



# MULTNOMAH COUNTY OREGON

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

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

AGENDA OF  
MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
FOR THE WEEK OF  
NOVEMBER 13 - 17, 1989

Tuesday, November 14, 1989 - 9:30 AM - Formal Meeting . . . Page 2  
Tuesday, November 14, 1989 - 1:30 PM - Informal Meeting . . Page 5  
Thursday, November 16, 1989 - 9:30 AM - Meeting Cancelled

Tuesday, November 14, 1989 - 9:30 AM

Multnomah County Courthouse, Room 602

Formal Agenda

REGULAR AGENDA

DEPARTMENT OF JUSTICE SERVICES

- R-1 Liquor License application renewals submitted by Sheriff's Office with recommendation that same be approved as follows:
- a) PACKAGE STORES - Albertson's Food Center #502, 1350 NE 122nd; Safeway Store #382, 3527 SE 122nd; David's Market, 12217 SE Foster Rd.; Fred's Marina, 12800 NW Marina Way; CFM Franchising Company #12, 16437 SE Powell; Fred Meyer, 14700 SE Division; Division Thriftway, 16140 SE Division; K. S. Food Market, 15231 SE Division; Weece's Market, 7310 SE Pleasant Home Road, Gresham; J & N Grocery, 10729 SE Harold St.; Three-D Market, 1739 SE 139th Ave.; Foster Food Mart, 12918 SE Foster Rd.
  - b) RETAIL MALT BEVERAGE - Shady Rest Tavern, 15920 SE Stark; Powelhurst Tavern, 12344 SE Powell Blvd.; Pleasant Home Saloon, 31637 SE Dodge Park Boulevard, Gresham; The Lariat Tavern, 17238 SE Division; Daily Double Tavern, 1607 NE 162nd; Club Genesis, 13639 SE Powell; Rose Bowl, 3800 SE 164th Ave.; King's Wild Tavern, 13550 SE Powell Blvd.; The Peanut Farm, 12646 SE Division.
  - c) RESTAURANT - Carrow's Restaurant #7144, 16246 SE Stark St.; Pizza Baron, 2604 SE 122nd; Round Table Pizza, 15920 SE Division; Stark Street Pizza Company, 17544 SE Stark.
  - d) DISPENSER CLASS A - Woodshed Restaurant, 16015 SE Stark; Pink Feather, 14154 SE Division St.; Tippy Canoe Inn, 28242 Crown Point Highway, Troutdale; Hong Kong Restaurant, 12510 SE Division; China Hut Restaurant, 16721 SE Division; The Drum and Riccardos LaFiesta Restaurant, 14601 SE Division; Multnomah Falls Lodge, S/S Scenic Highway and Columbia Gorge, Bridal Veil.
  - e) DISPENSER CLASS B - The Racquet Club, 1853 SW Highland Road

NONDEPARTMENTAL

- R-2 TIME CERTAIN REQUESTED 9:30 AM - Recognition of members of the Community Service Forest Project Steering Committee for their contributions to this new and innovative project
- R-3 TIME CERTAIN REQUESTED 9:45 AM - In the Matter of Presentation of the Citizen Involvement Committee's County Visions Report

PLANNING ITEM

- R-4 Final Order in the matter of adopting Findings, Conclusions and Conditions on Case CS 7-89, for the Approval of community service designation to allow development of a Tri-Met Terminus facility, for property located at 13525 SE Foster Road (Continued from November 7)

PUBLIC CONTRACT REVIEW BOARD

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

- R-5 Order in the matter of Exempting from Public Bidding the Purchase of an Ares II Robot from 21st Century Robotics  
  
(Recess as the Public Contract Review Board and reconvene as the Board of County Commissioners)

DEPARTMENT OF HUMAN SERVICES

- R-6 In the matter of ratification of an intergovernmental agreement with Oregon's Children Services Division, for the County to be reimbursed \$15,600 for providing weekly in-home visits by Community Health Nurses to 45 teen mothers and their infants for the period November 1, 1989 to June 30, 1990
- R-7 Budget Modification DHS #20 making an appropriation transfer in the amount of \$215,361 from General Fund Contingency to Aging Services, Federal/State Fund, to replace previously anticipated revenue from the City of Portland for the Portland/Multnomah Commission on Aging (Continued from November 2)

