

MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING
AND DEVELOPMENT
2115 S.E. MORRISON STREET
PORTLAND, OREGON 97214
(503) 248-3047

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY • CHAIR OF THE BOARD
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER
GRETCHEN KAFOURY • DISTRICT 2 COMMISSIONER
CAROLINE MILLER • DISTRICT 3 COMMISSIONER
POLLY CASTERLINE • DISTRICT 4 COMMISSIONER

BOARD OF COUNTY COMMISSIONERS

Tuesday, January 3, 1989

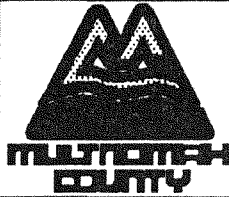
1:30 p.m., Room 602

AGENDA

The following Decisions are reported to the Board for acknowledgement by the Presiding Officer:

- CS 7-88 Approve, subject to a condition, the requested CS, Community
WRG 7-88 Service designation to locate a repeater station at this
 location. Site improvements will include construction of a 10'
 x 16' building and development of access and parking for two
 vehicles, plus landscaping. Further, Approve, subject to a
 condition, the requested Willamette River Greenway Permit all
 for property located at 26312 NW St. Helens Road (Portion of Tax
 Lot '12', Sec. 25, T3N, R2W (described by metes and bounds).
- CU 17-88 Approve, subject to conditions, development of a 4.5 acre Lot of
 Record with a non-resource related single family residence for
 property located at 5945 NW Cornell Road.
- CU 16-88 Approve, subject to conditions, conditional use approval to
 utilize a portion of an existing single family residence as a
 single-attorney law office with business hours from approxi-
 mately 9:00 a.m. to 5:00 p.m., with an estimated clientele of
 15-20 persons per week for property located at 15234 SE Stark
 Street.

BOARD OF
COUNTY COMMISSIONERS
1988 DEC 19 PM 2:55
MULTNOMAH COUNTY
OREGON



**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.

CS 7-88

Community Service Request

WRG 7-88

(Communication Repeater Station)

Applicant requests community service approval to locate a repeater station at this location. Site improvements will include construction of a 10' x 16' building and development of access and parking for two vehicles, plus landscaping. A Willamette River Greenway permit is also requested to allow the proposed development.

Location: 26312 NW St. Helens Road

Legal: Portion of Tax Lot '12', Section 25, T3N, R2W (Described by attached metes and bounds)

Site Size: Approximately 2400 square feet

Size Requested: Same

Property Owner: Leonard G.H. Weilert
26312 NW St. Helens Road, Scappoose 97056

Applicant: AT&T Communications
1221 17th, Longview WA 98632

Comprehensive Plan: Multiple Use Agriculture, Willamette River Greenway

Present Zoning: MUA-20, WRG

Sponsor's Proposal: MUA-20 – WRG – CS

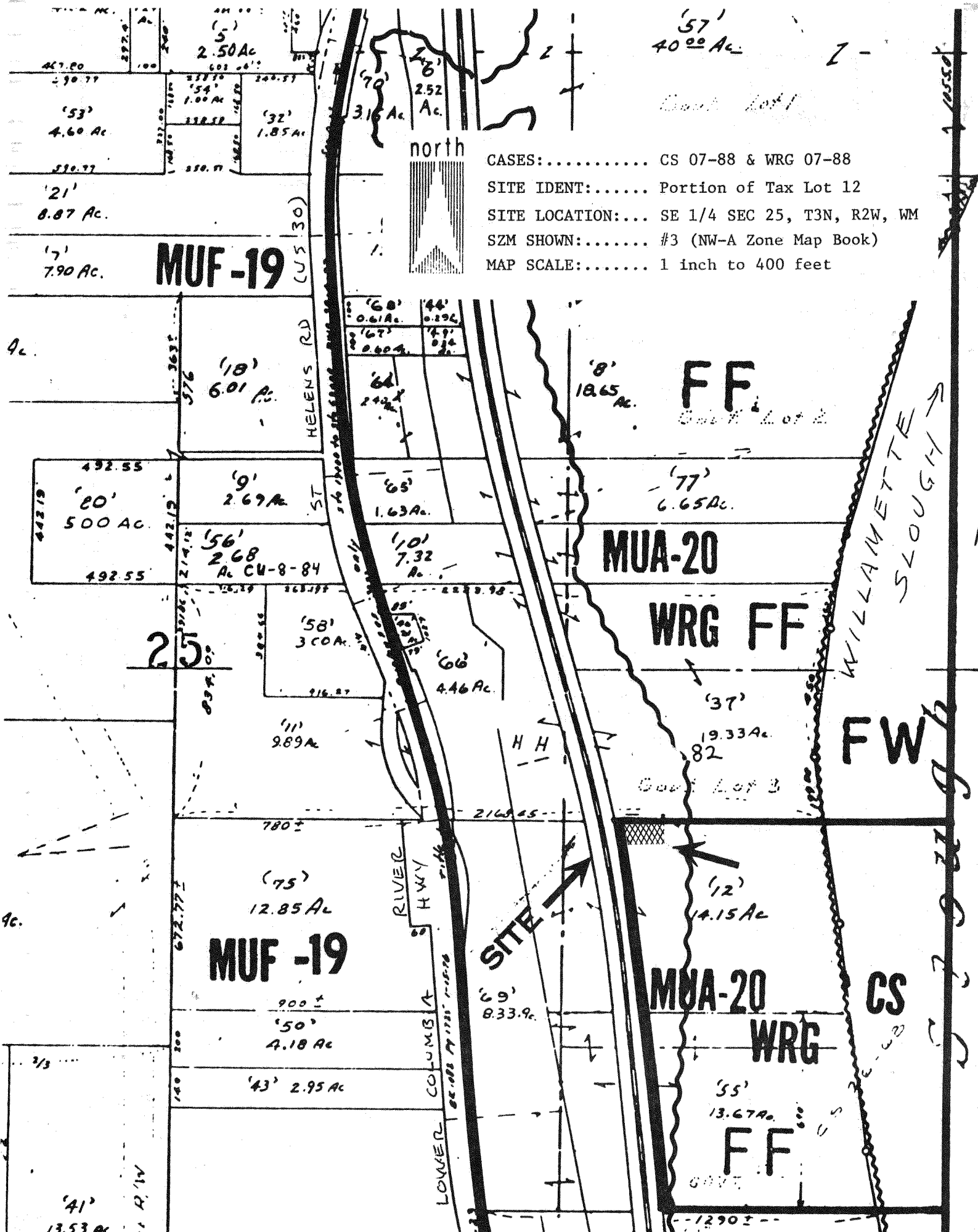
Planning Commission Decision: APPROVE, subject to a condition, the requested CS, Community Service designation for the described portion of Tax Lot '12', Section 25, T3N, R2W.

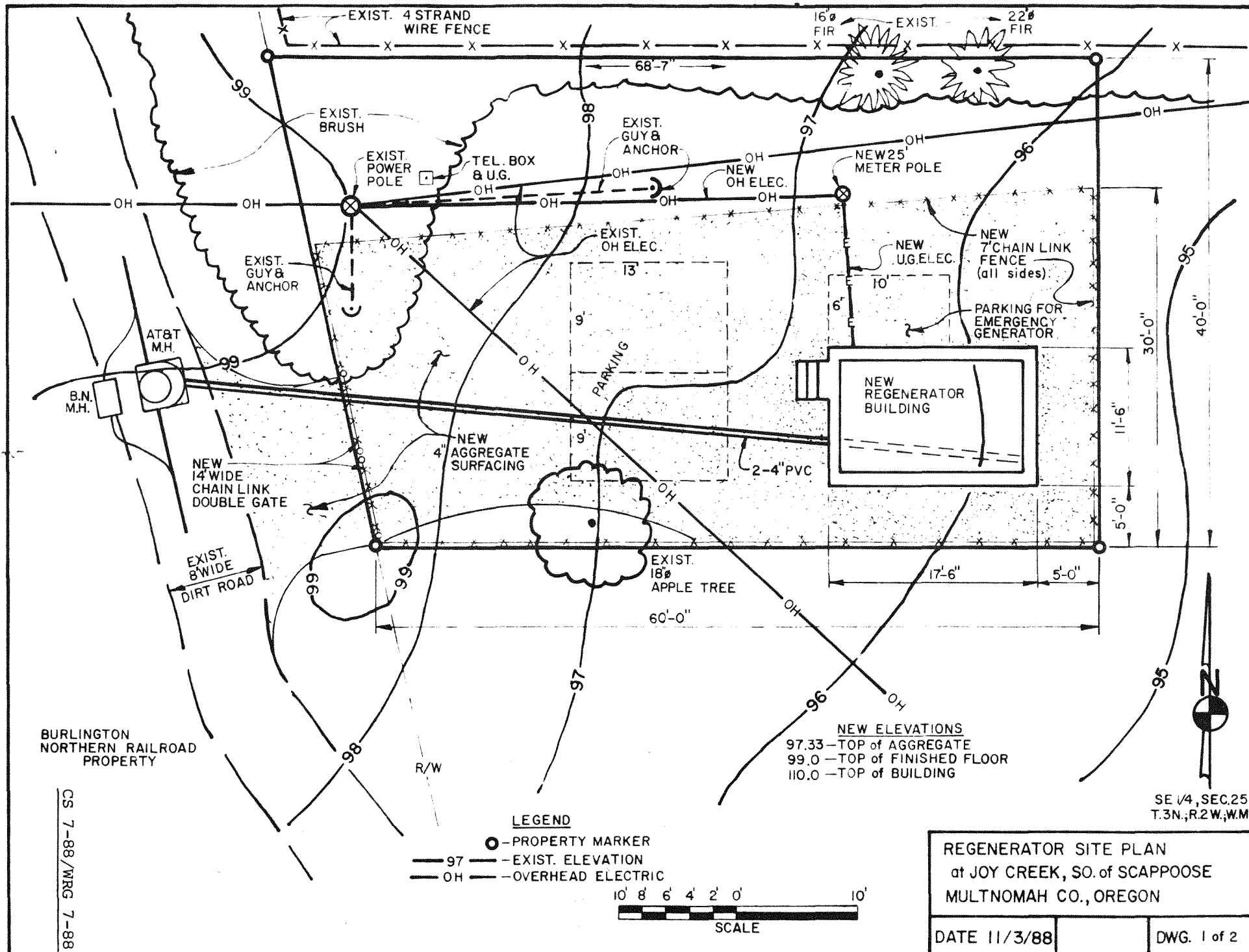
APPROVE, subject to a condition, the requested WRG, Willamette River Greenway permit for a 10' x 16' structure with ancillary site development, based on the following Findings and Conclusions.

