

Planning 8/8/89

## 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

August 7 to August 11, 1989

Tuesday, August 8, 1989 - 9:30 AM - Planning Items . . . Page 2

Tuesday, August 8, 1989 - 1:30 PM - Informal Meeting . . Page 2

Wednesday, August 9, 1989 - 8:00 AM - Policy Development Committee  
Blue Lake - Lakehouse - Agenda:  
Citizen Involvement Discussion (1 hour)  
Planning Process (30 minutes)  
DES short term resources  
General government roles, goals and action ideas

Thursday, August 10, 1989 - 9:30 AM - Formal . . . . . Page 3  
Executive Session  
Work Session

No Planning Staff will be present.

-2-

Tuesday, August 8, 1989 - 9:30 AM

Multnomah County Courthouse, Room 602

In the matter of Decisions of the Planning Commission of July 10, 1989, reported for acceptance and implementation by Board Order:

*Motion & Second Required.*

- No Appeal*
- PR 4-89 Approve change in the Powellhurst Community Plan redesignating this property from Urban Strip Conversion to Neighborhood Commercial; and
- ZC 6-89 Approve, subject to a condition, amendment of Sectional Zoning Map #400, changing the described property from SC, strip conversion to NC, neighborhood commercial, all for property at 12630 S.E. Division Street

In the matter of Decisions of the Planning Commission of July 10, 1989, reported for acknowledgement by the County Chair:

- Appeal Filed*  
*Suggested Date:*  
*Sept 5.*
- CS 7-89 Deny change in zone designation from MR-4, medium density residential, to MR-4, C-S, community service designation to allow development of a Tri-Met Route Terminus facility for property at 13525 S.E. Foster Road

*Scope - On the Record, plus Additional testimony and evidence Limited to traffic impacts. 20 minutes*

INFORMAL BRIEFINGS

1. Briefing on recent legislation which alters the structure for planning services for youth - House Bill 3466 - Duane Zussy

2. Briefing on Donald E. Long Home - Hank Miggins and Wayne George

*10:00*

Tuesday, August 8, 1989 - 1:30 PM

Multnomah County Courthouse, Room 602

INFORMAL

1. Informal Review of Formal Agenda of August 10, 1989

PUBLIC TESTIMONY WILL NOT BE TAKEN AT INFORMAL MEETINGS

Thursday, August 10, 1989, 9:30 AM

Multnomah County Courthouse, Room 602

Formal Agenda

REGULAR AGENDA

DEPARTMENT OF JUSTICE SERVICES

- R-1     Liquor License applications submitted by Sheriff's Office with recommendation that same be approved as follows:  
PACKAGE STORE: Renewal - (change of ownership) for the K.S. Food Market, 15231 S.E. Division; Tankard (change to 4-Aces), 15826 SE Division (RMS - Change of Ownership)

DEPARTMENT OF GENERAL SERVICES

- R-2     In the matter of ratification of an intergovernmental agreement with the City of Portland, City of Wood Village and City of Troutdale, for the Cities to collect 3% Hotel Transient Lodging Tax (current agreement ends September 30, 1989)
- R-3     Budget Modification DGS #1 reclassification of six (6) Property Appraiser Supervisors to Program Supervisors in the Assessment & Taxation Division with additional funds coming from salary savings

ORDINANCES - DEPARTMENT OF GENERAL SERVICES

- R-4     First Reading - An Ordinance relating to the Car Rental Tax; amending M.C.C. 5.40.075 - to allow motor vehicle rental establishments to retain 5% of the motor vehicle rental tax to their collection costs
- R-5     First Reading - An Ordinance relating to the Car Rental Tax; amending M.C.C. 5.40.125 - to clarify exemption for vehicles rented by residents living in exemption area
- R-6     First Reading - An Ordinance amending the procedure for placing property tax levy measures on the ballot; amending Multnomah County Code 4.51.010, 4.51.060, 4.51.070, and declaring an emergency

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-7 Resolution in the matter of the Adoption of a Fire Prevention Code for Clackamas County Fire District #1 -

DEPARTMENT OF HUMAN SERVICES

- R-8 In the matter of ratification of an intergovernmental agreement with Oregon Department of Agriculture whereby state will reimburse county \$5,000 for the control of noxious weeds in the county for FY 89-90

BOARD OF COUNTY COMMISSIONERS

- R-9 Resolution in the matter of supporting the Nehemiah Program

EXECUTIVE SESSION

Executive Session to consider real estate transactions [ORS 192.660 (1)(e)]

WORK SESSION

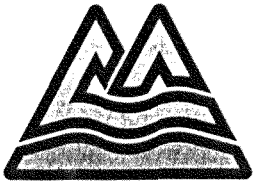
Funding Alternatives for purchase of property - Hank Miggins, Paul Yarborough, Wayne George and Jim Emerson

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Friday, 6:00 P.M., Channel 27 for Rogers Multnomah East subscribers

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



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- ZC 6-89 Approve, subject to a condition, amendment of Sectional Zoning Map #400, changing the described property from SC, strip conversion to NC, neighborhood commercial, all for property at 12630 S.E. Division Street

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- CS 7-89 Deny change in zone designation from MR-4, medium density residential, to MR-4, C-S, community service designation to allow development of a Tri-Met Route Terminus facility for property at 13525 S.E. Foster Road

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BOARD OF COUNTY COMMISSIONERS

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Addition to Tuesday, August 8, 1989, 9:30 AM

Case C 2-89 - In the matter of the decision of the Planning Commission of June 12, 1989, Deny request to change name of street segments known as NE 215th Avenue, NE Shaver Street and NE 216th Avenue to NE Lachenview Circle; Approve change of name to NE Lachenview Lane for two of three street segments noted, namely NE 215th Avenue and NE Shaver Street. Retain NE 216th Avenue as shown; Decision to approve street name to NE Lachenview Lane for NE 215th Avenue and NE Shaver Street does not preclude change to NE Lachenview Circle in the future (including NE 216th Avenue) if conditions change which qualifies the three street segments to be called "Circle" (Continued from July 11)

