

ANNOTATED MINUTES

*Tuesday, January 11, 1994 - 9:30 AM
Multnomah County Courthouse, Room 602*

BOARD BRIEFINGS

- B-1 *Presentation of Audit: "Treasury: More Care and Attention Needed". Presented by Gary Blackmer.*

PRESENTATION AND RESPONSE TO BOARD QUESTIONS BY GARY BLACKMER AND DAVE BOYER, WITH JUDITH DeVILLIERS.

- B-2 *Briefing to Request Commitment by the Board to Fund the County's Portion of Relocation Costs for the Sheriff's Office River Patrol, Willamette River Office. Presented by Sheriff Bob Skipper.*

PRESENTATION AND RESPONSE TO BOARD QUESTIONS BY LARRY AAB AND SGT. CURTIS HANSON. COMMISSIONERS KELLEY, HANSEN, COLLIER AND STEIN PROVIDED POLICY DIRECTION TO PROCEED WITH RELOCATION PLANS.

*Tuesday, January 11, 1994 - 1:30 PM
Multnomah County Courthouse, Room 602*

PLANNING ITEMS

Chair Beverly Stein convened the meeting at 1:33 p.m., with Vice-Chair Tanya Collier, Commissioners Sharron Kelley, Gary Hansen and Dan Saltzman present.

- P-1 C 11-93 *Second Reading and Possible Adoption of a Proposed ORDINANCE Amending the Multnomah County Code Chapter 11.15 by Allowing, in Some Circumstances, for a Non-Relative to be the Care Provider in the Approval of a Health Hardship Mobile Home Placement and Extend the Subsequent Review Period of a Health Hardship Permit from One Year to Two Years [and Declaring an Emergency]*

PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER SALTZMAN MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF THE SECOND READING AND ADOPTION. COMMISSIONER KELLEY INTRODUCED AN AMENDMENT ADDING AN EMERGENCY CLAUSE TO THE ORDINANCE AND MOVED, WITH COMMISSIONER SALTZMAN SECONDDING, APPROVAL OF THE AMENDMENT. DAVID KRIBBS TESTIFIED IN SUPPORT AND EXPLAINED THE NEED FOR THE ORDINANCE TO TAKE EFFECT IMMEDIATELY UPON

PASSAGE. COMMENTS FROM COMMISSIONERS KELLEY AND STEIN. AMENDMENT UNANIMOUSLY APPROVED. ORDINANCE 783 UNANIMOUSLY APPROVED.

- P-2 C 5-93 *Second Reading and Possible Adoption of a Proposed ORDINANCE Which Amends the Multnomah County Comprehensive Framework Plan Policies 16, 16-G, and Supplemental Findings for Water Resources, Streams, and Wetland Sites and Designations Under Statewide Planning Goal 5*

PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER SALTZMAN MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF THE SECOND READING AND ADOPTION. HEARING HELD, NO ONE WISHED TO TESTIFY. ORDINANCE 784 UNANIMOUSLY APPROVED.

- P-3 C 13-93 *Second Reading and Possible Adoption of a Proposed ORDINANCE Amending the Multnomah County Code Chapter 11.15 Hillside Development and Erosion Control Regulations to Require a 100-Foot Area of Undisturbed Natural Vegetation Between Proposed Grading and Land Disturbing Activities and a Stream, Water Body, or Wetland*

PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. PLANNER GARY CLIFFORD PRESENTATION AND RESPONSE TO QUESTIONS OF COMMISSIONER KELLEY. COMMISSIONER SALTZMAN MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF THE SECOND READING AND ADOPTION. COMMISSIONER KELLEY MOVED, SECONDED BY COMMISSIONER HANSEN, AN AMENDMENT REMOVING AS AN EXCEPTION SECTION C(3), PAGE 4, RELATING TO REFUSE DISPOSAL SITES CONTROLLED BY OTHER REGULATIONS. COUNSEL JOHN DuBAY ADVISED THE AMENDMENT IS NOT A SUBSTANTIAL MODIFICATION OF THE ORDINANCE. COMMENTS FROM COMMISSIONER HANSEN. AMENDMENT UNANIMOUSLY APPROVED. ORDINANCE 785 UNANIMOUSLY APPROVED.

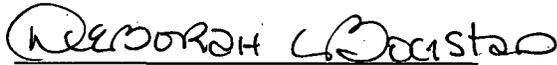
- P-4 HD 18-93 *ORDER in the Matter of the Request by the City of Portland Bureau of Environmental Services to Initiate a Hillside Development Permit Application to the County Planning Division on Private Land Proposed for Condemnation*

COMMISSIONER KELLEY MOVED, SECONDED BY COMMISSIONER HANSEN, APPROVAL OF P-4. PLANNER MARK HESS EXPLANATION. ATTORNEY STEVE ABLE TESTIMONY IN OPPOSITION TO BOARD APPROVAL OF PROPOSED ORDER AND RESPONSE TO BOARD QUESTIONS. TESTIMONY IN RESPONSE TO MR. ABEL AND IN SUPPORT OF ORDER FROM CITY ATTORNEY

TRACY REEVES AND PLANNER RUSS LAWRENCE. MS. REEVES AND MR. DuBAY RESPONSE TO BOARD QUESTIONS. MR. ABEL REBUTTAL TESTIMONY. MR. HESS AND MS. REEVES RESPONSE TO BOARD QUESTIONS. COMMISSIONER COLLIER COMMENTS IN OPPOSITION TO ORDER. TESTIMONY CLOSED. BOARD DISCUSSION AND COMMENTS. COMMISSIONER SALTZMAN MOVED, SECONDED BY COMMISSIONER KELLEY, AN AMENDMENT ADDING "ON BEHALF OF THE CITY OF PORTLAND AS APPLICANT". MR. DuBAY RESPONSE TO CONCERNS OF COMMISSIONER COLLIER. COMMISSIONERS COLLIER AND HANSEN COMMENTS. AMENDMENT UNANIMOUSLY APPROVED. ORDER 94-10 APPROVED, WITH COMMISSIONERS KELLEY, HANSEN, SALTZMAN AND STEIN VOTING AYE, AND COMMISSIONER COLLIER VOTING NO.

There being no further business, the meeting was adjourned at 2:45 p.m.

**OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON**


Deborah L. Bogstad

*Thursday, January 13, 1994 - 9:30 AM
Multnomah County Courthouse, Room 602*

REGULAR MEETING

Chair Beverly Stein convened the meeting at 9:35 a.m., with Vice-Chair Tanya Collier, Commissioners Sharron Kelley and Dan Saltzman present, and Commissioner Gary Hansen excused.

CONSENT CALENDAR

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER COLLIER, THE CONSENT CALENDAR, (ITEMS C-1 THROUGH C-8) WAS UNANIMOUSLY APPROVED.

SHERIFF'S OFFICE

- C-1 *Application for Business Certification Renewal Submitted by Sheriff's Office with Recommendation for Approval, for 82ND AVENUE AUTO WRECKERS, INC., 8555 SE 82ND, PORTLAND.*

- C-2 *Application for Business Certification Renewal Submitted by Sheriff's Office with Recommendation for Approval, for LOOP HI-WAY TOWING, 28609 SE ORIENT*

DRIVE, GRESHAM.

- C-3 *Application for Business Certification Renewal Submitted by Sheriff's Office with Recommendation for Approval, for FRANK MILLER, 15015 NW MILL ROAD, PORTLAND.*
- C-4 *Dispenser Class A Liquor License Change of Ownership Application Submitted by Sheriff's Office with Recommendation for Approval, for RICARDO'S LaFIESTA RESTAURANT, 14601 SE DIVISION, PORTLAND.*
- C-5 *Package Store Liquor License Renewal Application Submitted by Sheriff's Office with Recommendation for Approval, for DAVID'S MARKET, 12217 SE FOSTER, PORTLAND.*
- C-6 *Package Store Liquor License New Outlet Application Submitted by Sheriff's Office with Recommendation for Approval, for NICK'S TEXACO, 12220 SE FOSTER ROAD, PORTLAND.*
- C-7 *Retail Malt Beverage Liquor License New Outlet Application Submitted by Sheriff's Office with Recommendation for Approval, for ACTION JACKSON'S, 3507 SE 122ND, PORTLAND.*

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-8 *ORDER in the Matter of the Execution of Deed D940979 Upon Complete Performance of a Contract to RC Industries, Inc.*

ORDER 94-11.

REGULAR AGENDA

SHERIFF'S OFFICE

- R-1 *Ratification of Intergovernmental Agreement Contract 800584 Between the City of Portland and Multnomah County, to Execute a Special Written Appointment by the Sheriff Authorizing Charles Bolliger to Act as a Peace Officer in the Conduct of His Duties on the Mayor's Staff*

LARRY AAB EXPLANATION. UPON MOTION OF COMMISSIONER COLLIER, SECONDED BY COMMISSIONER KELLEY, R-1 WAS UNANIMOUSLY APPROVED.

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-2 *ORDER in the Matter of the Sale of Property Acquired by Multnomah County through the Foreclosure of Liens for Delinquent Taxes [Formerly Known as 3430 N Commercial Avenue]*

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-2. BEVERLY SCOTT EXPLANATION AND RESPONSE TO BOARD QUESTIONS. ORDER 94-12 UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL/DEPARTMENT OF LIBRARY SERVICES

R-3 *RESOLUTION in the Matter of Establishing Policy to Accommodate Entrepreneurial Activities in the Design and Construction of the Central and Midland Libraries*

COMMISSIONER SALTZMAN PRESENTATION, EXPLANATION AND INTRODUCTION OF GINNIE COOPER, ENTREPRENEURIAL INITIATIVES COMMITTEE MEMBERS CATHERINE VANZYL AND KEN WILSON. GINNIE COOPER AND COMMISSIONER SALTZMAN COMMENTS. UPON MOTION OF COMMISSIONER SALTZMAN, SECONDED BY COMMISSIONER COLLIER, RESOLUTION 94-13 WAS UNANIMOUSLY APPROVED.

PUBLIC COMMENT

R-4 *Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.*

COMMISSIONER SALTZMAN REPORTED THERE WILL BE A PUBLIC SAFETY FORUM TOWN HALL MEETING ON SATURDAY, JANUARY 15, 1994 FROM 10:30 A.M. UNTIL 12:30 P.M. AT THE MULTNOMAH ACTIVITY CENTER.

CHAIR STEIN REPORTED THERE WILL BE A COMMUNITY FORUM ON MULTNOMAH COUNTY BENCHMARKS TONIGHT (JANUARY 13, 1994) AT 7:00 P.M. IN THE CENTRAL LIBRARY AUDITORIUM.

There being no further business, the meeting was adjourned at 9:50 a.m.

**OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON**

Deborah L. Bogstad

*Thursday, January 13, 1994 - 7:00 to 9:00 PM
Multnomah County Central Library Auditorium
801 SW 10th, Portland*

SPECIAL MEETING

SM-1

*The Multnomah County Board of Commissioners Will Hold a Community Forum
to Gather Public Input on Multnomah County Benchmarks.*

**COMMISSIONERS STEIN, COLLIER, KELLEY AND HANSEN
AND 52 CITIZENS PARTICIPATED IN SMALL GROUP
DISCUSSIONS TO IDENTIFY URGENT COUNTY
BENCHMARKS.**



MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK
SUITE 1510, PORTLAND BUILDING
1120 S.W. FIFTH AVENUE
PORTLAND, OREGON 97204

| BOARD OF COUNTY COMMISSIONERS | | |
|-------------------------------|--------------|----------|
| BEVERLY STEIN • | CHAIR • | 248-3308 |
| DAN SALTZMAN • | DISTRICT 1 • | 248-5220 |
| GARY HANSEN • | DISTRICT 2 • | 248-5219 |
| TANYA COLLIER • | DISTRICT 3 • | 248-5217 |
| SHARRON KELLEY • | DISTRICT 4 • | 248-5213 |
| CLERK'S OFFICE • | 248-3277 • | 248-5222 |

AGENDA

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

JANUARY 10, 1994 - JANUARY 14, 1994

- Tuesday, January 11, 1994 - 9:30 AM - Board Briefings.Page 2*
- Tuesday, January 11, 1994 - 1:30 PM - Planning Items.Page 2*
- Thursday, January 13, 1994 - 9:30 AM - Regular Meeting.Page 2*
- Thursday, January 13, 1994 - 7:00 PM - Special Meeting.Page 4*

ON FRIDAY, JANUARY 14, 1994, FROM 8:00 PM TO 10:00 PM, THE BOARD OF COMMISSIONERS WILL HOST A LIVE, CALL-IN CABLE PROGRAM ON GOALS, OR BENCHMARKS, FOR MULTNOMAH COUNTY. THE PROGRAM WILL AIR ON CABLE CHANNEL 22.

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

- Thursday, 10:00 PM, Channel 11 for East and West side subscribers*
- Thursday, 10:00 PM, Channel 49 for Columbia Cable (Vancouver) subscribers*
- Friday, 6:00 PM, Channel 22 for Paragon Cable (Multnomah East) subscribers*
- Saturday 12:00 Noon, Channel 21 for East Portland and East County subscribers*

INDIVIDUALS WITH DISABILITIES MAY CALL THE OFFICE OF THE BOARD CLERK AT 248-3277 OR 248-5222, OR MULTNOMAH COUNTY TDD PHONE 248-5040, FOR INFORMATION ON AVAILABLE SERVICES AND ACCESSIBILITY.

Tuesday, January 11, 1994 - 9:30 AM

Multnomah County Courthouse, Room 602

BOARD BRIEFINGS

- B-1 *Presentation of Audit: "Treasury: More Care and Attention Needed". Presented by Gary Blackmer. 30 MINUTES REQUESTED.*
- B-2 *Briefing to Request Commitment by the Board to Fund the County's Portion of Relocation Costs for the Sheriff's Office River Patrol, Willamette River Office. Presented by Sheriff Bob Skipper. 30 MINUTES REQUESTED.*
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Tuesday, January 11, 1994 - 1:30 PM

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Thursday, January 13, 1994 - 9:30 AM

Multnomah County Courthouse, Room 602

REGULAR MEETING

CONSENT CALENDAR

SHERIFF'S OFFICE

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Thursday, January 13, 1994 - 7:00 to 9:00 PM

*Multnomah County Central Library Auditorium
801 SW 10th, Portland*

SPECIAL MEETING

SM-1 *The Multnomah County Board of Commissioners Will Hold a Community Forum to Gather Public Input on Multnomah County Benchmarks.*

#1

PLEASE PRINT LEGIBLY!