Planning Commission

MII

December 12, 1988





CS 7-88/WRG 7-88

BURLINGTON
NORTHERN RAILROAD
PROPERTY

EXHIBIT "A"

FTIS-LV

This is the Exhibit "A" referred to in the Grant of Easement for Repeater Station executed the 24th day of October 1988, by the undersigned Grantor(s).

That portion of Lot 3 in the Southeast quarter of Section 25, Township 3 North, Range 2 West of the Willamette Meridian, in the County of Multnomah, State of Oregon, as shown on that survey filed August 31, 1988 in Multnomah County Records as Survey Number 50592, and more particularly described as follows:

Beginning at the intersection of the North line of Tract 3 of a Survey of the Estate of Clinton Bonser by John A. McQuinn, C.E., dated January 1915 and filed in Multnomah County records as Surveys numbered G5-48 and G5-51 with the Easterly right of way line of the S.P. & S. Railroad, said point bears North 0°-10' East a distance of 2,120.30 feet and East a distance of 1,491.50 feet from the South quarter corner of said Section 25; thence East along said North line of said Tract 3 a distance of 68.58 feet; thence South a distance of 40.00 feet; thence West a distance of 60.00 feet to said Easterly right of way line; thence in a northerly direction along said easterly right of way line through a curve to the left (said curve having a radius of 5,779.58 feet and a central angle of 0°24'20") a distance of 40.91 feet to the point of beginning.

Grantor(s):

Leonard G. H. Weilert, a single man


Leonard G. H. Weilert,
a single man

Condition of Approval:

Obtain Design Review approval of proposed site improvements pursuant to MCC .7010(F).

Findings of Fact:

1. Applicant's Proposal:

Applicant describes the proposal as follows:

"A 10 foot by 16 foot building will house equipment for regenerating an underground lightguide communication system with laser light. This is part of a system serving the north-west and into northern California. Its operation is continuous and without personnel.

The building is on a concrete foundation with a floor area of 160 square feet, precast concrete sides eight feet tall and a roof peak at eleven feet. It will be located on the property as shown on the attached location detail.

Two parking spaces will be provided for regular maintenance of equipment by pick-up truck or service van and also for an emergency generator vehicle, should a prolonged power outage occur.

There will be no outside storage."

2. Ordinance Considerations:

- A. The subject site is zoned MUA-20/WRG. The MUA-20, Multiple Use Agriculture zone allows Community Service uses if approved through Conditional Use procedures [reference MCC .2132(A)]. The proposed structure to house communication equipment is classified as a CS use [ref. MCC .7020(A)(12)].
- B. The site lies within the bounds of the Willamette River Greenway. MCC .6360(B) requires that the Willamette River Greenway Permit Application be combined with the Community Service request.
- C. MCC Section .7015 specifies approval criteria for Community Service uses. MCC .6372 specifies Greenway Design Plan elements which must be considered in approving developments within the Greenway.
- D. The applicant offers the following responses to the CS criteria and design plan elements; staff comments are subheaded within this section:

(1) Consistency With Area Character

"The intended use of the parcel is for a proposed small building similar to out-buildings on other residential and commercial properties in the neighborhood."

(2) Affect Natural Resources

"The parcel and building proposed are too small to have any effect on the natural resources of the area."

(3) Conflicts With Farm or Forest Uses

"Farm and forest areas will similarly be unaffected by the small sized proposal."

(4) Public Services Required

"County services and public utility services are available and adequate for this proposal."

(5) Big Game Winter Habitat

No findings presented.

Staff Comment:

The site lies outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife.

(6) Hazardous Conditions

"No hazardous conditions will be generated by the proposal, which is not located near a public right-of-way."

The proposed location was selected consistent with lightguide communication design."

(7) Comprehensive Plan Policies

"This request meets or complies with the following Comprehensive Plan Policies:

No. 13. There will be no discharge into the air, ground, or a water body and no noise will be generated by the equipment housed in the proposed building.

No. 14. The proposal is in a flat area in stable soil above any frequently flooded area.

No. 15. The request is for a building on a 0.06 acre tract, which is part of a larger 14 acre tract with an undeveloped access to the Willamette Slough. The smaller tract has no value as a recreation site, historic site, natural habitat, etc.

No. 16. This tract is not in an area of mineral or energy resource, watershed, or other natural resources.

No. 22. The equipment housed in the proposed building will use local utility electricity as efficiently as possible for its type of operation. Location of the facility is consistent with lightguide communication design.

No. 37. The proposal requests no water nor sewer service. Stormwater run-off can be handled on the site and run-off will not affect the adjacent water body. Adequate local electric service is available.

No. 38. The proposal's impact upon the local school, fire, and police protection districts will be minimal, if not nil."

E. The following responses from the applicant address the Greenway Design Plan elements in MCC .6372:

- "(1) No existing vegetation between the proposed building site and the river will be removed. In the 'after' condition, the building will be hidden from view by natural vegetation, from boaters on the river and from travelers along Highway 30.
- (2) Public access to the river remains unchanged and unaffected by the proposed construction.
- (3) The proposed site selected is between the Burlington Northern Railroad and the river at a point located away from the river to the greatest possible degree.
- (4) The site is not, in the 'before condition', utilized for farm purposes.
- (5) The 40' x 60' site will be cleared to the extent necessary for its proposed use; however, no timber beyond the vegetative fringes will be harvested.
- (6) No recreational activities are contemplated.
- (7) Fish and wildlife habitats are not significantly affected.
- (8) See (1) above.

Staff Comment: The project will not affect significant natural and scenic areas and it will be screened from view from both the river and St. Helens Highway.

- (9) Construction will be consistent with the Multnomah County codes. Access to the site will utilize the landowner's existing driveway from Highway 30 to the site. Visits by maintenance personnel will average one trip per week. No visits by public are anticipated.

- (10) The proposed site is approximately 700 feet west of the river. The natural vegetative fringe along the river will not be disturbed by this project.
- (11) Aggregate deposits will not be extracted under this project.
- (12) The graveled area surrounding the 10' x 16' building should not significantly alter water retention, overflow, and natural functions.
- (13) If it is determined that the site is of archeological significance, steps will be taken to protect from disturbance.
- (14) No potential for erosion exists, due to the flat topography.
- (15) There will be no discharge into the air, ground, or a body of water.
- (16) See (10) above.

Staff Comment: The proposed building site exceeds the required 150-foot setback from the river for non-water related or water dependent uses.

- (17) We understand that the proposed project is subject to design review, pursuant to MCC .7805 through .7865 to the extent that such design review is consistent with the elements of the Greenway Design Plan."

Staff Comment: Mr. Jim Payne, of the State Parks Division Rivers Program, indicated the project would have ..."no impact on the greenway"...based on the 700-foot separation between the use and the river, the nominal size of the structure and its location adjacent to the railroad tracks.

Conclusions

- 1. The proposal satisfies applicable approval criteria for Community Service uses and fulfills provisions of the Greenway Design Plan.
- 2. Design review of the project will insure the site is landscaped consistent with the Greenway Design Plan.

Signed December 12, 1988

By *Ruth Spetter*, *ps*
Ruth Spetter, Chairperson

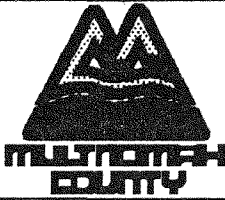
Filed with Clerk of the Board on December 22, 1988

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 9:00 a.m. on Tuesday, January 3, 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, January 3, 1989 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development at 248-3043.

MH:0928P



**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.

CU 17-88

Conditional Use Request

(Non-Resource Related Residence)

Applicant requests conditional use approval to develop this 4.5 acre Lot of Record with a non-resource related single family residence.

Location: 5945 NW Cornell Road

Legal: Tax Lots '29 & '33, Section 31, T1N, R1E (1988 Assessor's Map)

Site Size: 4.5 Acres

Size Requested: Same

Property Owner: Pauline T. & Charles M. Greear
1635 NW Wygant 97217

Applicant: James A. Greear
5225 SW Menefee Drive 97201

Comprehensive Plan: Multiple Use Forest

Present Zoning: MUF-19

Planning Commission Decision: APPROVE, subject to conditions, development of this property with a non-resource related single family residence, based on the following Findings and Conclusions

city

20

MUF-19

north



CASE:..... CU 17-88

1/4 SEC MAPS:.... 2823 & 2923

SITE LOCATION:... NW 1/4 SEC 31, T1N, R1E, WM

SZM's SHOWN:..... 125 & 131 (NW-B Zone Map Bk)

MAP SCALE:..... 1 inch to 200 feet

28

NOTE: Underscoring above denotes maps within which the subject property is situated.

CITY

27

CITY

26

CITY

MUF-19

ADDITION NO. 1

MOUNTAIN

25

CITY

MUF-19

MUF-19

(32)

