

SUBJECT:

Board Retreat

Rescheduled due to bad weather.
PRESS LIST

DATE: Dec. 8, 1992

THE FOLLOWING WERE CALLED THIS DATE REGARDING:

- a) Meeting: 12-7-92 *Rescheduled to 12-9-92*
b) Executive Meeting: *Same time & place*
c) Other: Special Meet

SIGNED: _____

✓ KOIN	Channel 6	464-0797 or 464-0614 - Assignment Desk. Lisa
✓ KGW	Channel 8	226-5111 - Assignment Desk. Bob Kerns
KATU	Channel 2	231-4260 Assignment Desk
KPTV	Channel 12	222-9921 - News Desk. Denny 224-0101 After Hours
KPDX	Channel 49	239-4949 Lee Haglund
✓ KEX	1190 AM	222-1929 Newsroom/Message
KSGO	1520 AM	223-1441 News Desk (After 9, Before 11:30)
✓ KXL	750 AM	231-1071/0750 - Newsroom/Message. Link Mann/Dawn
✓ KGW	62 AM	226-5095 News Desk
K-103 FM		643-5103 - Newsroom. Danna Jeffries
KXYQ	105 FM	226-6731
✓ Oregonian		⁸¹⁹⁵ 221- 8385 Sara Rubenstein or 235-8366
Gresham Outlook		665-2181 Dave Anderson
Skanner		287-3562 Patrick Mazza
Cable		667-7636 Todd Loggan

BCC ✓
P.T. & B.E. Nortman
16320 N.W. Skyline Blvd.
Portland, OR 97231

December 8, 1992

Multnomah County Board of Commissioners
1120 S.W. 5th Avenue
Portland, OR 97204

Hand Delivered

Regarding: Multnomah County Forest Land Use:
Public Hearing on December 8, 1992/09:30AM
at Multnomah County Court House Room 602
(MCC Chapter 11.15 & OAR Chapter 660 Div. 6)

BOARD OF
COUNTY COMMISSIONERS
1992 DEC - 8 AM 11:25
MULTNOMAH COUNTY
OREGON

Ladies and Gentlemen:

We request your further consideration of the social, human, and economic impacts of Multnomah Countys proposed Forest Land Use Ordinance.

Present Multiple Use Forest Zoning of 19 and 38 acres already excludes housing developments and provides opportunities for small ordinary people to practice intensive forest management. Small lot forestry receives the every day detailed techniques that make small woodlands more productive than the large forests under either public or private care. European forestry and the small Private Plots in the Ex-Communist System are both proof that small intensively managed woodlots are more productive than huge forests. Multnomah County already has MUF 19 & 38 Zoning which enables production of more wood per acre than larger parcels. Therefore, we propose no change is necessary or desirable to accomplish the mission of maximizing wood production.

In event changes are made for the General Public's Benefit then resulting costs should be distributed equitably across all elements of our population. More restrictive zoning places an adverse economic burden on property owners, and if there is any economic or social benefit it benefits the people in general.

In the past, many government jurisdictions have treated More Restrictive Zoning problems by purchasing Development Rights and/or Conservation Easements. This method facilitates an equable transfer of value from private property owners to the general public, thereby avoiding or at least minimizing major social problems and human suffering. One example of inequality is a 65 year old couple with two life times of retirement savings in forest land, suddenly finding their retirement plan has only 30% of its former value because of a zoning change. Imagine the human suffering, and resulting increased costs to a rescuing government social program that is already fully burdened caring for the elderly.

Since any change will have major social, human, and economic impacts on various segments of society, it's imperative that these impacts be evaluated before any decision is made. We request such a study be completed and publicized with consideration given to:

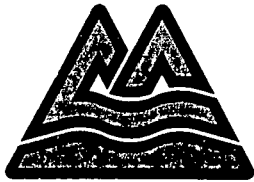
- 1) Medium sized woodlots of 20 - 40 acres produce more wood per acre than huge forests.
- 2) Changed zoning and regulations must be reasonable so they do not cause more problems than they solve.
- 3) Existing land division should be "grandfathered" to minimize adverse impacts.
- 4) Preservation for the Public Good should be collectively paid for by all people.

Respectively submitted,

Peter T. Nortman

Brigitte E. Nortman

Peter T. & Brigitte E. Nortman



MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK
SUITE 1510, PORTLAND BUILDING
1120 S.W. FIFTH AVENUE
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308
PAULINE ANDERSON • DISTRICT 1 • 248-5220
GARY HANSEN • DISTRICT 2 • 248-5219
RICK BAUMAN • DISTRICT 3 • 248-5217
SHARRON KELLEY • DISTRICT 4 • 248-5213
CLERK'S OFFICE • 248-3277 • 248-5222

AGENDA

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS FOR THE WEEK OF

December 7 - 11, 1992

Monday, December 7, 1992 - 8:30 AM - Special Meeting. . . .Page 2
Tuesday, December 8, 1992 - 9:00 AM - Executive Session . .Page 2
Tuesday, December 8, 1992 - 9:30 AM - Planning Items. . . .Page 2
Tuesday, December 8, 1992 - 11:00 AM - Board Briefings. . .Page 3
Tuesday, December 8, 1992 - 11:30 AM - Agenda Review. . . .Page 3
Thursday, December 10, 1992 - 9:30 AM - Regular Meeting . .Page 3

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

Thursday, 10:00 PM, Channel 11 for East and West side subscribers
Thursday, 10:00 PM, Channel 49 for Columbia Cable (Vancouver) subscribers
Friday, 6:00 PM, Channel 22 for Paragon Cable (Multnomah East) subscribers
Saturday 12:00 PM, Channel 21 for East Portland and East County subscribers

INDIVIDUALS WITH DISABILITIES MAY CALL THE OFFICE OF THE BOARD CLERK AT 248-3277 OR 248-5222 OR MULTNOMAH COUNTY TDD PHONE 248-5040 FOR INFORMATION ON AVAILABLE SERVICES AND ACCESSIBILITY.

Monday, December 7, 1992 - 8:30 AM

Multnomah County EXPO Center, VIP Room
2060 N. Marine Drive

- S-1 The Multnomah County Board of Commissioners and Commissioners Elect will Meet in a Special Meeting to Discuss Various Board Planning Issues. Facilitated by Hank Miggins, Dave Warren and Bill Farver. 8:30 AM TO 3:30 PM.

Tuesday, December 8, 1992 - 9:00 AM

Multnomah County Courthouse, Room 602

EXECUTIVE SESSION

- E-1 The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(1)(e) to Discuss a Proposed Real Property Transaction. Presented by Bob Oberst, Billi Odegaard, Dwayne Prather, Dave Boyer and Don Keister. 9:00 AM TIME CERTAIN, 30 MINUTES REQUESTED.

Tuesday, December 8, 1992 - 9:30 AM

Multnomah County Courthouse, Room 602

PLANNING ITEMS

- Amended Ordinance
Approved*
*2nd Reading
Approved*
P-1 Second Reading and Possible Adoption of an ORDINANCE ~~742~~
Amending Sections of MCC 11.15 to Ensure that Future Land ~~743~~
Divisions and Land Uses in Forest Areas are Compatible with ~~743~~
Forest Practices as Part of the Amendments needed to bring ~~743~~
Multnomah County's Land Use Planning Program into ~~743~~
Compliance with Oregon Administrative Rule 660, Division 6
- App*
P-2 Second Reading and Possible Adoption of an ORDINANCE ~~743~~
Amending Comprehensive Framework Plan Policy 11, Commercial ~~743~~
Forest Land and Plan Policy 12, Multiple Use Forest to ~~743~~
Ensure that Future Land Divisions and Land Uses in Forest ~~743~~
Areas are Compatible with Forest Practice and to bring ~~743~~
Multnomah County's Land Use Planning Program into ~~743~~
Compliance with Oregon Administrative Rule 660, Division 6
- App*
P-3 Second Reading and Possible Adoption of an ORDINANCE ~~744~~
Amending the Comprehensive Framework Plan Map and Sectional ~~744~~
Zoning Maps by Changing the Multiple Use Forest Designation ~~744~~
to Commercial Forest Use as part of the Amendments needed ~~744~~
to bring Multnomah County's Land Use Planning Program into ~~744~~
Compliance with Oregon Administrative Rule 660, Division 6
- Hearing on
the Rec.
30 min. by
12-29-92*
P-4 ORDER in the Matter of Amending the Comprehensive Framework
Plan to Include Bridal Veil in the County Inventory of
Historic Resources

The Following Decisions of the Planning Commission are Reported to the Board of County Commissioners for Review and Affirmation:

P-5 PR 7-92

Hearing on the Decision 30 minutes
CU 14-92 DENYING Requested Plan Revision for a 3-C Designation and Recommending a 3-B Designation and DENYING Requested Conditional Use Approval for a 10-Year Permit to Mine; and Consideration of FINAL ORDER in the Matter of a Goal 5 ESSE Analysis for a 283 Acre Site Located at 14545 N.W. St. Helens Road

Tuesday, December 8, 1992 - 11:00 AM

Multnomah County Courthouse, Room 602

BOARD BRIEFINGS

B-1 Discussion and Policy Direction of Proposed Use of PILOT Funds. Presented by Fred Christ and Hank Miggins. 30 MINUTES REQUESTED.