MEETING DATE 1-11-94

NAME DAVID KRIBBS

ADDRESS 45415 E. LARCH MT. RD

STREET
CORBETT

CITY 97019
ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # P-1

SUPPORT X **OPPOSE** _____
SUBMIT TO BOARD CLERK

MEETING DATE: JAN 11 1994
~~December 28, 1993~~
AGENDA NO: P-1

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: C 11-93 - Proposed Ordinance Amendment - First Reading

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: December 28, 1993

Amount of Time Needed: 15 Minutes

DEPARTMENT: DES **DIVISION:** Planning

CONTACT: R. Scott Pemble **TELEPHONE #:** 3182

BLDG/ROOM #: 412/103

PERSON(S) MAKING PRESENTATION: Gary Clifford

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

C 11-93 - An Ordinance amending the Multnomah County Code Chapter 11.15 by allowing, in some circumstances, for a non-relative to be the care provider in the approval of a health hardship mobile home placement and extend the subsequent review period of a health hardship permit from one year to two years

1/11/94 copies to Gary Clifford & David Kriggs
1/2/94 copies to ordinance distribution list

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: Betsy Willian

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
1993 DEC 20 PM 3:01

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222



MULTNOMAH COUNTY OREGON

DIVISION OF PLANNING & DEVELOPMENT/2115 S.E. MORRISON/PORTLAND, OREGON 97214

DIVISION OF PLANNING AND DEVELOPMENT

Board Planning Packet Check List

File No. C 11-93

Agenda Placement Sheet No. of Pages 1

Ordinance Tech
 Case Summary Sheet No. of Pages 1
 Previously Distributed

Notice of Review No. of Pages _____
*(Maybe distributed at Board Meeting)
 Previously Distributed

Decision *Proposed Ordinance* No. of Pages 5
(Hearings Officer/Planning Commission)
 Previously Distributed

*Duplicate materials will be provided upon request.
Please call 2610.

**BEFORE THE PLANNING COMMISSION
FOR MULTNOMAH COUNTY**

In the Matter of Recommending Adoption)
of an Ordinance Amending MCC Chapter)
11.15 Concerning Health Hardship Mobile)
Home Placement Permits)

**RESOLUTION
C 11-93**

WHEREAS, The Planning Commission is authorized by Multnomah County Code, Chapter 11.05 and by ORS 215.110, to recommend to the Board of County Commissioners the adoption of Ordinances to carry out and amend the Multnomah County Comprehensive Plan and its implementing ordinances; and

WHEREAS, Multnomah County Code subsection MCC 11.15.8710 allows for the temporary placement of a mobile home on a property with an existing single family residence upon a finding that a resident of one of the dwellings has a demonstrated health hardship and that needed care can be provided by a relative living in the other dwelling; and

WHEREAS, ~~There are some~~ situations where residents of Multnomah County could otherwise qualify for the temporary placement of a hardship mobile home on their property, but there is no relative that can provide the needed care; and

WHEREAS, Amending the Code to allow for a non-relative to be the care provider for a property owner with a health hardship provides that property owner the same opportunity for care as is presently allowed to property owners with available relatives; and

WHEREAS, It has been the Division's experience with health hardship permits that the present yearly review is not necessary and continuing review of the permits can be adequately made in two year increments; and

WHEREAS, The Planning Commission considered this Ordinance at a public hearing on December 6, 1993 where all interested persons were given an opportunity to appear and be heard,

NOW, THEREFORE BE IT RESOLVED that the Ordinance captioned "...An Ordinance amending the Multnomah County Code Chapter 11.15 by allowing in some circumstances for a non-relative to be the care provider in the approval of a health hardship mobile home placement and extend the subsequent review period of a health hardship permit from one year to two years," is hereby recommended for adoption by the Board of County Commissioners.

Approved this 6th day of December, 1993



Karin Hunt, Vice Chair
Multnomah County Planning Commission

ORDINANCE FACT SHEET

Ordinance Title: C 11-93

An Ordinance amending the Multnomah County Code Chapter 11.15 by allowing, in some circumstances, for a non-relative to be the care provider in the approval of a health hardship mobile home placement and extend the subsequent review period of a health hardship permit from one year to two years.

Give a brief statement of the purpose of the ordinance including rationale for adoption, description of persons benefited, alternatives explored:

This ordinance would amend the "health hardship mobile home" provision to allow a non-relative to occupy a temporary mobile home in order to provide the health care needs of a property owner. Presently, the care giver must be a close relative. The close relative requirement would continue for persons with a health hardship that are not one of the property owners. Other care needs situations can be met in "Adult Care Homes" that do not involve the placement of a mobile home.

What other local jurisdictions have enacted similar legislation?

Cities do not generally include this type of temporary housing in their ordinances. The counties that do recognize the land use are for the most part those which are more rural in character. State Statutes and Administrative Rules allow for the approval of health hardship permits in the farm and forest zones.

What is the fiscal impact, if any?

There will be a few more applications for the permit, but staff time should actually be reduced because the ordinance also extends the subsequent review period after approval from one to two years.

SIGNATURES

Person filling out form: *Gary Clippard, pc*

Planning and Budget (if fiscal impact): _____

Department Manager / Elected Official: *Betsy Wellia*

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS

2 FOR MULTNOMAH COUNTY, OREGON

3 ORDINANCE NO. _____

4
5 An Ordinance amending the Multnomah County Code Chapter 11.15 by allowing, in
6 some circumstances, for a non-relative to be the care provider in the approval of a health
7 hardship mobile home placement and extend the subsequent review period of a health hardship
8 permit from one year to two years.

9 (Language in brackets [] is to be deleted; underlined language is new.)

10 Multnomah County Ordains as follows:

11
12 Section I. Findings.

13 (A). Multnomah County Code subsection MCC 11.15.8710 allows for the temporary
14 placement of a mobile home on a property with an existing single family residence upon a
15 finding that a resident of one of the dwellings has a demonstrated health hardship and that
16 needed care can be provided by a relative living in the other dwelling. The mobile home
17 placement is permitted only as long as the hardship exits.

18 (B). Recent public inquires to the Division of Planning and Land Development have
19 brought about the recognition that there are some situations where residents of Multnomah
20 County could otherwise qualify for the temporary placement of a hardship mobile home on
21 their property, but there is no relative that can provide the needed care. Amending the Code to
22 allow for a non-relative to be the care provider for a property owner with a health hardship
23 affords the property owners without available relative assistance the same opportunity.

24 (C). It is the Division's recent experience with health hardship permits that the present
25 yearly review is not necessary and continuing review of the permits can be adequately made in
26 two year increments. The two year time frame is the maximum time between reviews allowed

1 in the Exclusive Farm Use district under Oregon Administrative Rule (OAR) 660-33-130(10),
2 (adopted December 3, 1992) and the Commercial Forest Use district under OAR 660-06-
3 25(4)(s), (amended December 3, 1992).

4
5 Section II. Amendments.

6 Multnomah County Code Chapter 11.15 is amended to read as follows:

7
8 **11.15.8710 [Annual] Temporary Health Hardship Permit**

9 The purpose of the [Annual] Temporary Health Hardship Permit is to allow the convenient
10 provision of daily health care needs to a person [relatives] with a demonstrated health
11 hardship by allowing the placement of a mobile home on a lot with an existing single family
12 residence. The permit is temporary in nature and not intended to encourage an increase in
13 the residential density beyond that envisioned by the Comprehensive Plan and its
14 implementing ordinances.

15 (A) The Planning Director may grant a [an Annual] Temporary Health Hardship Permit to
16 allow occupancy of a mobile home on a lot with a single family residence based on the
17 following findings:

18 (1) The person with the health hardship is either one of the property owners or is a
19 relative of one of the property owners [a relative of the person identified in
20 subsection (2) below as being capable of providing the necessary health care].

21 (a) If the person with the health hardship is one of the property owners, then the
22 care provider in the other residence is not required to be a relative.

23 (b) If the person with the health hardship is a relative of one of the property
24 owners, then the care provider must be a relative.

25 (c) For the purposes of this section, a relative is defined as a grandparent, parent,
26 child, brother or sister, either by blood or legal relationship.

- 1 (2) The person [relative] with the health hardship is unable to adequately provide
2 daily self-care needs because of a physical and/or medical impairment based upon
3 a statement from a licensed physician describing the nature of the impairment and
4 its resultant limitations. The physician shall indicate that those limitations are
5 severe enough to warrant daily assistance, and that at least one of the residents of
6 the property is capable of providing that assistance.
- 7 (3) There is a demonstrated lack of appropriate alternative accommodations within the
8 area entitled to notice, including, but not limited to, rental housing or space within
9 the existing residence.
- 10 (4) The following locational criteria are satisfied:
- 11 (a) The proposed siting of the mobile home will satisfy the applicable setback and
12 lot coverage standards of the zoning district without variance.
- 13 (b) The mobile home shall be located in a manner which satisfies the locational
14 requirements of a second residence on properties capable of being divided
15 under the existing zoning within those areas designated as urban by the
16 Comprehensive Framework Plan.
- 17 (c) The mobile home will not require any new main connections to public
18 facilities or services (e.g., sewer, water or power mains, curb cuts, etc.) unless
19 sited in the manner allowed in subsection (b) above, in which case those
20 services may be extended to the area on the property which satisfies the
21 locational requirements of a second residence.
- 22 (d) The mobile home will not require any attached or detached accessory
23 structures other than wheelchair ramps to accommodate the health care needs
24 of the proposed occupant.
- 25 (5) A penal bond in the amount of \$1,000 is posted to insure removal of the mobile
26 home within six months after the health hardship ceases to exist.

1 (6) As a condition of approval, every two years from the approval date the applicant
2 shall submit:

3 (a) A recent (within 6 months prior to the two year deadline) physician's statement
4 verifying that the situation described in (2) above still exists; and

5 (b) A letter from the care provider describing the continuing assistance being
6 given.

7 (B) [The Planning Director shall make findings and a tentative decision within ten business
8 days of the application filing.] Notice of the Planning Director's findings and decision,
9 and information describing the appeals process, shall be mailed by first class mail to the
10 applicant and the record owners of all property within :

11 (1) 100 feet of the subject property if the property is within the Urban Growth
12 Boundary, or [proposed for use]

13 (2) 250 feet of the subject property if the property is outside the Urban Growth
14 Boundary and not within the EFU or CFU districts, or

15 (3) 500 feet of the subject property if the property is within the EFU or CFU districts.

16 (C) The tentative decision shall be final at the close of business on the tenth calendar day
17 after notice is mailed, unless the applicant or a person entitled to mailed notice or a
18 person substantially affected by the application files a written Notice of Appeal. Such
19 Notice of Appeal and the decision shall be subject to the applicable provisions of MCC
20 .8290 and .8295, except that subsection MCC .8290(C) shall apply only to a Notice of
21 Appeal filed by the applicant. The persons entitled to notice under subsection (B) of
22 this Section shall be given the same notice of appeal hearing as is given the applicant.
23
24
25
26

1 (D) [Annual t] Temporary health hardship permits approved prior to (the effective date of
2 this Ordinance) [February 15, 1985, which were renewable for a five-year period,] shall
3 not be subject to the original expiration date and shall be permitted to be renewed by the
4 Planning Director every two years from the original approval date based upon a Finding
5 that the hardship [found by the Hearing Authority] still exists and that the conditions
6 imposed are being satisfied.

7
8 Section III. Adoption.

9
10 ADOPTED THIS _____ day of _____, 1994, being the date of its
11 _____ reading before the Board of County Commissioners of Multnomah County.

12
13
14
15 (S E A L)

16 By _____
17 Beverly Stein
18 Multnomah County Chair

19
20 REVIEWED:
21 JOHN DUBAY, CHIEF ASSISTANT COUNTY COUNSEL
22 for MULTNOMAH COUNTY, OREGON

23 By John L. Dubay
24
25
26

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS

2 FOR MULTNOMAH COUNTY, OREGON

3 ORDINANCE NO. 783

4
5 An Ordinance amending the Multnomah County Code Chapter 11.15 by allowing, in
6 some circumstances, for a non-relative to be the care provider in the approval of a health
7 hardship mobile home placement and extend the subsequent review period of a health hardship
8 permit from one year to two years, and declaring an emergency.

9 (Language in brackets [] is to be deleted; underlined language is new.)

10 Multnomah County Ordains as follows:

11
12 Section I. Findings.

13 (A). Multnomah County Code subsection MCC 11.15.8710 allows for the temporary
14 placement of a mobile home on a property with an existing single family residence upon a
15 finding that a resident of one of the dwellings has a demonstrated health hardship and that
16 needed care can be provided by a relative living in the other dwelling. The mobile home
17 placement is permitted only as long as the hardship exits.

18 (B). Recent public inquires to the Division of Planning and Land Development have
19 brought about the recognition that there are some situations where residents of Multnomah
20 County could otherwise qualify for the temporary placement of a hardship mobile home on
21 their property, but there is no relative that can provide the needed care. Amending the Code to
22 allow for a non-relative to be the care provider for a property owner with a health hardship
23 affords the property owners without available relative assistance the same opportunity.

24 (C). It is the Division's recent experience with health hardship permits that the present
25 yearly review is not necessary and continuing review of the permits can be adequately made in
26 two year increments. The two year time frame is the maximum time between reviews allowed

1 in the Exclusive Farm Use district under Oregon Administrative Rule (OAR) 660-33-130(10),
2 (adopted December 3, 1992) and the Commercial Forest Use district under OAR 660-06-
3 25(4)(s), (amended December 3, 1992).

4
5 Section II. Amendments.

6 Multnomah County Code Chapter 11.15 is amended to read as follows:
7

8 **11.15.8710 [Annual] Temporary Health Hardship Permit**

9 The purpose of the [Annual] Temporary Health Hardship Permit is to allow the convenient
10 provision of daily health care needs to a person [relatives] with a demonstrated health
11 hardship by allowing the placement of a mobile home on a lot with an existing single family
12 residence. The permit is temporary in nature and not intended to encourage an increase in
13 the residential density beyond that envisioned by the Comprehensive Plan and its
14 implementing ordinances.

15 (A) The Planning Director may grant a [an Annual] Temporary Health Hardship Permit to
16 allow occupancy of a mobile home on a lot with a single family residence based on the
17 following findings:

18 (1) The person with the health hardship is either one of the property owners or is a
19 relative of one of the property owners [a relative of the person identified in
20 subsection (2) below as being capable of providing the necessary health care].

21 (a) If the person with the health hardship is one of the property owners, then the
22 care provider in the other residence is not required to be a relative.

23 (b) If the person with the health hardship is a relative of one of the property
24 owners, then the care provider must be a relative.

25 (c) For the purposes of this section, a relative is defined as a grandparent, parent,
26 child, brother or sister, either by blood or legal relationship.

- 1 (2) The person [relative] with the health hardship is unable to adequately provide
2 daily self-care needs because of a physical and/or medical impairment based upon
3 a statement from a licensed physician describing the nature of the impairment and
4 its resultant limitations. The physician shall indicate that those limitations are
5 severe enough to warrant daily assistance, and that at least one of the residents of
6 the property is capable of providing that assistance.
- 7 (3) There is a demonstrated lack of appropriate alternative accommodations within the
8 area entitled to notice, including, but not limited to, rental housing or space within
9 the existing residence.
- 10 (4) The following locational criteria are satisfied:
- 11 (a) The proposed siting of the mobile home will satisfy the applicable setback and
12 lot coverage standards of the zoning district without variance.
- 13 (b) The mobile home shall be located in a manner which satisfies the locational
14 requirements of a second residence on properties capable of being divided
15 under the existing zoning within those areas designated as urban by the
16 Comprehensive Framework Plan.
- 17 (c) The mobile home will not require any new main connections to public
18 facilities or services (e.g., sewer, water or power mains, curb cuts, etc.) unless
19 sited in the manner allowed in subsection (b) above, in which case those
20 services may be extended to the area on the property which satisfies the
21 locational requirements of a second residence.
- 22 (d) The mobile home will not require any attached or detached accessory
23 structures other than wheelchair ramps to accommodate the health care needs
24 of the proposed occupant.
- 25 (5) A penal bond in the amount of \$1,000 is posted to insure removal of the mobile
26 home within six months after the health hardship ceases to exist.

