



# 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
POLLY CASTERLINE •	District 4	• 248-5213
JANE MCGARVIN •	Clerk	• 248-3277

February 14, 1989

State of Oregon  
Vehicles Division  
Salem, OR 97310  
Attn. Dealer Section

Metro Auto Wrecking and  
Recycling  
28425 SE Orient Drive  
Gresham, OR 97030

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

Dear Sirs:

Be it remembered, that at a meeting of the Board of County Commissioners held February 14, 1989, the following action was taken:

Auto Wrecker's License renewal submitted to the )  
Board with recommendation from Planning and )  
Sheriff's Office that same be approved for Metro )  
Auto Wrecking and Recycling, 28425 SE Orient )  
Drive, Gresham )

Upon motion of Commissioner Bauman, duly seconded by Commissioner Kafoury, it is unanimously

ORDERED that the recommendation be adopted as the Order of the Board.

Very truly yours,  
BOARD OF COUNTY COMMISSIONERS

By Barbara E. Jones  
Barbara E. Jones  
Asst. Clerk of the Board

bj



# 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  
POLLY CASTERLINE • DISTRICT 4 COMMISSIONER

February 14, 1989

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

RE: Auto Wrecker's License - Renewal

Metro Auto Wrecking and Recycling Company  
(Richard Davis)  
28525 SE Orient Drive

Recommend: Approval of Business Location

Dear Commissioners:

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

Sincerely,

MULTNOMAH COUNTY DIVISION OF PLANNING AND DEVELOPMENT

  
Robert N. Hall, Senior Planner

RNH:sec/1193L

Enclosure - Wrecker's Application

BOARD OF  
COUNTY COMMISSIONERS  
1989 FEB - 9 PM 2:13  
MULTNOMAH COUNTY  
OREGON



# APPLICATION FOR BUSINESS CERTIFICATE

AS A WRECKER OF MOTOR VEHICLES OR SALVAGE POOL OPERATOR

☐ ORIGINAL

☒ RENEWAL

NOTES: FAILURE TO ACCURATELY COMPLETE THIS FORM WILL CAUSE UNAVOIDABLE DELAY.

PLEASE TYPE OR PRINT LEGIBLY WITH INK.

DO NOT SUBMIT THIS APPLICATION WITHOUT YOUR SURETY BOND AND THE REQUIRED FEE.

CERTIFICATE NO WR2091

1	NAME (CORPORATION AND/OR ASSUMED BUSINESS NAME) <u>METRO AUTO WRECKING &amp; RECYCLING CO.</u>			BUSINESS TELEPHONE <u>663-1909</u>
2	MAIN BUSINESS LOCATION (STREET AND NUMBER) <u>28425 S.E. ORIENT DR.</u>		CITY <u>GRESHAM</u>	ZIP CODE <u>97080</u>
3	MAILING ADDRESS <u>28425 S.E. ORIENT DR.</u>		CITY <u>GRESHAM</u>	STATE <u>OR</u>
				COUNTY <u>MULT.</u>
				ZIP CODE <u>97080</u>

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

4	STREET ADDRESS	CITY	ZIP CODE	COUNTY	TELEPHONE
5	STREET ADDRESS	CITY	ZIP CODE	COUNTY	TELEPHONE
6	CHECK ORGANIZATION TYPE: <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> PARTNERSHIP <input checked="" type="checkbox"/> CORPORATION		IF CORPORATION, LIST THE STATE UNDER WHOSE LAW BUSINESS IS INCORPORATED: <u>OR</u>		

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

7	NAME <u>RICHARD DAVIS</u>	TITLE <u>Pres</u>	DATE OF BIRTH <u>10-5-85</u>	RESIDENCE TELEPHONE <u>( ) 663-3310</u>
8	RESIDENCE ADDRESS <u>10791 S.E. TELFORD RD</u>	CITY <u>BURING</u>	STATE <u>OR</u>	ZIP CODE <u>97009</u>
9	NAME <u>JUNE DAVIS</u>	TITLE <u>Sec.</u>	DATE OF BIRTH <u>6-22-37</u>	RESIDENCE TELEPHONE <u>( ) 663-3310</u>
10	RESIDENCE ADDRESS <u>10791 S.E. TELFORD RD.</u>	CITY <u>BURING</u>	STATE <u>OR</u>	ZIP CODE <u>97009</u>
11	NAME <u>Rex DAVIS</u>	TITLE <u>Vice-pres</u>	DATE OF BIRTH <u>5-25-55</u>	RESIDENCE TELEPHONE <u>( ) 663-7466</u>
12	RESIDENCE ADDRESS <u>10791 S.E. 39131 S.E. HUDSON</u>	CITY <u>SANDY</u>	STATE <u>OR</u>	ZIP CODE <u>97055</u>

13 THE DIMENSIONS OF THE PROPERTY ON WHICH THE BUSINESS IS LOCATED ARE \_\_\_\_\_ ft. X \_\_\_\_\_ ft. 3.25 acres

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

14	NAME <u>JUNE DAVIS</u>	TITLE <u>Sec.</u>	RESIDENCE TELEPHONE <u>( ) 663-3310</u>
15	ADDRESS, CITY, STATE, ZIP CODE <u>10791 S.E. TELFORD RD. BURING, 97009</u>		SIGNATURE <u>June Davis</u>
			DATE <u>1-10-88</u>