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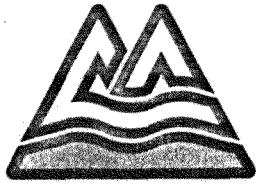
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if Commissioner Kelley proposes holding  
hearing, suggested Date is  
Sept 5, <sup>scope</sup> ~~scope~~ De Noord.  
Oral Argument: Set for 15 min per side

MEETING DATE: 2-8-89

MEETING DATE: 7-8-89

516C.11



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JANE MCGARVIN • Clerk • 248-3277

August 8, 1989

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

Dear Ms. Stickel:

Be it remembered, that at a meeting of the Board of County Commissioners held August 8, 1989, the following action was taken:

In the matter of the decisions of the Planning )  
Commission of July 10, 1989, Cases PR 4-89, )  
ZC 6-89 )

There being no notice of review before the Board for the above-entitled matters and the Board not wanting to review the matter on its own motion, upon motion of Commissioner Kafoury, duly seconded by Commissioner Bauman, it is unanimously

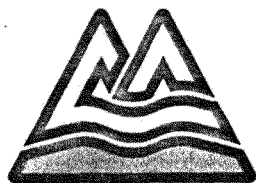
ORDERED that said Decisions, including findings, conclusions and conditions be adopted and implemented.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS

By Jane McGarvin  
Jane McGarvin  
Clerk of the Board

jm  
cc: County Engineer  
Assessment & Taxation



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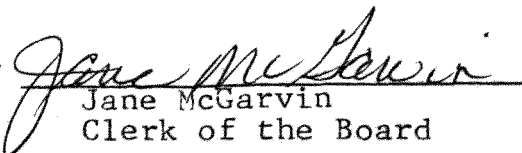
In the matter of Decisions of the Planning Commission of July 10, 1989, Case CS 7-89  
Denying change in zone designation from MR-4, medium density residential, to MR-4, C-S, community service designation to allow development of a Tri-Met Route Terminus facility for property at 13525 S.E. Foster Road )  
)  
)  
)  
)  
)  
)

Commissioner Kelley indicated that an appeal has been filed on the above-entitled matter. She proposed that a de novo hearing be held, to allow both sides to present their entire case to the Board again. County staff and the residents discussed the proposal, came forward with a compromise, but no one was particularly comfortable with the compromise. She moved, duly seconded by Commissioner Kafoury, and it is unanimously

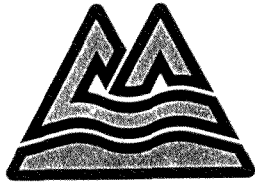
ORDERED that a hearing be scheduled, on the record, plus additional testimony and evidence limited to traffic impacts, on Tuesday, September 5, 1989 at 9:30 AM in Room 602 of the Multnomah County Courthouse, with oral argumentation not to exceed 20 minutes per side.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS

By   
Jane McGarvin  
Clerk of the Board

jm



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JANE MCGARVIN •	Clerk •	248-3277

## BOARD OF COUNTY COMMISSIONERS

Tuesday, August 8, 1989

9:30 a.m., Room 602

## A G E N D A

The following Decisions are reported to the Board for acceptance and implementation by Board Order:

- PR 4-89**      **Approve** change in the Powellhurst Community Plan redesignating this property from Urban Strip Conversion to Neighborhood Commercial;
- ZC 6-89**      **Approve, subject to a condition**, amendment of Sectional Zoning Map #400, changing the described property from SC, strip conversion to NC, neighborhood commercial, all for property at **12630 SE Division Street**.

The following Decision is reported to the Board for acknowledgement by the Presiding Officer:

- CS 7-89**      **Deny** change in zone designation from MR-4, medium density residential, to MR-4, C-S, community service designation to allow development of a Tri-Met Route Terminus facility for property at **13525 SE Foster Road**.

Continued

## **Public Hearing - On The Record**

**LD 4-89** Review the Decision of the Planning Commission of June 12, 1989, **approving, subject to conditions**, requested two-lot land division, to create lots of 283,270 and 115,500 square feet each, in an MR-4 zoning district, for property located at **20255 NE Halsey Street**.

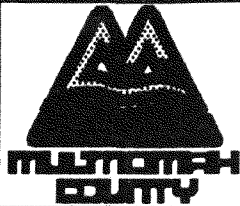
**This Decision has been appealed by an adjacent property owner**

### **Scope of Review:**

On The Record

### **Oral Argument:**

Each side will have **10 minutes** to present oral argument before the Board.



**Department of Environmental Services  
Division of Planning and Development  
2115 S.E. Morrison Street  
Portland, Oregon 97214 (503) 248-3043**

### **Decision**

**This Decision consists of Conditions, Findings of Fact and Conclusions.**

**July 10, 1989.**

**PR 4-89, #400  
ZC 6-89, #400**

### **Comprehensive Plan Amendment Zone Change Request (SC to NC)**

Applicant requests a Comprehensive Plan amendment and change in zone designation from the current Urban Strip Conversion designation and SC zoning to Urban Neighborhood Commercial and NC for an existing office complex.

**Location:** 12630 SE Division Street  
**Legal:** Tax Lot '97', Section 11, T1S, R2E (1988 Assessor's Map)  
**Site Size:** 0.90 Acres  
**Size Requested:** Same  
**Property Owner:** Portland Postal Employees Credit Union  
421 SE 10<sup>th</sup> 97214  
**Applicant:** Mark Turnham  
421 SE 10<sup>th</sup> 97214  
**Comprehensive Plan:** Strip Conversion  
**Current Zoning:** SC  
**Proposed Zoning:** NC—Neighborhood Commercial

**Planning Commission Decision:** APPROVE, subject to a condition, a change in the Powellhurst Community Plan redesignating this property from Urban Strip Conversion to Neighborhood Commercial and amending Sectional Zoning Map #400, changing the described property from SC to NC, based upon the following Findings and Conclusions..

