~~**
- ~~3. PRIMARY EMPHASIS WILL BE PLACED ON PROTECTING THE VALUE FACTORS IDENTIFIED IN THE "FACTORS OF SIGNIFICANT ENVIRONMENTAL CONCERN CHART" FOR EACH AREA OF SIGNIFICANT ENVIRONMENTAL CONCERN. THIS USE OF THIS CHART SHALL NOT PRECLUDE THE PROTECTION OF OTHER VALUES IF THEY ARE LATER IDENTIFIED ON THE SITE AS TO THEIR QUANTITY, QUALITY AND LOCATION.~~**

STRATEGIES

- A. ~~The following areas should be designated as "areas of significant environmental concern":~~**
The Willamette River Greenway should be based on the boundaries as developed by the state Department of Transportation. For the County, those areas are generally depicted on the map entitled Willamette River Greenway.
 - ~~1. The Columbia Gorge from the Sandy River east to the County line.~~**
 - ~~2. The Sandy Scenic River.~~**
 - ~~3. Portions of the Mount Hood National Forest.~~**
 - ~~4. Smith and Bybee Lakes.~~**
 - ~~5. The Undeveloped Columbia River Islands.~~**
 - ~~6. Sturgeon Lakes.~~**
 - ~~7. Blue Lake and Columbia River shore area and islands.~~**
 - ~~8. Johnson Creek.~~**
 - ~~9. Such other areas as may be determined under established procedures to be suitable for this "area" designation.~~**
- B. The following strategies should be addressed in the preparation of the Community Development Title:**
 - 1. The Zoning Code should include:**
 - a. ~~an overlay zone entitled "Areas of Significant Environmental Concern" which should~~ An overlay zone entitled "Willamette River Greenway" which will establish an administrative review procedure to implement the requirements**

of the State of Oregon, Greenway Goal. The overlay zone should contain provisions related to:

1. ~~establish a review process for the approval of proposals and uses~~ setback lines for non-water dependent uses;
 2. ~~define special criteria within each area for the approval of proposals and uses which affect various features including, but not limited to, the following:~~ a design plan;
 - ~~(a) Natural shoreline vegetation systems;~~
 - ~~(b) Critical and unique wildlife habitats;~~
 - ~~(c) Historical features and archeological sites;~~
 - ~~(d) Significant vegetation;~~
 - ~~(e) Views and vistas;~~
 - ~~(f) Municipal water supplies;~~
 - ~~(g) Natural hazard lands;~~
 - ~~(h) Rare or valuable ecosystems and geological formations; and~~
 - ~~(i) endangered plant and animal systems.~~
 3. the review procedures;
 4. specific findings required.
- b. ~~A historic preservation overlay district which should be applied to areas or specific sites not otherwise designated for protection under CS, SEC or other zoning;~~ Those wetlands and water areas listed on Policy 16, Natural Resources, that are located within the Willamette River Greenway should receive a development review procedure comparable to the review process established for the Significant Environmental Concern zone.
- e. ~~An overlay zone entitled "Willamette River Greenway" which will establish an administrative review procedure to implement the requirements of the State of Oregon, Greenway Goal. The overlay zone should contain provisions related to:~~
- ~~1. setback lines for non-water dependent uses;~~
 - ~~2. a design plan;~~
 - ~~3. the review procedures;~~
 - ~~4. specific findings required.~~
- C. ~~The "Willamette River Greenway" zone should be generally based upon the attached map entitled "Willamette River Greenway." Other policies of this Framework Plan are applicable to the Greenway as follows:~~ Other policies of this Framework Plan applicable to the Greenway are as follows:

~~POLICIES APPLICABLE TO WILLAMETTE RIVER GREENWAY LANDS~~

~~In addition to Policy 15, the following Framework Plan Policies are applicable to the use and management of lands within the Willamette River Greenway:~~

1. Agricultural lands: Policies 9 - Agriculture, and 10 - Multiple Use Agriculture.

2. Recreation: Policy 39 - Open Space and Recreation.
3. Access: Policy 40 - Development Requirements.
4. Fish and Wildlife: Policy 16 - Natural Resources.
5. Scenic Qualities and Views: Policy 16 - Natural Resources.
6. Protection and Safety: Policy 31 - Community Facilities and Uses Location.
7. Vegetation Fringe: Policy 16 - Natural Resources.
8. Timber Harvest: Policy 12 - Multiple Use Forest.
9. Aggregate Extraction: Policy 16 - Natural Resources.
10. Development away from river: Policy 14 - Development Limitations.
- ~~11. Greenway Setback: Policy 15 - Areas of Significant Environmental Concern.~~

E. POLICY 16 NATURAL RESOURCES

INTRODUCTION

The purpose of the Natural Resources policy is to ~~protect areas which are necessary to the long-term health of the economy or a community; for example, mineral and aggregate sources, energy resource areas, domestic water supply watersheds, wildlife habitat areas, and ecologically significant areas.~~

~~The intent of the policy is to protect these areas for their natural resource value. Mineral, aggregate, energy and watershed areas are limited, and inappropriate land uses can destroy their future use. Significant habitat and ecological areas are important to the public for their educational, recreational and research value, and they often function to balance the effects of other land uses. The benefits gained by the preservation of wildlife habitat range from aesthetic enhancement of the landscape to improvement of community health. Greenspaces and vegetation significantly affect such factors as air flow, temperatures, oxygenation, travel patterns and pollution.~~ implement statewide Planning Goal 5: "Open Spaces, Scenic and Historic Areas, and Natural Resources". These resources are necessary to ensure the health and well-being of the population, and include such diverse components as mineral and aggregate reserves, significant wetlands, historic sites, and scenic waterways. The individual components, as set forth by state law (OAR 660-16), are addressed below as sub-policies 16-A through 16-L.

An overlay classification, "Significant Environmental Concern" will be applied to certain areas identified as having one or more of these resource values.

POLICY 16

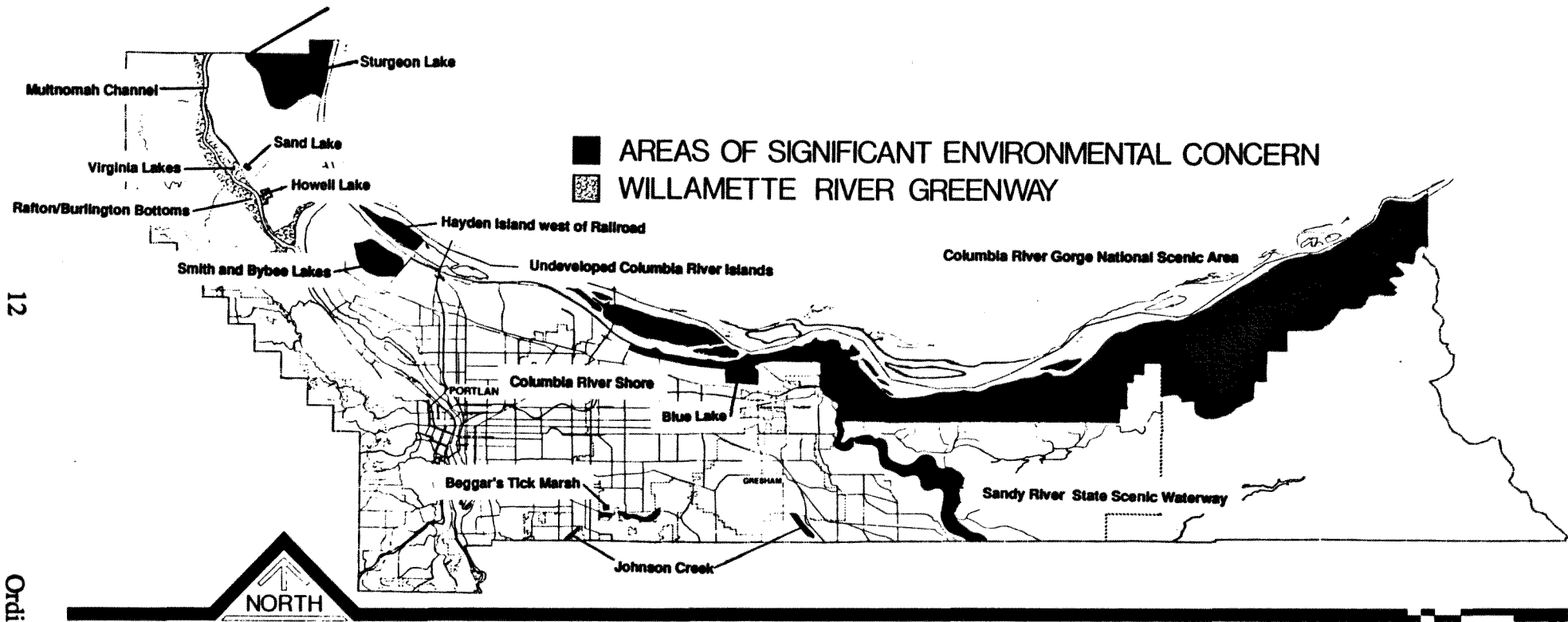
THE COUNTY'S POLICY IS TO PROTECT NATURAL RESOURCES, ~~AREAS AND TO REQUIRE A FINDING PRIOR TO APPROVAL OF A LEGISLATIVE OR QUASI JUDICIAL ACTION THAT THE LONG RANGE AVAILABILITY AND USE OF THE FOLLOWING WILL NOT BE LIMITED OR IMPAIRED:~~ CONSERVE OPEN SPACE, AND TO PROTECT SCENIC AND HISTORIC AREAS AND SITES. THESE RESOURCES ARE ADDRESSED WITHIN SUB-POLICIES 16-A THROUGH 16-L.

- ~~A. MINERAL AND AGGREGATE SOURCES;~~
- ~~B. ENERGY RESOURCE AREAS;~~
- ~~C. DOMESTIC WATER SUPPLY WATERSHEDS;~~
- ~~D. FISH HABITAT AREAS; AND~~
- ~~E. WILDLIFE HABITAT AREAS; AND~~
- ~~F. ECOLOGICALLY AND SCIENTIFICALLY SIGNIFICANT NATURAL AREAS.~~

STRATEGIES

- A. ~~As a part of the ongoing planning program, the County should:~~ The county will maintain an inventory of the location, quality, and quantity of each of these resources. Sites with minimal information will be designated "1B", but when sufficient information is available, the County will conduct the necessary ESEE analysis.
 - 1. ~~Engage in a survey of mineral and aggregate sources within the County and utilize data, criteria and standards from the most recent study of rock material resources compiled by the State Department of Geology and Mineral Industries.~~
 - 2. ~~Utilize information provided by the Oregon Department of Fish and Wildlife on big game winter habitat areas, the Nature Conservancy or ecologically significant areas when surveyed and identified as to location, the U.S. Department of Fish and Wildlife in their Wetlands Inventory for the Columbia River, and any other documental information on the listed natural resources in the decision process and for plan revisions.~~
- B. ~~The following strategies should be addressed in the preparation of the Community Development Title:~~ Certain areas identified as having one or more significant resource values will be protected by the designation Significant Environmental Concern (SEC). This overlay zone will require special procedures for the review of certain types of development allowed in the base zones. This review process will ensure the minimum impact on the values identified within the various areas, and shall be designed to mitigate any lost values to the greatest extent possible. Areas designated SEC are generally depicted on the following map.
 - 1. ~~The Zoning Code should include provisions for:~~
 - a. ~~Mineral and aggregate extraction, and energy generation facilities as conditional uses;~~
 - b. ~~Protecting natural resources when uses are contemplated through the conditional use provisions.~~
 - c. ~~The transfer of densities from lands which should be protected for natural resource uses from lands held in the same ownership and adjacent within the Planned Development provisions;~~
 - d. ~~The establishment of extraction and rehabilitation standards for mineral and aggregate resources.~~
- C. The following areas shall be designated as "Areas of Significant Environmental Concern":
 - 1. The Columbia River Gorge National Scenic Area, as defined in federal legisla-

Wagonwheel Hole Lake and nearby unnamed slough/lake



MULTNOMAH COUNTY FRAMEWORK PLAN

tion PL 99-663,

2. The Sandy River State Scenic Waterway,
3. Portions of the Mount Hood National Forest,
4. Smith and Bybee Lakes,
5. The Undeveloped Columbia River Islands and Hayden Island west of the Burlington Northern Railroad tracks,
6. Sturgeon Lake,
7. Blue Lake and Columbia River shore area and islands,
8. Johnson Creek,
9. Beggar's Tick Marsh,
10. Virginia Lakes,
11. Rafton/Burlington Bottoms,
12. Multnomah Channel,
13. Sand Lake,
14. Howell Lake,
15. Wagonwheel Hole Lake and nearby unnamed slough/lake to the west,
16. All Class 1 Streams (Oregon State Forestry Department designation) and the adjacent area within 100 feet of the normal high water line, except those within an ESEE designated "2A", "3A" or "3C" mineral and aggregate resource site,

and such other areas as may be determined under established procedures to be suitable for this "area" designation.

- D. Those wetlands and water areas listed in C. above that are located within the Willamette River Greenway (Policy 15) will be protected by development review procedures within the WRG overlay zone instead of the SEC zone.

POLICY 16-A OPEN SPACE

IT IS THE COUNTY'S POLICY TO CONSERVE OPEN SPACE RESOURCES AND PROTECT OPEN SPACES FROM INCOMPATIBLE AND CONFLICTING LAND USES.

STRATEGIES

1. Designate agricultural and forest lands with large lot zones to conserve the open character of such areas.
2. Apply SEC, WRG, FW and FF overlays along rivers and other water features, as appropriate, to restrict and control the character of development in these areas to enhance open spaces.

3. Review uses conditionally allowed in farm or forest zones to insure that open space resources are conserved and enhanced.

POLICY 16-B MINERAL AND AGGREGATE RESOURCES

IT IS THE COUNTY'S POLICY TO PROTECT AREAS OF MINERAL AND AGGREGATE SOURCES FROM INAPPROPRIATE LAND USES WHICH COULD LIMIT THEIR FUTURE USE.

STRATEGIES

- A. As a part of the ongoing planning program the County will engage in an inventory of mineral and aggregate sources within the County utilizing data, criteria and standards from the most recent study of rock material resources compiled by the State Department of Geology and Mineral Industries.
- B. During County initiated Comprehensive Plan updates, the County will utilize information made available from other sources regarding the location, quality and quantity of mineral and aggregate resources when that information is verified by such qualified professionals as certified engineering geologists and recognized testing laboratories.
- C. Determination that a particular mineral and aggregate resource site is both "Important" and should be included in the plan inventory is to be based upon the site's proven ability to yield more than 25,000 cubic yards of resource.
- D. "Important" sites should be reviewed using the Statewide Planning Goal 5 "Economic, Social, Environmental, and Energy analysis" (ESEE) procedure as outlined in OAR 660-16-000 through 660-16-025 and only those sites receiving a "2A", "3A", or "3C" designation should be considered for conditional use approval for mineral and aggregate extraction.
- E. In between scheduled plan updates, additional sites may be added to the plan inventory of "Important" sites and receive an ESEE designation by means of the standard plan amendment process initiated by the owner of the resource.
- F. The Zoning Code should include provisions for:
 1. Mineral and aggregate extraction, processing, and distribution as a special conditional use with performance oriented criteria of approval for those sites receiving a "2A", "3A", or "3C" designation as part of the ESEE analysis.
 2. Associated processing and distribution activities as a conditional use that must meet all conditional use requirements if the site is not a "2A", "3A", or "3C" resource location.
 3. The exemption of small scale and farm and forest practice extraction sites from conditional use review.
 4. The establishment of extraction and rehabilitation standards for mineral and aggregate resources in compliance with DOGAMI regulations as applicable.
 5. Protection of natural resources.
 6. A standard setback buffer between "noise-sensitive" land uses and extraction activities.

- (a). The location of proposed extraction activities should be setback from existing "noise-sensitive" uses.
- (b). The location of "noise-sensitive" land uses should be setback from both existing mining activities and designated ESEE "2A", "3A", and "3C" resource site boundaries.
- (c). Some reduction in the setback buffers may be appropriate if the "noise-sensitive" land use property owner agrees to record a non-remonstrance deed restriction agreeing to the reduced distance.

POLICY 16-C ENERGY SOURCES

IT IS THE COUNTY'S POLICY TO PROTECT SITES REQUIRED FOR GENERATION OF ENERGY.

STRATEGIES

- A. Maintain an inventory of energy sources within the county.
- B. Coordinate with appropriate regulatory or licensing authorities in the protection of sites required for energy generation.
- C. The Zoning Code should include provisions for energy generation facilities as a conditional use.

POLICY 16-D FISH AND WILDLIFE HABITAT

IT IS THE COUNTY'S POLICY TO PROTECT SIGNIFICANT FISH AND WILDLIFE HABITAT, AND TO SPECIFICALLY LIMIT CONFLICTING USES WITHIN SENSITIVE BIG GAME WINTER HABITAT AREAS.

STRATEGIES

- A. Utilize information provided by the Oregon Department of Fish and Wildlife to identify significant habitat areas, and to delineate sensitive big game winter habitat areas.
- B. Apply the SEC overlay zone to all significant habitat areas not already zoned Willamette River Greenway.
- C. Include provisions within the Zoning Ordinance to review development proposals which may affect sensitive big game winter habitat areas.

POLICY 16-E NATURAL AREAS

IT IS THE COUNTY'S POLICY TO PROTECT NATURAL AREAS FROM INCOMPATIBLE DEVELOPMENT AND TO SPECIFICALLY LIMIT THOSE USES WHICH WOULD IRREPARABLY DAMAGE THE NATURAL AREA VALUES OF THE SITE.

STRATEGIES

- A. Utilize information from the Oregon Natural Heritage Program to maintain a current inventory of all ecologically and scientifically significant natural areas.

- B. Apply the SEC overlay zone to all areas not otherwise protected by Willamette River Greenway zoning or outright ownership by a public or private agency with a policy to preserve natural area values of the site.**

POLICY 16-F SCENIC VIEWS AND SITES

IT IS THE COUNTY'S POLICY TO CONSERVE SCENIC RESOURCES AND PROTECT SUCH AREAS FROM INCOMPATIBLE AND CONFLICTING LAND USES.

STRATEGIES

- A. Apply the SEC overlay zone to the Columbia River Gorge National Scenic Area and the Sandy River State Scenic Waterway to assure the scenic resources of these areas are not diminished as new development occurs.**
- B. Coordinate reviews of development proposals within SEC areas with other affected agencies (i.e., Columbia River Gorge Commission, National Forest Service, State Parks and Recreation Division Rivers Program, County Parks Division).**
- C. Enforce large lot zoning regulations in resource areas to conserve scenic qualities associated with farm and forest lands.**
- D. Apply the WRG overlay zone to lands within the Willamette River Greenway. Review new development within the greenway to assure scenic values are not diminished.**
- E. Administer Design Review provisions to enhance visual qualities of the built environment.**

POLICY 16-G WATER RESOURCES AND WETLANDS

IT IS THE COUNTY'S POLICY TO PROTECT AND, WHERE APPROPRIATE, DESIGNATE AS AREAS OF SIGNIFICANT ENVIRONMENTAL CONCERN, THOSE WATER AREAS, WETLANDS, WATERSHEDS, AND GROUNDWATER RESOURCES HAVING SPECIAL PUBLIC VALUE IN TERMS OF THE FOLLOWING:

- A. ECONOMIC VALUE;**
- B. RECREATION VALUE;**
- C. EDUCATIONAL RESEARCH VALUE (ECOLOGICALLY AND SCIENTIFICALLY SIGNIFICANT LANDS);**
- D. PUBLIC SAFETY, (MUNICIPAL WATER SUPPLY WATERSHEDS, WATER QUALITY, FLOOD WATER STORAGE AREAS, VEGETATION NECESSARY TO STABILIZE RIVER BANKS AND SLOPES);**
- E. NATURAL AREA VALUE, (AREAS VALUED FOR THEIR FRAGILE CHARACTER AS HABITATS FOR PLANT, ANIMAL OR AQUATIC LIFE, OR HAVING ENDANGERED PLANT OR ANIMAL SPECIES).**

STRATEGIES

- A. Wetland areas that attain 45 or more points of the possible 96 points on the**

"Wildlife Habitat Assessment" (WHA) rating form will be designated "Significant". Sites with ratings of 35 or more may be determined "Significant" if they function in providing connections between and enhancement of higher rated adjacent habitat areas.

The WHA is a standardized rating system for evaluating the wildlife habitat values of a site. The form was cooperatively developed by staff from the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, The Oregon Department of Fish and Wildlife, the Audubon Society of Portland, The Wetlands Conservancy, and the City of Beaverton Planning Bureau.

- B. Significant water and wetland areas identified as a "2A", "3A", or "3C" site using the Statewide Planning Goal 5 "Economic, Social, Environmental, and Energy analysis" procedure as outlined in OAR 660-16-000 through 660-16-025 shall be designated as "Areas of Significant Environmental Concern" and protected by either the SEC or WRG overlay zone.**
- C. Wetlands information gathered by and made available to the County shall be utilized as follows:**
 - 1. The U.S. Fish and Wildlife National Wetland Inventory (NWI) maps should be consulted at the beginning stages of any development proposal in order to alert the property owner/developer of the U.S. Corps of Engineers and Division of State Lands permit requirements.**
 - 2. Wetlands shown on the NWI maps which are determined to not be important by the county after field study should be indicated as such on 1"-200' aerial photographs made part of the State Goal 5 supporting documents.**
 - 3. Boundaries of "Significant" wetlands located within the SEC and WRG overlay zones should be depicted on 1"=200' aerial photographs.**
 - 4. Additional information on wetland sites should be added to the plan and supporting documents as part of a scheduled plan update or by the standard plan amendment process initiated at the discretion of the county.**
- D. Although a wetland area may not meet the County criteria for the designation "Significant", the resource may still be of sufficient importance to be protected by State and Federal agencies.**
- E. The zoning code should include provisions requiring a finding prior to approval of a legislative or quasi-judicial action that the long-range availability and use of domestic water supply watersheds will not be limited or impaired.**

POLICY 16-H WILDERNESS AREAS

IT IS THE COUNTY'S POLICY TO RECOGNIZE THE VALUE OF WILDERNESS AMONG THE MANY RESOURCES DERIVED FROM PUBLIC LANDS.

STRATEGIES

- A. The Columbia Wilderness shall be designated as a Goal 5 Resource Site.**
- B. The SEC overlay zone shall be applied to the Columbia Wilderness.**

- C. The county shall coordinate with federal land management agencies and Congressional staff in the formulation of proposals for any additional wilderness areas.**
- D. All parcels of federal land which meet federal guidelines for wilderness and which fit the definition outlined in the Findings document shall be recommended for wilderness designation.**

POLICY 16-I HISTORIC RESOURCES

IT IS THE COUNTY'S POLICY TO RECOGNIZE SIGNIFICANT HISTORIC RESOURCES, AND TO APPLY APPROPRIATE HISTORIC PRESERVATION MEASURES TO ALL DESIGNATED HISTORIC SITES.

STRATEGIES

- A. Maintain an inventory of significant historic resources which meet the historical site criteria outlined below.**
- B. Utilize the National Register of Historic Places and the recommendations of the State Advisory Committee on Historic Preservation in the designation of historic sites.**
- C. Develop and maintain a historical preservation process for Multnomah County which includes:**
 - 1. A review of the laws related to historic preservation.**
 - 2. A program for ongoing identification and registration of significant sites, working with area citizens groups, the Oregon Historical Society, the Oregon Natural History Museum and other historic and archeological associations.**
 - 3. Developing a handbook on historic preservation to assist county staff, area citizen groups, land owners and developers in understanding and using applicable federal and state programs.**
 - 4. Fostering, through ordinances or other means, the private restoration and maintenance of historic structures for compatible uses and development based on historic values.**
 - 5. Encouraging the installation of appropriate plaques or markers on identified sites and structures.**
- D. The Zoning Code should:**
 - 1. Include an Historic Preservation overlay district which will provide for the protection of significant historic areas and sites.**
 - 2. Include conditional use provisions to allow new sites to be established to preserve historic structures and sites.**
 - 3. Provide for a 120-day delay period for the issuance of a demolition permit or a building permit that substantially alters the historic nature of the site or building. During this period, a review of the permit application, including the impacts and possible means to offset the impacts should be undertaken.**
 - 4. On-site density transfer in order to protect historic areas and protect unique**

features.

HISTORICAL SITE CRITERIA

- A. **Historical Significance** - Property is associated with significant past events, person-ages, trends or values and has the capacity to evoke one or more of the dominant themes of national or local history.
- B. **Architectural Significance** - (Rarity of Type and/or Style). Property is a prime example of a stylistic or structural type, or is representative of a type once common and is among the last examples surviving in the county. Property is a prototype or significant work of an architect, builder or engineer noted in the history of architecture and construction in Multnomah County.
- C. **Environmental Considerations** - Current land use surrounding the property contributes to an aura of the historic period, or property defines important space.
- D. **Physical Integrity** - Property is essentially as constructed on original site. Sufficient original workmanship and material remain to serve as instruction in period fabrication.
- E. **Symbolic Value** - Through public interest, sentiment, uniqueness or other factors, property has come to connote an ideal, institution, political entity or period.
- F. **Chronology** - Property was developed early in the relative scale of local history or was an early expression of type/style.