DEPARTMENT OF ENVIRONMENTAL SERVICES

R-8 In the matter of ratification of a Memorandum of Understanding with the City of Wood Village for the delegation of emergency management responsibility to the County Office of Emergency Management, and for the County to develop an emergency operation plan for the City

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

Thursday, 10:00 PM, Channel 11 for East and West side subscribers

Friday, 6:00 PM, Channel 27 for Rogers Multnomah East subscribers

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

PUBLIC TESTIMONY WILL NOT BE TAKEN AT INFORMAL MEETINGS

-5-

Tuesday, November 14, 1989 - 1:30 PM  
Multnomah County Courthouse, Room 602

INFORMAL

1. Discussion of the Metropolitan Human Relations Committee's role in the community

PUBLIC TESTIMONY WILL NOT BE TAKEN AT INFORMAL MEETINGS

0501C.41-45

SUPPLEMENTAL AGENDA

TUESDAY, NOVEMBER 14, 1989

R-9        In the matter of the appointments to the Income Tax Study  
Committee of the following: Andrea Dobson, Jim Richardson,  
Donald S. McClave, Jim Owens, Richard R. Harris

0501C.46

**Larry Epstein, PC**  
Attorney At Law

Larry Epstein, member  
Oregon State Bar and  
American Institute of Certified Planners

1020 SW Taylor Street, Suite 370  
Portland, Oregon 97205-2543  
(503) 223-4855 • FAX (503) 222-1923

November 14, 1989

Clerk of the Multnomah County Board of Commissioners  
Multnomah County Courthouse  
1021 SW Fourth Avenue  
Portland, OR 97204

*Rec 11/15/89  
multnomah Co.  
Board of Commissioners*

SUBJECT: FINAL ORDER IN THE MATTER OF CS 7-89

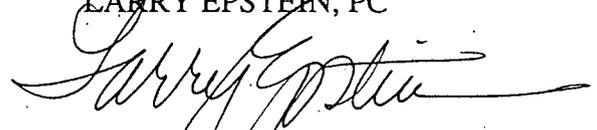
Dear Clerk of the Board:

I enclose the final order in the matter of Community Service 7-89, a terminal facility for Tri-Met, including revisions the Board made when adopting it this morning.

Please submit the decision for signature by Mr. DuBay and Commissioner McCoy.

Sincerely,

LARRY EPSTEIN, PC



Larry Epstein, AICP  
for Tri-Met

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

In the matter of an appeal from a decision of the ) FINAL ORDER  
Planning Commission denying a Community ) APPROVING CS DESIGNATION  
Service designation at 13525 SE Foster Road )  
in unincorporated Multnomah County, OR ) CS 7 - 89

On October 24, 1989, the Board of County Commissioners held a public hearing, which was continued from September 21, 1989, to consider the appeal of the Planning Commission's decision denying an application for a Community Service designation for a proposed Tri-Met route terminus project located at 13525 SE Foster Road. The Planning Commission reviewed and denied the application on July 10, 1989. The appellant is Tri-County Metropolitan Transportation District of Oregon (Tri-Met). The Board of Commissioners hereby reverses the decision of the Planning Commission and approves the Community Service designation, based on the findings, conclusions and conditions herein.

I. APPLICABLE REVIEW STANDARDS

The subject property is in the MR-4 (Medium Density Residential) zone of Multnomah County. MCC 11.15.2750(A) allows a community service use in the MR-4 zone, subject to MCC 11.15.7005 through .7030. MCC 11.15.7020(A)(6) and (21) allow a government building or use and a transit station as community service uses, respectively.