**PR 4/89/ZC 6-89**



S E SHERMAN STREET



Case #: PR 4-89 & ZC 6-89  
Location: 12630 S.E. Division St.  
Scale: 1 inch to 200 feet  
Shading indicates subject property

HR-2

HR-2

SC

NC

SC

S E DIVISION STREET

S E 130th AVENUE

NC

SC

MR-4

HR-1

ZC 197-64/D

S E 125th AVE

CLINTON

MR-3

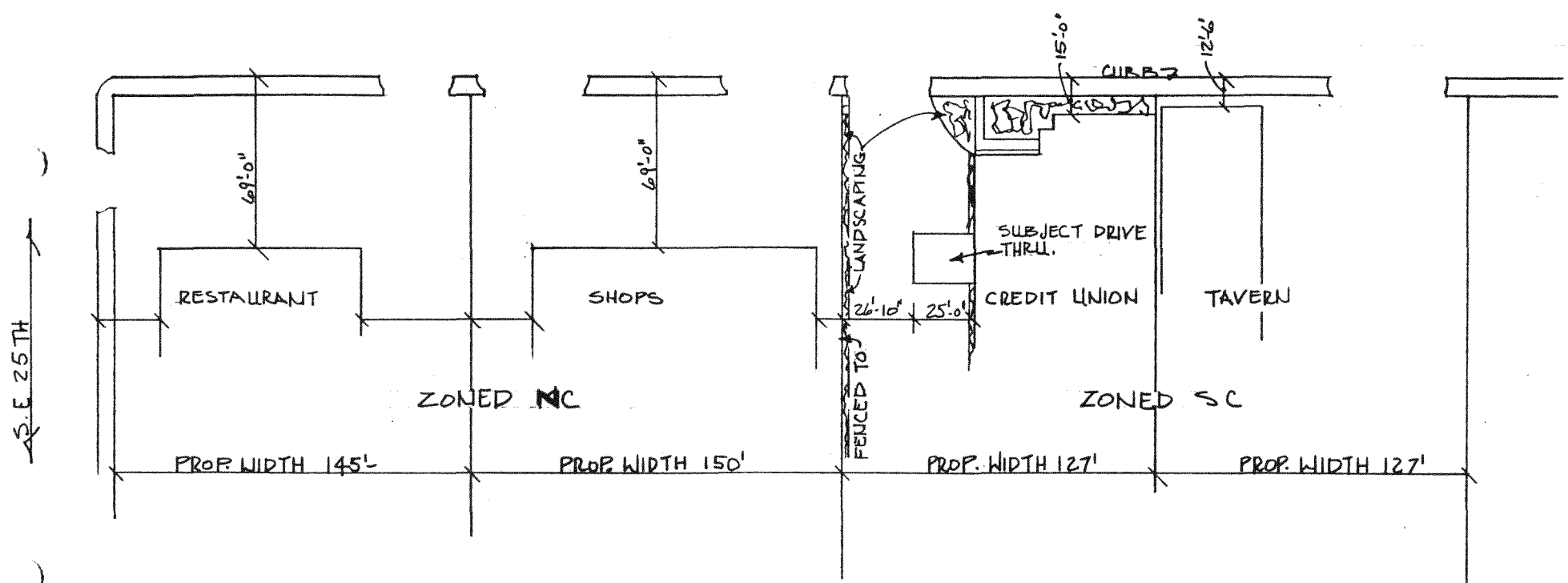
LR-5

S E 129th

FLATS

S E 130th AVENUE

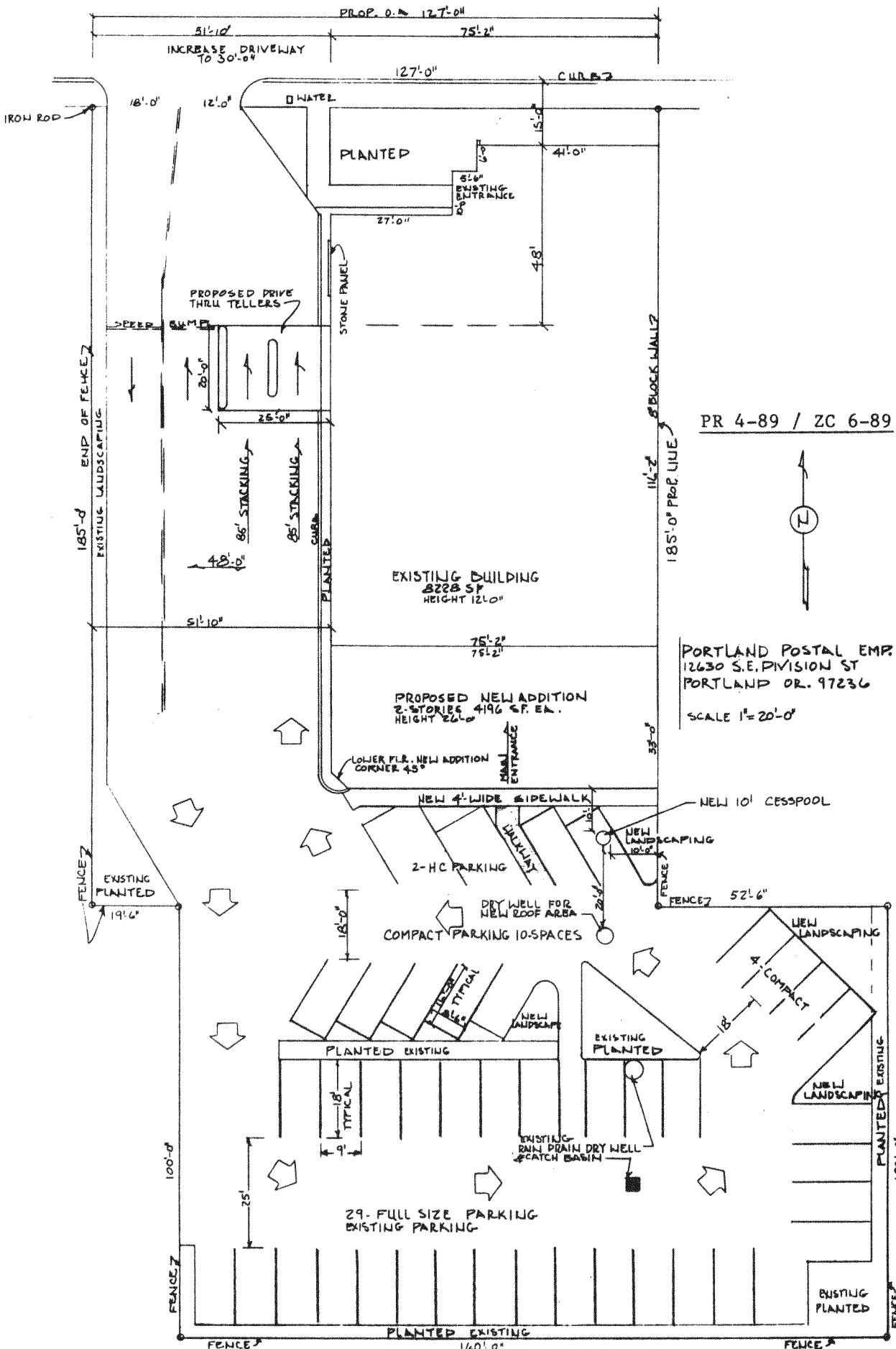
S.E. DIVISION



PERIPHERAL AREA MAP  
FOR PORTLAND POSTAL EMP. CREDIT UNION  
12630 S.E. DIVISION PORTLAND OR  
LEGAL: SECT. 11 T-S 2-E MULTNOMAH CO.  
SCALE 1"=60'-0"

S.E. DIVISION ST

45'



PR 4-89 / ZC 6-89



PORTLAND POSTAL EMP CU  
12630 S.E. DIVISION ST  
PORTLAND OR. 97236  
SCALE 1"=20'-0"

**Condition:**

Satisfy applicable requirements of Engineering Services regarding future improvements of SE Division Street.

**Findings of Fact:****1. Applicant's Proposal:**

The applicant requests Planning Commission approval to amend the Powellhurst Community Plan, changing the designation of this property from Urban Strip Conversion to Urban Neighborhood Commercial and a change in zone designation from the current SC to NC. No additional development, with the exception of a drive-through window and a thirty-three foot addition to the rear of the building, is proposed as a result of this proposed amendment and zone change.

**2. Ordinance Considerations:**

A. The burden is on the applicant for a comprehensive plan amendment to demonstrate that the revision is:

(a) In the public interest;

(b) In compliance with the applicable elements of the comprehensive plan; or

(c) Proof that circumstances in the area affected by the proposed revision have changed since the adoption of the plan, or that there was a mistake in the plan.

B. The burden is on the applicant for a zone change to persuade the Planning Commission that:

(a) Granting the request is in the public interest;

(b) There is a public need for the requested change and that need will be best served by changing the classification of the property in question as compared with other available property;

(c) The proposed action fully accords with the applicable elements of the Comprehensive Plan.

**3. Site and Vicinity Characteristics:**

This property is located at the south side of SE Division Street between SE 125th and 129th Avenues. The site is essentially level and is developed with 8,228 sq.ft. office complex and 47 space parking lot which was constructed in 1978. There is a shopping complex immediately to the west of this site, and two restaurants further west at the intersection of SE 125th