1 (6) As a condition of approval, every two years from the approval date the applicant
2 shall submit:

3 (a) A recent (within 6 months prior to the two year deadline) physician's statement
4 verifying that the situation described in (2) above still exists; and

5 (b) A letter from the care provider describing the continuing assistance being
6 given.

7 (B) [The Planning Director shall make findings and a tentative decision within ten business
8 days of the application filing.] Notice of the Planning Director's findings and decision,
9 and information describing the appeals process, shall be mailed by first class mail to the
10 applicant and the record owners of all property within ;

11 (1) 100 feet of the subject property if the property is within the Urban Growth
12 Boundary, or [proposed for use]

13 (2) 250 feet of the subject property if the property is outside the Urban Growth
14 Boundary and not within the EFU or CFU districts, or

15 (3) 500 feet of the subject property if the property is within the EFU or CFU districts.

16 (C) The tentative decision shall be final at the close of business on the tenth calendar day
17 after notice is mailed, unless the applicant or a person entitled to mailed notice or a
18 person substantially affected by the application files a written Notice of Appeal. Such
19 Notice of Appeal and the decision shall be subject to the applicable provisions of MCC
20 .8290 and .8295, except that subsection MCC .8290(C) shall apply only to a Notice of
21 Appeal filed by the applicant. The persons entitled to notice under subsection (B) of
22 this Section shall be given the same notice of appeal hearing as is given the applicant.

1 (D) [Annual t] Temporary health hardship permits approved prior to (the effective date of
2 this Ordinance) [February 15, 1985, which were renewable for a five-year period,] shall
3 not be subject to the original expiration date and shall be permitted to be renewed by the
4 Planning Director every two years from the original approval date based upon a Finding
5 that the hardship [found by the Hearing Authority] still exists and that the conditions
6 imposed are being satisfied.

7
8 Section III. Adoption.

9 This Ordinance being necessary for the health, safety, and general welfare of the people
10 of Multnomah County, an emergency is declared and the Ordinance shall take effect upon its
11 execution by the County Chair, pursuant to section 5.50 of the Charter of Multnomah County.

12 ADOPTED THIS 11th day of January, 1994, being the date of its
13 2nd reading before the Board of County Commissioners of Multnomah County.



22
23
24
25
26

By Beverly Stein

Beverly Stein
Multnomah County Chair

REVIEWED:

JOHN DUBAY, CHIEF ASSISTANT COUNTY COUNSEL
for MULTNOMAH COUNTY, OREGON

By John L. Dubay

JAN 11 1994

MEETING DATE: ~~December 28, 1993~~

AGENDA NO: ~~13~~ P-2

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: C 5-93 - Proposed Ordinance Amendment - First Reading

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: December 28, 1993

Amount of Time Needed: 15 Minutes

DEPARTMENT: DES **DIVISION:** Planning

CONTACT: R. Scott Pemble **TELEPHONE #:** 3182

BLDG/ROOM #: 412/103

PERSON(S) MAKING PRESENTATION: Mark Hess

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

C 5-93 An Ordinance amending the Multnomah County Comprehensive Framework Plan Policy 16 and Supplemental Findings in the Multnomah County Inventory of Water Resources and Wetlands Sites and designations under Statewide Planning Goal 5.

1/11/94 copy to Mark Hess
1/12/94 copies to ordinance
distribution list

BOARD OF
COUNTY COMMISSIONERS
1993 DEC 20 PM 3:01
MULTNOMAH COUNTY
OREGON

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: *Betsy H. Wellia*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222



MULTNOMAH COUNTY OREGON

DIVISION OF PLANNING & DEVELOPMENT / 2115 S.E. MORRISON / PORTLAND, OREGON 97214

DIVISION OF PLANNING AND DEVELOPMENT

Board Planning Packet Check List

File No. C5-93

Agenda Placement Sheet No. of Pages 1

Ordinance Fact
-Case Summary Sheet No. of Pages 1

Previously Distributed _____

Notice of Review No. of Pages _____

*(Maybe distributed at Board Meeting)

Previously Distributed _____

Proposed Ordinance
-Decision (Hearings Officer/Planning Commission) No. of Pages 11

Previously Distributed _____

***Duplicate materials will be provided upon request.
Please call 2610.**

**BEFORE THE PLANNING COMMISSION
FOR MULTNOMAH COUNTY**

In the Matter of Recommending Adoption of an)
Ordinance Amending the Comprehensive Plan)
Concerning Water Resources, Streams, and)
Wetland Resources in the Goal 5 Inventory)

**RESOLUTION
C 5-93**

WHEREAS, The Planning Commission is authorized by Multnomah County Code, Chapter 11.05 and by ORS 215.110, to recommend to the Board of County Commissioners the adoption of Ordinances to carry out and amend the Multnomah County Comprehensive Plan; and

WHEREAS, Multnomah County's 1990 Periodic Review Order was reviewed by the Land Conservation and Development Commission (LCDC) on April 23, 1993; and,

WHEREAS, The LCDC Remand Order 93-RA-876 found that amendments to the county's comprehensive plan are required to comply with certain Statewide Planning Goals; and,

WHEREAS, Item 8 of the remand order requires the county to amend the comprehensive plan to map or identify the significant streams that are subject to the Significant Environmental Concern (SEC) provisions of MCC 11.15.6404(C); and,

WHEREAS, In 1988 and 1989, the County completed inventory and analysis of Goal 5 Resources and identified and designated "3-C" (protect Goal 5) water resource and wetland sites; and

WHEREAS, The water resource and wetland sites designated "3-C" (protect Goal 5) were listed and mapped by the Planning Staff and presented at a public hearing on December 6, 1993 where all interested persons were given an opportunity to appear and be heard by the Planning Commission; and,

WHEREAS, The Multnomah County Planning Commission considered and adopted the map and list of Protected Water Resources & Wetlands as detailed in the C 5-93 Staff Report and presented at a public hearing on December 6, 1993;

NOW, THEREFORE BE IT RESOLVED that the proposed Ordinance which amends the Multnomah County Comprehensive Plan text and adds a map and list of Protected Water Resources & Wetlands to the Multnomah County Goal 5 Inventory is hereby recommended for adoption by the Board of County Commissioners.

Approved this 6th day of December, 1993



Karin Hunt, Vice Chair
Multnomah County Planning Commission

ORDINANCE FACT SHEET

Ordinance Title:

An Ordinance Which Amends the Multnomah County Comprehensive Framework Plan Policies 16, 16-G, and Supplemental Findings For Water Resources, Streams, and Wetland Sites and Designations Under Statewide Planning Goal 5.

Give a brief statement of the purpose of the ordinance including rationale for adoption, description of persons benefited, alternatives explored:

This ordinance is recommended for adoption as a response to LCDC Remand Order 93-876; Item No. 8. It would amend the Multnomah County Framework Plan to Policy 16 (Natural Resources) and Sub-policy 16-G (Water Resources and Wetlands) and update the County's Goal 5 Inventory to include:

1. A list and map of Protected Water Resources & Wetlands which are designated: "2A", "3A", or "3C" under Goal 5 and protected by SEC or WRG zoning provisions; and,
2. A list and map of Significant Water Resources & Wetlands which are designated: "1C" under Goal 5 [based on proposed changes to Policy 16-G]; and,
3. A list of potentially significant streams and watersheds which require additional information to complete the Goal 5 process [designated: "1B"].

What other local jurisdictions have enacted similar legislation?

All jurisdictions in the State are required to complete the Goal 5 process. The City of Portland has similar legislation for the Balch Creek Basin and the Columbia South Shore sub-areas.

What is the fiscal impact, if any?

There are specific timelines proposed for the County to complete ESEE evaluations and develop protection programs for Significant (1C) and Potentially Significant (1B) water resources, streams, and wetlands. The first of these includes \$40,000 in FY '93-'94 for a consultant contract to complete ESEE evaluations for the Angel Brothers and Howard Canyon streams and associated watersheds. There will also be at least an equivalent amount of Staff time (and \$) involved in completing the Goal 5 process for these sites (for Water Resources and Wetlands). The fiscal impact of completing the remaining streams inventory, significance analysis and ESEE evaluations would be incorporated in the Rural Area Plans anticipated for FY '94-'95; '95-'96; & '96-'97.

SIGNATURES

Person filling out form: *Mark R. Jew* (Reviewed by R. Scott Peumble)

Planning and Budget (if fiscal impact): _____

Department Manager / Elected Official: *Betsy Willis*

1 **BEFORE THE BOARD OF COUNTY COMMISSIONERS**
2 **FOR MULTNOMAH COUNTY, OREGON**

3
4 ORDINANCE NO. 784
5

6 An Ordinance Which Amends the Multnomah County Comprehensive
7 Framework Plan Policies 16, 16-G, and Supplemental Findings For Water
8 Resources, Streams, and Wetland Sites and Designations Under Statewide Plan-
9 ning Goal 5

10 Multnomah County Ordains as follows:
11

12 Section I. FINDINGS.
13

14 (A). Multnomah County's 1990 Local Review Order was reviewed by the
15 Land Conservation and Development Commission (LCDC) on April 23, 1993.
16 The LCDC determined that amendments to the County's comprehensive plan
17 and zoning code are required to comply with Statewide Planning Goals as
18 detailed in Remand Order 93-RA-876; item 8 orders the following:
19

20 *"The county shall amend the comprehensive plan to map or identify the*
21 *significant streams that are subject to the Significant Environmental Con-*
22 *cern (SEC) provisions. Amend MCC 11.15.6404(C) to reference this plan*
23 *inventory of significant streams rather than the FPA definition."*
24

25 (B). Public hearings were held before the Planning Commission on
26 August 2, 1993 and December 6, 1993 and before the Board of County Commis-

1 sioners on September 28, 1993 and December 28, 1993. On each of those dates
2 written and oral testimony was taken and heard regarding this issue.

3
4 (C). The Planning Commission recommends that the Board of Commis-
5 sioners adopt proposed revisions to the Comprehensive Plan to comply with
6 LCDC Remand Order 93-RA-876, item 8. Findings in support of the recommen-
7 dation are detailed in Exhibit A, the Supplemental Staff Report for Case File C
8 5-93 considered by the Planning Commission on December 6, 1993 and modified
9 for the Board hearing on December 28, 1993.

10
11 Section II. AMENDMENT OF FRAMEWORK PLAN TEXT IN POLICY 16

12
13 Multnomah County Comprehensive Plan Policy 16, Strategy (C) is
14 amended as follows; language appearing in [brackets] is to be deleted; under-
15 lined language is new.

16
17 POLICY 16: NATURAL RESOURCES

18
19 THE COUNTY'S POLICY IS TO PROTECT NATURAL RESOURCES, CON-
20 SERVE OPEN SPACE, AND TO PROTECT SCENIC AND HISTORIC
21 AREAS AND SITES. THESE RESOURCES ARE ADDRESSED WITHIN
22 SUB-POLICIES 16-A THROUGH 16-L.

23
24 STRATEGIES

25 * * *

1 C. The following areas shall be designated as "Areas of Significant Envi-
2 ronmental Concern" based on "Economic, Social, Environmental,
3 and Energy" (ESEE) evaluations and designations of: "2A",
4 "3A", or "3C" under Statewide Goal 5. Resource protection
5 shall be provided by either the SEC or WRG overlay provisions
6 in the Multnomah County Zoning Code (MCC 11.15) applied on:

7
8 1. Resource sites designated "2A", "3A", or "3C" in the Multnom-
9 ah County Goal 5 Inventory and identified for SEC or WRG
10 protections in SUB-POLICIES 16-D, 16-E, 16-G, or 16-L,

11
12 [~~The Columbia River Gorge National Scenic Area, as defined in fed-~~
13 ~~eral legislation PL 99-663~~

14 ~~2. The Sandy River State Scenic Waterway,~~

15 ~~3. Portions of the Mount Hood National Forest,~~

16 ~~4. Smith and Bybee Lakes,]~~

17 ~~2. [5. The Undeveloped Columbia River Islands and]~~ Hayden Island
18 west of the Burlington Northern Railroad tracks,

19 ~~[6. Sturgeon Lake,]~~

20 ~~3.[7.]~~ Blue Lake, Fairview Lake (Ord. 234), and Columbia River shore
21 area and islands,

22 ~~4.[8.]~~ Johnson Creek,

23 ~~[9. Beggar's Tick Marsh,~~

24 ~~10. Virginia Lakes,~~

25 ~~11. Rafton/Burlington Bottoms,~~

26 ~~12. Multnomah Channel,~~

1 ~~13. Sand Lake,]~~

2 ~~14. Howell Lake,]~~

3 ~~15. Wagonwheel Hole Lake and nearby unnamed slough/lake to the~~
4 ~~west,~~

5 ~~16. All Class 1 Streams (Oregon State Forestry Department designa-~~
6 ~~tion) and the adjacent area within 100 feet of the normal high~~
7 ~~water line except those within an ESEE designated "2A", "3A", or~~
8 ~~"3C" mineral and aggregate resource site,]~~

9 ~~5. and such e]~~ Other areas as may be determined under established
10 Goal 5 procedures to be suitable for this "area" designation.

11
12 a. The County shall complete ESEE evaluations by June 30,
13 1994 for Significant Water Resources & Wetlands potentially
14 affected by the Angel Brothers and Howard Canyon Mineral
15 and Aggregate Resource sites; and,

16
17 b. The County will conduct ESEE evaluations and determine
18 appropriate protections for Significant ('1C') sites as part of
19 the Rural Area Planning Program, to include 1B designated
20 sites subsequently determined to be Significant ['1C']; and

21
22 c. The County shall complete all outstanding ESEE evalua-
23 tions by January, 1998 for Significant Water Resources &
24 Wetlands.

25
26 * * *

1 Section III. AMENDMENT OF FRAMEWORK PLAN TEXT IN POLICY 16-G

2
3 POLICY 16-G: WATER RESOURCES AND WETLANDS

4
5 IT IS THE COUNTY'S POLICY TO PROTECT AND, WHERE APPROPRI-
6 ATE, DESIGNATE AS AREAS OF SIGNIFICANT ENVIRONMENTAL CON-
7 CERN, THOSE WATER AREAS, STREAMS, WETLANDS, WATERSHEDS,
8 AND GROUNDWATER RESOURCES HAVING SPECIAL PUBLIC VALUE
9 IN TERMS OF THE FOLLOWING:

- 10
11 A. ECONOMIC VALUE;
12 B. RECREATION VALUE;
13 C. EDUCATIONAL RESEARCH VALUE (ECOLOGICALLY AND SCIEN-
14 TIFICALLY SIGNIFICANT LANDS);
15 D. PUBLIC SAFETY, (MUNICIPAL WATER SUPPLY WATERSHEDS,
16 WATER QUALITY, FLOOD WATER STORAGE AREAS, VEGETA-
17 TION NECESSARY TO STABILIZE RIVER BANKS AND SLOPES);
18 E. NATURAL AREA VALUE, (AREAS VALUED FOR THEIR FRAGILE
19 CHARACTER AS HABITATS FOR PLANT, ANIMAL OR AQUATIC
20 LIFE, OR HAVING ENDANGERED PLANT OR ANIMAL SPECIES).

21
22 STRATEGIES

- 23
24 A. Assess the economic values of Water Resource and Wetland
25 Sites and designate as "significant" (1C) if:
26 1. Any use of the water resource can be shown to be feasible

1 for use in significantly increasing a specified economic
2 activity or function or substantially increasing the econom-
3 ic value of the land through which the waters flow.