Tuesday, December 8, 1992 - 11:30 AM

Multnomah County Courthouse, Room 602

AGENDA REVIEW

B-2 Review of Agenda for Regular Meeting of December 8, 1992

Thursday, December 10, 1992 - 9:30 AM

Multnomah County Courthouse, Room 602

REGULAR MEETING

CONSENT CALENDAR

NON-DEPARTMENTAL

C-1 In the Matter of the Appointment of Dan S. Botti to the SKYLINE CREST ROAD DISTRICT #1, Term Expires December 31, 1996

C-2 In the Matter of the Appointment of Judy Hadley to the CITIZEN INVOLVEMENT COMMITTEE, Term Expires November 30, 1994

C-3 In the matter of the Appointment of Catherine Smith to the MULTNOMAH COUNTY COMMUNITY ACTION COMMITTEE

DEPARTMENT OF SOCIAL SERVICES

C-4 Ratification of an Intergovernmental Revenue Agreement Renewal, Contract #103633, between Multnomah County Developmental Disabilities Program Office and Portland Public School District #1 to Continue Early Intervention Services to Children Age 0 to 6 Years, for the Period July 1 1992 through June 30, 1993

JUSTICE SERVICES
SHERIFF'S OFFICE

- C-5 Liquor License Application Renewals Submitted by Sheriff's Office with Recommendation for Approval as Follows:
Restaurant for a) SKIPPER'S SEAFOOD AND CHOWDER HOUSE, 1740 NE 122ND, PORTLAND 97220; b) CHINA GATEWAY, 11642 NE HALSEY, PORTLAND, 97220; c) ROUND TABLE PIZZA, 15920 SE DIVISION, PORTLAND, 97236; and d) PIZZA BARRON, 2604 SE 122ND, PORTLAND, 97236
- C-6 Liquor License Application Change of Ownership Submitted by Sheriff's Office with Recommendation for Approval as Follows:
Restaurant for the ROYAL CHINOOK INN, 2609 NE CORBETT HILL ROAD, CORBETT, 97019
- C-7 Liquor License Application Renewals Submitted by Sheriff's Office with Recommendation for Approval as Follows:
Package Store for a) FAITH MARKET AND DELI, 14902 SE POWELL, PORTLAND, 97236; b) GILL'S JACKPOT FOOD MART, 28210 SE ORIENT DRIVE, GRESHAM, 97080; c) PLAID PANTRY #154, 16216 SE DIVISION, PORTLAND, 97211; d) PLAID PANTRY #113, 13521 SE POWELL BLVD., PORTLAND, 97236; e) PLAID PANTRY #45, 4504 SE 122ND, PORTLAND, 97236; and f) DAVID'S MARKET, 12217 SE FOSTER, PORTLAND, 97236
- C-8 Liquor License Application Change of Ownership Submitted by Sheriff's Office with Recommendation for Approval as Follows:
Package Store for the DIVISION STREET FOOD CONNECTION, 16409 SE DIVISION, PORTLAND, 97236
- C-9 Liquor License Application Renewals Submitted by Sheriff's Office with Recommendation for Approval as Follows:
Retail Malt Beverage for a) WILDWOOD GOLF COURSE, 21881 NW ST. HELENS ROAD, PORTLAND, 97231; b) SPRINGDALE TAVERN, 32302 E. CROWN POINT HWY., CORBETT, 97019; and c) HAGAR'S AT VIKING PARK, 29311 STARK STREET, TROUTDALE, 97060
- C-10 Liquor License Application Change of Ownership Submitted by Sheriff's Office with Recommendation for Approval as Follows:
Retail Malt Beverage for PAPA-SON'S TAVERN, 12525 SE POWELL, PORTLAND, 97236

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-11 ORDER in the Matter of the Execution of Deed D930829 Upon Complete Performance of a Contract to NGUYEN, QUY M and LE, THU-VAN T
- C-12 ORDER in the Matter of the Execution of Deed D930830 for Certain Tax Acquired Property to DONALD L. RUNYAN & RUTH I. RUNYAN
- C-13 ORDER in the Matter of the Execution of Deed D930831 Upon Complete Performance of a Contract to ELEANOR I. BARRETT
- C-14 ORDER in the Matter of the Execution of a Replacement (Original Lost & Never Record) Deed D91488 Upon Complete Performance of a Contract to CAROLYN L. ELSTEN

REGULAR AGENDA

DEPARTMENT OF SOCIAL SERVICES

- R-1 PROCLAMATION in the Matter of Proclaiming December 1992 as Drunk and Drugged Driving Prevention Month

JUSTICE SERVICES

DISTRICT ATTORNEY

- R-2 Ratification of Intergovernmental Agreement, Contract #700083, between The City of Lake Oswego and Multnomah County District Attorneys Forfeitures Division to Split Forfeiture Revenues (75% - 25%) from Cases Initiated by Lake Oswego Police Department, for the Period July 1, 1992 through June 30, 1993 and Automatically Renewing Each July 1st

DEPARTMENT OF HEALTH

- R-3 Budget Modification MCHD #11 Recognizes the Receipt of a Grant from the HCFA through the Northwest Regional Primary care Association (NWRPCA) for Medicare Outreach and Linkage Services

PUBLIC CONTRACT REVIEW BOARD

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

- R-4 ORDER in the Matter of an Emergency Exemption for Dock Repair to the M. James Gleason Road Ramp
- R-5 Ratification of an Intergovernmental Agreement, Contract #400142, between Multnomah County Management Support Services Division, Purchasing, Contracts & Stores Division and the City of Portland, Printing & Distribution to Allow Multnomah County to Purchase Printing and Duplicating Services Under Bid No. B81-000-5638, for the Period October 1, 1992 through September 30, 1993

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

NON-DEPARTMENTAL

- R-6 RESOLUTION in the Matter of Prohibiting Funding of Travel to States or Localities that have Constitutional or Charter Provisions that Deny Civil Rights to Persons Based on Their Sexual Orientation
- R-7 ORDER in the Matter of Confirming the Appointment of Betsy H. Williams as Director of the Multnomah County Department of Environmental Services
- R-8 RESOLUTION in the Matter of Adopting Multnomah County's 1993 Legislative Agenda

R-9 Second Reading and Possible Adoption of an ORDINANCE
Establishing the Duties and Responsibilities of Purchasing,
Contracts and Central Stores (FIRST READING from Thursday,
November 12, 1992)

PUBLIC COMMENT

R-10 Opportunity for Public Comment on Non-Agenda Matters.
Testimony Limited to Three Minutes Per Person.

0203C/45-50
cap

Meeting Date: December 8, 1992

Agenda No.: E-1

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Executive Session

BOARD BRIEFING 9:00 AM TIME CERTAIN
December 8, 1992 (date) REGULAR MEETING (date)

DEPARTMENT Environmental Services DIVISION Facilities & Property Management

CONTACT Bob Oberst TELEPHONE 248-3851

PERSON(S) MAKING PRESENTATION Bob Oberst, Billi Odegaard, Dwayne Prather,
Dave Boyer and Don Keister

ACTION REQUESTED:

☒ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 30 Minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: _____

BRIEF SUMMARY (include statement of rationale for action requested,
as well as personnel and fiscal/budgetary impacts, if applicable):

Discussion of operational and financial aspects of proposed purchase of real
property. Executive Session of Board of County Commissioners pursuant to
ORS 192.660 (1)(e).