16 APPROVAL: I CERTIFY THAT THE GOVERNING BODY OF THE ☐ CITY ☒ COUNTY OF Multnomah HAS:

- A) APPROVED THE APPLICANT AS BEING SUITABLE TO ESTABLISH, MAINTAIN OR OPERATE A WRECKING YARD OR BUSINESS (ORIGINAL APPLICATIONS ONLY).
- B) DETERMINED THAT THE LOCATION OR PROPOSED LOCATION MEETS THE REQUIREMENTS FOR LOCATION UNDER OREGON REVISED STATUTE 822.110.
- C) DETERMINED THAT THE LOCATION DOES NOT VIOLATE ANY PROHIBITION UNDER OREGON REVISED STATUTE 822.135.
- D) APPROVED THE LOCATION AND DETERMINED THAT THE LOCATION COMPLIES WITH ANY REGULATIONS ADOPTED BY THE JURISDICTION UNDER OREGON REVISED STATUTE 822.140.

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

**FEE: \$54.00**

PLACE STAMP OR SEAL HERE	
17 NAME <u>Barbara E. Jones</u>	TITLE <u>Asst. Clerk of the Board</u>
18 SIGNATURE	DATE <u>2/14/89</u>

SUBMIT APPLICATION AND SURETY BOND, WITH ALL REQUIRED FEES AND SIGNATURES TO:  
BUSINESS LICENSING UNIT  
1905 LANA AVE. NE  
SALEM, OR 97314-2350

# SURETY BOND

FAILURE TO ACCURATELY COMPLETE THIS FORM WILL CAUSE UNAVOIDABLE DELAY.

BOND NO.: 804327

KNOW ALL MEN BY THESE PRESENTS:

THAT R.S. Davis Recycling, Inc.

(INDIVIDUAL, PARTNERS, CORPORATION NAME)

DOING BUSINESS AS Metro Auto Wrecking and Recycling Co

(ASSUMED BUSINESS NAME, IF ANY)

HAVING PRINCIPAL PLACE OF BUSINESS AT 28425 SE Orient Dr Gresham, Or 97030

(ADDRESS, CITY, STATE, ZIP CODE)

WITH ADDITIONAL PLACES OF BUSINESS AT \_\_\_\_\_

(ADDRESS, CITY, STATE, ZIP CODE)

(ADDRESS, CITY, STATE, ZIP CODE)

STATE OF OREGON, AS PRINCIPAL(S), AND CONTRACTORS BONDING AND INSURANCE COMPANY

(SURETY NAME)

901 SE Oak, Suite 208 Portland, Or 97214

(ADDRESS, CITY, STATE, ZIP CODE)

(503) 232-4000

TELEPHONE NUMBER

A CORPORATION ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF Washington, AND AUTHORIZED TO TRANSACT A SURETY BUSINESS IN THE STATE OF OREGON, AS SURETY, ARE HELD AND FIRMLY BOUND UNTO THE STATE OF OREGON IN THE PENAL SUM OF \$2,000.00 FOR THE PAYMENT OF WHICH WE HEREBY BIND OURSELVES, OUR RESPECTIVE SUCCESSORS AND ASSIGNS, JOINTLY AND SEVERALLY, FIRMLY BY THESE PRESENTS.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT, WHEN THE ABOVE NAMED PRINCIPAL HAS BEEN ISSUED A CERTIFICATE TO CONDUCT, IN THIS STATE, A BUSINESS WRECKING, DISMANTLING AND SUBSTANTIALLY ALTERING THE FORM OF VEHICLES, SAID PRINCIPAL SHALL CONDUCT SUCH BUSINESS WITHOUT FRAUD OR FRAUDULENT REPRESENTATION, AND WITHOUT VIOLATION OF ANY OF THE PROVISIONS OF THE OREGON VEHICLE CODE SPECIFIED IN ORS 822.120(2), THEN AND IN THAT EVENT THIS OBLIGATION TO BE VOID, OTHERWISE TO REMAIN IN FULL FORCE AND EFFECT UNLESS CANCELLED PURSUANT TO ORS 743.755.

THIS BOND IS EFFECTIVE January 1 19 89 AND EXPIRES December 31 19 89

ANY ALTERATION VOIDS THIS BOND

IN WITNESS WHEREOF, THE SAID PRINCIPAL AND SAID SURETY HAVE EACH CAUSED THESE PRESENTS TO BE EXECUTED BY ITS AUTHORIZED REPRESENTATIVE OR REPRESENTATIVES AND THE SURETY CORPORATE SEAL TO BE HEREUNTO AFFIXED THIS 29th DAY OF December 19 88

*Richard S. Davis*

SIGNATURE OF PRINCIPAL/REPRESENTATIVE

*President*

TITLE

*Jane Hansen*

SIGNATURE OF SURETY/REPRESENTATIVE

Attorney-in-Fact

TITLE

SURETY'S AGENT OR REPRESENTATIVE MUST COMPLETE THIS SECTION.