4
5 B. Assess the recreation values of Water Resource and Wetland
6 Sites and designate as "significant" (1C) if:

7 1. The water resource lies within the boundary of a public
8 park, publicly accessible recreational facility, or private
9 recreational facility available for public or group use, and is
10 an integral part of the facilities' recreational activities.

11
12 2. The water resource contributes water to a water resource
13 within the boundary of a public park, publicly accessible
14 recreational facility, or private recreational facility avail-
15 able for public or group use, and the diversion or degrada-
16 tion of the contributing waters would significantly diminish
17 the recreational value of the water resource.

18
19 C. Assess the educational research value of Water Resource and
20 Wetland Sites and designate as "significant" (1C) if:

21
22 1. The resource has been identified by the Oregon Natural
23 Heritage Program as being ecologically or scientifically sig-
24 nificant; or

25
26 2. The water resource is used for public educational purposes.

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D. Assess the public safety values of Water Resource and Wetland Sites and designate as "significant" (1C) if:

1. The water resource is within the Watershed Management Unit of an existing or proposed municipal water source as identified by the US Forest Service, US Geological Service, City of Portland, or other public agency; or
2. The water resource is part of a groundwater area which provides a municipal water supply; or
3. The water resource and surrounding lands are flood water storage areas whose removal or degradation would increase the frequency or height of floods to adjacent or downstream areas.
4. The riparian or watershed vegetation associated with a water resource shall be considered part of the water resource area if that vegetation substantially contributes to the protection of water quality by reducing sedimentation and erosion, removing nutrients, or lowering water temperature / increasing BOD.

E. Assess the natural area value of Water Resource and Wetland Sites and designate "significant" (1C) if:

1
2 **1. The Oregon Department of Forestry has classified the**
3 **stream or watercourse as "Class 1 waters" as defined in the**
4 **State Forest Practices Act; or**

5
6 **2. The water resource or associated vegetation area is the**
7 **habitat of an endangered or threatened plant or animal**
8 **species as identified by the Oregon Natural Heritage Pro-**
9 **gram, US Fish and Wildlife Service or other public agency;**
10 **or**

11
12 **3. A "Wildlife Habitat Assessment" (WHA) rating form has been**
13 **completed and the site scored** [~~Wetland areas that attain~~] 45 or
14 more points of the possible 96 points, [~~on the "Wildlife Habitat~~
15 ~~Assessment" (WHA) rating form will be designated "Significant"~~]
16 Sites [~~with ratings of~~] **with scores between 35 - 44 points** [~~or~~
17 ~~more~~] **on the WHA form** may be determined "Significant" (1C) if
18 they function [~~in providing~~] **as essential** connections between
19 [~~and~~] **or demonstrably** enhance [~~ment of~~] higher rated adjacent
20 [~~habitat~~] **resource** areas.

21
22 The WHA is a standardized rating system for evaluating the wildlife
23 habitat values of a site. The form was cooperatively developed by staff
24 from the U.S. Environmental Protection Agency, the U.S. Fish and
25 Wildlife Service, the U.S. Army Corps of Engineers, The Oregon
26 Department of Fish and Wildlife, the Audubon Society of Portland,

1 The Wetlands Conservancy, and the City of Beaverton Planning
2 Bureau.

3
4 **F.[B.]** Significant water resource and wetland areas identified as a "2A", "3A",
5 or "3C" sites using the Statewide Planning Goal 5 "Economic, Social,
6 Environmental, and Energy analysis" procedure as outlined in OAR 660-
7 16-000 through 660-16-025 shall be designated as "Areas of Significant
8 Environmental Concern" and protected by either the SEC or WRG overlay
9 zone.

10
11 **G.[C.]** Wetlands information gathered by and made available to the County shall
12 be utilized as follows:

- 13
- 14 1. The U.S. Fish and Wildlife National Wetland Inventory (NWI) maps
15 should be consulted at the beginning stages of any development proposal
16 in order to alert the property owner/developer of the U.S. Corps of Engi-
17 neers and Division of State Lands permit requirements.
 - 18
19 2. Wetlands shown on the NWI maps which are determined to not be impor-
20 tant by the county after field study should be indicated as such on 1"=200'
21 aerial photographs made part of the State Goal 5 supporting documents.
 - 22
23 3. Boundaries of "Significant" wetlands located within the SEC and WRG
24 overlay zones should be depicted on 1"=200' aerial photographs.
 - 25
26 4. Additional information on wetland sites should be added to the plan and

1 supporting documents as part of a scheduled plan update or by the stan-
2 dard plan amendment process initiated at the discretion of the county.

3
4 H.~~D.~~ Although a wetland area may not meet the County criteria for the
5 designation "Significant," the resource may still be of sufficient
6 importance to be protected by State and Federal agencies.

7
8 I.~~E.~~ The zoning code should include provisions requiring a finding
9 prior to approval of a legislative or quasijudicial action that the
10 long-range availability and use of domestic water supply water-
11 sheds will not be limited or impaired.

12
13 * * *

14
15
16 Section IV. AMENDMENT OF POLICY 16-G INVENTORY OF WATER RESOURCES

17
18 The following are added to the Policy 16-G Inventory of Water Resources:

- 19
20 1. **Protected Water Resources & Wetlands** (designated 2A, 3A, or 3C
21 under Goal 5) identified on the attached List and map, a reduced copy
22 of which is attached as Appendix A of Exhibit A; and
23
24 2. **Significant Water Resources & Wetlands** (designated 1C under
25 Goal 5) and identified on the attached List and map, a reduced copy of
26 which is attached as Appendix B of Exhibit A; and,

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3. A list of potentially significant Water Resources & Wetlands (designated 1B under Goal 5) and identified in Appendix C of Exhibit A.

ADOPTED THIS 11th day of January, 1994, being the date of its 2nd reading before the Multnomah County Board of Commissioners.



By *Beverly Stein*
Beverly Stein,
Multnomah County Chair

REVIEWED:
LAURENCE KRESSEL, COUNTY COUNSEL
for MULTNOMAH COUNTY, OREGON

By: *John L. DuBay*
John L. DuBay, Chief Deputy County Counsel



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

C 5-93
Exhibit A

Supplemental Staff Report
to the Board of Commissioners;
Hearing Date: December 28, 1993

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II. PROCEDURAL HISTORY 2
III. FINDINGS 2
IV. RECOMMENDATIONS 5

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B. List and Map of Significant Water Resources & Wetlands 8
C. List of "1B" Water Resources & Wetlands Sites 10
D. Class I Stream Definition 11

I. SUMMARY:

This report accompanies a proposed Ordinance which would amend the Multnomah County Comprehensive Framework Plan Policy 16 (Natural Resources) and Sub-policy 16-G (Water Resources and Wetlands) and update the County's Goal 5 Inventory to include:

1. A list and map of **Protected Water Resources & Wetlands** which are designated: "2A", "3A", or "3C" under Goal 5 and protected by SEC or WRG zoning provisions; and,
2. A list and map of **Significant Water Resources & Wetlands** which are designated: "1C" under Goal 5 [based on proposed revisions to Policy 16-G]; and,
3. A list of potentially significant streams and watersheds which require additional information to complete the Goal 5 process [designated: "1B"].

II. PROCEDURAL HISTORY:

The Planning Commission reviewed a proposed map of Significant Streams and Riparian Areas on August 2, 1993 and discussed anticipated revisions to the Comprehensive Plan and Zoning Code in response to item #8 of the Remand Order 93-RA-876 from the State Land Conservation and Development Commission (LCDC). Item #8 requires the County to map streams which are regulated by Significant Environmental Concern (SEC) zoning provisions in MCC 11.15.6404(C), and revise text to reference the streams map rather than the Forest Practices Act (FPA) definition of "Class I streams".

The Board of County Commissioners (Board) held a hearing on this matter on September 28, 1993 and received oral and written testimony. After considering issues raised, the Board expanded the scope of C 5-93 to address concerns regarding the proposed removal of SEC zoning protections along most "Class I streams". However, County and DLCD Staff concur that environmental protections applied to "Class I streams" in 1990 under Plan Policy 16-G (Water resources and Wetlands) are not fully justified under the Goal 5 process.

III. FINDINGS

Multnomah County's 1990 Periodic Review Order was reviewed by the LCDC on April 23, 1993. The LCDC found that amendments to the County's comprehensive plan are required to comply with certain Statewide Planning Goals (Remand Order 93-RA-876). Item 8 orders the following:

"The county shall amend the comprehensive plan to map or identify the significant streams that are subject to the Significant Environmental Concern (SEC) provisions. Amend MCC 11.15.6404(C) to reference this plan inventory of significant streams rather than the FPA definition."

The County conducted an inventory of important water resources and wetlands in 1988-1989. The Planning Division contracted with Ester Lev, a Wildlife Biologist, for an inventory and significance analysis of wetland resources and associated riparian habitats. The constraints of the contract limited the inventory and significance analysis to certain portions of rural Multnomah County. Water resource and wetland sites were deemed "significant" (1C) if they scored 45 points or more on a "Wildlife Habitat Assessment" (WHA) rating system. Resources designated "2A", "3A", or "3C" after Goal 5 ESEE evaluations were protected by zoning code revisions in the SEC and WRG subsections.

The principal code revision required an SEC Permit for developments within 100 feet of a "Class I stream" (as defined in the State Forest Practice Rules; see Appendix A). However, the *Class I stream threshold* did not extend SEC protections to three wetland sites identified in the Lev study and designated 3C – (1) "Northwest Hills Wetlands/Riparian Areas", (2) "Dairy Creek, Gilbert River, and related drainageways", and (3) "Ditches and Sloughs on Sauvie Islands". These three sites were not fully protected by 1990 revisions to the SEC zone.

In addition, the 1990 SEC changes applied a protection program to several "Class I streams" which were not evaluated under the Goal 5 rule. County Staff proposes to extend some work under case C 5-93 to provide an adequate inventory and a complete ESEE evaluation for 1B and 1C designated water resource sites.

The LCDRC Remand Order directs the County to identify the specific streams and land areas that are subject to the SEC provisions, and include the map or descriptive text in the Comprehensive Plan. This report includes revised maps of all Wetland and Water Resources in rural areas of Multnomah County with Goal 5 designations:

The **Protected Water Resources & Wetlands** map and Table 1 includes all water resources that have completed the Goal 5 process, have been designated 2A, 3A, or 3C, and are protected by SEC or WRG code provisions (see Appendix A). Map and Table 1 fulfill the Remand Order requirements;

Map and table 2, **Significant Water Resources & Wetlands** list the water resources that have been designated as significant (1C) under Goal 5, but have not had ESEE evaluations (see Appendix B);

Table 3 lists other (1B) streams and water resource sites that have not been evaluated under Goal 5 (see Appendix C).

Several streams initially mapped as 3C sites in the C 5-93 report for the August 2, 1993 hearing are not included in revised maps with this report. Changes to the status of some streams are the result of meetings and discussions between the County and DLCD staff concerning the remand item #8 and – more importantly, a close examination and assessment of prior Goal 5 Inventory materials in light of recent case law effecting the substantive and procedural requirements for local governments in applying Statewide Goal 5.

Several streams shown on the *significant streams* map proposed at the August 2, 1993 hearing are deleted from the '3C' map of protected Goal 5 resources. Streams deleted were listed in the "Northwest Hills/Riparian Areas" composite site description because the resource inventory was derived from National Wetlands Inventory maps and aerial photograph interpretation; but resource values were not verified in the field. Revised maps proposed with this report show only those "Northwest Hills/Riparian Areas" which were designated "Significant" based on the "Wildlife Habitat Assessment" (WHA) rating form score of 63 points or more, and which were verified in the field by Ester Lev, the County's consultant in 1988-1989. Field verification of the resource is indicated on the 1:200 scale aerial photographs which are part of the County's Goal 5 inventory of wetland and water resources. Those streams not shown as 1C (Significant Water Resources & Wetlands) or 2A, 3A, or 3C (Protected Water Resources & Wetlands) are recommended for a 1B designation (future study).

Proposed Revisions to Policy 16 and Sub-policy 16-G:

Amendments are proposed to the inventory list of SEC protected resources under Policy 16 of the Comprehensive Framework Plan. The changes include removing from the Policy 16 list those resources that are inventoried under any of the Policy 16 sub-policies. For instance, many of the water resources listed under Policy 16 are included in the proposed list of protected water resources under sub-policy 16-G (see Table 1, Appendix A). In addition, several resources are deleted from the Policy 16 list because they have been annexed into the city or, as in the case of the Columbia River Gorge National Scenic Area, are under a different method of protection now.

Several amendments to sub-policy 16-G are proposed. These include adding streams to the descriptive list of water resources, in order to make it clear that streams are part of this sub-policy, and modifying and adding Strategies in order to reflect all five of the values (economic, recreational, educational, public safety and natural area) that sub-policy 16-G says are provided by water resources. The existing strategy section of the sub-policy includes only one method of determining the significance of water resources, the Wildlife Habitat Assessment. Water resources clearly have other values besides wildlife. The additional Strategies will provide a tool to assess these other values. Included as a new strategy for assessing natural area value is using the Forest Practices Act definition of a Class I stream as a determinant of significance (see Appendix D).

These changes to sub-policy 16-G are proposed in order to facilitate subsequent Goal 5 work for 1B designated water resources, which will occur as part of the rural area planning projects. The proposed amendments to Policy 16 and sub-policy 16-G are detailed in a proposed Ordinance included with this report (Appendix E).

IV. RECOMMENDATIONS

Recommend the following to the Board of County Commissioners:

1. Adopt the list and map of **Protected Water Resources & Wetlands** (designated 2A, 3A, or 3C under Goal 5 and protected by SEC or WRG ordinances; see Table 1).
2. Adopt the proposed plan revision and updates to the County's Goal 5 inventory to include a list and map of **Significant Water Resources & Wetlands** (designated 1C under Goal 5; see Table 2).
 - a. Direct the Planning Division to complete ESEE evaluations by June 30, 1994 for **Significant Water Resources & Wetlands** potentially affected by the Angel Brothers and Howard Canyon Mineral and Aggregate Resource sites; and,
 - b. Direct the Planning Division to conduct the ESEE evaluations and determine appropriate protections for the remaining '1C' sites as part of the Rural Area Planning Program; and
 - c. Direct the Planning Division to complete all outstanding ESEE evaluations by January, 1998 for **Significant Water Resources & Wetlands**.
3. Adopt the list of 1B designated water resource and wetland sites for further inventory and, if significant, ESEE evaluation.
 - a. Direct the Planning Division to complete significance determinations by June 30, 1994 for **Water Resources & Wetlands** potentially affected by the Angel Brothers and Howard Canyon Mineral and Aggregate Resource sites; and,
 - a. Direct the Planning Division to conduct the ESEE evaluations and determine appropriate protections for 1B designated sites subsequently determined to be Significant ['1C'] as part of the Rural Area Planning Program; and
 - c. Direct the Planning Division to complete all ESEE evaluations by January, 1998 for **Significant Water Resources & Wetlands**.
4. Amend Comprehensive Plan Policy 16 and sub-policy 16-G to reflect changes in the list of protected natural resources and to provide strategies to determine the significance of water resources.