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL Gladys McCoy
Or

DEPARTMENT MANAGER _____

(All accompanying documents must have required signatures)

Meeting Date: November 24, 1992

Agenda No.: P-2

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: C 4-92 Resolution - First Reading

BCC Informal _____ BCC Formal November 24, 1992
(date) (date)

DEPARTMENT DES DIVISION Planning

CONTACT Sharon Cowley TELEPHONE 2610

PERSON(S) MAKING PRESENTATION Gary Clifford

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 90 Minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: _____

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

C 4-92 An Ordinance amending Sections of MGC 11.15 to ensure that future land divisions and land uses in forest areas are compatible with forest practices as part of the amendments needed to bring Multnomah County's land use planning program into compliance with Oregon Administrative Rule 660, Division 6.

An Ordinance amending Comprehensive Framework Plan Policy 11, Commercial Forest Land and Plan Policy 12, Multiple Use Forest, to ensure that future land divisions and land uses in forest areas are compatible with forest practices and to bring Multnomah County's land use planning program into compliance with Oregon Administrative Rule 600, Division 6.

An Ordinance amending the Comprehensive Framework Plan Map and Sectional Zoning Maps by changing the Multiple Use Forest designation to Commercial Forest Use as part of the amendments needed to bring Multnomah County's land use planning program into compliance with Oregon Administrative Rule 660, Division 6.

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER _____

Paul Yarbrough / blw

(All accompanying documents must have required signatures)

(For information purposes only, the first Yellow Packet is an overview of State Rules)

(The Second Yellow Packet is background information only, and are not part of the proposed Ordinances)

MULTNOMAH COUNTY
CLERK OF COUNTY COMMISSIONERS
1992 NOV 17 AM 8:56

ORDINANCE FACT SHEET (6 Page Ord.)

Ordinance Title: An Ordinance amending Comprehensive Framework Plan Policy 11, Commercial Forest Land, and Plan Policy 12, Multiple Use Forest, to ensure that future land divisions and land uses in forest areas are compatible with forest practices and bring Multnomah County's land use planning program into compliance with Oregon Administrative 660, Division 6.

Give a brief statement of the purpose of the ordinance (include the rationale for adoption of ordinance, description of persons benefited, other alternatives explored): Ordinance amending Comprehensive Framework Plan Policy 11, Commercial Forest Land and Plan Policy 12, Multiple Use Forest by changing language in Policy 11 to meet the amended Statewide Goal 4, Forest lands, and changing Policy 12 to apply only to those areas of the County not subject to Goal 4. All County forest lands will then be covered by only one Policy which will strive to ensure that future land divisions and land uses in forest areas do not diminish the commercial forest land base and not present difficulties in fire suppression.

What other local jurisdictions in the metropolitan area have enacted similar legislation?

Washington County.

All other counties in Oregon must also enact to comply with Oregon Administrative Rule 660, Division 6.

What has been the experience in other areas with this type of legislation?

Washington County's has been in place since November, 1990. No problems reported by staff but also, relatively few land use applications received.

What is the fiscal impact, if any?

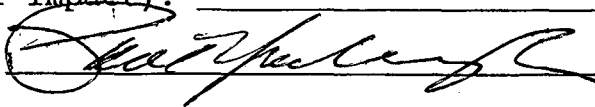
None

(If space is inadequate, please use other side)

SIGNATURES:

Person Filling Out Form: _____

Planning & Budget Division (if fiscal impact): _____

Department Manager/Elected Official:  _____

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

An Ordinance amending Comprehensive Framework Plan Policy 11, Commercial Forest Land and Plan Policy 12, Multiple Use Forest to ensure that future land divisions and land uses in forest areas are compatible with forest practices and to bring Multnomah County's land use planning program into compliance with Oregon Administrative Rule 660, Division 6.

(Underlined sections are new or replacements; [~~bracketed~~] sections are deleted.)

Multnomah County Ordains as follows:

Section I. Findings.

(A). On January 25, 1990 the State of Oregon Land Conservation and Development Commission (LCDC) adopted significant amendments to the Statewide Planning Goal 4, Forest Lands and the related Oregon Administrative Rule (OAR Chapter 660, Division 6). By February 5, 1993 Multnomah County must implement those rules into the comprehensive plan text, plan map, zoning code, and zoning map.

(B). The Land Conservation and Development Commission stated four primary reasons for the amendments: "The Commission has found it necessary to amend Goal 4 and OAR 660, Division 6, for several reasons. In 1986, the Oregon Supreme Court in 1000 Friends of Oregon v. LCDC and Lane County interpreted Goal 4 contrary to Commission interpretations contained in acknowledged comprehensive plans. Second, the Oregon Legislature passed HB 3396 which limited the authority of counties to regulate forest practices. Third, the commercial forest land base continues to shrink while the state's timber supply diminishes thereby affecting the state's economy. Fourth, recent forest fire seasons have been extremely costly, and have illustrated the difficulties in suppressing wildfires in forest areas where dwellings are present."

1 (C). This ordinance amends Comprehensive Framework Plan Policy 11, Commercial
2 Forest Land Area to comply with the State Goal and Rule requirements. Comprehensive
3 Framework Plan Policy 12, Multiple Use Forest is retained unchanged except that the Policy
4 will now be limited for use to those areas in which the Statewide Planning Goal 4, Forest Lands
5 does not apply.

6 (D). A 46 page findings document examining the impacts of the State Rule changes
7 and the reasons for the course of action taken is on file with the Multnomah County
8 Department of Environmental Services, Division of Planning and Development. The findings
9 have the title "C 4-92, Exhibit A, Findings Associated with Bringing the Multnomah County
10 Zoning Code into Compliance with the Oregon Administrative Rule on Forest Lands."

11 (E). On May 4, 1992, June 1, 1992, and July 8, 1992 the Planning Commission held
12 open workshops for drafting of the forest amendments. On August 17 and 18, 1992 County
13 staff conducted public information meetings to explain the State requirements and the proposed
14 County ordinances to meet those requirements. The Planning Commission then held public
15 hearings on September 8, 1992, September 21, 1992 and October 5, 1992. Hearings before the
16 Board of County Commissioners followed on November 24, 1992 and _____, 1992.
17 At each of the hearings all interested persons were given an opportunity to appear and be heard.

18
19 Section II. Amendments.

20 Multnomah County Comprehensive Framework Plan Policy 11, Commercial Forest
21 Land Area and Policy 12, Multiple Use Forest Area are amended to read as follows:

22
23 POLICY 11 COMMERCIAL FOREST LAND

24 INTRODUCTION

25 The purpose of the Commercial Forest Land Area Classification is to [protect the continued use
26 of lands for renewable commercial forest resource use, water resources protection, recreation,

1 ~~wildlife habitat, and other related or compatible uses. Uses not compatible with forest~~
2 ~~management practices will be discouraged in order to minimize the possibilities of damage~~
3 ~~from fire, pollution and conflicts caused by urbanization.]~~ conserve forest lands by maintaining
4 the forest land base and to protect the state's forest economy by making possible economically
5 efficient forest practices that assure the continuous growing and harvesting of forest tree
6 species as the leading use on forest land consistent with sound management of soil, air, water,
7 and fish and wildlife resources and to provide for recreational opportunities and agriculture.

8
9 The intent of the Commercial Forest Land Area Classification is to allocate lands which are
10 suitable for commercial forest management including adjacent or nearby lands which are
11 necessary to permit forest operations or practices and other forested lands that maintain soil,
12 air, water and fish and wildlife resources. ~~[; however, agricultural uses will also be permitted.~~
13 ~~Other uses such as community facilities appropriate to the area, natural resource extraction, and~~
14 ~~ancillary support and processing services for forestry activities may also be permitted.]~~

15
16 Forest operations, practices and auxiliary uses shall be allowed on forest lands subject only to
17 such regulation of uses as are found in ORS 527.722. Uses which may be allowed subject to
18 standards set forth in Statewide Planning Goal 4 and Oregon Administrative Rule 660. Division
19 6 are: (1) uses related to and in support of forest operations; (2) uses to conserve soil, water and
20 air quality, and to provide for fish and wildlife resources, agriculture and recreational
21 opportunities appropriate in a forest environment; (3) locationally dependent uses; (4) forest
22 management dwellings that are necessary for, and accessory to, forest operations; and (5) other
23 dwellings under prescribed conditions.