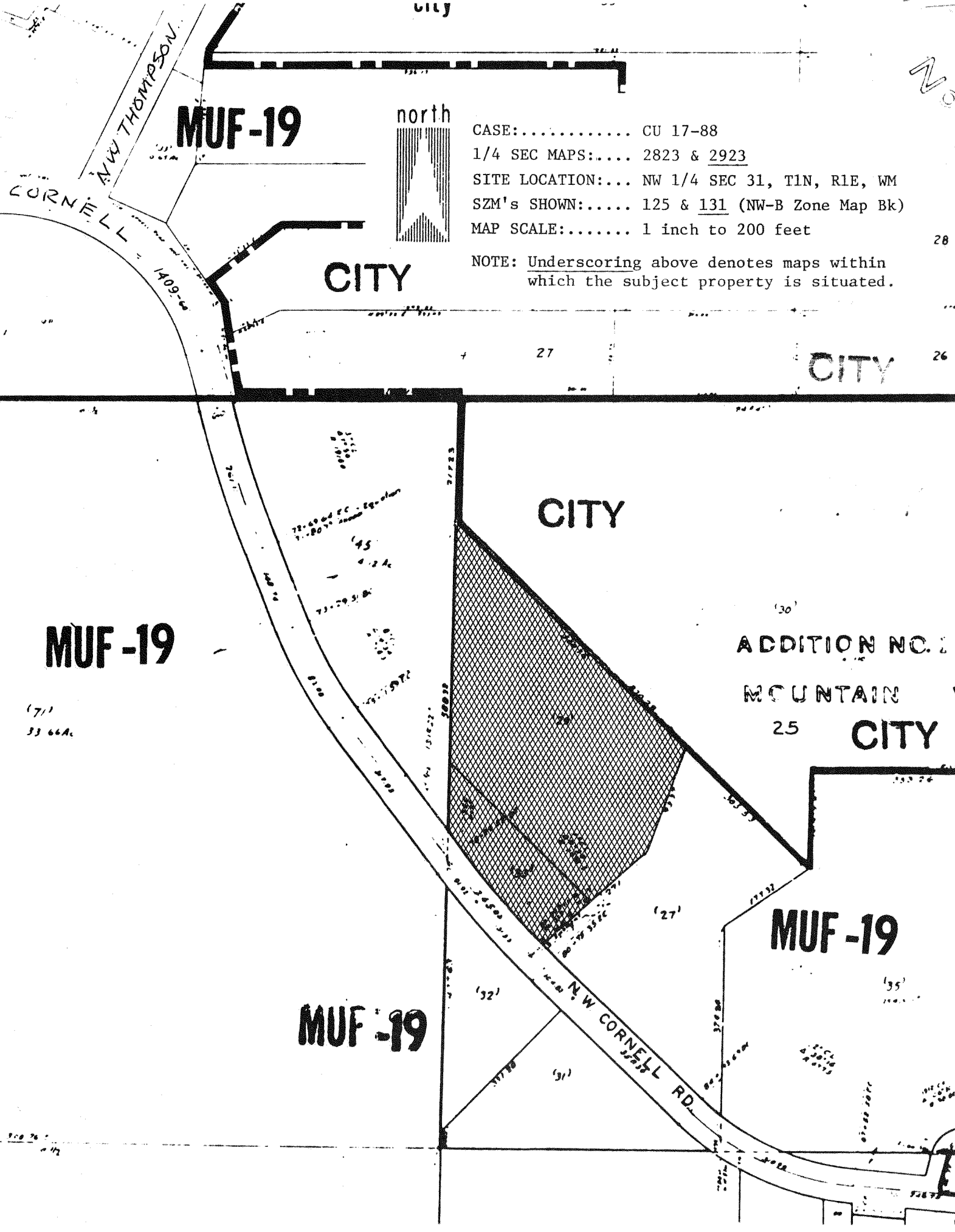
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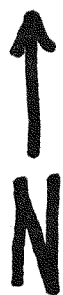
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(71)

33 66A



CITY OF PORTLAND
FOREST PARK



N.W. CORNELL RD.

CU 17-88

Conditions of Approval:

1. Prior to the issuance of building permits, the property owner shall provide the Planning and Development Division with a copy of the recorded restrictions required under MCC 11.15.2172(A)(5). A prepared blank copy of this deed restriction is available at the Planning and Development Offices.
2. Prior to issuance of building permits, meet the requirements of the Engineering Services Division to commit to participate in the future improvement of N.W. Cornell Road through deed restrictions. Contact Richard Howard at 248-3599 for additional information.
3. Prior to building permits, obtain a Land Feasibility Study from the County Sanitarian confirming the ability to use an on-site sewage system on the northerly parcel.
4. Prior to issuance of building permits, satisfy the residential use development standards for the MUF District as contained in MCC 11.15.2194.
5. Prior to issuance of building permits, consolidate Tax Lots '29' and '33' into a single tax lot and provide written confirmation from the Division of Assessment and Taxation that the consolidation has been finalized.

Findings of Fact:

1. Applicant's Proposal:

The applicant requests Planning Commission approval to develop the above-described 4.5-acre Lot of Record with a non-resource related single family dwelling.

2. Ordinance Considerations:

A. A non-resource related single family dwelling is permitted in the MUF zoning district as a Conditional Use where it is demonstrated that:

- (1) The lot size shall meet the standard of MCC 11.15.2178(A) or .2182(A) to (C).
- (2) The land is incapable of sustaining a farm or forest use, based upon one of the following:
 - a) A Soil Conservation Service Agriculture Capability Class of IV or greater for at least 75% of the lot area, and physical conditions insufficient to produce 50 cubic feet/-acre/year or any commercial tree species for at least 75% of the area;
 - b) Certification by the Oregon State University Extension Service, the Oregon Department of Forestry, or a person or group having similar agricultural and forestry expertise, that the land is inadequate for farm and forest uses and stating the basis for the conclusions; or

- c) The lot is a Lot of Record under MCC 11.15.2192(A) through (C) and is ten acres or less in size.
 - (3) A dwelling, as proposed, is compatible with the primary uses listed in MCC 11.15.2168 on nearby property and will not interfere with the resources or the resource management practices or materially alter the stability of the overall land use pattern of the area.
 - (4) The dwelling will not require public services beyond those existing or programmed for the area.
 - (5) The owner shall record with the Division of Records and Elections a statement that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct accepted forestry or farming practices.
 - (6) The dwelling 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 are acceptable.
- B. A residential use located in the MUF district after August 14, 1980 shall comply with the following:
- (1) The fire safety measures outlined in the "Fire Safety Considerations for Development in Forested Areas", published by the Northwest Inter-Agency Fire Prevention Group, including at least the following:
 - a) Fire lanes at least 30 feet wide shall be maintained between a residential structure and an adjacent forested area;
 - (2) An access drive at least 16 feet wide shall be maintained from the property access road to any perennial water source on the lot or an adjacent lot;
 - (3) The dwelling shall be located in as close proximity to a publicly maintained street as possible, considering the requirements of MCC 11.15.2058(B). The physical limitations of the site which require a driveway in excess of 500 feet shall be stated in writing as part of the application for approval;
 - (4) The dwelling shall be located on that portion of the lot having the lowest productivity characteristics for the proposed primary use, subject to the limitations of subpart #3 above;
 - (5) Building setbacks of at least 200 feet shall be maintained from all property lines, wherever possible, except:
 - a) a setback of 30 feet or more may be provided for a public road, or

- b) the location of dwelling(s) of adjacent lots at a lesser distance which allows for clustering of dwellings or sharing of access;
 - (6) The dwelling shall comply with the standards of the Uniform Building Code or as prescribed in ORS 446.002 through 446.200, relating to mobile homes;
 - (7) The dwelling shall be attached to a foundation for which a building permit has been obtained;
 - (8) The dwelling shall have a minimum floor area of 600 square feet; and
 - (9) The dwelling 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.
- C.. The subject property consists of two tax lots comprising a total of 4.5 acres. Under MCC 11.15.2182(B)(1), the two parcels are aggregated into one lot of record because they are under the same ownership and are each less than the minimum MUF-19 lot size. Since the two tax lots are aggregated for zoning purposes, they should be consolidated into a single tax lot to minimize any confusion for a future purchaser.

4. Site and Vicinity Characteristics:

- A. The subject property is a Lot of Record of 4.5 acres located on the northeasterly side of N.W. Cornell Road about 800 feet northwesterly of its intersection with N.W. 53rd Drive. It is vegetated with a mixture of conifer and deciduous trees. The property is not within a designated big game winter habitat.
- B. Properties in the surrounding area range in size from 1.09 acres to 33 acres in size. Some of the smaller lots are developed with rural residences, while the larger parcels are undeveloped.
- C. The applicant proposes to locate the residence on the property in compliance with the Residential Location Standards of the MUF zone. the site will need approval for subsurface sewage disposal and water will be provided by a private well. Telephone and power facilities are available along the Cornell Road frontage.

Conclusions:

- 1. The property is a Lot of Record of less than ten acres in size; thereby, is incapable of sustaining a farm or forest use.
- 2. Conditions are necessary to insure compliance with all Code provisions.
- 3. The applicant has carried the burden necessary for the approval of a non-resource related single family dwelling in the MUF-19 zoning district.

IN THE MATTER OF CU 17-88:

Signed December 12, 1988

By Ruth Spetter, pc
Ruth Spetter, Chairperson

Filed with Clerk of the Board on December 22, 1988

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 9:00 a.m. on Tuesday, January 3, 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, January 3, 1989 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development at 248-3043.

DP:0927P

Decision

December 12, 1988

-7-

CU 17-88
End



**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.

CU 16-88

Conditional Use Request (Professional Office)

Applicant requests conditional use approval to utilize a portion of an existing single family residence as a single-attorney law office. Business hours will be from approximately 9 AM to 5 PM, with an estimated clientele of 15-20 persons per week.

Location: 15234 SE Stark Street

Legal: Tax Lot '4' of Lot 1, Block A, Ritlow Acres

Site Size: 7,000 Square Feet

Size Requested: Same

Property Owner: Harvey O. & Janet G. Akeson
2701 W Jade, Tucson, AZ 85705

Applicant: Patricia L. Thompson
15234 SE Stark

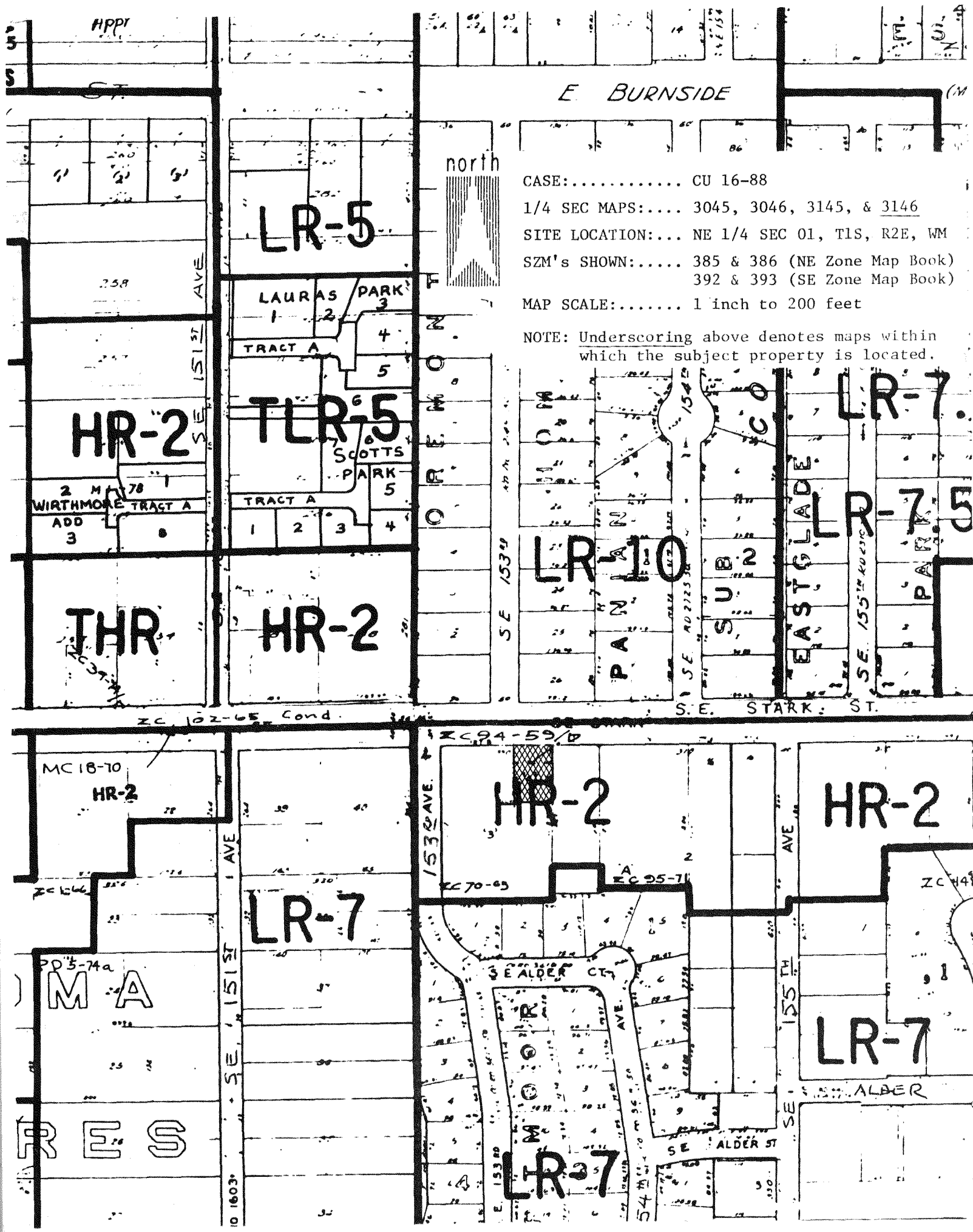
Comprehensive Plan: Urban High Density Residential