POLICY 16-J CULTURAL AREAS

IT IS THE COUNTY'S POLICY TO PROTECT CULTURAL AREAS AND ARCHEOLOGICAL RESOURCES, AND TO PREVENT CONFLICTING USES FROM DISRUPTING THE SCIENTIFIC VALUE OF KNOWN SITES.

STRATEGIES

- A. Maintain information on file regarding the location of known archeological sites. Although not made available to the general public, this information will be used to insure the sites are not degraded through incompatible land use actions.
- B. Coordinate with the State Archaeologist in the State Historic Preservation Office regarding the identification and recognition of significant archeological resources.
- C. Encourage landowners to notify state authorities upon discovering artifacts or other evidence of past cultures on their property.
- D. Work with the LCDC Archeological Committee in devising equitable and effective methods of identifying and protecting archeological resources.

POLICY 16-K RECREATION TRAILS

IT IS THE COUNTY'S POLICY TO RECOGNIZE THE FOLLOWING TRAILS AS POTENTIAL STATE RECREATION TRAILS:

**COLUMBIA GORGE TRAIL
SANDY RIVER TRAIL**

PORTLAND TO THE COAST TRAIL NORTHWEST OREGON LOOP BICYCLE ROUTE

STRATEGIES

- A. Coordinate with ODOT and any other public or private agency to resolve any conflicts which may arise over the development of these trails.**
- B. Address these trails as Goal 5 resource sites whenever the trail route becomes specifically identified, built, proposed, or designated.**

POLICY 16-L WILD AND SCENIC WATERWAYS

IT IS THE COUNTY'S POLICY TO PROTECT ALL STATE OR FEDERAL DESIGNATED SCENIC WATERWAYS FROM INCOMPATIBLE DEVELOPMENT AND TO PREVENT THE ESTABLISHMENT OF CONFLICTING USES WITHIN SCENIC WATERWAYS.

STRATEGIES

- A. Coordinate with the Oregon State Parks and Recreation Division in the review and regulation of all development proposals or land management activities within the Sandy River State Scenic Waterway.**
- B. Apply the SEC overlay zone to the Sandy River State Scenic Waterway to ensure proper recognition of the waterway and to further mitigate the impacts on uses allowed within the underlying resource zones.**
- C. Coordinate with the U.S. Forest Service in the review and regulation of all development proposals or land management activities within the federal wild and scenic river segment of the Sandy River.**
- D. Work with state and federal agencies or other interested parties in developing proposals for scenic waterway protection of other stream segments in the county.**

F. POLICY 18 - COMMUNITY IDENTITY

INTRODUCTION

Community identity is a feeling people have about their community, and it serves many functions. An identifiable community allows a person to immediately have a place of reference. For those people who live in a community, it provides a sense of place and belonging. Evidence has also shown that a sense of identity tends to generate pride and encourages people to maintain and enhance their place of residence.

Community identity can be achieved as a part of the Community Development Process through:

- 1. The identification and reinforcement of visible boundaries or edges to each community which can be man-made or natural features.**
- 2. The preservation of a distinctive or unique natural feature such as natural drainageways, timber stands, and significant land forms. These distinctive features provide visual variety and interest to**

a community, as well as to provide a sense of identity.

3. The location scale and functional design of community services such as roads, parks, hospitals, schools, and fire stations. These community elements provide community focal points, paths, places and boundaries in a manner which support community pride and long term stability. Streets can be designed, located, and landscaped to be functional as well as being an integral part of the community. Community service buildings also become a focal point for cultural or educational activities and serve to reinforce identity.
4. ~~The preservation of historic landmarks and scenic areas. Historic features are also important to a historical perspective and promote a sense of pride. Significant historic landmarks and scenic areas in unincorporated Multnomah County can be preserved and protected if landowners, investors, community groups and the County work in concert.~~

~~Today, identification of historic sites has been accomplished through several efforts. The Division of Planning conducted a limited survey in 1978 and identified several sites and structures throughout the County. Other surveys and site identification has occurred in the Columbia River Gorge and on Sauvie Island. Three sites have been placed on the National Register of Historic Places: the Bybee Howell House on Sauvie Island, the Vista House at Crown Point and Multnomah Falls Lodge. In addition, historic markers have been placed at Fort William, Sauvie Island Pioneer Cemetery, Sandy River Bridge, Broughton's Expedition, and many other sites that were identified by the County's Historic Sites Advisory Committee.~~

~~No comprehensive archeological survey of the County exists, and further inventorying is needed to identify other potential historic areas. Standards have been established by Federal and State law, and there are Federal and State funding programs for acquisition and maintenance of these areas.~~

POLICY 18

THE COUNTY'S POLICY IS TO CREATE, MAINTAIN OR ENHANCE COMMUNITY IDENTITY BY:

- A. IDENTIFYING AND REINFORCING COMMUNITY BOUNDARIES;
- B. IDENTIFYING SIGNIFICANT NATURAL FEATURES AND REQUIRING THESE TO BE PRESERVED;
- C. REQUIRING IDENTIFIED SIGNIFICANT NATURAL FEATURES BE PRESERVED AS PART OF THE DEVELOPMENT PROCESS;
- ~~D. REQUIRING THE PRESERVATION OF SIGNIFICANT HISTORICAL LANDMARKS AND DISTRICTS, AND ARCHEOLOGICAL AND ARCHITECTURAL SITES WHICH HAVE BEEN SO DESIGNATED BY A FEDERAL OR STATE AGENCY OR MEET THE HISTORIC SITE DESIGNATION CRITERIA CONTAINED IN THIS PLAN.~~

HISTORICAL SITE CRITERIA

- ~~A. Historical Significance—Property is associated with significant past events, personages, trends or values and has the capacity to evoke one or more of the dominant themes of national or local history.~~

- ~~B. Architectural Significance (Rarity of Type and/or Style). Property is a prime example of a stylistic or structural type, or is representative of a type once common and is among the last examples surviving in the County. Property is a prototype or significant work of an architect, builder or engineer noted in the history of architecture and construction in Multnomah County.~~
- ~~C. Environmental Considerations Current land use surrounding the property contributes to an aura of the historic period, or property defines important space.~~
- ~~D. Physical Integrity Property is essentially as constructed on original site. Sufficient original workmanship and material remain to serve as instruction in period fabrication.~~
- ~~E. Symbolic Value Through public interest, sentiment, uniqueness or other factors, property has come to connote an ideal, institution, political entity or period.~~
- ~~F. Chronology Property was developed early in the relative scale of local history or was an early expression of type/style.~~

STRATEGIES

- A. As a part of the continuing planning program, the County shall:
 - 1. Maintain an inventory of unique natural features in each community and preserve them through the Design Review Process or other appropriate means;
 - 2. Identify the need and appropriate locations for public facilities in each community plan;
 - ~~3. Develop and maintain a historical preservation process for Multnomah County which includes:

 - ~~a. A review of the laws related to historic preservation.~~
 - ~~b. A program for ongoing identification and registration of significant sites, working with area citizens groups, the Oregon Historical Society, the Oregon Natural History Museum, and other historic and archeological associations.~~
 - ~~c. Developing a handbook on historic preservation to assist County staff, area citizen groups, land owners and developers in understanding and using applicable Federal and State programs.~~
 - ~~d. Fostering, through ordinances or other means, the private restoration and maintenance of historic structures for compatible uses and development based on historic values.~~
 - ~~e. Encouraging the installation of appropriate plaques or markers on identified sites and structures.~~~~
- B. These strategies should be addressed as part of the Community Development Chapter:
 - ~~1. The Zoning Chapter should:
 - ~~a. include an Historic Preservation Overlay District which will provide for the protection of identified historic areas and sites;~~~~

- ~~b. include conditional use provisions to allow new uses to be established to preserve historic structures and sites;~~
- ~~c. provide for a 120 day delay period for the issuance of a demolition permit or a building permit that substantially alters the historic nature of the site or building. During this period, a review of the permit application, including the impacts and possible means to offset these impacts should be undertaken;~~
- ~~d. on-site density transfer in order to protect historic areas and protect unique features;~~
- e 1. design review approval for all community facilities.
- 3 2. The Street Standards Chapter should provide for special street tree programs for streets which serve as community boundaries.

G. POLICY 39: ~~OPEN SPACE~~ PARKS AND RECREATION PLANNING

INTRODUCTION

~~Open space is defined in broadest terms as all land that supports vegetation rather than structures. It can range from forest or agricultural lands to landscaped areas in parking lots. Recreation refers to spaces and facilities developed for people to use during their leisure time.~~

A basic need of people is to pursue activities in non-work hours which recreate one's mental and physical condition. From children learning to socialize through play, to elderly people being outdoors for a walk or to sit in the sun, recreation plays an important part in the life cycle. The major requisite for outdoor recreation is space within which activities take place. These spaces can be intensively developed parks, natural areas along waterways, vacant lots, or even streets and roads.

The need for providing easily accessible areas for outdoor recreation is increasingly important in metropolitan jurisdictions such as Multnomah County; outdoor recreation can offer an escape from crime, pollution, crowding, a sedentary work life, and other problems associated with urban living. Providing nearby recreational space for leisure time activity is important also in the conservation of non-renewable energy resources and addressing problems related to the currently depressed economy, such as decreased household income. Recreational opportunities provided near residential areas would mean less costs to participants in terms of travel time, gas, etc.

Parks systems are generally developed in a hierarchical system composed of neighborhood, community and regional parks. Within this system are specialized recreation areas ranging from wilderness hiking trails to swimming areas, golf courses, play fields, and tot lots. Multnomah County's park system includes: one historical site, three boat ramps, one campground, two islands in the Columbia River, three regional parks, two community parks, 34 neighborhood parks and four playlots. In addition, three proposed Statewide Oregon Recreation Trails: Portland to the coast, the Columbia River Gorge, and the Sandy River Trails will provide hiking opportunities and scenic and recreational access.

A component of the County's recreation system is the 40-Mile Loop, a network of connecting jogging, hiking, and bicycle paths that encircle Multnomah County.

~~Recreation and open-space~~ **Parks and recreation areas** are provided by both the public and private sectors; however, the major share of the responsibility to develop and maintain parks has historically rested with the public.

While the implementation of ~~an open-space~~ **parks and recreation system** is primarily a public responsibility, the County has increasingly limited financial resources and, therefore, cannot guarantee such a system.

~~Open-space~~ **Parks** and recreation planning and implementation will require the communities to work with the County and provide direction as to their needs and how those needs can be met. The County has established a Parks Commission to help promote and coordinate neighborhood park development. The duties of this Commission include developing short-term and long-range objectives, strategies, work programs and projects designed to meet the recreation needs of County residents.

The purpose of this policy is to serve as a directive to the County in its park and recreation planning program.

POLICY 39

THE COUNTY'S POLICY IS TO OPERATE ITS ESTABLISHED ~~OPEN SPACE, AND~~ **PARKS AND RECREATION PROGRAM** TO THE DEGREE FISCAL RESOURCES PERMIT, AND TO:

- A. WORK WITH RESIDENTS, COMMUNITY GROUPS AND PARKS COMMISSION TO IDENTIFY RECREATION NEEDS, TO MAINTAIN AND DEVELOP NEIGHBORHOOD PARKS, AND TO IDENTIFY USES FOR UNDER-DEVELOPED PARK LANDS.
- B. WORK WITH FEDERAL, STATE AND LOCAL AGENCIES, COMMUNITY GROUPS AND PRIVATE INTERESTS TO SECURE AVAILABLE FUNDS FOR DEVELOPMENT, MAINTENANCE AND ACQUISITION OF PARK SITES AND RECREATION FACILITIES FOR PARK PURPOSES.
- C. ENCOURAGE THE DEVELOPMENT OF RECREATION OPPORTUNITIES BY OTHER PUBLIC AGENCIES AND PRIVATE ENTITIES;
- ~~D. COORDINATE WITH APPROPRIATE PUBLIC AND PRIVATE AGENCIES AND INDIVIDUALS TO RESOLVE ANY POTENTIAL CONFLICTS WHICH MAY ARISE OVER THE DEVELOPMENT OF OR PROTECTION OF THE OREGON RECREATION TRAILS SYSTEM. IN MULTNOMAH COUNTY, POTENTIAL STATE RECREATION TRAILS INCLUDE THE PORTLAND TO THE COAST TRAIL, THE SANDY RIVER TRAIL, THE COLUMBIA GORGE HIKING TRAIL, THE NORTHWEST OREGON LOOP BICYCLE TRAIL, AND THE 40 MILE LOOP.~~
- E D. IMPLEMENT AND MAINTAIN THAT PORTION OF THE PROPOSED 40 MILE LOOP JOGGING, HIKING, BICYCLING TRAIL SYSTEM WHICH IS IN PUBLIC OWNERSHIP, BY:**
 - 1. REQUIRING DEDICATION OF RIGHTS-OF-WAY/EASEMENTS BY THOSE DEVELOPING PROPERTY ALONG THE PROPOSED 40 MILE LOOP CORRIDOR.
 - 2. COORDINATING WITH THE BICYCLE CORRIDOR CAPITAL IMPROVEMENTS PROGRAM THROUGH EMPHASIS ON DEVELOPMENT OF BIKEWAYS AS CONNECTIONS TO THE SYSTEM.

3. COORDINATING AND ASSISTING OTHER JURISDICTIONS IN STUDIES OF ROUTE ALIGNMENT OF THE 40 MILE LOOP.
4. COORDINATING THE 40 MILE LOOP LAND TRUST STUDIES OF ROUTE ALIGNMENT OF THE 40 MILE LOOP AND DIRECT ASSISTANCE IN ACQUIRING EASEMENTS AND/OR RIGHTS—OF-WAY.
5. ADOPTING TRAIL AND BIKEWAY STANDARDS FOR SEGMENTS OF THE 40 MILE LOOP.

STRATEGIES

- A. As part of the continuing planning program for parks and open space, the County has appointed a County Parks Commission to work in concert with the County to:
 1. Address objectives necessary for the County to meet eligibility criteria for receipt of public and private resources.
 2. ~~Develop a long range master park plan for Multnomah County to be recommended to the Board for adoption~~ Follow the guidelines and directives of the 1984 Multnomah County Neighborhood Park Master Plan in the future maintenance and development of the neighborhood park system.
 3. Raise funds for park purposes as best serves the goals of the Parks Commission, the Parks Master Plan, and the County.
- B. The County should consider the rights and privileges of recreational boaters when evaluating land development proposals.
- C. The continuing planning program should include, in the update of Community Plans, identification of:
 1. specific recreation needs;
 2. plans for developing and maintaining specific park sites; and
 3. implementation strategies.
- D. The County should continue to:
 1. Review all tax foreclosure lands for potential open space or recreational uses.
 2. Coordinate with other agencies and assist in the location of public recreation facilities, including Oregon Recreation Trails in the County.
- E. The Zoning Ordinance should include provisions for privately owned and operated recreational facilities as conditional uses in zones viewed as appropriate by the individual communities.

H. POLICY 40: DEVELOPMENT REQUIREMENTS

INTRODUCTION

While most ~~open-space~~ park and recreation systems involve specific sites, an ideal system is connected by pedestrian and bicycle paths. It is, therefore, important to examine each development proposal for the purpose of determining whether a connection through the site should be provided. In addition, public agencies construct roads and sewer and water systems and often purchase or acquire easements to land. During this process, it is important to determine if there is a multiple use potential.

It is also important to recognize that inclusion of ~~open-spaces~~ parks and landscaped areas in industrial, commercial and multiple family developments is an essential part of the system by providing visual variety and interest to the landscape. These areas can also be used by people as places to rest and relax, and are as important as large recreation areas.

The purpose of this policy is to provide a review process to assure that development proposals will not preclude an interconnected ~~open-space~~ park and recreation system. It is also intended to encourage ~~open-space areas~~ park in large developments where people can sit and enjoy the surroundings.

POLICY 40

THE COUNTY'S POLICY IS TO ENCOURAGE A CONNECTED PARK AND ~~OPEN SPACE~~ RECREATION SYSTEM AND TO PROVIDE FOR SMALL PRIVATE ~~OPEN SPACE~~ RECREATION AREAS BY REQUIRING A FINDING PRIOR TO APPROVAL OF LEGISLATIVE OR QUASI-JUDICIAL ACTION THAT:

- A. PEDESTRIAN AND BICYCLE PATH CONNECTIONS TO PARKS, ~~OPEN SPACE~~ RECREATION AREAS AND COMMUNITY FACILITIES WILL BE DEDICATED WHERE APPROPRIATE AND WHERE DESIGNATED IN THE BICYCLE CORRIDOR CAPITAL IMPROVEMENTS PROGRAM AND MAP.
- B. LANDSCAPED AREAS WITH BENCHES WILL BE PROVIDED IN COMMERCIAL, INDUSTRIAL AND MULTIPLE FAMILY DEVELOPMENTS, WHERE APPROPRIATE.
- C. AREAS FOR BICYCLE PARKING FACILITIES WILL BE REQUIRED IN DEVELOPMENT PROPOSALS, WHERE APPROPRIATE.

SECTION 3. ADOPTION

This ordinance being necessary for the health, safety, and welfare of the people of Multnomah County, an emergency is declared to exist and this ordinance shall take effect on its passage, pursuant to Section 5.50 of the Charter of Multnomah County.

ADOPTED THIS 20th day of February 19~~89~~⁹⁰, being the date of its second reading before the Board of County Commissioners of Multnomah County.

BOARD OF COUNTY COMMISSIONERS OF MULTNOMAH COUNTY, OREGON

By Gladys McCoy
Gladys McCoy, County Chair

Reviewed:

Lawrence Kressel, Multnomah County Counsel

by:

John DuBay
John DuBay
Chief Deputy County Counsel

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF MULTNOMAH COUNTY, OREGON**

ORDINANCE NO. 641

An ordinance amending Multnomah County Code Chapter 11.05 to comply with the Periodic Review requirements of the Oregon Department of Land Conservation and Development.

SECTION 1. FINDINGS

The Board of County Commissioners finds that certain amendments of the Multnomah County Code regarding the powers and duties of the Planning Commission are necessary to comply with the Periodic Review requirements of the Oregon Department of Land Conservation and Development.

SECTION 2. AMENDMENT

MCC 11.05 is amended as follows:

Note: Deleted language is bolded and struck thru (~~temporary daytime~~), and new language bolded and enlarged (is distinguished).

11.05.120(A)

- (A) If the Commission determines that a proposed plan revision or zoning map amendment requested in connection with a required plan revision entails a change of policy, **or the application of policy to a broad class of properties in a uniform manner**, the proposal shall be considered a legislative plan revision or legislative zoning map amendment.
- (B) Quasi-judicial zoning map amendments shall be considered by the Commission and Board as action proceedings in accordance with ~~subsections 12.20-12.37.5 of Ordinance No. 100 as amended.~~ **MCC 11.15.8205-.8295.**

MCC 11.05.180 Standards for plan and revisions.

A plan adopted or revised under this chapter shall comply with ORS ~~197.755~~ **197.175(2)(a), 197.610-.625, and 197.732 if a goal exception is required, including any OAR's adopted pursuant to these statutes.**

MCC 11.05.290

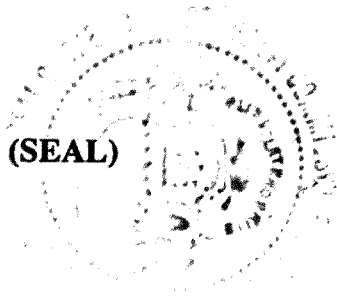
- ~~(1) Consistent with the standards in MCC 11.05.180~~
- ~~(2) In the public interest; and (3) In compliance with the applicable elements of the comprehensive plan.~~
- (1) Consistent with the procedures of ORS 197.610-.625 and the standards of ORS 197.732 if a goal exception is required, including any OAR's adopted pursuant to these statutes.**

- (2) Evidence that the proposal conforms to the intent of relevant policies in the Comprehensive Plan or that the Plan policies do not apply. In the case of a land use Plan map amendment for a commercial, industrial, or public designation, evidence must also be presented that the plan does not provide adequate areas in appropriate locations for the proposed use; and
- (3) Evidence that the uses allowed by the proposed change will 1) not destabilize the land use pattern in the vicinity, 2) not conflict with existing or planned uses on adjacent lands, and 3) that necessary public services are or will be available to serve allowed uses.

SECTION 3. ADOPTION

This ordinance being necessary for the health, safety, and welfare of the people of Multnomah County, an emergency is declared to exist and this ordinance shall take effect on its passage, pursuant to Section 5.50 of the Charter of Multnomah County.

ADOPTED THIS 20th day of February 19~~89~~⁹⁰, being the date of its second reading before the Board of County Commissioners of Multnomah County.



BOARD OF COUNTY COMMISSIONERS OF MULTNOMAH COUNTY, OREGON

By Gladys McCoy
Gladys McCoy, County Chair

Reviewed:
Lawrence Kresser, Multnomah County Counsel

by: John DuBay
John DuBay
Chief Deputy County Counsel

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF MULTNOMAH COUNTY, OREGON**

ORDINANCE NO. 642

An ordinance amending Multnomah County Code Chapter 11.45 to comply with the Periodic Review requirements of the Oregon Department of Land Conservation and Development.

SECTION 1. FINDINGS

The Board of County Commissioners finds that certain amendments of the Multnomah County Land Division Code are necessary to comply with the Periodic Review requirements of the Oregon Department of Land Conservation and Development.

SECTION 2. AMENDMENT

MCC 11.45 is amended as follows:

Note: Deleted language is bolded and struck thru (~~temporary daytime~~), and new language bolded and enlarged (**is distinguished**).

11.45.100 Type III Land Divisions

(F) A minor partition of land classified as Significant Environmental Concern (SEC), Willamette River Greenway (WRG), Flood Hazard (FH), **Exclusive Farm Use (EFU)**, or Special Plan Area (SPA) under ~~Ordinance No. 100~~ MCC 11.15.

SECTION 3. ADOPTION

This ordinance being necessary for the health, safety, and welfare of the people of Multnomah County, an emergency is declared to exist and this ordinance shall take effect on its passage, pursuant to Section 5.50 of the Charter of Multnomah County.

ADOPTED THIS 20th day of February 198⁹⁰~~9~~, being the date of its second reading before the Board of County Commissioners of Multnomah County.

**BOARD OF COUNTY COMMISSIONERS
OF MULTNOMAH COUNTY, OREGON**

(SEAL)

By 
Gladys McCoy, County Chair

Reviewed:
Lawrence Kressel, Multnomah County Counsel

by: 
John DuBay
Chief Deputy County Counsel

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF MULTNOMAH COUNTY, OREGON**

ORDINANCE NO. 643

An ordinance amending Multnomah County Code Chapter 11.15 and selected Sectional Zoning Maps to comply with the Periodic Review requirements of the Oregon Department of Land Conservation and Development.

SECTION 1. FINDINGS

The Board of County Commissioners finds that certain amendments of the Multnomah County Zoning Code are necessary to comply with the Periodic Review requirements of the Oregon Department of Land Conservation and Development.

SECTION 2. AMENDMENT

MCC 11.15 is amended as follows:

Note: Deleted language is bolded and struck thru (~~temporary daytime~~), and new language bolded and enlarged (is distinguished).

A. Definitions are amended, added to, or deleted in MCC 11.15.0010 as follows:

Applicant – The record owner or owners of a unit, area or tract of land proposing land development activities covered by this Chapter and includes the authorized representative of the record owner or owners.

Building Permit – A permit required pursuant to Multnomah County Code 11.15.8210(A), certifying compliance with all applicable building regulations.

Day Nursery – A facility for the provision of ~~temporary daytime~~ care during a portion of a **24-hour day** for five or more children not related to nor the wards of the attending adult. A **Day Nursery with 12 or fewer children is distinguished from Family Day Care** either by:

- (1) **Location in a non-residential structure; or**
- (2) **Provision of care by someone other than a resident of the home.**

Family Day Care – A residence where 12 or fewer children are provided care during a portion of a 24-hour day by an adult residing within said residence. Minor children of the provider shall be included in the 12-child limit if also cared for in the home.

Development – Any act requiring a permit stipulated by Multnomah County Ordinances as a prerequisite to the use or improvement of any land, including a building, land use, occupancy, sewer connection or other similar permit, and any associated grading or vegetative.

