



Multnomah County Oregon

Board of Commissioners & Agenda

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BOARD OF COMMISSIONERS

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OCTOBER 28, 29 & 31, 2002

BOARD MEETINGS

FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	7:00 p.m. Monday Gresham Public Hearing
Pg 2	9:30 a.m. Tuesday Updates on FY 03, FY 04 Budgets, Stakeholder Workshops and BIT
Pg 3	9:00 a.m. Thursday Update on Wapato Jail
Pg 3	9:30 a.m. Thursday AMR Contract Extension
Pg 4	9:45 a.m. Thursday 2nd Readings West of Sandy River Ordinances
Pg 4	10:00 a.m. Thursday 1st Reading Ordinance Re-adopting Land Use Code Sections in Response to Remand Order
Pg 4	10:15 a.m. Thursday OSCP and Homeless Youth Oversight Committee Program Update

Thursday meetings of the Multnomah County Board of Commissioners are cable-cast live and taped and may be seen by Cable subscribers in Multnomah County at the following times:

Thursday, 9:30 AM, (LIVE) Channel 30

Friday, 11:00 PM, Channel 30

Saturday, 10:00 AM, Channel 30

Sunday, 11:00 AM, Channel 30

Produced through Multnomah Community
Television

(503) 491-7636, ext. 333 for further info
or: <http://www.mctv.org>

Monday, October 28, 2002 - 7:00 - 9:00 PM
East Multnomah Building, Sharron Kelley Conference Rooms A & B
600 NE 8th Street, Gresham

PUBLIC HEARING

The Multnomah County Board of Commissioners is providing an additional opportunity for public input on the proposed Multnomah County Ordinances listed below. Please fill out a speaker form available at the hearing and present it to the Clerk. Testimony will be limited to three minutes per person.

PH-1 Proposed ORDINANCE Adopting the West of Sandy River Rural Area Transportation and Land Use Plan and Wildlife Habitat and Stream Corridor ESEE Report as Part of the Multnomah County Comprehensive Framework Plan, Zoning Code Chapter 36 as Part of the Multnomah County Code of Ordinances Volume II: Land Use, and Zoning Map Amendments in Continuation of the County Rural Area Planning Program and the Reorganization Efforts of Ordinance Nos. 910 and 953 to Revise, Amend, Restate, Codify and Repeal Certain Existing Code Provisions

PH-2 Proposed ORDINANCE Amending MCC Chapter 29 to Add Grading and Erosion Control and Flood Hazard Regulations Needed to Implement the Policies of the West of Sandy River Rural Area Transportation and Land Use Plan and to Comply with Metro Functional Plan Title 3 Requirements for Water Quality Protection

Tuesday, October 29, 2002 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BOARD BRIEFINGS

B-1 Fiscal Year 2003 Budget Update; Fiscal Year 2004 Budget, Process and Stakeholder Workshops. Presented by Tony Mounts. 1 HOUR REQUESTED.

B-2 Update on Community Partnership Agreement - County Business Income Tax. Presented by Kathy Turner, Dave Boyer and Invited Guests. 1 HOUR REQUESTED.

Thursday, October 31, 2002 - 9:00 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BOARD BRIEFING

B-3 Briefing on Wapato Jail Presented by Captain Jay Heidenrich.

Thursday, October 31, 2002 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

CONSENT CALENDAR - 9:30 AM **NON-DEPARTMENTAL**

- C-1 Appointment of Robert Delf to the Multnomah County COMMUNITY HEALTH COUNCIL
- C-2 Reappointments of M'Lou Christ and Ken Ray to the Multnomah County CITIZEN INVOLVEMENT COMMITTEE

DEPARTMENT OF COUNTY HUMAN SERVICES

- C-3 Budget Modification CHS_05 Adjust Revenues and Expenditures for Addiction Services and Domestic Violence Programs to Bring the Budget in Line with Actual Expenditures and Revenue Agreements; Net Increase of .16 FTE Research Evaluation Analyst (Gambling Prevention Coordinator)

REGULAR AGENDA - 9:30 AM **PUBLIC COMMENT - 9:30 AM**

Opportunity for Public Comment on Non-Agenda Matters. Testimony is Limited to Three Minutes per Person.

DEPARTMENT OF HEALTH - 9:30 AM

- R-1 RESOLUTION Declaring Intent to Extend Agreement for Exclusive Emergency Ambulance Services, Contract No. 200726 with Buck Medical Services, dba American Medical Response, Northwest (AMR) and Authorizing Negotiations for Extension

OFFICE OF SCHOOL AND COMMUNITY PARTNERSHIPS - 9:40 AM

- R-2 NOTICE OF INTENT to Submit an Application to Portland Public Schools to be Listed as an Approved Provider of Supplemental Educational Services to Students Attending SUN High Schools

DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES- 9:45 AM

- R-3 Second Reading and Possible Adoption of an ORDINANCE Adopting the West of Sandy River Rural Area Transportation and Land Use Plan and Wildlife Habitat and Stream Corridor ESEE Report as Part of the Multnomah County Comprehensive Framework Plan, Zoning Code Chapter 36 as Part of the Multnomah County Code of Ordinances Volume II: Land Use, and Zoning Map Amendments in Continuation of the County Rural Area Planning Program and the Reorganization Efforts of Ordinance Nos. 910 and 953 to Revise, Amend, Restate, Codify and Repeal Certain Existing Code Provisions
- R-4 Second Reading and Possible Adoption of an ORDINANCE Amending MCC Chapter 29 to Add Grading and Erosion Control and Flood Hazard Regulations Needed to Implement the Policies of the West of Sandy River Rural Area Transportation and Land Use Plan and to Comply with Metro Functional Plan Title 3 Requirements for Water Quality Protection
- R-5 First Reading and Possible Adoption of an ORDINANCE Repealing and Re-Adopting Numerous County Land Use Ordinances in Response to Land Use Board of Appeals Remand Order (LUBA No. 2001-171) and Declaring an Emergency
-

Thursday, October 31, 2002 - 10:15 AM
(OR IMMEDIATELY FOLLOWING REGULAR MEETING)
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BOARD BRIEFING

- B-4 Office of School and Community Partnerships and Homeless Youth Oversight Committee Program Update. Presented by Laura M. Bridges, Mary T. Li, Rosie Sizer, Dennis Morrow, Kathy Oliver and Malysa Olivas. 1 HOUR REQUESTED.



Diane Linn, Multnomah County Chair

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MEMORANDUM

TO: Commissioner Maria Rojo de Steffey
Commissioner Serena Cruz
Commissioner Lisa Naito
Commissioner Lonnie Roberts
Board Clerk Deb Bogstad

FROM: Delma Farrell
Administrative Director

DATE: October 28, 2002

RE: Board Briefing/Meeting Excused Absences

Chair Linn will be unable to attend the public hearing in Gresham on October 28th because of a prior commitment.

cc: Laura Bridges, Executive Assistant



Commissioner Serena Cruz, District 2

MULTNOMAH COUNTY OREGON

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MEMORANDUM

TO: Chair Diane Linn
Commissioner Maria Rojo
Commissioner Lisa Naito
Commissioner Lonnie Roberts
Board Clerk Deb Bogstad

FROM: Mary Carroll
Staff to Commissioner Serena Cruz

DATE: October 28, 2001

RE: Public hearing Absence

Commissioner Cruz will not be able to attend the Public Hearing in Gresham tonight because of a previously scheduled appointment.

AGENDA PLACEMENT REQUEST

Board Clerk Use Only:
Meeting Date: October 28, 2002

Bud Mod #:

Agenda Item #: PH-1

Estimated Start Time: 7:00 PM

Date Submitted: 10/02/02

Requested Date: 10/24/02

Amount of Time Requested: 105 min.

Department: DBCS

Division: Land Use & Transportation

Contact/s: April Siebenaler / Chuck Beasley

Phone: 503-988-3043

Ext.: 29637 / 22610

I/O Address: 455/116

Presenters: April Siebenaler & Chuck Beasley

Agenda Title: An Ordinance adopting the West of the Sandy River Rural Area Transportation and Land Use Plan.

NOTE: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide clearly written title.)

Please answer all relevant questions; leave others blank. Please do not alter form.

1. What action are you requesting from the Board? What is the department/agency recommendation?

Action requested includes hearing and adoption of the West of Sandy River Rural Area Transportation and Land Use Plan, and implementing ordinances. The five elements which need to be adopted are:

The West of Sandy River Rural Area Transportation and Land Use Plan and Policies;

The Wildlife Habitat and Stream Corridor ESEE Report;

The zoning ordinance for the area, Chapter 36 of the Multnomah County Code;

The Significant Environmental Concern Overlay Zone map;

The zoning map for the Orient and Pleasant Home Rural Communities.

The Multnomah County Planning Commission and staff recommend adoption of the plan and implementing ordinances. The Planning Commission Resolution which contains the recommendation is included in this packet. Please see the attached Planning Commission Resolution PC- 01-007.

2. Please provide sufficient background information for the Board and the public to understand this issue.

The West of Sandy River Rural Area Transportation and Land Use Plan is an integrated land use and transportation plan that contains specific policy direction and implementation measures for the West of Sandy River rural area. It is the 4th in the series of 5 area plans envisioned by the Board of Commissioners to plan for the unique needs of the rural communities of Multnomah County. It is a combined transportation and land use plan with the objective to take both policies and implementing ordinances through the plan formulation and adoption process together.

The plan includes significant programs for the rural communities of Orient and Pleasant Home, includes protection for riparian corridors and wildlife habitat, proposes measures intended to protect farming in the area, and it includes the Transportation System Plan for the area. These programs address state mandates to plan for rural communities, to protect significant wildlife habitat, to plan the transportation system, and are intended to carry out the community vision. For more information about the West of Sandy River area and plan, please see the Executive Summary on pages ii and iii of the plan document.

3. Explain the fiscal impact (current year and ongoing).

No identified fiscal impact

NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.

If a budget modification, explain:

- ❖ What revenue is being changed and why?
- ❖ What budgets are increased/decreased?
- ❖ What do the changes accomplish?
- ❖ Do any personnel actions result from this budget modification? Explain.
- ❖ Is the revenue one-time-only in nature?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain:

- ❖ Why was the expenditure not included in the annual budget process?
- ❖ What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?
- ❖ Why are no other department/agency fund sources available?
- ❖ Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.
- ❖ Has this request been made before? When? What was the outcome?

If grant application/notice of intent, explain:

- ❖ Who is the granting agency?
- ❖ Specify grant requirements and goals.
- ❖ Explain grant-funding detail – is this a one-time only or long-term commitment?

- ❖ What are the estimated filing timelines?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?
- ❖ How will the county indirect and departmental overhead costs be covered?

4. Explain any legal and/or policy issues involved.

The plan policies and zoning ordinance limit nonfarm uses in EFU and MUA-20 zones in order to minimize new conflicts with farming and to support the farm economy of the plan area. The plan policies and zoning code approval criteria contain a provision to limit nonfarm uses to a type and scale to primarily serve the needs of the rural area.

The plan does not provide for public and private parks in the EFU zone due to the high potential for disruption of farming. Regional trails are required to be considered through a master plan process in order to ensure broad public participation for any potential trail through the area.

The plan extends Metro Title III water quality protection measures to the entire area in order to have one set of regulations for the plan area. This includes the east approximately one-third of the plan area that is outside of Metro's Jurisdictional Boundary.

The protection measures for fish and wildlife habitat in the SEC ordinance set up an overlay zone that includes forested areas and land within 200' on either side of area streams. This is a watershed approach that extends to small intermittent streams as well as larger streams in order to help ensure that a fuller range of watershed functions is protected. This approach is driven in part by the presence of ESA listed fish in both the Johnson Creek and Sandy River/Beaver Creek systems.

The plan includes a new zoning code and map for the unincorporated rural communities of Orient and Pleasant Home. These were developed in part to meet state mandated planning requirements for existing unincorporated communities that are located in rural areas but that contain development densities that are urban. Compliance with these requirements will allow the county to continue to permit development of residential uses on one acre parcels, and allow limited rural service commercial or rural industrial uses.

The plan also includes a Transportation System Plan in compliance with state transportation planning mandates. The plan consists of an inventory of area roads, traffic volumes both now and in the future, descriptions of needed system improvements, and policies to guide future decisions.

Notification of the scheduled hearing date of October 24, 2002 is being provided as required by state law. Notice of the hearing has been mailed to 1,244 individual property owners, and arrangements for publication of a notice in a newspaper of general circulation at least 10 days before the hearing has been made.

5. Explain any citizen and/or other government participation that has or will take place.

Citizen Participation:

The plan was developed at 16 citizen Task Force (TF) meetings. The TF was made up of 14 people including area residents, a watershed council representative, and Planning Commission and Board of Commissioner liaisons. The meetings were open to the public and time was reserved at each meeting for public comments. Meeting announcements and agendas were sent to a list that grew to over 210 people by the end of the process. TF meeting notices were also provided to area newspapers for printing prior to meetings.

Two general Open House meetings were conducted after notification to all property owners in the plan area. In addition, owners of property potentially affected by the riparian corridor planning were notified of two open house opportunities for them to see the proposed stream maps and ask questions. Finally, an open house for Orient and Pleasant Home business owners was held to provide them a chance to hear about the proposed new zoning and to ask questions.

In addition to the above, three area wide notices to all property owners were provided during the five Planning Commission hearings, along with newspaper notice and individual notice to hearings participants.

Staff anticipates that citizens will attend the October 24, 2003 hearing on this matter.

Other Government Participation:

The plan benefited from technical assistance received at three Technical Advisory Committee meetings that were held during plan formulation. Some of the agencies that participated include: the Department of Land Conservation and Development, Natural Resources Conservation Service, Oregon Department of Fish and Wildlife, Sandy River Basin Watershed Council, East Multnomah County Soil and Water Conservation District, Metro, City of Gresham, Oregon Parks and Recreation, City of Sandy. A complete list of agencies notified is in the appendix of the plan.

Meetings Calendar:

October 1998 - Community Open House

October 1998 – February 1999, PSU Study of Orient RC, including two open house meetings.

January 1999 - Scoping Report Adopted by Board of Commissioners

September 1999 - First of 16 Task Force meetings was held.

March 2001 - Land Use Technical Advisory Committee Meeting for Rural Communities, farm, forest, parks, and exception lands.

May and June 2001 – Two Open House meetings for property owners impacted by Goal 5 resource protection plan.

June 2001 - Land Use Technical Advisory Committee Meeting for Goal 5

June 2001 - Community Open House

July 2001 - Orient and Pleasant Home Business Owners Meeting.

August – November 2001 - Plan preparation, final Task Force meeting.

January – September, 2002 Five Planning Commission Hearings on WSR.

**Attachments to the Agenda Placement Request:
Planning Commission Resolution PC-01-007
Ordinance adopting the West of Sandy River Rural Area Transportation and Land
Use Plan and Exhibits:**

**Exhibit A. The West of Sandy River Rural Area Transportation and Land
Use Plan and Transportation System Plan.**

Exhibit B. The Wildlife Habitat and Stream Corridor ESEE Report.

Exhibit C. Chapter 36 on the Multnomah County Code of Ordinances.

Exhibit D. SEC Overlay Zone Map.

Exhibit E. Orient and Pleasant Home Zone Map.

Required Sign Off (NOTE: electronic check indicates approval)

Department/Agency Director ☒ M. Cecilia Johnson

Agenda Review Team ☐ By: (type name of approver) Date:

Ballot Measure 56, adopted by voters on Nov. 3, 1998, requires the following language to be included in this notice:

"This is to notify you that Multnomah County has proposed a land use regulation that will affect the permissible uses of your land. Multnomah County has determined that this proposal will affect the permissible uses of your property and may reduce the value of the subject property."



Public Hearing Notice

Multnomah County invites you to a public hearing regarding the proposed West of Sandy River Rural Area Transportation and Land Use Plan.

**Public Hearing before the
Multnomah County Board of Commissioners
October 24, 2002 at 9:30 a.m.
Multnomah Building, First Floor Boardroom (Room 100)
501 SE Hawthorne Blvd. Portland, OR 97214**

This is a public hearing for testimony on the **West of Sandy River Rural Area Transportation and Land Use Plan**. The plan proposes new comprehensive plan policies and a revised zoning code to guide development in the area. The new policies address transportation system planning, zoning for the Orient and Pleasant Home Rural Centers, farm and forest lands, multiple use agriculture and rural residential areas, and protection of water quality and fish and wildlife habitat. The zoning code revisions include changes to the existing ordinances for areas zoned Exclusive Farm Use (EFU), Commercial Forest Use (CFU), Multiple Use Agriculture 20 Acre (MUA-20), and Rural Residential (RR). A new zoning map and ordinances for all land within the Orient and Pleasant Home Rural Centers is proposed. A new overlay zone map and zoning ordinance is proposed to protect fish and wildlife habitat pursuant to the requirements of Statewide Planning Goal 5 Natural Resources. The overlay zone map identifies streams and forested areas that have been determined to be significant in the West of Sandy River ESEE report, which is also being considered for adoption. The general locations of the proposed protection areas are shown on the map included as page 4 of this notice.

If, after reading this notice, you have further questions about how the proposal applies to your land, or about how to participate in the public hearing, please contact:

Chuck Beasley
Land Use Planning
phone (503) 988-3043
fax (503) 988-3389
email charles.h.beasley@co.multnomah.or.us

A copy of the draft ordinance can be viewed on the internet at: www.co.multnomah.or.us/dscd/landuse or can be purchased at the cost of printing from the Land Use Planning Office
1600 SE 190th Ave.
Portland, OR 97233

Office hours are 8:00 am to 4:00 pm, M-F.

Description of Proposed Ordinances

The information below is a brief summary of some of the more significant changes that are proposed, but is not intended to be a complete list of all changes. If you have questions, please contact us.

All Zones - Amends “Lot of record” provisions to standardize definitions across all rural zones. Nonfarm and conditional uses are limited to a type and scale to serve the rural area except in the CFU zone. Adds “right to farm” deed covenant for new and replacement dwellings.