Table 1

PROTECTED WATER RESOURCE AND WETLAND SITES
MULTNOMAH COUNTY COMPREHENSIVE FRAMEWORK PLAN: POLICY 16-G

[sites designated 2A, 3A, or 3C in the Goal 5 Inventory: 1993 Update]

Rural Westside Sites *(listed alphabetically)*:

- 1 Agricultural Ditches and Sloughs on Sauvie Island
- 2 'Audubon House' tributary of Balch Creek (in sub-basin #5; 1993 BES report)
- 3 Balch Creek (Class I reach outside Portland; below confluence of Thompson and Cornell forks)
- 4 Burlington Bottoms Wetlands
- 5 Dairy Creek
- 6 Gilbert River & tributary drainageways/wetlands
(in R1W sections 5, 8, 9, 16, 21, 22, 28, 29, 31, 32 & 33)
- 7 Howell Lake
- 8 McCarthy Creek (Class I reach; R1W sections 18, 19, 30 & 31)
- 9 Miller Creek (sections outside Portland)
- 10 Multnomah Channel (reach outside Portland)
- 11 'Newberry' (or 'Ennis') Creek (reach in R1W sections 28 & 33)
- 12 Sand Lake
- 13 'Sheltered Nook' tributary of McCarthy Creek (in R2W sections 19 & 24)
- 14 Small Unnamed Lake/Slough west of Wagon Wheel Hole Lake
- 15 Sturgeon Lake
- 16 Un-named creek which flows into Rainbow Lake (reaches in R2W sections 12 & 13)
- 17 Un-named creeks with confluence south of Logie Trail Rd.
(Class I reaches; in R2W sections 13 & 24 and R1W section 18)
- 18 Un-named creek between Logie Trail and Cornelius Pass Roads
(in R2W section 24 and R1W sections 18 & 19)
- 19 Virginia Lakes
- 20 Wagon Wheel Hole Lake

Rural Eastside Sites: *[Does not include sites within the Columbia Gorge NSA]*

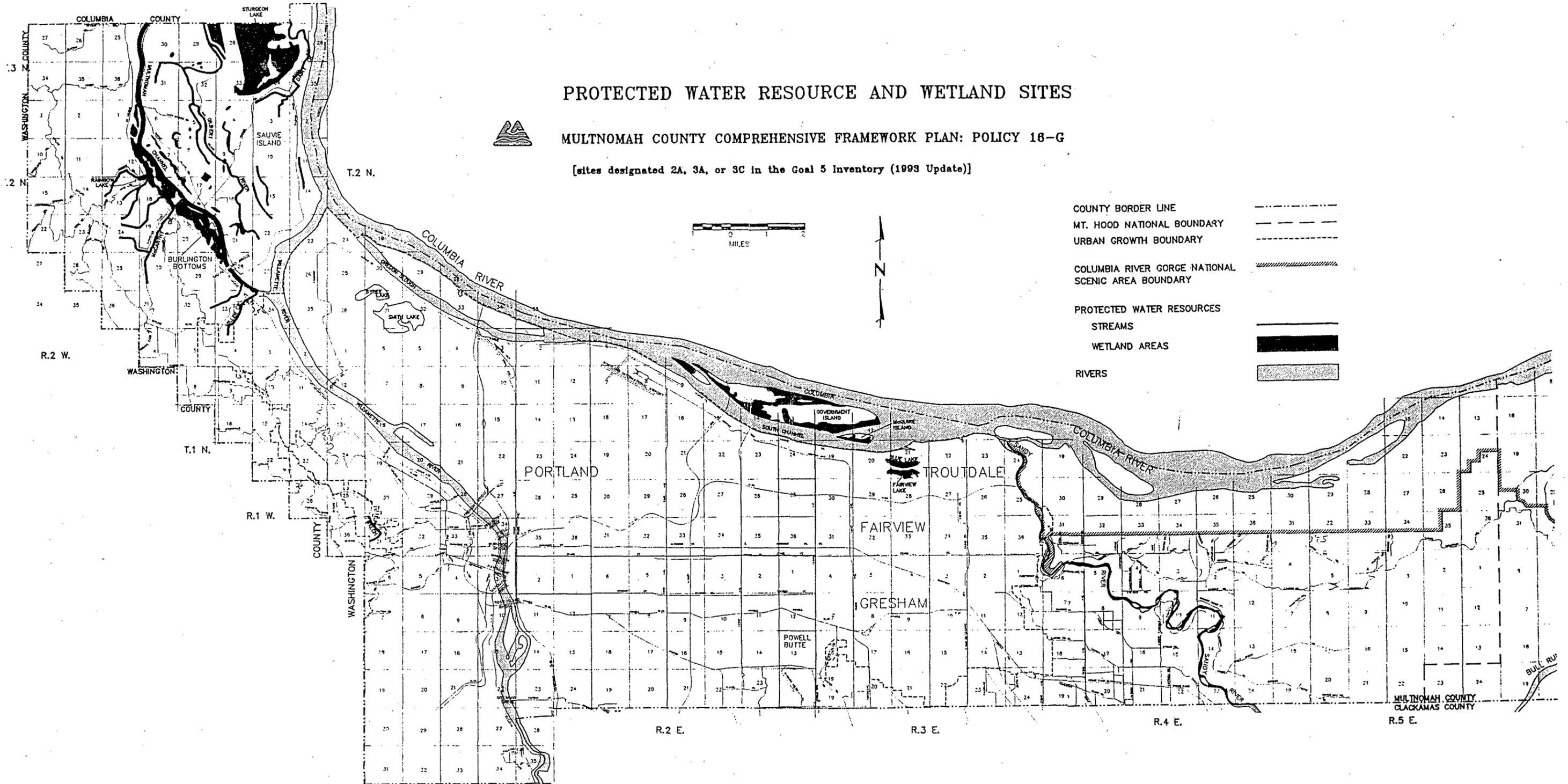
- 1 Government Island wetlands
- 2 McGuire Island wetlands
- 3 Sandy River Gorge

NOTE: Sites listed above are protected by SEC or WRG zoning provisions, based on completed ESEE evaluations and designations: 2A, 3A, or 3C under Statewide Goal 5. Table 2 lists Significant Water Resources and Wetland sites designated 1C [Goal 5 ESEE processes pending]

PROTECTED WATER RESOURCE AND WETLAND SITES

MULTNOMAH COUNTY COMPREHENSIVE FRAMEWORK PLAN: POLICY 18-G

[sites designated 2A, 3A, or 3C in the Goal 5 Inventory (1993 Update)]



- COUNTY BORDER LINE
- MT. HOOD NATIONAL BOUNDARY
- URBAN GROWTH BOUNDARY
- COLUMBIA RIVER GORGE NATIONAL SCENIC AREA BOUNDARY
- PROTECTED WATER RESOURCES
 - STREAMS
 - WETLAND AREAS
 - RIVERS

Table 2

SIGNIFICANT WATER RESOURCE AND WETLAND SITES
MULTNOMAH COUNTY COMPREHENSIVE FRAMEWORK PLAN: POLICY 16-G

[sites designated 1C in the Goal 5 Inventory (1993 Update); ESEE evaluations pending]

Rural Westside Sites *(listed alphabetically)*:

- 1 Balch Creek Forks: Thompson, Cornell, and 'South-Audubon' (outside Portland)
- 2 'Germantown Road' tributaries of Rock Creek (Class I reaches in R 1W sections 8, 9, & 16)
- 3 Jackson Creek (Class I reach in R 2W section 10)
- 4 Jones Creek (Class I reach in R 2W section 25)
- 5 Joy Creek (Class I reach in R 2W section 25)
- 6 McKay Creek, East Fork (Class I reach in R 2W section 10)
- 7 Rock Creek (Class I reaches in R 2W sections 22, 23, 26, & 36; includes East Fork)
- 8 Three Un-named creeks with confluence on Wildwood Golf Course
(Class I reaches in R 2W sections 1, 2, 11, & 12)

Rural Eastside Sites *[Does not include sites within the Columbia Gorge NSA]*:

- 1 Beaver Creek (Class I reaches in R3E sections 1 & 12; and R4E sections 7, 8, 16, & 17)
- 2 Big Creek
- 3 Bridal Veil Creek (Class I reach outside Gorge NSA; R5E section 24 & 25)
- 4 Buck Creek (Class I reaches)
- 5 Camp Creek (tributary to Bull Run River, in Mt. Hood National Forest)
- 6 Cat Creek (includes North Fork in sections 16 & 17)
- 7 Donahue Creek (Class I reach outside Gorge NSA; R5E section 25 & 36)
- 8 Gordon Creek (includes South, Middle, & North forks in Mt. Hood Nat. Forest)
- 9 Howard Canyon Creek (Class I reaches in R 4E sections 1 & 2; and R5E sections 5 & 6)
- 10 Johnson Creek (Class I reaches southeast of Gresham, including North Fork)
- 11 Kelly Creek (tributary of Johnson Creek)
- 12 Knieriem (or 'Ross') Creek (Class I reaches in R 4E sections 2, 35, & 36; and R5E section 31)
- 13 Lattourelle Creek (reaches outside Gorge NSA; R5E sections 32 & 33; includes South Fork)
- 14 Mitchell Creek (tributary of Kelly Creek; in R 3E section 19)
- 15 Pounder Creek (Class I reach outside Gorge NSA; in R4E sections 2 & 35)
- 16 Smith Creek (Class I reaches in R 4E sections 3, 4, 5, & 36)
- 17 Thompson Creek (tributary of Gordon Creek)
- 18 Trout Creek (Class I reaches in R4E sections 13, 14 & 24; and R 5E sections 17, 18, & 19)
- 19 Two Un-named creeks west of Springdale (Class I reaches in R4E sections 5, 6, 32 & 33)
- 20 Un-named tributary of Bull Run River (Class I reach in R5E section 22)
- 21 Walker Creek (Class I reach in R5E section 22)
- 22 Young Creek (Class I reach in R5E section 35 & outside Gorge NSA)

SIGNIFICANT WATER RESOURCE AND WETLAND SITES

MULTNOMAH COUNTY COMPREHENSIVE FRAMEWORK PLAN: POLICY 18-G

[sites designated 1C in the Goal 5 Inventory (1993 Update); ESEE evaluations pending]



- COUNTY BORDER LINE 
- MT. HOOD NATIONAL BOUNDARY 
- URBAN GROWTH BOUNDARY 
- COLUMBIA RIVER GORGE NATIONAL SCENIC AREA BOUNDARY 
- SIGNIFICANT WATER RESOURCES
 - STREAMS 
 - WETLAND AREAS 
 - RIVERS 

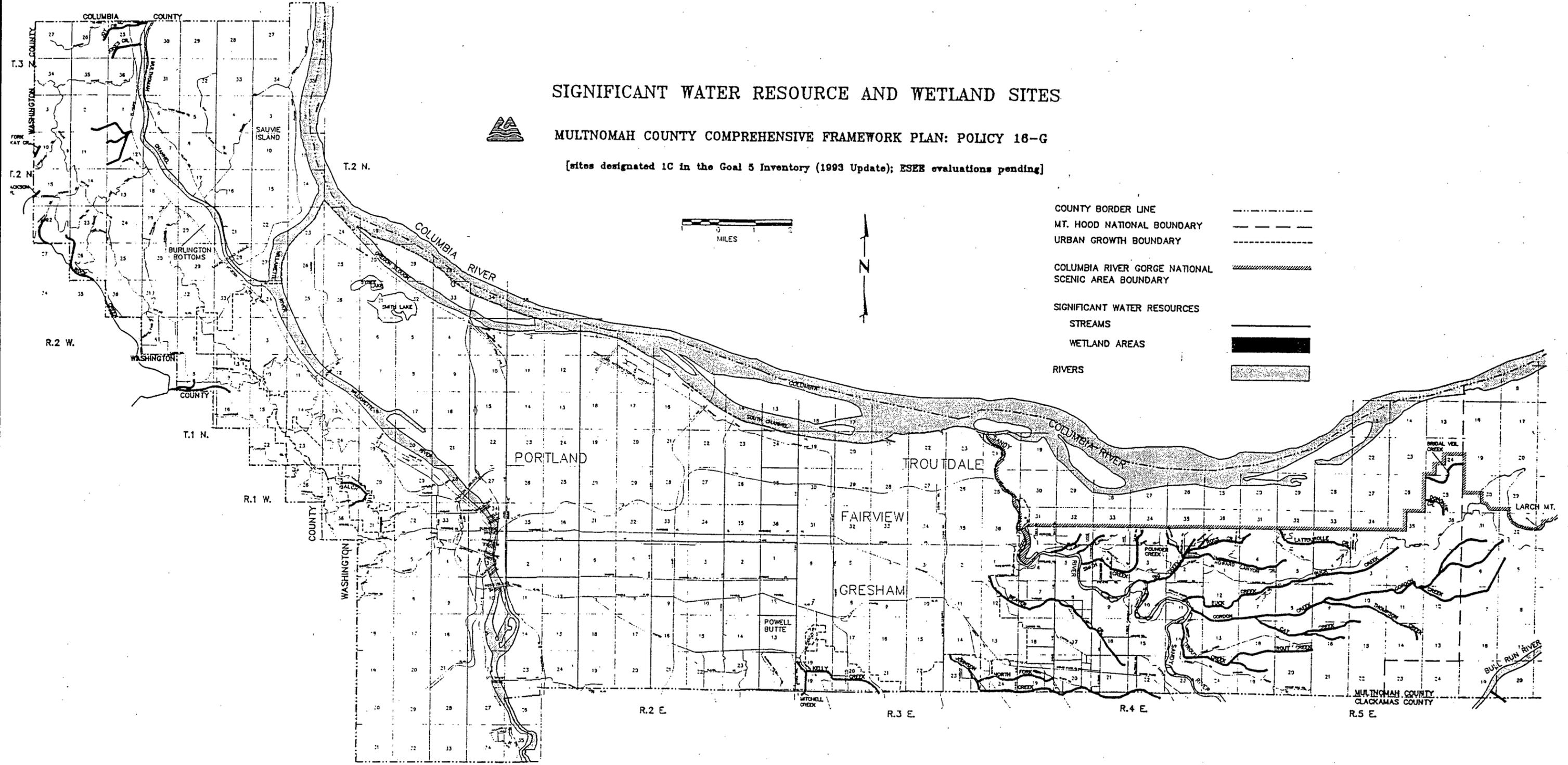


Table 3

WATER RESOURCE AND WETLAND SITES
MULTNOMAH COUNTY COMPREHENSIVE FRAMEWORK PLAN: POLICY 16-G

[sites designated 1B in the Goal 5 Inventory: 1993 Update]

Rural Westside Sites *(listed alphabetically)*:

- 1 Balch Creek watershed (except 1C or 3C designated reaches & sections in Portland)
- 2 Burlington Bottoms watersheds
- 3 Jackson Creek tributaries and watersheds (except Class I reaches)
- 4 Jones Creek tributaries and watersheds (except Class I reaches)
- 5 Joy Creek tributaries and watersheds (except Class I reaches)
- 6 McCarthy Creek tributaries and watersheds
(except Class I reaches & 'Sheltered Nook' tributary in sections 19 & 24)
- 7 McKay Creek tributaries and watersheds (except Class I reaches)
- 8 Miller Creek tributaries and watersheds (except 3C designated reach & sections in Portland)
- 9 Newberry Creek tributaries and watersheds (except 3C designated reach)
- 10 Rock Creek tributaries and watersheds (except Class I reaches)
- 11 Tributaries and watersheds to three un-named creeks on Wildwood Golf Course
(upstream of Class I reaches in R 2W sections 1, 2, 11, & 12)
- 12 Tributaries and watersheds to un-named creek which flows into Rainbow Lake
(except 3C designated reaches)
- 13 Tributaries and watersheds above three un-named creeks south of Logie Trail Rd.
(except 3C designated reaches)

Rural Eastside Sites *[Does not include sites within the Columbia Gorge NSA]:*

- 1 Beaver Creek tributaries and watersheds (except Class I reaches)
- 2 Bridal Veil Creek tributaries and watersheds (above Class I reach & outside Gorge NSA)
- 3 Buck Creek tributaries and watersheds (except Class I reaches)
- 4 Cat Creek tributaries and watersheds (except Class I reaches)
- 5 Donahue Creek tributaries and watersheds (above Class I reach & outside Gorge NSA)
- 6 Gordon Creek tributaries and watersheds (except Class I reaches)
- 7 Howard Canyon Creek tributaries and watersheds (except Class I reaches)
- 8 Johnson Creek/Kelly Creek watersheds (except Class I reaches)
- 9 Knieriem (or 'Ross') Creek tributaries and watersheds (except Class I reaches)
- 10 Lattourelle Creek tributaries and watersheds (above Class I reach & outside Gorge NSA)
- 11 Pounder Creek tributaries and watersheds (above Class I reach & outside Gorge NSA)
- 12 Smith Creek tributaries and watersheds (above Class I reach & outside Gorge NSA)
- 13 Thompson Creek tributaries and watersheds (except Class I reach)
- 14 Trout Creek tributaries and watersheds (except Class I reaches)
- 15 Tributaries and watersheds to two un-named creeks west of Springdale
- 16 Young Creek tributaries and watersheds (above Class I reach & outside Gorge NSA)



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MEMORANDUM

To: Interested Parties
From: Mark R. Hess, Planner
Date: October 8, 1993
Subject: Streams Subject to Multnomah County Code (MCC) 11.15.6404(C);
"Class I waters" as defined in the Oregon Forest Practice Rules
(reference: OAR 629-24-101. DEFINITIONS; published August 3, 1992)

"Class I waters" means any portions of streams, lakes, or other waters of the state which are significant for:

- (A) Domestic use, including drinking, culinary and other household human use;
- (B) Angling;
- (C) Water dependent recreation; or
- (D) Spawning, rearing or migration of anadromous or game fish.