24
25
26

1 THE COUNTY'S POLICY IS TO DESIGNATE AND MAINTAIN AS COMMERCIAL FOREST LAND,
2 AREAS WHICH ARE:

3 A. PREDOMINANTLY IN FOREST CUBIC FOOT SITE CLASS I, II, AND III, FOR DOUGLAS FIR
4 AS CLASSIFIED BY THE U.S. SOIL CONSERVATION SERVICE;

5 B. SUITABLE FOR COMMERCIAL FOREST USE AND SMALL WOODLOT MANAGEMENT;

6 C. ~~[IN PREDOMINANTLY COMMERCIAL FOREST USE AND PREDOMINANTLY OWNED BY~~
7 ~~PUBLIC AGENCIES AND PRIVATE TIMBER COMPANIES]~~ POTENTIAL REFORESTATION
8 AREAS, BUT NOT AT THE PRESENT USED FOR COMMERCIAL FORESTRY;

9 D. NOT IMPACTED BY URBAN SERVICES; AND

10 E. COHESIVE FOREST AREAS ~~[WITH LARGE PARCELS]~~; OR

11 F. OTHER AREAS WHICH ARE:

12 1. NECESSARY FOR WATERSHED PROTECTION OR ARE SUBJECT TO LANDSLIDES,
13 EROSION OR SLUMPING; OR

14 2. WILDLIFE AND FISHERY HABITAT AREAS, POTENTIAL RECREATION AREAS OR OF
15 SCENIC SIGNIFICANCE.

16 THE COUNTY'S POLICY IS TO ALLOW FOREST MANAGEMENT WITH RELATED AND
17 COMPATIBLE USES, BUT TO RESTRICT INCOMPATIBLE USES FROM THE COMMERCIAL
18 FOREST LAND AREA, RECOGNIZING THAT THE INTENT IS TO PRESERVE ~~[THE BEST]~~
19 FOREST LANDS FROM INAPPROPRIATE AND INCOMPATIBLE DEVELOPMENT.

20

21 STRATEGIES

22 A. The following strategies ~~[should]~~ shall be addressed as part of the Community Development Ordinance.

23 The strategies are designed to make land divisions and allowed uses compatible with forest operations
24 and agriculture consistent with Statewide Planning Goal 4 and Oregon Administrative Rule (OAR)

25 660. Division 6:

26

1. **The Zoning Code** should include a Commercial Forest Zone with:

- a. A base minimum lot size of 80 acres appropriate to commercial forestry, with aggregation of lots in single ownership required;
- b. Forest and farm uses as primary uses;
- c. ~~[Residences allowed under objective prescribed conditions if resource related, and]~~ Forest management dwellings and dwellings not related to forest management as conditional uses ~~[if non-resource related]~~. Such dwellings are to be allowed under approval criteria and siting standards designed to assure conservation of the natural resource base, protection from hazards, and protection of big game winter habitat;
- d. Compatible community service uses allowed by OAR 660, Division 6, mineral and aggregate extraction, and support services for forestry activities as conditional uses;
- e. Lots of Record provisions; and
- f. Mortgage lot provisions.

2. **The County Street and Road Standards Code** should include criteria related to street width, road construction standards, and required improvements appropriate to the function of the road.

3. **The Capital Improvements Program** should not program public sewers to this area, and the County should not support the formation or expansion of existing service district areas for the provision of water service.

B. The conversion of land to another broad land use classification should be in accord with the standards set forth by the LCDC Goals, OAR's and in this Plan.

POLICY 12 MULTIPLE USE FOREST

LIMITATION

Pursuant to the requirements of the 1990 amended Oregon Administrative Rule 660, Division 6. Forest Lands, the Multiple Use Forest plan designation and zoning district shall apply only to the following two areas in Multnomah County:

1. All Multiple Use Forest lands within the Columbia River Gorge National Scenic Area until such time that the County enacts plan revisions and zone changes in compliance with the "Management Plan for the Columbia River Gorge National Scenic Area," adopted by the Columbia River Gorge Commission on October 15, 1991; and
2. All Multiple Use Forest designated lands within the Urban Growth Boundary until such time as plan revisions and/or zone changes take place in conformance with the applicable urban services policies (OAR 660-06-020 states that Goal 4 does not apply within urban growth boundaries).

Section III. Adoption.

This ordinance, being necessary for the health, safety, and general welfare of the people of Multnomah County, shall take effect on the thirtieth (30th) day after its adoption, pursuant to Section 5.50 of the Charter of Multnomah County.

ADOPTED THIS _____ day of _____, 1992, being the date of its _____ reading before the Board of County Commissioners of Multnomah County.

(SEAL)

By _____
Gladys McCoy, County Chair
MULTNOMAH COUNTY, OREGON

REVIEWED:

John DuBay, Deputy County Counsel
of Multnomah County, Oregon

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 744

An Ordinance amending Comprehensive Framework Plan Policy 11, Commercial Forest Land and Plan Policy 12, Multiple Use Forest to ensure that future land divisions and land uses in forest areas are compatible with forest practices and to bring Multnomah County's land use planning program into compliance with Oregon Administrative Rule 660, Division 6.

(Underlined sections are new or replacements; [~~bracketed~~] sections are deleted.)

Multnomah County Ordains as follows:

Section I. Findings.

(A). On January 25, 1990 the State of Oregon Land Conservation and Development Commission (LCDC) adopted significant amendments to the Statewide Planning Goal 4, Forest Lands and the related Oregon Administrative Rule (OAR Chapter 660, Division 6). By February 5, 1993 Multnomah County must implement those rules into the comprehensive plan text, plan map, zoning code, and zoning map.

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1 (C). This ordinance amends Comprehensive Framework Plan Policy 11, Commercial
2 Forest Land Area to comply with the State Goal and Rule requirements. Comprehensive
3 Framework Plan Policy 12, Multiple Use Forest is retained unchanged except that the Policy
4 will now be limited for use to those areas in which the Statewide Planning Goal 4, Forest Lands
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7 and the reasons for the course of action taken is on file with the Multnomah County
8 Department of Environmental Services, Division of Planning and Development. The findings
9 have the title "C 4-92, Exhibit A, Findings Associated with Bringing the Multnomah County
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20 Section II. Amendments.

21 Multnomah County Comprehensive Framework Plan Policy 11, Commercial Forest
22 Land Area and Policy 12, Multiple Use Forest Area are amended to read as follows:

23 POLICY 11 COMMERCIAL FOREST LAND

24 INTRODUCTION

25 The purpose of the Commercial Forest Land Area Classification is to ~~[protect the continued use~~
26 ~~of lands for renewable commercial forest resource use, water resources protection, recreation,~~

1 ~~wildlife habitat, and other related or compatible uses. Uses not compatible with forest~~
2 ~~management practices will be discouraged in order to minimize the possibilities of damage~~
3 ~~from fire, pollution and conflicts caused by urbanization.]~~ conserve forest lands by maintaining
4 the forest land base and to protect the state's forest economy by making possible economically
5 efficient forest practices that assure the continuous growing and harvesting of forest tree
6 species as the leading use on forest land consistent with sound management of soil, air, water,
7 and fish and wildlife resources and to provide for recreational opportunities and agriculture.
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9 The intent of the Commercial Forest Land Area Classification is to allocate lands which are
10 suitable for commercial forest management including adjacent or nearby lands which are
11 necessary to permit forest operations or practices and other forested lands that maintain soil,
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16 Forest operations, practices and auxiliary uses shall be allowed on forest lands subject only to
17 such regulation of uses as are found in ORS 527.722. Uses which may be allowed subject to
18 standards set forth in Statewide Planning Goal 4 and Oregon Administrative Rule 660, Division
19 6 are: (1) uses related to and in support of forest operations; (2) uses to conserve soil, water and
20 air quality, and to provide for fish and wildlife resources, agriculture and recreational
21 opportunities appropriate in a forest environment; (3) locationally dependent uses; (4) forest
22 management dwellings that are necessary for, and accessory to, forest operations; and (5) other
23 dwellings under prescribed conditions.
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1 THE COUNTY'S POLICY IS TO DESIGNATE AND MAINTAIN AS COMMERCIAL FOREST LAND,
2 AREAS WHICH ARE:

3 A. PREDOMINANTLY IN FOREST CUBIC FOOT SITE CLASS I, II, AND III, FOR DOUGLAS FIR
4 AS CLASSIFIED BY THE U.S. SOIL CONSERVATION SERVICE;

5 B. SUITABLE FOR COMMERCIAL FOREST USE AND SMALL WOODLOT MANAGEMENT;

6 C. ~~[IN PREDOMINANTLY COMMERCIAL FOREST USE AND PREDOMINANTLY OWNED BY~~
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8 AREAS, BUT NOT AT THE PRESENT USED FOR COMMERCIAL FORESTRY;

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10 E. COHESIVE FOREST AREAS ~~[WITH LARGE PARCELS];~~ OR

11 F. OTHER AREAS WHICH ARE:

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16 THE COUNTY'S POLICY IS TO ALLOW FOREST MANAGEMENT WITH RELATED AND
17 COMPATIBLE USES, BUT TO RESTRICT INCOMPATIBLE USES FROM THE COMMERCIAL
18 FOREST LAND AREA, RECOGNIZING THAT THE INTENT IS TO PRESERVE ~~[THE BEST]~~
19 FOREST LANDS FROM INAPPROPRIATE AND INCOMPATIBLE DEVELOPMENT.