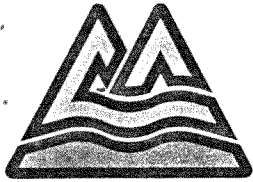
IN THE EVENT A PROBLEM ARISES CONCERNING THIS BOND, CONTACT:

NAME Contractors Bonding & Ins. Co. TELEPHONE 232-4000

ADDRESS PO Box 12053

CITY, STATE, ZIP CODE Portland, Or 97212

PLACE SURETY SEAL BELOW



# MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
ROOM 605, COUNTY COURTHOUSE  
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POLLY CASTERLINE •	District 4 •	248-5213
JANE McGARVIN •	Clerk •	248-3277

February 14, 1989

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

Dear Ms. Stickel:

Be it remembered, that at a meeting of the Board of County Commissioners held February 14, 1989, the following action was taken:

In the matter of Recommending to the Board of )  
County Commissioners the submission of Multnomah )  
County's Proposed Local Review Order for Periodic )  
Review under ORS 197.640 C 1-88)

In the Matter of Submission of the County's ) RESOLUTION  
Proposed Local Review Order for Periodic ) #89-20  
Review under O.R.S. 197.640 C 1-88 )

Lorna Stickel, Planning Director, explained that staff may be working on this matter for many months, but that today's presentation will be brief. She noted Commissioners had received notebooks entitled "Proposed Local Review Order, February, 1989" approximately two weeks ago, and that the graphics, maps, and printing of the reports were prepared on their new MacIntosh system approved by the Board. She submitted notebooks entitled "Comprehensive Framework Plan, 1989 Supplemental Findings" to the Board. Both notebooks will be referred to during the hearing.

Gary Clifford, Planning Division, reviewed the process for the Periodic Review, and noted that Gorge issues and Urban Growth Boundary Reviews have been delayed and are not included in this Review except where State law applies County-wide. Major Projects covered include: First Project - administrative decision impact on Land Use Plan; building permit data throughout rural areas, and provision of service in rural areas; Second Project - Checking to see whether the County has kept up with Legislative enactments and/or changes; Third Project - Regarding Administrative Rule changes from Land Conservation Development Commission (LCDC) a) wetland inventory to determine what areas need to be protected; b) historic inventory;

the review of 900 properties in the rural area continues and has been reduced to 68, and Findings have been updated. He noted a draft Order and also an ordinance for hillside erosion control is included in today's background materials. These will be sent to LCDC along with other proposed land use changes for its consideration in determining whether or not proposed amendments will bring the County within State standards. He explained the LCDC approval process, and said County Final Adoption of the Review Order will be approximately June 12.

In response to Commissioner McCoy's question, Ms. Stickel replied there have been no major changes to the Comprehensive Plan since 1980 other than those for annexations, some minor policy changes, and adjustments to the Flood Plain Ordinance. However there was a Framework Plan update in 1983 to place more acreage in rural residential zoning; and that also might be considered a major change. She explained notification to the State must be provided 45 days in advance of any Final Decision Hearings, and added that this proposed Periodic Review results in some significant changes in selected areas. She feels that Multnomah County has prepared one of the best, if not the best, response to Periodic Review in the State; but that the State will more than likely comment on some areas. She discussed format organization of the Review Order, and pointed out sections and pages where changes to the Comprehensive Plan, Administrative Rules, Oregon Statutes, and Multnomah County Code are found; and reviewed the expected impact upon Multnomah County. She responded to Commissioners questions, and discussed how she feels LCDC will probably respond to the Review Order. She noted that proposed changes to Multnomah County Code are listed at the back of the Local Review Order, and include bracketed deletions and underlined additions.

John DuBay, Assistant County Counsel, advised the Fairview case involving land adjacent to Blue Lake Park will not affect the proposed Periodic Review Order because it affects land within the City of Fairview; nor will the LUBA decision, which is now on appeal, affect the Comprehensive Plan.

Ms. Stickel responded to Commissioner Anderson's question, that the Periodic Review process will continue whether or not there is a decision on Secondary Lands. However, she is not sure how it might affect accumulative effects on County forest lands. The State could require some forest land zoning changes because of the number of approvals; however, should that occur, the County would request a two-year delay in order to complete a revised Comprehensive Plan.

Discussion was held regarding the next Periodic Review dates, and how "Secondary Lands legislation" might affect that Review.

Ms. Stickel explained the Gorge part of the Review can be delayed until the Management Plan is completed (1991); and the County would then be given time to enact ordinances to put the Management Plan into effect. In addition, there would be a Management Plan Review in the next Legislative Session to determine whether or not the State Planning Program should be applied to the Gorge. Periodic Review of the UGB will be due in approximately two years, but before that is initiated, the Planning Division will look at options.

Jan Childs, City of Portland Periodic Review Coordinator, stated she has been working closely with Multnomah County on the Periodic Review; and with LCDC to develop a strategy for the Mid-County area. Both Portland and Gresham have been involved in aggressive annexation programs, and had assumed completion of the annexation of the Gresham and Mid-County areas would be completed within a short time, however that has not happened. The two Cities agreed with LCDC to submit a Periodic Review for these areas upon receipt of the First Periodic Review Notice; and that three to four years after the first notice was received, the Second Periodic Review would be provided and include entire Urban Services Boundaries for both. She hopes that by the time the Second Periodic Review is due, Portland will have completed the annexation process, and be able to comply with the agreement with LCDC. Portland annexation activities have recently begun again after nearly a year's delay. Strategies will again be reviewed when Second Periodic Review notices are received; and a cooperative effort between Gresham, Multnomah County, and the City of Portland will be needed at that time.

