

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1017

Amending the Multnomah County West Hills Rural Area Plan Map and Sectional Zoning Map to Change the Plan and Zoning Designation of a 9.29 Acre Property from Exclusive Farm Use (EFU) to Commercial Forest Use (CFU-2)

The Multnomah County Board of Commissioners Finds:

a. On August 4, 2003, the Multnomah County Planning Commission conducted a public hearing as provided for in Multnomah County Code Chapter 37.0530, with respect to an application to change the zoning designation of a 9.29 acre property (property) from EFU to CFU-2. The property is described in Sections 1 and 2 below and is depicted on the Vicinity Map included with the Notice of Public Hearing attached as Exhibit A.

b. By Resolution T4-03-001 attached as Exhibit B, the Planning Commission recommends revisions to the plan and maps changing the property designation from EFU to CFU-2 based on the findings in the July 25, 2003 staff report.

c. The Comprehensive Plan Map designation of the property was last amended in Ordinance 868, as part of the West Hills Rural Area Plan that was adopted in October of 1996. That plan designated the property as EFU, Exclusive Farm Use.

d. The Zoning Map designating the property as EFU was adopted in Ordinance 238 in August of 1980, and is shown on sectional zoning map number 90.

e. The property also contains the Significant Environmental Concern (SEC) overlay zone that was approved through Ordinance 830 in October of 1995. The Board is not changing this overlay zone by this action.

The Multnomah County Board of Commissioners Ordains as Follows:

Section 1. The Multnomah County West Hills Rural Area Plan Map adopted by Ordinance 868 is amended to designate the property designated as 1N1W06A -00300 as Commercial Forest Use (CFU-2) as depicted in Exhibit C.

Section 2. Amendment to the sectional zoning map number 90 that was adopted in ordinance 238, changing the zoning of the property designated as 1N1W06A -00300 from Exclusive Farm Use (EFU) to Commercial Forest Use (CFU-2) as depicted on Exhibit D. The Significant Environmental Concern (SEC) overlay zone is not affected by this approval.

FIRST READING:

September 18, 2003

SECOND READING:

September 25, 2003



REVIEWED:

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Maria Rojo de Steffey
Maria Rojo de Steffey, Vice-Chair

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By *Sandra N. Duffy*
Sandra N. Duffy, Assistant County Attorney

Exhibit A. Ordinance No. 1017



MULTNOMAH COUNTY
LAND USE PLANNING DIVISION
1600 SE 190TH Avenue Portland, OR 97233
PH: 503-988-3043 FAX: 503-988-3389
http://www.co.multnomah.or.us/dbcs/LUT/land_use

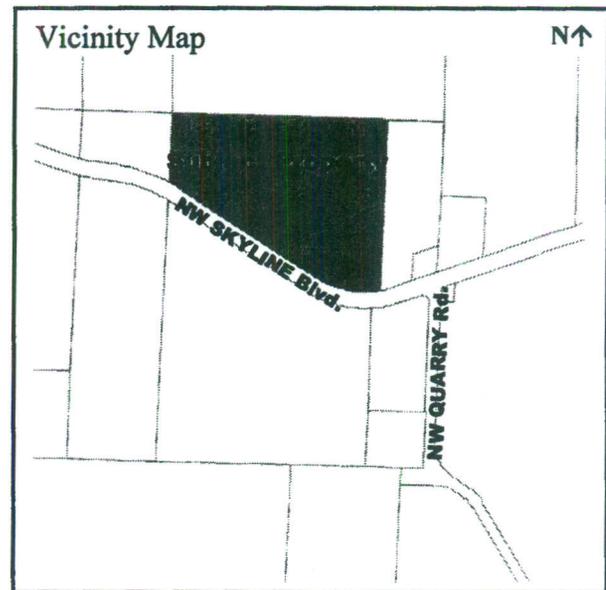
NOTICE OF PUBLIC HEARING

This notice concerns a public hearing scheduled to consider the land use case(s) cited and described below.

Case File: T4-03-001

Scheduled Before: the Multnomah County Planning Commission

The hearing is to be held on Monday, August 4, 2003, at the Planning Commission Hearing that starts at 6:30 P.M., in Room 100 of the Multnomah County Building located at 501 SE Hawthorne Blvd., Portland OR



Proposal: A request for a Comprehensive Plan map and Zoning Map amendment of the West Hills Rural Area Plan to change the designation of a 9.29 acre property from Exclusive Farm Use (EFU) to Commercial Forest Use (CFU-2).