MCC 11.15.7015 requires an applicant for a community service designation to show that the proposal complies with all of the following criteria:

- a. It is consistent with the character of the area;
- b. It will not adversely affect natural resources;
- c. It will not conflict with farm or forest uses in the area;
- d. It will not require public services other than those existing or programmed;

1 e. It will be located outside big game winter wildlife habitat defined by ODFW;

2 f. It will not create hazardous conditions; and

3 g. It will satisfy the applicable policies of the Comprehensive Plan.

4  
5 In this case, the applicable Comprehensive Plan policies are #2 (Off-site effects), #5  
6 (Economic Development), #13 (Air and water quality and noise level), #18 (Community  
7 Identity), #19 (Community Design), #20 (Arrangement of Land Uses), #22 (Energy  
8 Conservation), #31 (Community Facilities and Uses), #32 (Capital Improvements),  
9 #33(Transportation Systems), #34 (Trafficways System), #35 (Public Transportation), #36  
10 (Transportation system development requirements), #37 (Utilities), and #38 (Facilities).

11  
12 MCC 11.15.8280 authorizes the Board to affirm, reverse, or modify the decision of the  
13 Planning Commission and to grant approval subject to conditions as may be necessary to  
14 carry out the Comprehensive Plan or to achieve the objectives of MCC 11.15.8240(D).

## 15 16 II. NATURE OF THE APPEAL

17 MCC 11.15.8260 provides that an appeal shall contain the specific grounds relied upon  
18 for review. The grounds set forth for appeal in this case in the Notice of Review are that  
19 the Planning Commission decision is not internally consistent and does not take into  
20 account information in the record regarding mitigation of potential adverse impacts. In  
21 particular the Planning Commission decision contains findings that the proposal is  
22 consistent with the area and will have a positive impact on traffic, but cites traffic impacts  
23 and inconsistency with the character of the area as reasons for denial. Also the Planning  
24 Commission decision does not consider the mitigating effects of a proposed wall and  
25 operating procedures to reduce noise, and did not consider the beneficial impact of transit  
26 ridership on traffic congestion.

1 III. FINDINGS OF FACT

2 *Proposed use and site characteristics.* The site is a vacant 22,000 square foot parcel at  
3 the northwest quadrant of the intersection of SE 136th Avenue and Foster Road. It is 200  
4 feet east-west and 105 feet north-south.

5  
6 The applicant proposes to create a terminal for three bus routes and for passengers  
7 transferring among three lines that would layover at the terminal. The terminal will consist  
8 of connecting drives from SE 136th Avenue and Foster Road, bus parking for up to 5  
9 buses, passenger waiting areas, a six-foot high block wall and minimum 10-foot wide  
10 landscaped areas along near the north and east property lines, a storm water system, a  
11 bicycle rack, a large landscaped area at the corner, restroom, and sidewalks.

12  
13 The proposed 136th Avenue drive will be 35 feet wide, and the proposed Foster Road  
14 drive will be 75 feet wide, as provided in the July 5 letter from the County Engineer,  
15 subject to a revocable permit. Buses will enter from Foster Road and exit to 136th Avenue.

16  
17 A passenger shelter was proposed, but the applicant agreed to defer developing the  
18 shelter until park and ride spaces in the area can be secured or until the applicant shows that  
19 significant park and ride activity will not occur as a result of providing the shelter.

20  
21 The Board incorporates by reference the testimony and exhibits offered by the applicant  
22 at the hearings in this matter.

23  
24 *Purposes for the proposed facility.* The proposed terminal is intended to allow Tri-Met  
25 to respond to problems caused by bus layovers and turn-arounds at the end of three routes.

1           This area of the Tri-Met district lacks roadways capable of providing convenient on-  
2 street layovers and turn-arounds. As a result, two routes require passengers to wait  
3 through the driver's layover before their trip is continued, and another route must make  
4 large looping movements through streets in the area in order to prepare for return trips.  
5 Looping causes passenger confusion, because bus routes are reversed in morning and  
6 afternoon peaks to serve the peak direction of travel. Passengers wait at one location in the  
7 morning and at another location in the afternoon to board a given route.