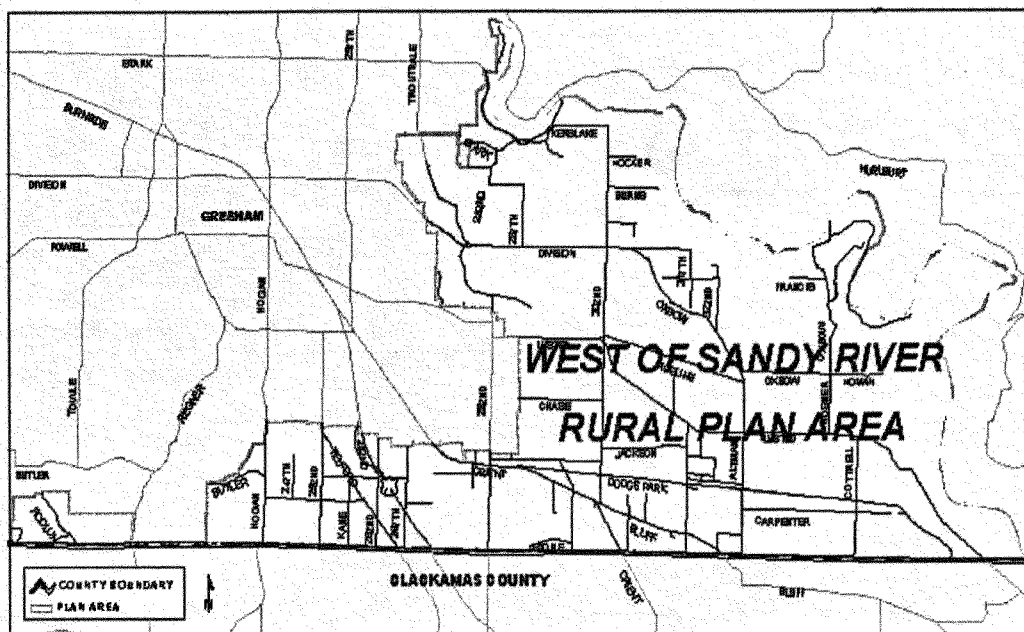
Exclusive Farm Use (EFU) - Reduces aggregation of parcels requirement to only apply to contiguous parcels owned on February 20, 1990. Removes dog kennels and public and private parks from the list of allowable uses. Adds wildlife habitat conservation plan opportunity, and clarifications from state statutes and Rules.

Commercial Forest Use (CFU) - Reduces aggregation of parcels requirement to only apply to contiguous parcels owned on February 20, 1990. Adds wildlife habitat conservation plan opportunity. Adds opportunity to divide a parcel that has two lawful dwellings.

Multiple Use Agriculture 20 Acre (MUA-20) – Removes 2nd dwelling for farm help and provision for a lot less than minimum parcel size to comply with Statewide Planning Goal 14. Removes prior allowance for commercial uses on poor soils.

Rural Residential (RR) - Requires a "right to farm" deed covenant for new and replacement dwellings. Removes 2nd dwelling for farm help and lot less than minimum parcel size to comply with Statewide Planning Goal 14. Removes prior allowance for commercial uses on poor soils.

Rural Center (RC) - Requires a “right to farm” deed covenant to be recorded for new and replacement dwellings. In the Orient area, divides existing RC zone into residential and commercial-industrial zones as shown on a new zoning map. Adds small-scale low impact size limitation to commercial and industrial uses, changes the list of allowable commercial and industrial uses, changes Type B home occupations to administrative process. Removes 2nd dwelling for farm help and lot less than minimum parcel size to comply with Statewide Planning Goal 14.



Description of Proposed Fish and Wildlife Habitat Protection Ordinance

The information below is a brief summary of some of the more significant parts of the plan to protect fish and wildlife habitat. The plan is based on the ESEE report, which is the inventory and analysis of riparian corridors and wildlife habitat. The report explains the Goal 5 process and is viewable on the internet at the address on the first page of this notice, or can be obtained at our offices for the cost of printing. A summary of the inventory is contained in the West of Sandy River Rural Area Plan, Board of Commissioners Draft, October 24, 2002, beginning on page 16. The complete ESEE report is the document entitled, Economic, Social, Environmental, and Energy Report, Draft October 24, 2002.

Where the Regulations Apply

Areas where development would be regulated under the proposed Significant Environmental Concern (SEC) overlay zone are areas that contain riparian corridors and wildlife habitat. Riparian corridors are areas within 200' from each side of a significant stream (water resource), and are proposed to be designated, SEC-wr. Significant wildlife habitat is composed of forested areas connected to streams, and larger blocks of forested land, and is designated SEC-h. The SEC overlay zone also continues the existing requirements that apply to land areas within the Sandy River Wild and Scenic River and Scenic Waterway, designated as SEC-sw. These areas are shown on the map on the following page.

Please examine the attached map. If you are unsure if your property is within an SEC area, or if you need more information about how the proposed ordinance may affect you, please call us at 503-988-3043.

Purpose of the Proposed SEC Overlay Ordinance

Development within the mapped areas will require a permit that is intended to ensure that rivers and streams and fish and wildlife habitat is protected when development occurs. Development is broadly defined as manmade change to the land including construction of buildings, grading in an amount greater than 10 cubic yards, or removal of 10% of the vegetation in a water resource or habitat area.

Exceptions to SEC Permit Requirements

The proposed ordinance **does not regulate farming practices** such as tilling, spraying, planting, harvesting, and irrigation, timber cutting under the Forest Practices Act, repair and maintenance of existing structures and driveways, existing yards and gardens, additions of less than 400 square feet to existing dwellings, and emergency responses.

Existing lawfully established structures may be replaced within the same building lines in SEC-wr areas when areas near streams are enhanced by planting of native trees and other vegetation.

Allowance for Small Lots and Low Impact Sites

The proposed ordinance contains a Buildable Lot Encroachment provision intended to ensure that construction of a single family dwelling and necessary facilities will not be prevented by the habitat protection ordinance.

A permit can be approved under lesser standards for development as close as 100' from a stream on Low Impact Sites, which are areas where the ground slope to the stream is less than 25%, and when tree removal is minimized and new trees and shrubs are planted near the stream.

**NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215
REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED
TO THE PURCHASER**

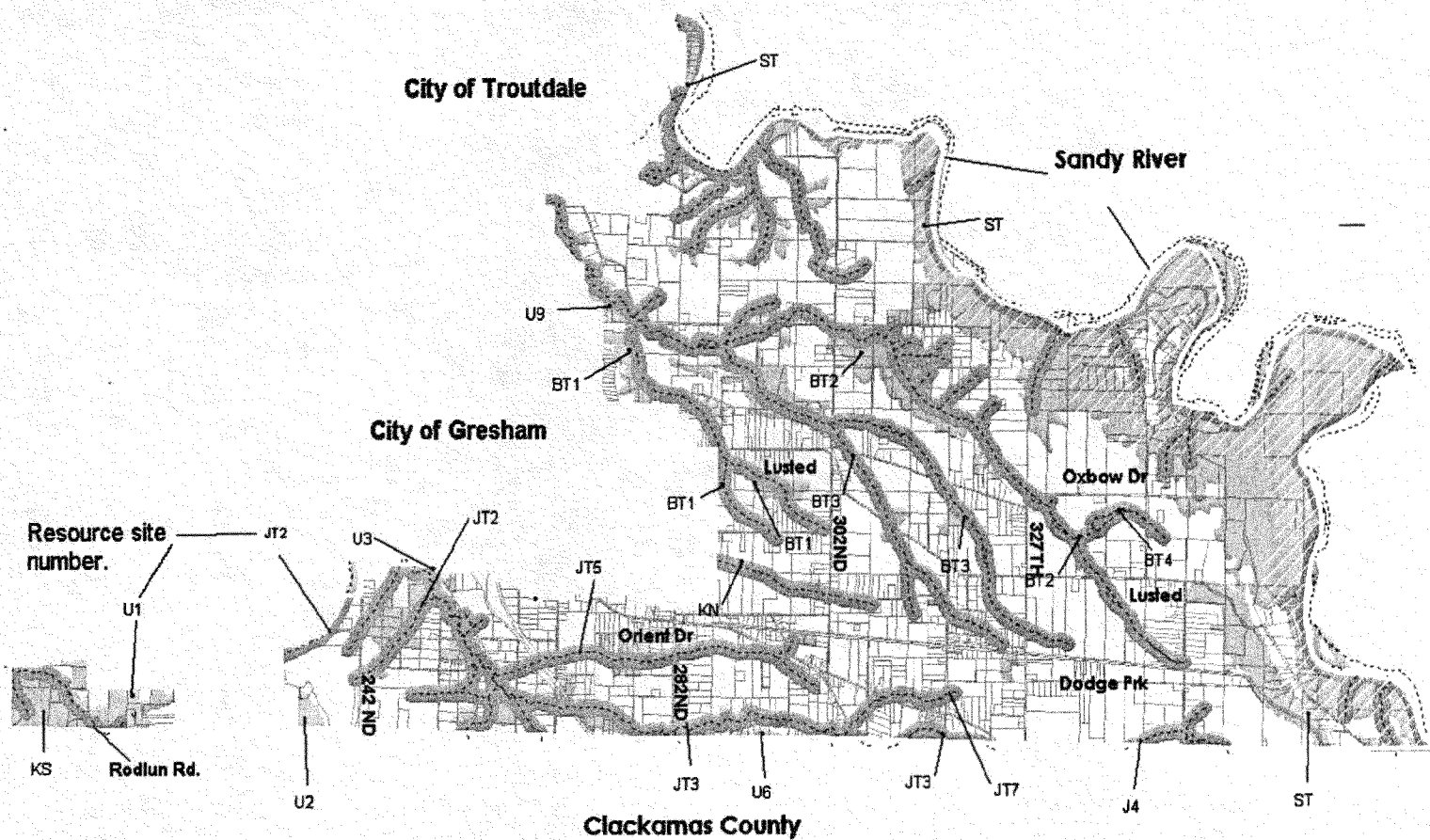
Please examine this map. If you are unsure if your property is within and SEC area, or if you need more information, please call us at 503-988-3043.

West of Sandy River SEC Overlay Zones

SEC - WT

SEC - SW

SEC - h



**DECISION OF THE
MULTNOMAH COUNTY PLANNING COMMISSION**

In the matter of recommending adoption of an)
Ordinance that contains Comprehensive Plan)
policies for the West of Sandy River Plan Area)
and establishing the proposed MCC Chapter 36 as)
the Zoning Code for the Plan Area.)

**RESOLUTION
PC-01-007**

WHEREAS, The Planning Commission is authorized by Multnomah County Code Chapter 11.05 to recommend to the Board of County Commissioners the adoption or revision of the Comprehensive Plan, and Zoning Ordinances to implement the Multnomah County Comprehensive Plan; and

WHEREAS, The Multnomah County Board of Commissioners has adopted a reorganized County Zoning Code including Chapters 33, 34, 35, 37, and 38, that contains zoning provisions to meet the needs of individual plan areas, and Chapter 36 is reserved for the West of Sandy River Rural Area; and

WHEREAS, The proposed Comprehensive Plan Policies and implementing zoning ordinance recognize the unique characteristics of the plan area and are needed to plan for the future of the area,

WHEREAS, The Planning Commission considered the Framework Plan policies and Zoning Code Chapter 36 at public hearings on January 7, 2002, March 4, 2002, May 6, 2002, June 3, 2002, and September 9, 2002, where all interested persons were given an opportunity to appear and be heard,

WHEREAS, The Planning Commission recognizes and wants to convey their understanding that wildlife habitat and riparian corridor protection measures are a difficult and often contentious issue in the state and region at this time, and the proposed Significant Environmental Concern Water Resources (SEC-ws) habitat protection measures while less restrictive than others in the region, have raised concern in the hearings process,

WHEREAS, Multnomah County has been a leader in resource protection in the past, and the Planning Commission believes the County should continue in this role,

WHEREAS, The Planning Commission urges the Board of Commissioners to listen carefully to the public testimony and to reach a full understanding of the extent of the burden the proposed SEC regulations place on individual properties,

WHEREAS, Government should serve as a model when implementing resource protection measures and should avoid inconsistencies between actions taken on behalf of the public when compared to those required of private landowners,

WHEREAS, It was expressed to the Planning Commission in public hearings, and the Commissioners agree, that adequate enforcement is key to ensuring public acceptance and fairness in implementation of all ordinances,

NOW, THEREFORE BE IT RESOLVED that the proposed Ordinance that contains the Comprehensive Plan policies and Zoning Code and Maps to implement the West of Sandy River Rural Area Transportation and Land Use Plan is hereby recommended for adoption by the Board of County Commissioners.

Approved this 9th day of September, 2002

A handwritten signature in black ink, appearing to read 'John Ingle', is written over a horizontal line.

John Ingle, Chair
Multnomah County Planning Commission

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Adopting The West Of Sandy River Rural Area Transportation And Land Use Plan And Wildlife Habitat And Stream Corridor ESEE Report As Part Of The Multnomah County Comprehensive Framework Plan, Zoning Code Chapter 36 As Part Of The Multnomah County Code Of Ordinances Volume II: Land Use, And Zoning Map Amendments In Continuation Of The County Rural Area Planning Program And The Reorganization Efforts Of Ordinance Nos. 910 And 953 To Revise, Amend, Restate, Codify And Repeal Certain Existing Code Provisions.

The Multnomah County Board of Commissioners Finds:

- a. Chapter 11.05 Planning Authority was adopted by Ordinance 133 on October 19, 1976 [and as subsequently amended].
- b. Chapter 11.10 Comprehensive Plan was adopted by Ordinance 147 on September 6, 1977 [and as subsequently amended].
- c. Chapter 11.12 Annexation Policy was adopted by Ordinance 163 on May 11, 1978 [and as subsequently amended].
- d. Chapter 11.15 Zoning Regulations. Multnomah County first adopted zoning regulations on May 26, 1953, on an interim basis. A permanent ordinance was enacted for the North-Central portion of the County on April 19, 1955, and successive geographic areas were added until the entire unincorporated County had permanent zoning on December 11, 1958. (Interim regulations, adopted August 15, 1955, applied to those areas awaiting permanent zoning). On November 15, 1962, the permanent zoning ordinance was re-enacted for the entire unincorporated County as Ordinance No. 100. Ordinance No. 100 underwent several amendments over the years, the last of which was its codification as Chapter 11.15 of the Multnomah County Code on March 23, 1982 through Ordinance No. 300. Since that date, Chapter 11.15 has undergone amendments, in which various sections and subsections have been added, repealed, modified, or renumbered.
- e. Chapter 11.45 Land Division was adopted by Ordinance 174 on September 19, 1978 [and as subsequently amended].
- f. 1990 Code. The last periodic comprehensive review of code provisions relating to zoning and land use occurred in 1990 (1990 Code). On February 2, 1990, Ordinances 641, 642 and 643 were adopted amending MCC Chapters 11.05, 11.45 and 11.15 respectively, to comply with the periodic review requirements of the Oregon Department of Land Conservation and Development.

g. Ordinance No. 910 adopted on June 25, 1998, enacted a revision of Multnomah County Codes and Ordinances that established a Volume I: General Code and set up the framework for a future Volume II: Land Use within a renumbered and reformatted Code of Ordinances. The extensive organization and numbering changes that were necessary to adapt the existing land use code chapters into a new Volume II prompted the initiation of a proposal to further reorganize Volume II into a format that recognized and further implemented the Rural Plan Area Planning Program.

h. Ordinance No. 953 adopting Volume II: Land Use on November 30, 2000, in consideration of the Rural Area Planning Program, contains separate Zoning Ordinances for each of the recognized Rural Area Plans: Chapter 33 West Hills; Chapter 34 Sauvie Island / Multnomah Channel; Chapter 35 East of Sandy River; Chapter 38 Columbia River Gorge National Scenic Area; and provides for Chapter 36 West of Sandy River.

i. This ordinance adopts the new Chapter 36 West of Sandy River Rural Area Plan that replaces Chapter 11.15 for the West of Sandy River area in continuation of this Zoning Code reorganization effort.

j. For the remaining time that Multnomah County has jurisdictional planning responsibility for a few discrete unincorporated urban areas within the Urban Growth Boundary MCC 11.05 Planning Authority, 11.10 Comprehensive Plan, 11.12 Annexation Policy, 11.15 Zoning Ordinance and 11.45 Land Division (all 1990 Code) will continue to be applicable to those areas only.

The Multnomah County Board of Commissioners Ordains as Follows:

Section 1. The West of Sandy River Rural Area Transportation and Land Use Plan attached as Exhibit A., which contains the Transportation System Plan for the area and land use policies is adopted as a portion of the Multnomah County Comprehensive Framework Plan.

Section 2. The Wildlife Habitat and Stream Corridor ESEE Report attached as Exhibit B., which contains the inventory of wildlife resources in the plan area, the analysis of the potential impacts to those resources from development, and that supports the decision to limit conflicting uses, is adopted into the Multnomah County Comprehensive Framework Plan.

Section 3. Chapter 36, West of Sandy River Rural Plan Area of the Multnomah County, Oregon Code of Ordinances, Volume II: Land Use attached as Exhibit C. is enacted as the general and permanent land use law of Multnomah County applicable to the geographic area of that rural area plan.

Section 4. The following Sectional Zoning Maps are amended to apply the SEC overlay zone in order to protect the significant riparian corridors and wildlife habitat as described in the ESEE Report, and as shown on Map 1 therein, and as shown on the Significant Environmental Concern Overlay Zone Map in Exhibit D: 543, 544 & 545, 597 & 598, 603 & 604, 610, 624 – 628, 630 – 634, 651, 671 – 674, 679, 683 – 686, 688 – 691, 692 – 699, 700 & 701, and 703 – 717.

Section 5. The following Sectional Zoning Maps are amended by replacing the RC designation with the designations of OR and OCI in the Orient community, and PH-RC in the Pleasant Home community as shown on the zoning map attached as Exhibit E: 628, and 703 – 709.

Section 6. Except as provided in Section 7, all prior ordinances and codes relating to land use in the West of Sandy River Rural Plan geographic area are repealed from the effective date of this ordinance, except as they are included and reenacted in whole or in part in this Code. This repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective date of this ordinance. This repeal shall not affect any other ordinance of special nature or pertaining to subject not contained in or covered by the Code.