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21 STRATEGIES

22 A. The following strategies ~~[should]~~ shall be addressed as part of the Community Development Ordinance.

23 The strategies are designed to make land divisions and allowed uses compatible with forest operations
24 and agriculture consistent with Statewide Planning Goal 4 and Oregon Administrative Rule (OAR)
25 660, Division 6:

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1. The Zoning Code should include a Commercial Forest Zone with:

- a. A base minimum lot size of 80 acres appropriate to commercial forestry, with aggregation of lots in single ownership required;
- b. Forest and farm uses as primary uses;
- c. ~~[Residences allowed under objective prescribed conditions if resource related, and]~~ Forest management dwellings and dwellings not related to forest management as conditional uses ~~[if non-resource related]~~. Such dwellings are to be allowed under approval criteria and siting standards designed to assure conservation of the natural resource base, protection from hazards, and protection of big game winter habitat;
- d. Compatible community service uses allowed by OAR 660, Division 6, mineral and aggregate extraction, and support services for forestry activities as conditional uses;
- e. Lots of Record provisions; and
- f. Mortgage lot provisions.

2. The County Street and Road Standards Code should include criteria related to street width, road construction standards, and required improvements appropriate to the function of the road.

3. The Capital Improvements Program should not program public sewers to this area, and the County should not support the formation or expansion of existing service district areas for the provision of water service.

B. The conversion of land to another broad land use classification should be in accord with the standards set forth by the LCDC Goals, OAR's and in this Plan.

POLICY 12 MULTIPLE USE FOREST

LIMITATION

Pursuant to the requirements of the 1990 amended Oregon Administrative Rule 660, Division 6, Forest Lands, the Multiple Use Forest plan designation and zoning district shall apply only to the following two areas in Multnomah County:

- 1 1. All Multiple Use Forest lands within the Columbia River Gorge National Scenic Area until such
2 time that the County enacts plan revisions and zone changes in compliance with the "Management
3 Plan for the Columbia River Gorge National Scenic Area." adopted by the Columbia River Gorge
4 Commission on October 15, 1991; and
- 5 2. All Multiple Use Forest designated lands within the Urban Growth Boundary until such time as plan
6 revisions and/or zone changes take place in conformance with the applicable urban services policies
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By Gladys McCoy
Gladys McCoy, County Chair
MULTNOMAH COUNTY, OREGON

Peter Lurayton
John DuBay, Deputy County Counsel
of Multnomah County, Oregon

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 744

An Ordinance amending Comprehensive Framework Plan Policy 11, Commercial Forest Land and Plan Policy 12, Multiple Use Forest to ensure that future land divisions and land uses in forest areas are compatible with forest practices and to bring Multnomah County's land use planning program into compliance with Oregon Administrative Rule 660, Division 6.

(Underlined sections are new or replacements; [~~bracketed~~] sections are deleted.)

Multnomah County Ordains as follows:

Section I. Findings.

(A). On January 25, 1990 the State of Oregon Land Conservation and Development Commission (LCDC) adopted significant amendments to the Statewide Planning Goal 4, Forest Lands and the related Oregon Administrative Rule (OAR Chapter 660, Division 6). By February 5, 1993 Multnomah County must implement those rules into the comprehensive plan text, plan map, zoning code, and zoning map.

(B). The Land Conservation and Development Commission stated four primary reasons for the amendments: "The Commission has found it necessary to amend Goal 4 and OAR 660, Division 6, for several reasons. In 1986, the Oregon Supreme Court in 1000 Friends of Oregon v. LCDC and Lane County interpreted Goal 4 contrary to Commission interpretations contained in acknowledged comprehensive plans. Second, the Oregon Legislature passed HB 3396 which limited the authority of counties to regulate forest practices. Third, the commercial forest land base continues to shrink while the state's timber supply diminishes thereby affecting the state's economy. Fourth, recent forest fire seasons have been extremely costly, and have illustrated the difficulties in suppressing wildfires in forest areas where dwellings are present."

1 (C). This ordinance amends Comprehensive Framework Plan Policy 11, Commercial
2 Forest Land Area to comply with the State Goal and Rule requirements. Comprehensive
3 Framework Plan Policy 12, Multiple Use Forest is retained unchanged except that the Policy
4 will now be limited for use to those areas in which the Statewide Planning Goal 4, Forest Lands
5 does not apply.

6 (D). A 46 page findings document examining the impacts of the State Rule changes
7 and the reasons for the course of action taken is on file with the Multnomah County
8 Department of Environmental Services, Division of Planning and Development. The findings
9 have the title "C 4-92, Exhibit A, Findings Associated with Bringing the Multnomah County
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13 open workshops for drafting of the forest amendments. On August 17 and 18, 1992 County
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22 A. The following strategies ~~[should]~~ shall be addressed as part of the Community Development Ordinance,

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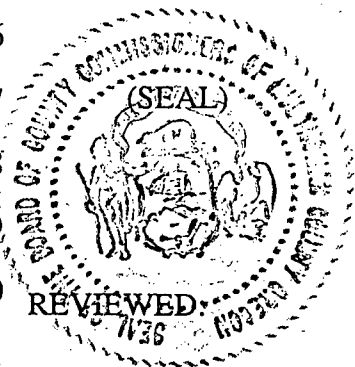
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Peter Lurayton
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MULTNOMAH COUNTY, OREGON



Peter Lurayson
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4 the forest land base and to protect the state's forest economy by making possible economically
5 efficient forest practices that assure the continuous growing and harvesting of forest tree
6 species as the leading use on forest land consistent with sound management of soil, air, water,
7 and fish and wildlife resources and to provide for recreational opportunities and agriculture.
8

9 The intent of the Commercial Forest Land Area Classification is to allocate lands which are
10 suitable for commercial forest management including adjacent or nearby lands which are
11 necessary to permit forest operations or practices and other forested lands that maintain soil,
12 air, water and fish and wildlife resources. [~~however, agricultural uses will also be permitted.~~
13 ~~Other uses such as community facilities appropriate to the area, natural resource extraction, and~~
14 ~~ancillary support and processing services for forestry activities may also be permitted.]~~
15

16 Forest operations, practices and auxiliary uses shall be allowed on forest lands subject only to
17 such regulation of uses as are found in ORS 527.722. Uses which may be allowed subject to
18 standards set forth in Statewide Planning Goal 4 and Oregon Administrative Rule 660, Division
19 6 are: (1) uses related to and in support of forest operations; (2) uses to conserve soil, water and
20 air quality, and to provide for fish and wildlife resources, agriculture and recreational
21 opportunities appropriate in a forest environment; (3) locationally dependent uses; (4) forest
22 management dwellings that are necessary for, and accessory to, forest operations; and (5) other
23 dwellings under prescribed conditions.
24
25
26

1 THE COUNTY'S POLICY IS TO DESIGNATE AND MAINTAIN AS COMMERCIAL FOREST LAND,

2 AREAS WHICH ARE:

3 A. PREDOMINANTLY IN FOREST CUBIC FOOT SITE CLASS I, II, AND III, FOR DOUGLAS FIR

4 AS CLASSIFIED BY THE U.S. SOIL CONSERVATION SERVICE;

5 B. SUITABLE FOR COMMERCIAL FOREST USE AND SMALL WOODLOT MANAGEMENT;

6 C. ~~[IN PREDOMINANTLY COMMERCIAL FOREST USE AND PREDOMINANTLY OWNED BY~~

7 ~~PUBLIC AGENCIES AND PRIVATE TIMBER COMPANIES]~~ POTENTIAL REFORESTATION

8 AREAS, BUT NOT AT THE PRESENT USED FOR COMMERCIAL FORESTRY;

9 D. NOT IMPACTED BY URBAN SERVICES; AND

10 E. COHESIVE FOREST AREAS ~~[WITH LARGE PARCELS]~~; OR

11 F. OTHER AREAS WHICH ARE:

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15 SCENIC SIGNIFICANCE.