Location: 11410 NW Skyline Blvd.
1N1W06A -00300
Tax Account #R961060590

Applicant: Phil Werner
4032 SE Ozark Ct.
Hillsboro, OR 97123

Owner: Paul and Bonnie Gill
9575 N. Tyler
Portland, OR 97203

Public Participation and Hearing Process: A copy of the application and all evidence submitted in support of the application is available for inspection, at no cost, at the Land Use Planning Division office during normal business hours. A staff report will be available for inspection 7 days prior to the hearing, also at no cost. Copies of all documents may be purchased at the rate of 30-cents per page. For further information on this case, contact Chuck Beasley, Staff Planner at 503-988-3043.

All interested parties may appear and testify or submit written comment on the proposal at or prior to the hearing. Comments should be directed toward approval criteria applicable to the request. The hearing procedure will follow the *Rules of Procedure* and will be explained at the hearing.

The Planning Commission will proceed under the provisions of MCC 37.0530(D), by either making a recommendation of approval to the Board of County Commissioners, or by voting to deny the request. If the request is denied, any person who appeared before the Planning Commission in person or in writing may appeal the decision to the Board of Commissioners. If no appeal is filed, the Planning Commission denial is final at the close of the 14 day appeal period. The Board of Commissioners will conduct a public hearing on either a recommendation of approval or an appeal of a Planning Commission denial. A decision by the Board of Commissioners is the County's final decision, and may be appealed to the Land Use Board of Appeals.

Failure to raise an issue before the close of the public record in sufficient detail to afford the County and all parties an opportunity to respond may preclude appeal on that issue to the Land Use Board of Appeals.

Applicable Approval Criteria: Multnomah County Code (MCC): 37.0705(A) Quasi-judicial Plan Revision, and (B) Quasi-Judicial Zone Change, and Framework Plan Policies 9, and 11.

Copies of the referenced Multnomah County Code sections can be obtained by contacting our office at 503-988-3043 or by visiting our website at http://www.co.multnomah.or.us/dbcs/LUT/land_use.

Notice to Mortgagee, Lien Holder, Vendor, or Seller:

ORS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser.

**DECISION OF THE
MULTNOMAH COUNTY PLANNING COMMISSION**

In the matter of recommending that the Board of)
Commissioners approve the request for a)
Comprehensive Plan Map and Zoning Map)
amendment of the West Hills Rural Area Plan to)
change the plan and zoning designation of a 9.29)
acre property from Exclusive Farm Use (EFU) to)
Commercial Forest Use (CFU-2).)

RESOLUTION
T4-03-001

WHEREAS, The Planning Commission is authorized by Multnomah County Code Chapter 33.0140 to recommend to the Board of County Commissioners the adoption, revision, or repeal of portions of a comprehensive plan and zoning ordinances intended to carry out part or all of a plan adopted by the Board; and

WHEREAS, This request includes both a comprehensive plan amendment and a zoning map amendment to the West Hills Rural Area Plan and is therefore properly before the Planning Commission; and

WHEREAS, The Planning Commission conducted a public hearing and heard public testimony on August 4, 2003 as is provided for in Multnomah County Code Chapter 37.0530, in keeping with the notification procedures therein; and

WHEREAS, The applicant requesting the change has met the burden to persuade that the Quasi-judicial Plan and Zone Change criteria are met with the request, in particular showing that the parcel does not contain the features in Framework Plan Policy 9 that the county uses to define agricultural land, and that it does contain features that are consistent with Policy 11 Commercial Forest Land; and

WHEREAS, The Planning Commission finds that it is in the public interest for land to be zoned consistently with the Framework Plan policies;

NOW, THEREFORE BE IT RESOLVED that the Planning Commission concurs with the findings of the staff report and therefore recommends adoption of the proposed plan and zone change by the Board of County Commissioners.

Approved this 4th day of August, 2003


Tue Aug 2003 08:07:03 10:44:35

John Ingle, Chair
Multnomah County Planning Commission

Exhibit D. Ordinance No. 1017