Group Care Facility – ~~A building or portion thereof, housing six or more persons of any age who are not members of the provider's family and residential staff used for the following purposes:~~

- ~~(a) Residential Care Facility—A building or part thereof, which may provide 24 hour supervision used for the lodging and care of six or more ambulatory persons who may be either handicapped to a degree that makes total self dependence either impossible or undesirable, but who possess sufficient facilities to recognize an emergency situation and to react immediately and positively to attain self preservation.~~
- ~~(b) Residential Treatment Facility—A building or part thereof, operated with 24 hour supervision for the purpose of providing care and planned treatment or planned training to six (6) or more persons who by reason of their circumstance, condition, or placement require such care and planned training or treatment while living as a single housekeeping unit in a dwelling unit.~~
- ~~(c) Child Care Facility—A building or part thereof, providing temporary care of children where the ratio of supervision is less than 1:10 or staff members are allowed to sleep.~~
- ~~(d) Adult Care Home—Any building or part thereof, where one or more frail elderly, mentally handicapped or physically handicapped, or dependent persons over 18, unrelated to the provider, receive room and board for compensation. Providers of these services in the County are required to register as an Adult Care Home with the Multnomah County Department of Human Resources pursuant to Chapter 8.90 of Title 8 of the Multnomah County Code, (8.90.005—8.90.260) unless licensed as a Residential Care Facility by the State of Oregon.~~

~~Care means services such as supervision, protection, assistance while bathing, dressing, grooming or eating, management of money, transportation, recreation and simple training of self help skills or assistance with major life activities and the provision of room and board.~~

~~Planned Treatment means a systematic and/or individualized program of counseling, therapy, or other rehabilitative procedures or activities provided for a group of persons of similar or compatible circumstances or conditions. A planned treatment program which requires regular on premise physician's or nurse's care shall not be allowed.~~

~~Planned Training means a pre determined sequence off systematic interactions, activities, or structured learning situations, designed to meet such residents' specified needs in the areas of physical, social, emotional, and intellectual growth.~~

~~A Care and Treatment Facility which requires regular on premises physician's or nurse's care shall not be allowed. Care and treatment facilities in the County where one or more frail elderly, mentally or physically handicapped, or dependent persons over 18, unrelated to the provider, receive room and board for compensation, are required to register as an Adult Care Home with Multnomah County Department of Human Services pursuant to Chapter 8.90 of Title 8 of the Multnomah County Code (8.90.005—8.90.260) unless licensed as a Residential Care Facility by the State of Oregon.~~

A building or buildings on contiguous property used to house six or more handicapped or socially dependent persons. This definition includes the definitions of Residential Care Facility, Residential Training Facility, and Residential Treatment Facility contained in ORS 443.400(5), (7) and (9).

Mobile Home – A structure transportable in one or more sections, each built on a permanent chassis, and which is designed to be used for permanent occupancy as a dwelling, including a *Manufactured Home* as defined in ORS 446.003(17)(c).

Wetlands – Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil

conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

B. Subsections of the EFU – Exclusive Farm Use District are amended, added to, or deleted as follows:

11.15.2008 Primary Uses

(A) Farm use, as defined in ORS 215.203(2)(a) ~~for the following purposes only:~~

~~(1) Raising and harvesting of crops;~~

~~(2) Feeding, breeding, managing and selling livestock;~~

~~(3) Dairying; or~~

~~(4) Any other agricultural or horticultural purpose or animal husbandry purpose or any combination thereof,~~

except as provided in MCC .2012(B).

(B) The propagation or harvesting of forest products.

(C) ~~Residential use in conjunction with farm use, consisting of a single family dwelling constructed on a lot of 76 acres or more on Sauvie Island or 38 acres or more elsewhere in the EFU district.~~ Thermal Energy Power Plants, when sited by the Energy Facility Siting Council as authorized under ORS 469.300 to 469.570, 469.590 to 469.621 and 469.930.

(D) Climbing and passing lanes within the right of way existing as of July 1, 1987.

(E) Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings will occur, or no new land parcels result.

(F) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.

(G) Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.

(H) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a historic property inventory as defined in ORS 358.480.

(I) A site for the disposal of solid waste that has been ordered to be established by the Environmental Quality Commission under ORS 459.049, together with equipment, facilities or buildings necessary for its operation.

11.15.2010 Uses Permitted Under Prescribed Conditions

(A) ~~Residential use in conjunction with farm use, consisting of a single family dwelling constructed off site, including a mobile or modular home, subject to the following conditions~~ A residence, including a mobile or modular home, customarily provided in conjunction with an existing use as provided in MCC .2008(A), subject to the

following:

- (1) ~~Construction shall comply with the standards of the Building Code or as prescribed under ORS 446.002 through 446.200, relating to mobile homes.~~ Located on a Lot of Record as described in MCC .2018, or
- (2) ~~The dwelling shall be attached to a foundation for which a building permit has been obtained.~~ Located on a lot created under MCC 11.45, Land Divisions, after August 14, 1980, with a lot size not less than 76 acres on Sauvie Island or 38 acres elsewhere in the EFU district; and
- (3) ~~The dwelling shall have a minimum floor area of 600 square feet.~~ If a mobile or modular home:
 - (a) Construction shall comply with the standards of the Building Code or as prescribed under ORS 446.002 through 446.200, relating to mobile homes.
 - (b) The dwelling shall be attached to a foundation for which a building permit has been obtained.
 - (c) The dwelling shall have a minimum floor area of 600 square feet.
- (4) Demonstration by the applicant that the dwelling is appropriate, accessory, and necessary for the realization of a farm management program as described in subsection (5) below. The record shall include a finding of material improvement in the potential productivity resulting from and dependent upon the existence of the dwelling. That finding shall be based upon factual information, certified by an agency, firm or individual who is recognized, or demonstrates qualifications, as an expert in the proposed area of agricultural production.
- (5) Conducted according to a farm management plan containing the following elements:
 - (a) A written description of a proposed five-year development and management plan which describes the cropping or livestock pattern by type, location and area size and which may include forestry as an incidental use;
 - (b) Soil test or Soil Conservation Service OR-1 soils field sheet data which demonstrate the land suitability for each proposed crop or pasturage use;
 - (c) Certification by the Oregon State University Extension Service, or by person or group having similar agricultural expertise, that the production acreage and the farm management plan are appropriate for the continuation of the existing commercial agricultural enterprise within the area. For the purposes of this Chapter *appropriate for the continuation of the existing commercial agricultural enterprise within the area* means:
 - (i) That the farm use and production acreage are similar to the existing commercial farm uses and production acreages in the vicinity, or
 - (ii) In the event the farm use is different that the existing farm uses in the vicinity, that the production acreage and the farm management plan are reasonably designed to promote agricultural utilization of the land equal to or greater than that in the vicinity. *Agricultural utilization*

means an intended profit-making commercial enterprise which will employ accepted farming practices to produce agricultural products for entry into conventional agricultural markets.

- (d) A description of the primary uses on nearby properties, including lot size, topography, soil types, management practices and supporting services, and a statement of the ways the proposal will be compatible with them.
- (6) The Planning Director shall make findings and a tentative decision within ten business days of the application filing. Notice of the findings and decision and information describing the appeals process shall be mailed by first class mail to the applicant and to the record owners of all property within 500 feet of the property proposed for the use.
- (7) The tentative decision shall be final at the close of business on the tenth calendar day after notice is mailed, unless the applicant or a person entitled to mailed notice or a person substantially affected by the application files a written notice of appeal. Such notice of appeal and the decision shall be subject to the provisions of MCC .8290 and .8295, except that subsection MCC .8295(C) shall apply only to a notice of appeal filed by the applicant. The persons entitled to notice under subsection (6) of this section shall be given the same notice of the appeal hearing as is given the applicant.
- (B) Residential use consisting of a ~~single family dwelling~~ mobile or modular home for the housing of help required to carry out a farm use when the ~~dwelling~~ residence occupies the same lot as a residence permitted by MCC ~~.2008(C) or .2010(A)~~, subject to the following conditions:
- (1) ~~In the event the dwelling is constructed off site, construction shall comply with MCC .2010(A)(1) and (3).~~ The lot is at least 76 acres, if on Sauvie Island, or 38 acres if located elsewhere in the EFU district;
 - (2) The location of the dwelling shall be subject to approval of the Planning Director on a finding that:
 - (a) ~~The use is needed to carry out a use listed in MCC .2008(A) or (B);~~ The residence satisfies the requirements of MCC .2010(A)(4)
 - (b) The standards of MCC .2016 (C) are satisfied; and
 - (c) The minimum distance between dwellings will be 20 feet.
 - (3) The decision of the Director shall be made in accordance with MCC .2010(A)(6) and (7) ~~may be appealed to the Hearings Officer pursuant to MCC .8290 and .8295.~~
- (C) ~~A farm use or a residence in conjunction with a farm use as listed in MCC .2008(A) or (C) or MCC .2010(A) under conditions 1 through 3 thereof, subject to the following~~ A single family dwelling on a Lot of Record used for farm use if the dwelling is:
- (1) ~~Located on a Lot of Record of less than 76 acres on Sauvie Island or 38 acres elsewhere in the EFU districts, or~~ Located on the same Lot of Record as the dwelling of the farm operator; and
 - (2) ~~Located on a lot created under MCC 11.45, Land Divisions, after August 14, 1980, with a lot size less than 76 acres, but not less than 38 acres on Sauvie Island or less than 38 acres, but not less than 19 acres elsewhere in the EFU district; and~~ Occupied by a relative, which means grandparent, grandchild, parent, child,

brother or sister of the farm operator or the farm operator's spouse, whose assistance in the management of the farm is or will be required by the farm operator.

- ~~(3) Conducted according to a farm management plan containing the following elements:~~
- ~~(a) A written description of a five year development and management plan which describes the proposed cropping or livestock pattern by type, location and area size and which may include forestry as an incidental use;~~
 - ~~(b) Soil test or Soil Conservation Service OR 1 soils field sheet data which demonstrate the land suitability for each proposed crop or pasturage use;~~
 - ~~(c) Certification by the Oregon State University Extension Service, or by person or group having similar agricultural expertise, that the production acreage and the farm management plan are appropriate for the continuation of the existing commercial agricultural enterprise within the area. For the purposes of this Chapter "appropriate for the continuation of the existing commercial agricultural enterprise within the area" means:~~
 - ~~(i) That the proposed farm use and production acreage are similar to the existing commercial farm uses and production acreages in the vicinity, or~~
 - ~~(ii) In the event the proposed farm use is different that the existing farm uses in the vicinity, that the production acreage and the farm management plan are reasonably designed to promote agricultural utilization of the land equal to or greater than that in the vicinity. "Agricultural utilization" means an intended profit making commercial enterprise which will employ accepted farming practices to produce agricultural products for entry into conventional agricultural markets.~~
 - ~~(d) A description of the primary uses on nearby properties, including lot size, topography, soil types, management practices and supporting services, and a statement of the ways the proposal will be compatible with them.~~
 - ~~(e) Exception: A written description of the farm management program on that parcel as a separate management unit for the preceding five years may be substituted for subsections (a), (b) and (c) above.~~
- ~~(4) The Planning Director shall make findings and a tentative decision within ten business days of the application filing. Notice of the findings and decision and information describing the appeals process shall be mailed by first class mail to the applicant and to the record owners of all property within 500 feet of the property proposed for the use.~~
- ~~(5) The tentative decision shall be final at the close of business on the tenth calendar day after notice is mailed, unless the applicant or a person entitled to mailed notice or a person substantially affected by the application files a written notice of appeal. Such notice of appeal and the decision shall be subject to the provisions of MCC .8290 and .8295, except that subsection MCC .8295(C) shall apply only to a notice of appeal filed by the applicant. The persons entitled to notice under subsection (4) of this section shall be given the same notice of the appeal hearing as is given the applicant.~~

11.15.2012 Conditional Uses.

(A) The following uses may be permitted when approved by the Hearings Officer pursuant to the

provisions of MCC .7005 to .7030:

- (1) Public or private schools;
 - (2) Churches;
 - (3) Utility facilities ~~including those for the purpose of generating power for public use by sale~~ necessary for public service, including transmission towers over 200 feet in height, except commercial facilities for the purpose of generating power for public use by sale;
 - (4) Operations for the exploration of geothermal resources as defined in ORS 522.005;
 - (5) Private parks, playgrounds, hunting and fishing preserves and campgrounds;
 - (6) Parks, playgrounds, or community centers owned and operated by a governmental agency or non-profit community organization; and
 - (7) Golf courses.
 - (8) A site for the disposal of solid waste for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation.
 - (9) Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels.
 - (10) Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.
 - (11) Improvement of public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels.
- (B) The following uses may be permitted when approved by the Hearings Officer pursuant to the provisions of MCC .7105 to .7140:
- (1) Commercial activities that are in conjunction with farm uses;
 - (2) Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005 or exploration, mining and processing of aggregate and other mineral resources or other subsurface resources;
 - (3) Residential use not in conjunction with farm use, consisting of a single family dwelling, including a mobile or modular home. The lot shall be a Lot of Record under MCC .2018, ~~or, if otherwise below the minimum lot size, be have been created divided~~ under the applicable provisions of MCC 11.45, Land Divisions. The Hearings Officer shall find that a dwelling on the lot as proposed:
 - (a) Is compatible with farm uses described in paragraph (A) of subsection (2) of ORS 215.203 and is consistent with the intent and purposes set forth in ORS 215.243;
 - (b) Does not interfere seriously with accepted farming practices, as defined in paragraph (c) of subsection (2) of ORS 215.203, on adjacent lands devoted to farm use;
 - (c) Does not materially alter the stability of the overall land use pattern of the area;

- (d) Is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract;
- (e) Complies with subparts ~~(1)~~(a), ~~(2)~~(b) and ~~(3)~~(c) of MCC .2010(A)(3) if constructed off-site;
- (f) Complies with such other conditions as the Hearings Officer considers necessary to satisfy the purposes of MCC .2002;
- (g) Construction shall comply with the standards to the Building Code or as prescribed under ORS 446.002 through 446.200, relating to mobile homes;
- (h) The dwelling shall be attached to a foundation for which a building permit has been obtained; and
- (i) The dwelling shall have a minimum floor area of 600 square feet.
- (j) **The owner shall record with the Division of Records and Elections a statement that the owner and successors in interest acknowledge the rights of nearby property owners to conduct accepted farming and forestry practices.**
- (k) **The applicant shall provide evidence that all additional taxes and penalties, if any, have been paid if the property has been receiving special assessment as described in ORS 215.236(2). In the alternative, the Approval Authority may attach conditions to any approval to insure compliance with this provision.**
- ~~(4) Raising any type of fowl, or processing the by products thereof, for sale at wholesale or retail;~~
- ~~(5) Feed Lots;~~
- ~~(6) Raising of four or more swine over three months of age;~~
- ~~(7) Raising of fur bearing animals for sale at wholesale or retail;~~
- ~~(8)~~ 4) Home occupations pursuant to provisions of ORS 215.213(2)(h);
- ~~(9)~~ 5) Facilities for the primary processing of forest products, pursuant to ORS 215.213(2)(i); and
- ~~(10)~~ 6) **The breeding, boarding and training of horses for profit.**
- ~~(11)~~ 7) Mortgage Lot: Residential use consisting of single family dwelling in conjunction with a primary use listed in MCC .2008(A) located on a mortgage lot created after August 14, 1980, subject to the following:
 - (a) The minimum lot size for the mortgage lot shall be two acres;
 - (b) Except as may otherwise be provided by law, a mortgage lot shall not be conveyed as a zoning lot separate from the tract out of which it was created or such portion of the tract as conforms with the dimensional requirements of the Zoning Ordinance then in effect. The purchaser of a mortgage lot shall record a statement referring to this limitation in the Deed Records pertaining to said lot.

(c) No permit shall be issued for improvement of a mortgage lot unless the contract seller of the tract out of which the mortgage lot is to be created and the mortgagee of said mortgage lot have agreed in writing to the creation of the mortgage lot.

~~(12)~~ **8) Homestead Lot:** The purpose of this provision is to encourage the retention of agricultural lands in large parcels, while providing the opportunity for residents who are no longer able or who no longer desire to farm the land to retain their homes and sell the balance of the property. *Homestead Lot* means a lot of from two to five acres depending upon the conditions of soil, topography or other circumstances which govern parcel size on which the existing dwelling shall have been the principal farm dwelling for at least ten years prior to August 14, 1980. The Hearings Officer may approve a homestead lot division as a non-farm use, provided that all of the following area satisfied:

- (a) The remainder of the parcel shall satisfy the lot size and other requirements of this district for farm use;
- (b) Not more than one homestead lot may be divided from a Lot of Record;
- (c) The owner of the parcel from which the homestead lot was divided shall have the first right of refusal to purchase the homestead lot;
- (d) The dwelling is compatible with farm uses described in paragraph (a) of subsection (2) of ORS 215.203 and is consistent with the intent and purposes set forth in ORS 215.243;
- (e) The dwelling does not interfere seriously with accepted farming practices, as defined in paragraph (c) of subsection (2) of ORS 215.203 on adjacent lands devoted to farm use;
- (f) The dwelling does not materially alter the stability of the overall land use pattern of the area; and
- (g) The dwelling is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract.

~~(13)~~ **9) The propagation, cultivation, maintenance and harvesting of aquatic species.**

~~(14)~~ **10) Personal use airports, as defined in ORS 215.283(g).**

~~(15)~~ **11) Dog Kennels.**

(12) Residential homes for handicapped persons, as those terms are defined in ORS 443.580, in existing dwellings.

11.15.2014 Accessory Uses.

The uses or structures incidental and accessory to the uses permitted under MCC .2008 through .2012 are:

- (A) Structures such as garages, carports, studios, pergolas, private workshops, **barns, loafing sheds**, storage buildings, greenhouses or similar structures, whether attached or detached, when in accordance with the yard requirements of this district;
- (B) Structures or fenced runs for the shelter or confinement of poultry or livestock;
- (C) Signs, pursuant to the provisions of MCC .2024;

- (D) Off-street parking and loading; and
- (E) Other structures or uses customarily incidental to any use permitted or approved in this district.
- (F) A mobile home on a Health Hardship pursuant to the provisions of MCC .8710.**

11.15.2016 Dimensional Requirements.

- (A) Except as provided in MCC .2010(C), .2012(B)(3), **.2017**, .2018 and .2020, the minimum lot size shall be 76 acres on Sauvie Island and 38 acres elsewhere in the EFU district.
- (B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the size of such lot.

(C) Minimum Yard Dimensions - Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet.

- (D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by Ordinance.
- (E) Structures such as barns, silos, windmills, antennae, chimneys or similar structures may exceed the height requirement if located at least 30 feet from any property line.
- (F) The minimum yard or setback requirement shall be increased to 200 feet from the property line of a lot or parcel on which there is an existing or approved mineral and/or aggregate extraction use listed in MCC .7320, or on which there is a mineral and/or aggregate resource that is designated “2A”, “3A”, or “3C” in the ESEE analysis made part of the supporting documentation of the comprehensive plan. This yard or setback requirement may be reduced as follows:**
 - (1) To the yard specified in the zoning district if the Planning Director determines that potential mineral and/or aggregate extraction uses would not occur closer than 250 feet to the proposed noise sensitive location taking into consideration the resource information available.**

11.15.2017 Lot Line Adjustment

- (A) The Planning Director may approve an adjustment of the common lot line between contiguous Lots of Record based on a finding that:**
 - (1) The permitted number of dwellings will not thereby be increased above that otherwise allowed in this district;**
 - (2) The resulting lot configuration is at least as appropriate for the continuation of the existing commercial agricultural enterprise in the area as the lot configuration prior to adjustment; and**
 - (3) Neither of the properties is developed with a dwelling approved under the**

provisions of MCC .2010(B) or (C), or .2014(F).

The decision of the Planning Director may be appealed to the approval authority pursuant to MCC .8290 and .8295.

11.15.2018 Lot of Record.

(A) For the purposes of this district, a Lot of Record is ~~a parcel of land~~:

(1) ~~For which a deed or other instrument dividing land was recorded with the Department of Administrative Services, or was in recordable form, prior to August 14, 1980; and~~ A parcel of land:

(a) For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to August 14, 1980;

(b) Which satisfied all applicable laws when the parcel was created; and

(c) Which satisfies the minimum lot size requirements of MCC .2016, or

(2) ~~Which, when established, satisfied all applicable laws.~~ A parcel of land:

(a) For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to February 20, 1990;

(b) Which satisfied all applicable laws when the parcel was created;

(c) Does not meet the minimum lot size requirements of MCC .2016; and

(d) Which is not contiguous to another substandard parcel or parcels under the same ownership, or

(3) A group of contiguous parcels of land:

(a) For which deeds or other instruments creating the parcels were recorded with the Department of General Services, or were in recordable form prior to February 20, 1990;

(b) Which satisfied all applicable laws when the parcels were created;

(c) Which individually do not meet the minimum lot size requirements of MCC .2016, but, when considered in combination, comply as nearly as possible with a minimum lot size of nineteen acres, without creating any new lot line; and

(d) Which are held under the same ownership.

(B) ~~A Lot of Record which has less than the area or front lot line minimum required may be occupied by any permitted or approved use when in compliance with the other requirements of this district.~~

- ~~(1) Parcels of land which are contiguous and in which greater than possessory interests are held by the same person, partnership or business entity, shall be aggregated to comply as nearly as possible with the area or front lot line minimum of this district. The word contiguous shall refer to parcels of land which have any common boundary and shall include, but not be limited to, parcels separated only by an alley, street or other right of way.~~
- ~~(2) Nothing in this subpart shall be deemed to alter or amend the other provisions of this Chapter.~~

For the purposes of this subsection:

- (1) *Contiguous* refers to parcels of land which have any common boundary, excepting a single point, and shall include, but not be limited to, parcels separated only by an alley, street or other right-of-way;
- (2) *Substandard Parcel* refers to a parcel which does not satisfy the minimum lot size requirements of MCC .2016; and
- (3) *Same Ownership* refers to parcels in which greater than possessory interests are held by the same person or persons, spouse, minor age child, single partnership or business entity, separately or in tenancy in common.
- (C) A Lot of Record which has less than the front lot line minimums required may be occupied by any permitted or approved use when in compliance with the other requirements of this district.

11.15.2030 Right To Complete Single Family Dwelling.

A single family dwelling, uncompleted prior to ~~August 14, 1980~~ February 20, 1990, but which meets the tests stated in this subsection, may be completed although not listed as a primary use in this district.

- (A) Actual construction shall have commenced prior to ~~August 14, 1980~~ February 20, 1990, under a sanitation, building or other development permit applicable to the lot. *Actual construction* means:
- (1) Placement of construction materials in a permanent position;
- (2) Site excavation or grading;
- (3) Demolition or removal of an existing structure;
- (4) The value of purchased building materials; or
- (5) Installation of water, sanitation or power systems.
- (B) Actual construction shall not include:
- (1) The cost of plan preparation; or
- (2) The value of the land.
- (C) The value of actual construction commenced prior to ~~August 14, 1980~~ February 20, 1990

shall be \$1,000 or more, for each \$20,000 of the total estimated value of the proposed improvements as calculated under the Uniform Building Code.

C. Subsections of the CFU – Commercial Use District are amended, added to, or deleted as follows:

11.15.2050 Uses Permitted Under Prescribed Conditions

(A) Residential use in conjunction with a primary use listed in MCC .2048 including a mobile or modular home, subject to the following:

- (1) The lot size shall meet the standards of MCC .2058(A), or MCC .2062(A) and (B), but shall not be less than ten acres;
- (2) A resource management program for at least 75% of the productive land of the lot, as described in subsection MCC .2052(C)(2)(a), consisting of:
 - (a) A forest management plan certified by the Oregon State Department of Forestry, the Oregon State University Extension Service, or by a person or group having similar forestry expertise, that the lot and the plan are physically and economically suited to the primary forest or wood processing use;
 - (b) A farm management plan certified by the Oregon State University Extension Service, or by a person or group having similar agricultural expertise, that the lot and the plan are physically and economically suited to the primary purpose of obtaining a profit in money, considering accepted farming practice;
 - (c) A resource management plan for a primary use listed in MCC .2048, based upon income, investment or similar records of the management of that resource on that property as a separate management unit for at least two of the preceding three years,
 - (d) A fish, wildlife or other natural resource conservation management plan, certified by the Oregon State Fish and Wildlife Department or by a person or group having similar resource conservation expertise, to be suited to the lot and to nearby uses;
 - (e) A small tract timber option under ORS Chapter 321.705, a Western Oregon Forest Land designation under ORS 321.257, or participation in a current forestry improvement program of the U.S. Agricultural Stabilization and Conservation Service; or
 - (f) A cooperative or lease agreement with a commercial timber company or other person or group engaged in commercial timber operations, for the timber management of at least 75% of the productive timberland of the property. Productive timberland is that portion of the property capable of growing 50 cubic feet/acre/year.
- (3) The dwelling will not require public services beyond those existing or programmed for the area;
- (4) 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;
- (5) The residential use development standards of MCC .2074.