Ms. Stickel reported that three issues were raised at the Planning Commission Hearings 1) addition to the Comprehensive Plan of acknowledgement of the existence of the NW Hills Wildlife Corridor, and a plan for its protection.

Bob Kuhlken, Planning Division, referred to the Findings document, page 30, and said that the Division is planning to add language to the Wildlife section "Special Issues" which will bring attention to neighborhood concerns. He added that the City of Portland's Forest Park has a long list of animal and plant species not found in other places, and recommended further study of this issue be done.

Ms. Stickel said that the second issue was for further analysis and protection of the Patton Road Neighborhood. She explained that this matter will not be addressed in this Periodic Review, as discussed previously by Jan Child regarding City responsibility for urban areas; but that in the interim, the County Planning

Division will provide sufficient protections through policy, and ordinance amendments. It will be up to LCDC to respond to this matter. After two years have passed, the Planning Division will again address this matter in order to meet the expedited Review Process agreement with the State; and 3) Mr. Hiberenck, Attorney at Law and representing Raymond Smith, has requested a mineral and aggregate overlay zone for a gravel resource site in Howard Canyon near the Sandy River. She discussed requirements for adding the site to the County inventory, and the processes and impacts experienced from the addition.

Barbara Priest, Planning Division, explained the necessary requirements and processes identified by Doug White, LCDC, for analysis of the site and the determination of whether or not the request should be approved; and said that after the Division completed the analysis requirements, and following review by Mr. White, his opinion was that the County point of view was correct.

Ms. Stickel then discussed the type of report the Division will send to the State for Goal 5 Review; and said staff feel the matter has been addressed properly, and that the conflicting land uses are not sufficient to grant a zone change as requested. She added that she had expected the attorney to come before the Board today, and that the approved Periodic Review materials will be submitted to the State on the 28th. She added that the attorney will have many opportunities to respond to the State regarding proposed amendments. The State, if convinced by the attorney, may request Planning Staff to look at the site again; or request a revision of the Periodic Review to include a zone change. At the hearing for final adoption of the Periodic Review by the Board, the attorney could appear again with his request. She asked whether or not the Board feels comfortable with the Planning Division's process and proposed decisions about the three points discussed.

The Board agreed that the Planning Division had explained its position well, and commended Ms. Stickel and staff for a job well done.

Ms. Stickel read the proposed Resolution; and upon motion of Commissioner Anderson, duly seconded by Commissioner Bauman, it is unanimously

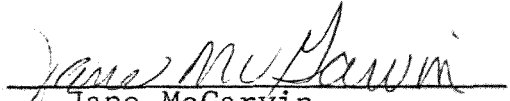


ORDERED that said Resolution be approved with the minor change of Board approval date, February [13] to 14, 1989.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS

By

  
Jane McGarvin  
Clerk of the Board

jm

020351140,27p60,36p10,,

PUBLICATION				GALLEY		M.D.I.	DESK	OP.	DAY
<b>FRIDAY</b>				<b>00</b>				CD	1/30
								dd	1/31
NAME MULTNOMAH COUNTY				S.P.	305	CLS	000	SIZE	1x3
RUNDATE	AD#	SECT or I.D.	RUNDATE	AD#	SECT or I.D.	PROOFS			
2/3/89	51140	FRI	-	-	-	<b>03</b>			
-	-	-	-	-	-				
-	-	-	-	-	-				



**MULTNOMAH COUNTY  
BOARD OF COUNTY  
COMMISSIONERS**

Will hold a public hearing on the following:

Time: 9:30 a.m., Tuesday, February 14, 1989

Place: Room 602, Multnomah County Courthouse  
1021 SW 4th Avenue, Portland, Oregon 97204

Subject of the hearing will be:

C 1-88 In the Matter of Recommending to the Board of County Commissioners the submission of Multnomah County's Proposed Local Review Order for Periodic Review under ORS 197.640.

For further information, contact Sharon Cowley at 248-3043, Multnomah County Department of Environmental Services, Division of Planning and Development, 2115 SE Morrison Street, Portland, Oregon 97214.

*increase & next  
size  
sharon w/call*

BOARD OF  
COUNTY COMMISSIONERS  
1989 JAN 32 AM 7:40  
MULTNOMAH COUNTY  
OREGON

**BEFORE THE PLANNING COMMISSION  
FOR MULTNOMAH COUNTY**

In the Matter of Recommending to the Board    )  
the submission of the County's proposed        )  
Local Review Order for Periodic Review under   )  
O.R.S. 197.640.                                    )

**RESOLUTION  
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 written response has been prepared analyzing the Factors in the Periodic Review Notice and proposed changes drafted to our Comprehensive Plan findings, policies, ordinances, and zoning maps to bring the county into compliance with the state planning program; and

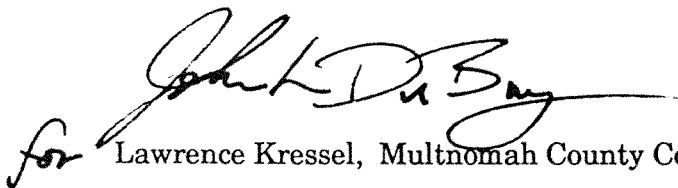
**NOW, THEREFORE BE IT RESOLVED** that the Planning Commission recommends after a public hearing on January 23, 1989 that the Board of County Commissioners submit the attached proposed Local Review Order to the Department of Land Conservation for their consideration.