The following are included within the meaning of "Class I waters":

- (A) The water itself, including any vegetation, aquatic life, or habitats therein; or
- (B) Beds and banks below the normal high water level which may contain water, whether or not water is actually present

WETLANDS WILDLIFE HABITAT ASSESSMENT

UNIT NO. _____ LOCATION _____ SQ. FT. _____ SCORE _____
 COMMENTS: _____

| | COMPONENT | DEGREE | SCORE | COMMENTS |
|-------|--------------------------------------|------------------------------------------------------------------------------|-------|----------|
| WATER | Seasonality | Seasonal _____ Perennial _____ 4 _____ 8 | | |
| | Quality | Stagnant / Seasonally Flushed / Continually Flushed 0 _____ 3 _____ 6 | | |
| | Proximity to Cover | None _____ Nearby _____ Immediately Adjacent _____ 0 _____ 4 _____ 8 | | |
| | Diversity (Streams, Ponds, Wetlands) | One Present _____ Two Present _____ Three Present _____ 2 _____ 4 _____ 8 | | |
| FOOD | Variety | Low _____ Medium _____ High _____ 0 _____ 4 _____ 8 | | |
| | Quantity | Low _____ Medium _____ High _____ 0 _____ 4 _____ 8 | | |
| | Seasonality | None _____ Limited _____ Year Around _____ 0 _____ 2 _____ 4 | | |
| COVER | Structural Diversity | Low _____ Medium _____ High _____ 0 _____ 4 _____ 8 | | |
| | Variety | Low _____ Medium _____ High _____ 0 _____ 4 _____ 8 | | |
| | Seasonality | None _____ Limited _____ Year Around _____ 0 _____ 2 _____ 4 | | |

| ADDITIONAL VALUES | | | | |
|------------------------------------|----------|--------------------------------------------------------|-------------|--|
| DISTURBANCE | Physical | High _____ Medium _____ Low _____ 0 _____ 2 _____ 4 | | |
| | Human | High _____ Medium _____ Low _____ 0 _____ 2 _____ 4 | | |
| INTERSPERSION | | Low _____ Medium _____ High _____ 0 _____ 3 _____ 6 | | |
| UNIQUE FEATURES 0-4 points each | | Wildlife _____ Rarity of Habitat Type _____ | Flora _____ | |

NATURAL AREAS INVENTORY FIELD NOTES

Location:

Observer:

Date:

Weather

Precipitation (yes, no, type):

Wind:

Percent cloud cover:

Temperature:

Physical Parameters

General topography:

Degree and orientation of slope:

Water features (pond, lake, stream stagnant, etc.):

Percent of silt inundated by water:

Major structures, roads:

Vegetation

Description of vegetation types, including species list, communities, percent canopy closure (tree, shrub, herb), number and size of snags, seral stage, general health and vitality, percent open water/percent emergent vegetation at inundated areas:

Wildlife

Species observed (herps, fish, birds, mammals):

Species not observed but known to be present, and source of information:

General description of habitat function (food sources, roosting, perching, nesting, etc.):

Human Use

List human uses and use by domestic animals, and proximity to residential area. Discuss compatibility and conflicts with natural resources and interspersions with other natural areas:

Management/Potential

A brief statement on enhancement, maintenance, or compatible uses and development:

Additional Comments

Unique features; rare, threatened species:

Sketch of Site

Observation points, different vegetation types, and water:

JAN 11 1994

MEETING DATE: ~~December 28, 1993~~

AGENDA NO: ~~P.1~~ P.3

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: C 13-93 - Proposed Ordinance Amendment - First Reading

BOARD BRIEFING Date Requested:

Amount of Time Needed:

REGULAR MEETING: Date Requested: December 28, 1993

Amount of Time Needed: 30 Minutes

DEPARTMENT: DES DIVISION: Planning

CONTACT: R. Scott Pemble TELEPHONE #: 3182

BLDG/ROOM #: 412/103

PERSON(S) MAKING PRESENTATION: Gary Clifford

ACTION REQUESTED:

[] INFORMATIONAL ONLY [] POLICY DIRECTION [] APPROVAL [] OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

C 13-93 An Ordinance amending the Multnomah County Code Chapter 11.15, Hillside Development and Erosion Control regulations to require a 100-foot area of undisturbed natural vegetation between proposed grading and land disturbing activities and a stream, water body or wetland.

1/13/94 copy to Gary Clifford
1/14/94 copies to Ordinance Distribution List

SIGNATURES REQUIRED:

ELECTED OFFICIAL:

OR DEPARTMENT MANAGER: Betty William

MULTNOMAH COUNTY BOARD OF COUNTY COMMISSIONERS 1993 DEC 20 PM 3:01 OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222



MULTNOMAH COUNTY OREGON

DIVISION OF PLANNING & DEVELOPMENT/2115 S.E. MORRISON/PORTLAND, OREGON 97214

DIVISION OF PLANNING AND DEVELOPMENT

Board Planning Packet Check List

File No. C 13-93

Agenda Placement Sheet No. of Pages 1

Ordinance Fact
 ~~Case Summary Sheet~~ No. of Pages 1

Previously Distributed _____

Notice of Review No. of Pages _____

*(Maybe distributed at Board Meeting)

Previously Distributed _____

Decision Proposed Ordinance No. of Pages 9
(Hearings Officer/Planning Commission)

Previously Distributed _____

*Duplicate materials will be provided upon request.
Please call 2610.

**BEFORE THE PLANNING COMMISSION
FOR MULTNOMAH COUNTY**

In the Matter of Recommending Adoption of)
Ordinances Amending MCC Chapter 11.15)
Concerning Erosion Control and Storm and)
Surface Water Facilities and Regulations)
Near Streams, Water Bodies, and Wetlands)

**RESOLUTION
C 13-93**

WHEREAS, The Planning Commission is authorized by Multnomah County Code, Chapter 11.05 and by ORS 215.110, to recommend to the Board of County Commissioners the adoption of Ordinances to carry out and amend the Multnomah County Comprehensive Plan and its implementing ordinances; and

WHEREAS, The grading and erosion control permit standards contained in the Hillside Development and Erosion Control subsection of the zoning code (MCC 11.15.6700 - .6735) were adopted to comply with the purposes of (1) the Oregon Statewide Planning Goal Number 6: Air, Water and Land Resources Quality, (2) the Multnomah County Comprehensive Framework Plan Policy 13: Air Water and Noise Quality, and (3) the 1989 Oregon Administrative Rules subsection 340 requiring affected Counties to put into place implementing Ordinances for controlling erosion and storm water runoff in the Tualatin River Drainage Basin; and

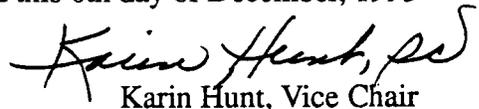
WHEREAS, The Division of Planning and Development has had nearly four years of experience in reviewing erosion control permits since the erosion control standards were first adopted on February 20, 1990 (Ordinance Number 643) and more than two years of experience with reviewing permit proposals within the Tualatin River Basin under the latest ordinance language specific to the Tualatin Basin (Ordinance Number 705); and

WHEREAS, It is in accordance with Comprehensive Framework Plan Policy 13 to "maintain healthful ground and surface water resources" that it is recommended Multnomah County apply erosion control requirements near all streams, water bodies, and wetlands equivalent to the requirements presently in place for lands within the Tualatin Basin; and

WHEREAS, The Planning Commission considered this Ordinance at a public hearing on December 6, 1993 where all interested persons were given an opportunity to appear and be heard,

NOW, THEREFORE BE IT RESOLVED that the Ordinance captioned "...An Ordinance amending the Multnomah County Code Chapter 11.15 Hillside Development and Erosion Control regulations to require a 100-foot area of undisturbed natural vegetation between proposed grading and land disturbing activities and a stream, water body, or wetland," is hereby recommended for adoption by the Board of County Commissioners.

Approved this 6th day of December, 1993


Karin Hunt, Vice Chair

Multnomah County Planning Commission



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MEMORANDUM

TO: Beverly Stein, County Chair
Multnomah County Board of County Commissioners

FROM: Gary Clifford, Planner
Division of Planning and Development

DATE: January 5, 1994

SUBJECT: County regulation of grading and erosion control associated with mineral extraction activities (C 13-93).

On December 28, 1993, during the first reading of the proposed amendments to the Hillside Development and Erosion Control subsection of the zoning code, Commissioner Sharron Kelley asked why mineral extraction activities have been exempted from a County erosion control permit. Such a permit would involve the review of extraction practices, grading, benching, and temporary and final slopes of the land.

Oregon Revised Statutes prevent Multnomah County from requiring permits which regulate the operational aspects of mining operations. Permits and regulation of mining operations is done by the Oregon Department of Geology and Mineral Industries (DOGAMI). ORS 517.780(2) reads in part: "On or after July 1, 1984, surface mining shall be conducted only pursuant to the permit required under ORS 517.790 in all counties which have not received approval of an ordinance prior to that date."

Jurisdiction by Multnomah County over land reclamation is limited to:

- (1) Determining the subsequent beneficial use of mined areas,
- (2) Ensuring that the subsequent beneficial use is compatible with the comprehensive plan, and
- (3) Ensuring that mine operations are consistent with adopted programs to protect other Goal 5 resources.

These three reclamation concerns are to be addressed in the Goal 5 "Economic, Social, Environmental, and Energy (ESEE) Analysis" specific to each site. These "ESEEs" are made part of the comprehensive plan. Then, DOGAMI in approving a proposed reclamation plan is required to "consult with all other interested state agencies and appropriate local planning authorities" [ORS 517.820(2)] and any conditions imposed on an operating permit shall be compatible with local government requirements [ORS 517.830(3)(c)].



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MEMORANDUM

TO: Board of County Commissioners

FROM: Sandy Mathewson, Planner
Division of Planning and Development

DATE: January 6, 1994

SUBJECT: Exempting refuse disposal sites from Hillside Development permit requirements

MCC 11.15.6715 (C) (3) exempts "refuse disposal sites controlled by other regulations" from Hillside Development and Grading and Erosion Control permit requirements, except in the Tualatin River Drainage Basin. On December 28, 1993, during the first reading of proposed amendments to this section of the code, Commissioner Kelley raised the question of whether this exemption is appropriate.

Other agencies that may regulate waste disposal are METRO and the Department of Environmental Quality (DEQ). I called METRO, and they indicated that they do not have regulations governing erosion control at waste disposal sites, and referred me to DEQ.

According to Joe Gingrich at DEQ, state regulations for erosion control / environmental protection rely on performance standards for the operation of a disposal site (i.e., the site cannot create a water quality problem). Regulation is done through the permitting process. Mr. Gingrich indicated that since the DEQ erosion control performance standards are somewhat vague and unspecific, he often requires permittees to comply with local government standards which contain more specific requirements.

While the DEQ regulates disposal site operations to assure erosion control, siting approval comes from the county - all new waste disposal sites must be approved as Community Service (CS) Uses. Two of the approval criteria for a CS Use are that natural resources will not be adversely affected and the use will not create hazardous conditions. In addition, Comprehensive Plan Policy 14 directs development away from lands with slopes over 20%, erosion potential, or land subject to slumping, earth slides or movement. Thus erosion hazards and negative effects to streams and water bodies are considered prior to approval of a disposal site.

ORDINANCE FACT SHEET

Ordinance Title: C 13-93

An Ordinance amending the Multnomah County Code Chapter 11.15 Hillside Development and Erosion Control regulations to require a 100-foot area of undisturbed natural vegetation between proposed grading and land disturbing activities and a stream, water body, or wetland.

Give a brief statement of the purpose of the ordinance including rationale for adoption, description of persons benefited, alternatives explored:

This ordinance is recommended for adoption as an additional zoning provision to implement Comprehensive Framework Plan Policy 13 to maintain and improve the quality of surface water in the unincorporated area of the County. A buffer of undisturbed natural vegetation will filter sediments and pollutants before they enter streams and water bodies. The natural vegetation within the buffer can be disturbed only after approval of a mitigation plan employing effective erosion control features and vegetation replacement methods. The requirements of these ordinance amendments are already in place for lands within the Tualatin River Basin and will be extended to all other areas subject to Multnomah County zoning regulations.

What other local jurisdictions have enacted similar legislation?

Washington County and the City of Portland for the Tualatin River Basin. The City of Portland for the Balch Creek Basin.

What is the fiscal impact, if any?

There should not be a significant change in the number of permit applications received. The applicant will be encouraged to either leave the natural vegetation undisturbed or employ additional and more sophisticated erosion control methods than without these amendments.

SIGNATURES

Person filling out form: *Larry Clifford, Jr.*

Planning and Budget (if fiscal impact): _____

Department Manager / Elected Official: *Betsy Wallis*

- (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. Sites in the Tualatin Basin shall require Erosion Control Plans for exposed areas consistent with OAR 340-41-455(3).
- (4) Excavations for wells, except that sites in the Tualatin Basin shall require Erosion Control Plans for spoils or exposed areas consistent with OAR 340-41-455(3).
- (5) Mineral extraction activities as regulated by MCC .7305 through .7335, except that sites in the Tualatin Basin shall require Erosion Control Plans for spoils or exposed areas consistent with OAR 340-41-455(3).
- (6) Exploratory excavations under the direction of certified engineering geologists or geotechnical engineers.
- (7) Routine agricultural crop management practices. [,]
- (8) [r] Residential gardening and landscape maintenance at least 100-feet by horizontal measurement from the top of the bank of a watercourse, or the mean high watermark (line of vegetation) of a body of water or wetland.
- (9) [(8)] Emergency response activities intended to reduce or eliminate an immediate danger to life, property, or flood or fire hazards.
- (10) [(9)] Forest practices as defined by ORS 527 (State Forest Practices Act) and approved by the Oregon Department of Forestry.