8  
9           Because on-street layovers are not possible, services have been reduced or have not  
10 been extended, causing a loss of service and higher operating costs. The Board finds that,  
11 by providing an off-street location where bus routes can layover and turn around, the loops  
12 and layover problems can be eliminated, and service to the area can be more effective.

13  
14           *Surrounding land uses.* There is a well-maintained single family home abutting 136th  
15 Avenue north of the site. On the north side of Foster Road west of the site is a private  
16 driveway. Further west are outdoor automobile storage, a roughly 1000 square foot  
17 garage/shop, and a single family dwelling. Across Foster Road south of the site, from  
18 west to east, are a single family dwelling that fronts on 135th Avenue, an abandoned  
19 dwelling, a vacant lot, and another single family dwelling. About one block north of the  
20 site along 136th Avenue are a retirement home and a church. A fire station is about two  
21 blocks west along Foster Road. Lots in the area range from 8000 to 35,000 square feet.

22  
23           *Surrounding zoning and plan designations.* Land north and west of the site is  
24 designated Urban Medium Density Residential and zoned MR-4. Land east and south of  
25 the site, across 136th Avenue and Foster Road, are designated Urban Low Density  
26 Residential and zoned LR-5 and LR-7.

1           *Streets.* The site has about 200 feet of frontage along SE Foster Road and 105 feet of  
2 frontage on SE 136th Avenue.

3  
4           Foster Road is a minor arterial. SE 136th Avenue is a major collector. 136th Avenue  
5 extends north of Foster Road only. Both streets have a 60-foot right of way and a 2-lane  
6 paved section. Foster Road has a continuous left-hand turn lane extending about 700 feet  
7 west of the intersection for eastbound to northbound turns.

8  
9           Foster Road and 136th Avenue have a signalized 90 degree intersection. The signal is  
10 activated by traffic on 136th Avenue, so it stops traffic on Foster Road only when a vehicle  
11 waits on 136th Avenue for a given length of time to turn onto Foster Road.

12  
13           The wires to activate the signal were cut by accident shortly before and during  
14 consideration of this case, but have been repaired. The demand-activated signal increases  
15 the capacity of Foster Road and the level of service at the intersection above what they  
16 would be without it.

17  
18           The applicant will dedicate land for and improve streets adjoining the site by building  
19 sidewalks on both streets, paving and additional travel lane and the shoulder of Foster  
20 Road, installing a right-hand turn lane on 136th Avenue at Foster Road, improving sight  
21 distance by removing existing obstacles, and removing power poles from the edge of the  
22 roadway.

23  
24           The testimony by the applicant and traffic studies by JRH Engineering and Frederick  
25 Sawyer, affirmed by County engineering staff, describe existing and projected traffic  
26 volume on those streets and the existing and projected level of service at the intersection.

1 IV. EVALUATION OF APPLICATION

2 *Character of the area.* The surrounding area is primarily residential. The area affected  
3 by the proposal --- roughly between Ramona Street on the north, Claybourne on the south,  
4 SE 134th Street on the west, and the extension of 138th Street on the east -- is in residential  
5 use and is zoned for medium and low density residential use. There are other community  
6 service uses and a wide variety of structures and conditions in the area. The site adjoins  
7 arterial and collector streets. Traffic on those streets contributes to area character. Buses  
8 now travel those streets and will continue to do so. An increase of 9 to 13 trips per hour on  
9 those streets when operating at full capacity, a one percent increase on those streets and at  
10 their intersection, does not change the character of the area or its traffic.

11  
12 The Board received testimony that the proposed use will cause noise and traffic and will  
13 create aesthetic effects that were alleged to be inconsistent with the character of the area.  
14 But, after considering the contrary testimony, the Board of Commissioners finds that the  
15 proposed use is consistent with the character of the area, because the use is designed to  
16 reduce to insignificant levels potential adverse effects and will enhance transit service.