Section 7. Until repealed, replaced, or superceded by subsequent code chapter provisions adopted after this ordinance, the existing Multnomah County Land Use Ordinances, also known as 1990 Code Chapters 11.05 Planning Authority, 11.10 Comprehensive Plan, 11.12 Annexation Policy, 11.15 Zoning Ordinance, and 11.45 Land Division shall remain in effect except Chapter 37 shall apply for all properties within the unincorporated area of Multnomah County within the Urban Growth Boundary, for all Columbia River Islands within the planning jurisdiction of Multnomah County that are outside the Columbia River Gorge National Scenic Area.

Section 8. The Code shall be presumptive evidence in all courts and places of the ordinances and all provisions, sections, penalties and regulations contained therein, and of the date of enactment. The Code also shall be presumptive evidence that it has been properly enacted, signed, attested and published, and that all public notices and hearings requirements have been met.

Section 9. The effective date this ordinance shall be January 1, 2003.

FIRST READING:

October 24, 2002

SECOND READING AND ADOPTION:

October 31, 2002

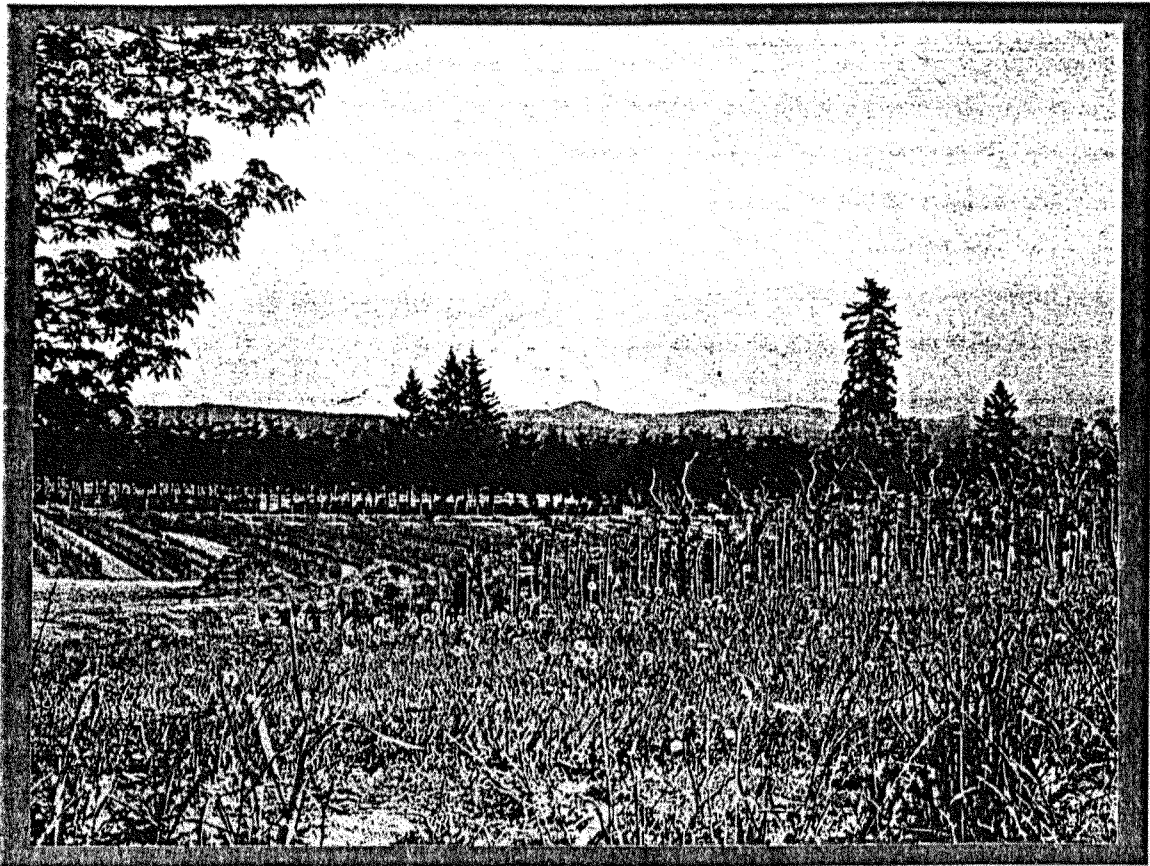
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

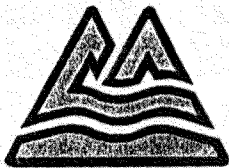
THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Sandra N. Duffy
Sandra N. Duffy, Deputy County Attorney



Board of Commissioners Draft
October 24, 2002

MULTNOMAH COUNTY West of Sandy River Transportation and Land Use Plan



MULTNOMAH
COUNTY

Parametrix

Exhibit A

**West of the Sandy River
Rural Area Transportation
and
Land Use Plan**

***Wildlife Habitat and Stream Corridor
ESEE Report***

**Board of County Commissioners Draft
October 24, 2002**

PREPARED FOR:

**MULTNOMAH COUNTY, OREGON
TRANSPORTATION DIVISION
1600 SE 190TH AVENUE
PORTLAND, OREGON 97233-5910**

EXHIBIT C

CHAPTER 36: WEST OF SANDY RIVER RURAL PLAN AREA

§§:

PART 1 - GENERAL PROVISIONS

- 36.0000- Title.
- 36.0005 Definitions
- 36.0010 Districts.
- 36.0015 Zoning Map.

PART 2 - PLANNING AUTHORITY - General Provisions

- 36.0055- Policy and Purpose.
- 36.0060 Severability.
- 36.0065 Applicable Administration and Procedures Provisions.

PLANNING COMMISSION

- 36.0100- Planning Commission Established.
- 36.0105 Membership of Commission.
- 36.0110 Terms Of Office Of Commission Members.
- 36.0115 Vacancies And Removal Of Commission Members.
- 36.0120 Officers.
- 36.0125 Committees.
- 36.0130 Rules Of Procedures; Conflict Of Interest.
- 36.0135 Coordination.
- 36.0140 Powers And Duties Of Commission.

PART 3 - ADMINISTRATION and ENFORCEMENT - Permits and Certificates

- 36.0510- Temporary Permits
- 36.0515 Temporary Health Hardship Permit
- 36.0520 Historical Structures and Sites Permits
- 36.0525 Certificate of Occupancy.
- 36.0530 Bus Passenger Shelters.
- 36.0535 Responses To An Emergency/Disaster Event.

PLANNING DIRECTOR

- 36.0600- Planning Director.
- 36.0605 Enforcement.

VIOLATIONS and ENFORCEMENT

- 36.0910- Violations and Enforcement.
- 36.0915 Penalties.
- 36.0920 Savings Clause.

PART 4 - ZONING DISTRICTS - Commercial Forest Use CFU

- 36.2000- Purposes.
- 36.2005 Area Affected.
- 36.2010 Definitions.
- 36.2015 Uses.
- 36.2020 Allowed Uses.
- 36.2025 Review Uses.
- 36.2030 Conditional Uses.
- 36.2035 Large Acreage Dwelling.
- 36.2040 Template and Heritage Tract Dwellings.
- 36.2045 Use Compatibility Standards.
- 36.2060 Dimensional Requirements.
- 36.2065 Lots of Exception.
- 36.2070 Lot Line Adjustment.
- 36.2075 Lot of Record.
- 36.2080 Lot Size for Conditional Uses.
- 36.2085 Off-Street Parking and Loading.
- 36.2090 Access.
- 36.2105 Development Standards for Dwellings and Structures.
- 36.2110 Exceptions to Secondary Fire Safety Zones and Forest Practices Setbacks

EXCLUSIVE FARM USE, EFU

- 36.2600- Purpose.
- 36.2605 Area Affected.
- 36.2610 Definitions.
- 36.2615 Uses.
- 36.2620 Allowed Uses.
- 36.2625 Review Uses.
- 36.2630 Conditional Uses.
- 36.2660 Dimensional Requirements.

- 36.2665 Exceptions to Lot Size for Specific Uses.
- 36.2670 Lot Line Adjustment.
- 36.2675 Lot of Record.
- 36.2690 Access.

MULTIPLE USE AGRICULTURE - 20, MUA-20

- 36.2800- Purpose.
- 36.2805 Area Affected.
- 36.2815 Uses.
- 36.2820 Allowed Uses.
- 36.2825 Review Uses.
- 36.2830 Conditional Uses.
- 36.2855 Dimensional Standards and Development Requirements.
- 36.2860 Lots of Exception and Property Line Adjustments.
- 36.2870 Lot of Record.
- 36.2875 Lot Sizes for Conditional Uses.
- 36.2880 Off-Street Parking and Loading.
- 36.2885 Access.

RURAL RESIDENTIAL, RR

- 36.3100- Purpose.
- 36.3105 Area Affected.
- 36.3115 Uses.
- 36.3120 Allowed Uses.
- 36.3125 Review Uses.
- 36.3130 Conditional Uses.
- 36.3155 Dimensional Standards and Development Requirements.
- 36.3160 Lots of Exception and Property Line Adjustments.
- 36.3170 Lot of Record.
- 36.3175 Lot Sizes for Conditional Uses.
- 36.3180 Off-Street Parking and Loading.
- 36.3185 Access.

PLEASANT HOME RURAL CENTER, PH-RC

- 36.3300- Purpose.
- 36.3305 Area Affected.
- 36.3315 Uses.
- 36.3320 Allowed Uses.
- 36.3325 Review Uses.
- 36.3330 Conditional Uses.

- 36.3355 Dimensional Standards and Development Requirements.
- 36.3360 Lots of Exception and Property Line Adjustments.
- 36.3370 Lot of Record.
- 36.3375 Lot Sizes for Conditional Uses.
- 36.3380 Off-Street Parking and Loading.
- 36.3385 Access.

ORIENT RURAL CENTER RESIDENTIAL, OR

- 36.3400- Purpose.
- 36.3405 Area Affected.
- 36.3415 Uses.
- 36.3420 Allowed Uses.
- 36.3425 Review Uses.
- 36.3430 Conditional Uses.
- 36.3455 Dimensional Standards and Development Requirements.
- 36.3460 Property Line Adjustments.
- 36.3470 Lot of Record.
- 36.3475 Lot Sizes for Conditional Uses.
- 36.3480 Off-Street Parking and Loading.
- 36.3485 Access.

ORIENT COMMERCIAL-INDUSTRIAL, OCI

- 36.3500- Purpose.
- 36.3505 Area Affected.
- 36.3515 Uses.
- 36.3520 Allowed Uses.
- 36.3525 Review Uses.
- 36.3527 Review Uses Approval Criteria.
- 36.3530 Conditional Uses.
- 36.3550 Dimensional Standards and Development Requirements.
- 36.3560 Property Line Adjustments.
- 36.3570 Lot of Record.
- 36.3575 Lot Sizes for Conditional and Review Uses.
- 36.3580 Off-Street Parking and Loading.
- 36.3585 Access.

PART 5 - SPECIAL DISTRICTS - General*Provisions*

36.4000- Classification of Special Districts

AIRPORT LANDING FIELD, LF

- 36.4010- Purpose.
- 36.4015 Uses.
- 36.4020 Allowed Uses.
- 36.4025 Conditional Uses.
- 36.4030 Approval Criteria for an LF Conditional Use.
- 36.4035 Development Limitations.

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- 36.4100- Purpose.
- 36.4105 General Provisions.
- 36.4110 O-P Classification.
- 36.4115 Continuing Obligation.
- 36.4120 Plan Required.
- 36.4125 Use of Space.
- 36.4130 Location of Parking and Loading Spaces.
- 36.4135 Improvements Required.
- 36.4140 Change of Use.
- 36.4145 Joint Parking or Loading Facilities.
- 36.4150 Existing Spaces.
- 36.4160 Standards of Measurement.
- 36.4165 Design Standards: Scope.
- 36.4170 Access.
- 36.4175 Dimensional Standards.
- 36.4180 Improvements
- 36.4185 Lighting.
- 36.4190 Signs.
- 36.4195 Design Standards: Setbacks.
- 36.4200 Landscape and Screening Requirements.
- 36.4205 Minimum Required Off-Street Parking Spaces.
- 36.4210 Minimum Required Off-Street Loading Spaces.
- 36.4215 Exceptions from Required Off-Street Parking or Loading Spaces.

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- 36.4300- Purposes.
- 36.4305 Areas Affected.
- 36.4315 Development Plan and Program Contents.
- 36.4320 Criteria for Approval.
- 36.4330 Development Standards.
- 36.4335 Minimum Site Size.
- 36.4340 Relationship of the Planned Development to Environment.
- 36.4345 Open Space.
- 36.4350 Density Computation for Residential Developments.
- 36.4355 Staging.
- 36.4360 Permitted Uses.

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- 36.4500- Purposes.
- 36.4505 Area Affected.
- 36.4510 Definitions.
- 36.4515 Uses - SEC Permit Required.
- 36.4520 Exceptions.
- 36.4525 Existing Uses.
- 36.4530 Buildable Lot Encroachment.
- 36.4535 Scope of Conditions.
- 36.4540 Application for SEC Permit.
- 36.4545 Criteria for Approval of SEC-sw Permit - Scenic Waterway.
- 36.4550 General Requirements for Approval in Areas Designated as SEC-wr or SEC-h.
- 36.4555 Criteria for Approval of SEC-wr Permit - Water Resource
- 36.4560 Criteria for Approval of SEC-h Permit - Wildlife Habitat.

HERITAGE PRESERVATION

- 36.4700- Purposes.
- 36.4705 General Findings and Policy.
- 36.4710 Area Affected.
- 36.4715 Standards to Establish an HP Subdistrict.

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- 36.4750- Purposes
- 36.4755 Definition
- 36.4760 Findings and Policy.
- 36.4765 Uses.
- 36.4770 HP-I Review Use and Conditional Use Approval Criteria.
- 36.4780 Permits.

SPECIAL PLAN AREA, SPA

- 36.5000- Purposes.
- 36.5005 Area Affected.
- 36.5010 Standards to Establish an SPA Subdistrict.

HILLSIDE DEVELOPMENT and EROSION CONTROL

- 36.5500- Purposes.
- 36.5505 Permits Required.
- 36.5510 Exempt Land Uses and Activities.
- 36.5515 Application Information Required.
- 36.5520 Grading and Erosion Control Standards.
- 36.5525 Hillside Development and Erosion Control Related Definitions.

PROTECTED AGGREGATE and MINERAL SITES, PAM

- 36.5700- Purposes.
- 36.5705 Area Affected.
- 36.5710 Exemptions.
- 36.5715 Definitions.
- 36.5720 PAM Overlay Special Subdistricts.
- 36.5725 Procedure For Applying The PAM Subdistrict.
- 36.5730 Extraction Area (PAM-EA) -- Allowed Uses.
- 36.5735 Impact Area (PAM-IA) -- Allowed Uses.
- 36.5740 Use Approval Criteria.
- 36.5745 Termination of the Protected Aggregate and Mineral Resources Subdistrict.

*PART 6 - STANDARDS FOR COMMUNITY SERVICE USES and CONDITIONAL USES -**Community Service, CS*

- 36.6000- Purpose.
- 36.6005 General Provisions.
- 36.6010 Approval Criteria.
- 36.6015 Uses.
- 36.6020 Restrictions.

SURPLUS PUBLIC SCHOOL SPACE, CS

- 36.6050- Limited Alternative Uses of Surplus Public School Space Located in MUA-20, RR, PH-RC, and OR Districts.

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- 36.6100- Purpose.
- 36.6105 Definitions.
- 36.6110 Application Requirements.
- 36.6115 Approval Criteria for New Transmission Towers.
- 36.6120 Design Review.
- 36.6125 Radiation Standards.
- 36.6130 Pre-existing Communication Facilities.

WIRELESS COMMUNICATIONS FACILITIES, CS

- 36.6175- Purposes.
- 36.6176 Applicability.
- 36.6177 Review Procedures Distinguished.
- 36.6178 Definitions.
- 36.6179 Exclusions.
- 36.6180 General Requirements
- 36.6181 Registration of Wireless Communications Carriers and Providers.
- 36.6182 Application Submittal Requirements.
- 36.6183 Approval Criteria for lands not zoned Exclusive Farm Use.
- 36.6184 Approval Criteria for land zoned Exclusive Farm Use.
- 36.6185 Maintenance.
- 36.6186 Abandonment.
- 36.6187 Appeals.
- 36.6188 Statutory Severability.

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- 36.6200- Regional Sanitary Landfills -
Definitions
- 36.6205 Board Findings.
- 36.6210 Purpose.
- 36.6215 Application Requirements.
- 36.6220 Criteria for Approval.
- 36.6225 Conditions.
- 36.6230 Limitations on Application of
Ordinance.

CONDITIONAL USES, CU

- 36.6300- Purposes.
- 36.6305 General Provisions.
- 36.6315 Conditional Use Approval
Criteria.
- 36.6325 Design Review.
- 36.6330 Design Review Exemption.
- 36.6335 Conditional Use Permit.

ANIMAL KEEPING - DOGS, CU

- 36.6400- Uses.
- 36.6405 Location Requirements.
- 36.6410 Minimum Site Size
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- 36.6415 Minimum Setback
Requirements.
- 36.6420 Other Requirements.
- 36.6425 Other Approvals.
- 36.6430 Exemptions.

MINERAL EXTRACTION, CU

- 36.6500- Definitions.
- 36.6505 Board Findings.
- 36.6510 Purposes.
- 36.6515 Exceptions.
- 36.6520 Criteria for Approval.
- 36.6525 Site Reclamation.
- 36.6530 Monitoring.
- 36.6535 Existing Operations.

*STORAGE OF VEHICLES OF SPECIAL
INTEREST, CU*

- 36.6600- Definitions.
- 36.6605 Uses.
- 36.6610 Approval Criteria.
- 36.6615 Conditions and Restrictions.

HOME OCCUPATIONS, CU

- 36.6650- Definitions.
- 36.6655 Purposes.
- 36.6660 Criteria for Approval.

LARGE FILLS, CU

- 36.6700- Purposes
- 36.6705 Excluded Areas.
- 36.6710 Application Information
Required.
- 36.6715 Criteria for Approval.
- 36.6720 Monitoring

*PART 7 - DESIGN REVIEW;
NONCONFORMING USES; SIGNS;
VARIANCES; LAND DIVISIONS - Design
Review*

- 36.7000- Purposes.
- 36.7005 Elements of Design Review Plan.
- 36.7010 Design Review Plan Approval
Required.
- 36.7015 Exceptions.
- 36.7020 Application of Regulations.
- 36.7030 Design Review Plan Contents.
- 36.7040 Final Design Review Plan.
- 36.7050 Design Review Criteria.
- 36.7055 Required Minimum Standards.
- 36.7060 Minor Exceptions: Yard,
Parking, Sign, and Landscape
Requirements.