Present Zoning: HR-2 – Urban High Density Residential

Planning Commission Decision: APPROVE conditional use request to utilize a portion of an existing single family residence as a single-attorney office, subject to conditions, based on the following findings and conclusions.

Planning Commission
RH

December 12, 1988



CASE:..... CU 16-88

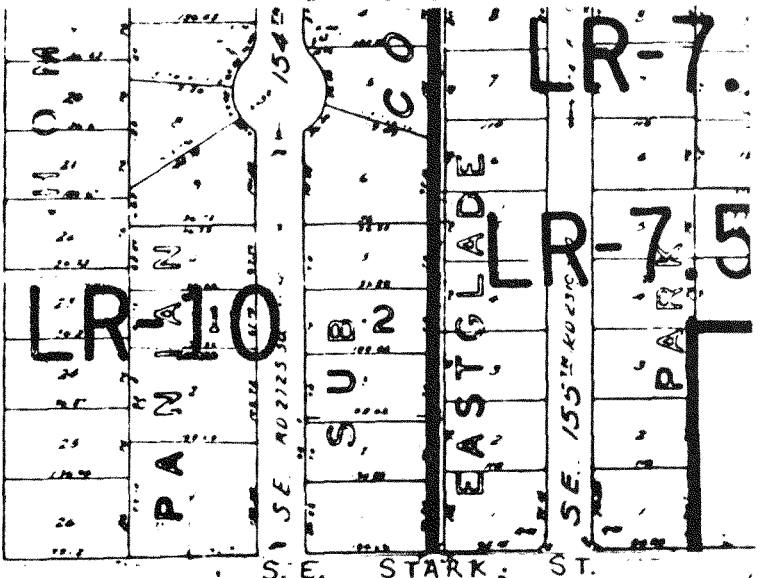
1/4 SEC MAPS:.... 3045, 3046, 3145, & 3146

SITE LOCATION:... NE 1/4 SEC 01, T1S, R2E, WM

SZM's SHOWN:..... 385 & 386 (NE Zone Map Book)
392 & 393 (SE Zone Map Book)

MAP SCALE:..... 1 inch to 200 feet

NOTE: Under scoring above denotes maps within which the subject property is located.



SE STARK ST.

parking strip

sidewalk

fence

drive way

parking

N ↑
15ft
10ft
fence

↑
100'
↓

living
areas

reception
area
10'2" x 13'

entrance

bath
room

office
10'3" x 11'10"

cesspool

fence

garage

← 70' →

fence

Note: This is a 1 1/2 story home with basement, but
the office use is confined to the main floor.

CU 16-88

Condition of Approval

1. Meet County Design Review requirements. Contact Mark Hess of the County Land Development Section at the D.E.S. Building, 2115 SE Morrison Street (248-3043).
2. Meet County Engineering Section requirements for any potential improvements to the S.E. Stark Street frontage. Contact Richard Howard of the County Engineering Section at the Yeon Building, 1620 S.E. 190th (248-5050).

Findings of Fact

1. Applicant's Request: "The plan is to use two rooms of the home, one of which already has an outside entrance, as a reception area and office, and to live in the remainder of the home, which includes an upstairs and unfinished basement. I have one child, as well as myself. I would estimate approximately 15 to 20 clients coming to the location on an average weekly basis. I also anticipate having a part-time secretary, to work about 15 hours per week. There is a bathroom adjacent to the office area which would be used by clients, as well as for personal use. There is adequate parking on the premises, with a turnaround area for safety in entering the street again."
2. Site and Vicinity Characteristics: This property is located on the south side of SE Stark Street just easterly of its intersection with SE 153rd Avenue. Properties in the surrounding area are used for a mixture of residential and commercial purposes.

The subject property is developed with a single family residence. Two rooms of that house are proposed to be converted to the law firm use. No additional construction is proposed. Design Review will insure that adequate parking and landscaping are provided for the use.

3. County Zoning Ordinance (MCC 11.15). Considerations:

- A. The subject property is zoned HR-2, High Density Residential. A professional office is allowed as a Conditional Use which has to be approved by the Planning Commission at a public hearing. The office approval criteria of MCC .2710 must be satisfied.

- B. The office approval criteria of MCC .2710 are:

"In approving a business or professional office as a Conditional Use the approval authority shall find that the proposal:

- (1) Will satisfy the applicable elements of Comprehensive Plan Policies No. 5 (Economic Development), No. 19 (Community Design), No. 20 (Arrangement of Land Uses), No. 22 (Energy Conservation) and No. 29 (Office Location (Isolated));
- (2) Will satisfy the development standards listed in MCC .2712;

- (3) Will have minimal adverse impact, taking into account location, size, design and operating characteristics on the liveability, value and development of abutting properties and the surrounding area; and
- (4) Will satisfy the applicable dimensional and other requirements of the district."

C. In response to the above approval criteria, the following findings are made:

(1) Applicable Comprehensive Plan Policies:

No. 5-Economic Development: This proposal would allow a small firm to become located at a location that places no burden on available public services, while promoting the economic development of that firm.

No. 19-Community Design: This area is designed as a mixture of residential, including single and multi-family units, and professional and commercial uses. This proposal fits within this profile, as in appearance and use it will be a single family residence, with the exception of a sign announcing it to be an office as well. There will be no increase in level of traffic, noise or the like from what a normal residence would generate.

No. 20-Arrangement of Land Uses: This proposal fits within the policy of blending appropriate uses, and maximizing use of existing land and structures. Further, community stability is enhanced by living and working at the same location.

No. 22-Energy Conservation: This location is within walking distance of MAX and a Tri-Met bus line, and a number of clients potentially will use these services, thus achieving a goal of energy conservation. The applicant anticipates a consistent use of MAX in making necessary trips downtown for court appearances, again conserving energy.

No. 29-Office Location: This type of office meets the needs of individuals on a personal and small scale, adjacent to where they live, conveniently located for use of public transportation, fits squarely within the stated goals of this policy. The policy of encouraging the integration of office services into other use areas, thereby reducing required automobile trips, is met by having one's office in one's residence. A specific goal is to provide for home occupations.

No. 37: Adequate water and sanitary disposal facilities are in existence at the site.

No. 38: With respect to facilities, those available are certainly adequate. Also, a more constant presence in the location contributes to the safety of the neighborhood.

This proposal satisfies the development standards listed in MCC 11.15.2712, in that the office will be located in a residence, a permitted use. There is a large, blacktopped driveway with room for several cars and an area where a car can turn around to drive back onto S.E. Stark Street without having to back out. No conflict between parking the applicant's vehicle and that of clients will exist.

The proposed use will have no adverse impact on liveability or value of either this property or adjacent properties. The outside appearance will remain virtually unchanged and no remodelling of the office portion of the interior is anticipated. Since appearance for clientele will be important to the professional well-being of the applicant, over-all care of the property should be higher than what would normally be expected.

Since no structural changes will be made, applicable dimensional and other requirements will be met.

(2) Development Standards of MCC .2712:

The Development Standards of MCC .2712 are:

"The use shall be located in a structure occupied by other permitted or authorized uses, or in a detached structure which is compatible with the character and scale of structures in the vicinity occupied by permitted uses; and

Vehicular access, circulation, parking and loading shall be provided without conflict with similar facilities required for other uses on the same property."

(3) Minimal Adverse Impact:

The property will have a minimal adverse impact on the liveability, development and value of surrounding properties. The compatibility of the size and design of the project have already been discussed. The location of the project will be directly beneficial to the area.

3. Compliance With Approval Criteria: The proposal satisfies the applicable approval criteria as follows:

- A. The use will be located in a structure that is also used as a residence and is consistent with the character of the area in that along S.E. Stark Street there is a mix of homes (which this will continue to be), apartments, professional offices, (which this will be as well), and other businesses. Some offices and businesses are in former homes, which is consistent in appearance with the proposed use. The existing structure satisfies all access and dimensional requirements and will be reviewed by Design Review for circulation, parking, landscaping, etc.

The applicant further states:

"I believe there is a public need for this use. A high percentage of my existing clients live in the east county area. Also, I believe that out of approximately 4,000 attorneys in the Portland area, only about 100 are located in this area. I practice family law, and these clients usually appreciate an attorney in their own area. Also, it would appear that the best use of this particular residence is a combined use, as it is less appealing to individuals as simply a residence due to its location on a busy street, and the extra outside entrance in the one room which would otherwise presumably be a bedroom. Based upon conversations with neighbors, previous tenants have not cared for the property and it has been a neighborhood eyesore and nuisance. Enhanced appearance and responsible use of the property would obviously answer a public need.

In general I am open for business between 9 a.m. and 5 p.m., although this varies somewhat. My clients are generally working-class individuals. I would rarely have more than one client in the office at a time."

Conclusions:

1. Finding 3 indicates that the proposal satisfies the office approval criteria of the County Zoning Ordinance for an office in the HR-2 zone and for the requested variance.
2. According to Finding 3.C., the proposal is in conformance with the applicable policies of the Comprehensive Plan.
3. The applicant has carried the burden necessary for the granting of a Professional Office in an HR-2 district as a Conditional Use.