17  
18 The potential impacts of noise can be mitigated by the proposed 6-foot high block wall,  
19 by requiring that bus engines be turned off when at the facility except during sub-freezing  
20 temperatures, by limiting the number of buses that use the site and the hours when they can  
21 use the site, and by requiring an analysis of noise levels before increasing bus use.

22  
23 The analysis presented by the applicant demonstrates noise levels will increase less than  
24 3 dBA when the facility is operating at full capacity. The wall and other limits noted above  
25 will ensure noise levels will not be adverse to the area, particularly when operations begin.  
26 The applicant should be able to increase the number of bus trips to the facility to 181 per

1 day over time provided the applicant demonstrates it does not cause noise more than 3 dBA  
2 over ambient noise levels without it. A 3 dBA increase is not significant.

3  
4 Potential visual impacts will be mitigated by the substantial landscaping proposed for  
5 the site and by requirements of the design review process. The applicant also has offered  
6 to provide landscaping adjoining the wall off-site to further mitigate visual effects.  
7 Landscaping and road improvements will enhance the visual character of the area.

8  
9 The foregoing measures ensure the proposed facility will not impede continued use of  
10 adjoining land for residential purposes. The proposed use promotes development of the  
11 surrounding area by making transit service better to existing and future area residents and  
12 businesses. Therefore the proposed facility is consistent with the character of the area.

13  
14 *Natural resources.* The proposed use does not adversely affect natural resources,  
15 because the site does not contain mineral or aggregate resources, energy resources, a  
16 domestic water supply watershed, fish or wildlife habitat, or ecologically or scientifically  
17 significant natural areas. Because enhanced transit service reduces automobile use,  
18 granting the proposed Community Service designation conserves off-site energy resources.

19  
20 *Farm and forest uses.* The site is in the urban area and does not affect farm or forest  
21 uses.

22  
23 *Public services.* The site is served by a public water system and by power and  
24 communications utilities. The site is not served by a public sewer, but does not require  
25 sewer service, because a subsurface system can be approved for waste water. The site can  
26

1 be served conveniently by Fire District 10, based on the written statement from the fire  
2 district offered by the applicant at the September 21 hearing.

3  
4 The site is served by arterial and collector roads that the applicant will improve  
5 adjoining the site. The road improvements are consistent with the Road Standards, based  
6 on the classification of the roads; therefore, the improvements are planned, and the  
7 applicant will implement them.

8  
9 Based on the expert testimony by County engineering staff, JRH Engineering, and  
10 Frederick Sawyer, the Board of Commissioners finds that the capacity of Foster Road and  
11 the level of service at the intersection of 136th Avenue and Foster Road will not be  
12 adversely affected and is likely to be improved as a result of the proposed improvements  
13 and notwithstanding the proposed use.

14  
15 The Board received testimony alleging that the proposed bus shelter on the site would  
16 cause on-street parking by park and ride passengers. But, the Board finds that there is little  
17 potential for park and ride activity on adjoining streets, because of the nature of the traffic  
18 on Foster Road and the distance from the site to downtown Portland, based on the  
19 applicant's testimony.

20  
21 The applicant agreed to defer developing the shelter until park and ride spaces in the  
22 area are secured or until the applicant shows that park and ride activity will not occur as a  
23 result of providing the shelter. That ensures the proposed use will not create a need for  
24 park and ride spaces that do not exist. MCC 11.15.7030 provides a process and standards  
25 for review of a future shelter.

1 For the foregoing reasons, the Board concludes that the proposed use does not require  
2 public services other than those existing or planned for the area.

3  
4 *Big game winter habitat.* The site is not in a big game winter habitat identified by the  
5 Oregon Department of Fish and Wildlife.

6  
7 *Hazardous conditions.* The Board received testimony that alleged the proposed use  
8 would cause hazardous conditions for vehicular and pedestrian traffic and would expose  
9 people to carcinogens and increased crime. But, the Board finds that that testimony is not  
10 supported by substantial evidence in the record and does not rebut expert testimony by the  
11 applicant. The Board finds testimony by the applicant shows that the proposed use will not  
12 create hazardous conditions.