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.

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS

2 FOR MULTNOMAH COUNTY, OREGON

3 ORDINANCE NO. 785

4
5 An Ordinance amending the Multnomah County Code Chapter 11.15 Hillside
6 Development and Erosion Control regulations to require a 100-foot area of undisturbed natural
7 vegetation between proposed grading and land disturbing activities and a stream, water body,
8 or wetland.

9 (Language in brackets [] is to be deleted; underlined language is new.)

10 Multnomah County Ordains as follows:

11 Section I. Findings.

12 (A). The grading and erosion control permit standards contained in the Hillside
13 Development and Erosion Control subsection of the zoning code (MCC 11.15.6700 - .6735)
14 were adopted to comply with the purposes of (1) the Oregon Statewide Planning Goal Number
15 6: Air, Water and Land Resources Quality, (2) the Multnomah County Comprehensive
16 Framework Plan Policy 13: Air, Water and Noise Quality, and (3) the 1989 Oregon
17 Administrative Rules subsection 340 requiring affected Counties to put into place
18 implementing Ordinances for controlling erosion and storm water runoff in the Tualatin River
19 Drainage Basin.

20 (B). The erosion control permit standards were first adopted on February 20, 1990
21 (Ordinance Number 643) and were last amended on November 26, 1991 with the addition of
22 some language specific to the Tualatin Basin (Ordinance Number 705).

23 (C). It is in accordance with Comprehensive Framework Plan Policy 13 to "maintain
24 healthful ground and surface water resources" that this ordinance is adopted. This Ordinance
25 will apply erosion control requirements near all streams, water bodies, and wetlands equivalent
26 to the requirements presently in place for lands within the Tualatin Basin.

1 Section II. Amendments.

2 Multnomah County Code Chapter 11.15 is amended to read as follows:

3
4 **11.15.6710 Permits Required**

5 (A) **Hillside Development Permit:** All persons proposing development, construction, or
6 site clearing (including tree removal) on property located in hazard areas as identified
7 on the "Slope Hazard Map", or on lands with average slopes of 25 percent or more shall
8 obtain a Hillside Development Permit as prescribed by this subdistrict, unless
9 specifically exempted by MCC .6715.

10 (B) **Grading and Erosion Control Permit:** All persons proposing site grading :

11 (1) [w] Where the volume of soil or earth material disturbed, stored, disposed of or
12 used as fill exceeds 50 cubic yards, or

13 (2) [w] Which obstructs or alters a drainage course, or

14 (3) Which takes place within 100 feet by horizontal measurement from the top of the
15 bank of a watercourse, the mean high watermark (line of vegetation) of a body of
16 water, or within the wetlands associated with a watercourse or water body,
17 whichever distance is greater

18 shall obtain a Grading and Erosion Control Permit as prescribed by this subdistrict,
19 unless exempted by MCC .6715(B)(2) through (6 [8]) or .6715(C). Development
20 projects subject to a Hillside Development Permit do not require a separate Grading and
21 Erosion Control Permit.

22 (C) **Grading and Erosion Control Permit:** All persons proposing land-disturbing
23 activities within the Tualatin River and Balch Creek Drainage Basins shall first obtain a
24 Grading and Erosion Control Permit, except as provided by MCC 11.15.6715(C)
25 below.

1 **11.15.6715 Exempt Land Uses and Activities**

2 The following are exempt from the provisions of this Chapter:

3 (A) Development activities approved prior to February 20, 1990; except that within such a
4 development, issuance of individual building permits for which application was made
5 after February 20, 1990 shall conform to site-specific requirements applicable herein.

6 (B) General Exemptions – Outside the Tualatin River and Balch Creek Drainage Basins, all
7 land-disturbing activities outlined below shall be undertaken in a manner designed to
8 minimize earth movement hazards, surface runoff, erosion, and sedimentation and to
9 safeguard life, limb, property, and the public welfare. A person performing such
10 activities need not apply for a permit pursuant to this subdistrict, if :

11 (1) Natural and finished slopes will be less than 25 %; and,

12 (2) The disturbed or filled area is 20,000 square feet or less; and,

13 (3) The volume of soil or earth materials to be stored is 50 cubic yards or less; and,

14 (4) Rainwater runoff is diverted, either during or after construction, from an area
15 smaller than 10,000 square feet; and,

16 (5) Impervious surfaces, if any, of less than 10,000 square feet are to be created; and,

17 (6) No drainageway is to be blocked or have its stormwater carrying capacities or
18 characteristics modified . [; and,]

19 [(7) The activity will not take place within 100 feet by horizontal measurement from the
20 top of the bank of a watercourse, the mean high watermark (line of vegetation) of a
21 body of water, or within the wetlands associated with a watercourse or water body,
22 whichever distance is greater.]

23 (C) Categorical Exemptions – Notwithstanding MCC .6715(A) and (B)(1) through (6 [7]),
24 the following activities are exempt from the permit requirements, except that in the
25 Tualatin River Drainage Basin, activities which effect water quality shall require a
26 Permit pursuant to OAR 340-41-455(3):

- 1 (1) An excavation below finished grade for basements and footings of a building,
2 retaining wall, or other structure authorized by a valid building permit. This shall not
3 exempt any fill made with the material from such excavation, nor exempt any
4 excavation having an unsupported finished height greater than five feet.
- 5 (2) Cemetery graves, but not cemetery soil disposal sites.
- 6 [(3) Refuse disposal sites controlled by other regulations. Sites in the Tualatin Basin
7 shall require Erosion Control Plans for exposed areas consistent with OAR 340-41-
8 455(3).]
- 9 (~~3~~ [4]) Excavations for wells, except that sites in the Tualatin Basin shall require Erosion
10 Control Plans for spoils or exposed areas consistent with OAR 340-41-455(3).
- 11 (~~4~~ [5]) Mineral extraction activities as regulated by MCC .7305 through .7335, except
12 that sites in the Tualatin Basin shall require Erosion Control Plans for spoils or
13 exposed areas consistent with OAR 340-41-455(3).
- 14 (~~5~~ [6]) Exploratory excavations under the direction of certified engineering geologists or
15 geotechnical engineers.
- 16 (~~6~~ [7]) Routine agricultural crop management practices. [,]
- 17 (~~7~~ [r]) Residential gardening and landscape maintenance at least 100-feet by horizontal
18 measurement from the top of the bank of a watercourse, or the mean high watermark
19 (line of vegetation) of a body of water or wetland.
- 20 (8) Emergency response activities intended to reduce or eliminate an immediate danger
21 to life, property, or flood or fire hazards.
- 22 (9) Forest practices as defined by ORS 527 (State Forest Practices Act) and approved by
23 the Oregon Department of Forestry.

24 **11.15.6730 Grading and Erosion Control Permit Standards**

25 Approval of development plans on sites subject to a Grading and Erosion Control Permit shall
26 be based on findings that the proposal adequately addresses the following standards.

1 Conditions of approval may be imposed to assure the design meets the standards:

2 (A) Design Standards For Grading and Erosion Control

3 (1) Grading Standards

4 (a) Fill materials, compaction methods and density specifications shall be
5 indicated. Fill areas intended to support structures shall be identified on the
6 plan. The Director or delegate may require additional studies or information
7 or work regarding fill materials and compaction;

8 (b) Cut and fill slopes shall not be steeper than 3:1 unless a geological and/or
9 engineering analysis certifies that steep slopes are safe and erosion control
10 measures are specified;

11 (c) Cuts and fills shall not endanger or disturb adjoining property;

12 (d) The proposed drainage system shall have adequate capacity to bypass through
13 the development the existing upstream flow from a storm of 10-year design
14 frequency;

15 (e) Fills shall not encroach on natural watercourses or constructed channels unless
16 measures are approved which will adequately handle the displaced streamflow
17 for a storm of 10-year design frequency;

18 (2) Erosion Control Standards

19 (a) On sites within the Tualatin River Drainage Basin, erosion and stormwater
20 control plans shall satisfy the requirements of OAR 340. Erosion and
21 stormwater control plans shall be designed to perform as prescribed by the
22 "*Erosion Control Plans Technical Guidance Handbook*" and the "*Surface*
23 "*Water Quality Facilities Technical Guidance Handbook*". Land-disturbing
24 activities within the Tualatin Basin shall provide a 100-foot undisturbed buffer
25 from the top of the bank of a stream, or the ordinary high watermark (line of
26 vegetation) of a water body, or within 100-feet of a wetland; unless a

1 mitigation plan consistent with OAR 340 is approved for alterations within the
2 buffer area.

3 (b) Stripping of vegetation, grading, or other soil disturbance shall be done in a
4 manner which will minimize soil erosion, stabilize the soil as quickly as
5 practicable, and expose the smallest practical area at any one time during
6 construction;

7 (c) Development Plans shall minimize cut or fill operations and ensure conformity
8 with topography so as to create the least erosion potential and adequately
9 accommodate the volume and velocity of surface runoff;

10 (d) Temporary vegetation and/or mulching shall be used to protect exposed critical
11 areas during development;

12 (e) Whenever feasible, natural vegetation shall be retained, protected, and
13 supplemented;

14 (i) A 100-foot undisturbed buffer of natural vegetation shall be retained from
15 the top of the bank of a stream, or from the ordinary high watermark (line
16 of vegetation) of a water body, or within 100-feet of a wetland;

17 (ii) The buffer required in (i) may only be disturbed upon the approval of a
18 mitigation plan which utilizes erosion and stormwater control features
19 designed to perform as effectively as those prescribed in the “Erosion
20 Control Plans Technical Guidance Handbook” and the “Surface Water
21 Quality Facilities Technical Guidance Handbook” and which is consistent
22 with attaining equivalent surface water quality standards as those
23 established for the Tualatin River Drainage Basin in OAR 340;

24 (f) Permanent plantings and any required structural erosion control and drainage
25 measures shall be installed as soon as practical;

26 (g) Provisions shall be made to effectively accommodate increased runoff caused

1 by altered soil and surface conditions during and after development. The rate
2 of surface water runoff shall be structurally retarded where necessary;

3 (h) Sediment in the runoff water shall be trapped by use of debris basins, silt traps,
4 or other measures until the disturbed area is stabilized;

5 (i) Provisions shall be made to prevent surface water from damaging the cut face
6 of excavations or the sloping surface of fills by installation of temporary or
7 permanent drainage across or above such areas, or by other suitable
8 stabilization measures such as mulching or seeding;

9 (j) All drainage provisions shall be designed to adequately carry existing and
10 potential surface runoff to suitable drainageways such as storm drains, natural
11 watercourses, drainage swales, or an approved drywell system;

12 (k) Where drainage swales are used to divert surface waters, they shall be
13 vegetated or protected as required to minimize potential erosion;

14 (l) Erosion and sediment control devices shall be required where necessary to
15 prevent polluting discharges from occurring. Control devices and measures
16 which may be required include, but are not limited to:

17 (i) Energy absorbing devices to reduce runoff water velocity;

18 (ii) Sedimentation controls such as sediment or debris basins. Any trapped
19 materials shall be removed to an approved disposal site on an approved
20 schedule;

21 (iii) Dispersal of water runoff from developed areas over large undisturbed
22 areas.

23 (m) Disposed spoil material or stockpiled topsoil shall be prevented from eroding
24 into streams or drainageways by applying mulch or other protective covering;
25 or by location at a sufficient distance from streams or drainageways; or by
26 other sediment reduction measures;

1 (n) Such non-erosion pollution associated with construction such as pesticides,
2 fertilizers, petrochemicals, solid wastes, construction chemicals, or
3 wastewaters shall be prevented from leaving the construction site through
4 proper handling, disposal, continuous site monitoring and clean-up activities.

5 (o) On sites within the Balch Creek Drainage Basin, erosion and stormwater
6 control features shall be designed to perform as effectively as those prescribed
7 in the Erosion Control Plans Technical Guidance Handbook (January, 1991).
8 All land disturbing activities within the basin shall be confined to the period
9 between May first and October first of any year. All permanent vegetation or a
10 winter cover crop shall be seeded or planted by October first the same year the
11 development was begun; all soil not covered by buildings or other impervious
12 surfaces must be completely vegetated by December first the same year the
13 development was begun.

14 (B) Responsibility

15 (1) Whenever sedimentation is caused by stripping vegetation, regrading or other
16 development, it shall be the responsibility of the person, corporation or other entity
17 causing such sedimentation to remove it from all adjoining surfaces and drainage
18 systems prior to issuance of occupancy or final approvals for the project;

19 (2) It is the responsibility of any person, corporation or other entity doing any act on or
20 across a communal stream watercourse or swale, or upon the floodplain or right-of-
21 way thereof, to maintain as nearly as possible in its present state the stream,
22 watercourse, swale, floodplain, or right-of-way during such activity, and to return it
23 to its original or equal condition.

24 (C) Implementation

25 (1) Performance Bond – A performance bond may be required to assure the full cost of
26 any required erosion and sediment control measures. The bond may be used to

1 provide for the installation of the measures if not completed by the contractor. The
2 bond shall be released upon determination the the control measures have or can be
3 expected to perform satisfactorily. The bond may be waived if the Director
4 determines the scale and duration of the project and the potential problems arising
5 therefrom will be minor.

6 (2) Inspection and Enforcement. The requirements of this subdistrict shall be enforced
7 by the Planning Director. If inspection by County staff reveals erosive conditions
8 which exceed those prescribed by the Hillside Development Permit or Grading and
9 Erosion Control Permit, work may be stopped until appropriate correction
10 measures are completed.

11 (D) Final Approvals

12 A certificate of Occupancy or other final approval shall be granted for development
13 subject to the provisions of this subdistrict only upon satisfactory completion of all
14 applicable requirements.

15
16 Section III. Adoption.

17 ADOPTED THIS 11th day of January, 1994, being the date of its
18 2nd reading before the Board of County Commissioners of Multnomah County.



24
25
26

By _____

Beverly Stein
Multnomah County Chair

REVIEWED:

JOHN DUBAY, CHIEF ASSISTANT COUNTY COUNSEL
for MULTNOMAH COUNTY, OREGON

By _____

#1

PLEASE PRINT LEGIBLY!

MEETING DATE

1-11-94

NAME

Steve Abel

ADDRESS

1211 SW 5th Ave #1700

STREET

Portland, OR

CITY

97204

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM #

P-4

SUPPORT

OPPOSE

X

SUBMIT TO BOARD CLERK

#2

PLEASE PRINT LEGIBLY!

MEETING DATE 1/11/94

NAME Tracy Reeve

ADDRESS City Attorney's office - 1220 SW 5th
STREET Portland 97204
Rm 315

CITY ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # P-4

SUPPORT ✓ OPPOSE _____
SUBMIT TO BOARD CLERK

#3
PLEASE PRINT LEGIBLY!

MEETING DATE 1-11-94

NAME Russ LAWRENCE

ADDRESS 1120 SW 5th Ave 400

STREET

Portland

CITY

ZIP CODE

AVAILABLE

~~I WISH~~ TO SPEAK ON AGENDA ITEM # P-4

SUPPORT _____

OPPOSE _____

SUBMIT TO BOARD CLERK

PLEASE PRINT LEGIBLY!