Approved this 23<sup>rd</sup> day of January 1989



Richard T. Leonard, Chair  
Multnomah County Planning Commission

Approved as to Form:



Lawrence Kressel, Multnomah County Counsel

LAW OFFICES OF  
RAPPLEYEA, BECK, HELTERLINE, SPENCER & ROSKIE

1200 THE BANK OF CALIFORNIA TOWER  
707 S. W. WASHINGTON STREET  
PORTLAND, OREGON 97205

TELEPHONE (503) 224-5560

FACSIMILE (503) 224-6148

RONALD T. ADAMS  
ALBERT J. BANNON  
BORDEN F. BECK, JR.  
VINCENT P. CACCIOTTOLI  
CLARENCE H. GREENWOOD  
RUSSELL M. HELTERLINE  
JOHN M. MAGUIGAN  
MICHAEL O. MORAN  
THOMAS K. O'SHAUGHNESSY  
GUY J. RAPPLEYEA  
GERALD H. ROBINSON  
RICHARD N. ROSKIE  
DAVID P. ROY  
STEVEN R. SCHELL  
GEORGE C. SPENCER

HARVEY N. BLACK (1986)

Rec 2/14/89  
9:30 AM  
Janem Adair

STARK ACKERMAN  
JAMES M. BAUMGARTNER  
JAMES F. DALTON  
PATRICIA S. EITING  
PAUL R. HRIBERNICK  
ROBERT J. PRESTON  
KERRY M. SMITH  
SUSAN J. WIDDER

MILTON E. BERNHARD  
JOHN D. PICCO  
COUNSEL

January 23, 1989

HAND DELIVERED

Mr. Richard T. Leonard, Chair  
Multnomah County Planning Commission  
Multnomah County Division  
of Planning and Development  
2115 S. E. Morrison Street  
Portland, Oregon 97214

Reference: Multnomah County Comprehensive Plan Rural  
Periodic Review Update; Goal 5 Resources;  
Howard Canyon Quarry

Dear Mr. Leonard and Commission Members:

Enclosed for inclusion in the Goal 5 portion of  
the County's administrative record prepared for periodic  
review are the following documents:

1. Geologic report of H. G. Schlicker and Associates  
dated January 9, 1989;
2. Rock testing report of Rittenhouse-Zeman and  
Northwest Testing Laboratories, Inc. both  
dated December 13, 1988;
3. United States Department of Agriculture Mt. Hood  
National Forest Map (1987);
4. "Rock Mineral Resources of Clackamas, Columbia,  
Multnomah and Washington Counties, Oregon,"  
Oregon Department of Geology and Mineral Industries,  
1978, together with Plat 3, Rock Materials  
of Multnomah County, Oregon;
5. Oregon Department of Geology and Mineral Industries  
Reclamation Inspection for Howard Canyon Site;
6. Miscellaneous letters and documents excerpted  
from Multnomah County Planning Commission  
Case File CU 7-87, No. 681;

Mr. Richard T. Leonard  
Multnomah County Planning Commission  
January 23, 1989 - Page 2

7. Miscellaneous documents pertaining to the Columbia River Gorge National Scenic Area Interim land use guidelines; and
8. Additional supporting documentation.

These materials are submitted into the record on behalf of Mr. Raymond Smith in support of Howard Canyon Quarry's designation as a protected Goal 5 resource ("3-A") through the periodic review process. The materials further support the creation of a "Quarry and Mining" overlay designation at the Howard Canyon site.

#### COUNTY GOAL 5 (AGGREGATE) ANALYSIS

We have reviewed the County's preliminary draft Goal 5 resource materials for periodic review purposes and find the Goal 5 analysis deficient in the following general areas.

1. Incorrect Site Designation. Several aggregate sites are classified incorrectly. For example, Quarry 4A is inside both a State park and the National Scenic area, yet it is listed as a "2A/No Conflict" resource. Quarries 33-35 and 45-55 are within the Bull Run Municipal Water Reserve, yet they are listed as "2A/No Conflict" resources. See, OAR 660-16-005.

2. Incomplete ESEE Consideration. The County's analysis fails to consider the economic, social, environmental and energy consequences of allowing conflicting uses. At best, the County considered only one of the four factors before making its decision. See, OAR 660-16-005(2).

3. Failure to Analyze Conflicts on Resource. The County's limited ESEE analysis looks at the conflicts the Goal 5 aggregate resource might create relative to other uses. This analysis is incorrect. In the Goal 5 analysis, a "conflicting use" is one, which, if allowed, could negatively impact a Goal 5 resource site (OAR 660-16-005). The primary focus of the Goal 5 review is on the adverse effects conflicting uses would have on the resource, not the other way around.

Mr. Richard T. Leonard  
Multnomah County Planning Commission  
January 23, 1989 - Page 3

4. Failure to Protect the Resource. The County has not properly developed a program to protect the resource sites. All aggregate sites, regardless of their classification (2A, 3A, 3B, etc.) are conditional uses. The County has established no Quarry/Mining zone to protect resource sites nor has it enacted clear and objective standards by which aggregate development applications are to be judged.