**Decision**  
**July 10, 1989**

**5 of 7**

**PR 4-89**  
**ZC 6-89**

and Division, all on property zoned Neighborhood Commercial. Further west is a major commercial concentration at the intersection of 122nd and SE Division Street. To the east is a tavern, a recycling center, and a trailer court at SE129<sup>th</sup> and Division Street, all within a Strip Conversion zone. To the north across Division is a small commercial complex, office buildings and a fast-food restaurant, on properties zoned Strip Conversion, Business and Professional Office and Neighborhood Commercial respectively. To the south all of the property is zoned and developed with apartments.

#### **4. Compliance with Ordinance Criteria:**

This proposal satisfies the criteria for a zone change and plan revision as follows:

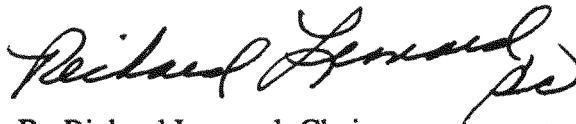
- A. *Public Interest:* It is in the public interest to allow the full utilization of developed properties when such utilization does not adversely impact surrounding properties while providing a convenience to the user public.
- B. *Public Need:* There is a public need for full service savings and loan facilities. The proposed zoning will allow the provision of the same range of user services at this location as is common to other credit union facilities.
- C. *Compliance with Applicable Comprehensive Plan Policies:* This proposal satisfies the following policies of the Comprehensive Framework Plan:
  - (a) No. 13—Air, Water and Noise Quality: The site is developed with a small office complex using dry wells for disposal. No adverse impacts with respect to air, water and noise quality have been identified that would result from the proposed change in zone designation since there is only proposed a continuation of the existing use with the addition of a drive-through window.
  - (b) No. 14—Development Limitations: No new development is proposed and the site has posed no limitations for the development that exists.
  - (c) No. 16—Natural Resources: There are no known natural resources that would be affected by the proposed plan and zone change.
  - (d) No. 27—Commercial Location: This proposal satisfies all of the locational criteria for a Neighborhood Commercial designation. It is located on a major arterial (four lanes with a left turn refuge), it is of appropriate size and shape, has no known development limitations, and is in an area of comparably designated properties.
  - (e) No. 37—Utilities: Water is provided by Powell Valley Road Water district and sewage is disposed of by a subsurface disposal system (public sewer is scheduled in the area in 1993). Drainage is handled on-site by means of dry wells. All necessary power and communication facilities are available along both street frontages.

- (f) No. 38—Facilities: Centennial School District has been informed of this request and has made no response. Fire protection is provided by Fire District No. 10 and police protection by the Multnomah County Sheriff.