13  
14 The site will not be used for fueling and will not contain hazardous materials.  
15 Therefore the use does not expose the public to unusual or hazardous materials. Traffic  
16 associated with the use does not emit unusual or hazardous levels of air quality  
17 contaminants given its location in the Portland air quality control area.

18  
19 The proposed facility will include measures for increased safety and secure operation,  
20 based on Tri-Met crime and accident prevention programs. Lights will be placed and  
21 oriented to provide an even level of lighting to encourage safe evening use of all drives,  
22 walks, and structures without casting significant glare or light off-site. Lights also will  
23 improve visibility and traffic safety at the intersection of 136th Avenue and Foster Road.  
24 Increased lighting levels increase the area visible from the site and vice versa.

1 Public safety officers can observe conditions on the site from adjoining roads.  
2 Increased surveillance by users of the site, passers-by, and police deters crime rather than  
3 attracting it. Therefore, the use will not cause hazardous crime conditions.  
4

5 Based on the expert testimony by County engineering staff, JRH Engineering, and  
6 Frederick Sawyer and on written statements for David Douglas School District and Fire  
7 District 10, the Board concludes that traffic capacity and access on Foster Road and 136th  
8 Avenue and the level of service at the intersection of 136th Avenue and Foster Road will  
9 not be adversely affected and will be improved as a result of the road improvements and  
10 removal of on-site obstacles by the applicant. The sidewalks to be built by the applicant  
11 will significantly improve pedestrian safety. The use will not cause traffic hazards.  
12

13 *Applicable policies of the Comprehensive Plan.* The Board concludes the proposed use  
14 will comply with the following policies of the Comprehensive Plan.  
15

16 #2 (Off-site effects). The proposed use is designed and will be operated and subject to  
17 conditions of approval so that potential adverse off-site effects will be mitigated. Therefore  
18 the use complies with this policy. Mitigating measures include street improvements to SE  
19 136th Avenue and Foster Road consistent with requirements of the County Engineer and  
20 Road Standards; reducing the number of buses from 181 to 96 per day; operating of buses  
21 only between 6 a.m. and 10 p.m.; turning off bus engines except in sub-freezing  
22 temperatures; building a six-foot high wall to dampen noise; increasing perimeter  
23 landscaping; and deferring construction of a passenger shelter.  
24

25 #5 (Economic Development). The improved transit service resulting from construction  
26 of the proposed use increases the ease of access to jobs and businesses in the region by

1 residents of the area and helps assure the timely and efficient provision of a public service  
2 in a coordinated manner. Therefore the use complies with this policy.

3  
4 #13 (Air and water quality and noise level). The vicinity of the site is affected by high  
5 noise levels from traffic on Foster Road and 136th Avenue. Noise mitigation is included in  
6 the site plan, including placement of a six-foot high noise wall and large landscape areas.  
7 With the wall and other conditions of approval, the proposed use will not significantly  
8 increase noise levels on adjoining properties above existing levels, based on the testimony  
9 by the applicant and the noise study by Shapiro & Associates referenced therein.

10  
11 The improved transit service resulting from construction of the proposed use  
12 encourages and facilitates use of public transit, thereby reducing reliance on private  
13 automobiles and reducing pollutants emitted by vehicles in the region. There are no  
14 specific air quality standards that the site must meet, but applicant's vehicles must comply  
15 with air quality regulations administered by the Oregon Department of Environmental  
16 Quality. The small increase in bus traffic associated with the proposed use will not  
17 adversely affect air quality. Total bus mileage in the region will not increase. Air quality  
18 may be improved, because the transit system will operate more efficiently.

19  
20 Storm water will be disposed of on site using an oil-water separator consistent with the  
21 Road Standards, so water quality will not be adversely affected.

22  
23 Based on the foregoing, the use complies with this policy.