Each of these general flaws reflects a substantial misunderstanding of the Goal 5 process. The document prepared by the County is not legally sufficient and must be revised prior to adoption by the County.

#### HOWARD CANYON SITE

With regard to the Howard Canyon Quarry, the County has ignored a number of factors which must be considered in assessing a known Goal 5. The following analysis is offered to assist the commission in correcting the County's improper treatment of the Howard Canyon resource.

#### Howard Canyon Site is a Significant Resource Which Must be Inventoried.

Factual materials submitted with this letter demonstrate that the Howard Canyon Quarry contains a minimum of 2.7 million tons of crushed aggregate material. This is a minimum estimate. Because of the particular manner in which the Boring lava was deposited, it is probable that the actual amount of aggregate material available at the site exceeds 3.5 million tons (See, Schlicker Report). Even assuming the relatively high rate extraction (i.e., 100,000 tons per year), the Howard Canyon Quarry is a significant long-term resource possessing in excess of a 35-year supply of aggregate. In addition to the enormous quantity of rock available at the site, the material submitted demonstrates that rock is high quality and can be used for a number of road and building uses (See, Northwest Testing Laboratories and Rittenhouse-Zeman Reports). Furthermore, Geologist Schlicker concluded that the Howard Canyon Quarry represents the only known source of commercial rock available in Multnomah County east of the Sandy River. This fact alone is sufficient to establish that the strategic location of the quarry makes

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is presently cleared and does not support any type of forest use. The site is well above and well removed from any wetland area where significant game habitat. Analysis of economic impacts requires that the site be protected through the Goal 5 process.

#### Social Impacts.

Analysis of the social impact is equally favorable to the protection of the quarry site. In the past, local residents have argued that trucks using the quarry may create unsafe traffic conditions. In reality, nothing could be further from the truth. First, the Schlicker report demonstrates that the curves on the access road, which the neighbors consider dangerous, are made of Troutdale sandstone which would be easily removed to straighten the road. Second, the traffic argument ignores the facts. Rock products are needed in eastern Multnomah County and will continue to be used in eastern Multnomah County. By attempting to prevent the operation of the Howard Canyon Quarry, local residents simply guarantee that there will be more trucks traveling more miles on east Multnomah County roads. Presently, users in the area must import aggregate material from as far away as Gresham and Clark County, Washington. Logic dictates that a close source supply means fewer trucks and truck miles on the road for all residents of Multnomah County as compared to expensive imported material brought by trucks from outside the area. The County's analysis ignores the positive social impacts of reduced traffic and economically affordable aggregate material for all types of uses. Further, the County's analysis ignores the social benefit of using the Howard Canyon site instead of attempting to develop sites in the Columbia Gorge National Scenic area (aesthetic and scenic values) or the Bull Run Water Reserve (clean drinking water value). In fact, the County assumes that the sites within Bull Run will be mined by giving these sites a 2A ("no conflicting uses") designation. Such analysis is logically, factually and legally deficient and fails to properly protect the Howard Canyon site.

#### Environmental Impacts.

The environmental portion of a proper ESEE analysis also mitigates in favor of the protection of the quarry.

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The site is located high on a ridge top away from wetland and slide areas. Accordingly, water quality problems are not a concern at this quarry as opposed to many other Multnomah County aggregate extraction areas which are taking material from riverbeds or from beneath the water table. The extraction area is not forested, and there are no scenic or environmental overlays at the site. In addition, the quarry is outside the Columbia Gorge Scenic Area, and it will not adversely affect the environmental and scenic values of that area. As previously mentioned, the Howard Canyon site presents none of the environmental problems of the Bull Run sites which the County relies on to supply East County. Finally, the Schlicker report and the Oregon Department of Geology and Mineral Industries indicate that sufficient topsoil is available to fully reclaim the Howard Canyon site. Once reclaimed, the site can provide future forest, scenic, agricultural or other environmental benefits. The County ignored this.

#### Energy.

Energy consequences greatly mitigate in favor of approving the site. As previously discussed, a local aggregate source greatly reduces the number of truck miles--and therefore fossil fuel--necessary to deliver needed aggregate products into the east county area. The only conclusion that the County can reach based on the facts in the record is that the Howard Canyon Quarry is a significant resource site which must be protected.

The need for protection is graphically illustrated by the failure of several owners of the Howard Canyon site to gain conditional use permits for operation of quarries under the existing Multnomah County zoning scheme. The site is presently zoned MUF-38, and aggregate mining and processing are listed as "conditional uses." However, the County has refused to grant numerous conditional use requests at the site. The only conclusion possible is that the County's existing zoning of the Howard Canyon resource inadequately protects a significant resource. The entire treatment of aggregate resources under the Multnomah County zoning ordinance (§ 11.15) is inadequate because regardless of their location, aggregate resources are considered to be a conditional use.

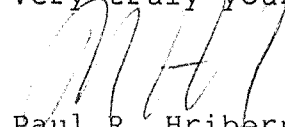


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Multnomah County Planning Commission  
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The purpose of periodic review is to correct such deficiencies not perpetuate them. To properly protect Goal 5 aggregated sources, the County must adopt a surface mining zone or quarry zone to protect significant Goal 5 aggregate resources. In addition, the County should adopt a system which not only delineates quarry zones where mining and processing of aggregate are outright uses, but also designate a peripheral zone where conflicting uses are discouraged. If the County is to meet its responsibilities under Goal 5, it must take appropriate action to protect the Howard Canyon resource, along with all other identified aggregate resources in the County. We have enclosed a draft zoning provision which accomplishes these objectives.