16 THE COUNTY'S POLICY IS TO ALLOW FOREST MANAGEMENT WITH RELATED AND

17 COMPATIBLE USES, BUT TO RESTRICT INCOMPATIBLE USES FROM THE COMMERCIAL

18 FOREST LAND AREA, RECOGNIZING THAT THE INTENT IS TO PRESERVE ~~[THE BEST]~~

19 FOREST LANDS FROM INAPPROPRIATE AND INCOMPATIBLE DEVELOPMENT.

20

21 **STRATEGIES**

22 A. The following strategies ~~[should]~~ shall be addressed as part of the Community Development Ordinance.

23 The strategies are designed to make land divisions and allowed uses compatible with forest operations

24 and agriculture consistent with Statewide Planning Goal 4 and Oregon Administrative Rule (OAR)

25 660, Division 6:

26

1. **The Zoning Code** should include a Commercial Forest Zone with:

- a. A base minimum lot size of 80 acres appropriate to commercial forestry, with aggregation of lots in single ownership required;
- b. Forest and farm uses as primary uses;
- c. [~~Residences allowed under objective prescribed conditions if resource related, and~~] Forest management dwellings and dwellings not related to forest management as conditional uses [~~if non-resource related~~]. Such dwellings are to be allowed under approval criteria and siting standards designed to assure conservation of the natural resource base, protection from hazards, and protection of big game winter habitat;
- d. Compatible community service uses allowed by OAR 660, Division 6, mineral and aggregate extraction, and support services for forestry activities as conditional uses;
- e. Lots of Record provisions; and
- f. Mortgage lot provisions.

2. **The County Street and Road Standards Code** should include criteria related to street width, road construction standards, and required improvements appropriate to the function of the road.

3. **The Capital Improvements Program** should not program public sewers to this area, and the County should not support the formation or expansion of existing service district areas for the provision of water service.

B. The conversion of land to another broad land use classification should be in accord with the standards set forth by the LCDC Goals, OAR's and in this Plan.

POLICY 12 MULTIPLE USE FOREST

LIMITATION

Pursuant to the requirements of the 1990 amended Oregon Administrative Rule 660, Division 6, Forest Lands, the Multiple Use Forest plan designation and zoning district shall apply only to the following two areas in Multnomah County:

- 1 1. All Multiple Use Forest lands within the Columbia River Gorge National Scenic Area until such
- 2 time that the County enacts plan revisions and zone changes in compliance with the "Management
- 3 Plan for the Columbia River Gorge National Scenic Area," adopted by the Columbia River Gorge
- 4 Commission on October 15, 1991; and
- 5 2. All Multiple Use Forest designated lands within the Urban Growth Boundary until such time as plan
- 6 revisions and/or zone changes take place in conformance with the applicable urban services policies
- 7 (OAR 660-06-020 states that Goal 4 does not apply within urban growth boundaries).

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14 ADOPTED THIS 8th day of December, 1992, being the date of its 2nd

15 reading before the Board of County Commissioners of Multnomah County.

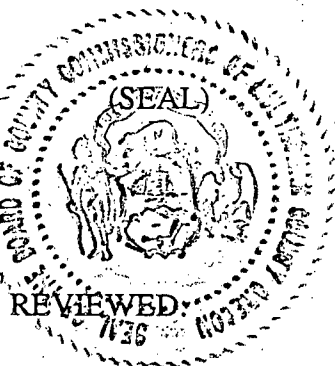
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18 By Gladys McCoy

19 Gladys McCoy, County Chair

20 MULTNOMAH COUNTY, OREGON



22 Peter Lurayton

23 John DuBay, Deputy County Counsel

24 of Multnomah County, Oregon

25

26

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 744

An Ordinance amending Comprehensive Framework Plan Policy 11, Commercial Forest Land and Plan Policy 12, Multiple Use Forest to ensure that future land divisions and land uses in forest areas are compatible with forest practices and to bring Multnomah County's land use planning program into compliance with Oregon Administrative Rule 660, Division 6.

(Underlined sections are new or replacements; [~~bracketed~~] sections are deleted.)

Multnomah County Ordains as follows:

Section I. Findings.

(A). On January 25, 1990 the State of Oregon Land Conservation and Development Commission (LCDC) adopted significant amendments to the Statewide Planning Goal 4, Forest Lands and the related Oregon Administrative Rule (OAR Chapter 660, Division 6). By February 5, 1993 Multnomah County must implement those rules into the comprehensive plan text, plan map, zoning code, and zoning map.

(B). The Land Conservation and Development Commission stated four primary reasons for the amendments: "The Commission has found it necessary to amend Goal 4 and OAR 660, Division 6, for several reasons. In 1986, the Oregon Supreme Court in 1000 Friends of Oregon v. LCDC and Lane County interpreted Goal 4 contrary to Commission interpretations contained in acknowledged comprehensive plans. Second, the Oregon Legislature passed HB 3396 which limited the authority of counties to regulate forest practices. Third, the commercial forest land base continues to shrink while the state's timber supply diminishes thereby affecting the state's economy. Fourth, recent forest fire seasons have been extremely costly, and have illustrated the difficulties in suppressing wildfires in forest areas where dwellings are present."

1 (C). This ordinance amends Comprehensive Framework Plan Policy 11, Commercial
2 Forest Land Area to comply with the State Goal and Rule requirements. Comprehensive
3 Framework Plan Policy 12, Multiple Use Forest is retained unchanged except that the Policy
4 will now be limited for use to those areas in which the Statewide Planning Goal 4, Forest Lands
5 does not apply.

6 (D). A 46 page findings document examining the impacts of the State Rule changes
7 and the reasons for the course of action taken is on file with the Multnomah County
8 Department of Environmental Services, Division of Planning and Development. The findings
9 have the title "C 4-92, Exhibit A, Findings Associated with Bringing the Multnomah County
10 Zoning Code into Compliance with the Oregon Administrative Rule on Forest Lands." They
11 are attached hereto, are incorporated by reference, and are adopted.

12 (E). On May 4, 1992, June 1, 1992, and July 8, 1992 the Planning Commission held
13 open workshops for drafting of the forest amendments. On August 17 and 18, 1992 County
14 staff conducted public information meetings to explain the State requirements and the proposed
15 County ordinances to meet those requirements. The Planning Commission then held public
16 hearings on September 8, 1992, September 21, 1992 and October 5, 1992. Hearings before the
17 Board of County Commissioners followed on November 24, 1992 and December 8, 1992.
18 At each of the hearings all interested persons were given an opportunity to appear and be heard.

19
20 Section II. Amendments.

21 Multnomah County Comprehensive Framework Plan Policy 11, Commercial Forest
22 Land Area and Policy 12, Multiple Use Forest Area are amended to read as follows:

23 POLICY 11 COMMERCIAL FOREST LAND

24 INTRODUCTION

25 The purpose of the Commercial Forest Land Area Classification is to ~~[protect the continued use~~
26 ~~of lands for renewable commercial forest resource use, water resources protection, recreation,~~

1 ~~wildlife habitat, and other related or compatible uses. Uses not compatible with forest~~
2 ~~management practices will be discouraged in order to minimize the possibilities of damage~~
3 ~~from fire, pollution and conflicts caused by urbanization.]~~ conserve forest lands by maintaining
4 the forest land base and to protect the state's forest economy by making possible economically
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22 A. The following strategies ~~[should]~~ shall be addressed as part of the Community Development Ordinance.

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POLICY 12 MULTIPLE USE FOREST

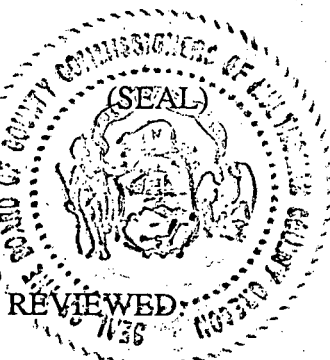
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14 ADOPTED THIS 8th day of December, 1992, being the date of its 2nd
15 reading before the Board of County Commissioners of Multnomah County.