~~(B) Residential use, consisting of a single family dwelling for the housing of help required to carry out a primary use listed in MCC .2048(C) or (D) when the dwelling occupies the same~~

~~lot as a residence permitted by MCC .2050(A), subject to the residential use development standards under MCC .2074;~~

- (C B) Wholesale or retail sales of farm or forest products raised or grown on the premises or in the vicinity, subject to the following condition:

The location and design of any building, stand or sign in conjunction with wholesale and retail sales shall be subject to approval of the Planning Director on a finding that the location and design are compatible with the character of the area, provided that the decision of the Director may be appealed to the approval authority pursuant to MCC .8290 and .8295.

11.15.2062 Lot of Record

- (A) For the purposes of this district, a Lot of Record is ~~a parcel of land~~:

- (1) ~~For which a deed or other instrument dividing land was recorded with the Department of Administrative Services, or was in recordable form, prior to August 14, 1980; and~~ A parcel of land:

(a) For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to August 14, 1980;

(b) Which satisfied all applicable laws when the parcel was created; and

(c) Which satisfies the minimum lot size requirements of MCC .2058, or

- (2) ~~Which, when established, satisfied all applicable laws.~~ A parcel of land:

(a) For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to February 20, 1990;

(b) Which satisfied all applicable laws when the parcel was created;

(c) Does not meet the minimum lot size requirements of MCC .2058; and

(d) Which is not contiguous to another substandard parcel or parcels under the same ownership, or

- (3) A group of contiguous parcels of land:

(a) For which deeds or other instruments creating the parcels were recorded with the Department of General Services, or were in recordable form prior to February 20, 1990;

(b) Which satisfied all applicable laws when the parcels were created;

(c) Which individually do not meet the minimum lot size requirements of MCC .2058, but, when considered in combination, comply as nearly as possible with a minimum lot size of nineteen acres, without creating any new lot line; and

(d) Which are held under the same ownership.

(B) ~~A Lot of Record which has less than the area or front lot line minimum required may be occupied by any permitted or approved use when in compliance with the other requirements of this district.~~

~~(1) Parcels of land which are contiguous and in which greater than possessory interests are held by the same person, partnership or business entity, shall be aggregated to comply as nearly as possible with the area or front lot line minimum of this district. The word contiguous shall refer to parcels of land which have any common boundary and shall include, but not be limited to, parcels separated only by an alley, street or other right of way.~~

~~(2) Nothing in this subpart shall be deemed to alter or amend the other provisions of this Chapter.~~

For the purposes of this subsection:

(1) *Contiguous* refers to parcels of land which have any common boundary, excepting a single point, and shall include, but not be limited to, parcels separated only by an alley, street or other right-of-way;

(2) *Substandard Parcel* refers to a parcel which does not satisfy the minimum lot size requirements of MCC .2058; and

(3) *Same Ownership* refers to parcels in which greater than possessory interests are held by the same person or persons, spouse, minor age child, single partnership or business entity, separately or in tenancy in common.

(C) ~~Except as otherwise provided by MCC .2060, .2062(B) and .2064, no sale or conveyance of any portion of a lot, other than for a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot or yard requirements or result in a lot with less than the size or width requirements of this district~~ A Lot of Record which has less than the front lot line minimums required may be occupied by any permitted or approved use when in compliance with the other requirements of this district.

D. Subsections of the F-2 – Agricultural District are amended, added to, or deleted as follows:

11.15.2096 Dimensional Requirements

Except as provided in MCC .2090(B), .2098, .7720 and .2100, the minimum lot size for a single family dwelling shall be as follows:

(A) For agricultural lands as defined in MCC .0010: 20 acres;

(B) For forest lands as defined in MCC .0010: 38 acres;

(C) For nonagricultural and nonforest lands, the minimum lot size for a single family dwelling shall be the product of a base lot size of two acres multiplied by each of the multiplies according to the area or lot characteristics in the following table:

Area or Lot Characteristic	Multiplier
Urbanizable Area	1
Rural Area	2
County Road Frontage	1
No access to County Road within 500 feet of the portion of the lot on which a dwelling could be constructed under this Ordinance	2
Public Water Supply	1
Private Water Supply	2
Soil limitations for residential use:	
Slight	1
Moderate	2
Severe—See Subpart (E) of this subsection.	

- (D) Except as required in an approval of a rural planned development pursuant to MCC .7720, no lot size need exceed eight acres.

Example of minimum lot size calculation

Base Size	Rural Area	County Road	Public Water	Moderate Soil	Minimum Size
2 ac.	x 2	x 1	x 1	x 2	= 8 ac.

- (E) A property having soil of severe limitation for residential development may only be developed with a single family dwelling on approval of a rural planned development pursuant to MCC .7720.
- (F) For the purposes of subparts (E) and (F) of this subsection only, the following definitions apply:
- (1) *Urbanizable Area* means all land zoned F-2, located east of the Willamette River or Multnomah Channel and west of the Sandy River.
 - (2) *Rural Area* means land zoned F-2 located west of the Willamette River or Multnomah Channel and east of the Sandy River.
 - (3) *Soil suitability for residential use* shall be determined according to the descriptions of suitability of soils for dwellings without basements in Table 2, *General Soil Map with Soil Interpretations for Land Use Planning - Multnomah County, Oregon* Soil Conservation Service and Oregon Agricultural Experiment Station, August, 1974.

- (G) Minimum Yard Dimensions - Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet.

- (H) Structures or portions thereof, such as barns, silos, windmills, antennae, or chimneys are exempt from the height restrictions if located at least 30 feet from any property line.
- (I) The minimum front yard, side yard or setback requirements as provided in subparts (G) and (H)

of this subsection, shall be increased where the Hearings Officer determines that a yard or setback abuts a street having insufficient right-of-way width to serve the area. The Hearings Officer shall determine the necessary right-of-way widths and the additional yard or setback requirements not otherwise established by ordinance.

- (J) Except as otherwise provided by MCC .2098, .2100, and .7720, no sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of the lot with less than minimum lot, yard or setback requirements or result in a lot of less than the size or width requirements of this district.
- (K) **The minimum yard or setback requirement shall be increased to 200 feet from the property line of a lot or parcel on which there is an existing or approved mineral and/or aggregate extraction use listed in MCC .7320, or on which there is a mineral and/or aggregate resource that is designated "2A", "3A", or "3C" in the ESEE analysis made part of the supporting documentation of the comprehensive plan. This yard or setback requirement may be reduced as follows:**
 - (1) **To 50 feet if the property owner records with the Department of General Services a statement that the owner and the successors in interest acknowledge the rights of owners of nearby mineral and/or aggregate resources to conduct legally operating extraction uses.**
 - (2) **To the yard specified in the zoning district if the Planning Director determines that potential mineral and/or aggregate extraction uses would not occur closer than 250 feet to the proposed noise sensitive location taking into consideration the resource information available.**

E Subsections of the MUA – Multiple Use Agriculture District are amended, added to, or deleted as follows:

11.15.2132 Conditional Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable ordinance standards:

- (A) Community Service Uses pursuant to the provisions of MCC .7005 through .7041;
- (B) The following Conditional Uses pursuant to the provisions of MCC .7105 through .7640:
 - (1) Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005; or exploration, mining and processing of aggregate and other mineral or subsurface resources;
 - (2) Commercial processing of agricultural products primarily raised or grown in the region;
 - (3) Raising any type of fowl or processing the by-products thereof for sale at wholesale or retail;
 - (4) Feed lots;
 - (5) Raising of four or more swine over four months of age;
 - (6) Raising of fur bearing animals for sale at wholesale or retail;
 - (7) Commercial dog kennels; and

- (8) Commercial processing of forest products primarily grown in the region.
- (9) Houseboats and Houseboat Moorages.
- (C) The following Conditional Uses may be permitted on lands not predominantly of Agricultural Capability Class I, II or III soils:
 - (1) ~~Rural p~~Planned developments for single-family residences, as provided in MCC ~~.7705 through .7760~~.6200 through .6226;
 - (2) Pursuant to the provisions of MCC .7105 through .7640:
 - (a) Cottage industries,
 - (b) Limited rural service commercial uses such as local stores, shops, offices, repair services and similar uses, and
 - (c) Tourist commercial uses such as restaurants, gas stations, motels, guest ranches and similar uses.

11.15.2134 Accessory Uses

- (A) Signs, pursuant to the provisions of MCC 11.15.7902-.7982.)
- (B) Off-street parking and loading;
- (C) Home occupations; and
- (D) Other structures or uses customarily accessory or incidental to any use permitted or approved in this district; and
- (E) **Family Day Care.**

11.15.2138 Dimensional Requirements

- (A) Except as provided in MCC .2140, .2142, .2144 and .7629, the minimum lot size shall be 20 acres.
- (B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.
- (C) Minimum Yard Dimensions - Feet

Front	Side	Street Side	Rear
30	10	30	30
Maximum Structure Height – 35 feet			

Minimum Front Lot Line Length – 50 feet.

- (D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by ordinance.
- (E) Structures such as barns, silos, windmills, antennae, chimneys or similar structures may exceed the height requirement if located at least 30 feet from any property line.

- (F) The minimum yard or setback requirement shall be increased to 200 feet from the property line of a lot or parcel on which there is an existing or approved mineral and/or aggregate extraction use listed in MCC .7320, or on which there is a mineral and/or aggregate resource that is designated "2A", "3A", or "3C" in the ESEE analysis made part of the supporting documentation of the comprehensive plan. This yard or setback requirement may be reduced as follows:**

- (1) To 50 feet if the property owner records with the Department of General Services a statement that the owner and the successors in interest acknowledge the rights of owners of nearby mineral and/or aggregate resources to conduct legally operating extraction uses.**
- (2) To the yard specified in the zoning district if the Planning Director determines that potential mineral and/or aggregate extraction uses would not occur closer than 250 feet to the proposed noise sensitive location taking into consideration the resource information available.**

F. Subsections of the MUF – Multiple Use Forest District are amended, added to, or deleted as follows:

11.15.2170 Uses Permitted Under Prescribed Conditions

- (A) Residential use, in conjunction with a primary use listed in MCC .2168, consisting of a single-family dwelling, including a mobile or modular home, subject to the following:**
- (1) The lot size shall meet the standards of MCC .2178(A) or MCC .2182(A) to (C), but shall not be less than ten acres.**
 - (2) A resource management program for at least 75% of the productive land of the lot, as described in MCC .2172(D)(2)(a) consisting of:**
 - (a) A forest management plan certified by the Oregon State Department of Forestry, the Oregon State University Extension Service, or by a person or group having similar forestry expertise, that the lot and the plan are physically and economically suited to the primary forest or wood processing use;**
 - (b) A farm management plan certified by the Oregon State University Extension Service, or by a person or group having similar agricultural expertise, that the lot and the plan are physically and economically suited to the primary purpose of obtaining a profit in money, considering accepted farming practice;**
 - (c) A resource management plan for a primary use listed in MCC .2168, based upon income, investment or similar records of the management of that resource on the property as a separate management unit for at least two of the preceding three years;**
 - (d) A fish, wildlife or other natural resource conservation management plan certified by the Oregon State Fish and Wildlife Department or by a person or group having similar resource conservation expertise, to be suited to the lot and to nearby uses;**
 - (e) A small tract timber option under ORS Chapter 321.705, a Western Oregon Forest Land designation under ORS Chapter 321.257, a Reforestation deferral under ORS Chapter 321.257, or participation in a current forestry improvement program of the U.S. Agricultural Stabilization and Conservation Service; or**
 - (f) A cooperative or lease agreement with a commercial timber company, or other person or group engaged in commercial timber operations, for the timber management of at**

least 75% of the productive timberland of the property. Productive timberland is that portion of the property capable of growing 50 cubic feet/acre/year.

- (3) The dwelling will not require public services beyond those existing or programmed for the area;
- (4) 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; and
- (5) The residential use development standards of MCC .2194.

~~(B) Residential use consisting of a single family dwelling, for the housing of help required to carry out a primary use listed in MCC .2168(C) or (D), when the dwelling occupies the same lot as a residence permitted by MCC .2170(A), subject to the residential use development standards under MCC .2194.~~

(E B) Wholesale or retail sales of farm or forest products raised or grown on the premises or in the immediate vicinity, subject to the following condition:

The location and design of any building, stand or sign in conjunction with wholesale or retail sales shall be subject to approval of the Planning Director on a finding that the location and design are compatible with the character of the area; provided that the decision of the Director may be appealed to the Hearings Officer pursuant to MCC .8290 and .8295.

11.15.2172 Conditional Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable ordinance standards:

- (A) Community Service Uses pursuant to the provisions of MCC .7005 through .7041.
- (B) The following Conditional Uses pursuant to the provisions of MCC .7105 through .7640:
 - (1) Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005 or exploration, mining and processing of aggregate and other mineral or subsurface resources;
 - (2) Commercial processing of forest products, primarily grown in the region, other than as specified in MCC .2168(B);
 - (3) Raising any type of fowl, or processing the by-products thereof, for sale at wholesale or retail;
 - (4) Feed lots;
 - (5) Raising of four or more swine over four months of age;
 - (6) Raising of fur-bearing animals for sale at wholesale or retail; and
 - (7) Commercial dog kennels.
 - (8) Houseboats and Houseboat Moorages.
- (E 9) The following Conditional Uses may be permitted upon findings in addition to those required by MCC .7105 through .7640 that:

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

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

~~(3 c)~~ Access for fire protection of timber is assured:

~~(a) Rural planned developments for single family residences as provided in MCC .7705 through .7760, and~~

~~(b) Pursuant to the provisions of MCC .7105 through .7640:~~

(i) Cottage Industries;

(ii) Limited rural service commercial uses, such as local stores, shops, offices, repair services and similar use; and

(iii) Tourist commercial uses such as restaurants, gas stations, motels, guest ranches and similar uses.

~~(D C)~~ Residential use, not in conjunction with a primary use listed in MCC .2168, consisting of a single-family dwelling, including a mobile or modular home, subject to the following findings:

(1) The lot size shall meet the standards of MCC .2178(A), .2180(A) to (C), or .2182(A) to (C);

(2) The land is incapable of sustaining a farm or forest use, based upon one of the following:

(a) A Soil Conservation Service Agricultural 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 of any commercial tree species for at least 75% of the lot 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 conclusion, or

(c) The lot is a Lot of Record under MCC .2182(A) through (C), and is ten acres or less in size;

(3) A dwelling as proposed is compatible with the primary uses as listed in MCC .2168 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; and

(6) The residential use development standards of MCC .2194 will be met.

~~(E D)~~ Mortgage Lot: Residential use consisting of a single-family dwelling in conjunction with a primary use listed in MCC .2168, located on a mortgage lot created after August 14, 1980, subject to the following:

(1) The minimum lot size for the mortgage lot shall be two acres;

- (2) Except as may otherwise be provided by law, a mortgage lot shall not be conveyed as a zoning lot separate from the tract out of which it was created or such portion of the tract as conforms with the dimensional requirements of the zoning ordinance then in effect. The purchaser of a mortgage lot shall record a statement referring to this limitation in the Deed Records pertaining to said lot.
- (3) No permit shall be issued for improvement of a mortgage lot unless the contract seller of the tract out of which the mortgage lot is to be created and the mortgagee of said mortgage lot have agreed in writing to the creation of the mortgage lot.

11.15.2182 Lot of Record.

(A) For the purposes of this district, a Lot of Record is ~~a parcel of land:~~

- (1) ~~For which a deed or other instrument dividing land was recorded with the Department of Administrative Services, or was in recordable form, prior to August 14, 1980; and~~ A parcel of land:

- (a) For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to August 14, 1980;

- (b) Which satisfied all applicable laws when the parcel was created; and

- (c) Which satisfies the minimum lot size requirements of MCC .2178, or

- (2) ~~Which, when established, satisfied all applicable laws.~~ A parcel of land:

- (a) For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to February 20, 1990;

- (b) Which satisfied all applicable laws when the parcel was created;

- (c) Does not meet the minimum lot size requirements of MCC .2178; and

- (d) Which is not contiguous to another substandard parcel or parcels under the same ownership, or

- (3) A group of contiguous parcels of land:

- (a) For which deeds or other instruments creating the parcels were recorded with the Department of General Services, or were in recordable form prior to February 20, 1990;

- (b) Which satisfied all applicable laws when the parcels were created;

- (c) Which individually do not meet the minimum lot size requirements of MCC .2178, but, when considered in combination, comply as nearly as possible with a minimum lot size of nineteen acres, without creating any new lot line; and

(d) Which are held under the same ownership.

(B) ~~A Lot of Record which has less than the area or front lot line minimum required may be occupied by any permitted or approved use when in compliance with the other requirements of this district.~~

~~(1) Parcels of land which are contiguous and in which greater than possessory interests are held by the same person, partnership or business entity, shall be aggregated to comply as nearly as possible with the area or front lot line minimum of this district. The word contiguous shall refer to parcels of land which have any common boundary and shall include, but not be limited to, parcels separated only by an alley, street or other right of way.~~

~~(2) Nothing in this subpart shall be deemed to alter or amend the other provisions of this Chapter.~~

For the purposes of this subsection:

(1) *Contiguous* refers to parcels of land which have any common boundary, excepting a single point, and shall include, but not be limited to, parcels separated only by an alley, street or other right-of-way;

(2) *Substandard Parcel* refers to a parcel which does not satisfy the minimum lot size requirements of MCC .2178; and

(3) *Same Ownership* refers to parcels in which greater than possessory interests are held by the same person or persons, spouse, minor age child, single partnership or business entity, separately or in tenancy in common.

(C) Separate Lots of Record shall be deemed created when a County maintained road or an EFU, CFU, MUA-20, RR or RC zoning district boundary intersects a parcel, or aggregated group of contiguous parcels, of land.

(D) A Lot of Record which has less than the front lot line minimums required may be occupied by any permitted or approved use when in compliance with the other requirements of this district.

(E) Except as otherwise provided by MCC .2180 and .2184, no sale or conveyance of any portion of a Lot of Record, other than for a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.

G. Subsections of the RR – Rural Residential District are amended, added to, or deleted as follows:

11.15.2212 Conditional Uses.

The following uses may be permitted when found by the Hearings Officer to satisfy the applicable Ordinance standards:

(A) Community Service Uses under the provisions of MCC .7005 through .7041.

(B) The following Conditional Uses under the provisions of MCC .7105 through .7640:

- (1) Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005 or exploration, mining and processing of aggregate and other mineral or subsurface resources;
- (2) Commercial processing of agricultural products, primarily raised or grown in the region;
- (3) Raising of any type of fowl, or processing the by-products thereof, for sale at wholesale or retail;
- (4) Feed lots;
- (5) Raising of four or more swine more than four months of age;
- (6) Raising of fur-bearing animals for sale at wholesale or retail;
- (7) Commercial dog kennels;
- (8) ~~Rural Planned~~ Planned developments for single-family residences, as provided in MCC ~~.7705 through .7760~~ .6200 through .6226;
- (9) Cottage industries, under the provisions of MCC .7105 through .7640.
- (10) Limited rural service commercial uses, such as local stores, shops, offices, repair services and similar uses; and
- (11) Tourist commercial uses such as restaurants, gasoline stations, motels, guest ranches, and similar uses.

11.15.2214 Accessory Uses

- (A) Signs, pursuant to the provisions of MCC 11.15.7902-.7982.
- (B) Off-street parking and loading;
- (C) Home occupations; ~~and~~
- (D) Other structures or uses customarily accessory or incidental to any use permitted or approved in this district; ~~and~~
- (E) Family Day Care.

11.15.2218 Dimensional Requirements.

- (A) Except as provided in MCC .2220, .2222, .2224 and .7720, the minimum lot size shall be five acres.
- (B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.
- (C) Minimum Yard Dimensions - Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet.

- (D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional requirements not otherwise established by Ordinance.
- (E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.
- (F) **The minimum yard or setback requirement shall be increased to 200 feet from the property line of a lot or parcel on which there is an existing or approved mineral and/or aggregate extraction use listed in MCC .7320, or on which there is a mineral and/or aggregate resource that is designated “2A”, “3A”, or “3C” in the ESEE analysis made part of the supporting documentation of the comprehensive plan. This yard or setback requirement may be reduced as follows:**
 - (1) **To 50 feet if the property owner records with the Department of General Services a statement that the owner and the successors in interest acknowledge the rights of owners of nearby mineral and/or aggregate resources to conduct legally operating extraction uses.**
 - (2) **To the yard specified in the zoning district if the Planning Director determines that potential mineral and/or aggregate extraction uses would not occur closer than 250 feet to the proposed noise sensitive location taking into consideration the resource information available.**

H. Subsections of the RC – Rural Center District are amended, added to, or deleted as follows:

11.15.2252 Conditional Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable ordinance standards:

- (A) Community Service Uses pursuant to the provisions of MCC .7005 through .7041
- (B) The following Conditional Uses pursuant to the provisions of MCC .7105 through .7640:
 - (1) Limited rural service commercial uses such as local stores, shops, offices, repair shops, and similar uses;
 - (2) Tourist commercial uses such as restaurants, taverns, gas stations, motels, guest ranches, and similar uses;
 - (3) The Light Manufacturing Uses of MCC .5120 which require the daily employment of twenty or fewer persons; and
 - (4) Commercial processing of agricultural or forestry products primarily grown in the vicinity.
- (C) **~~Rural Planned developments for single-family residences, as provided in MCC .7705 through .7760. Duplex and apartment dwellings, not to exceed four dwelling units per lot, may be approved by the approval authority pursuant to the provisions of MCC .7750.~~**

- (D) Existing light industrial uses permitted by MCC .2252(B)(3) may be expanded up to a daily total of 40 employees, based on findings that:
- (1) The proposed expansion is a result of normal growth of the existing use and not required as a result of diversification of the business;
 - (2) The use provides a public benefit to the rural center by employing primarily persons who reside within the rural center or surrounding rural area, and this same employment pattern will continue with the proposed expansion;
 - (3) The proposed expansion satisfies the applicable elements of Comprehensive Framework Plan Policies:
 - (a) No. 20 – Arrangement of Land Uses,
 - (b) No.30 – Industrial Location (Isolated Light Industrial),
 - (c) No. 36 – Transportation System Development Requirements,
 - (d) No. 37 – Utilities, and
 - (e) No. 38 – Facilities.
 - (4) The proposed expansion satisfies the Design Review provisions of MCC .7805 through .7865.

11.15.2254 Accessory Uses

- (A) Signs pursuant to the provisions of MCC 11.15.7902-.7982.
- (B) Off-street parking and loading;
- (C) Home occupations; and
- (D) Other structures or uses customarily accessory or incidental to any use permitted or approved in this district; **and**
- (E) Family Day Care.**

11.15.2258 Dimensional Requirements

- (A) Except as provided in MCC .2260, .2262, .2264 and .7720, the minimum lot size shall be one acre.
- (B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.
- (C) Minimum Yard Dimensions - Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet.
- (D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the

necessary right-of-way widths and additional yard requirements not otherwise established by ordinance.

- (E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.
- (F) **The minimum yard or setback requirement shall be increased to 200 feet from the property line of a lot or parcel on which there is an existing or approved mineral and/or aggregate extraction use listed in MCC .7320, or on which there is a mineral and/or aggregate resource that is designated "2A", "3A", or "3C" in the ESEE analysis made part of the supporting documentation of the comprehensive plan. This yard or setback requirement may be reduced as follows:**
 - (1) **To 50 feet if the property owner records with the Department of General Services a statement that the owner and the successors in interest acknowledge the rights of owners of nearby mineral and/or aggregate resources to conduct legally operating extraction uses.**
 - (2) **To the yard specified in the zoning district if the Planning Director determines that potential mineral and/or aggregate extraction uses would not occur closer than 250 feet to the proposed noise sensitive location taking into consideration the resource information available.**

I. Subsections of the UF – Urban Future District are amended, added to, or deleted as follows:

11.15.2360 Exceptions to Dimensional Requirements

- (A) When a lot has been included in a Future Street Plan approved under the Land Division Chapter, MCC 11.45, development of that lot, including area and setback requirements, shall be in compliance with the street and lotting pattern of that Future Street Plan, or approved revision thereof, under MCC 11.45.180.
- (B) The minimum yard requirement shall be increased to provide for street widening in the event a yard abuts a street having a width less than that specified for the functional classification by MCC Chapter 11.60.
- (C) Except as provided in the LF district, structures such as barns, silos, windmills, antennae, chimneys or similar structures may exceed the height requirement if located at least 30 feet from any property line.
- (D) The approval authority may grant a Lot of Exception to permit the creation of a lot smaller than the minimum required, after July 26, 1979, when in compliance with the other dimensional requirements of the district. Any exception shall be based on findings that the proposal will:
 - (1) Substantially maintain or support the character and stability of the overall land use pattern of the area;
 - (2) Be compatible with accepted farming or forestry practices on adjacent lands;
 - (3) Be consistent with the purposes described in MCC .2354;
 - (4) Satisfy the applicable standards of water supply, sewage disposal and minimum access; and
 - (5) Not require public services beyond those existing in the area.