24  
25 #18 (Community Identity). The site does not contain significant natural features or  
26 historic or otherwise significant structure, based on the sources cited in the Plan. The site

1 is in the southeast quadrant of the Powellhurst Community, not at the edge of a  
2 community, therefore it cannot reinforce a boundary. The facility is subject to design  
3 review. Therefore, the proposed facility complies with this policy.  
4

5 #19 (Community Design). The proposed use is subject to the design review process  
6 that is intended to fulfill the purposes of this policy. The preliminary site plan demonstrates  
7 the development is designed to accommodate safe and efficient vehicular and pedestrian  
8 circulation, protect the privacy and security of adjoining property, provide landscaping in  
9 excess of minimums, and otherwise fulfilling generally the design review criteria.

10 Therefore, the use complies with this policy.  
11

12 #20 (Arrangement of Land Uses). The proposed facility supports higher densities and  
13 mixed land uses, reinforces the identity of the community, and will help maintain long term  
14 neighborhood stability by providing increased access to and from the community through  
15 this site. The facility will be complimentary to adjoining uses by buffering the north and  
16 west property lines with landscaping and a wall, installing extensive landscaping at the  
17 southeast corner, and orienting activity toward the collector and arterial streets adjoining the  
18 site. Therefore, the use complies with this policy.  
19

20 #22 (Energy Conservation). The proposed facility promotes conservation of energy by  
21 providing more efficient public transit services, developing a low-energy-consuming land  
22 use, providing service to support higher density and intensity of development in this part of  
23 the urban area, and providing an efficiently located link in the energy-efficient public transit  
24 system. Therefore, the factors listed in this policy have been considered, and the proposed  
25 use complies with this policy.  
26

1 #31 (Community Facilities and Uses). The proposed use is a community facility that is  
2 located and scaled to meet the needs of the community for transit service where other  
3 needed public services are available.  
4

5 The site has access to an arterial and a collector street. The proposed use will not cause  
6 dangerous intersections or traffic congestion considering roadway capacity, existing and  
7 projected traffic volumes, speed limits, and turning movements, and associated  
8 improvements will maintain or improve conditions, based on the expert testimony by RH  
9 Engineering and Frederick Sawyer. Therefore, the proposed use complies with this policy.  
10

11 #32 (Capital Improvements). The proposed facility complies with this policy, because  
12 it results in road and other improvements, and allows for long range coordination among  
13 service providers in the area.  
14

15 #33(Transportation Systems). The proposed facility complies with policy 33a, because  
16 the facility helps implement the comprehensive plan goals of energy conservation and  
17 efficiency and system flexibility, will best achieve the objectives of the proposed use, will  
18 support economic growth by providing enhanced access, and will help provide a safe and  
19 convenient alternative transportation to residents of the area while enhancing pedestrian  
20 safety and providing landscaping and other mitigating measures that protect social values  
21 and neighborhood quality. The proposed facility complies with policy 33c, because the  
22 preliminary site plan incorporates features for pedestrians and bicycles.  
23

24 #34 (Trafficways System). The proposed facility complies with this policy, because  
25 the County Engineer has reviewed and approved the preliminary site plan consistent with  
26 the Street Standards and MCC 11.60, the preliminary plan shows the applicant will include

1 safe pedestrian features, the applicant will improve adjoining rights of way, and the facility  
2 helps maximize the carrying capacity of the existing arterial and collector street system by  
3 reducing reliance on private automobiles.  
4

5 #35 (Public Transportation). The proposed facility complies with this policy, because  
6 it results in an improvement to the public transportation system that enhances rider  
7 convenience, comfort, access and reduced travel time.  
8

9 #36 (Transportation system development requirements). The applicant will dedicate for  
10 and improve rights of way adjoining the property as necessary to comply with or exceed  
11 the Road Standards or with variances thereto. The facility is an off-street bus loading area,  
12 and can incorporate a rider shelter in the future, subject to review and approval pursuant to  
13 MCC 11.15.7035. Street trees will be planted. There is only one access point on each  
14 street with the larger access point on the higher classification street. A pedestrian  
15 circulation system and bicycle parking facilities are provided. Therefore, the proposed  
16 facility complies with this policy.  
17

18 #37 (Utilities). The proposed use can be connected to a public water system and the  
19 Oregon Department of Environmental Quality will approve a subsurface sanitation sewage  
20 system for the site before such a system is installed. Storm water run-off can be collected  
21 from paved areas and passed through an oil-water filter to a drywell or other subsurface  
22 feature for disposal on the site without adversely affecting water quality or drainage on  
23 adjoining land. Power and communications utilities are available to the site. Therefore, the  
24 proposed facility complies with this policy.