16
17
18 By Gladys McCoy
19 Gladys McCoy, County Chair
20 MULTNOMAH COUNTY, OREGON



21
22 Peter Lurayson
23 John DuBay, Deputy County Counsel
24 of Multnomah County, Oregon
25
26

Meeting Date: DEC 07 1992

Agenda No.: S-1

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Board of County Commissioners Special Meeting

BCC Informal _____ (date) BCC Formal December 7, 1992 (date)

DEPARTMENT Nondepartmental DIVISION County Chair's Office

CONTACT Hank Miggins TELEPHONE 248-3308

PERSON(S) MAKING PRESENTATION Hank Miggins, Bill Farver, Dave Warren

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☒ POLICY DIRECTION ☐ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: _____

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: _____

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

Board of County Commissioners Special Meeting
Monday December 7, 1992
8:30 a.m. - 3:30 p.m.

EXPO Center VIP Room, 2060 N. Marine Drive, Portland, Oregon

Agenda Attached

BOARD OF
COUNTY COMMISSIONERS
1992 DEC - 3 AM 9:56
MULTNOMAH COUNTY
OREGON

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL Gladys McCreary
Or

DEPARTMENT MANAGER 4

(All accompanying documents must have required signatures)

AGENDA DECEMBER 7 RETREAT 8:30 to 3:30

THEME: HOW WE DO BUSINESS

Invited Participants: New and Current Board Members

Invited to Observe: Board Staff

Facilitator: Shared among Hank, Dave and Bill

Scribe: Kathy Millard

Location: Expo Center, VIP Room, 2060 N. Marine Drive

(Take I- 5 to Exit 306B - Delta Park/Expo Center, enter main double glass doors, make a sharp right)

I. Introductions - 8:30 - 9:30 Hank, facilitator

What would you like to see the County accomplish over the next two years? the next five years? What do we need to do to get there? 5 minutes for everyone

II. Proposals for Improved Working Relations/Communications among Chair, Board, and Department Managers 9:30 to 11:45

A. Communications Ground Rules (45 minutes) - Attachment A
Bill, presenter Hank, facilitator

B. Role of Liaison (45 minutes) - Attachment B
Hank, presenter Dave, facilitator

C. Budget Process (45 minutes) - Attachment C
Dave, presenter Bill, facilitator

Afternoon 1:25 to 4:30

III. Continuation of Proposals Morning Item II 1:30 to 2:30

D. Short Term Planning Process (30 minutes) - Attachment D
Bill, presenter Dave, facilitator

E. Discussion of Information Needed in a Budget Document - (30 minutes) Dave, presenter Hank, facilitator

IV. January Retreat 2:30 to 3:00 (30 minutes)

Hank, presenter Bill, facilitator

A. 1 or 2 Days? / Dates?

B. Outside Facilitator

C. Participants - Department Managers, Elected Officials

D. Content - Possible topics

1. Discussion and approval of specific proposals on
 - a. budget process
 - b. role of liaison
 - c. short term planning process

2. Issues (Examples)

- a. Law Enforcement Proposals (Public Safety 2000, Governor's Task Force)
 - b. Transportation Proposals

3. Proposed Areas/Approaches for Possible Budget Reductions

4. Team Building

V. Summary of Agreements and Meeting Evaluation 3:00 to 3:30 (30 minutes) Bill, facilitator

DBC

G Boss, Inc.

942 SW Florence Court

Gresham, Oregon 97030

(503) 289-7051

December 1, 1992

Glen - Board Meeting will
be held from 8:30am - 3:30pm.
Below are suggested times
for

Board of County Commissioners
Building 106/1410
ATTN: Delma

Per our telephone conversation we will furnish the following for the
December 7, 1992, Board Retreat to be held in the VIP Room here at
Expo Center:

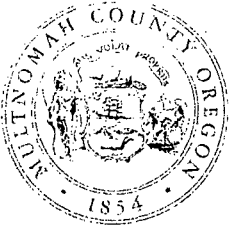
Set up by 8:00 - 8:15	Morning	Continental Breakfast Assorted Muffins Hot and Cold Beverages
11:45	Lunch	Assorted Sandwiches Salad Fruit Hot and Cold Beverages
<u>2:00</u>	Afternoon	Cheese and Cracker Plate Assorted Cookies Hot and Cold Beverages

Food will be provided to serve twenty (20) people. Total cost will be
\$50.00.

Please advise me as to the times when you would like the food
served. I can be reached at my office number, 289-7051, or the
Expo FAX number, 285-7759.

Thank you,

Glen Boss
Glen Boss



GLADYS McCOY, Multnomah County Chair

Room 1410, Portland Building
1120 S.W. Fifth Avenue
Portland, Oregon 97204
(503) 248-3308

M E M O R A N D U M

TO: Chair Gladys McCoy
Commissioner Pauline Anderson
Commissioner Rick Bauman
Commissioner Sharron Kelley
Commissioner Gary Hansen
Commissioner-Elect Tanya Collier
Commissioner-Elect Dan Saltzman
Dave Warren, Planning & Budget Director

FROM: Hank Miggins
Executive Assistant *[Signature]*
Bill Farver *BF*
Board Staff Coordinator

DATE: November 16, 1992

RE: Board Retreat - Monday December 7, 1992

The next Board Retreat will be held Monday December 7, 1992 from 8:30 a.m. to 5:00 p.m. The VIP Room at Expo, 2060 No. Marine Drive, has been reserved for our use. Lunch will be served on site.

You may bring one staff member. Bill Farver, Dave Warren and Hank Miggins will facilitate the discussion. An agenda and accompanying materials will be provided to you for review prior to the meeting.

HCM:ddf
9557G

✓cc: Office of the Board Clerk

BOARD OF
COUNTY COMMISSIONERS
1992 NOV 17 PM 2:51
MULTNOMAH COUNTY
OREGON

November 25, 1992

To: Board of County Commissioners
Commissioners-Elect
From: Bill Farver
Re: Proposals for December 7th Retreat

BOARD OF
COUNTY COMMISSIONERS
1992 NOV 27 AM 8:58
MULTNOMAH COUNTY
OREGON

During the past month, I have met with elected officials, Department Managers, and Management Teams to discuss their ideas for improving the decision making process at the County.

Four themes emerged:

1. Need for improved communication and trust - among the Board and Board staff, between the Board and the Chair and Elected Officials, and between the Departments and the Board.
2. A need for a more active, informed involvement by the Board with the Departments. A need to decide whether to have a liaison responsibility. If a liaison established, clarify the role of the liaison/portfolio.
3. A need for a more open, deliberative, consensual budget process. A need for greater opportunity for the Departments to explain their operations and proposals. A need for a greater opportunity for Board members to ask questions, explore alternative proposals, and develop a greater understanding of the proposed budget. A need for more meaningful citizen input.
4. A need for a clearer, better publicized county mission and commitment to excellence. A renewed commitment to an ongoing planning process.

I sense a broad commitment to these goals. The question is, what steps you take to begin to accomplish them. In the enclosed proposals, I have collected and organized suggestions from a variety of people. I hope they can serve as an informed starting point for your retreat discussions.

On Monday, November 30, I will meet with the Department Managers to discuss these proposals. I would be happy to meet with you next week to discuss these proposals in advance of the retreat.

- c. Elected Officials
- c. Department Managers

DRAFT AGENDA

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Invited Participants: New and Current Board Members

Invited to Observe: Board Staff

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4. Team Building

V. Meeting Evaluation 3:00 to 3:30 (30 minutes)

COMMUNICATIONS - ATTACHMENT A

1. COMMUNICATIONS GROUND RULES

Goal: Better communications and relationships between Chair, Board, Departments and Elected Officials. Team building. Better understanding of issues and concerns.

CHAIR AND BOARD OF COUNTY COMMISSIONERS

- a. Board members will avoid public personal feuding.
- b. Board members will consult with other Board members before announcing major public initiatives.
- c. Chair will meet monthly with each Board member.
OR
Chair and Board will meet in an unstructured, informal session to discuss issues of concern. Meetings every other week or monthly.
- d. Board will develop common agenda before negotiating with the cities or other counties.
- e. Hank will continue prime liaison responsibility between Chair's office and Board.
- f. Hank will attend Board staff meetings. First 10 minutes of Board staff will be opportunity for information sharing. Bill will attend beginning of Department Manager meetings to discuss agenda review.
- g. Teri Duffy and Management Support Services will develop manual on How the County Works for all Board members and staff.