NONCONFORMING USES

- 36.7200- Nonconforming Uses.
- 36.7205 Restoration or Replacement Due
to Fire, other Casualty or
Natural Disaster.
- 36.7210 Alteration, Expansion or
Replacement of Nonconforming
Uses.
- 36.7215 Verification of Nonconforming
Use Status.

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36.7400-	Purpose.	36.7770	Category 1 Land Divisions.
36.7405	Applicability and Scope.	36.7775	Category 3 Land Divisions.
36.7410	Conformance.	36.7780	Category 4 Land Division.
36.7415	Severability.	36.7800	Criteria for Approval, Category 1 Tentative Plan.
36.7420	Exempt Signs.	36.7805	Contents of Category 1 Tentative Plan.
36.7425	Prohibited Signs.	36.7810	Category 1 Tentative Plan Map Specifications.
36.7430	Determination of Frontages.	36.7815	Category 1 Tentative Plan Map Contents.
36.7435	Non-Conforming Signs.	36.7820	Written Information: Category 1 Tentative Plan.
36.7440	Variances.	36.7825	Supplementary Material: Category 1 Tentative Plan.
36.7445	Base Zone Sign Regulations.	36.7855	Criteria for Approval: Category 3 Tentative Plan.
36.7450	Signs Generally in the EFU, CFU, MUA-20, RR, PH-RC, and OR Zones.	36.7860	Contents of Category 3 Tentative Plan.
36.7455	Billboard Regulations.	36.7865	Tentative Plan Approval Time Limits; Staged Development.
36.7460	Applicability.	36.7885	Application of General Standards and Requirements.
36.7465	Sign Placement.	36.7890	Land Suitability.
36.7470	Fascia Signs.	36.7895	Lots and Parcels.
36.7475	Projecting Signs.	36.7900	Acreage Tracts.
36.7480	Flush Pitched Roof Signs.	36.7905	Street Layout.
36.7485	Marquees and Awnings.	36.7910	Street Design.
36.7490	Directional Signs.	36.7915	Street Reserve Strips.
36.7495	Temporary Signs.	36.7920	Temporary Turnarounds.
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36.7505	Sign Related Definitions and Figures.	36.7930	Sidewalks, Pedestrian Paths and Bikeways.
	VARIANCES	36.7935	Easements.
36.7600-	Variance Approval Criteria.	36.7940	Street Trees.
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36.7615	Hillside Residential Variances by Administrative Action.	36.7955	Sewage Disposal.
36.7620	Landing Field Height Limitation.	36.7960	Surface Drainage.
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36.7705	Definitions.	36.7975	Required Improvements.
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36.7715	Intent.	36.7985	Water System.
36.7720	Scope.	36.7990	Sewage Disposal.
36.7725	Compliance Required.	36.7995	Surface Drainage and Storm Sewer Systems.
36.7735	Board Findings Concerning Land Division Classifications.	36.8000	Other Utilities.
36.7765	Land Division Categories Distinguished.		

- 36.8005 Variances.
- 36.8010 Improvement Agreement.
- 36.8015 Final Drawing and Prints.
- 36.8020 Information Required on
Subdivision Plat or Partition
Plat.
- 36.8025 Supplemental Information with
Subdivision Plat or Partition
Plat.
- 36.8030 Technical Review and Approval
of Subdivision Plat or Partition
Plat.
- 36.8035 Final Approval Effective.

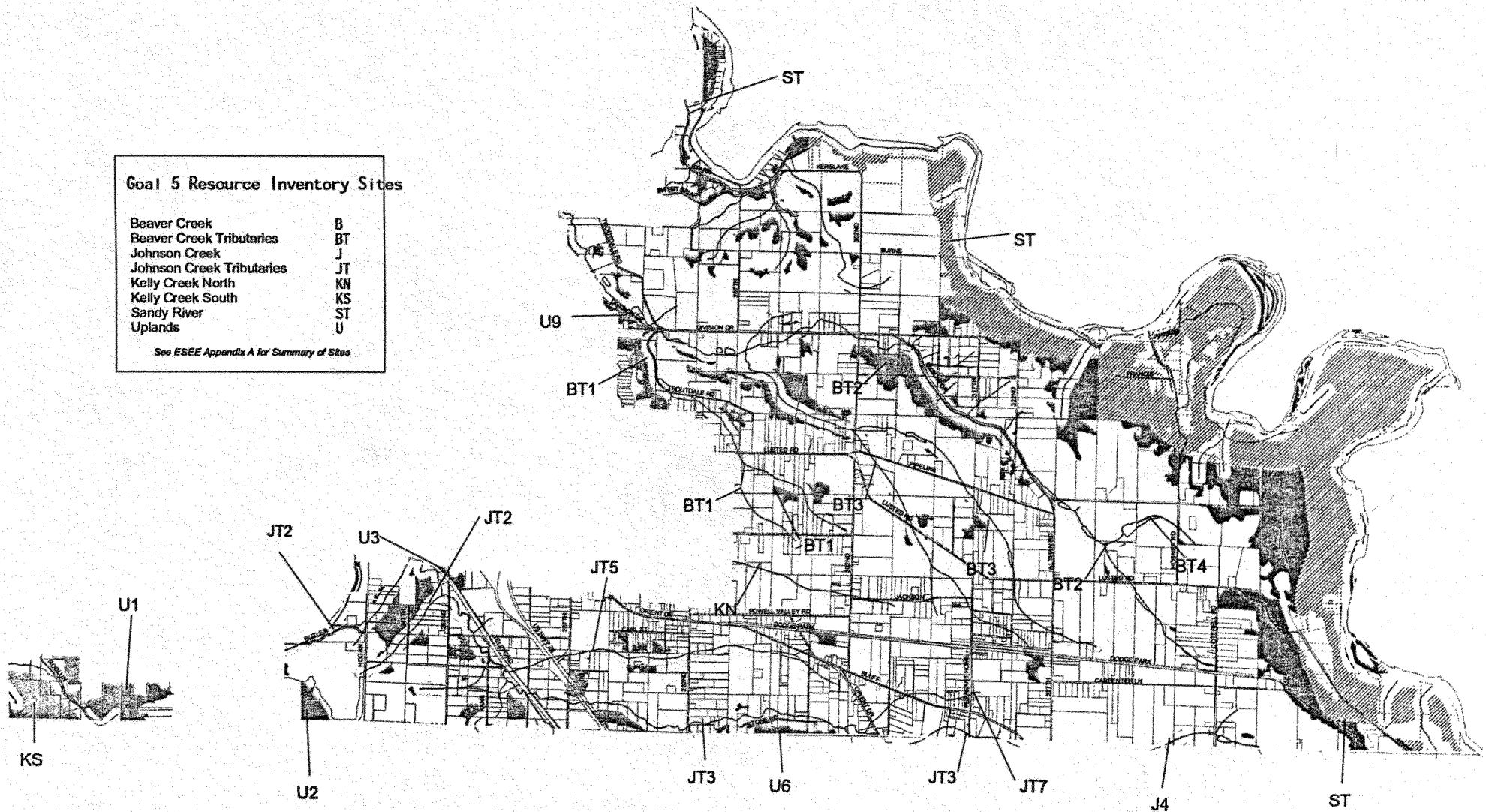
West of Sandy River

Significant Environmental Concern Overlay Zones

Goal 5 Resource Inventory Sites

Beaver Creek	B
Beaver Creek Tributaries	BT
Johnson Creek	J
Johnson Creek Tributaries	JT
Kelly Creek North	KN
Kelly Creek South	KS
Sandy River	ST
Uplands	U

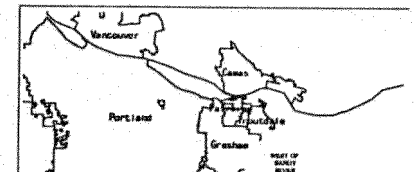
See ESEE Appendix A for Summary of Sites



Significant Environmental Concern Zones

- SEC-wr Water Resource
(200 ft each side of stream)
- SEC-h Wildlife Habitat
- SEC-sw Scenic Waterways

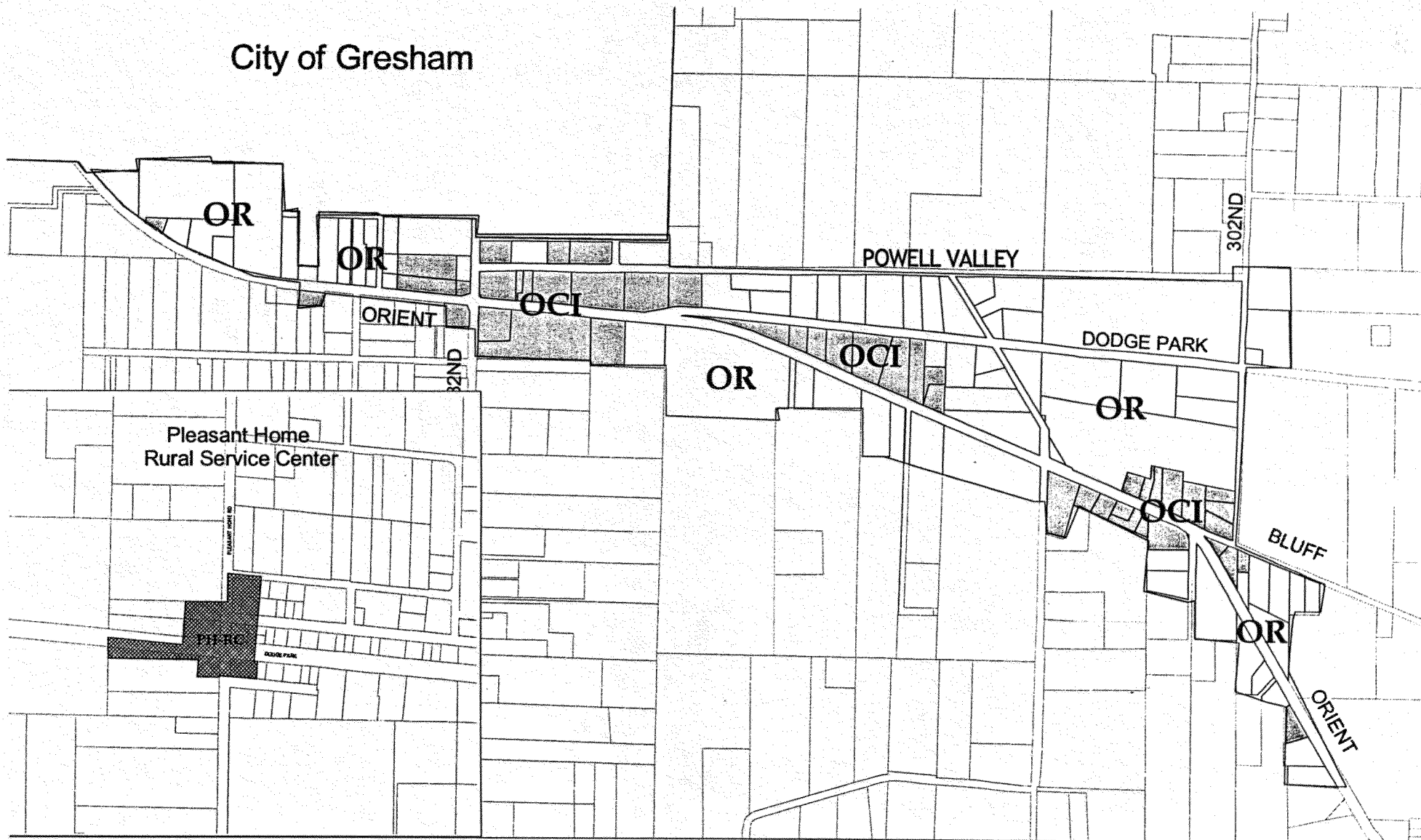
- Riparian Corridors
(100 ft each side of stream)
- West of Sandy River Plan Area
- Tax Lot Boundaries
- Streams



Land Use Planning Division

1800 SE 150th Ave
Portland, OR 97233
(503) 988-3043
Fax: (503) 988-3389
land use planning@co.multnomah.or.us

City of Gresham



Orient Rural Community Zones

Commercial and Industrial

Public Facilities and Residential

Pleasant Home Rural Service Center Zone

West of Sandy River Rural Area Plan

Figure 9

Rural Center Zoning Concept



0.1 0 0.1 0.2 Miles

Map by Parametrix. Data source: Metro RLIS
Revised April 5, 2002
c:\West of Sandy Rive\GIS data\proj_parametrix\app\wrplan.apr

#1

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 10.28.02

SUBJECT: _____

AGENDA NUMBER OR TOPIC: PH-1 & PH-2

FOR: _____ AGAINST: ☒ THE ABOVE AGENDA ITEM

NAME: Ted Wilson

ADDRESS: 30125 S.E. Chase Rd

CITY/STATE/ZIP: Gresham OR 97080

PHONE: _____ DAYS: 503 663 3020 EVES: _____

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: 200' Set BACK

WRITTEN TESTIMONY: _____

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

#2

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 10/28/02

SUBJECT: _____

AGENDA NUMBER OR TOPIC: PH-1 & PH-2

FOR: _____ AGAINST: X THE ABOVE AGENDA ITEM

NAME: Christine P. Howell

ADDRESS: 29014 SE Husted Rd

CITY/STATE/ZIP: Gresham, OR 97080

PHONE: _____ DAYS: 503 663-7001 EVES: same

EMAIL: crishowell@aol.com FAX: _____

SPECIFIC ISSUE: Do not want "Riparian" restrictions

WRITTEN TESTIMONY: _____

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

#3

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 10/28/02

SUBJECT: West of Sandy River Land Use Plan

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: ☒ THE ABOVE AGENDA ITEM

NAME: Royce D. Belcher T.H. Belcher Nursery, Inc.

ADDRESS: 33755 S.E. Bluff Rd.

CITY/STATE/ZIP: Boring, Oregon 97009

PHONE: _____ DAYS: (503) 663-3593

EVE: (503) 663-5780

EMAIL: _____

FAX: (503) 663-0619

SPECIFIC ISSUE: Economic Issues with plan pertaining to farming.

WRITTEN TESTIMONY: _____

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

#4

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 10/28/02

SUBJECT: Sandy River Land use Plan

AGENDA NUMBER OR TOPIC: PH-1 & PH-2

FOR: _____ AGAINST: X THE ABOVE AGENDA ITEM

NAME: John Hall

ADDRESS: 2946 SE 302

CITY/STATE/ZIP: Troutdale OR 97060

PHONE: _____ DAYS: 503 970-1383 EVES: 503-492-8569

EMAIL: JRHall@Teleport.com FAX: _____

SPECIFIC ISSUE: FEELS it is A taking -

WRITTEN TESTIMONY: _____

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

#5

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 10.28.07

SUBJECT: _____

AGENDA NUMBER OR TOPIC: PH-1 & PH-2

FOR: _____ AGAINST: ☒ THE ABOVE AGENDA ITEM

NAME: Thomas Backhuber

ADDRESS: 17935 SE Cheldelin Rd

CITY/STATE/ZIP: Portland Or 97236

PHONE: _____ DAYS: 503 666 9642 EVES: _____

EMAIL: _____ FAX: 503 665 0317

SPECIFIC ISSUE: Against Setback, taking

WRITTEN TESTIMONY: _____

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

#60

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 10/28/02

SUBJECT: West of Sandy River

AGENDA NUMBER OR TOPIC: PH-1 & PH-2

FOR: _____ AGAINST: ☒ THE ABOVE AGENDA ITEM

NAME: Woodrow Shepherd ^{WIFE} * LEA ANN SHEPHERD spoke

ADDRESS: 7126 SE 262nd

CITY/STATE/ZIP: Gresham, OR 97080

PHONE: _____ DAYS: 971-219-9528 EVES: 503-663-4048

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: Set Back

WRITTEN TESTIMONY: _____

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

#7

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP**

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: _____

SUBJECT: West of SHady Ave

AGENDA NUMBER OR TOPIC: 11 SAME 11

FOR: _____ AGAINST: X THE ABOVE AGENDA ITEM

NAME: John Winters

ADDRESS: 4025 SE 322nd

CITY/STATE/ZIP: Troutdale Oregon

PHONE: _____ DAYS: 563-663-6743 EVES: SAME

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: No more restrictions

WRITTEN TESTIMONY: Over 200 property owners
want to vote - 99% no more
restrictions

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

#8

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP**

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 10/28/02

SUBJECT: WSRP

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: ☒ THE ABOVE AGENDA ITEM

NAME: BOB LEIPPER

ADDRESS: 30728 NE CAMPEX

CITY/STATE/ZIP: TROUTDALE OREGON 97060

PHONE: DAYS: 503-695-5276

EVES: _____

EMAIL: mrleipper@msn.com

FAX: _____

SPECIFIC ISSUE: WSRP land use issues & SEC

WRITTEN TESTIMONY: YES

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

28 October 2002

Multnomah County
Board of Commissioners

Subject: West of Sandy River Land Use Plan

The following facts and issues brought before the Multnomah County planning staff and the Planning Commission are UNREFUTED, UNADDRESSED and UNRESOLVED:

1. The Planning Commission (PC) directed 5 findings be included in Resolution PC-01-007. Only 4 were included. Takings were not addressed, such as the potential 36.4555 (E)(2)(g). Compensation is not addressed in the West of Sandy River Plan (WSRP).
2. WSRP does not address good stewards of the land.
3. ESEE report does not specifically identify properties or uses where riparian corridor or wildlife habitat degradation has occurred or continues to occur.
4. There is no proven track record similar restrictions in other plan areas have produced the desired result.
5. PC resolution PC-01-007 does not contain any references to chapter 29, Grading and Erosion Control. References in the Agenda Placement Request (APR) including Chapter 29 in the 10/24/02 public notice are not factual.
6. Chuck Beasley did not produce the entire WSRP mailing list to John Winters as requested before PC 9/9/02. Beasley produced only approximately 800 of some 1244-1500 names. Beasley has not been held accountable for this "stack the deck" approach.
7. "Mandate" from LCDC and Metro can be rejected.
8. Multnomah County (MC) staff and PC have failed to listen to property owners and public testimony.
9. 200 foot setback arbitrary and not based on proven results.
10. ESEE report doesn't contain adequate information.
11. ESEE report is flawed.
12. ESEE report admits a taking in partial prohibitions (limiting) of use.
13. Meadows are not considered wildlife habitat by ESEE inventory even though ESEE considers meadows "provide important wildlife habitat".
14. Lack of enforcement of existing laws and codes not addressed.
15. LCDC and Metro plans unfair, unworkable and with no proven track record.
16. Adopting an ordinance before finalizing the details is backwards, unfair and unpredictable.
17. ESEE report done in only 2 days in March for over 10,000 acres, only from the public roads. It is not representative of typical year.
18. On what definitive basis are riparian corridors vastly different for different areas of MC?
19. The concept's good but the plan is flawed. An opinion expressed by one planning commissioner.
20. There is no October 24, 2003 hearing scheduled as APR states.
21. SEC-h requires information on adjacent properties so specific, information can only be obtained by trespass.