**Conclusion:**

The applicant has carried the burden necessary for the granting of the requested plan amendment and zone change based on Finding No. 4 above. The proposed changes satisfy the applicable approval criteria and result in plan and zone designations comparable to those of surrounding properties and allow a fuller utilization of the subject site.

Signed July 10, 1989



By Richard Leonard, Chairman

Filed With the Clerk of the Board on July 20, 1989

**Appeal to the Board of County Commissioners**

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 4:30 p.m. on Monday, July 30, 1989 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

*The Decision on this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, August 1, 1989 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development Division at 248-3043.*



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

### Decision

This Decision consists of Conditions, Findings of Fact and Conclusions.

**CS 7-89, #427**

### Community Service Classification (Tri-Met Route Terminus Facility).

Applicant requests Community Service approval to allow the use of this property as a route terminus (bus turnaround and driver layover facility) for Tri-Met busses.

**Location:** 13525 SE Foster Road  
**Legal:** Tax Lot '22' of Lot 12, Lamargent Park Plat 2  
**Site Size:** 110' x 200'  
**Size Requested:** Same  
**Property Owner:** Oregon Parks Foundation  
5319 SW Westgate Drive, 97205  
**Applicant:** Tri-County Metropolitan Transportation District of Oregon  
4012 SE 17th Avenue, 97202  
**Comprehensive Plan:** Medium Density Residential  
**Present Zoning:** MR-4, Urban Medium Density Residential District  
**Sponsor's Proposal:** MR-4, , C-S, Urban Low Density Residential  
Community Service District

### PLANNING COMMISSION

**DECISION:** DENY Community Service designation of the above described property to allow its development with a Tri-Met Route Terminus facility, based on the following Findings and Conclusions.

July 10, 1989  
CS 7-89

LR-10  
CS

LR-10

PORTLAND TRACTION CO RR R/W

LR-5



Case #: CS 7-89  
Location: 13525 S.E. Foster Road  
Scale: 1 inch to 200 feet  
Shading indicates subject property

S E RAMONA STREET

S E RAMONA STREET

LR-5

S E KNIGHT STREET

LR-5

MR-4  
CS

CS 10-63  
MR-4  
CS 34-57  
CS 13-66  
CS 20-58-85  
CS 20-58-62

LR-5 CS

MC 41-64

MR-4

LR-5

MR-4

LR-5

CS 24-59

LR-5

DRICE TRACT

135TH AVENUE

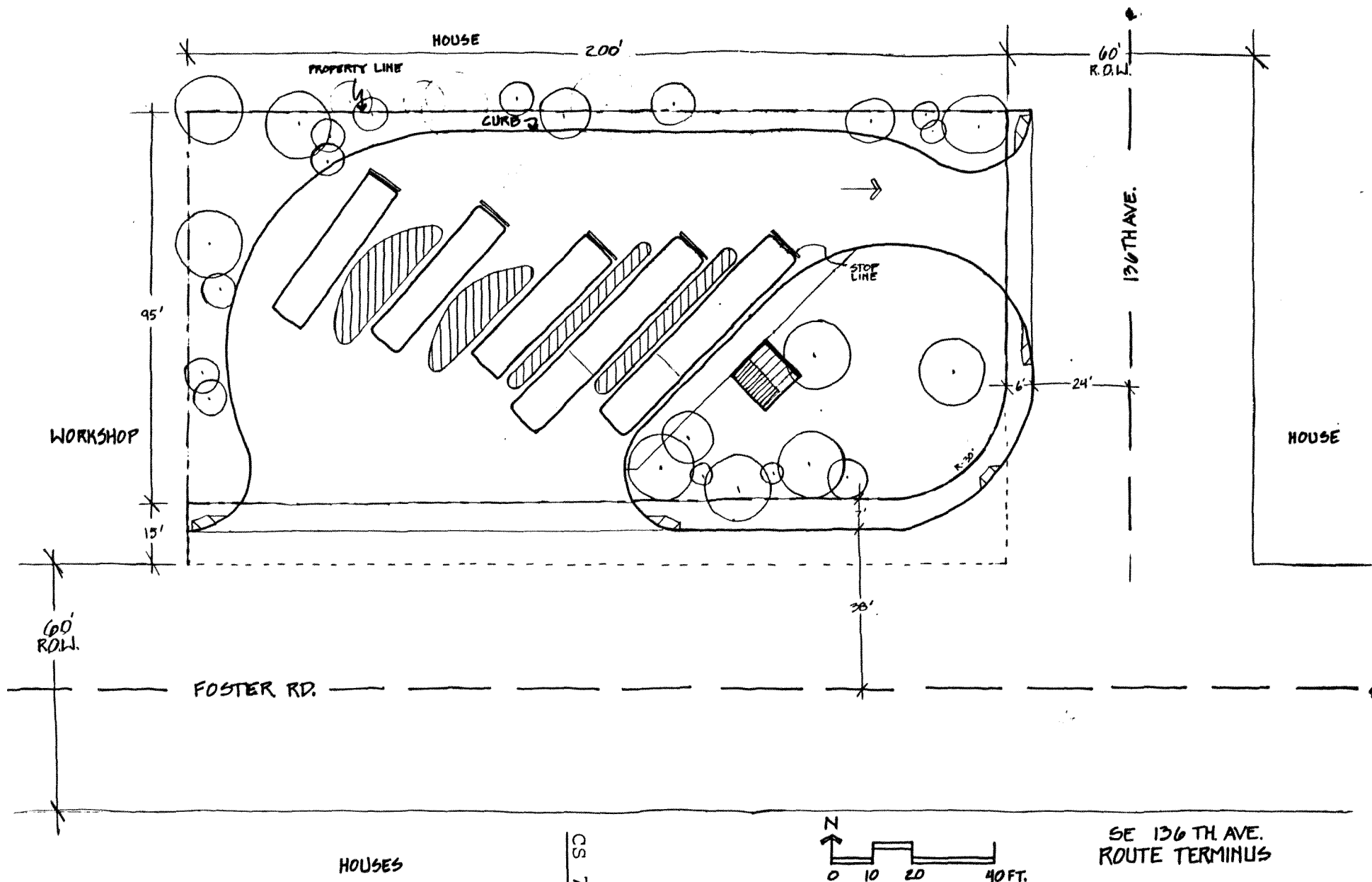
COMES

LR-5

S E 138th AVENUE

FOSTER





CS 7-89

Figure 1

## **Findings of Fact:**

- 1. Applicant's Proposal:** The Route Terminus Project is intended to allow Tri-Met to respond to the problems associated with bus layovers and turnarounds at the ends of routes. This project has been identified as a priority because of the opportunity to solve, at one facility, the problems which exist on several lines.