To further assist the County in its task of protecting the Howard Canyon resource, we submit into the record with this letter the proposed Goal 5 analysis which we request the County to adopt. In addition, we specifically request the County to adopt a surface mining/quarry overlay zone for the Raymond Smith property located in Section 36, Township 1 North, Range 4, East of the Willamette Meridian and Section 1, Township 1 South, Range 4, East of the Willamette Meridian. A draft overlay ordinance is enclosed. In addition, we specifically request that the County create a quarry protection buffer overlay zone, 1,000 feet in width, surrounding the Raymond Smith property. Additional materials are enclosed which will assist the County in implementing these requests.

Very truly yours,



Paul R. Hribernich

PRH:jlc  
Enclosures

cc: Mr. Raymond Smith  
Ms. Lorna Stickel

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COUNSEL

February 14, 1989

HAND DELIVERED

The Honorable Gladys McCoy, Chair  
Multnomah County Board of Commissioners  
Commission Hearing Room  
602 Multnomah County Courthouse  
1021 S. W. Fourth Avenue  
Portland, Oregon 97204

Reference: Multnomah County Comprehensive Plan  
Rural Periodic Update; Goal 5 Resources  
Howard Canyon Quarry

Dear Ms. McCoy and Members of the Commission:

We represent Mr. Raymond Smith, a landowner in East Multnomah County. As part of the County's periodic review of its Goal 5 resources, Mr. Smith has requested Multnomah County to designate his Howard Canyon property as a significant aggregate resource site and to protect that site for aggregate extraction use.

**HOWARD CANYON IS A SIGNIFICANT RESOURCE**

In support of his request, Mr. Smith submitted documentation to the Planning Commission from a registered professional engineer stating that the Howard Canyon Quarry site contains a minimum of 2.7 million tons of crushed aggregate material (H. G. Schlicker report). Mr. Smith has also submitted testing reports which show that the rock is high quality and can be used for a number of road-building purposes (N. W. Testing Laboratories and Rittenhouse-Zeman report). Mr. Smith also submitted evidence that shows that there is a shortage of aggregate material in the East Multnomah County area and that the Howard Canyon Quarry represents the only known

BOARD OF  
COUNTY COMMISSIONERS  
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MULTNOMAH COUNTY  
OREGON

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source of commercial rock available in Multnomah County east of the Sandy River. Under the Goal 5 administrative rules, the site must be designated a significant site and must be included on the County's Goal 5 inventory.

**THE COUNTY HAS FAILED TO PREPARE  
A PROPER ESEE ANALYSIS**

When determining how to protect a significant aggregate resource, the County must analyze the economic, social, environmental and energy impacts of the use and of the conflicting use. As pointed out to the planning commission, the County has not properly addressed the ESEE factors. The County looked at only one conflicting use (residential use) and failed to address any other potential conflict with the resource. In addition, the County failed to consider the positive economic impacts, the reduction in social impacts, the minimal environmental impacts and the positive energy consequences of an operating Howard Canyon Quarry. Based on the facts in the record, the only conclusion that the County can reach is that Howard Canyon Quarry is a significant resource site which must be protected.

**THE COUNTY FAILED TO PROTECT THE RESOURCE**

The Goal 5 rules require Multnomah County to develop a program to protect Goal 5 resources. The County's response to this requirement is to make all aggregate resources in Multnomah County "conditional uses." Under the Multnomah County Code, conditional uses are not subject to clear and objective standards and are frequently denied even though the use may be requested on a significant Goal 5 site. Conditional use procedures do not protect Goal 5 resources and do not constitute an adequate program as required by Goal 5.

Before the Planning Commission, Mr. Smith proposed Mineral and Aggregate Overlay District which would meet the provisions of Goal 5. We urge the County Commission to review and adopt the proposed Mineral and Aggregate Overlay District as part of the Goal 5 periodic review process. Adoption of the Overlay District would protect the County's aggregate resources as required by Goal 5.

### **SPECIFIC LEGAL DEFECTS**

The County's proposed Goal 5 materials contain the following specific legal defects:

1. Incorrect Site Designation. Several aggregate sites are classified incorrectly by the County. For example, Quarry 4A is inside both a State park and the National Scenic area, yet it is listed as a "2A/No Conflict" resource. Quarries 33-35 and 45-55 are within the Bull Run Municipal Water Reserve, yet they are listed as "2A/No Conflict" resources. See, OAR 660-16-005.

2. Incomplete ESEE Consideration. The County's analysis fails to consider the economic, social, environmental and energy consequences of allowing conflicting uses. At best, the County considered only one of the four factors before making its decision. See, OAR 660-16-005(2).

3. Failure to Analyze Conflicts on Resource. The County's limited ESEE analysis looks at the conflicts the Goal 5 aggregate resource might create relative to other uses. This analysis is incorrect. In the Goal 5 analysis, a "conflicting use" is one which, if allowed, could negatively impact a Goal 5 resource site (OAR 660-16-005). The primary focus of the Goal 5 review is on the adverse effects conflicting uses would have on the resource, not the other way around. However, at a minimum, conflicts on both the resource and the conflicting uses must be analyzed.