25 //

26

Page

1 #38 (Facilities). The school district and fire district have had an opportunity to review  
2 and comment on the proposal, based on the letters offered by the applicant at the September  
3 21 hearing. The facility will have adequate water pressure and flow for fire-fighting.  
4 Public safety services can be provided from existing patrols. Therefore, the proposed use  
5 complies with this policy.  
6

#### 7 V. DECISION AND CONDITIONS

8 Based on the foregoing findings and evaluation, the Board of Commissioners  
9 concludes that the proposed use complies with the applicable standards of the Multnomah  
10 County Code, provided it is developed and operated as provided herein. Therefore, the  
11 Board of Commissioners hereby approves the Community Service designation requested in  
12 CS 7-89, subject to the following conditions:  
13

14 1. Before undertaking development or construction, the applicant shall submit a design  
15 review plan to and receive approval for an appropriate plan from the Planning Director.  
16 The applicant shall build a 6-foot high noise wall along the north and west property lines to  
17 within 15 feet of the 136th Avenue and Foster Road rights of way and shall provide a  
18 minimum 10-foot wide landscaped area inside the wall.  
19

20 2. Before operating the proposed facility, the applicant shall improve SE 136th Avenue  
21 and Foster Road as provided in the County Engineer's letter dated July 5, 1989, subject to  
22 changes approved by the County Engineer consistent with MCC 11.60 and the Road  
23 Standards or variances thereto.  
24

25 3. Before installing a passenger shelter on the site, the applicant shall comply with  
26 MCC 11.15.7030, provided the Planning Director shall provide public notice of his or her

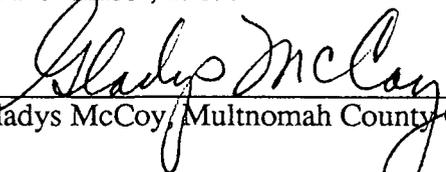
1 decision to those entitled to notice for a contested case and those entitled to notice shall have  
2 a right to appeal the decision of the Planning Director. In addition to the standards of MCC  
3 11.15.7030, the applicant shall demonstrate, based on experience at the site and other  
4 similar facilities, either (a) that there are park and ride spaces within walking distance of the  
5 site sufficient for the number of park and ride users likely to be generated or (b) a  
6 significant number of park and ride users will not use the site.

7  
8 4. Not more than 96 buses per day (an average of six buses per hour during the  
9 operating hours) may use the site pursuant to this decision. The applicant may apply to  
10 amend the Community Service designation to increase the number of bus trips above 96 per  
11 day not sooner than one year from the date operations at the facility begin, subject to public  
12 notice and a hearing. Expansion may be allowed by the approval authority if the increased  
13 bus traffic does not cause or increase traffic congestion, it does not increase noise levels in  
14 the area more than 3 dBA above ambient noise levels without the increase, and it satisfies  
15 other applicable approval criteria.

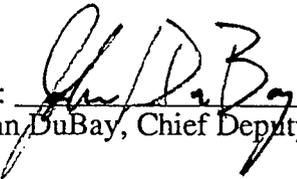
16 5. Buses may not use the facility between 10 p.m. and 6 a.m.

17  
18 6. Bus engines shall be turned off except during sub-freezing temperatures.

19 DATED this 14th day of November, 1989.

20  
21   
22 Gladys McCoy, Multnomah County Chair

23 REVIEWED AS TO FORM:  
24 LAURENCE KRESSEL, COUNTY COUNSEL  
25 FOR MULTNOMAH COUNTY, OREGON

26 By:   
John DuBay, Chief Deputy County Counsel