This area of the Tri-Met service district lacks roadways capable of providing convenient on-street layovers and/or turnarounds. As a result, two of the bus lines in the area (lines 10 and 17) must make large 'terminal loops' in this area in order to prepare for their return trips. These loops add an additional layer of confusion to the service, as they may be reversed to serve the peak direction, and passengers may be required to wait at one location in the morning and at another location in the afternoon in order to board the same bus line to the same destination. Terminal loops which do not reverse may require many passengers to wait through the driver's layover before their trip is completed. In addition, loss of on-street layovers have required either truncation or extension of existing service, resulting in a loss of service or an increase in operating costs. By providing an off-street location on which these lines can both layover and turn-around, the loops can be eliminated and a more effective service delivered to the area.

- 2. Ordinance Considerations:** The burden is on the applicant for a Community Service designation to demonstrate that the proposal:
  - A. Is consistent with the character of the area;
  - B. Will not adversely affect natural resources;
  - C. Will not conflict with farm or forest uses in the area;
  - D. Will not require public services other than those existing or programmed for the area;
  - E. Will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable;
  - F. Will not create hazardous conditions; and
  - G. Will satisfy the applicable policies of the Comprehensive Plan.

3. **Site and Vicinity Characteristics:** The site of the proposed route terminus is an approximately 22,000 square foot vacant parcel on the northwest corner of S.E. 136th Avenue and Foster Road.

Approximately 100 feet north of the site on 136th Avenue is a well maintained single family dwelling. To the west, fronting on Foster Road is a private driveway. Immediately west of this Route Terminus driveway is outdoor auto storage, a garage/shop of approximately 1000 square feet, and another single family residence. To the south, across Foster is a single family residence with frontage on S.E. 135th, an abandoned dwelling, and a vacant lot. Southeast of the site, beyond the intersection of 136th and Foster is another single family dwelling. Lot sizes range from 8,000 to 35,000 square feet in this area.

The site is designated MR-4 (medium density residential) in both the zoning code and comprehensive plan of Multnomah County. Off-street transit layover and transfer facilities are allowed as community service uses in the MR-4 zone.

The improvement of the streets, the provision of curbs and sidewalks (adjacent to the site), the landscaping of the site, and the improvement in the level of transit service, are all consistent with the development of higher density land uses, as allowed by the current zoning.

4. **Analysis of Ordinance Criteria:** Designation of this site as a Community Service for governmental transportation purposes is found to satisfy the applicable ordinance criteria as follows:

- A. **Consistency With the Character of the Area:** The applicant argued that the improvement of transit service (community service), and the physical improvement of the site and adjacent right-of-way would be consistent with the planned development of higher density land uses. However, the Planning Commission heard testimony from adjacent residents that the noise and fumes of diesel engines, and generation of over one hundred vehicular trips per day to this site was not consistent with the single family residential character of the surrounding area.
- B. **Affect on Natural Resources:** No significant natural resources have been identified to exist on this site. In a broader context, the energy saving characteristics of transit service will help to save resources.
- C. **Compatibility With Farm and Forest Uses:** The site is not zoned, nor is adjacent to any property zoned for farm or forest uses.
- D. **Public Services:** The applicant stated that storm and sanitary effluent would be disposed of on site, via an engineered disposal system, which would need to be approved by DEQ. All other necessary services are in place, and the facility itself would allow the more effective provision of transit service. Testimony at the hearing, however, convinced the Planning Commission that the proposed use would encourage riders to board busses at the site. No provision for a "park and

ride" facility could be made on this property due to its small size and total development with the proposed terminal facility. Neither SE Foster Road nor SE 136th Avenues are capable of safely accommodating off-street parking due to narrow pavement widths. Therefore, the Planning Commission found that there was no provision for the public parking that would be generated by the proposed use.

- E. ***Big Game Winter Habitat:*** The site is within the metropolitan area Urban Growth Boundary, it is not included in a big game winter habitat area.
- F. ***Hazardous Conditions:*** The proposed project would include measures for increased safety and secure operations through implementation of crime and accident prevention methods. The lighting plan will emphasize an even level of lighting to encourage safe evening use of all driveways, walkways, and building facility. No hazardous materials will be used or allowed on site, nor is it expected that the changes in bus volumes would have a noticeable impact on traffic operations.
- G. ***Comprehensive Plan Policies:*** The following Powellhurst Community Plan Policies are found to apply to this proposal:
- (a) ***Policy 2: Off-site Effects*** — Any potential adverse conditions will be mitigated. The improvement of transit service in this area will provide an attractive alternative to the private automobile, this will likely have a positive effect on traffic.
  - (b) ***Policy 5: Economic Development*** — The improved transit service resulting from the construction of this facility will facilitate the accessibility to employment.
  - (c) ***Policy 13: Air and Water Quality and Noise Level*** — The improved transit service will result in the reduced use of the automobile and reduction of air pollution. Water Quality will be protected through the use of oil/water separators as necessary.  
  