22. Metro is proposing change to industrial zone in southwest area of WSRP area but no mention of this is in ESEE or how this impacts SEC overlay zone.
23. Possible degradation by ag and forestry uses not addressed by WSRP. Simply passes the buck to departments of Agriculture and Forestry.
24. ESEE not site specific as it claims.
25. No publication in ESEE report of contract with Fishman.
26. Appendix I does not exist in ESEE (page 9).
27. MC only received 45 replies out of 1100 mailers sent for the Scoping Report, a 4.09% return. John Winters, a property owner, received over 211 responses in a 700 mailer survey, a **30.14% return. Of those, 99% were opposed to additional restrictions.**
28. Fish habitat does not mean fish bearing per OAR 660-023-0090(5).
29. Fish habitat criteria would never result in anything less than high significance since criteria includes all downstream habitat.
30. ESEE is contradictory and not consistent. Example: Bats have not been documented according to the ESEE (page 23), not even roosting areas, but page 30 says they have been documented.
31. Number of acres listed in ESEE contradictory and not consistent, page 50 table 3.
32. ESEE does not address the conflict of interest of some Task Force members.
33. Reduction in use equates to reduction in property values.

#9

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 10-28-2002

SUBJECT: West of Sandy River

AGENDA NUMBER OR TOPIC: PH-1 & PH-2

FOR: _____ AGAINST: X THE ABOVE AGENDA ITEM

NAME: Cindy Bennington

ADDRESS: 35161 SE Dodge Park

CITY/STATE/ZIP: Gresham OR

PHONE: _____ DAYS: _____ EVES: 503-663-3397

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: _____

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

AGENDA PLACEMENT REQUEST

Board Clerk Use Only:
Meeting Date: October 28, 2002

Bud Mod #:

Agenda Item #: PH-2

Estimated Start Time: 7:00 PM

Date Submitted: 10/02/02

Requested Date: 10/24/02

Amount of Time Requested: 15 minutes

Department: DBCS

Division: Land Use & Transportation

Contact/s: April Siebenaler / Chuck Beasley

Phone: 988-3043

Ext.: 29637 / 22610 I/O Address: 455/116

Presenters: April Siebenaler & Chuck Beasley

Agenda Title: An Ordinance amending MCC Chapter 29; Grading and Erosion Control and Flood Hazard Regulations.

NOTE: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide clearly written title.)

Please answer all relevant questions; leave others blank. Please do not alter form.

1. What action are you requesting from the Board? What is the department/agency recommendation?

Action requested includes hearing and adoption of an ordinance amending MCC Chapter 29 Building Regulations. This ordinance is required to implement the water quality protection program in the West of Sandy River Rural Area Transportation and Land Use Plan.

The Multnomah County Planning Commission and staff recommend adoption of the plan and implementing ordinances. The Planning Commission Resolution which contains the recommendation is included in this packet. Please see the attached Planning Commission Resolution PC- 01-007.

2. Please provide sufficient background information for the Board and the public to understand this issue.

The West of Sandy River Rural Area Transportation and Land Use Plan is an integrated land use and transportation plan that contains specific policy direction and implementation measures for the West of Sandy River rural area. It is the 4th in the series of 5 area plans envisioned by the Board of Commissioners to plan

for the unique needs of the rural communities of Multnomah County. It is a combined transportation and land use plan with the objective to take both policies and implementing ordinances through the plan formulation and adoption process together.

The plan includes significant programs for the rural communities of Orient and Pleasant Home, includes protection for riparian corridors and wildlife habitat, proposes measures intended to protect farming in the area, and it includes the Transportation System Plan for the area. These programs address state mandates to plan for rural communities, to protect significant wildlife habitat, to plan the transportation system, and are intended to carry out the community vision. For more information about the West of Sandy River area and plan, please see the Executive Summary on pages ii and iii of the plan document.

3. Explain the fiscal impact (current year and ongoing).

No identified fiscal impact

NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.

If a budget modification, explain:

- ❖ What revenue is being changed and why?
- ❖ What budgets are increased/decreased?
- ❖ What do the changes accomplish?
- ❖ Do any personnel actions result from this budget modification? Explain.
- ❖ Is the revenue one-time-only in nature?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain:

- ❖ Why was the expenditure not included in the annual budget process?
- ❖ What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?
- ❖ Why are no other department/agency fund sources available?
- ❖ Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.
- ❖ Has this request been made before? When? What was the outcome?

If grant application/notice of intent, explain:

- ❖ Who is the granting agency?
- ❖ Specify grant requirements and goals.
- ❖ Explain grant funding detail – is this a one time only or long term commitment?
- ❖ What are the estimated filing timelines?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?
- ❖ How will the county indirect and departmental overhead costs be covered?

4. Explain any legal and/or policy issues involved.

The proposed MCC Chapter 29 ordinance as amended is a significant component of the protection measures for fish and wildlife habitat.

Notification of the scheduled hearing date of October 24, 2002 is being provided as required by state law. Notice of the hearing has been mailed to 1,244 individual property owners, and arrangements for publication of a notice in a newspaper of general circulation at least 10 days before the hearing has been made.

5. Explain any citizen and/or other government participation that has or will take place.

Citizen Participation:

The plan was developed at 16 citizen Task Force (TF) meetings. The TF was made up of 14 people including area residents, a watershed council representative, and Planning Commission and Board of Commissioner liaisons. The meetings were open to the public and time was reserved at each meeting for public comments. Meeting announcements and agendas were sent to a list that grew to over 210 people by the end of the process. TF meeting notices were also provided to area newspapers for printing prior to meetings.

Two general Open House meetings were conducted after notification to all property owners in the plan area. In addition, owners of property potentially affected by the riparian corridor planning were notified of two open house opportunities for them to see the proposed stream maps and ask questions. Finally, an open house for Orient and Pleasant Home business owners was held to provide them a chance to hear about the proposed new zoning and to ask questions.

In addition to the above, three area wide notices to all property owners were provided during the five Planning Commission hearings, along with newspaper notice and individual notice to hearings participants.

Staff anticipates that citizens will attend the October 24, 2003 hearing on this matter.

Other Government Participation:

The plan benefited from technical assistance received at three Technical Advisory Committee meetings that were held during plan formulation. Some of the agencies that participated include: the Department of Land Conservation and Development, Natural Resources Conservation Service, Oregon Department of Fish and Wildlife, Sandy River Basin Watershed Council, East Multnomah County Soil and Water Conservation District, Metro, City of Gresham, Oregon Parks and Recreation, City of Sandy. A complete list of agencies notified is in the appendix of the plan.

Meetings Calendar:

October 1998 - Community Open House

October 1998 – February 1999, PSU Study of Orient RC, including two open house meetings.

January 1999 - Scoping Report Adopted by Board of Commissioners

September 1999 - First of 16 Task Force meetings was held.

March 2001 - Land Use Technical Advisory Committee Meeting for Rural Communities, farm, forest, parks, and exception lands.
May and June 2001 – Two Open House meetings for property owners impacted by Goal 5 resource protection plan.
June 2001 - Land Use Technical Advisory Committee Meeting for Goal 5
June 2001 - Community Open House
July 2001 - Orient and Pleasant Home Business Owners Meeting.
August – November 2001 - Plan preparation, final Task Force meeting.
January – September, 2002 Five Planning Commission Hearings on WSR.

Attachments to the Agenda Placement Request:

Ordinance Amending Chapter 29 Grading and Erosion Control and Flood Hazard Regulations.

Required Sign Off (NOTE: electronic check indicates approval)

Department/Agency Director ☒ M. Cecilia Johnson

Agenda Review Team ☐ By: (type name of approver) Date:

Ballot Measure 56, adopted by voters on Nov. 3, 1998, requires the following language to be included in this notice:

"This is to notify you that Multnomah County has proposed a land use regulation that will affect the permissible uses of your land. Multnomah County has determined that this proposal will affect the permissible uses of your property and may reduce the value of the subject property."



Public Hearing Notice

Multnomah County invites you to a public hearing regarding the proposed West of Sandy River Rural Area Transportation and Land Use Plan.

**Public Hearing before the
Multnomah County Board of Commissioners
October 24, 2002 at 9:30 a.m.
Multnomah Building, First Floor Boardroom (Room 100)
501 SE Hawthorne Blvd. Portland, OR 97214**

This is a public hearing for testimony on the **West of Sandy River Rural Area Transportation and Land Use Plan**. The plan proposes new comprehensive plan policies and a revised zoning code to guide development in the area. The new policies address transportation system planning, zoning for the Orient and Pleasant Home Rural Centers, farm and forest lands, multiple use agriculture and rural residential areas, and protection of water quality and fish and wildlife habitat. The zoning code revisions include changes to the existing ordinances for areas zoned Exclusive Farm Use (EFU), Commercial Forest Use (CFU), Multiple Use Agriculture 20 Acre (MUA-20), and Rural Residential (RR). A new zoning map and ordinances for all land within the Orient and Pleasant Home Rural Centers is proposed. A new overlay zone map and zoning ordinance is proposed to protect fish and wildlife habitat pursuant to the requirements of Statewide Planning Goal 5 Natural Resources. The overlay zone map identifies streams and forested areas that have been determined to be significant in the West of Sandy River ESEE report, which is also being considered for adoption. The general locations of the proposed protection areas are shown on the map included as page 4 of this notice.

If, after reading this notice, you have further questions about how the proposal applies to your land, or about how to participate in the public hearing, please contact:

Chuck Beasley
Land Use Planning
phone (503) 988-3043
fax (503) 988-3389
email charles.h.beasley@co.multnomah.or.us

A copy of the draft ordinance can be viewed on the internet at: www.co.multnomah.or.us/dscd/landuse or can be purchased at the cost of printing from the Land Use Planning Office
1600 SE 190th Ave.
Portland, OR 97233

Office hours are 8:00 am to 4:00 pm, M-F.

Description of Proposed Ordinances

The information below is a brief summary of some of the more significant changes that are proposed, but is not intended to be a complete list of all changes. If you have questions, please contact us.

All Zones - Amends "Lot of record" provisions to standardize definitions across all rural zones. Nonfarm and conditional uses are limited to a type and scale to serve the rural area except in the CFU zone. Adds "right to farm" deed covenant for new and replacement dwellings.

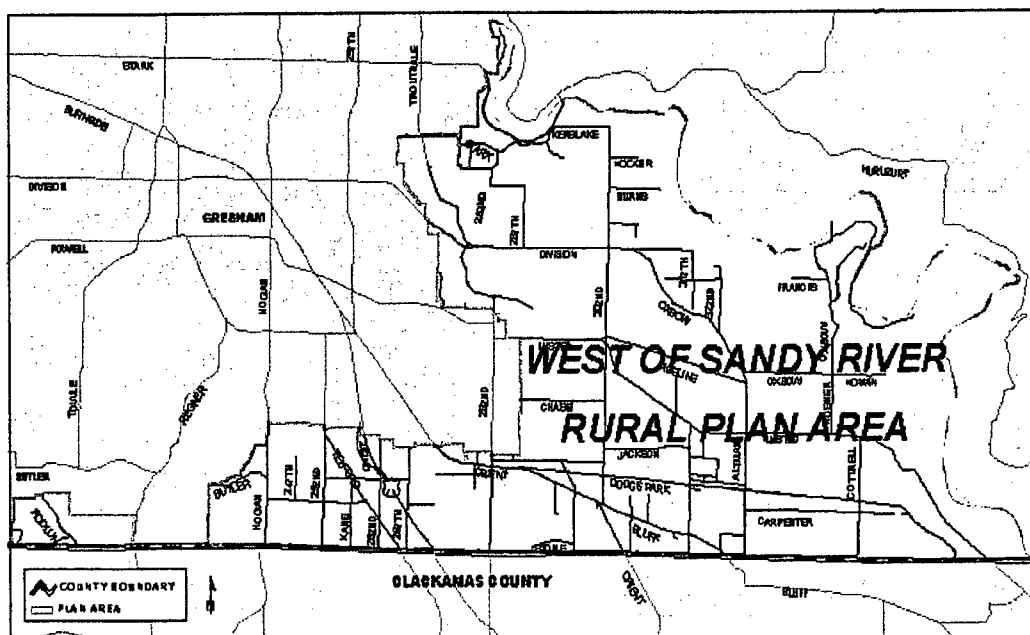
Exclusive Farm Use (EFU) - Reduces aggregation of parcels requirement to only apply to contiguous parcels owned on February 20, 1990. Removes dog kennels and public and private parks from the list of allowable uses. Adds wildlife habitat conservation plan opportunity, and clarifications from state statutes and Rules.

Commercial Forest Use (CFU) - Reduces aggregation of parcels requirement to only apply to contiguous parcels owned on February 20, 1990. Adds wildlife habitat conservation plan opportunity. Adds opportunity to divide a parcel that has two lawful dwellings.

Multiple Use Agriculture 20 Acre (MUA-20) - Removes 2nd dwelling for farm help and provision for a lot less than minimum parcel size to comply with Statewide Planning Goal 14. Removes prior allowance for commercial uses on poor soils.

Rural Residential (RR) - Requires a "right to farm" deed covenant for new and replacement dwellings. Removes 2nd dwelling for farm help and lot less than minimum parcel size to comply with Statewide Planning Goal 14. Removes prior allowance for commercial uses on poor soils.

Rural Center (RC) - Requires a "right to farm" deed covenant to be recorded for new and replacement dwellings. In the Orient area, divides existing RC zone into residential and commercial-industrial zones as shown on a new zoning map. Adds small-scale low impact size limitation to commercial and industrial uses, changes the list of allowable commercial and industrial uses, changes Type B home occupations to administrative process. Removes 2nd dwelling for farm help and lot less than minimum parcel size to comply with Statewide Planning Goal 14.



Description of Proposed Fish and Wildlife Habitat Protection Ordinance

The information below is a brief summary of some of the more significant parts of the plan to protect fish and wildlife habitat. The plan is based on the ESEE report, which is the inventory and analysis of riparian corridors and wildlife habitat. The report explains the Goal 5 process and is viewable on the internet at the address on the first page of this notice, or can be obtained at our offices for the cost of printing. A summary of the inventory is contained in the West of Sandy River Rural Area Plan, Board of Commissioners Draft, October 24, 2002, beginning on page 16. The complete ESEE report is the document entitled, Economic, Social, Environmental, and Energy Report, Draft October 24, 2002.

Where the Regulations Apply

Areas where development would be regulated under the proposed Significant Environmental Concern (SEC) overlay zone are areas that contain riparian corridors and wildlife habitat. Riparian corridors are areas within 200' from each side of a significant stream (water resource), and are proposed to be designated, SEC-wr. Significant wildlife habitat is composed of forested areas connected to streams, and larger blocks of forested land, and is designated SEC-h. The SEC overlay zone also continues the existing requirements that apply to land areas within the Sandy River Wild and Scenic River and Scenic Waterway, designated as SEC-sw. These areas are shown on the map on the following page.

Please examine the attached map. If you are unsure if your property is within an SEC area, or if you need more information about how the proposed ordinance may affect you, please call us at 503-988-3043.

Purpose of the Proposed SEC Overlay Ordinance

Development within the mapped areas will require a permit that is intended to ensure that rivers and streams and fish and wildlife habitat is protected when development occurs. Development is broadly defined as manmade change to the land including construction of buildings, grading in an amount greater than 10 cubic yards, or removal of 10% of the vegetation in a water resource or habitat area.

Exceptions to SEC Permit Requirements

The proposed ordinance **does not regulate farming practices** such as tilling, spraying, planting, harvesting, and irrigation, timber cutting under the Forest Practices Act, repair and maintenance of existing structures and driveways, existing yards and gardens, additions of less than 400 square feet to existing dwellings, and emergency responses.

Existing lawfully established structures may be replaced within the same building lines in SEC-wr areas when areas near streams are enhanced by planting of native trees and other vegetation.

Allowance for Small Lots and Low Impact Sites

The proposed ordinance contains a Buildable Lot Encroachment provision intended to ensure that construction of a single family dwelling and necessary facilities will not be prevented by the habitat protection ordinance.