Signed December 12, 1988

By Ruth Spetter, cc
Ruth Spetter, Chairperson

Filed with Clerk of the Board on December 22, 1988

Appeal to the Board of County Commissioners

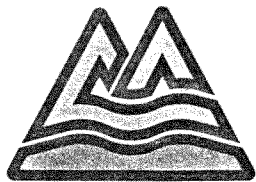
Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 9:00 a.m. on Tuesday, January 3, 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, January 3, 1989 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development at 248-3043.

0930P

Decision
December 12, 1988

81
5162



MULTNOMAH COUNTY OREGON

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

GLADYS McCOY •	Chair •	248-3308
PAULINE ANDERSON •	District 1 •	248-5220
GRETCHEN KAFOURY •	District 2 •	248-5219
RICK BAUMAN •	District 3 •	248-5217
POLLY CASTERLINE •	District 4 •	248-5213
JANE McGARVIN •	Clerk •	248-3277

January 3, 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 January 3, 1989, the following action was taken:

In the Matter of the Decisions of the Planning)
Commission of December 12, 1988, Cases: CS 7-88,)
WRG 7-88; CU 17-88; CU 16-88)

There being no Notice of Review before the Board for the above-entitled matters, and the Board not wanting to review the matters on its own motion, the Chair acknowledged receipt of the decisions.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS

By Jane McGarvin
Jane McGarvin
Clerk of the Board

jm
cc: County Engineer
Assessment & Taxation



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING
AND DEVELOPMENT
2115 S.E. MORRISON STREET
PORTLAND, OREGON 97214
(503) 248-3047

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY • CHAIR OF THE BOARD
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER
GRETCHEN KAFOURY • DISTRICT 2 COMMISSIONER
CAROLINE MILLER • DISTRICT 3 COMMISSIONER
POLLY CASTERLINE • DISTRICT 4 COMMISSIONER

BOARD OF COUNTY COMMISSIONERS

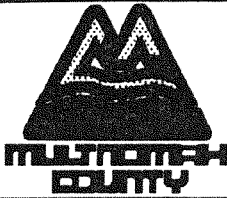
Tuesday, January 3, 1989

1:30 p.m., Room 602

AGENDA

The following Decisions are reported to the Board for acknowledgement by the Presiding Officer:

- CS 7-88 Approve, subject to a condition, the requested CS, Community
WRG 7-88 Service designation to locate a repeater station at this
 location. Site improvements will include construction of a 10'
 x 16' building and development of access and parking for two
 vehicles, plus landscaping. Further, Approve, subject to a
 condition, the requested Willamette River Greenway Permit all
 for property located at 26312 NW St. Helens Road (Portion of Tax
 Lot '12', Sec. 25, T3N, R2W (described by metes and bounds).
- CU 17-88 Approve, subject to conditions, development of a 4.5 acre Lot of
 Record with a non-resource related single family residence for
 property located at 5945 NW Cornell Road.
- CU 16-88 Approve, subject to conditions, conditional use approval to
 utilize a portion of an existing single family residence as a
 single-attorney law office with business hours from approxi-
 mately 9:00 a.m. to 5:00 p.m., with an estimated clientele of
 15-20 persons per week for property located at 15234 SE Stark
 Street.



**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.

CS 7-88

Community Service Request

WRG 7-88

(Communication Repeater Station)

Applicant requests community service approval to locate a repeater station at this location. Site improvements will include construction of a 10' x 16' building and development of access and parking for two vehicles, plus landscaping. A Willamette River Greenway permit is also requested to allow the proposed development.

Location: 26312 NW St. Helens Road

Legal: Portion of Tax Lot '12', Section 25, T3N, R2W (Described by attached metes and bounds)

Site Size: Approximately 2400 square feet

Size Requested: Same

Property Owner: Leonard G.H. Weilert
26312 NW St. Helens Road, Scappoose 97056

Applicant: AT&T Communications
1221 17th, Longview WA 98632

Comprehensive Plan: Multiple Use Agriculture, Willamette River Greenway

Present Zoning: MUA-20, WRG

Sponsor's Proposal: MUA-20 – WRG – CS

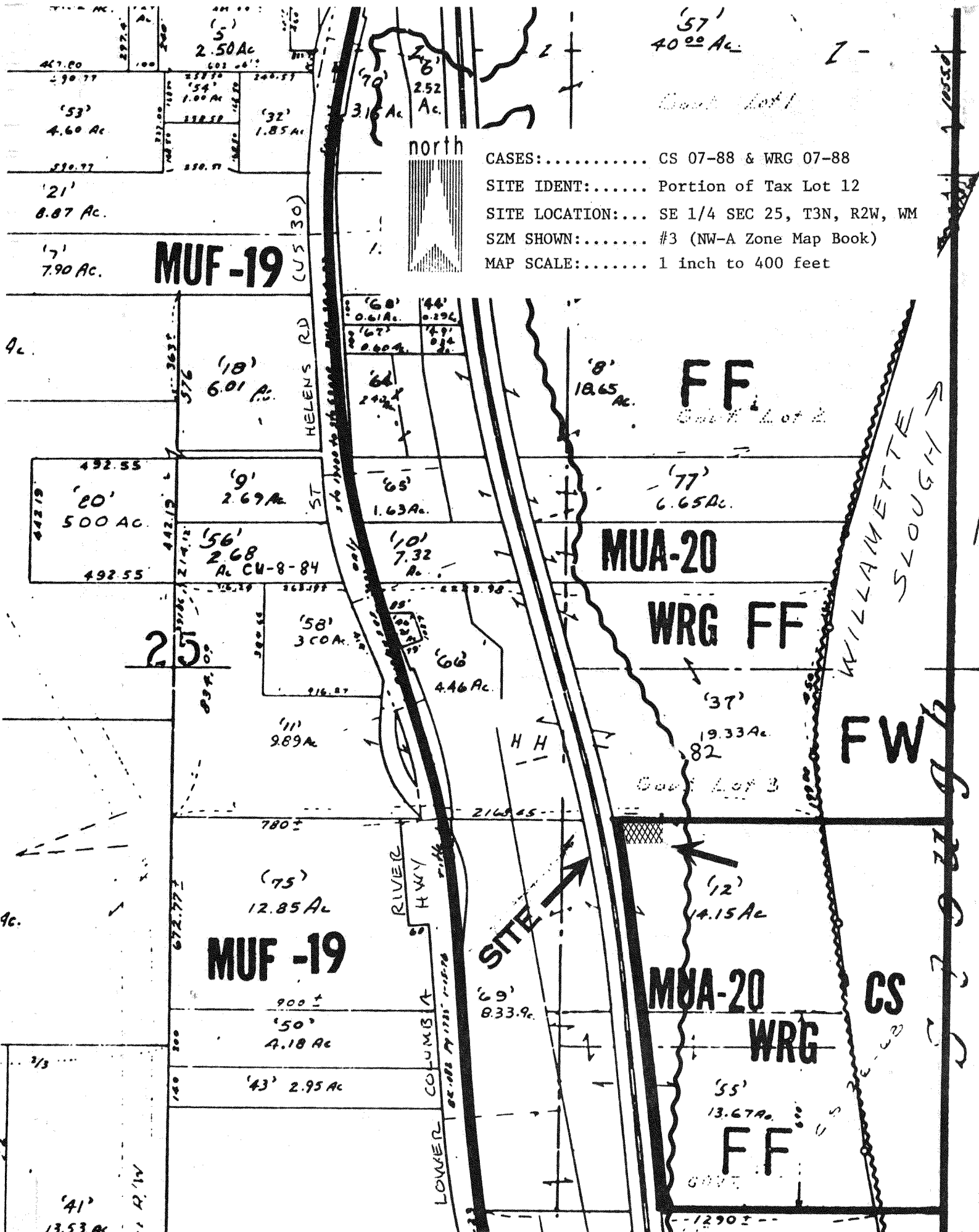
Planning Commission Decision: APPROVE, subject to a condition, the requested CS, Community Service designation for the described portion of Tax Lot '12', Section 25, T3N, R2W.

APPROVE, subject to a condition, the requested WRG, Willamette River Greenway permit for a 10' x 16' structure with ancillary site development, based on the following Findings and Conclusions.

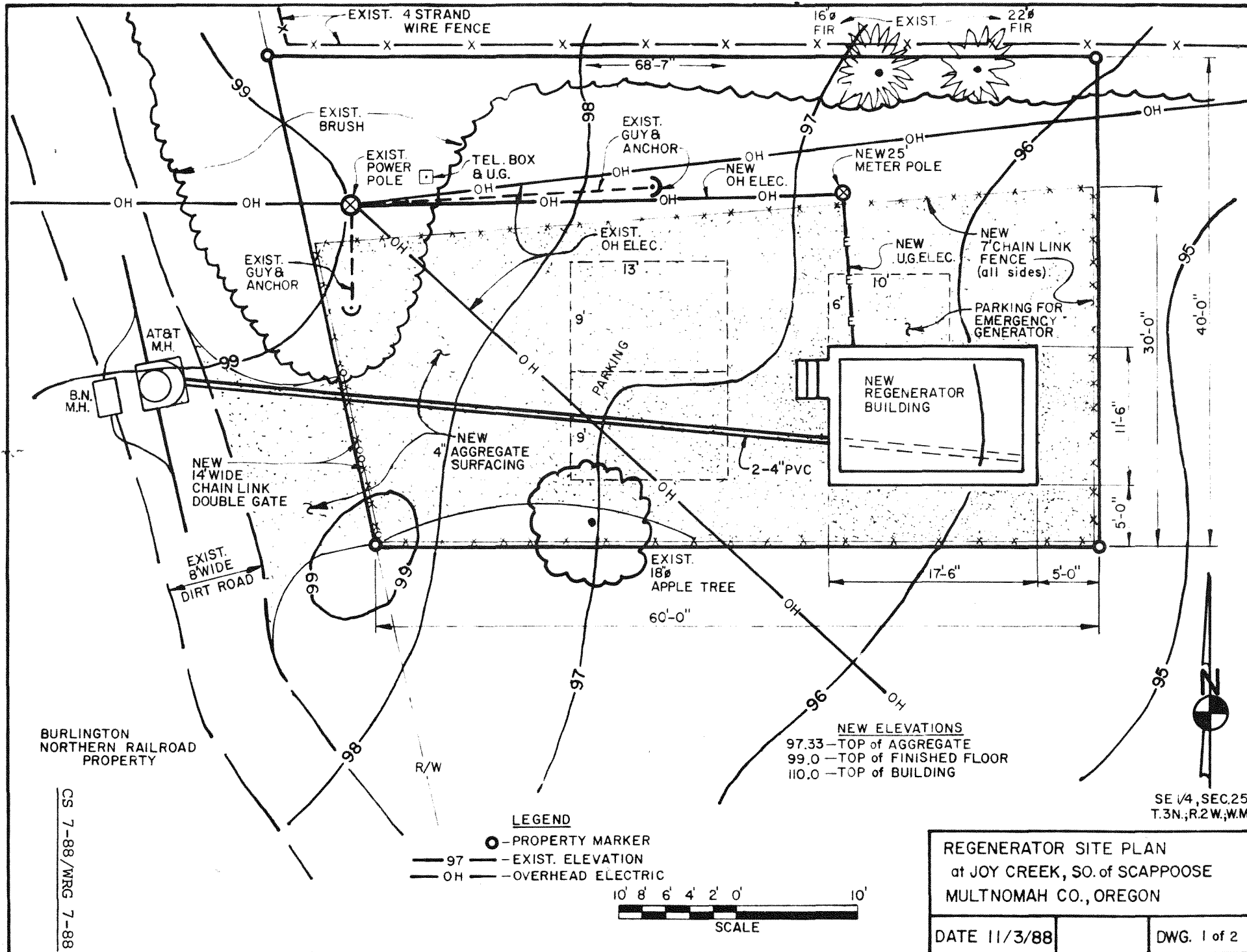
Planning Commission

MII

December 12, 1988



CASES:..... CS 07-88 & WRG 07-88
SITE IDENT:..... Portion of Tax Lot 12
SITE LOCATION:... SE 1/4 SEC 25, T3N, R2W, WM
SZM SHOWN:..... #3 (NW-A Zone Map Book)
MAP SCALE:..... 1 inch to 400 feet