- (E) Except as provided in MCC .2360(G), no Lot of Exception shall be approved unless:
- (1) The Lot of Record to be divided exceeds the area requirements of the district, and
 - (2) The division will create no more than one lot which is less than the minimum area required in the district.
- (F) The approval authority may attach conditions to the approval of any Lot of Exception to insure that the use is consistent with the Comprehensive Plan and the purposes described in MCC .2354.
- (G) The Planning Director may grant a Lot of Exception based on a finding that the permitted number of dwellings will not thereby be increased above that otherwise allowed in the district; provided that the decision of the Planning Director may be appealed according to the provisions of MCC .8290 and .8295.
- (F) **The minimum yard or setback requirement shall be increased to 200 feet from the property line of a lot or parcel on which there is an existing or approved mineral and/or aggregate extraction use listed in MCC .7320, or on which there is a mineral and/or aggregate resource that is designated "2A", "3A", or "3C" in the ESEE analysis made part of the supporting documentation of the comprehensive plan. This yard or setback requirement may be reduced as follows:**
- (1) **To 50 feet if the property owner records with the Department of General Services a statement that the owner and the successors in interest acknowledge the rights of owners of nearby mineral and/or aggregate resources to conduct legally operating extraction uses.**
 - (2) **To the yard specified in the zoning district if the Planning Director determines that potential mineral and/or aggregate extraction uses would not occur closer than 250 feet to the proposed noise sensitive location taking into consideration the resource information available.**

J. Subsections of the LDRGP – Urban Low Density Residential General Provisions are amended, added to, or deleted as follows:

11.15.2480 Exceptions to Dimensional Requirements.

- (A) When a lot has been included in a future street plan approved under the Land Division Chapter, development of that lot, including area and setback requirements, shall be in compliance with the street and lotting pattern of that future street plan, or approved revisions thereof, under MCC 11.45.180 of the Land Division Chapter.
- (B) In acting to approve a land division under the Land Division Chapter, the approval authority may grant an Exception not to exceed ten percent of the lot area or 25 percent of any other dimensional requirements upon findings that such Exception will result in any of the following:
- (1) More efficient use of the site;
 - (2) A greater degree of privacy, safety or freedom from noise, fumes or glare;
 - (3) An improved solar and climatic orientation;
 - (4) The preservation of natural features, where appropriate; or
 - (5) The provision of pedestrian circulation facilities where needed.
- (C) Cornices, eaves, belt courses, sills, canopies, or similar architectural features may extend or

project into a required yard not more than 30 inches. Fireplace chimneys may project into a required front, side or rear yard not more than two feet, provided the width of such side yard is not reduced to less than three feet.

- (D) Open porches or balconies, not more than 30 inches in height and not covered by a roof or canopy, may extend or project into a required rear yard not more than four feet and such porches may extend into a required front yard not more than 30 inches.
- (E) The minimum yard requirement shall be increased to provide for street widening in the event a yard abuts a street having a width less than that specified for the functional classification by MCC Chapter 11.60.
- (F) A fence, lattice work, screen, wall or similar feature with a maximum height of six feet may be located in any required yard provided, however, that the maximum height shall be four feet if the feature is within 15 feet of a front property line or five feet of a street side property line.
- (G) Except as provided in the LF District, chimneys, antennae, or similar structures may exceed height maximums established by Ordinance if located at least 20 feet from any property line.
- (H) A two-unit dwelling may be located with one unit on each of two adjoining lots. In such event, the minimum lot size and yard requirements shall apply to each unit, except that no yard shall be required between the units.
- (I) The minimum yard or setback requirement shall be increased to 200 feet from the property line of a lot or parcel on which there is an existing or approved mineral and/or aggregate extraction use listed in MCC .7320, or on which there is a mineral and/or aggregate resource that is designated "2A", "3A", or "3C" in the ESEE analysis made part of the supporting documentation of the comprehensive plan. This yard or setback requirement may be reduced as follows:
 - (1) To 50 feet if the property owner records with the Department of General Services a statement that the owner and the successors in interest acknowledge the rights of owners of nearby mineral and/or aggregate resources to conduct legally operating extraction uses.
 - (2) To the yard specified in the zoning district if the Planning Director determines that potential mineral and/or aggregate extraction uses would not occur closer than 250 feet to the proposed noise sensitive location taking into consideration the resource information available.

K. Subsections of the MHRGP – Urban Medium and High Density Residential General Provisions are amended, added to, or deleted as follows:

11.15.2692 Exceptions to Dimensional Requirements

- (A) When a lot has been included in a future street plan approved under the Land Division Chapter, development of that lot, including area and setback requirements, shall be in compliance with the street and lotting pattern of that future street plan or approved revision thereof, under MCC 11.45.180 of the Land Division Chapter.
- (B) In acting to approve a land division under the Land Division Chapter, the approval authority may grant an exception not to exceed ten percent of the lot area or 25 percent of any other dimensional requirement upon findings of the manner in which such exception will result in any of the following:
 - (1) More efficient use of the site:

- (2) A greater degree of privacy, safety or freedom from noise, fumes or glare;
 - (3) An improved solar and climatic orientation;
 - (4) The preservation of natural features, where appropriate; or
 - (5) The provision of pedestrian circulation facilities, where needed.
- (C) The side yard adjacent to an accessway created under MCC 11.45, the Land Division Chapter may be reduced to five feet for a pre-existing structure, under the provisions of subsection (B) above.
- (D) Cornices, eaves, belt courses, sills, canopies or similar architectural features may extend or project into a required yard not more than 30 inches. Fireplace chimneys may project into a required front, side or rear yard not more than two feet, provided the width of such side yard is not reduced to less than three feet.
- (E) Open porches or balconies, not more than 30 inches in height and not covered by a roof or canopy, may extend or project into a required rear yard not more than four feet, and such porches may extend into a required front yard not more than 30 inches.
- (F) The minimum yard requirement shall be increased to provided for street widening in the event a yard abuts a street having a width less than that specified for the functional classification by the Street Standards Chapter MCC 11.60.
- (G) A fence, lattice work, screen, wall or similar feature with a maximum height of six feet may be located in any required yard; provided, however, that the maximum height shall be four feet if the feature is within 16 feet of a front property line or five feet of a street side property line.
- (H) Except as provided in the LF district, chimneys, antennae or similar structures may exceed height maximums established by Ordinance, if located at least 20 feet from any property line.
- (I) A two-unit or an apartment dwelling may be located with attached units or adjoining lots. In such event, the minimum lot size and yard requirements shall apply to the units on each lot, except that no yard shall be required adjacent to the common property line.
- (J) The land area dedicated without compensation for the widening or the extension of a public street may be included in calculating the number of dwelling units permitted on a lot in an Urban Medium or High Density Residential District.
- (K) **The minimum yard or setback requirement shall be increased to 200 feet from the property line of a lot or parcel on which there is an existing or approved mineral and/or aggregate extraction use listed in MCC .7320, or on which there is a mineral and/or aggregate resource that is designated "2A", "3A", or "3C" in the ESEE analysis made part of the supporting documentation of the comprehensive plan. This yard or setback requirement may be reduced as follows:**
- (1) To 50 feet if the property owner records with the Department of General Services a statement that the owner and the successors in interest acknowledge the rights of owners of nearby mineral and/or aggregate resources to conduct legally operating extraction uses.**
 - (2) To the yard specified in the zoning district if the Planning Director determines that potential mineral and/or aggregate extraction uses would not occur closer than 250 feet to the proposed noise sensitive location taking into consideration the resource information available.**

L. Subsections of the R-40 – Single Family Residential District are amended, added to, or deleted as follows:

11.15.2834 Restrictions

(A) Lot Size

The minimum lot size shall be 40,000 square feet. The minimum average lot width shall be 100 feet. The minimum average lot depth shall be 140 feet.

(B) Yard Requirements:

(1) Front Yard. There shall be a front yard with a minimum depth of 30 feet.

(2) Side Yard. Side yards shall be a minimum of 10 feet.

(3) Rear Yard. There shall be a rear yard with a minimum depth of 30 feet to any permanent structure.

(C) Accessory Buildings

Accessory buildings may be allowed if they fulfill the front, side, and rear yard requirements of the district.

(D) Off-Street Parking

Two automobile spaces on the lot shall be provided for each dwelling unit.

(E) Height Restrictions

Maximum height of any structure shall be 35 feet.

(F) Lot Coverage

The maximum area that may be covered by the dwelling unit and accessory buildings shall not exceed 20% of the total area of the lot.

(G) All lots in this district shall abut a street, or shall have such other access held suitable by the Hearings Officer.

(H) Half Streets

The minimum front or side yards or other setbacks as stated herein, shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The Planning Director shall determine the necessary right-of-way widths and the additional yard or setback requirements in such case.

(I) No sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot, yard, or setback requirements of this district.

(J) The minimum yard or setback requirement shall be increased to 200 feet from the property line of a lot or parcel on which there is an existing or approved mineral and/or aggregate extraction use listed in MCC .7320, or on which there is a mineral and/or aggregate resource that is designated "2A", "3A", or "3C" in the ESEE analysis made part of the supporting documentation of the comprehensive plan.

This yard or setback requirement may be reduced as follows:

- (1) To 50 feet if the property owner records with the Department of General Services a statement that the owner and the successors in interest acknowledge the rights of owners of nearby mineral and/or aggregate resources to conduct legally operating extraction uses.**
- (2) To the yard specified in the zoning district if the Planning Director determines that potential mineral and/or aggregate extraction uses would not occur closer than 250 feet to the proposed noise sensitive location taking into consideration the resource information available.**

M. Subsections of the R-30 – Single Family Residential District are amended, added to, or deleted as follows:

11.15.2844 Restrictions

(A) Lot Size

The minimum lot size shall be 30,000 square feet. The minimum average lot width shall be 80 feet. The minimum average lot depth shall be 130 feet.

(B) Yard Requirements

- (1) Front Yard.** There shall be a front yard with a minimum depth of 30 feet.
- (2) Side Yard.** Side yards shall be a minimum of 10 feet.
- (3) Rear Yard.** There shall be a rear yard with a minimum depth of 30 feet to any permanent structure.

(C) Accessory Buildings

Accessory buildings may be allowed if they fulfill the front, side, and rear yard requirements of the district.

(D) Off-Street Parking

Two automobile spaces on the lot shall be provided for each dwelling unit.

(E) Height Restrictions

Maximum height of any structure shall be 35 feet..

(F) Lot Coverage

The maximum area that may be covered by the dwelling unit and accessory buildings shall not exceed 25% of the total area of the lot.

(G) All lots in this district shall abut a street, or shall have such other access held suitable by the Hearings Officer.

(H) Half Streets

The minimum front or side yards or other setbacks as stated herein, shall be increased where such

yard or setback abuts a street having insufficient right-of-way width to serve the area. The Planning Director shall determine the necessary right-of-way widths and the additional yard or setback requirements in such cases.

- (I) No sales or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot, yard or setback requirements of this district.
- (J) **The minimum yard or setback requirement shall be increased to 200 feet from the property line of a lot or parcel on which there is an existing or approved mineral and/or aggregate extraction use listed in MCC .7320, or on which there is a mineral and/or aggregate resource that is designated "2A", "3A", or "3C" in the ESEE analysis made part of the supporting documentation of the comprehensive plan. This yard or setback requirement may be reduced as follows:**
 - (1) To 50 feet if the property owner records with the Department of General Services a statement that the owner and the successors in interest acknowledge the rights of owners of nearby mineral and/or aggregate resources to conduct legally operating extraction uses.
 - (2) To the yard specified in the zoning district if the Planning Director determines that potential mineral and/or aggregate extraction uses would not occur closer than 250 feet to the proposed noise sensitive location taking into consideration the resource information available.

N. Subsections of the R-20 – Single Family Residential District are amended, added to, or deleted as follows:

11.15.2854 Restrictions

(A) Lot Size

The minimum lot size shall be 20,000 square feet. The minimum average lot width shall be 80 feet. The minimum average lot depth shall be 120 feet.

(B) Yard Requirements

- (1) **Front Yard.** There shall be a front yard having a minimum depth of 30 feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots shall be the average of the setbacks of the main structures on abutting lots on either side if both lots are occupied; if one lot is occupied and the other vacant, the setback shall be the setback of the occupied lot, plus one-half of the remaining distance to the required 30 foot setback. If neither of the abutting side lots or tracts are occupied by a structure, the setback shall be 30 feet.
- (2) **Side Yard.** Side yards shall be a minimum of 10 feet.
- (3) **Rear Yard.** There shall be a rear yard with a minimum depth of 30 feet to any permanent structure.

(C) Accessory Buildings

Accessory buildings may be allowed if they fulfill the front, side, and rear yard requirements of the district.

(D) Off-Street Parking

Two automobile spaces on the lot shall be provided for each dwelling unit.

(E) Height Restrictions

Maximum height of any structure shall be 35 feet.

(F) Lot Coverage

The maximum area that may be covered by the dwelling unit and accessory buildings shall not exceed 30% of the total area of the lot.

(G) All lots in this district shall abut a street, or shall have such other access held suitable by the Hearings Officer.

(H) Half Streets

The minimum front or side yards or other setbacks as stated herein, shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The Planning Director shall determine the necessary right-of-way widths and the additional yard or setback requirements in such cases.

(I) No sales or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot, yard or setback requirements of this district.

(J) **The minimum yard or setback requirement shall be increased to 200 feet from the property line of a lot or parcel on which there is an existing or approved mineral and/or aggregate extraction use listed in MCC .7320, or on which there is a mineral and/or aggregate resource that is designated "2A", "3A", or "3C" in the ESEE analysis made part of the supporting documentation of the comprehensive plan. This yard or setback requirement may be reduced as follows:**

- (1) To 50 feet if the property owner records with the Department of General Services a statement that the owner and the successors in interest acknowledge the rights of owners of nearby mineral and/or aggregate resources to conduct legally operating extraction uses.**
- (2) To the yard specified in the zoning district if the Planning Director determines that potential mineral and/or aggregate extraction uses would not occur closer than 250 feet to the proposed noise sensitive location taking into consideration the resource information available.**

O. Subsections of the R-10 – Single Family Residential District are amended, added to, or deleted as follows:

11.15.2864 Restrictions

(A) Lot Size

The minimum lot size shall be 10,000 square feet. The minimum average lot width shall be 70 feet, and the minimum lot width at the building line shall be 70 feet. The minimum average lot depth shall be 100 feet.

(B) Yard Requirements

- (1) Front Yard. There shall be a front yard having a minimum depth of 30 feet, unless a

previous building line less than this has been established, in which case the minimum front yard for interior lots shall be the average of the setbacks of the main structure on abutting lots on either side if both lots are occupied. If one lot is occupied and the other vacant, the setback shall be the setback of the occupied lot, plus one-half the remaining distance to the required 30 foot setback. If neither of the abutting side lots or tracts is occupied by a structure, the setback shall be 30 feet.

- (2) **Side Yards.** Side yards shall be a minimum of ten feet.
- (3) **Rear Yards.** There shall be a rear yard with a minimum depth of 25 feet to the main building.
- (4) **Corner lots** may have a rear yard of not less than 10 feet if the front yard is not less than 30 feet and if the side yards are not less than 20 feet.

(C) Accessory Buildings

Accessory buildings may be allowed if they fulfill the following requirements:

- (1) If attached to the main building or separated by a breezeway they shall fulfill the front and side yard requirements of the main building.
- (2) If detached and located behind the rear most line of the main building, or a minimum of 35 feet from the front lot line, whichever is greater, any one-story accessory building may be located adjacent to or on a rear and/or side lot line not fronting on a street, when in compliance with the Building Code.

(D) Off-Street Parking

Two automobile spaces on the lot shall be provided for each dwelling unit.

(E) Height Restrictions

Maximum height of any structure shall be 35 feet.

(F) Lot Coverage

The maximum area that may be covered by the dwelling unit and accessory building shall not exceed 30% of the total area of the lot.

- (G) All lots in this district shall abut a street or shall have such other access held suitable by the Hearings Officer.

(H) Half Streets

The minimum front or side yards or other setbacks as stated herein, shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The Planning Director shall determine the necessary right-of-way widths and the additional yard or setback requirements in such cases.

- (I) No sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot, yard or setback requirements of this district.
- (J) **The minimum yard or setback requirement shall be increased to 200 feet from the property line of a lot or parcel on which there is an existing or approved mineral and/or aggregate extraction use listed in MCC .7320, or on which there is a mineral**

and/or aggregate resource that is designated "2A", "3A", or "3C" in the ESEE analysis made part of the supporting documentation of the comprehensive plan. This yard or setback requirement may be reduced as follows:

- (1) To 50 feet if the property owner records with the Department of General Services a statement that the owner and the successors in interest acknowledge the rights of owners of nearby mineral and/or aggregate resources to conduct legally operating extraction uses.
- (2) To the yard specified in the zoning district if the Planning Director determines that potential mineral and/or aggregate extraction uses would not occur closer than 250 feet to the proposed noise sensitive location taking into consideration the resource information available.

P. Subsections of the R-7 – Single Family Residential District are amended, added to, or deleted as follows:

11.15.2874 Restrictions

(A) Lot Size

The minimum lot size shall be 7,000 square feet. The minimum average lot width shall be 60 feet, and the minimum lot width at the building line shall be 60 feet. The minimum average lot depth shall be 80 feet.

(B) Yard Requirements

- (1) **Front Yard.** There shall be a front yard having a minimum depth of 20 feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots shall be the average of the setbacks of the main structures on abutting lots on either side if both lots are occupied. If one lot is occupied and the other vacant, the setback shall be the setback of the occupied lot, plus one-half the remaining distance to the required 20 foot setback. If neither of the abutting side lots or tracts are occupied by a structure, the setback shall be 20 feet.
- (2) **Side Yards.** Side yards shall be a minimum of five feet, on corner lots the side yard shall be a minimum of ten feet on the side abutting the street.
- (3) **Rear Yards.** There shall be a rear yard with a minimum depth of 25 feet to the main building.
- (4) **Corner lots** may have a rear yard of not less than 5 feet if the front and side yards are not less than 20 feet.

(C) Accessory Buildings

Accessory buildings may be allowed if they fulfill the following requirements:

- (1) If attached to the main building or separated by a breezeway, they shall fulfill the front and side yard requirements of the main building.
- (2) If detached and located behind the rear-most line of the main building, or a minimum of 50 feet from the front lot line, whichever is greater, any one-story accessory building may be located adjacent to or on a rear and/or side lot line fronting on a street, when in compliance with the Building Code.

(D) Off-Street Parking

Two automobile spaces on the lot shall be provide for each dwelling unit.

(E) Height Restrictions

Maximum height of any structure shall be 35 feet.

(F) Lot Coverage

The maximum area that may be covered by the dwelling unit and accessory buildings shall be 35% of the total area of the lot.

(G) All lots in this district shall abut a street or shall have such other access held suitable by the Hearings Officer.

(H) Half Streets

The minimum front or side yards or other setbacks as stated herein shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The Planning Director shall determine the necessary right-of-way widths and the additional yard or setback requirements in such cases.

(I) No sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot, yard or setback requirements of this district.

(J) The minimum yard or setback requirement shall be increased to 200 feet from the property line of a lot or parcel on which there is an existing or approved mineral and/or aggregate extraction use listed in MCC .7320, or on which there is a mineral and/or aggregate resource that is designated "2A", "3A", or "3C" in the ESEE analysis made part of the supporting documentation of the comprehensive plan. This yard or setback requirement may be reduced as follows:

- (1) To 50 feet if the property owner records with the Department of General Services a statement that the owner and the successors in interest acknowledge the rights of owners of nearby mineral and/or aggregate resources to conduct legally operating extraction uses.
- (2) To the yard specified in the zoning district if the Planning Director determines that potential mineral and/or aggregate extraction uses would not occur closer than 250 feet to the proposed noise sensitive location taking into consideration the resource information available.

Q. Subsections of the R-4 – Two-Family Residential District are amended, added to, or deleted as follows:

11.15.2884 Restrictions

(A) Lot Size

The minimum lot size shall be 8,000 square feet for a two-family dwelling, 7,000 square feet for a single-family dwelling, and 4,000 square feet for each dwelling unit in dwelling groups permitted under MCC .2882(C). The minimum average lot width shall be 60 feet, the minimum width at the building line shall be 60 feet, and the minimum average lot depth shall be 80 feet.

(B) Yard Requirements

- (1) **Front Yard.** There shall be a front yard having a minimum depth of 20 feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots shall be the average of the setbacks of the main structures on abutting lots on either side if both lots are occupied; if one lot is occupied and the other vacant, the setback shall be the setback of the occupied lot, plus one-half the remaining distance to the required 20 foot setback. If neither of the abutting side lots or tracts are occupied by a structure, the setback shall be 20 feet.
- (2) **Side Yard.** Side yards shall be a minimum of five feet, on corner lots the side yard shall be a minimum of ten feet on the side abutting the street.
- (3) **Rear Yard.** There shall be a rear yard with a minimum depth of 25 feet to the main building.

(C) Accessory Buildings

Accessory buildings may be allowed if they fulfill the following requirements:

- (1) If attached to the main building or separated by a breezeway they shall fulfill the front and side yard requirements of the district.
- (2) If detached and located behind the rear-most line of the main building, or a minimum of 50 feet from the front lot line, whichever is greater, any one-story accessory building may be located adjacent to or on a rear and/or side lot line not fronting on a street, when in compliance with the Building Code.

(D) Off-Street Parking

Two automobile spaces on the lot shall be provided for each dwelling unit. Off-street parking for dwelling groups permitted under MCC .2882(C) shall be provided according to the requirements of MCC .6100 through .6148.

(E) Height Restrictions

Maximum height of any structure shall be 35 feet.. Maximum height of any structure in a dwelling group permitted under MCC .2882(C) shall be one-story, unless the Planning Director shall determine that a greater height is in harmony with the neighborhood.

(F) Lot Coverage

The maximum area that may be covered by the dwelling(s) and accessory buildings shall not exceed 40% of the total area of the lot.

- (G)** All lots in this district shall abut a street or shall have such other access held suitable by the Hearings Officer.

(H) Half Streets

The minimum front or side yards or other setbacks as stated herein shall be increased where such yard or setback abuts a street having insufficient right-of-way widths to serve the area. The

Planning Director shall determine the necessary right-of-way widths and the additional yard or setback requirements in such cases.

- (I) No sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot, yard or setback requirements of this district.
- (J) The minimum yard or setback requirement shall be increased to 200 feet from the property line of a lot or parcel on which there is an existing or approved mineral and/or aggregate extraction use listed in MCC .7320, or on which there is a mineral and/or aggregate resource that is designated "2A", "3A", or "3C" in the ESEE analysis made part of the supporting documentation of the comprehensive plan. This yard or setback requirement may be reduced as follows:
 - (1) To 50 feet if the property owner records with the Department of General Services a statement that the owner and the successors in interest acknowledge the rights of owners of nearby mineral and/or aggregate resources to conduct legally operating extraction uses.
 - (2) To the yard specified in the zoning district if the Planning Director determines that potential mineral and/or aggregate extraction uses would not occur closer than 250 feet to the proposed noise sensitive location taking into consideration the resource information available.

R. Subsections of the A-2 – Apartment Family Residential District are amended, added to, or deleted as follows:

11.15.2894 Restrictions

(A) Lot Size and Coverage.

No. of Dwelling Units	Minimum Lot Size in Square Feet	Percent Lot Coverage
1	7,000	35%
2	8,000	40%

No. of Dwelling Units	Minimum Lot Size in Square Feet	Percent Lot Coverage
3	11,000	40%
4	14,000	45%
5	16,500	45%
6	19,000	45%
7-10	21,500 + 2,250 for each unit over 7	45%
11-20	30,500 + 2,000 for each unit over 11	45%
21-37	50,750 + 1,750 for each unit over 21	50%
38-63	79,500 + 1,500 for each unit over 38	55%
	each unit over 64	55%

64-up 118,500 + 1,000 for

- (1) The minimum average lot width shall be 60 feet, and the minimum lot width at the building line shall be 60 feet. The minimum average lot depth shall be 80 feet.

- (2) Where the number of dwelling units erected on a lot is calculated in accordance with this Section, no greater number of units shall in any event be permitted at any time except in compliance with MCC .2892(G).

(B) Yard Requirements

- (1) **Front Yard.** There shall be a front yard having a minimum depth of 20 feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots shall be the average of the setbacks of the main structures on abutting lots on either side if both lots are occupied; if one lot is occupied and the other vacant, the setback shall be the setback of the occupied lot plus one-half the remaining distance to the required 20 foot setback. If neither of the abutting side lots or tracts are occupied by a structure, the setback shall be 20 feet.
- (2) **Side Yard.** For buildings one or two stories in height, side yards shall be a minimum of five feet; for buildings exceeding two stories in height, the side yards shall be a minimum of one foot horizontally for every three feet of building height; on corner lots the side yard for all structures shall be a minimum of ten feet on the side abutting the street.
- (3) **Rear Yard.** There shall be a rear yard with a minimum depth of 15 feet to the main building.