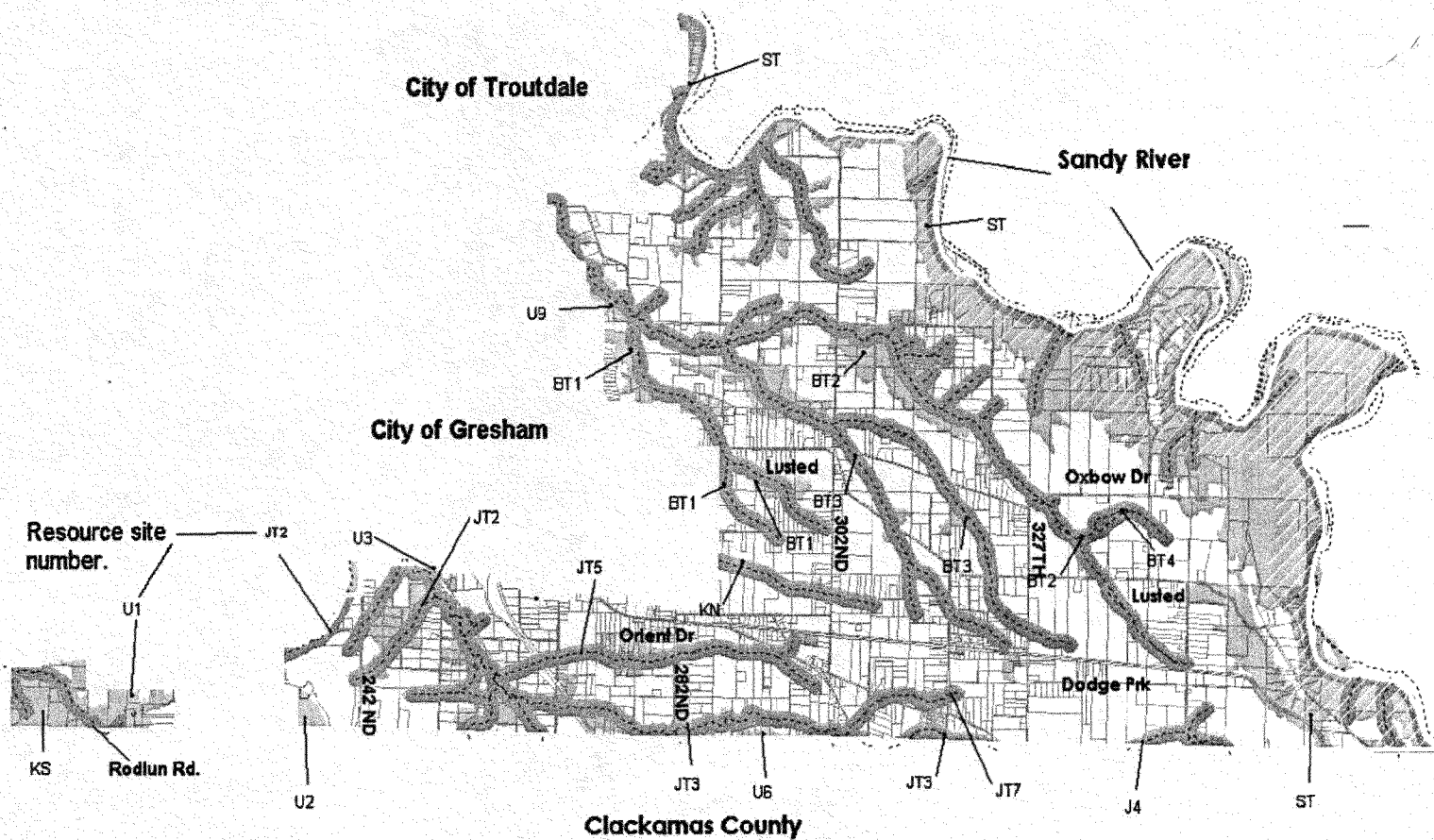
A permit can be approved under lesser standards for development as close as 100' from a stream on Low Impact Sites, which are areas where the ground slope to the stream is less than 25%, and when tree removal is minimized and new trees and shrubs are planted near the stream.

**NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215
REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED
TO THE PURCHASER**

Please examine this map. If you are unsure if your property is within an SEC area, or if you need more information, please call us at 503-988-3043.

West of Sandy River SEC Overlay Zones

SEC - wr SEC - sw
SEC - h



**DECISION OF THE
MULTNOMAH COUNTY PLANNING COMMISSION**

In the matter of recommending adoption of an)
Ordinance that contains Comprehensive Plan)
policies for the West of Sandy River Plan Area)
and establishing the proposed MCC Chapter 36 as)
the Zoning Code for the Plan Area.)

**RESOLUTION
PC-01-007**

WHEREAS, The Planning Commission is authorized by Multnomah County Code Chapter 11.05 to recommend to the Board of County Commissioners the adoption or revision of the Comprehensive Plan, and Zoning Ordinances to implement the Multnomah County Comprehensive Plan; and

WHEREAS, The Multnomah County Board of Commissioners has adopted a reorganized County Zoning Code including Chapters 33, 34, 35, 37, and 38; that contains zoning provisions to meet the needs of individual plan areas, and Chapter 36 is reserved for the West of Sandy River Rural Area; and

WHEREAS, The proposed Comprehensive Plan Policies and implementing zoning ordinance recognize the unique characteristics of the plan area and are needed to plan for the future of the area,

WHEREAS, The Planning Commission considered the Framework Plan policies and Zoning Code Chapter 36 at public hearings on January 7, 2002, March 4, 2002, May 6, 2002, June 3, 2002, and September 9, 2002, where all interested persons were given an opportunity to appear and be heard,

WHEREAS, The Planning Commission recognizes and wants to convey their understanding that wildlife habitat and riparian corridor protection measures are a difficult and often contentious issue in the state and region at this time, and the proposed Significant Environmental Concern Water Resources (SEC-ws) habitat protection measures while less restrictive than others in the region, have raised concern in the hearings process,

WHEREAS, Multnomah County has been a leader in resource protection in the past, and the Planning Commission believes the County should continue in this role,

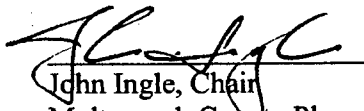
WHEREAS, The Planning Commission urges the Board of Commissioners to listen carefully to the public testimony and to reach a full understanding of the extent of the burden the proposed SEC regulations place on individual properties,

WHEREAS, Government should serve as a model when implementing resource protection measures and should avoid inconsistencies between actions taken on behalf of the public when compared to those required of private landowners,

WHEREAS, It was expressed to the Planning Commission in public hearings, and the Commissioners agree, that adequate enforcement is key to ensuring public acceptance and fairness in implementation of all ordinances,

NOW, THEREFORE BE IT RESOLVED that the proposed Ordinance that contains the Comprehensive Plan policies and Zoning Code and Maps to implement the West of Sandy River Rural Area Transportation and Land Use Plan is hereby recommended for adoption by the Board of County Commissioners.

Approved this 9th day of September, 2002

A handwritten signature in black ink, appearing to read "John Ingle", is written over a horizontal line.

John Ingle, Chair
Multnomah County Planning Commission

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Amending MCC Chapter 29 To Add Grading And Erosion Control And Flood Hazard Regulations Needed To Implement The Policies Of The West Of Sandy River Rural Area Transportation And Land Use Plan And To Comply With Metro Functional Plan Title 3 Requirements For Water Quality Protection.

Multnomah County Ordains as follows:

Section 1. MCC Chapter 29, Building Regulations, is amended to add §§ 29.320-29.325 as follows:

WEST OF SANDY RIVER GRADING AND EROSION CONTROL

§ 29.320 Purposes.

The purposes of the Grading and Erosion Control ordinance are to promote the public health, safety and general welfare, and minimize erosion and related environmental damage in the West of Sandy River Plan Area of unincorporated Multnomah County, all in accordance with ORS 215, LCDC Statewide Planning Goal No. 6 and the County Comprehensive Framework Plan Policies 13 and 14. This subdistrict is intended to:

- (A) Protect human life;
- (B) Protect property and structures;
- (C) Minimize expenditures for rescue and relief efforts associated with earth movement failures;
- (D) Control erosion, production and transport of sediment;
- (E) Regulate land development actions including excavation and fills, drainage controls and protect exposed soil surfaces from erosive forces; and
- (F) Control stormwater discharges and protect streams, ponds, and wetlands.

§ 29.321 Erosion Control Related Definitions.

For the purpose of this subchapter, the following definitions shall apply unless the context requires a different meaning.

CERTIFIED ENGINEERING GEOLOGIST. Any person who has obtained certification by the state as an engineering geologist.

CUT.

- (1) An excavation;
- (2) The difference between a point on the original ground surface and the point of lowest elevation on the final grade;
- (3) The material removed in excavation work.

DEVELOPMENT. Any manmade change defined as buildings or other structures, mining, dredging, paving, filling, or grading in amounts greater than ten (10) cubic yards on any lot or excavation. Any other activity that results in the removal of more than 10 percent of the existing vegetation in a Water Resource Area or Habitat Area on a lot or parcel. *(Title 3)*

DEVELOPMENT AREA. The total area of alteration of the naturally occurring ground surface resulting from construction activities whether permanent or temporary.

DRAINAGE AREA. The subject property together with the watershed (acreage) contributing water runoff to and receiving water runoff from the subject property.

DRAINAGEWAY. Any natural or artificial stream, swale, creek, river, ditch, channel, canal or other open water-course.

EARTH MOVEMENT. Any type of land surface failure resulting in the downslope movement of material. The term includes, but is not limited to, soil creep, mudflow, rockslides, block failures, and massive landslides.

EROSION. The wearing away or removal of earth surface materials by the action of natural elements or forces including, but not limited to, wind, water or gravity.

EXCAVATION. Any act by which earth, sand, gravel, rock or any similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed, including the conditions resulting therefrom.

FILL.

- (1) Any act by which earth, sand, gravel, rock or similar material is pushed, placed, dumped, stacked, pulled, transported, or in any way moved to a new location above the existing natural surface of the ground or on the top of a stripped surface, including the condition resulting there from.
- (2) The difference in elevation between a point on the original ground surface and the point of higher elevation on a finished grade.
- (3) The material used to make a fill.

GEOTECHNICAL ENGINEER. A civil engineer, licensed to practice in the state, who by training, education and experience is competent in the practice of geotechnical or soils engineering practices.

GEOTECHNICAL REPORT. Any information required in addition to Form 1 which clarifies the geotechnical conditions of a proposed development site. Examples of this would be reports on test hole borings, laboratory tests or analysis of materials, or hydrologic studies.

GRADING. Any stripping, cutting, filling, stockpiling or any combination thereof, including the land in its cut or filled condition.

HDP FORM-1. The form required for specified developments subject to the Hillside Development and Erosion Control Subdistrict. It contains a geotechnical reconnaissance and stability questionnaire which must be filled out and certified by a certified engineering geologist or geotechnical engineer.

LAND-DISTURBING ACTIVITIES. Any act which alters earth, sand, gravel, or similar materials and exposes the same to the elements of wind, water, or gravity. Land-disturbing activities include: excavations or fills, site grading, and soil storage.

MULCH. Materials spread over the surface of the ground, especially freshly graded or exposed soils, to prevent physical damage from erosive agents such as storm water, precipitation or wind, and which shield soil surfaces until vegetative cover or other stabilization measures can take effect.

ORDINARY HIGH WATER MARK. Features found by examining the bed and banks of a stream and ascertaining where the presence and action of waters are so common and usual, and so long maintained in all ordinary years, as to mark upon the land a character distinct from that of the abutting upland, particularly with respect to vegetation. For streams where such features cannot be found, the channel bank shall be substituted. In braided channels and alluvial fans, the ordinary high water mark shall be measured to include the entire stream feature.

SLOPE.

- (1) Any ground whose surface makes an angle from the horizontal; or
- (2) The face of an embankment or cut section.

SLOPE HAZARD MAP. A series of maps (Figures 1A through 6A.) prepared by Shannon & Wilson, Inc., dated September, 1978, and on file in the Office of the director, Department of Environmental Services.

SPOIL MATERIAL. Any rock, sand, gravel, soil or other earth material removed by excavation or other grading activities.

STREAM. Areas where surface waters flow sufficient to produce a defined channel or bed. A defined channel or bed is indicated by hydraulically sorted sediments or the removal of vegetative litter or loosely rooted vegetation by the action of moving water. The channel or bed need not contain water year-round. This definition is not meant to include irrigation ditches, canals, stormwater runoff devices or other entirely artificial watercourses unless they are used to convey Class 1 or 2 streams naturally occurring prior to construction. Those topographic features resembling streams but which have no defined channels (such as, swales) shall be considered streams when hydrologic and hydraulic analyses performed pursuant to a development proposal predict formation of a defined channel after development.

STREAM PROTECTION. Activities or conditions which avoid or lessen adverse water quality and turbidity effects to a stream.

TOPOGRAPHIC INFORMATION. Surveyed elevation information which details slopes, contour intervals and drainageways. Topographic information shall be prepared by a registered land surveyor or a registered professional engineer qualified to provide such information and represented on maps with a contour interval not to exceed ten feet.

VEGETATION. All plant growth, especially trees, shrubs, grasses and mosses.

VEGETATIVE PROTECTION. Stabilization of erosive or sediment-producing areas by covering the soil with:

- (1) Permanent seeding, producing long-term vegetative cover;
- (2) Short-term seeding, producing temporary vegetative cover;
- (3) Sodding, producing areas covered with a turf or perennial sod-forming grass; or
- (4) Netting with seeding if the final grade has not stabilized.

WATER BODY. Areas permanently or temporarily flooded which may exceed the deepwater boundary of wetlands. Water depth is such that water, and not the air, is the principal medium in which prevalent organisms live. Water bodies include rivers, creeks, lakes, and ponds.

WATERCOURSE. Natural and artificial features which transport surface water. **WATERCOURSE** includes a river, stream, creek, slough, ditch, canal, or drainageway.

('90 Code § 9.40.050) (Ord. 847, passed 1996)

§ 29.322 Permits Required.

(A) **Grading and erosion control permit.** All persons proposing land disturbing activities or development :

(1) Where the volume of soil or earth material disturbed, stored, disposed of or used as fill exceeds 10 cubic yards;

(2) Which obstructs or alters a drainage course; or

(3) Which takes place within 100 feet by horizontal measurement from the top of the bank of a watercourse, the mean high watermark (line of vegetation) of a body of water, or within the wetlands associated with a watercourse or water body, whichever distance is greater, shall obtain a grading and erosion control permit as prescribed by this Subdistrict, unless exempted by §§ 29.323(B)(2) through (6) or (C) of this subchapter. Development projects subject to a hillside development permit do not require a separate grading and erosion control permit.

(B) **Grading and erosion control permit.** All persons proposing land-disturbing activities within the Tualatin River and Balch Creek Drainage Basins shall first obtain a grading and erosion control permit, except as provided by § 29.323(C) of this subchapter.
('90 Code § 9.40.010) (Ord. 847, passed 1996)

§ 29.323 Exempt Land Uses And Activities.

The following are exempt from the provisions of this subchapter:

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

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

- (1) Natural and finished slopes will be less than 25%;
- (2) The disturbed or filled area is 20,000 square feet or less;
- (3) The volume of soil or earth materials to be stored is 10 cubic yards or less;
- (4) Rainwater runoff is diverted, either during or after construction, from an area smaller than 10,000 square feet;
- (5) Impervious surfaces, if any, of less than 10,000 square feet are to be created; and
- (6) No drainageway is to be blocked or have its stormwater carrying capacities or characteristics modified.

(C) **Categorical exemptions.** Notwithstanding divisions (A) and (B)(1) through (6) of this section, the following activities are exempt from the permit requirements:

- (1) An excavation below finished grade for basements and footings of a building, retaining wall, or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation, nor exempt any excavation having an unsupported finished height greater than five feet.
- (2) Cemetery graves, but not cemetery soil disposal sites.
- (3) Excavations for wells, except that sites in the Tualatin Basin shall require Erosion Control Plans for spoils or exposed areas consistent with OAR 340-41-455(3).
- (4) Mineral extraction activities as regulated by the county zoning code.
- (5) Exploratory excavations under the direction of certified engineering geologists or geotechnical engineers.
- (6) Routine agricultural crop management practices.
- (7) Residential gardening and landscape maintenance at least 100 feet by horizontal measurement from the top of the bank of a watercourse, or the mean high watermark (line of vegetation) of a body of water or wetland.

(8) Emergency response activities intended to reduce or eliminate an immediate danger to life, property, or flood or fire hazards.

(9) Forest practices as defined by ORS 527 (the State Forest Practices Act) and approved by the state Department of Forestry. ('90 Code § 9.40.020) (Ord. 847, passed 1996)

§ 29.324 Application Information Required.

An application for development subject to the requirements of this Subdistrict shall include the following:

(A) A map showing the property line locations, roads and driveways, existing structures, trees with eight-inch or greater caliper or an outline of wooded areas, watercourses and include the location of the proposed development(s) and trees proposed for removal.

(B) An estimate of depths and the extent and location of all proposed cuts and fills.

(C) The location of planned and existing sanitary drainfields and drywells.

(D) Narrative, map or plan information necessary to demonstrate compliance with applicable provisions of the county zoning code. The application shall provide applicable supplemental reports, certifications, or plans relative to: engineering, soil characteristics, stormwater drainage, stream protection, erosion control, and/or replanting.
(90 Code § 9.40.030) (Ord. 847, passed (1996))

§ 29.325 Grading And Erosion Control Permit Standards.

Approval of development plans on sites subject to a grading and erosion control permit shall be based on findings that the proposal adequately addresses the following standards. Conditions of approval may be imposed to assure the design meets the standards:

(A) ***Design standards for grading and erosion control.***

(1) ***Grading standards.***

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

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

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

(d) The proposed drainage system shall have adequate capacity to bypass all sheet flow through the development from a storm of ten-year design frequency and maintain the existing flood carrying capacity of all watercourses passing through the property; (Ord. 931, passed 1999)

(e) Fills shall not encroach on natural watercourses or constructed channels unless measures are approved which will adequately handle the existing flood carrying capacity for the altered portion of the stream. (Ord. 931, passed 1999)

(2) Erosion control standards.

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

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

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

(d) Whenever feasible, natural vegetation shall be retained, protected, and supplemented;

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

2. The buffer required in subsection (d)1. may only be disturbed upon the approval of a mitigation plan which utilizes erosion and stormwater control features designed to perform as effectively as those prescribed in the currently adopted edition of the "Erosion Prevention & Sediment Control Plans Technical Guidance Handbook" and the "City of Portland Stormwater Quality Facilities, A Design Manual (1995)" and which is consistent with attaining equivalent surface water quality standards as those established for the Tualatin River Drainage Basin in OAR 340;

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

(f) Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development. The rate of surface water runoff shall be structurally retarded where necessary;

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

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

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

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

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

1. Energy absorbing devices to reduce runoff water velocity;
2. Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule;
3. Dispersal of water runoff from developed areas over large undisturbed areas.

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

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

(B) Responsibility

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

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

(C) Implementation.

(1) Performance bond. A performance bond may be required to assure the full cost of any required erosion and sediment control measures. The bond may be used to provide for the installation of the measures if not completed by the contractor. The bond shall be released upon determination the control measures have or can be expected to perform satisfactorily. The bond may be waived if the director determines the scale and duration of the project and the potential problems arising therefrom will be minor.