CS 7-88/WRG 7-88

EXHIBIT "A"

FT1S-LV

This is the Exhibit "A" referred to in the Grant of Easement for Repeater Station executed the 24th day of October 1988, by the undersigned Grantor(s).

That portion of Lot 3 in the Southeast quarter of Section 25, Township 3 North, Range 2 West of the Willamette Meridian, in the County of Multnomah, State of Oregon, as shown on that survey filed August 31, 1988 in Multnomah County Records as Survey Number 50592, and more particularly described as follows:

Beginning at the intersection of the North line of Tract 3 of a Survey of the Estate of Clinton Bonser by John A. McQuinn, C.E., dated January 1915 and filed in Multnomah County records as Surveys numbered G5-48 and G5-51 with the Easterly right of way line of the S.P. & S. Railroad, said point bears North 0°-10' East a distance of 2,120.30 feet and East a distance of 1,491.50 feet from the South quarter corner of said Section 25; thence East along said North line of said Tract 3 a distance of 68.58 feet; thence South a distance of 40.00 feet; thence West a distance of 60.00 feet to said Easterly right of way line; thence in a northerly direction along said easterly right of way line through a curve to the left (said curve having a radius of 5,779.58 feet and a central angle of 0°24'20") a distance of 40.91 feet to the point of beginning.

Grantor(s):

Leonard G. H. Weilert, a single man


Leonard G. H. Weilert,
a single man

Condition of Approval:

Obtain Design Review approval of proposed site improvements pursuant to MCC .7010(F).

Findings of Fact:

1. Applicant's Proposal:

Applicant describes the proposal as follows:

"A 10 foot by 16 foot building will house equipment for regenerating an underground lightguide communication system with laser light. This is part of a system serving the north-west and into northern California. Its operation is continuous and without personnel.

The building is on a concrete foundation with a floor area of 160 square feet, precast concrete sides eight feet tall and a roof peak at eleven feet. It will be located on the property as shown on the attached location detail.

Two parking spaces will be provided for regular maintenance of equipment by pick-up truck or service van and also for an emergency generator vehicle, should a prolonged power outage occur.

There will be no outside storage."

2. Ordinance Considerations:

- A. The subject site is zoned MUA-20/WRG. The MUA-20, Multiple Use Agriculture zone allows Community Service uses if approved through Conditional Use procedures [reference MCC .2132(A)]. The proposed structure to house communication equipment is classified as a CS use [ref. MCC .7020(A)(12)].
- B. The site lies within the bounds of the Willamette River Greenway. MCC .6360(B) requires that the Willamette River Greenway Permit Application be combined with the Community Service request.
- C. MCC Section .7015 specifies approval criteria for Community Service uses. MCC .6372 specifies Greenway Design Plan elements which must be considered in approving developments within the Greenway.
- D. The applicant offers the following responses to the CS criteria and design plan elements; staff comments are subheaded within this section:

(1) Consistency With Area Character

"The intended use of the parcel is for a proposed small building similar to out-buildings on other residential and commercial properties in the neighborhood."

(2) Affect Natural Resources

"The parcel and building proposed are too small to have any effect on the natural resources of the area."

(3) Conflicts With Farm or Forest Uses

"Farm and forest areas will similarly be unaffected by the small sized proposal."

(4) Public Services Required

"County services and public utility services are available and adequate for this proposal."

(5) Big Game Winter Habitat

No findings presented.

Staff Comment:

The site lies outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife.

(6) Hazardous Conditions

"No hazardous conditions will be generated by the proposal, which is not located near a public right-of-way."

The proposed location was selected consistent with lightguide communication design."

(7) Comprehensive Plan Policies

"This request meets or complies with the following Comprehensive Plan Policies:

No. 13. There will be no discharge into the air, ground, or a water body and no noise will be generated by the equipment housed in the proposed building.

No. 14. The proposal is in a flat area in stable soil above any frequently flooded area.

No. 15. The request is for a building on a 0.06 acre tract, which is part of a larger 14 acre tract with an undeveloped access to the Willamette Slough. The smaller tract has no value as a recreation site, historic site, natural habitat, etc.

No. 16. This tract is not in an area of mineral or energy resource, watershed, or other natural resources.

No. 22. The equipment housed in the proposed building will use local utility electricity as efficiently as possible for its type of operation. Location of the facility is consistent with lightguide communication design.

No. 37. The proposal requests no water nor sewer service. Stormwater run-off can be handled on the site and run-off will not affect the adjacent water body. Adequate local electric service is available.

No. 38. The proposal's impact upon the local school, fire, and police protection districts will be minimal, if not nil."

E. The following responses from the applicant address the Greenway Design Plan elements in MCC .6372:

- "(1) No existing vegetation between the proposed building site and the river will be removed. In the 'after' condition, the building will be hidden from view by natural vegetation, from boaters on the river and from travelers along Highway 30.
- (2) Public access to the river remains unchanged and unaffected by the proposed construction.
- (3) The proposed site selected is between the Burlington Northern Railroad and the river at a point located away from the river to the greatest possible degree.
- (4) The site is not, in the 'before condition', utilized for farm purposes.
- (5) The 40' x 60' site will be cleared to the extent necessary for its proposed use; however, no timber beyond the vegetative fringes will be harvested.
- (6) No recreational activities are contemplated.
- (7) Fish and wildlife habitats are not significantly affected.
- (8) See (1) above.

Staff Comment: The project will not affect significant natural and scenic areas and it will be screened from view from both the river and St. Helens Highway.

- (9) Construction will be consistent with the Multnomah County codes. Access to the site will utilize the landowner's existing driveway from Highway 30 to the site. Visits by maintenance personnel will average one trip per week. No visits by public are anticipated.

- (10) The proposed site is approximately 700 feet west of the river. The natural vegetative fringe along the river will not be disturbed by this project.
- (11) Aggregate deposits will not be extracted under this project.
- (12) The graveled area surrounding the 10' x 16' building should not significantly alter water retention, overflow, and natural functions.
- (13) If it is determined that the site is of archeological significance, steps will be taken to protect from disturbance.
- (14) No potential for erosion exists, due to the flat topography.
- (15) There will be no discharge into the air, ground, or a body of water.
- (16) See (10) above.

Staff Comment: The proposed building site exceeds the required 150-foot setback from the river for non-water related or water dependent uses.

- (17) We understand that the proposed project is subject to design review, pursuant to MCC .7805 through .7865 to the extent that such design review is consistent with the elements of the Greenway Design Plan."

Staff Comment: Mr. Jim Payne, of the State Parks Division Rivers Program, indicated the project would have ..."no impact on the greenway"...based on the 700-foot separation between the use and the river, the nominal size of the structure and its location adjacent to the railroad tracks.

Conclusions

1. The proposal satisfies applicable approval criteria for Community Service uses and fulfills provisions of the Greenway Design Plan.
2. Design review of the project will insure the site is landscaped consistent with the Greenway Design Plan.

Signed December 12, 1988

By Ruth Spetter, Chairperson *sc*

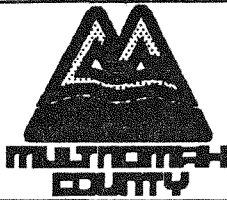
Filed with Clerk of the Board on December 22, 1988

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 9:00 a.m. on Tuesday, January 3, 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, January 3, 1989 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development at 248-3043.

MH:0928P



**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.

CU 17-88

Conditional Use Request

(Non-Resource Related Residence)

Applicant requests conditional use approval to develop this 4.5 acre Lot of Record with a non-resource related single family residence.

Location: 5945 NW Cornell Road

Legal: Tax Lots '29 & '33, Section 31, T1N, R1E (1988 Assessor's Map)