MEETING DATE 4/11/94

NAME CHES CHOY

ADDRESS 1120 S.W. 5TH PM 400

STREET

CITY

ZIP CODE

Available
~~I~~ WISH TO SPEAK ON AGENDA ITEM # P-4

SUPPORT _____

OPPOSE _____

SUBMIT TO BOARD CLERK

MEETING DATE: January 11, 1994

AGENDA NO: P-4

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Balch Creek Stormwater Management - Pilot Project

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: January 11, 1994

Amount of Time Needed: 15 Minutes

DEPARTMENT: DES DIVISION: Planning

CONTACT: Mark Hess TELEPHONE #: 2597

BLDG/ROOM #: 412/106

PERSON(S) MAKING PRESENTATION: Mark Hess

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER *

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

The Portland Bureau of Environmental Services (BES) filed an application with Multnomah County proposing to construct a flood control and wetland enhancement area on the Thompson Fork of Balch Creek. The City is in the process of acquiring portions of adjacent properties from owners Elaine Medoff and Cinda & Frederick Ing through the condemnation process. The County Circuit Court has granted the City "early possession" of the privately owned property, while the appropriate compensation is deliberated by the court.

The Hillside Development(HD) permit application requires authorization from all record owners of the property involved, unless the action is initiated by Board Order or by majority vote of the Planning Commission. Portland seeks the former (Board Order) method. Other agencies that have approved the project to date include: US Army Corps of Engineers, State DSL & DEQ, and Portland Planning (for a section inside City limits).

SIGNATURES REQUIRED:

1/13/94 copies to Mark Hess

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: *Boby Willia*

MULTNOMAH COUNTY BOARD OF COUNTY COMMISSIONERS 1994 JAN - 3 AM 11:07

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222



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
BEVERLY STEIN • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

TO: BOARD OF COUNTY COMMISSIONERS

FROM: MARK R. HESS, PLANNER 

TODAY'S DATE: DECEMBER 30, 1993

PLACEMENT

DATE REQUESTED: JANUARY 11, 1994 (Planning Items)

**RE: PORTLAND BES REQUEST TO INITIATE HILLSIDE DEVELOPMENT PERMIT APPLICATION FOR THE
"BALCH CREEK PILOT PROJECT"**

I. RECOMMENDATION/ACTION REQUESTED:

The Portland Bureau of Environmental Services (BES) requests Board adoption of an Order to initiate a Hillside Development Permit application (a proposed Order is attached).

II. BACKGROUND/ANALYSIS:

The Portland Bureau of Environmental Services (BES) filed an application with Multnomah County proposing to construct a flood control and wetland enhancement area on the Thompson Fork of Balch Creek. Part of the project is on property the City is acquiring by condemnation (City of Portland v. Medoff, Multnomah County Circuit Court No. 9306-04092). There is no current trial date set, but trial is expected to conclude no later than June 1994 at which time the Court will vest title with the City and determine the amount of compensation to be paid for the property interests acquired by the City. ORS 35.325 The City has already been awarded "possession" (but not title) of the property at issue, by order of the Multnomah County Circuit Court dated July 12, 1993.

The County Planning Division cannot process the Hillside Development (HD) permit application HD 18-93 without authorization from **all** owners of the property involved (ref. MCC 11.15.8210), unless the action is initiated by **Order of the Board** or a **majority of the entire Planning Commission**. Portland BES seeks to initiate the action by the former method (*i.e.*, Board Order to initiate). The City has secured several associated permits and approvals from other agencies involved in the project review (*i.e.*, the US Army Corps of Engineers, State DSL, and State DEQ have approved the entire project; the Portland Hearings Officer has approved the portions within City limits). The City hopes to begin construction of the project in the 1994 building season, if all required permits are approved. To meet this schedule, the County's land use/zoning review needs to proceed simultaneous with the pending condemnation action, because the court proceeding is not expected to conclude until late Spring (1994).

III. FINANCIAL IMPACTS:

The cost to the County is negligible. An HD application fee of \$150.00 was submitted to the County Planning Division in July, 1993 (Planning Division application: HD 18-93).

IV. LEGAL ISSUES:

The Planning Division cannot process the HD permit application without authorization from all record owners of the property involved (ref. MCC 11.15.8210), unless the action is initiated by Order of the Board or by a majority vote of the entire Planning Commission. Portland BES seeks to initiate the action by the former method (*i.e.*, Board Order to initiate).

V. CONTROVERSIAL ISSUES:

The proposed Board Order to initiate an HD application does not approve the proposed project. If the Board starts the County review process (by initiating the HD), specific issues and concerns about the proposal would be aired and addressed through the public hearing process. Staff has discussed the City's *request-to-initiate* the HD application with the affected property owner's legal counsel (Steven Abel). He expressed concerns with the condemnation procedure and with some of the merits of the 'Pilot Project'. However, the time for public debate on those issues would occur later, and only if the application is initiated by one of three methods provided by County code (*i.e.*, By: owner, Planning Commission, or the Board).

If the Board adopts the Order to Initiate, any subsequent decision on the HD application would include public notice and opportunities for public hearings to debate the merits of the project. Since the Board may later act as the Hearing Authority for the proposal — if the HD Permit decision is appealed to the Board level — the current *request-to-initiate* is not an appropriate time or forum to consider the merits or design issues specific to the project.

VI. LINK TO CURRENT COUNTY POLICIES:

An order to initiate the HD application would allow the County to conduct its land use/zoning review of the merits of the proposal, while the City concludes its condemnation action in the Multnomah County Circuit Court. The City's Court action seeks to acquire title to property in HD proposal and will also determine the amount of compensation to be paid to effected owners.

VII. CITIZEN PARTICIPATION:

County Staff verbally notified the property owner's legal counsel (Steve Abel) on December 22, 1993, and the property owners were notified by mail on January 3, 1994 of the Portland BES request to initiate the HD application by Board Order. If initiated, any subsequent decision by the Planning Director on the HD application will include mailed notice to surrounding property owners (within 500-feet) and to the recognized Neighborhood Association with opportunity for public hearing(s) upon appeal. ORS 197.763.

VIII. OTHER GOVERNMENT PARTICIPATION:

Portland BES has secured several associated permits and approvals from other agencies involved in the project review (*i.e.*, the US Army Corps of Engineers, State DSL, and State DEQ have approved the entire project; the Portland Hearings Officer has approved those portions within City limits).

City of Portland Staff will be available for questions at the Board meeting on January 11, 1994.

BALCH CREEK STORMWATER DETENTION/RESOURCE ENHANCEMENT PILOT PROJECT

Mission Statement:

The Balch Creek Pilot Project is an innovative flood control facility which includes protecting water quality, improving habitat and helping Balch Creek to function as a healthy stream in an urban environment.

The pilot project is one of the several stormwater detention facilities envisioned for the Balch Creek watershed, and is part of the overall watershed management plan being developed for Balch Creek.

Why this site?

There are several reasons why this site is ideal. The natural topography and the existing roadfills provide substantial stormwater storage volume with minimal impacts to the surrounding area and the creek. The Thompson Road branch of Balch Creek which carries significant amounts of sediments resulting from development in the upper watershed. This site could intercept these sediments, thereby protecting prime cutthroat trout spawning grounds downstream of the site. The present site is dominated by nuisance, non-native plants such as Himalayan blackberry and English ivy. A derelict house also sits on the site. Part of the creek is also channelized, with no fish pools. This pilot project offers many opportunities to enhance the present habitat at the site. Nuisance plants will be removed and replaced with native plants and trees. The creek will be realigned to incorporate gentle meanders which resemble the creek's natural features. Fish pools will be created to provide areas of fish refuge.

Main Features:

The facility includes a sediment collection cell, a sediment pond and gentle meanders with self-cleaning fish pools and adjacent wetland areas. The sediment cell will act to intercept the majority of the sediments coming down this branch of Balch Creek. The sediment pond will act in concert with the sediment cell to capture remaining sediment that escapes the sediment cell.

After the sediment pond are a series of rock weirs/dams which have self-scouring fish pools. The areas behind these rock weirs will be landscaped to encourage the growth of wetland-type plants which act to further trap sediments and improve water quality by the uptake of nutrients. The remainder of the site will be landscaped for upland vegetation with the focus on shade and habitat-creating issues. As many trees as possible will be preserved. The trees impacted will be pushed over and remain on-site as habitat structures.

During a storm the site will act as a "surge tank". The water level may rise according to the size of the storm, and detain the stormwater temporarily for several hours, reducing the peak flow and slowly releasing the water. An orifice plate placed over the Cornell Road culvert and a spillway help the natural topography and the existing roadfills achieve stormwater detention of approximately 20 - 40% of the volume needed to address the 100-year storm.

Issues of concern:

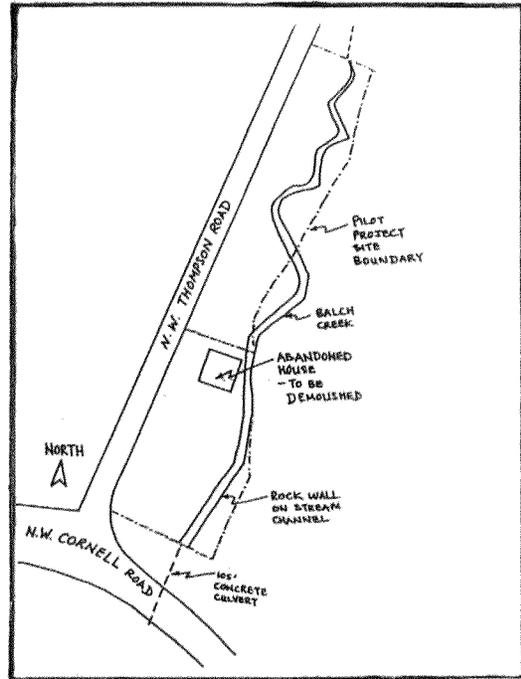
Balch Creek supports one of the few populations of native cutthroat trout in the Portland metropolitan area. One of the major concerns is that the water temperature will increase which is detrimental to the fish. Another major concern is that trees will be removed. An estimated 36 trees may be removed. There are some concerns about the possibility of increased crime.

Impact mitigation and environmental benefits:

Large fast-growing, shady deciduous trees and riparian plants will be planted to provide shade to counter potential temperature effects. Evergreens will also be planted to provide for long term shade. Overall, there is a net gain in native plants and trees at the site. Fish and wildlife habitat will be enhanced by the increased vegetative diversity, creation of fish pools, and the interception of sediments. Water quality is improved by the removal of sediments. The project's "green" approach ensures that the facility is consistent with the surrounding area's natural features. The pilot project offers a cost-effective flood control measure which has multiple environmental benefits.



Looking north from Cornell Road. The property boundaries of the pilot project site extends just beyond the abandoned house.



Looking south towards Cornell Road (concealed by trees). Creek is not visible because of the heavy cover of blackberry bushes and trees.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

In the Matter of the Request by the City of)
Portland Bureau of Environmental Services)
to Initiate a Hillside Development Permit)
Application to the County Planning Division)
on Private Land Proposed for Condemnation)

ORDER

WHEREAS, City of Portland Bureau of Environmental Services (BES) staff appeared before the Board of Commissioners (Board) on January 11, 1993 regarding County Planning Division application HD 18-93, the 'Balch Creek Pilot Project' proposed for flood control and wetland enhancement on the Thompson Fork of Balch Creek; and,

WHEREAS, The City requests that the County Board approve an Order to initiate the Hillside Development (HD) Permit application for portions of the 'Balch Creek Pilot Project' which are on privately owned property and which the City is acquiring by condemnation; and,

WHEREAS, The City of Portland has been granted "possession" of the property subject to the condemnation, but the City will not secure title until May or June, 1994 when the trial and subsequent action by Multnomah County Circuit Court is expected to conclude; and,

WHEREAS, The City of Portland wishes to proceed with project construction during the 1994 building season which is limited in the Balch Creek basin to the period between May 1st and October 1st of any year; and,

WHEREAS, The Board Order requested would initiate a County land use process which would occur generally concurrent with the pending condemnation action and likely conclude in time to meet the construction schedule anticipated by the City, if the HD application is approved by the County.

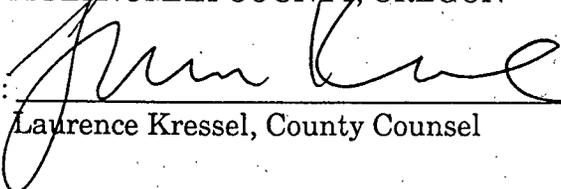
THEREFORE, The Board of County Commissioners hereby initiates a Hillside Development Permit application for consideration and decision by the Planning Director to be processed concurrent with Planning Division application HD 18-93. This Order effects those portions of the 'Balch Creek Pilot Project' subject to condemnation proceedings and detailed in City of Portland v. Medoff, Multnomah County Circuit Court No. 9306-04092.

Approved this _____ day of _____, 1994

MULTNOMAH COUNTY, OREGON

By _____
Beverly Stein
Multnomah County Chair

REVIEWED
LAURENCE KRESSEL, COUNTY COUNSEL
for MULTNOMAH COUNTY, OREGON

By: 
Laurence Kressel, County Counsel

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

In the Matter of the Request by the City of)
Portland Bureau of Environmental Services)
to Initiate a Hillside Development Permit)
Application to the County Planning Division)
on Private Land Proposed for Condemnation)

ORDER
94-10

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WHEREAS, The City requests that the County Board approve an Order to initiate the Hillside Development (HD) Permit application for portions of the 'Balch Creek Pilot Project' which are on privately owned property and which the City is acquiring by condemnation; and,

WHEREAS, The City of Portland has been granted "possession" of the property subject to the condemnation, but the City will not secure title until May or June, 1994 when the trial and subsequent action by Multnomah County Circuit Court is expected to conclude; and,

WHEREAS, The City of Portland wishes to proceed with project construction during the 1994 building season which is limited in the Balch Creek basin to the period between May 1st and October 1st of any year; and,

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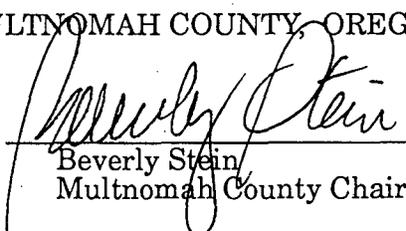
THEREFORE, The Board of County Commissioners hereby initiates a Hillside Development Permit application, on behalf of the City of Portland as applicant, for consideration and decision by the Planning Director to be processed concurrent with Planning Division application HD 18-93. This Order effects those portions of the 'Balch Creek Pilot Project' subject to condemnation proceedings and detailed in City of Portland v. Medoff, Multnomah County Circuit Court No. 9306-04092.

Approved this 11th day of January, 1994



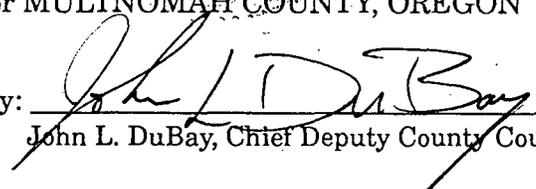
MULTNOMAH COUNTY, OREGON

By


Beverly Stein
Multnomah County Chair

REVIEWED:
LAURENCE KRESSER, COUNTY COUNSEL
for MULTNOMAH COUNTY, OREGON

By:


John L. DuBay, Chief Deputy County Counsel