(2) Inspection and enforcement. The requirements of this subdistrict shall be enforced by the planning director. If inspection by county staff reveals erosive conditions which exceed those prescribed by the Hillside Development Permit or Grading and Erosion Control Permit, work may be stopped until appropriate correction measures are completed.

(D) **Final approvals.** A certificate of occupancy or other final approval shall be granted for development subject to the provisions of this subdistrict only upon satisfactory completion of all applicable requirements.
(90 Code § 9.40.040) (Ord. 847, passed 1996)

Section 2. MCC Chapter 29, Building Regulations, is amended to add §§ 29.620-29.630 as follows:

WEST OF SANDY RIVER FLOOD HAZARD REGULATIONS

29.620 Purposes.

The purposes of the Flood Hazard Standards are to promote the public health, safety and general welfare, to reduce the risk of flooding and maintain the functions and values of floodplains such as allowing for the storage and conveyance of stream flows through existing and natural flood conveyance systems, and to minimize public and private losses due to flood conditions in specific areas and to allow property owners within the West of Sandy River Plan Area of unincorporated Multnomah County to participate in the National Flood Insurance Program.(Title 3)

29.621 Definitions.

For the purpose of this subchapter, the following definitions shall apply:

ALTERATION. To modify, change or make different.

DEVELOPMENT. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the areas shown within 100-year flood boundary as identified on the Flood Boundary and Floodway Maps and the Flood Insurance Rate Maps as published by the Federal Emergency Management Agency (FEMA), the area of inundation for the February 1996 flood, and any watercourse.

DESIGN FLOOD ELEVATION. The elevation of the 100-year flood as defined by FEMA Flood Insurance Rate Maps, or in areas without maps, the elevation of the 25-year storm, or the edge of mapped flood prone soils or similar methodologies.

ELEVATION CERTIFICATE. The document used to certify the FIRM Zone and base flood elevation of the development area of a property, and to determine the required elevation or floodproofing requirements of new and substantially improved structures.

ENCROACHMENT. To fill, construct, improve, or develop beyond the original bank line of the watercourse. Bank stabilization or restoration of a watercourse which does not protrude beyond the original banks line is not considered an encroachment by this subdistrict.

FLOOD MANAGEMENT AREA. All lands contained within the the 100-year flood boundary as identified on the Flood Boundary and Floodway Maps and the Flood Insurance Rate Maps as published by the Federal Emergency Management Agency (FEMA), and the area of inundation for the February 1996 flood.(Title 3)

FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

RECREATIONAL VEHICLE. A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (1) Before the improvement or repair is started; or
- (2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The costs to repair must be calculated for full repair to "before-damage" condition, even if the owner elects to do less. The total costs to repair include both structural and finish materials and labor.
- (3) Substantial Improvement does not, however, include either:
 - (a) The portion of any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by local building officials and which are the minimum necessary to assure safe living conditions or
 - (b) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

WATERCOURSE. Natural and artificial features which transport surface water. Watercourse includes a river, stream, creek, slough, ditch, canal, or drainageway.

§ 29.622 Areas Affected.

(A) The provisions of MCC 29.620 - 29.630 shall apply within the West of Sandy River Plan Area to all areas within the 100-year flood boundary as identified on the Flood Boundary and Floodway Maps and the Flood Insurance Rate Maps as published by the Federal Emergency Management Agency (FEMA), the area of inundation for the February 1996 flood, and any watercourse as defined by MCC 29.621.(Title 3)

(1) These maps may be periodically revised or modified by FEMA in accordance with prescribed procedures pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 92-234). In order to employ the best available information and maintain compliance with Federal Flood Insurance Program regulations, Multnomah County shall utilize any such revisions or modifications upon their effective date.

(2) On the Multnomah County Zoning Map, all areas depicted as being Flood Fringe (FF), Floodway (FW) or Flood Hazard (FH) with this ordinance are repealed from requiring a Flood Hazard Permit.

§ 29.623 Permits.

(A) No structure, dwelling or manufactured home shall be erected, located, altered, improved, repaired or enlarged and no other new development including but not limited to grading, mining, excavation and filling shall occur on lands within Flood Management Areas unless a Floodplain Development Permit specifically authorizing the proposal has been obtained from Multnomah County.

(1) Improvements to a structure, dwelling or mobile home, which does not require a land use permit, grading permit or building permit, are exempted from obtaining a Flood Hazard Permit.

(B) Alterations, modifications or relocations to any watercourse as defined in MCC 29.621 are subject to a Flood Hazard permit and the Watercourse Relocation requirements of MCC 29.629.

(1) Regular maintenance of ditches and dikes within the Sauvie Island Drainage District is exempted from obtaining a Flood Hazard Permit.

§29.624 Exemption from Development Standards.

The following are exempt:

(A) Land may be exempted from the requirements of MCC 29.626 upon review and approval by the Director of an acceptable elevation survey, certified by a State of Oregon Registered Professional Engineer or Land Surveyor, which demonstrates that the entire subject parcel is at least one foot above the base flood level.

(B) The reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Historic Sites Inventory may be permitted without regard to the requirements of MCC 29.626.

(C) Forest practices conducted under the Forest Practices Act.

§ 29.625 Application Information Required.

An application for development subject to a Floodplain Development Permit shall include the following:

(A) A map showing the property line locations, the boundaries of the 100 year floodplain on the parcel, roads, and driveways, existing structures, watercourses and the location of the proposed development(s), topographic elevations for the proposed development and areas of grading or filling required for the project.

(B) Detailed construction drawings showing compliance with the development standards specified in MCC 29.626. A licensed engineer or architect shall stamp the plans and include a statement that the plans meet the requirements of MCC 29.626.

(C) An elevation certificate signed by a Registered Professional Land Surveyor, Engineer or Architect. The certificate shall be accompanied by a plan of the property which shows the location and elevation of a benchmark on the property.

(D) A written narrative specifying building materials and methods that will be utilized to comply with the requirements of the Floodplain Permit.

(E) Evidence that the applicant has obtained, when necessary, prior approval from those Federal, State and/or local governmental agencies with jurisdiction over the proposed development.

§ 29.626 Development Standards.

The following standards shall apply to all new construction, substantial improvement or other development in Flood Management Areas:

(A) General Development Standards

(1) Development, excavation and fill shall be performed in a manner to maintain or increase flood storage and conveyance capacity and not increase design flood elevations.

(2) All fill placed at or below the design flood elevation in Flood Management Areas shall be balanced with at least an equal amount of soil material removal.

(3) Excavation shall not be counted as compensating for fill if such areas will be filled with water in non-storm winter conditions.

(4) Temporary fills permitted during construction shall be removed.

(5) Uncontained areas of hazardous materials as defined by DEQ shall be prohibited in Flood Management Areas.(Title 3)

(B) All Structures.

(1) All new construction and substantial improvement shall:

(a) Comply with Oregon State Building Codes.

(b) Have the electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(c) Use materials resistant to flood damage.

(d) Using methods and practices that minimize flood damage.

(e) For areas that are fully enclosed below the lowest floor and that are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

1. Designs for meeting this requirement must either be certified by a registered professional engineer or architect and must meet or exceed the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(C) Residential Structures.

New construction and substantial improvement of any residential structure, including manufactured homes, shall:

(1) Have the lowest floor, including basement, elevated to at least one foot above the base flood level as indicated on the Elevation Certificate. For purposes of this section, an unfinished garage (either attached or detached) may be considered a non-residential structure.

(2) Be placed on a permanent foundation and shall be anchored to resist flotation, collapse and lateral movement by providing tie downs (anchor bolts, seismic tie-downs) and anchoring as specified in OAR 814-23-005 through 080 and State of Oregon 1 and 2 Family Dwelling Specialty Code, as appropriate to the construction type.

(3) Conduct an as-built elevation survey of the lowest floor. This survey shall be completed by a State of Oregon Registered Professional Engineer or Land Surveyor and must certify that the structure's lowest floor was elevated to at least one foot above the base flood level.

(a) The as-built elevation survey shall be submitted to Multnomah County Land Use Planning prior to occupancy of the structure.

(b) Prior to issuance of a building permit or start of development, a performance bond or cash deposit of \$1000.00 shall be required to assure that the as-built elevation survey is submitted. The deposit/bond may be used to obtain the elevation survey, without notice, if it is not completed and submitted prior to occupancy of the dwelling. The performance bond or cash deposit shall be released upon submittal of the as-built elevation survey, unless utilized to obtain compliance.

(D) Nonresidential Structures.

New construction and substantial improvement of any commercial, industrial or other non-residential structure shall:

(1) Have the lowest floor including basement, elevated at least one foot above the base flood level; or, together with attendant utility and sanitary facilities, shall:

(a) Be floodproofed such that the structure, including the attendant utility and sanitary facilities, shall be substantially impermeable to the passage of water to an elevation at least one foot above the base flood level; and

(b) Have structural components capable of withstanding hydrostatic and hydrodynamic loads, effects of buoyancy, flood depths, pressures, velocities and other factors associated with the base flood; and

(c) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied.

(2) Provide an as-built elevation survey of the lowest floor completed by a State of Oregon Registered Professional Engineer or Land Surveyor certifying that the structure's lowest floor was elevated to at least one foot above the base flood level; or submit a stamped documentation by a State of Oregon Registered Professional Engineer certifying the structure has been built in compliance with MCC 29.626(D)(1)(a) through (c).

(a) The as-built elevation survey or stamped documentation shall be submitted to Multnomah County Land Use Planning prior to occupancy of the structure.

(b) Prior to issuance of a building permit or start of development, a performance bond or cash deposit of \$1000.00 shall be required to assure that the as-built elevation survey or stamped documentation is submitted. The bond/deposit may be used to obtain the elevation survey or documentation, without notice, if it is not completed and submitted prior to occupancy or use of the structure or development. The performance bond or cash deposit shall be released upon submittal of the as-built elevation survey or stamped documentation, unless utilized to obtain compliance.

(E) On Site Waste Disposal Systems, Wells, Water Systems and Sewer Systems.

All new and replacement water and sewer systems, including on-site waste disposal systems, shall be designed to:

- (1) Minimize infiltration of floodwaters into the system;
- (2) Minimize discharge from systems into floodwaters;
- (3) Avoid impairment or contamination during flooding.

(F) Recreational Vehicles in Campground or Recreational Development

Recreational vehicles utilized on sites within Zones A1-A30, AH and AE on the community's FIRM shall either:

- (1) Be on the site for fewer than 180 consecutive days, or
- (2) Be fully licensed and ready for highway uses, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- (3) Meet the requirements of MCC 29.626(B) and (C).

§ 29.627 Floodway Requirements.

In areas identified as floodway on the Flood Boundary and Floodway Maps, the following restrictions, in addition to the requirements of MCC 29.626, shall apply:

(A) No development shall be permitted that would result in any measurable increase in base flood levels.

(1) Encroachment into the floodway is prohibited, unless a detailed step backwater analysis and conveyance compensation calculations, certified by a Registered Professional Engineer, are provided which demonstrates that the proposed encroachment will cause no measurable increase in flood levels (water surface elevations) during a base flood discharge.

§ 29.628 Procedure When Base Flood Elevation Data is Not Available.

(A) For the purposes of administering MCC 29.626 in areas where detailed base flood elevation data has not been provided by FEMA, the Land Use Planning Division shall obtain, review and utilize any base flood elevation and floodway data available from federal, state or local sources to assure that the proposed construction will be reasonably safe from flooding and may exercise local judgment based on historical data.

(B) In areas where detailed base flood elevation data has not been provided by FEMA, all proposals for subdivisions or other new developments greater than 50 lots or five acres, whichever is less, shall provide detailed base flood elevation data and floodway data.

§ 29.629 Watercourse Relocation and Alteration.

Prior to approving any relocation, encroachment or alteration of a watercourse, the Land Use Planning Division shall provide mailed notice of the proposal to adjoining communities and to the Department of Land Conservation and Development Floodplain Coordinator. Copies of such notice shall also be provided to the Federal Insurance Administration.

(A) No relocation, encroachment or alteration of a watercourse shall be permitted unless a detailed hydraulic analysis, certified by a Registered Professional Engineer, is provided which demonstrates that:

(1) The flood carrying capacity for the altered or relocated portion of the watercourse will be maintained;

(2) The area subject to inundation by the base flood discharge will not be increased;

(3) The alteration or relocation will cause no measurable increase in base flood levels.

§ 29.630 County Records.

Multnomah County or its designee shall obtain and maintain on file the actual elevation (in relation to NGVD) of the lowest floor, including basement, of all new or substantially improved structures in areas subject to the provisions of this Section.

(A) For all new or substantially improved floodproofed structures in areas subject to the provisions of this Section, Multnomah County shall obtain and maintain on file the actual elevation (in relation to NGVD) of the floodproofing and shall also maintain the floodproofing certifications required pursuant to MCC 29.626(D)(1)(b) and (c).

Section 3. The effective date of this ordinance shall be January 1, 2003.

FIRST READING:

October 24, 2002

SECOND READING AND ADOPTION:

October 31, 2002

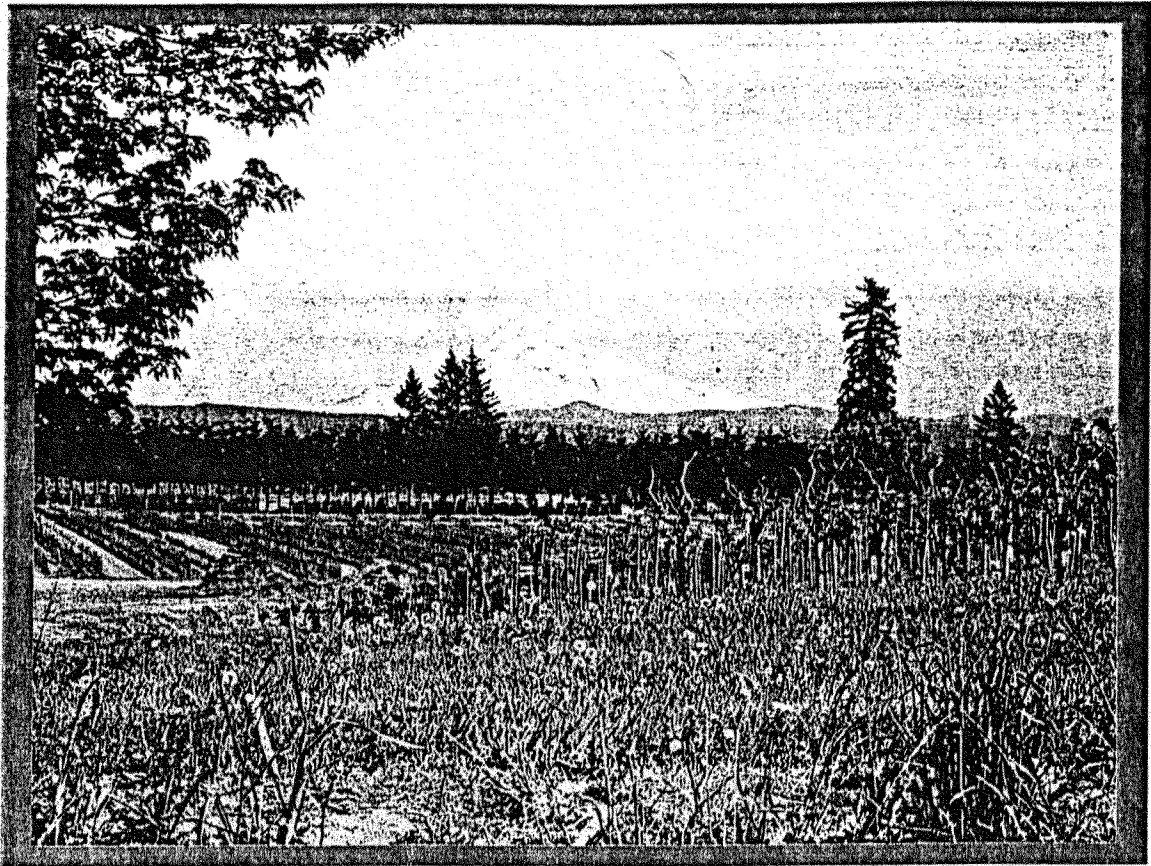
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

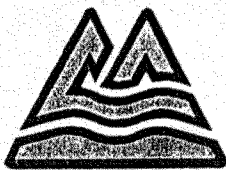
THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Sandra Duffy
Sandra N. Duffy, Deputy County Attorney



Board of Commissioners Draft
October 24, 2002

MULTNOMAH COUNTY West of Sandy River Transportation and Land Use Plan



**MULTNOMAH
COUNTY**

Parametrix

Exhibit A

**West of the Sandy River
Rural Area Transportation
and
Land Use Plan**

***Wildlife Habitat and Stream Corridor*
ESEE Report**

**Board of County Commissioners Draft
October 24, 2002**

PREPARED FOR:

**MULTNOMAH COUNTY, OREGON
TRANSPORTATION DIVISION
1600 SE 190TH AVENUE
PORTLAND, OREGON 97233-5910**

EXHIBIT C

CHAPTER 36: WEST OF SANDY RIVER RURAL PLAN AREA

§§:

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- 36.0005 Definitions
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- 36.0015 Zoning Map.