Site Size: 4.5 Acres

Size Requested: Same

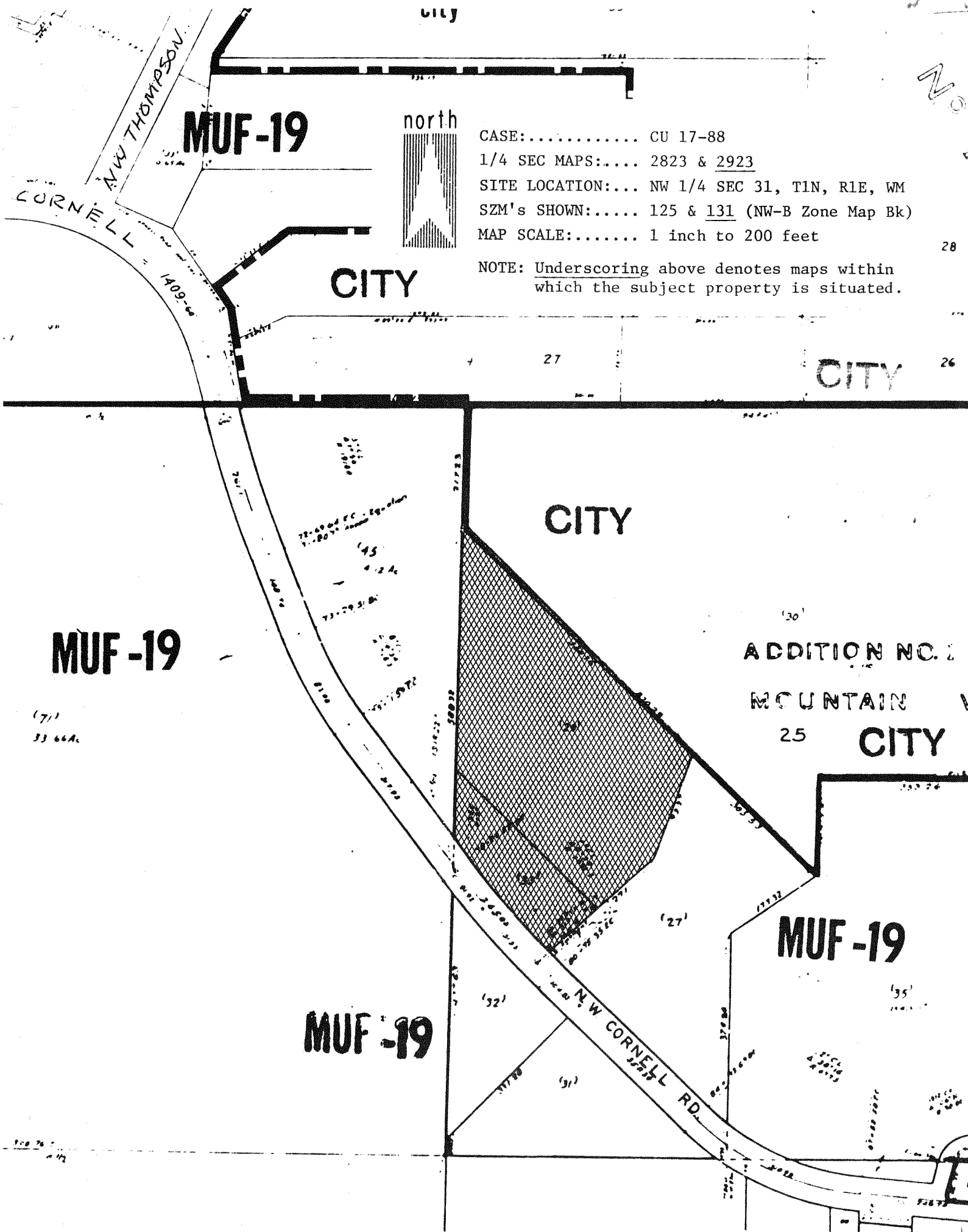
Property Owner: Pauline T. & Charles M. Greear
1635 NW Wygant 97217

Applicant: James A. Greear
5225 SW Menefee Drive 97201

Comprehensive Plan: Multiple Use Forest

Present Zoning: MUF-19

Planning Commission Decision: APPROVE, subject to conditions, development of this property with a non-resource related single family residence, based on the following Findings and Conclusions



city

MUF-19

north



CASE:..... CU 17-88

1/4 SEC MAPS:.... 2823 & 2923

SITE LOCATION:... NW 1/4 SEC 31, TIN, R1E, WM

SZM's SHOWN:..... 125 & 131 (NW-B Zone Map Bk)

MAP SCALE:..... 1 inch to 200 feet

28

NOTE: Underscoring above denotes maps within
which the subject property is situated.

CITY

27

CITY

26

CITY

MUF-19

ADDITION NO. 2

MOUNTAIN

25

CITY

MUF-19

MUF-19

(27)

(32)

(31)

(35)

N.W. CORNELL RD.

CITY OF PORTLAND
FOREST PARK



N.W. CORNELL RD.

CU 17-88

Conditions of Approval:

1. Prior to the issuance of building permits, the property owner shall provide the Planning and Development Division with a copy of the recorded restrictions required under MCC 11.15.2172(A)(5). A prepared blank copy of this deed restriction is available at the Planning and Development Offices.
2. Prior to issuance of building permits, meet the requirements of the Engineering Services Division to commit to participate in the future improvement of N.W. Cornell Road through deed restrictions. Contact Richard Howard at 248-3599 for additional information.
3. Prior to building permits, obtain a Land Feasibility Study from the County Sanitarian confirming the ability to use an on-site sewage system on the northerly parcel.
4. Prior to issuance of building permits, satisfy the residential use development standards for the MUF District as contained in MCC 11.15.2194.
5. Prior to issuance of building permits, consolidate Tax Lots '29' and '33' into a single tax lot and provide written confirmation from the Division of Assessment and Taxation that the consolidation has been finalized.

Findings of Fact:

1. Applicant's Proposal:

The applicant requests Planning Commission approval to develop the above-described 4.5-acre Lot of Record with a non-resource related single family dwelling.

2. Ordinance Considerations:

- A. A non-resource related single family dwelling is permitted in the MUF zoning district as a Conditional Use where it is demonstrated that:
- (1) The lot size shall meet the standard of MCC 11.15.2178(A) or .2182(A) to (C).
 - (2) The land is incapable of sustaining a farm or forest use, based upon one of the following:
 - a) A Soil Conservation Service Agriculture Capability Class of IV or greater for at least 75% of the lot area, and physical conditions insufficient to produce 50 cubic feet/-acre/year or any commercial tree species for at least 75% of the area;
 - b) Certification by the Oregon State University Extension Service, the Oregon Department of Forestry, or a person or group having similar agricultural and forestry expertise, that the land is inadequate for farm and forest uses and stating the basis for the conclusions; or

- c) The lot is a Lot of Record under MCC 11.15.2192(A) through (C) and is ten acres or less in size.
 - (3) A dwelling, as proposed, is compatible with the primary uses listed in MCC 11.15.2168 on nearby property and will not interfere with the resources or the resource management practices or materially alter the stability of the overall land use pattern of the area.
 - (4) The dwelling will not require public services beyond those existing or programmed for the area.
 - (5) The owner shall record with the Division of Records and Elections a statement that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct accepted forestry or farming practices.
 - (6) The dwelling 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 are acceptable.
- B. A residential use located in the MUF district after August 14, 1980 shall comply with the following:
- (1) The fire safety measures outlined in the "Fire Safety Considerations for Development in Forested Areas", published by the Northwest Inter-Agency Fire Prevention Group, including at least the following:
 - a) Fire lanes at least 30 feet wide shall be maintained between a residential structure and an adjacent forested area;
 - (2) An access drive at least 16 feet wide shall be maintained from the property access road to any perennial water source on the lot or an adjacent lot;
 - (3) The dwelling shall be located in as close proximity to a publicly maintained street as possible, considering the requirements of MCC 11.15.2058(B). The physical limitations of the site which require a driveway in excess of 500 feet shall be stated in writing as part of the application for approval;
 - (4) The dwelling shall be located on that portion of the lot having the lowest productivity characteristics for the proposed primary use, subject to the limitations of subpart #3 above;
 - (5) Building setbacks of at least 200 feet shall be maintained from all property lines, wherever possible, except:
 - a) a setback of 30 feet or more may be provided for a public road, or

- b) the location of dwelling(s) of adjacent lots at a lesser distance which allows for clustering of dwellings or sharing of access;
 - (6) The dwelling shall comply with the standards of the Uniform Building Code or as prescribed in ORS 446.002 through 446.200, relating to mobile homes;
 - (7) The dwelling shall be attached to a foundation for which a building permit has been obtained;
 - (8) The dwelling shall have a minimum floor area of 600 square feet; and
 - (9) The dwelling 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.
- C.. The subject property consists of two tax lots comprising a total of 4.5 acres. Under MCC 11.15.2182(B)(1), the two parcels are aggregated into one lot of record because they are under the same ownership and are each less than the minimum MUF-19 lot size. Since the two tax lots are aggregated for zoning purposes, they should be consolidated into a single tax lot to minimize any confusion for a future purchaser.

4. Site and Vicinity Characteristics:

- A. The subject property is a Lot of Record of 4.5 acres located on the northeasterly side of N.W. Cornell Road about 800 feet northwesterly of its intersection with N.W. 53rd Drive. It is vegetated with a mixture of conifer and deciduous trees. The property is not within a designated big game winter habitat.
- B. Properties in the surrounding area range in size from 1.09 acres to 33 acres in size. Some of the smaller lots are developed with rural residences, while the larger parcels are undeveloped.
- C. The applicant proposes to locate the residence on the property in compliance with the Residential Location Standards of the MUF zone. the site will need approval for subsurface sewage disposal and water will be provided by a private well. Telephone and power facilities are available along the Cornell Road frontage.

Conclusions:

- 1. The property is a Lot of Record of less than ten acres in size; thereby, is incapable of sustaining a farm or forest use.
- 2. Conditions are necessary to insure compliance with all Code provisions.
- 3. The applicant has carried the burden necessary for the approval of a non-resource related single family dwelling in the MUF-19 zoning district.

IN THE MATTER OF CU 17-88:

Signed December 12, 1988

By Ruth Spetter, pc
Ruth Spetter, Chairperson

Filed with Clerk of the Board on December 22, 1988

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 9:00 a.m. on Tuesday, January 3, 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, January 3, 1989 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development at 248-3043.

DP:0927P



**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.

CU 16-88

Conditional Use Request

(Professional Office)

Applicant requests conditional use approval to utilize a portion of an existing single family residence as a single-attorney law office. Business hours will be from approximately 9 AM to 5 PM, with an estimated clientele of 15-20 persons per week.

Location: 15234 SE Stark Street

Legal: Tax Lot '4' of Lot 1, Block A, Ritlow Acres

Site Size: 7,000 Square Feet

Size Requested: Same

Property Owner: Harvey O. & Janet G. Akeson
2701 W Jade, Tucson, AZ 85705

Applicant: Patricia L. Thompson
15234 SE Stark

Comprehensive Plan: Urban High Density Residential

Present Zoning: HR-2 – Urban High Density Residential

Planning Commission Decision: APPROVE conditional use request to utilize a portion of an existing single family residence as a single-attorney office, subject to conditions, based on the following findings and conclusions.

Planning Commission

RH

December 12, 1988

HPPT

ST.

E BURNSIDE

north

LR-5

CASE:..... CU 16-88
1/4 SEC MAPS:.... 3045, 3046, 3145, & 3146
SITE LOCATION:... NE 1/4 SEC 01, T1S, R2E, WM
SZM's SHOWN:..... 385 & 386 (NE Zone Map Book)
392 & 393 (SE Zone Map Book)
MAP SCALE:..... 1 inch to 200 feet

NOTE: Underscoring above denotes maps within which the subject property is located.

HR-2

TLR-5

LR-7.

LR-7.5

LR-10

THR

HR-2

EAST GLADE

PAN

102-65 Cond.

S.E. STARK ST.