Buses will be shut-off during layover at the facility, under normal operating procedures, in order to alleviate noise impacts on adjacent properties.
  - (d) ***Policy 18: Community Identity*** — As a condition of development Tri-Met will dedicate 15 feet on the north side of Foster, and will pave that right-of-way as required. Tri-Met will also construct curbs and sidewalks in both right-of-ways.
  - (e) ***Policy 19: Community Design*** — The proposed design fully satisfies the following design guidelines:
    - Development Fronting on Arterial Streets
    - Energy (specifically, "Safe and attractive facilities to encourage the use of energy saving transportation modes".
  - (f) ***Policy 20: Arrangement of Land Uses*** — The existing zoning allows the proposed development as a Community Service use.


- (g) *Policy 22: Energy Conservation* — The improvement of transit service, is consistent with the planned development of higher density land uses adjacent to the site.
- (h) *Policy 32: Capital Improvements* — As mentioned above sidewalks adjacent to the site will be developed as a part of this project.
- (i) *Policy 33: Transportation System* — The development of this site as a mass transportation terminal will further the goal of providing balance in the availability of transportation types.
- (j) *Policy 34: Trafficways System* — Pedestrian pathways adjacent to 136th Avenue will be developed as a part of this project.
- (k) *Policy 35: Public Transportation System* — Tri-Met will meet independently with both the Powellhurst Neighborhood Association and adjacent property owners. Bicycle racks will be provided at the terminal.
- (l) *Policy 36: Transportation System Development Requirements* — As mentioned above, Tri-Met will dedicate 15 feet on Route Terminus the north side of Foster to be used as right-of- way, will construct curbs and sidewalks in those right-of-ways.

**Conclusions:**

The applicant has failed to carry the burden necessary for the granting of Community Service designation of this property for its use as a Tri-Met bus terminus by failing to convince the Planning Commission that such a use is consistent with the character of the surrounding area and that the use will not require public services other than those existing or programmed for the area.

**In the Matter of CS 7-89**

Signed July 10, 1989

  
By Richard Leonard, Chairman

Filed With the Clerk of the Board on July 20, 1989

**Appeal to the Board of County Commissioners**

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 4:30 PM. on Monday, July 31, 1989 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

*The Decision on this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, August 8, 1989 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development Division at 248-3043.*



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

### Decision

This Decision consists of Conditions, Findings of Fact and Conclusions.

**CS 7-89, #427**

### Community Service Classification (Tri-Met Route Terminus Facility).

Applicant requests Community Service approval to allow the use of this property as a route terminus (bus turnaround and driver layover facility) for Tri-Met busses.

**Location:** 13525 SE Foster Road  
**Legal:** Tax Lot '22' of Lot 12, Lamargent Park Plat 2  
**Site Size:** 110' x 200'  
**Size Requested:** Same  
**Property Owner:** Oregon Parks Foundation  
5319 SW Westgate Drive, 97205  
**Applicant:** Tri-County Metropolitan Transportation District of Oregon  
4012 SE 17th Avenue, 97202  
**Comprehensive Plan:** Medium Density Residential  
**Present Zoning:** MR-4, Urban Medium Density Residential District  
**Sponsor's Proposal:** MR-4, , C-S, Urban Low Density Residential  
Community Service District

### PLANNING COMMISSION

**DECISION:** DENY Community Service designation of the above described property to allow its development with a Tri-Met Route Terminus facility, based on the following Findings and Conclusions.

July 10, 1989  
CS 7-89

LR-10  
CS

LR-10

PORTLAND TRACTION CO RR R/W

LR-5



Case #: CS 7-89  
Location: 13525 S.E. Foster Road  
Scale: 1 inch to 200 feet  
Shading indicates subject property