(C) Accessory Buildings

Accessory buildings may be allowed if they fulfill the following requirements:

- (1) If attached to the main building or separated by a breezeway they shall fulfill the front and side yard requirements of the main building.
- (2) If detached and located behind the rear-most line of the main building, or a minimum of 45 feet from the front lot line, whichever is greater, any one-story accessory building may be located adjacent to or on a rear and/or side lot line not fronting on a street when in compliance with the Building Code.

(D) Off-Street Parking

Off-street parking shall be provided as required in MCC.6100 through .6148.

(E) Height Restrictions

Maximum height of any structure shall be 35 feet. Structures exceeding 35 feet may be permitted if in harmony with the neighborhood after a public hearing before the Hearings Officer.

- (F) All lots in this district shall abut a street or shall have such other access held suitable by the hearings Officer.

(G) Half Street

The minimum front or side yards or other setbacks as stated herein shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The Planning Director shall determine the necessary right-of-way widths and the additional yard or setback requirements in such cases.

- (H) No sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot, yard or setback

requirements of this district.

- (H) **The minimum yard or setback requirement shall be increased to 200 feet from the property line of a lot or parcel on which there is an existing or approved mineral and/or aggregate extraction use listed in MCC .7320, or on which there is a mineral and/or aggregate resource that is designated "2A", "3A", or "3C" in the ESEE analysis made part of the supporting documentation of the comprehensive plan. This yard or setback requirement may be reduced as follows:**

- (1) **To 50 feet if the property owner records with the Department of General Services a statement that the owner and the successors in interest acknowledge the rights of owners of nearby mineral and/or aggregate resources to conduct legally operating extraction uses.**
- (2) **To the yard specified in the zoning district if the Planning Director determines that potential mineral and/or aggregate extraction uses would not occur closer than 250 feet to the proposed noise sensitive location taking into consideration the resource information available.**

S. Subsections of the Planned Development Subdistrict are amended, added to, or deleted as follows:

11.15.6218 Density Computation for Residential Developments

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 inside the Urban Growth Boundary.** The following standards for the calculation of residential density may be used singularly or in combination, when approved by the Planning Commission:
 - (l) 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:
 - (a) Satisfaction of the need for additional urban area housing of the type proposed;
 - (b) The location of housing which is convenient to commercial, employment and community services and opportunities;
 - (c) The creation of a land use pattern which is complementary to the community and its identity, and to the community design process;
 - (f) The conservation of energy;
 - (g) The efficient use of transportation facilities; and
 - (h) The effective use of land and of available utilities and facilities.
 - (2) The permitted number of dwelling units may be increased above those computed under subsection (A) or (B) of this section, upon a finding by the Planning Commission that:
 - (a) 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

(b) The proposal will satisfy the provisions of MCC .6218 (B) (1).

11.15.6222 Permitted Uses

In an underlying residential district, the following uses may be permitted in a Planned Development District:

- (A) Housing types may include single family detached or attached dwellings, duplexes, row houses, town houses or apartments, **except that in the MUA-20, RR, and RC districts only duplexes and single family detached or attached dwellings are permitted.**
- (B) In the LR-7 and the LR-5 districts, outside a *Developed Neighborhood* as designated in the Community Plan, the housing type may include mobile homes:
 - (1) On individual lots in a subdivision approved for the purpose under MCC 11.45, the Land Division Chapter, subject to the development standards of MCC .2704, except subpart (A) (2) thereof;
 - (2) In a mobile home park, subject to the development standards of MCC .2708.
- (C) A related commercial use which is designated to serve the development of which it is a part, upon approval by the Planning Commission.
- (D) A Community Service use listed in MCC .7005 through .7030, when designated to serve the development or the adjacent area of which it is a part, upon approval by the Planning Commission.
 - (1) A Community Service use, when approved under the provisions of MCC .7005 through .7030, may also be designed to serve the adjacent area outside the Planned Development if found by the Planning Commission to be appropriate and consistent with Comprehensive Plan policies.
- (E) A use or structure customarily accessory or incidental to a permitted or approved use.
- (F) For an underlying commercial or industrial district, the following uses may be permitted in a Planned Development District:
 - (1) Uses permitted in the underlying district.
 - (2) Community Service Uses when approved by the Planning Commission under the provisions of MCC .7005 through .7030.
 - (3) Any other use as approved by the Planning Commission when found to be consistent with the Development Plan and Program and the purposes of this Chapter.

T. Subsections of the Willamette River Greenway Subdistrict are amended, added to, or deleted as follows:

11.15.6358 Exceptions

A Greenway Permit shall not be required for the following:

- (A) Farm Use, as defined in ORS 215.203(2)(a), including buildings and structures accessory thereto on **"converted wetlands" as defined by ORS 196.905(9) or on upland areas;**
- (B) The propagation of timber or the cutting of timber for public safety or personal use;
- (C) Gravel removal from the bed of the Willamette River, conducted under a permit from the State of Oregon;
- (D) Customary dredging and channel maintenance **and the removal or filling, or both, for the maintenance or reconstruction of structures such as dikes, levees, groins, riprap, drainage ditch, irrigation ditches and tile drain systems as allowed by ORS 196.905(6);**
- (E) The placing, by a public agency, of signs, markers, aids, etc., to serve the public;
- (F) Activities to protect, conserve, enhance and maintain public recreational, scenic, historical and natural uses on public lands;
- (G) On scenic easements acquired under ORS 390.332(2)(a), the maintenance authorized by that statute and ORS 390.368;
- (H) The use of a small cluster of logs for erosion control;
- (I) The expansion of capacity, or the replacement, of existing communications or energy distribution and transmission systems, except substations;
- (J) The maintenance and repair of existing flood control facilities; and
- (K) Uses legally existing on the effective date of this Chapter; provided, however, that any change or intensification of such use shall require a Greenway Permit.

11.15.6364 Decision by Planning Director

- (A) A decision on a Greenway Permit application for a Permitted Use or a Use Under Prescribed Conditions shall be made by the Planning Director. The Director may approve the permit, disapprove it, or approve it with such modifications and conditions as may be consistent with the Comprehensive Plan or necessary to assure compatibility with the elements of the Greenway Design Plan. **Such conditions may relate to the locations, design, and maintenance of existing and proposed improvements, including but not limited to buildings, structures and use areas, parking, pedestrian and vehicular circulation and access, natural vegetation and landscaped areas, fencing, screening and buffering, excavations, cuts and fills, signs, graphics, exterior colors, and lighting.**
- (B) Within ten business days following receipt of a completed Greenway Permit application, the Planning Director shall file a decision with the Director of the Department of Environmental Services and shall mail a copy of the decision to the applicant and to other persons who request the same.
- (C) A decision by the Planning Director on a Greenway Permit application shall include written conditions, if any, and findings and conclusions. The conditions, findings, and conclusions shall specifically address the relationships between the proposal and the elements of the Greenway Design Plan.

11.15.6372 Greenway Design Plan

The elements of the Greenway Design Plan are:

- (A) The maximum possible landscaped area, scenic and aesthetic enhancement, open space or vegetation shall be provided between any use and the river.
- (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.
- (C) Developments shall be directed away from the river to the greatest possible degree, provided, however, that lands in other than rural and natural resource districts may continue in urban uses.
- (D) Agricultural lands shall be preserved and maintained for farm use.
- (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 **on those lands inside the Urban Growth Boundary.**
- (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.
- (G) Significant fish and wildlife habitats shall be protected.
- (H) Significant natural and scenic areas and viewpoints and vistas shall be preserved.
- (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.
- (J) The natural ~~vegetative~~ **vegetation fringe** along the river, **lakes, wetlands, and streams** shall be enhanced and protected to the maximum extent practicable to assure scenic quality, protection from erosion, ~~and~~ screening of uses from the river, **and continuous riparian corridors.**
- (K) Extraction of known aggregate deposits may be permitted, pursuant to the provisions of MCC .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.
- (L) Areas of annual flooding, flood plains, 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.
- (M) **Significant wetland areas shall be protected as provided in MCC .6376.**
- (N) Areas of ecological, scientific, historical or archeological significance shall be protected, preserved, restored, or enhanced to the maximum extent possible.
- (O) Areas of erosion or potential erosion shall be protected from loss by appropriate means which are compatible with the character of the Greenway.
- (P) 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.
- (Q) 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 non-dwellings provided in conjunction with farm use and except for buildings and structures in conjunction with a water-related or a water dependent use. **Any exceptions to this setback must be processed as a Goal Exception under the standards of OAR 660-04-022(4).**
- (R) Any development, change of use or intensification of use of land classified WRG, shall be

subject to design review, pursuant to MCC .7805 through .7865, to the extent that such design review is consistent with the elements of the Greenway Design Plan.

(S) The applicable policies of the Comprehensive Plan are satisfied.

11.15.6376 Significant Wetlands

Significant wetlands consist of those areas designated as *Significant* on aerial photographs of a scale of 1"=200' made a part of the supporting documentation of the Comprehensive Framework Plan. Any proposed activity or use requiring an WRG permit which would impact those wetlands shall be subject to the following:

(A) In addition to other WRG Permit submittal requirements, the application shall also include:

- (1) A site plan drawn to scale showing the wetland boundary as determined by a documented field survey, the location of all existing and proposed structures, roads, watercourses, drainageways, stormwater facilities, utility installations, and topography of the site at a contour interval of no greater than five feet;**
- (2) A description and map of the wetland area that will be affected by the proposed activity. This documentation must also include a map of the entire wetland, an assessment of the wetland's functional characteristics and water sources, and a description of the vegetation types and fish and wildlife habitat;**
- (3) A description and map of soil types in the proposed development area and the locations and specifications for all proposed draining, filling, grading, dredging, and vegetation removal, including the amounts and methods;**
- (4) A study of any flood hazard, erosion hazard, or other natural hazards in the proposed development area and any proposed protective measures to reduce such hazards;**
- (5) Detailed Mitigation Plans as described in subsection (D), if required;**
- (6) Description of how the proposal meets the approval criteria listed in subsection (B) below.**

(B) In addition to the criteria listed in MCC .6372, the applicant shall demonstrate that the proposal:

- (1) Is water-dependent or requires access to the wetland as a central element of its basic design function, or is not water dependent but has no practicable alternative as described in subsection (C) below.**
- (2) Will have as few adverse impacts as is practical to the wetland's functional characteristics and its existing contour, vegetation, fish and wildlife resources, shoreline anchoring, flood storage, general hydrological conditions, and visual amenities. This impact determination shall also consider specific site information contained in the adopted wetlands inventory and the economic, social, environmental, and energy (ESEE) analysis made part of the supporting documentation of the comprehensive plan;**
- (3) Will not cause significant degradation of groundwater or surface-water quality;**
- (4) Will provide a buffer area of not less than 50 feet between the wetland boundary and upland activities for those portions of regulated activities that**

need not be conducted in the wetland;

- (5) Will provide offsetting replacement wetlands for any loss of existing wetland areas. This Mitigation Plan shall meet the standards of subsection (D).

(C) A finding of no practicable alternative is to be made only after demonstration by the applicant that:

- (1) The basic purpose of the project cannot reasonably be accomplished using one or more other practicable alternative sites in Multnomah County that would avoid or result in less adverse impact on a wetland. An *alternative site* is to be considered *practicable* if it is available for purchase and the proposed activity can be conducted on that site after taking into consideration costs, existing technology, infrastructure, and logistics in achieving the overall project purposes;
- (2) The basic purpose of the project cannot be accomplished by a reduction in the size, scope, configuration, or density of the project as proposed, or by changing the design of the project in a way that would avoid or result in fewer adverse effects on the wetland; and
- (3) In cases where the applicant has rejected alternatives to the project as proposed due to constraints, a reasonable attempt has been made to remove or accommodate such constraints.

(D) A Mitigation Plan and monitoring program may be approved upon submission of the following:

- (1) A site plan and written documentation which contains the applicable information for the replacement wetland as required by MCC .6372 and .6376 (A);
- (2) A description of the applicant's coordination efforts to date with the requirements of other local, State, and Federal agencies;
- (3) A Mitigation Plan which demonstrates retention of the resource values addressed in MCC .6376 (B)(2);
- (4) Documentation that replacement wetlands were considered and rejected according to the following order of locational preferences:
 - (a) On the site of the impacted wetland, with the same kind of resource;
 - (b) Off-site, with the same kind of resource;
 - (c) On-site, with a different kind of resource;
 - (d) Off-site, with a different kind of resource.

U. Subsections of the Significant Environmental Concern Subdistrict are amended, added to, or deleted as follows:

11.15.6400 Purposes

The purposes of the Significant Environmental Concern subdistrict are to protect, conserve, enhance,

restore, and maintain significant natural and man-made features which are of public value, including among other things, river corridors, streams, lakes and islands, domestic water supply watersheds, flood water storage areas, natural shorelines and unique vegetation, **wetlands**, wildlife and fish habitats, significant geological features, tourist attractions, ~~historical and~~ archeological features and sites, and scenic views and vistas, and to establish criteria, standards, and procedures for the development, change of use, or alteration of such features or of the lands adjacent thereto.

11.15.6404 Uses – SEC Permit Required

- (A) All uses permitted under the provisions of the underlying district are permitted on lands designated SEC; provided, however, that the location and design of any use, or change or alteration of a use, except as provided in MCC .6406, shall be subject to an SEC permit. The excavation of any archeological site shall require an SEC permit, under MCC .6412, regardless of the zoning designation of the site.
- (B) Any excavation or any removal of materials of archeological, historical, prehistorical or anthropological nature shall be conducted under the conditions of an SEC permit.
- (C) Any building, structure, or physical improvement within 100 feet of the normal high water level of a Class I stream, as defined by the State of Oregon Forest Practice Rules, shall require an SEC permit under MCC .6412, regardless of the zoning designation of the site.

11.15.6406 Exceptions

An SEC permit shall not be required for the following:

- (A) Farm use, as defined in ORS 215.203(2)(a), including buildings and structures accessory thereto on **“converted wetlands” as defined by ORS 196.905(9) or on upland areas;**
- (B) Except as provided in MCC .6420(C), the propagation of timber or the cutting of timber for public safety or personal use or the cutting of timber in accordance with the State Forest Practices Act ~~from a farm woodlot or less than 20 acres as described in the definition of farm use in ORS 215.203;~~
- (C) Customary dredging and channel maintenance **and the removal or filling, or both, for the maintenance or reconstruction of structures such as dikes, levees, groins, riprap, drainage ditch, irrigation ditches and tile drain systems as allowed by ORS 196.905(6), but not the placement of spoils;**
- (D) The placing, by a public agency, of signs, markers, aids, etc., to serve the public;
- (E) Activities to protect, conserve, enhance, and maintain public recreational, scenic, historical, and natural uses on public lands;
- (F) Activities regulated pursuant to the provisions of ORS 390.805 to 390.925 on lands designated as scenic waterways under the Oregon Scenic Waterways System;
- (G) The expansion of capacity, or the replacement, of existing communication or energy distribution and transmission systems, except substations;
- (H) The maintenance and repair of existing flood control facilities; ~~and~~
- (I) Uses legally existing on the effective date of this Chapter; provided, however, that any change or alteration of such use shall require an SEC permit as provided herein; **and**
- (J) **Those Class 1 streams located:**

(1) **Within mineral and aggregate resource areas designated "2A", "3A" or "3C" by a Statewide Planning Goal 5 Economic, Social, Environmental and Energy analysis, or**

(2) **Within the Willamette River Greenway.**

11.15.6420 Criteria for Approval of SEC Permit

- (A) The maximum possible landscaped area, scenic and aesthetic enhancement, open space or vegetation shall be provided between any use and a river, stream, lake, **wetland**, or floodwater storage area.
- (B) Agricultural land and forest land shall be preserved and maintained for farm and forest use.
- (C) The harvesting of timber on lands designated SEC **inside the Urban Growth Boundary** shall be conducted in a manner which will insure that natural, scenic, and watershed qualities will be maintained to the greatest extent practicable or will be restored within a brief period of time.
- (D) A building, structure, or use shall be located on a lot in a manner which will balance functional considerations and costs with the need to preserve and protect areas of environmental significance.
- (E) Recreational needs shall be satisfied by public and private means in a manner consistent with the carrying capacity of the land and with minimum conflict with areas of environmental significance.
- (F) The protection of the public safety and of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.
- (G) Significant fish and wildlife habitats shall be protected.
- (H) The natural ~~vegetative~~ **vegetation fringe** along rivers, lakes, **wetlands**, and streams shall be protected and enhanced to the maximum extent practicable to assure scenic quality, ~~and~~ protection from erosion, **and continuous riparian corridors**.
- ~~(I) Buildings, structures, and sites of historic significance shall be preserved, protected, enhanced, restored, and maintained in proportion to their importance to the County's history.~~
- (I) Archeological areas shall be preserved for their historic, scientific, and cultural value and protected from vandalism or unauthorized entry.
- (J) Extraction of aggregates and minerals, the depositing of dredge spoils, and similar activities permitted pursuant to the provisions of MCC .7105 through .7640, shall be conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, historical or archeological features, vegetation, erosion, stream flow, visual quality, noise, and safety, and to guarantee necessary reclamation.
- (K) Areas of annual flooding, floodplains, water areas, and wetlands shall be retained in their natural state to the maximum possible extent to preserve water quality and protect water retention, overflow, and natural functions.
- (L) **Significant wetland areas shall be protected as provided in MCC .6422.**
- (M) Areas of erosion or potential erosion shall be protected from loss by appropriate means which are compatible with the environmental character.

- (N) The quality of the air, water, and land resources and ambient noise levels in areas classified SEC shall be preserved in the development and use of such areas.
- (O) The design, bulk, construction materials, color and lighting of buildings, structures and signs shall be compatible with the character and visual quality of areas of significant environmental concern.
- (P) An area generally recognized as fragile or endangered plant habitat or which is valued for specific vegetative features, or which has an identified need for protection of the natural vegetation, shall be retained in a natural state to the maximum extent possible.
- (Q) The applicable policies of the Comprehensive Plan shall be satisfied.

11.15.6422 Significant Wetlands

Significant wetlands consist of those areas designated as *Significant* on aerial photographs of a scale of 1"=200' made a part of the supporting documentation of the Comprehensive Framework Plan. Any proposed activity or use requiring an SEC permit which would impact those wetlands shall be subject to the following:

- (A) In addition to other SEC Permit submittal requirements, the application shall also include:
 - (1) A site plan drawn to scale showing the wetland boundary as determined by a documented field survey, the location of all existing and proposed structures, roads, watercourses, drainageways, stormwater facilities, utility installations, and topography of the site at a contour interval of no greater than five feet;
 - (2) A description and map of the wetland area that will be affected by the proposed activity. This documentation must also include a map of the entire wetland, an assessment of the wetland's functional characteristics and water sources, and a description of the vegetation types and fish and wildlife habitat;
 - (3) A description and map of soil types in the proposed development area and the locations and specifications for all proposed draining, filling, grading, dredging, and vegetation removal, including the amounts and methods;
 - (4) A study of any flood hazard, erosion hazard, or other natural hazards in the proposed development area and any proposed protective measures to reduce such hazards;
 - (5) Detailed Mitigation Plans as described in subsection (D), if required;
 - (6) Description of how the proposal meets the approval criteria listed in subsection (B) below.
- (B) In addition to the criteria listed in MCC .6372, the applicant shall demonstrate that the proposal:
 - (1) Is water-dependent or requires access to the wetland as a central element of its basic design function, or is not water dependent but has no practicable alternative as described in subsection (C) below.
 - (2) Will have as few adverse impacts as is practical to the wetland's functional characteristics and its existing contour, vegetation, fish and wildlife resources, shoreline anchoring, flood storage, general hydrological conditions, and visual amenities. This impact determination shall also consider specific site

information contained in the adopted wetlands inventory and the economic, social, environmental, and energy (ESEE) analysis made part of the supporting documentation of the comprehensive plan;

- (3) Will not cause significant degradation of groundwater or surface-water quality;
 - (4) Will provide a buffer area of not less than 50 feet between the wetland boundary and upland activities for those portions of regulated activities that need not be conducted in the wetland;
 - (5) Will provide offsetting replacement wetlands for any loss of existing wetland areas. This Mitigation Plan shall meet the standards of subsection (D).
- (C) A finding of no practicable alternative is to be made only after demonstration by the applicant that:
- (1) The basic purpose of the project cannot reasonably be accomplished using one or more other practicable alternative sites in Multnomah County that would avoid or result in less adverse impact on a wetland. An *alternative site* is to be considered *practicable* if it is available for purchase and the proposed activity can be conducted on that site after taking into consideration costs, existing technology, infrastructure, and logistics in achieving the overall project purposes;
 - (2) The basic purpose of the project cannot be accomplished by a reduction in the size, scope, configuration, or density of the project as proposed, or by changing the design of the project in a way that would avoid or result in fewer adverse effects on the wetland; and
 - (3) In cases where the applicant has rejected alternatives to the project as proposed due to constraints, a reasonable attempt has been made to remove or accommodate such constraints.
- (D) A Mitigation Plan and monitoring program may be approved upon submission of the following:
- (1) A site plan and written documentation which contains the applicable information for the replacement wetland as required by MCC .6372 and .6376 (A);
 - (2) A description of the applicant's coordination efforts to date with the requirements of other local, State, and Federal agencies;
 - (3) A Mitigation Plan which demonstrates retention of the resource values addressed in MCC .6376 (B)(2);
 - (4) Documentation that replacement wetlands were considered and rejected according to the following order of locational preferences:
 - (a) On the site of the impacted wetland, with the same kind of resource;
 - (b) Off-site, with the same kind of resource;
 - (c) On-site, with a different kind of resource;
 - (d) Off-site, with a different kind of resource.

V. A Hillside Development and Erosion Control Subdistrict is added as follows:

11.15.6700 Purposes

The purposes of the Hillside Development and Erosion Control subdistrict are to promote the public health, safety and general welfare, and minimize public and private losses due to earth movement hazards in specified areas and minimize erosion and related environmental damage in unincorporated Multnomah County, all in accordance with ORS 215, LCDC Statewide Planning Goal No. 7 and OAR 340-41-455 for the Tualatin River Basin, and the Multnomah County Comprehensive Framework Plan Policy No. 14. This subdistrict is intended to:

- (A) Protect human life;
- (B) Protect property and structures;
- (C) Minimize expenditures for rescue and relief efforts associated with earth movement failures;
- (D) Control erosion, production and transport of sediment; and
- (E) Regulate land development actions including excavation and fills, drainage controls and protect exposed soil surfaces from erosive forces.

11.15.6710 Permits Required

- (A) All persons proposing development, construction, or site clearing (including tree removal) on property located in hazard areas as identified on the "Slope Hazard Map", or on lands with average slopes of 25 percent or more shall obtain a Hillside Development Permit as prescribed by this subdistrict, unless specifically exempted by MCC .6715.
- (B) All persons proposing site grading where the volume of soil or earth material disturbed, stored, disposed of or used as fill exceeds 50 cubic yards, or which obstruct or alter a drainage course or on any sites within the Tualatin River Drainage Basin, shall obtain a Grading and Erosion Control Permit as prescribed by this subdistrict, unless exempted by MCC .6715(B)(2) through (8) or .6715(C). Development projects subject to a Hillside Development Permit do not require a separate Grading and Erosion Control Permit.

11.15.6715 Exempt Land Uses and Activities

The following are exempt from the provisions of this Chapter:

- (A) Development activities approved prior to February 20, 1990; except that within such a development, issuance of individual building permits for which application was made after February 20, 1990 shall conform to site-specific requirements applicable herein.
- (B) General Exemptions – All land-disturbing or land-filling activities or soil storage shall be undertaken in a manner designed to minimize earth movement hazards, surface runoff, erosion, and sedimentation and to safeguard life, limb, property, and the public welfare. A person performing such activities need not apply for a permit pursuant to this subdistrict, if :
 - (1) Natural and finished slopes will be less than 25 %;

- (2) The disturbed or filled area is 20,000 square feet or less;
 - (3) The volume of soil or earth materials to be stored is 50 cubic yards or less;
 - (4) Rainwater runoff is diverted, either during or after construction, from an area smaller than 10,000 square feet;
 - (5) Impervious surfaces, if any, of less than 10,000 square feet are to be created;
 - (6) No drainageway is to be blocked or have its stormwater carrying capacities or characteristics modified;
 - (7) The activity will not take place within 100 feet by horizontal measurement from the top of the bank of a watercourse, the mean high watermark (line of vegetation) of a body of water, or within the wetlands associated with a watercourse or water body, whichever distance is greater; and
 - (8) Any tree clearing work will be subject to the State Forest Practices Act.
- (C) Categorical Exemptions – Notwithstanding MCC .6715(A) and (B)(1) through (8), the following activities are exempt from the permit requirements:
- (1) An excavation below finished grade for basements and footings of a building, retaining wall, or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation, nor exempt any excavation having an unsupported finished height greater than five feet.
 - (2) Cemetery graves, but not cemetery soil disposal sites.
 - (3) Refuse disposal sites controlled by other regulations.
 - (4) Excavations for wells.
 - (5) Mineral extraction activities as regulated by MCC .7305 through .7335.
 - (6) Exploratory excavations under the direction of certified engineering geologists or geotechnical engineers.
 - (7) Routine agricultural crop management practices.
 - (8) Emergency response activities intended to reduce or eliminate an immediate danger to life, property, or flood or fire hazards.