MC18-70
HR-2

HR-2

HR-2

LR-7

MA

LR-7

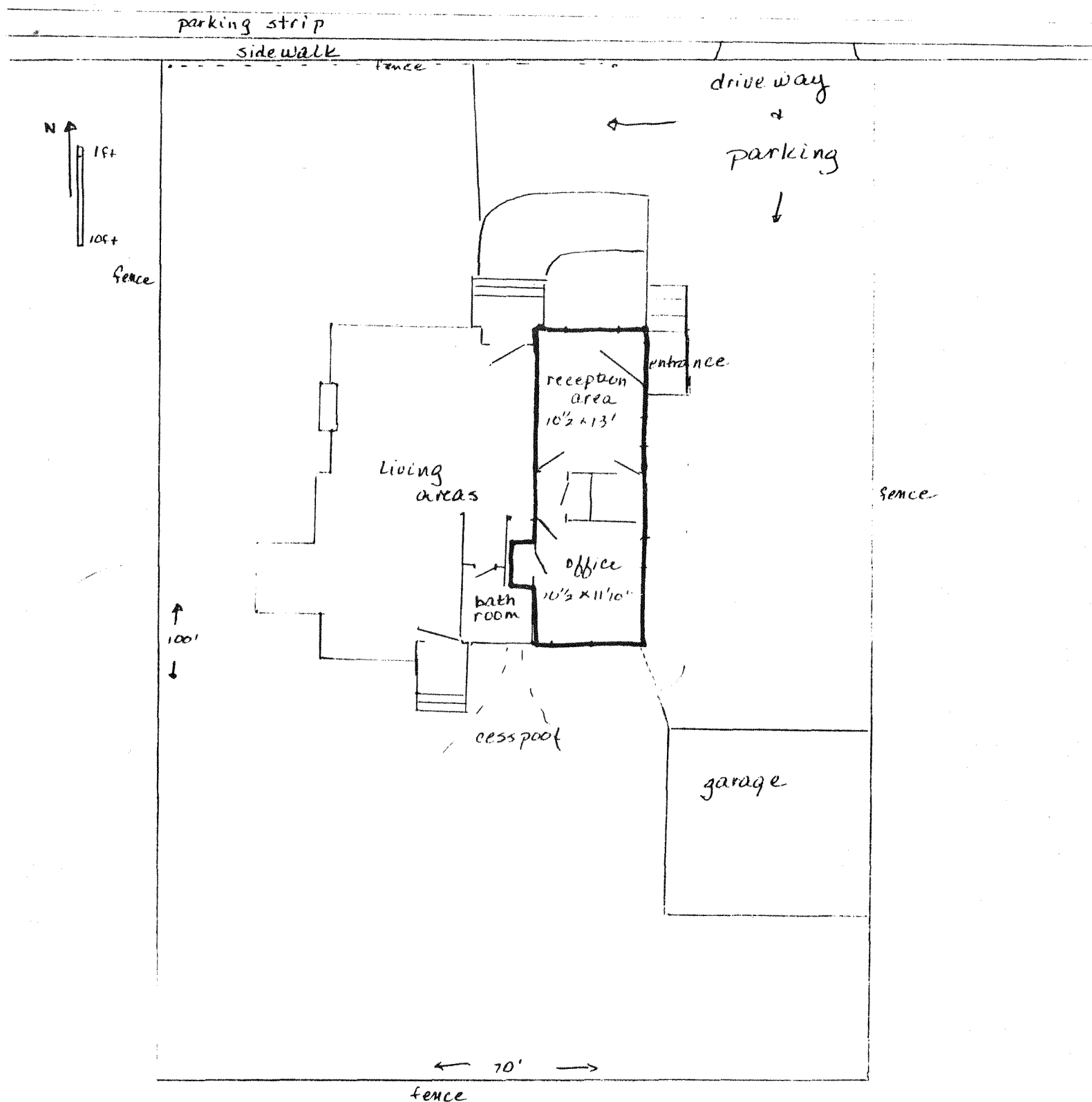
RES

LR-7

SE ALDER ST

SE ALDER

SE STARK ST.



Note: This is a $1\frac{1}{2}$ story home with basement, but the office use is confined to the main floor.

CU 16-88

Condition of Approval

1. Meet County Design Review requirements. Contact Mark Hess of the County Land Development Section at the D.E.S. Building, 2115 SE Morrison Street (248-3043).
2. Meet County Engineering Section requirements for any potential improvements to the S.E. Stark Street frontage. Contact Richard Howard of the County Engineering Section at the Yeon Building, 1620 S.E. 190th (248-5050).

Findings of Fact

1. Applicant's Request: "The plan is to use two rooms of the home, one of which already has an outside entrance, as a reception area and office, and to live in the remainder of the home, which includes an upstairs and unfinished basement. I have one child, as well as myself. I would estimate approximately 15 to 20 clients coming to the location on an average weekly basis. I also anticipate having a part-time secretary, to work about 15 hours per week. There is a bathroom adjacent to the office area which would be used by clients, as well as for personal use. There is adequate parking on the premises, with a turnaround area for safety in entering the street again."
2. Site and Vicinity Characteristics: This property is located on the south side of SE Stark Street just easterly of its intersection with SE 153rd Avenue. Properties in the surrounding area are used for a mixture of residential and commercial purposes.

The subject property is developed with a single family residence. Two rooms of that house are proposed to be converted to the law firm use. No additional construction is proposed. Design Review will insure that adequate parking and landscaping are provided for the use.

3. County Zoning Ordinance (MCC 11.15). Considerations:

- A. The subject property is zoned HR-2, High Density Residential. A professional office is allowed as a Conditional Use which has to be approved by the Planning Commission at a public hearing. The office approval criteria of MCC .2710 must be satisfied.

- B. The office approval criteria of MCC .2710 are:

"In approving a business or professional office as a Conditional Use the approval authority shall find that the proposal:

- (1) Will satisfy the applicable elements of Comprehensive Plan Policies No. 5 (Economic Development), No. 19 (Community Design), No. 20 (Arrangement of Land Uses), No. 22 (Energy Conservation) and No. 29 (Office Location (Isolated));
- (2) Will satisfy the development standards listed in MCC .2712;

- (3) Will have minimal adverse impact, taking into account location, size, design and operating characteristics on the liveability, value and development of abutting properties and the surrounding area; and
- (4) Will satisfy the applicable dimensional and other requirements of the district."

C. In response to the above approval criteria, the following findings are made:

(1) Applicable Comprehensive Plan Policies:

No. 5-Economic Development: This proposal would allow a small firm to become located at a location that places no burden on available public services, while promoting the economic development of that firm.

No. 19-Community Design: This area is designed as a mixture of residential, including single and multi-family units, and professional and commercial uses. This proposal fits within this profile, as in appearance and use it will be a single family residence, with the exception of a sign announcing it to be an office as well. There will be no increase in level of traffic, noise or the like from what a normal residence would generate.

No. 20-Arrangement of Land Uses: This proposal fits within the policy of blending appropriate uses, and maximizing use of existing land and structures. Further, community stability is enhanced by living and working at the same location.

No. 22-Energy Conservation: This location is within walking distance of MAX and a Tri-Met bus line, and a number of clients potentially will use these services, thus achieving a goal of energy conservation. The applicant anticipates a consistent use of MAX in making necessary trips downtown for court appearances, again conserving energy.

No. 29-Office Location: This type of office meets the needs of individuals on a personal and small scale, adjacent to where they live, conveniently located for use of public transportation, fits squarely within the stated goals of this policy. The policy of encouraging the integration of office services into other use areas, thereby reducing required automobile trips, is met by having one's office in one's residence. A specific goal is to provide for home occupations.

No. 37: Adequate water and sanitary disposal facilities are in existence at the site.

No. 38: With respect to facilities, those available are certainly adequate. Also, a more constant presence in the location contributes to the safety of the neighborhood.

This proposal satisfies the development standards listed in MCC 11.15.2712, in that the office will be located in a residence, a permitted use. There is a large, blacktopped driveway with room for several cars and an area where a car can turn around to drive back onto S.E. Stark Street without having to back out. No conflict between parking the applicant's vehicle and that of clients will exist.

The proposed use will have no adverse impact on liveability or value of either this property or adjacent properties. The outside appearance will remain virtually unchanged and no remodelling of the office portion of the interior is anticipated. Since appearance for clientele will be important to the professional well-being of the applicant, over-all care of the property should be higher than what would normally be expected.

Since no structural changes will be made, applicable dimensional and other requirements will be met.

(2) Development Standards of MCC .2712:

The Development Standards of MCC .2712 are:

"The use shall be located in a structure occupied by other permitted or authorized uses, or in a detached structure which is compatible with the character and scale of structures in the vicinity occupied by permitted uses; and

Vehicular access, circulation, parking and loading shall be provided without conflict with similar facilities required for other uses on the same property."

(3) Minimal Adverse Impact:

The property will have a minimal adverse impact on the liveability, development and value of surrounding properties. The compatibility of the size and design of the project have already been discussed. The location of the project will be directly beneficial to the area.

3. Compliance With Approval Criteria: The proposal satisfies the applicable approval criteria as follows:

- A. The use will be located in a structure that is also used as a residence and is consistent with the character of the area in that along S.E. Stark Street there is a mix of homes (which this will continue to be), apartments, professional offices, (which this will be as well), and other businesses. Some offices and businesses are in former homes, which is consistent in appearance with the proposed use. The existing structure satisfies all access and dimensional requirements and will be reviewed by Design Review for circulation, parking, landscaping, etc.

The applicant further states:

"I believe there is a public need for this use. A high percentage of my existing clients live in the east county area. Also, I believe that out of approximately 4,000 attorneys in the Portland area, only about 100 are located in this area. I practice family law, and these clients usually appreciate an attorney in their own area. Also, it would appear that the best use of this particular residence is a combined use, as it is less appealing to individuals as simply a residence due to its location on a busy street, and the extra outside entrance in the one room which would otherwise presumably be a bedroom. Based upon conversations with neighbors, previous tenants have not cared for the property and it has been a neighborhood eyesore and nuisance. Enhanced appearance and responsible use of the property would obviously answer a public need.

In general I am open for business between 9 a.m. and 5 p.m., although this varies somewhat. My clients are generally working-class individuals. I would rarely have more than one client in the office at a time."

Conclusions:

1. Finding 3 indicates that the proposal satisfies the office approval criteria of the County Zoning Ordinance for an office in the HR-2 zone and for the requested variance.
2. According to Finding 3.C., the proposal is in conformance with the applicable policies of the Comprehensive Plan.
3. The applicant has carried the burden necessary for the granting of a Professional Office in an HR-2 district as a Conditional Use.

Signed December 12, 1988

By Ruth Spetter, PC
Ruth Spetter, Chairperson

Filed with Clerk of the Board on December 22, 1988

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 9:00 a.m. on Tuesday, January 3, 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, January 3, 1989 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development at 248-3043.

0930P

Decision
December 12, 1988