4. Failure to Protect the Resource. The County has not properly developed a program to protect the resource sites. All aggregate sites, regardless of their classification (2A, 3A, 3B, etc.) are conditional uses. The County has established no Quarry/Mining zone to protect resource sites nor has it enacted clear and objective standards by which aggregate development applications are to be judged.

In addition to the errors above, an additional procedural error has arisen as a result of the Planning Commission's handling of Mr. Smith's objections. The Planning Commission voted to approve the Goal 5 materials prepared by the County staff, but it instructed the staff to revise

The Honorable Gladys McCoy, Chair  
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those materials. The County Planning Commission may not pre-approve documents which it has not read and considered in their entirety. The proper course for the Planning Commission is to require the County staff to prepare alterations to the Goal 5 materials and to present those alterations to the Planning Commission for further consideration. Further, the County staff was specifically directed to provide copies of any changes to the undersigned. No material was received, and Mr. Smith was unable to review any changes proposed by the staff. To correct this error, the County Commission must send the matter back to the Planning Commission for review prior to making its decision on the matter.

#### **SPECIFIC SUGGESTIONS FOR THE COUNTY COMMISSION**

Mr. Smith requests that the County Commission take the following actions with respect to the County's Goal 5 periodic review update:

1. Site Designations. The Commission should require the staff to correctly classify each of the aggregate resource sites identified in the County's Goal 5 update materials. Howard Canyon Quarry should be listed as a significant resource and as a "3A/Fully Allowed" resource.

2. ESEE Consideration. The County Commission should require the staff to provide a proper consideration of the economic, social, environmental and energy consequences for each of the significant resource sites. Based on evidence in the record, the Commission should direct the staff to adopt the ESEE analysis prepared by Mr. Smith for his site. This analysis was previously submitted to the Planning Commission.

3. Protect the Resource. The County should direct the staff to amend the County Code to include a Mineral and Aggregate Resource Overlay Designation. The Commission should direct the staff to designate the Howard Canyon Quarry as a District A site and direct the staff to establish a District B Overlay surrounding the District A site. A copy of the proposed Mineral and Aggregate Overlay document was previously submitted to the Planning Commission.

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4. Correct Procedural Error. After directing the County's staff to make the appropriate changes, the County Commission should direct that the matter be properly reviewed by the Planning Commission to correct the procedural irregularity inherent in the Planning Commission's January 23, 1989 actions.

The purpose of the periodic review is to correct deficiencies in the County's Goal 5 resource program. The County must recognize that significant aggregate sites are a Goal 5 resource which are guaranteed protection under the Statewide Planning Goal just as historic, cultural, wetland and other Goal 5 resources are protected. To properly protect Goal 5 aggregate resources, the County must adopt a surface mining zone or quarry zone to protect these resources from conflicting uses. If the County is to meet its responsibilities under Goal 5, it must take appropriate action to protect the Howard Canyon Quarry along with the other identified aggregate resources in the County.

Very truly yours,



Paul R. Hribernick

PRH:jlc

cc: Ms. Lorna Stickel

**BEFORE THE BOARD OF COUNTY COMMISSIONERS**

**FOR MULTNOMAH COUNTY**

In the Matter of submission of the County's )  
Proposed Local Review Order for Periodic )  
Review under O.R.S. 197.640. )

**Resolution #89-20**  
**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

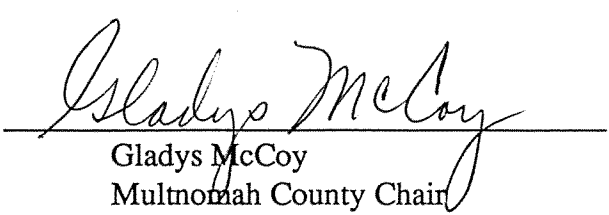
**WHEREAS,** The county has received permission from the Department of Land Conservation and Development to delay periodic review for areas inside the urban services boundaries of cities due to major annexation programs that have resulted in a 50% reduction of unincorporated population since acknowledgement in 1980; and

**WHEREAS,** Briefings of the Planning Commission, and three public workshops were held, Board staff has been briefed, and agencies contacted, and one Planning Commission hearing was held on January 23, 1989; and

**WHEREAS,** A written response has been prepared analyzing the Factors in the Periodic Review Notice and proposed changes drafted to our Comprehensive Plan findings, policies, ordinances, and zoning maps to bring the county into compliance with the state planning program; and

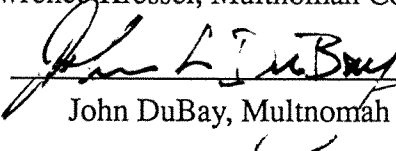
**NOW, THEREFORE BE IT RESOLVED** that the Board of County Commissioners after a public hearing on February 14, 1989 submit the attached Proposed Local Review Order to the Department of Land Conservation and Development for their consideration.

Approved this 14th day of February 1989

  
Gladys McCoy  
Multnomah County Chair

Approved as to Form:  
Lawrence Kressel, Multnomah County Counsel

by

  
John DuBay, Multnomah County Counsel