S E RAMONA STREET

S E RAMONA STREET

LR-5

S E KNIGHT STREET

LR-5

MR-4  
CS

CS 10-63  
MR-4  
CS 36-57  
CS 13-66  
CS 20-58-85  
CS 39-62

LR-5 CS  
MC 41-64

MR-4

LR-5

MR-4

LR-5  
CS 24-59

LR-5

DRICE  
TRACT

CON

135TH AVENUE

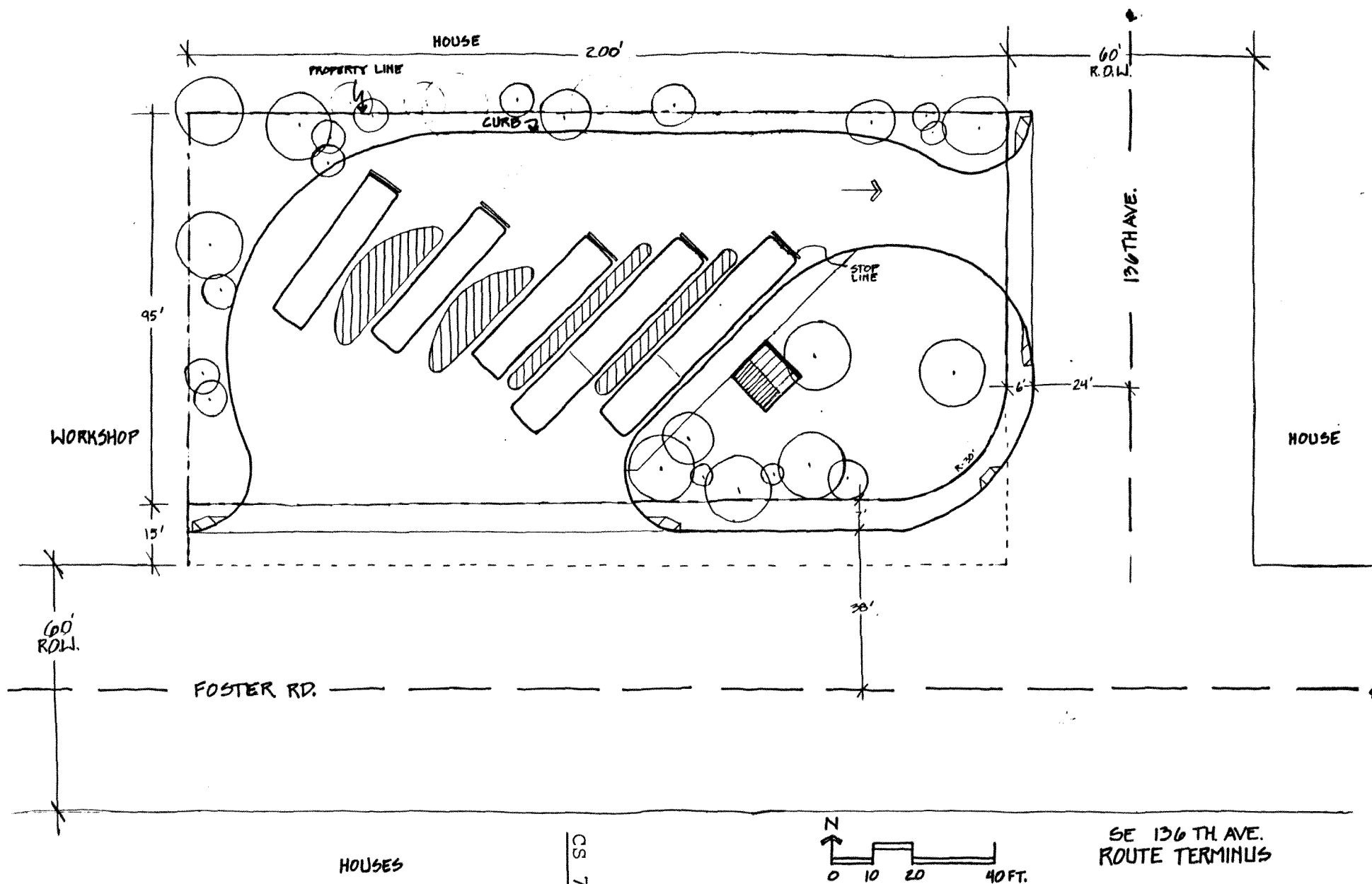
COMES

LR-5

S E 138th AVENUE

FOSTER





CS 7-89

Figure 1

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

## NOTICE OF REVIEW

253 4037 8/01/89 272.50 TL

1. Name: Tri-County Metropolitan Transportation District of Oregon (Tri-Met)  
Tri-Met (Contact Person - Joe Walsh, 238-4905)

2. Address: 4012 S.E. 17th Avenue, Portland, Oregon 97202

3. Telephone: ( 238 ) 4905

4. If serving as a representative of other persons, list their names and addresses:

5. What is the decision you wish reviewed (e.g., denial of a zone change, approval of a subdivision, etc.)?

Denial of Community Services Designation

6. The decision was announced by the Planning Commission on July 10, 1989

7. On what grounds do you claim status as a party pursuant to MCC 11.15.8225?

Tri-Met is the applicant and the prospective purchaser of the property.

*Please return this original form*

8. Grounds for Reversal of Decision (use additional sheets if necessary):

See attachment

9. Scope of Review (Check One):

(a) ☐ On the Record

(b) ☒ On the Record plus Additional Testimony and Evidence

(c) ☐ De Novo (i.e., Full Rehearing)

10. If you checked 9(b) or (c), you must use this space to present the grounds on which you base your request to introduce new evidence (Use additional sheets if necessary). For further explanation, see handout entitled *Appeal Procedure*.

See attachment

Signed: *D. Capps*

Douglas E. Capps  
Executive Director Public Services

Date: 7/28/89

**For Staff Use Only**

Fee:

Notice of Review = \$150.00

Transcription Fee:

Length of Hearing 70 min x \$1.75/minute = \$ 122.50

Total Fee = \$ 272.50

Received by: *M. Her*

Date: 7/31/89

Case No. \_\_\_\_\_



SUPPLEMENTARY NARRATIVE  
REVIEW OF PLANNING COMMISSION DECISION  
CS 7-89, # 427  
TRI-MET ROUTE TERMINUS, 136TH AND FOSTER

8. The Planning Commission cited noise and fumes, the traffic impact of additional bus trips and the potential for "park and ride" use as reasons for denial in the findings. However, the Commission findings and decision of denial are not consistent and do not take into account information on the record regarding potential adverse impacts.

While Finding 3, Site Vicinity and Character, indicates that the proposal is consistent with the character of the MR-4 zoning and finding 4(G)(a), Off-Site Effects, indicates a positive impact on traffic, Finding 4(A), Consistency with the character of the area, cites traffic impacts and inconsistency with the character of the area as reasons for denial.

Regarding mitigating measures, in the application and the presentation, Tri-Met indicated that 1) a wall and special operating rules would mitigate the noise generated from the facility; 2) the additional bus trips through the intersection would not increase the congestion level at 136th and Foster; and that if "park and ride" usage did develop there are alternatives that are more cost effective and with less impact than developing a park and ride lot at the site.

10. Additional information on traffic impacts should be introduced. Although Tri-Met presented information on the projected bus volumes and their lack of impact on the of 136th and Foster, the County's Traffic Engineer was not present at the hearing to confirm this. Traffic impacts were not raised as a concern by County Engineering or Planning Staff, and neighborhood traffic concerns that had been brought to Tri-Met's attention primarily involved existing traffic problems at 134th and Foster. As a result, Tri-Met did not develop an independent engineering analysis of the project's impact on pedestrian safety and traffic operations. Such an analysis could be undertaken and reviewed by county staff in order to evaluate the concerns raised at the Planning Commission level.

Addition to Tuesday, August 8, 1989, 9:30 AM

Case C 2-89 - In the matter of the decision of the Planning Commission of June 12, 1989, Deny request to change name of street segments known as NE 215th Avenue, NE Shaver Street and NE 216th Avenue to NE Lachenview Circle; Approve change of name to NE Lachenview Lane for two of three street segments noted, namely NE 215th Avenue and NE Shaver Street. Retain NE 216th Avenue as shown; Decision to approve street name to NE Lachenview Lane for NE 215th Avenue and NE Shaver Street does not preclude change to NE Lachenview Circle in the future (including NE 216th Avenue) if conditions change which qualifies the three street segments to be called "Circle" (Continued from July 11)