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- 36.8005** **Variances.**
- 36.8010** **Improvement Agreement.**
- 36.8015** **Final Drawing and Prints.**
- 36.8020** **Information Required on
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- 36.8025** **Supplemental Information with
Subdivision Plat or Partition
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- 36.8030** **Technical Review and Approval
of Subdivision Plat or Partition
Plat.**
- 36.8035** **Final Approval Effective.**

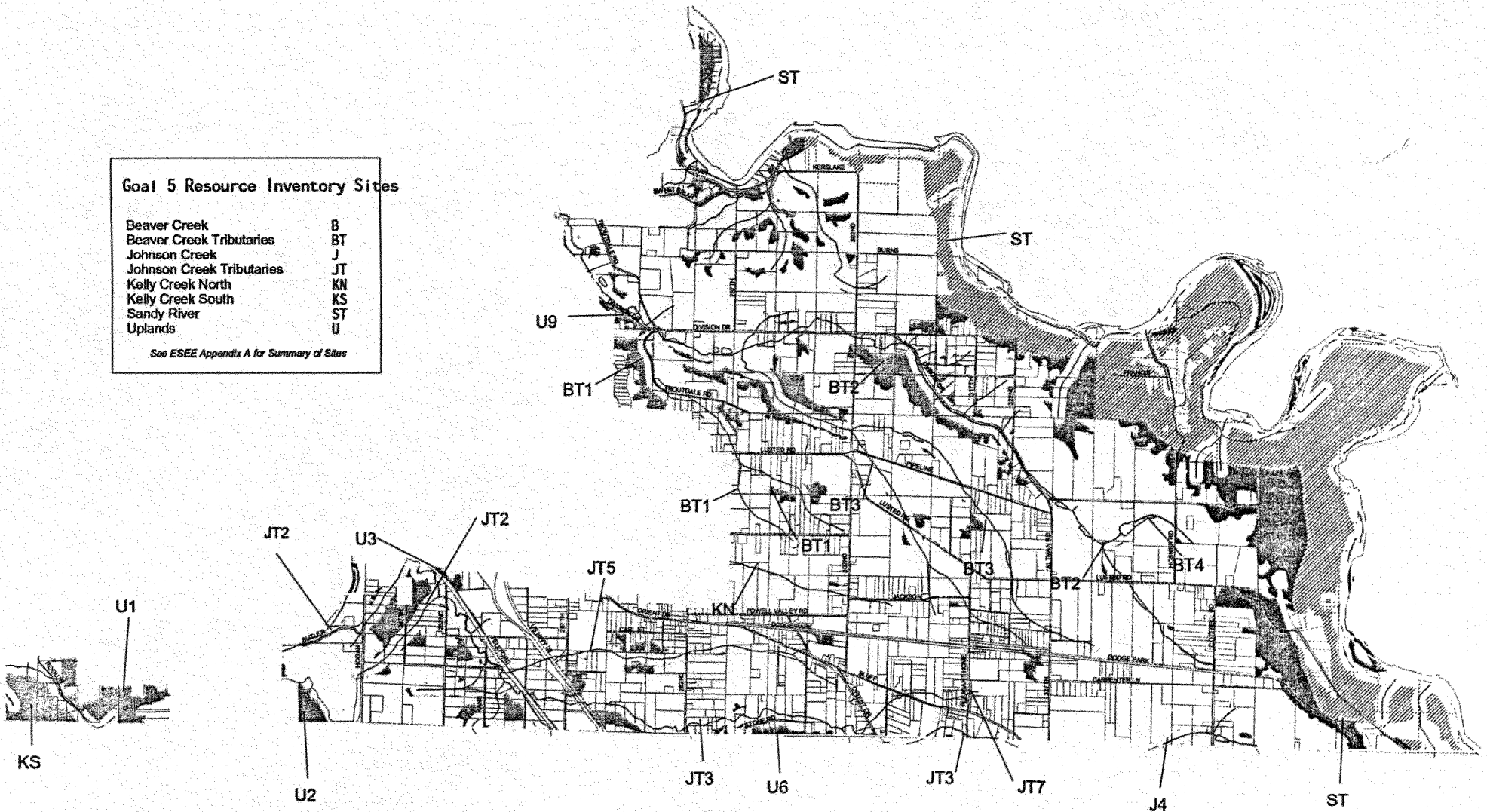
West of Sandy River

Significant Environmental Concern Overlay Zones

Goal 5 Resource Inventory Sites

Beaver Creek	B
Beaver Creek Tributaries	BT
Johnson Creek	J
Johnson Creek Tributaries	JT
Kelly Creek North	KN
Kelly Creek South	KS
Sandy River	ST
Uplands	U

See ESEE Appendix A for Summary of Sites



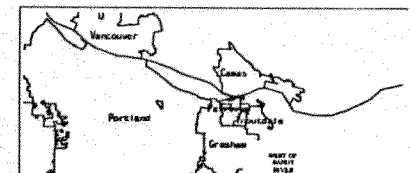
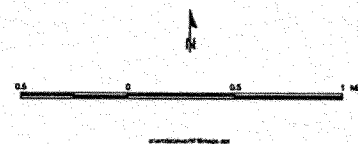
**Land Use
Planning
Division**

1600 SE 190th Ave
Portland, OR 97233
(503) 988-3343
Fax (503) 988-3389
land.use.planning@co.multnomah.or.us

Significant Environmental Concern Zones

- SEC-wr Water Resource
(200 ft each side of stream)
- SEC-h Wildlife Habitat
- SEC-sw Scenic Waterways

- Riparian Corridors
(100 ft each side of stream)
- West of Sandy River Plan Area
- Tax Lot Boundaries
- Streams



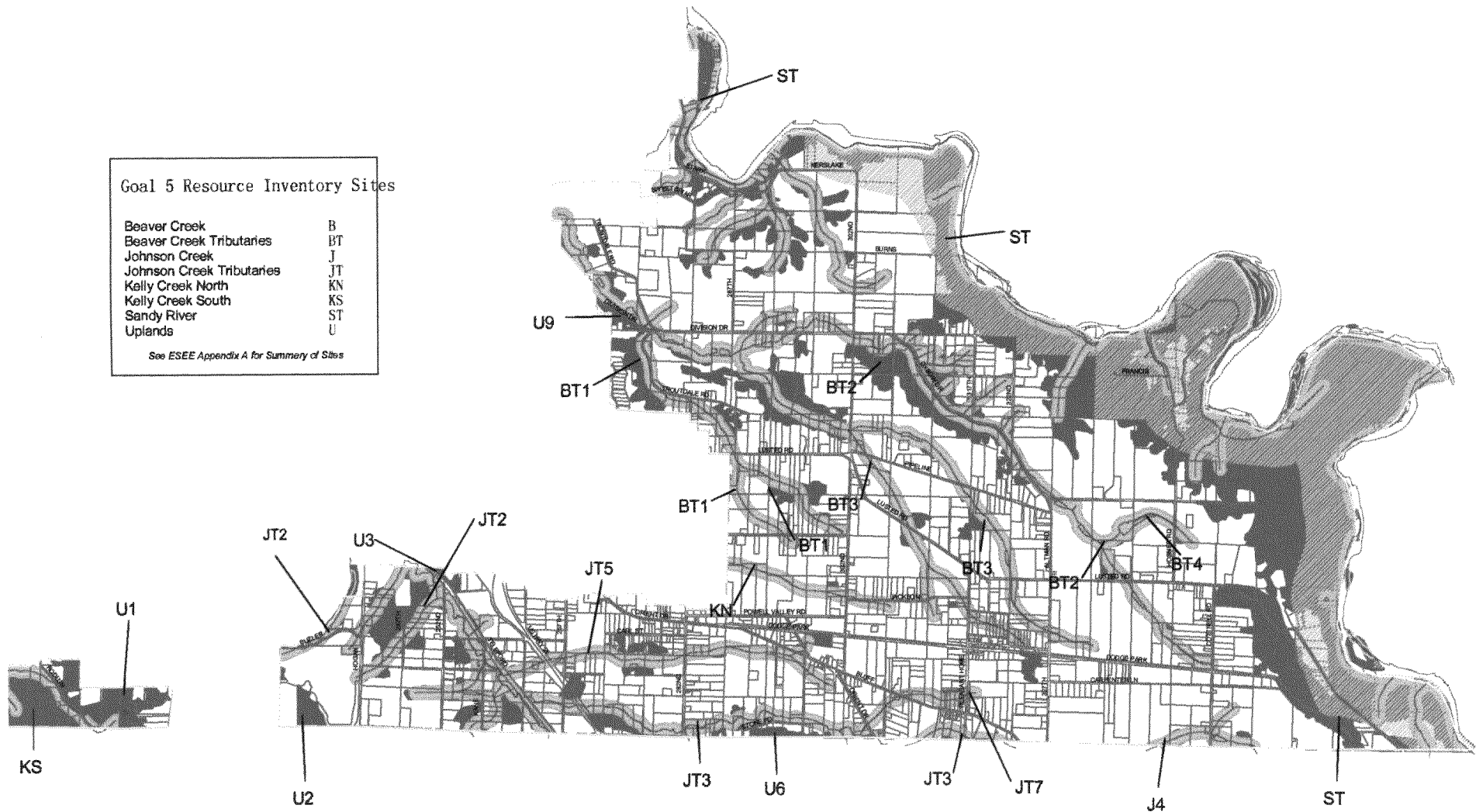
West of Sandy River

Significant Environmental Concern Overlay Zones

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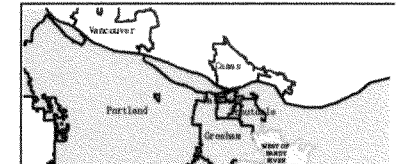
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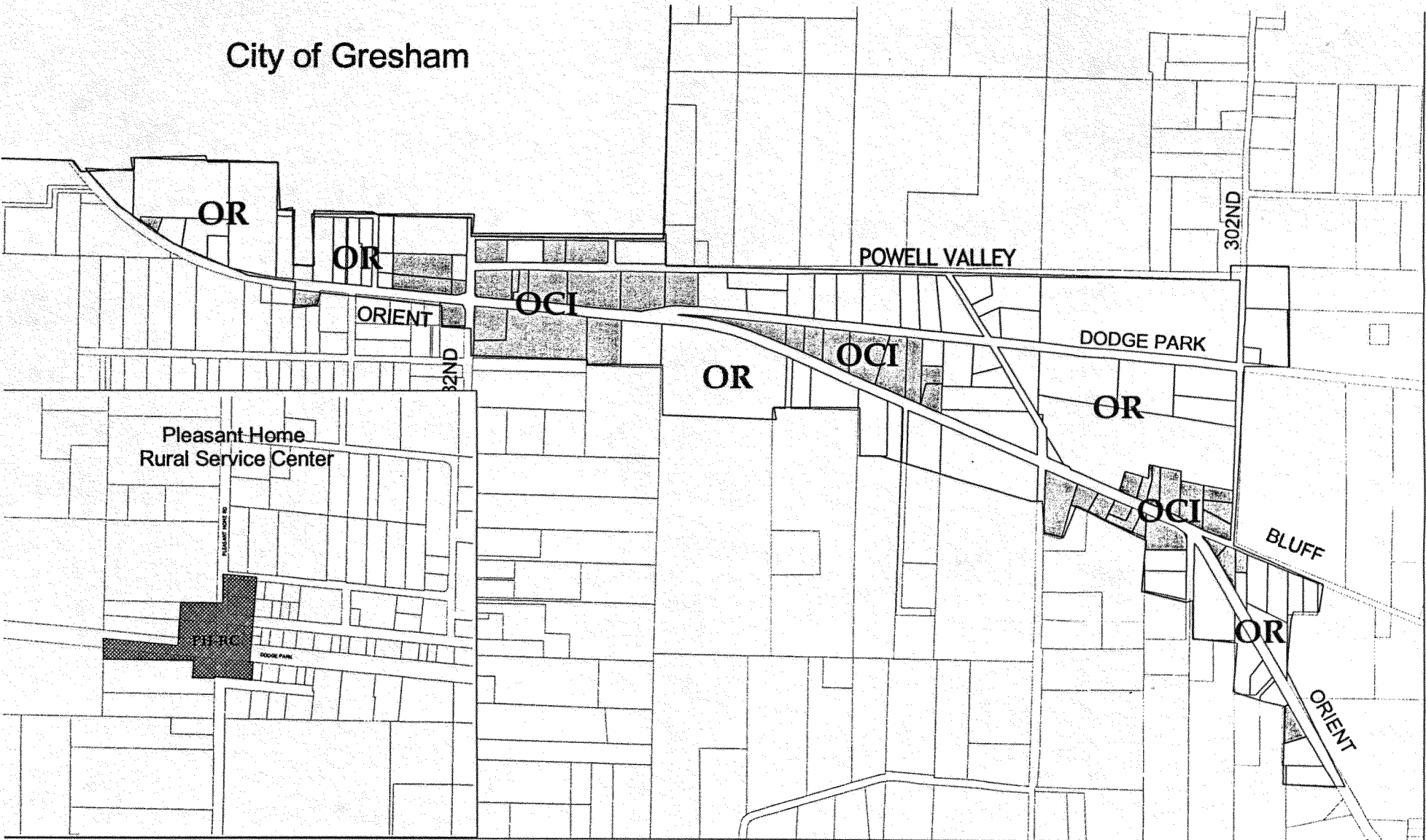
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- SEC-h Wildlife Habitat
- SEC-sw Scenic Waterways

- Riparian Corridors (100 ft each side of stream)
- West of Sandy River Plan Area
- Tax Lot Boundaries
- Streams



City of Gresham



Orient Rural Community Zones

Commercial and Industrial

Public Facilities and Residential

Pleasant Home Rural Service Center Zone

West of Sandy River Rural Area Plan

Figure 9

Rural Center Zoning Concept

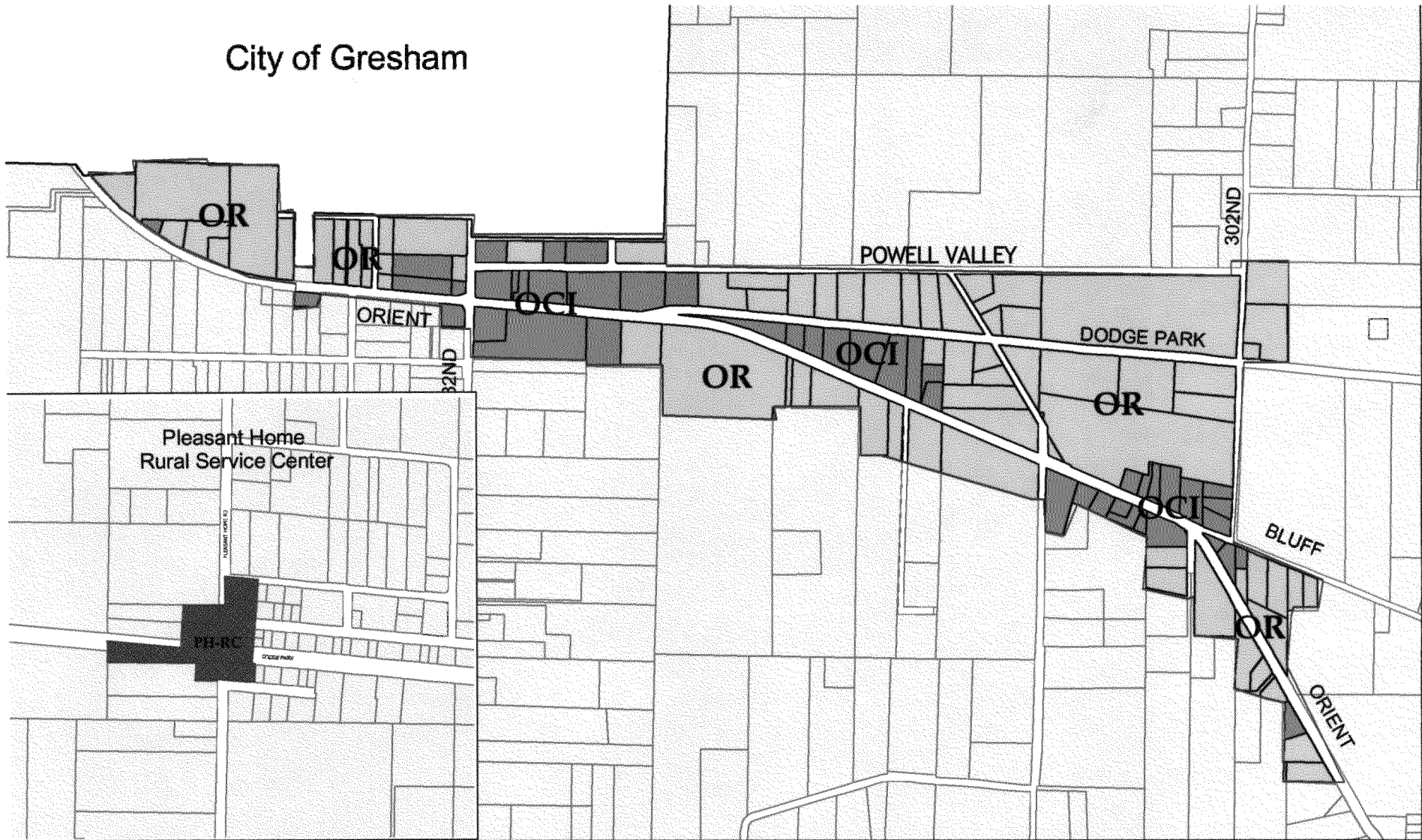


0.1 0 0.1 0.2 Miles

Map by Parametrix. Data source: Metro RLIS
Revised April 5, 2002

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City of Gresham



West of Sandy River Rural Area Plan

Figure 9

Rural Center Zoning Concept

Orient Rural Community Zones

Commercial and Industrial

Public Facilities and Residential

Pleasant Home Rural Service Center Zone



0.1 0 0.1 0.2 Miles

Map by Parametrix. Data source: Metro RLIS
Revised April 5, 2002
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BOGSTAD Deborah L

From: BOGSTAD Deborah L

Sent: Tuesday, October 29, 2002 8:04 AM

To: #ALL CHAIR'S OFFICE; #ALL DISTRICT 1; #ALL DISTRICT 2; #ALL DISTRICT 3; #ALL DISTRICT 4; DUFFY Sandra N; BEASLEY Charles H; SIEBENALER April S; BUSSE Kathy A; MUIR Susan L; FARMER Stuart L

Subject: Cable Playback dates of 10/28/02 Board Public Hearing in Gresham

11/01/02 7:00 pm Channel 29

11/02/02 8:00 am Channel 30

11/05/02 1:00 pm Channel 21

11/07/02 7:30 am Channel 30

11/09/02 6:00 pm Channel 29

11/11/02 6:30 pm Channel 29

Deb Bogstad, Board Clerk

Multnomah County Chair's Office

501 SE Hawthorne Boulevard, Suite 600

Portland, Oregon 97214-3587

(503) 988-3277

<http://www.co.multnomah.or.us/cc>

10/29/2002

MCC Public Hearing 10/28/02

Will be Cablecast at the following times by MCTV:

Channel 21

11/5/02	1pm
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Channel 30

11/2/02	8am
11/7/02	7:30am

Channel 29

11/1/01	7pm
11/9/02	6pm
11/11/02	6:30pm