11.15.6720 Application Information Required

An application for development subject to the requirements of this subdistrict shall include the following:

- (A) A map showing the property line locations, roads and driveways, existing structures, trees with 8-inch or greater caliper or an outline of wooded areas, watercourses and include the location of the proposed development(s) and trees proposed for removal.
- (B) An estimate of depths and the extent and location of all proposed cuts and fills.

- (C) The location of planned and existing sanitary drainfields and drywells.
- (D) Additional narrative, map or plan information necessary to demonstrate compliance with MCC .6730(A),.

11.15.6725 Hillside Development Permit Process and Standards

- (A) A Hillside Development permit may be approved by the Director only after the applicant provides:
 - (1) Additional topographic information showing that the proposed development to be on land with average slopes less than 25 percent, and located more than 200 feet from a known landslide, and that no cuts or fills in excess of 6 feet in depth are planned. High groundwater conditions shall be assumed unless documentation is available, demonstrating otherwise; or
 - (2) A geological report prepared by a Certified Engineering Geologist or Geotechnical Engineer certifying that the site is suitable for the proposed development; or
 - (3) An HDP Form-1 completed, signed and certified by a Certified Engineering Geologist or Geotechnical Engineer with his/her stamp and signature affixed indicating that the site is suitable for the proposed development.
 - (a) If the HDP Form-1 indicates a need for further investigation, or if the Director requires further study based upon information contained in the HDP Form-1, a geotechnical report as specified by the Director shall be prepared and submitted .
- (B) Geotechnical Report Requirements
 - (1) A geotechnical investigation in preparation of a Report required by MCC .6725(A)(3)(a) shall be conducted at the applicant's expense by a Certified Engineering Geologist or Geotechnical Engineer. The Report shall include specific investigations required by the Director and recommendations for any further work or changes in proposed work which may be necessary to ensure reasonable safety from earth movement hazards.
 - (2) Any development related manipulation of the site prior to issuance of a permit shall be subject to corrections as recommended by the Geotechnical Report to ensure safety of the proposed development.
 - (3) Observation of work required by an approved Geotechnical Report shall be conducted by a Certified Engineering Geologist or Geotechnical Engineer at the applicant's expense; the geologist's or engineer's name shall be submitted to the Director prior to issuance of the Permit.
 - (4) The Director, at the applicant's expense, may require an evaluation of HDP Form-1 or the Geotechnical Report by another Certified Engineering Geologist or Geotechnical Engineer.
- (C) Development plans shall be subject to and consistent with the Design Standards For Grading and Erosion Control in MCC .6730(A) through (D). Conditions of approval may be imposed to assure the design meets those standards.

11.15.6730 Grading and Erosion Control Permit Standards

Approval of development plans on sites subject to a Grading and Erosion Control Permit shall be based on findings that the proposal adequately addresses the following standards. Conditions of approval may be imposed to assure the design meets the standards:

(A) Design Standards For Grading and Erosion Control

(1) Grading Standards

- (a) Fill materials, compaction methods and density specifications shall be indicated. Fill areas intended to support structures shall be identified on the plan. The Director or delegate may require additional studies or information or work regarding fill materials and compaction;**
- (b) Cut and fill slopes shall not be steeper than 3:1 unless a geological and/or engineering analysis certifies that steep slopes are safe and erosion control measures are specified;**
- (c) Cuts and fills shall not endanger or disturb adjoining property;**
- (d) The proposed drainage system shall have adequate capacity to bypass through the development the existing upstream flow from a storm of 10-year design frequency;**
- (e) Fills shall not encroach on natural watercourses or constructed channels unless measures are approved which will adequately handle the displaced streamflow for a storm of 10-year design frequency;**

(2) *Erosion Control Standards*

- (a) On sites within the Tualatin River Drainage Basin, erosion control plans shall satisfy the requirements of OAR 340-41-455. [An *Erosion Control Plans Technical Guidance Handbook* (November, 1989) is available to assist applicants in meeting State erosion control standards in the Tualatin Basin.]**
- (b) Stripping of vegetation, grading, or other soil disturbance shall be done in a manner which will minimize soil erosion, stabilize the soil as quickly as practicable, and expose the smallest practical area at any one time during construction;**
- (c) Development Plans shall minimize cut or fill operations and ensure conformity with topography so as to create the least erosion potential and adequately accommodate the volume and velocity of surface runoff;**
- (d) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development;**
- (e) Whenever feasible, natural vegetation shall be retained, protected, and supplemented;**
- (f) Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical;**

- (g) Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development. The rate of surface water runoff shall be structurally retarded where necessary;
- (h) Sediment in the runoff water shall be trapped by use of debris basins, silt traps, or other measures until the disturbed area is stabilized;
- (i) Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills by installation of temporary or permanent drainage across or above such areas, or by other suitable stabilization measures such as mulching or seeding;
- (j) All drainage provisions shall be designed to adequately carry existing and potential surface runoff to suitable drainageways such as storm drains, natural watercourses, drainage swales, or an approved drywell system;
- (k) Where drainage swales are used to divert surface waters, they shall be vegetated or protected as required to minimize potential erosion;
- (l) Erosion and sediment control devices shall be required where necessary to prevent polluting discharges from occurring. Control devices and measures which may be required include, but are not limited to:

 - (i) Energy absorbing devices to reduce runoff water velocity;
 - (ii) Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule;
 - (iii) Dispersal of water runoff from developed areas over large undisturbed areas.
- (m) Disposed spoil material or stockpiled topsoil shall be prevented from eroding into streams or drainageways by applying mulch or other protective covering; or by location at a sufficient distance from streams or drainageways; or by other sediment reduction measures;
- (n) Such non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through proper handling, disposal, continuous site monitoring and clean-up activities.

(B) Responsibility

- (1) Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the person, corporation or other entity causing such sedimentation to remove it from all adjoining surfaces and drainage systems prior to issuance of occupancy or final approvals for the project;
- (2) It is the responsibility of any person, corporation or other entity doing any act on or across a communal stream watercourse or swale, or upon the floodplain or right-of-way thereof, to maintain as nearly as possible in its present state the stream, watercourse, swale, floodplain, or right-of-way during such activity,

and to return it to its original or equal condition.

(C) Implementation

- (1) Performance Bond** – A performance bond may be required to assure the full cost of any required erosion and sediment control measures. The bond may be used to provide for the installation of the measures if not completed by the contractor. The bond shall be released upon determination the the control measures have or can be expected to perform satisfactorily. The bond may be waived if the Director determines the scale and duration of the project and the potential problems arising therefrom will be minor.
- (2) Inspection and Enforcement.** The requirements of this subdistrict shall be enforced by the Planning Director. If inspection by County staff reveals erosive conditions which exceed those prescribed by the Hillside Development Permit or Grading and Erosion Control Permit, work may be stopped until appropriate correction measures are completed.

(D) Final Approvals

A certificate of Occupancy or other final approval shall be granted for development subject to the provisions of this subdistrict only upon satisfactory completion of all applicable requirements.

11.15.6735 Hillside Development and Erosion Control Related Definitions:

- (A) *Certified Engineering Geologist*** – Any person who has obtained certification by the State of Oregon as an engineering geologist.
- (B) *Cut***
 - (1)** An excavation;
 - (2)** The difference between a point on the original ground surface and the point of lowest elevation on the final grade;
 - (3)** The material removed in excavation work.
- (C) *Development Area*** – The total area of alteration of the naturally occurring ground surface resulting from construction activities whether permanent or temporary.
- (D) *Drainage Area*** – The subject property together with the watershed (acreage) contributing water runoff to and receiving water runoff from the subject property.
- (E) *Drainageway*** – Any natural or artificial stream, swale, creek, river, ditch, channel, canal or other open water-course.
- (F) *Earth Movement*** – Any type of land surface failure resulting in the downslope movement of material . The term includes, but is not limited to, soil creep, mudflow, rockslides, block failures, and massive landslides.
- (G) *Erosion*** – The wearing away or removal of earth surface materials by the action of natural elements or forces including, but not limited to, wind, water or gravity.
- (H) *Excavation*** – Any act by which earth, sand, gravel, rock or any similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed,

including the conditions resulting therefrom.

(I) **Fill:**

- (1) Any act by which earth, sand, gravel, rock or similar material is pushed, placed, dumped, stacked, pulled, transported, or in any way moved to a new location above the existing natural surface of the ground or on the top of a stripped surface, including the condition resulting therefrom.
- (2) The difference in elevation between a point on the original ground surface and the point of higher elevation on a finished grade.
- (3) The material used to make a fill.

(J) **Geotechnical Engineer** - A Civil Engineer, licensed to practice in the State of Oregon, who by training, education and experience is competent in the practice of geotechnical or soils engineering practices.

(K) **Geotechnical Report** - Any information required in addition to Form 1 which clarifies the geotechnical conditions of a proposed development site. Examples of this would be reports on test hole borings, laboratory tests or analysis of materials, or hydrologic studies.

(L) **Grading** - Any stripping, cutting, filling, stockpiling or any combination thereof, including the land in its cut or filled condition.

(M) **HDP Form-1** - The form required for specified developments subject to the Hillside Development and Erosion Control subdistrict. It contains a geotechnical reconnaissance and stability questionnaire which must be filled out and certified by a Certified Engineering Geologist or Geotechnical Engineer.

(N) **Landscaping Activities** - The artistic adornment or improvement of a section of ground or site by contouring the land and by planting flowers, shrubs, trees, lawns or groundcover plants.

(O) **Mulch** - Materials spread over the surface of the ground, especially freshly graded or exposed soils, to prevent physical damage from erosive agents such as storm water, precipitation or wind, and which shield soil surfaces until vegetative cover or other stabilization measures can take effect.

(P) **Slope:**

- (1) Any ground whose surface makes an angle from the horizontal; or
- (2) The face of an embankment or cut section.

(Q) **Slope Hazard Map** - A series of maps (Figures 1A. through 6A.) prepared by Shannon & Wilson, Inc., dated September, 1978, and on file in the Office of the Director, Department of Environmental Services;

(R) **Spoil Material** - Any rock, sand, gravel, soil or other earth material removed by excavation or other grading activities.

(S) **Topographic Information** - Surveyed elevation information which details slopes, contour intervals and drainageways. Topographic information shall be prepared by a registered land surveyor or a registered professional engineer qualified to provide

such information and represented on maps with a contour interval not to exceed 10 feet.

- (T) **Vegetation** – All plant growth, especially trees, shrubs, grasses and mosses.
- (U) **Vegetative Protection** – Stabilization of erosive or sediment-producing areas by covering the soil with:
 - (1) Permanent seeding, producing long-term vegetative cover;
 - (2) Short-term seeding, producing temporary vegetative cover;
 - (3) Sodding, producing areas covered with a turf or perennial sod-forming grass; or
 - (4) Netting with seeding if the final grade has not stabilized.

W. A Subsection of the CS – Community Service Subdistrict is added as follows:

11.15.7010 General Provisions.

- (A) Application for approval of a Community Service use shall be made in the manner provided in MCC .8205 through .8280.
- (B) Except as provided in MCC .7022(F) and (G), the Approval Authority shall hold a public hearing on each application for a Community Service Use, modification thereof, or time extension.
- (C) The approval of a Community Service Use shall expire two years from the date ~~of such approval if substantial construction or development has not taken place, unless the Approval Authority shall have established a longer period.~~ of issuance of the Board Order in the matter, or two years from the date of final resolution of subsequent appeals, unless:
 - (1) The project is completed as approved, or
 - (2) The Approval Authority establishes an expiration date in excess of the two year period, or
 - (3) The Planning Director determines that substantial construction or development has taken place. That determination shall be processed as follows:
 - (a) Application shall be made on appropriate forms and filed with the Director at least 30 days prior to the expiration date.
 - (b) The Director shall issue a written decision on the application within 20 days of filing. That decision shall be based on findings that:
 - (i) Final Design Review approval has been granted under MCC .7845 on the total project; and
 - (ii) At least ten percent of the dollar cost of the total project value has been expended for construction or development authorized under a sanitation, building or other development permit. Project value shall be as determined

by MCC .9025(A) or .9027(A).

- (c) Notice of the Planning Director decision shall be mailed to all parties as defined in MCC .8225.
- (d) The decision of the Planning Director shall become final at the close of business on the tenth day following mailed notice unless a party files a written notice of appeal. Such notice of appeal and the decision shall be subject to the provisions of MCC .8290 and .8295.
- (D) A Community Service approval shall be for the specific use or uses approved together with the limitations or conditions as determined by the approval authority. Any change of use or modification of limitations or conditions shall be subject to approval authority approval after a public hearing.
- (E) In granting approval of a Community Service Use, the approval authority may attach limitations or conditions to the development, operation or maintenance of such use including but not limited to setbacks, screening and landscaping, off-street parking and loading, access, performance bonds, noise or illumination controls, structure height and location limits, construction standards, periods of operation and expiration dates of approval.
- (F) Uses authorized pursuant to this section shall be subject to Design Review approval under MCC .7805 through .7865.
- (G) A Community Service approval shall not be construed as an amendment of the Zoning Map, although the same may be depicted thereon by appropriate color designation, symbol or short title identification.

11.15.7020 Uses

- (A) Except as otherwise provided in MCC .2012, the following Community Service Uses and those of a similar nature, may be permitted in any district when approved at a public hearing by the approval authority.
 - (1) Boat moorage, marina or boathouse moorage.
 - (2) Camp, campground or recreational vehicle park.
 - (3) Cemetery, crematory, mausoleum, mortuary or funeral home.
 - (4) Church.
 - (5) Group care facility.
 - (6) Government building or use.
 - (7) Hospital, sanitarium, rest or retirement home.
 - (8) Kindergarten or day nursery.
 - (9) Library.
 - (10) Park, playground, sports area, golf course or recreational use of a similar nature.
 - (11) Philanthropic or eleemosynary institution.

- (12) Power substation or other public utility building or use.
- (13) Private club, fraternal organization, lodge.
- (14) Racetrack.
- (15) Radio and television transmission towers.
 - (a) VHF and UHF television towers, FM radio towers, two-way radio, common carrier, and cellular telephone towers, and fixed point microwave towers are permitted in any district, provided only self-supporting structures are permitted in the Exclusive Farm Use district.
 - (b) Low-power television towers, satellite ground stations, AM radio towers, and building-mounted towers are permitted in any district except urban residential districts, provided only self-supporting structures are permitted in the Exclusive Farm Use district.
 - (c) Ham radio, amateur sole source emitters, Citizen Band transmitters, and structures to support them are permitted in any district as an accessory use and do not require a Community Service use designation if used for non-commercial purposes only. Any such tower shall comply with the regulations of the district in which it is located. Non-amateur sole source emitters shall also comply with the registration requirements of MCC .7035(F)(2).
 - (d) Receive-only facilities in conjunction with a permitted use are exempt from the provisions of this section, but shall comply with all other requirements of MCC. 7020(15), .7035, and .7040.
- (16) Refuse dump or sanitary landfill.
- (17) Resort, dude ranch, hunting or fishing lodge.
- (18) Recycling collection center.
- (19) Riding academy or the boarding of horses for profit.
- (20) School, private, parochial or public; educational institution.
- (21) Transit station.
- (22) Waste collection, transfer, processing, or recovery facility.
- (23) Accessory uses to the above.
- (24) Ambulance Service Substation.
- (25) Regional Sanitary Landfills
- (26) Mining and processing of geothermal resources.**

11.15.7025 Restrictions

A building or use approved under MCC .7020 through .7030 shall meet the following requirements:

- (A) Minimum yards in EFU, CFU, F-2, MUA-20, MUF, RR, RC, UF-20, UF-10, LR-40, LR-30, LR-20, LR-10, R-40, R-30, R-20, and R-10 Districts:
 - (1) Front yards shall be 30 feet.

- (2) Side yards for one-story buildings shall be 20 feet; for two-story buildings, 25 feet.
- (3) Rear yards shall be as required in the district.
- (B) Minimum yards in LR-7.5, LR-7, LR-5, MR-4, MR-3, HR-2, HR- 1, R-7.5, R-7, R-4, A-2, BPO, and A-1-B Districts:
 - (1) Front yards shall be 30 feet.
 - (2) Side yards for buildings 25 feet or less in height shall be 15 feet; for buildings over 25 feet, 20 feet.
 - (3) Rear yards shall be as required in the district.
- (C) Minimum yards in other districts shall be as required in the district.
- (D) Minimum Site Size;
 - (1) A day nursery or kindergarten shall provide not less than 100 square feet per child, of outdoor play area located other than in a required front yard.
 - (2) Primary (kindergarten through fourth grade), private and parochial schools shall be on sites of one acre for each 90 pupils or one acre for each three classrooms, whichever is greater.
 - (3) Elementary public schools shall be on sites of one acre for each 75 pupils or one acre for each two and one-half classrooms, whichever is greater.
 - (4) Churches shall be on sites of 15,000 square feet.
- (E) Off-street parking and loading shall be provided as required in MCC .6100 through .6148.
- (F) Signs for Community Service Uses located in districts in MCC .2002 - .2966 pursuant to the provisions of MCC .7902 - .7982.
- (G) Other restrictions or limitations of use or development not required under this subsection shall be provided in the district.
- (H) For noise sensitive uses as defined in MCC .7305(E) the minimum yard or setback requirement shall be increased to 200 feet from the property line of a lot or parcel on which there is an existing or approved mineral and/or aggregate extraction use listed in MCC .7320, or on which there is a mineral and/or aggregate resource that is designated "2A", "3A", or "3C" in the ESEE analysis made part of the supporting documentation of the comprehensive plan. This yard or setback requirement may be reduced as follows:
 - (1) To 50 feet if the property owner records with the Division of Records and Elections a statement that the owner and the successors in interest acknowledge the rights of owners of nearby mineral and/or aggregate resources to conduct legally operating extraction uses.
 - (2) To the yard specified in the zoning district if the Planning Director determines that potential mineral and/or aggregate extraction uses would not occur closer than 250 feet to the proposed noise sensitive location taking into consideration the resource information available.

X. Subsections of the CU – Conditional Use Subdistrict are amended, added to, or deleted as follows:

11.15.7110 General Provisions

- (A) Application for approval of a Conditional Use shall be made in the manner provided in MCC .8205 through .8280.
- (B) The Approval Authority shall hold a public hearing on each application for a Conditional Use, modification thereof, time extension or reinstatement of a revoked permit.
- (C) **Except as provided in MCC .7330, the approval of a Conditional Use shall expire two years from the date of such approval if substantial construction or development has not taken place, unless the Approval Authority shall have established a longer period. of issuance of the Board Order in the matter, or two years from the date of final resolution of subsequent appeals, unless:**
 - (1) The project is completed as approved, or
 - (2) The Approval Authority establishes an expiration date in excess of the two year period, or
 - (3) The Planning Director determines that substantial construction or development has taken place. That determination shall be processed as follows:
 - (a) Application shall be made on appropriate forms and filed with the Director at least 30 days prior to the expiration date.
 - (b) The Director shall issue a written decision on the application within 20 days of filing. That decision shall be based on findings that:
 - (i) Final Design Review approval has been granted under MCC .7845 on the total project; and
 - (ii) At least ten percent of the dollar cost of the total project value has been expended for construction or development authorized under a sanitation, building or other development permit. Project value shall be as determined by MCC .9025(A) or .9027(A).
 - (c) Notice of the Planning Director decision shall be mailed to all parties as defined in MCC .8225.
 - (d) The decision of the Planning Director shall become final at the close of business on the tenth day following mailed notice unless a party files a written notice of appeal. Such notice of appeal and the decision shall be subject to the provisions of MCC .8290 and .8295.
- (D) A Conditional Use permit shall be issued only for the specific use or uses, together with the limitations or conditions as determined by the Approval Authority. Any change of use or modification of limitations or conditions shall be subject to approval authority approval after a

public hearing.

- (E) The findings and conclusions made by the approval authority and the conditions, modifications or restrictions of approval, if any, shall specifically address the relationships between the proposal and the approval criteria listed in MCC .7120 and in the district provisions.

11.15.7115 Conditions and Restrictions

Except as provided for Mineral Extraction and Processing activities approved under MCC .7305 through .7325 and .7332 through .7335, the approval authority may attach conditions and restrictions to any conditional use approved. Conditions and restrictions may include a definite time limit, a specific limitation of use, landscaping requirements, off-street parking, performance standards, performance bonds, and any other reasonable conditions, restrictions or safeguards that would uphold the purpose and intent of this Chapter and mitigate any adverse effect upon the adjoining properties which may result by reason of the conditional use allowed.

11.15.7120 Conditional Use Approval Criteria

- (A) A Conditional Use shall be governed by the approval criteria listed in the district under which the conditional use is allowed. If no such criteria are provided, the approval criteria listed in this section shall apply. In approving a Conditional Use listed in this section, the approval authority shall find that the proposal:
 - (A 1) Is consistent with the character of the area;
 - (B 2) Will not adversely affect natural resources;
 - (C 3) Will not conflict with farm or forest uses in the area;
 - (D 4) Will not require public services other than those existing or programmed for the area;
 - (E 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;
 - (F 6) Will not create hazardous conditions; and
 - (G 7) Will satisfy the applicable policies of the Comprehensive Plan.
- (B) Except for off-site stockpiling, subpart (A) of this subsection shall not apply to applications for mineral extraction and processing activities. Proposals for mineral extraction and processing shall satisfy the criteria of MCC .7325.

11.15.7122 Exclusive Farm Use Conditional Use Approval Criteria

- (A) In addition to the criteria of MCC .7120, an applicant for a Conditional Use listed in MCC .2012(B) must demonstrate that the use:
 - (1) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
 - (2) Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.
- (B) For the purposes of this subsection surrounding lands devoted to farm or forest use shall not include:

- (1) **Parcels with a single family residence approved under MCC .2012(B)(3);**
 - (2) **Exception areas; or**
 - (3) **Lands within the Urban Growth Boundary.**
- (C) **Any conditions placed on a conditional use approved under this subsection shall be clear and objective.**

11.15.7305 Definitions

- (A) Mining means the removal of minerals **or aggregate material**, whether extracted from land or water, by any method, including but not limited to shoveling, blasting, scooping, and dredging.
- (B) Minerals include any and all **solid** mineral products, metallic and non-metallic, ~~solid, liquid or gaseous, and mineral waters of all kinds~~ extracted for commercial, industrial or construction use from natural deposits.
- (C) ~~Geothermal Resources shall have the meaning contained in ORS 522.005~~ **Aggregate material includes crushed or uncrushed gravel, crushed stone, or sand from natural deposits.**
- (D) Reclamation Plan shall have the meaning contained in ORS 517.750.
- (E) Noise Sensitive Uses include dwellings, schools, public parks, churches, hospitals, public libraries, offices or other similar uses determined to be noise-sensitive uses by the Department of Environmental Quality.
- (F) Dust Sensitive Uses include dwellings, schools, public parks, churches, hospitals, public libraries, offices, food service or other similar uses determined to be dust-sensitive uses by the Department of Environmental Quality.
- (G) ESEE is an abbreviation for the "Economic, Social, Environmental, and Energy" analysis procedure for Goal 5 resources described in OAR 660-16-000 through 660-16-025 and which is adopted as a part of the Comprehensive Plan.

11.15.7315 Purposes

The purposes of the Mineral Extraction section are to promote the public health, safety and general welfare, all in accordance with ORS 215, ORS 517, and 522, LCDC Statewide Planning Goal #5, and the Multnomah County Comprehensive Plan. The regulation of uses within this district are designed to:

- (A) Recognize mineral and aggregate resource extraction as a land use influenced largely by the location of the natural resource and the location of the market;
- (B) Provide maximum flexibility for location of the extraction process within a variety of underlying zones, while at the same time minimizing potentially adverse effects on the public and property surrounding the extraction site;
- (C) ~~Recognize the potential for future changes in the character of the area in which the extraction site may be located, and allow for periodic modification of restrictions which may be placed upon the extraction operation in recognition of these changes~~ **Recognize mineral and aggregate resource sites which receive an ESEE designation of "2A", "3A", or "3C" as being appropriate for extraction operations when in compliance with MCC .7325 – .7332; and**

- (D) Recognize mineral extraction as a temporary use dependent to a large degree upon market conditions and resource size and that reclamation and the potential for future use of the land for other activities must also be considered.

11.15.7322 Exceptions

Exempted from the requirements of this section are those mineral extraction sites and activities which:

- (A) If zoned EFU, produce less than 1,000 cubic yards of material and affect less than one acre, or**
- (B) Produce less than 5,000 cubic yards of material and affect less than one acre in any consecutive 12 month period, and which over time affect less than a total of five acres, or**
- (C) Produce materials which are used by the owner or tenant for construction and maintenance of on-site access roads, and farming or forest practices.**

11.15.7325 Criteria for Approval

The approval authority shall find that:

- (A) ~~An economic deposit of the mineral resource proposed to be extracted exists~~ The site is designated "2A", "3A", or "3C" through an ESEE analysis.**
- (B) There is a proposed reclamation plan which ~~is in conformance with~~ will allow the property to be utilized as envisioned by the Comprehensive Plan and the underlying district .**
- (C) ~~Adverse impacts on surrounding areas with regard to the following have been, or can be mitigated~~ The following general operation requirements and standards have been, or will be met:**
 - (1) Access and traffic:**
 - (a) Prior to any surface mining activity, all on-site roads used in the mining operation and all roads from the site to a public right-of-way shall be designed and constructed to accommodate the vehicles and equipment which will use them.**
 - (b) All on-site and private access roads shall be paved or adequately maintained to minimize dust and mud generation within 100 feet of a public right-of-way or 250 feet of a dust sensitive land use.**
 - (c) No material which creates a safety or maintenance problem shall be tracked or discharged in any manner onto any public right-of-way.**
 - (d) The applicant shall identify the most commonly used routes of travel from the site and the County Engineer shall certify that those roads:**
 - (i) Are adequate to safely accommodate any additional traffic created by the extraction operation for the duration of the activity, or**
 - (ii) Are inadequate to safely accommodate any additional traffic created by the extraction operation for the duration of the activity, but the applicant has committed to finance installation of the necessary improvements under the provisions of 02.200(a) or (b) of the**

Multnomah County Rules for Street Standards.

- (2) Screening, landscaping, ~~lighting~~, and visual appearance;
- (a) All existing vegetation and topographic features which would provide screening and which are within 50 feet of the boundary of the proposed area of extraction shall be preserved.
 - (b) If existing natural vegetation and topography is found to be insufficient to obscure views of the site, the site shall be screened with landscape berms, hedges, trees, walls, fences or similar features. Required screening shall be in place prior to commencement of the extraction activities.
 - (c) The Approval Authority shall grant exceptions to the screening requirements only upon finding that:
 - (i) The proposed extraction area is not visible from any dwelling, school, public park, church, hospital, public library, or publicly maintained road, or
 - (ii) Screening will be ineffective because of the topographic location of the site with respect to surrounding properties, or
 - (iii) The area is part of the completed portion of a reclamation plan.
- (3) Signing†

Signing shall be controlled by the standards of MCC .7932(A)-(D), except that only one sign for each point of access to each differently named improved street may be allowed for any operation not in a GC, EC, LM, GM, HM, C-2, M-4, M-3, M-2, and M-1 district.

- (4) Hours and days of operation†

Operating hours shall be allowed from 7:00 am to 6:00 pm. No operation shall be allowed on Sundays or on New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and Christmas Day.

- (a) The Approval Authority may allow alternative hours on sites for which the ESEE analysis has identified other potential operating time periods;
 - (b) Short-term exceptions to the hours and days of operation may be approved pursuant to the provisions of MCC .8705.
- (5) Air, water, and noise ~~pollution~~ quality.

- (a) The discharge of airborne contaminants and dust created by the extraction operation shall comply with the air quality standards established by the Department of Environmental Quality.
- (b) Sedimentation and erosion resulting from the extraction operation shall comply with the standards established by the Department of Environmental Quality.
- (c) Sound generated by an operation shall comply with the noise standards of the Department of Environmental Quality. Methods to control and minimize the effects of sound generated by the operation on off-site

locations may include, but not be limited to, the installation of earth berms, equipment location, limitations on the hours of operation, and relocation of access roads.

(6) ~~Insurance and liability~~; Fish and wildlife protection.

- (a) Fish and wildlife habitat identified by the Comprehensive Plan, or recognized as significant by an ESEE analysis, or found to be significant during project review shall be protected to the maximum possible. Where appropriate, such habitat may be mitigated by such enhancement measures as the provision of additional feed and cover for wildlife or fish stream habitat.**
- (b) The extent of the operation's impact on and the importance of the fish and wildlife values present shall be determined in consultation with the State Department of Fish and Wildlife.**
- (c) Streamside riparian vegetation shall be retained for all streams not a part of direct extraction activities.**

(7) ~~Architectural designs of structures~~; Setbacks.

- (a) For mineral and aggregate processing activities:**
 - (i) 200 feet to a property line, or**
 - (ii) 400 feet to a noise sensitive land use existing on February 20, 1990;**
- (b) For access roads and residences located on the same parcel as the mining or processing activity, setbacks shall be as required by the underlying district; and**
- (c) For mineral extraction and all other activities:**
 - (i) 50 feet to a property line, or**
 - (ii) 250 feet to a noise sensitive land use existing on February 20, 1990.**

(8) Reclaimed Topography ~~Excavation depths, lateral support, and slopes~~.

All final reclaimed surfaces shall be stabilized by sloping, benching, or other ground control methods. Reclaimed surfaces shall blend into the natural landforms of the immediately surrounding terrain.

(9) ~~Blasting and other vibration causing actions~~; shall be restricted to the hours of 9:00 am to 5:00 pm, Monday through Saturday.

(10) ~~Safety and security~~;

Safety and security measures, including fencing, gates, signing, lighting, or similar measures, shall be provided to prevent public trespass to identified hazardous areas such as steep slopes, water impoundments, or other similar hazard where it is found that such trespass is probable and not otherwise preventable.

(11) ~~Phasing program~~; and.

All phases of an extraction operation shall be reclaimed before beginning the next, except where the Approval Authority finds that the different phases cannot be operated and reclaimed separately.

(12) Reclamation Schedule.

The reclamation plan shall include a timetable for continually reclaiming the land. The timetable shall provide for beginning reclamation within twelve (12) months after extraction activity ceases on any segment of the mined area and for completing reclamation within three (3) years after all mining ceases.

- (D) The proposed operations will not result in the creation of a geologic hazard to surrounding properties, such as through slumping, sliding, or drainage modifications, and have been certified by a registered soils or mining engineer, or engineering geologist as meeting this requirement.
- (E) ~~Setbacks for the proposed operations are appropriate for the nature of the use and the area where the use is to be conducted~~ Proposed blasting activities will not adversely affect the quality or quantity of groundwater within wells in the vicinity of the operation.
- (F) Conditional or preliminary approval for all phases of the proposed operation, including reclamation, has been received from all governmental agencies having jurisdiction over mineral extraction, and the applicable requirements in ORS 517 and ORS 522 have been complied with.
- (G) ~~The applicable standards in MCC .7120 have been complied with~~ The Approval Authority may establish a program for periodic monitoring and reporting.

11.15.7328 Operation Limitations

On sites with an ESEE analysis designation of "3C" the Approval Authority may place restrictions on extraction activities found to impact other Statewide Planning Goal 5 resources, noise sensitive uses, and other conflicting uses identified in the ESEE analysis. Restrictions may include limitations on the operating season and size or location of extraction activity, among others. Restrictions shall be site specific and directly related to the findings of the ESEE analysis and shall consider the need to balance the importance of the competing resources and conflicting uses against the mineral and aggregate resource.

11.15.7329 Off-Site Stockpiling and Processing

Stockpiling, processing, and distribution activities listed in MCC .7320, related to but not including extraction, may be approved by the Approval Authority under the procedural provisions of MCC .7110 through .7120 on sites other than ESEE designated "2A", "3A", and "3C" resource locations upon a finding that the applicable standards of MCC .7325 are satisfied.

11.15.7330 Time Limit

A Conditional Use permit hereunder shall be valid for a maximum of five years from date of final approval. The Approval Authority may allow a time limit of a maximum of ten years on sites for which the ESEE analysis has identified a longer potential time limit. The applicant may apply for renewal not less than 90 days prior to the expiration of such permit. The renewal application may be denied, approved subject to previous conditions, or approved subject to new conditions in light of the following factors, among others:

- (A) Previous impacts of the use upon surrounding lands and activities;

~~(B) Changes in surrounding land uses and activities, and~~

~~(B) Changes in technology and activities of the operation which will impact the surrounding lands and activities, and~~

(C) Compliance with MCC .7325 and conditions of approval.

11.15.7332 Monitoring

The Planning Director shall periodically monitor all extraction operations. If the Director determines that an extraction operation is not in compliance with MCC .7325, such enforcement proceedings deemed appropriate by the Multnomah County Legal Counsel shall be instituted to require compliance.

Y. Subsections MCC .7705 – .7760 (Rural Planned Development) are deleted.

Z. Subsections of the Action Proceedings are amended, added to, or deleted as follows:

11.15.8220 Notice of Hearing – Contents

(A) Notice of hearing before the Planning

Commission or Hearings Officer shall contain the following:

- (1) The date, time and place of the hearing;
- (2) A legal description of the subject property;
- (3) A street address or other easily understood geographical reference to the subject property;
- (4) The nature of the proposed action and the proposed use or uses that could be authorized;
- (5) A listing of the applicable Zoning Code and comprehensive plan policies that apply to the application;
- (6) A statement that all interested parties may appear and be heard;
- (7) A statement that failure to raise an issue, either in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to LUBA based on that issue;
- (8) A statement that the hearing shall be held pursuant to the adopted Rules of Procedure; ~~and~~
- (9) In the case of a hearing by the Planning Commission, the names of the members of the Commission and, in the case of a hearing by the Hearings Officer, the name of the Officer and the name of the staff representative to contact and the telephone number where additional information may be obtained;
- (10) A statement that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;

(11) A statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost; and.

(12) A copy of the Planning Commission's Rules of Procedure.

- (B) When the proposed action is a change of zone classification, the Planning Director may include in the notice of hearing a statement that the approval authority may consider classifications other than that for which the action is initiated.
- (C) In addition to the notice required by MCC .8120(B) and any other notice required by law, notice shall be mailed at least ~~ten~~ **twenty** days prior to the hearing to the following persons:
- (1) The applicant;
 - (2) All record owners of property within ~~100 feet of the subject property on matters listed under MCC .8205(D) and (E), and to record owners of property within 250 feet of the subject property on all other matters:~~
 - (a) **100 feet of the subject property on matters listed under MCC .8205(D) and (E), and on all other matters within the Urban Growth Boundary.**
 - (b) **250 feet of the subject property where the subject property is outside the Urban Growth Boundary and not within a farm or forest zone;**
 - (c) **500 feet of the subject property where the subject property is within a farm or forest zone.**
 - (3) Owners of *Public Use Airports* when the property subject to a zone change application is:
 - (a) **Within 5,000 feet of the side or end runway of an airport determined by the Department of transportation to be a *visual airport*, or**
 - (b) **Within 10,000 feet of the side or end runway of an airport determined by the Department of Transportation to be an *instrument airport*.**
 - (4) **All tenants of a mobile home park when the proposed action is a zone change request involving all or part of that mobile home park.**
- (D) The record of the Department of Administrative Services shall be used to determine who is entitled to mailed notice; and persons whose names and addresses are not on record at the time of the initiation of the proposed action need not be notified of the hearing. The failure of a property owner to receive notice shall not invalidate the action if a good faith attempt was made to notify all persons entitled to mailed notice.
- (E) In addition to the notice required by MCC .8220(C), the party initiating an action under MCC .8205(A), (B), (C) or (F) shall, at the party's expense, post signs on the property conspicuously displaying notice of the pending hearing at least ten days prior to the date of the hearing. One sign shall be required for each 300 feet, or part thereof, of frontage of the subject property on any street. The content, design, size and location of the signs shall be as determined by the Planning Director to assure that the information thereon is legible from the public right-of-way. As a precondition to a hearing, the party shall file an Affidavit of such posting with the Planning Director not less than five days prior to the hearing.
- (F) A hearing may be continued from time to time as necessary. If a hearing is adjourned to a date

certain, no additional notice shall be given unless ordered by the approval authority.

11.15.8240 Decisions

- (A) The Planning Commission or Hearings Officer may approve an application as submitted, deny it, or approve it with such modifications or conditions as may be necessary to carry out the Comprehensive Plan or to obtain the objectives of subsection (D)(2) below.
- (B) In the case of an action by the Planning Commission, a decision to approve a zone change, community service use or conditional use, shall be by majority vote of the entire Commission.
- (C) The Planning Commission or Hearings Officer shall render a decision upon the close of the hearing or at the time to which the matter is continued. Within ten days after a decision is made, it shall be reduced to writing, signed by the Chairperson of the Planning Commission or by the Hearings Officer, filed by the Planning Director with the Clerk of the Board, and mailed to those persons entitled to mailed notice under MCC .8220(C), and to such other persons who request the same.
- (D) The following limitations shall be applicable to conditional approvals:
 - (1) Conditions shall be fulfilled within a time limitation set forth in the approval thereof, or if no time limit is set, within a reasonable time.
 - (2) Conditions shall be reasonably designed to fulfill public needs emanating from the proposed land use in either of the following respects:
 - (a) Protection of the public from the potentially deleterious effects of the proposed use; or
 - (b) Fulfillment of the need for public services created by the proposed use.
 - (3) Failure to fulfill any conditions to the grant of a proposal within the time limitations provided may be grounds for initiation of an action.
 - (4) A bond, in a form acceptable to the Planning Director, or a cash deposit from the property owner in such an amount as will assure compliance with the conditions imposed pursuant to this subsection, may be required.
- (E) Any change or alteration of conditions attached to conditional approvals shall be processed as a new action, except that the Planning Director may approve a change or alteration which does not:
 - (1) Increase density;
 - (2) Change boundaries;
 - (3) Change any use; or
 - (4) Change the location or amount of land devoted to specific land uses.
- (F) An alternative zoning classification may be substituted by the Planning Commission or Hearings Officer for the proposed action if the alternative classification is in the same general classification (i.e., residential, commercial, industrial) and the hearing notice included notification of this possibility as provided by MCC .8220(C).
- (G) If the application is denied, either initially and no review taken, or upon review by the Board or by action of the courts, no new application for the same or substantially similar action shall be filed for at least six months from the date of the final action denying the application.

- (H) Age, gender or physical disability shall not be an adverse consideration in making a land use decision.**

11.15.8280. Board Decision

- (A) The Board may affirm, reverse or modify the decision of the Planning Commission or Hearings Officer and may grant approval subject to such modifications or conditions as may be necessary to carry out the Comprehensive Plan or to achieve the objectives of MCC .8240(D).**
- (B) The Board shall state all decisions upon the close of its hearing or upon continuance of the matter to a time certain.**
- (C) Written findings of fact and conclusions, based upon the record, shall be signed by the Presiding Officer of the Board and filed with the Clerk of the Board with a decision within five business days following announcement of the decision under subsection (B) above.**
- (D) The Board's decision shall be final at the close of business on the tenth day after the Decision, Findings of Fact and Conclusions have been filed under subsection (C) above, unless the Board on its own motion grants a rehearing under MCC .8285(A).**
- (E) The Board shall render a decision within 120 days from the time the application for that action is accepted as being complete, except when:**
- (1) A participant requests an extension before the conclusion of the initial evidentiary hearing, in which case the extension shall not be subject to the 120 day limitation, or**
 - (2) Additional documents or evidence is provided in support of the application less than 20 days prior to or at the initial evidentiary hearing and a party requests a continuance of the hearing, in which case the continuance shall not be subject to the 120 day limitation.**

AA.Subsections of Variances are amended, added to, or deleted as follows:

11.15.8505 Variance Approval Criteria

- (A) The Approval Authority may permit and authorize a variance from the requirements of this Chapter only when there are cause practical difficulties in the application of the Chapter. A Major Variance shall be granted only when all of the following criteria are met. A Minor Variance shall met criteria (3) and (4).**
- (1) A circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or district. The circumstance or condition may relate to the size, shape, natural features and topography of the property or the location or size of physical improvements on the site or the nature of the use compared to surrounding uses.**
 - (2) The zoning requirement would restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or district.**
 - (3) The authorization of the variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located, or adversely affects the appropriate development of adjoining properties.**
 - (4) The granting of the variance will not adversely affect the realization of the Comprehensive**

Plan nor will it establish a use which is not listed in the underlying zone.

- (B) A variance shall be void if **the Planning Director finds that** no substantial construction or substantial expenditure of funds **has** occurred on the affected property within 18 months after the variance is granted. **That determination shall be processed as follows:**

- (1) Application shall be made on appropriate forms and filed with the Director at least 30 days prior to the expiration date.
- (2) The Director shall issue a written decision on the application within 20 days of filing. That decision shall be based on findings that:
 - (a) Final Design Review approval has been granted under MCC .7845 on the total project, if appropriate; and
 - (b) At least ten percent of the dollar cost of the total project value has been expended for construction or development authorized under a sanitation, building or other development permit. Project value shall be as determined by MCC .9025(A) or .9027(A).
- (3) Notice of the Planning Director decision shall be mailed to all parties as defined in MCC .8225.
- (4) The decision of the Planning Director shall become final at the close of business on the tenth day following mailed notice unless a party files a written notice of appeal. Such notice of appeal and the decision shall be subject to the provisions of MCC .8290 and .8295.

BB. Subsections of Non-Conforming Uses are amended, added to, or deleted as follows:

11.15.8805 ~~Non-Conforming Uses~~ Restoration, Replacement, or Abandonment of a Non-Conforming Use

- (A) ~~A non-conforming structure or use may not be changed or altered in any manner except as provided herein, unless such change or alteration more nearly conforms with the regulations of the district in which it is located~~ Restoration or replacement of a non-conforming use shall be permitted when the restoration or replacement is made necessary by fire, other casualty or natural disaster. Restoration or replacement shall be commenced within one year from the date of occurrence of the fire, casualty or natural disaster.
- (B) ~~In case of destruction beyond reasonable repair as determined by the Hearings Officer, by fire or other causes, a non-conforming structure or use shall not be rebuilt unless it conforms to all requirements of the district in which it is located~~ If a non-conforming structure or use is abandoned or discontinued for any reason for more than two years, it shall not be re-established unless the resumed use conforms with the requirements of this code at the time of the proposed resumption.
- (C) ~~If a non-conforming structure or use is abandoned or discontinued for any reason for more than one year, it shall not be re-established unless specifically approved by the Hearings Officer~~ A non-conforming structure or use may be maintained with ordinary care.

~~(D) A non-conforming structure or use may be maintained with ordinary care.~~

11.15.8810 Alteration of a Non-Conforming Use

(A) Alteration of a non-conforming use includes:

- (1) A change in the use of no greater adverse impact on the neighborhood.**
- (2) A change in the structure or physical improvements of no greater impact to the neighborhood.**

(B) Alteration of a non-conforming use shall be permitted when necessary to comply with any lawful requirement for alteration in the use.

(C) An alteration as defined in (A) above may be permitted to reasonably continue the use.

(D) A proposal for an alteration under (C) above shall be considered a contested case and a hearing conducted under the provisions of MCC .8205 - .8295 using the standards of (E) below.

(E) An alteration of a non-conforming use may be permitted if the alteration will affect the surrounding area to a lesser negative extent than the current use, considering:

- (1) The character and history of the use and of development in the surrounding area;**
- (2) The comparable degree of noise, vibration, dust, odor, fumes, glare or smoke detectable at the property line;**
- (3) The comparative numbers and kinds of vehicular trips to the site;**
- (4) The comparative amount and nature of outside storage, loading and parking;**
- (5) The comparative visual appearance;**
- (6) The comparative hours of operation;**
- (7) The comparative effect on existing vegetation;**
- (8) The comparative effect on water drainage;**
- (9) The degree of service or other benefit to the area; and**
- (10) Other factors which tend to reduce conflicts or incompatibility with the character or needs of the area.**

SECTION 3. ZONING MAP AMENDMENTS

The following Sectional Zoning Maps are amended to reflect those new boundaries of the Significant Environmental Concern subdistrict as depicted in that collection of maps entitled *1989 Amendments of the Significant Environmental Concern Subdistrict*: No. 5, 29, 37, 548 – 549, 550 – 551, 556 – 563, 574, 586, 592, 638, 639, 649 – 652, 653 – 656, 657a – 657d, 658 – 661, 662 – 665, 666, 667 – 670, 744, 759, 760, 764, 765, 772, 773, 774, 775, 776, 779, 783, 784, 786, and 787.

SECTION 4. ADOPTION

This ordinance being necessary for the health, safety, and welfare of the people of Multnomah County, an emergency is declared to exist and this ordinance shall take effect on its passage, pursuant to Section 5.50 of the Charter of Multnomah County.

ADOPTED THIS 20th day of February 198⁹⁰~~9~~, being the date of its second reading before the Board of County Commissioners of Multnomah County.

BOARD OF COUNTY COMMISSIONERS OF MULTNOMAH COUNTY, OREGON

(SEAL)

By Gladys McCoy
Gladys McCoy, County Chair

Reviewed:
Lawrence Kressel, Multnomah County Counsel

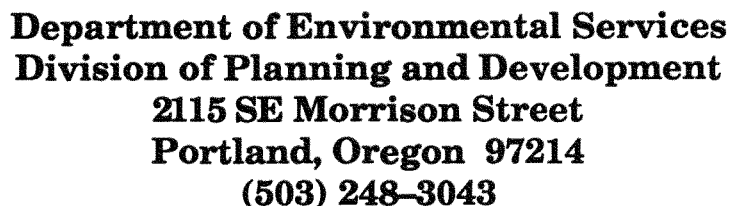
by:

John L. DuBay
John DuBay

Chief Deputy County Counsel

Appendix to Ordinance No. _____

Form-1 — Geotechnical Reconnaissance and Stability Questionnaire



4. In your opinion, will the proposed earthwork cause potential stability problems for the subject and/or adjacent properties?

(Please Circle)

Yes

No

If yes, express probability. (Please Circle)

Very Probable

Possibly

Possible, but remote

If Very Probable or Possibly, explain.

5. In your opinion, will the proposed development (structures, foundations, parking area, streets, etc.) create potential stability problems for the subject and/or adjacent properties?

(Please Circle)

Yes

No

If yes, express probability. (Please Circle)

Very Probable

Possibly

Possible, but remote

If Very Probable or Possibly, explain.

6. In your opinion would the subsurface disposal of sewage effluent on the site (i.e., drain fields) have an adverse affect on stability of the site or adjacent areas?

(Please Circle)

Yes

No

If yes, express probability. (Please Circle)

Very Probable

Possibly

Possible, but remote

If Very Probable or Possibly, explain.

7. If answer is Very Probable or Possibly to questions 4 or 5, is it your opinion, on the basis of a visual evaluation, that adequate stability might be achieved by preferred siting of the development, alternative foundation support, earthwork, drainage, *etc.*?

(Please Circle)

Yes

No

If yes, explain.

8. Do you recommend additional geotechnical studies (*i.e.*, mapping, testing pits or borings, stability analysis, *etc.*) prior to site development?

(Please Circle)

Yes

No

If yes, explain.

Signature _____ Date _____

*Affix State of Oregon
Registration Stamp and
Number*

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY**

In the Matter of Submitting to the State)
the County's Local Review Order under)
ORS 197.640.)

RESOLUTION (#90-19)
C 1-88

WHEREAS, O.R.S. 197.640 requires counties to review their comprehensive plans and land use regulations periodically and make changes necessary to keep plans and regulations up to date, in compliance with the statewide planning goals, and coordinated with the plans and programs of state agencies; and

WHEREAS, On August 28, 1987 the County received its periodic review notice and received two extensions of the date required to submit its proposed Order to February 28, 1989; and

WHEREAS, The County has received permission from the Department of Land Conservation and Development Commission to delay periodic review for areas inside the urban services boundaries of cities due to major annexation programs that have resulted in a 50% reduction of unincorporated population since acknowledgement in 1980; and

WHEREAS, Briefings of the Planning Commission, and public workshops were held, Board staff has been briefed and agencies contacted; and

WHEREAS, A Proposed Local Review Order which analyzed the Factors in the Periodic Review Notice and suggested changes to the County Comprehensive Framework Plan findings and policies, ordinances, and zoning maps intended to bring the County into compliance with the State planning program was presented to the Department of Land Conservation and Development on February 28, 1989; and

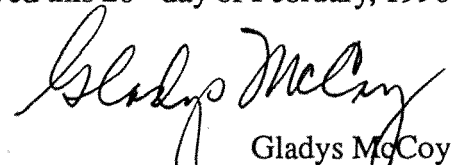
WHEREAS, The Department of Land Conservation and Development recommended changes to selected items in the Proposed Local Review Order; and

WHEREAS, Those DLCD recommended changes, plus several other modifications suggested at public workshops and meetings of the Planning Commission, are incorporated in the document entitled *Local Review Order - December, 1989* and its appendant ordinances and maps.

NOW, THEREFORE BE IT RESOLVED that the Board of County Commissioners directs that the attached Local Review Order be submitted to the Department of Land Conservation and Development.

Approved this 20th day of February, 1990

(SEAL)


Gladys McCoy
Chair, Board of County Commissioners

Reviewed:
Lawrence Kressel, Multnomah County Counsel

by: 

John DuBay
Chief Deputy County Counsel