BOARD AND DEPARTMENTS

- a. Each week, Board will receive update on critical issues identify within one of four policy areas. Liaison Commissioner and/or Department Manager/Elected Official will present information and answer questions as part of the informal meeting.
- b. Board members will increase contact/communications with Department Managers/Elected Officials through liaison role.
- c. Board members will communicate major questions/concerns about agenda items to liaison Commissioner and/or Department in advance of meeting.
- d. Board members will promptly communicate concerns about operation of Department or programs directly to the Department.

e. Board will provide greater opportunities for county program managers and contractors to discuss outcomes of programs.

f. Board members will discuss initiatives impacting the ongoing business of the county in advance of placing them on the agenda with the Departments involved. Board initiatives will be reviewed at a Board staff meeting and a Department Managers meeting prior to submission to agenda. Flexibility in scheduling in these two meetings should minimize delay in getting items to the Board agenda.

g. County Department Managers will provide list of events/activities providing opportunities for more direct interaction with Departments. These activities will be with county or provider staff and provide an opportunity for information gathering and seeing range of departmental activities.

h. Each County Department Manager will arrange a 1/2 day tours for Board members (possibly in groups of two) during January or February for information gathering and seeing departmental activities.

i. Board members and Staff can contact appropriate personnel within the Departments for information directly. Departmental officials are responsible for notifying Department Managers of the contact, as appropriate.

STAFF

a. Retreat will be held in January for all Commission staff.

b. Staff will continue weekly Wednesday afternoon meetings. Board staff will share announcements/informational updates from Departments. Departments are welcome to schedule informational briefings or policy discussions with staff during those meetings. Board staff will review initiatives from individual Board members.

c. Bill will track project development by individual offices to avoid duplicating efforts.

d. Bill will monitor policy development that crosses departmental lines and be available as a resource for other staffers and Managers wishing to make presentations.

e. Personal staff will brief Commissioners in advance of Board meeting on items covered in staff meetings.

f. Staff will develop an agreed upon process for handling constituent concerns. (e.g. by District, will assistance from liaison commissioner staff, when needed)

LIAISON - ATTACHMENT B

2. ROLE OF LIAISON COMMISSIONER

Goal: More involvement and productive use of all Board members in policy development. Greater communication/cooperation between Board members and Department Managers/Elected Officials. Greater willingness by the Board to make difficult policy choices.

a. Liaison Commissioner will be an informed resource in the assigned area for the Board.

b. Liaison will monitor policy development in the assigned area. Other Commissioners will consult with the Liaison before working on policy issues in the liaison area.

c. Liaison will not exercise administrative control over the area. Any policy direction must come from the Board. Any administrative direction must come from the Chair. If Department Manager feels he/she is being given conflicting direction by Chair and Liaison Commissioner, Manager should report conflict to Chair's Executive Assistant.

d. Board will develop current issues list for each liaison area (to be developed by next retreat with staff and Department Managers). Issues which cross liaison/Department bounds will be identified. (e.g. Integrated Services System)

e. Liaison will work with Department Managers and other Elected Officials in organizing short term planning discussions of issues in her/his liaison.

f. Liaison will meet regularly with Department Manager.

g. Department Manager and/or Elected Official will report monthly to the Board updating the progress on the identified critical issues in the liaison area

h. Liaison will introduce agenda items at Board meetings from her/his area

i. Liaison will have a discretionary review of all RFPs within the Department. Department Manager/Elected Official sends monthly list to Liaison Commissioner of all RFPs about to be issued. Liaison commissioner reviews list and notifies Department within 3 days of any items the liaison would like the full Board to review. Board Review will occur at next informal meeting at which it can be scheduled.

j. Liaisons will be grouped generally around Departments. Two options are - Health, Social Services, Public Safety, Environmental and Library: OR Health and Social Services, Public Safety, Environmental, Library and Management Support.

k. In addition to the General Liaison Assignment, the Board could develop liaisons based on these four areas:

- 1). Legislative/Intergovernmental
- 2). Finance and budget
- 3). Administrative Procedures
- 4). Board Procedures and Agenda

l. Liaison will have the option to develop a Policy Committee in his/her area to initiate or review policy initiatives and review budget. Possible Membership of Liaison Policy Committee:

- a. BCC Liaison (Chairs the Committee)
- b. Another BCC member
- c. Department Manager from Liaison
- d. Two Program Managers from Liaison Department
- e. Three Line staff and/or Community agencies/ Providers
- f. Two Citizens from citizen committees/CIC
- g. Budget analyst

Staffed by staff of Liaison Commissioner and Department staff

Alternatively, Board Liaison may prefer weekly meeting with Department Manager, regular meetings with citizen advisory committee(s) or management teams, and/or regular site visits.

ASSIGNMENT OF LIAISON

- a. Board will submit to Chair a proposed list of liaison assignments for the Chair's approval.
- b. Liaison assignments will be for two years, ending in 12-94.
- c. Formal liaison assignments may be delayed until May, 1993, to allow full Board attention to learning about all Departments and issues through the Budget process. (Would require a waiver of Board rules which require assignments by third week of Jan.)

IDENTIFIED POTENTIAL PROBLEMS

- a. "Liaison" assignment may encourage greater involvement by Board in administrative matters.
- b. Some Board members may be better advocates for their liaison areas than others.
- c. Liaison role may unduly limit Board members interests in areas outside their assigned liaison.

ALTERNATIVE TO LIAISON

- a. Eliminate any liaison or portfolio assignment.
- b. Allow any Board member to pursue any policy area of special interest. Attempt to coordinate those efforts at a staff level.
- c. Make key committee assignments, but not by liaison area.

INTEGRATED BUDGET PROCESS -ATTACHMENT C

Goal: Better information flow from Budget Office and Department Managers to Board and citizens. Opportunity for Commissioners and citizens to learn more about Departments. Opportunity for greater Board consensus on the budget. Single process for Department Managers and Elected officials.

December: Board discusses Alternative Budget Processes and what information they would like in the budget document (both this year and in future years). Budget office will develop a Budget Notebook format to be used by all Departments and Elected Officials. Budget Notebooks will serve as the working budget document for board review.

Board reviews what assumptions to make in building budget (e.g. jail levy, library utility tax, across the board increase for inflation, JDH COPS). Departments review those decisions. (See enclosed draft for 1993-4).

January: Budget Office presents revenue and expenditure estimates. Board passes budget resolution adopting assumptions for building budget for 1993-4. Board discusses \$10 cap policy with other local governments. Departments develop budgets.

Board identifies areas of potential budget reduction and asks proposals be developed. Budget office develops add and cut package format and reviews with Board.

February 8 to March 5: (four weeks) Budget Office, Department Managers and Elected Officials present revenue information and budget proposals to the entire Board.

The Department submits add and cut packages in the format agreed to by the Board. Questions or interest areas identified by Board, staff, and citizen budget advisory committees and the Central CBAC.

List developed of follow up written questions and proposals needed to answer or develop by Departments and Budget office. Ten presentations: Budget Office, DSS, DLS, Health, DCC, MSCO, DA, DES, NonDept., Management Support - one - two days for each. Two - Three presentations per week.

Example

Week One	Budget Off	Library	Non Dept.
Week Two	MSCO	DCC	DA
Week Three	Social Ser	Health	
Week Four	DES	Manage. Sup.	

March 8 to March 12 Department Managers and Elected Officials present answers to questions, alternative proposals, and discussions of areas of interest to Board, board and budget staff, and CBACs.

March 15 to March 19 Written budget recommendations developed by staff in conjunction with Departments and Budget staff. Executive makes budget decisions.

March 19 to March 29 Budget Office compiles Budget document. Budget printed.

March 31 Executive Budget proposed

April 5 to April 23 (three weeks) Public hearings and Board budget deliberations on Executive Budget and staff recommendations. Budget amendments and notes developed as appropriate.

April 26 to April 28 Final Board decisions. Adoption of budget.

May 14 Budget to TSCC

BUDGET ASSUMPTIONS 1993-94

These are conservative budget assumptions. They do not make the larger policy/revenue decisions of which revenue places to advocate for and when to ask for voter support. They are the assumptions upon which to base constraint figures.

1. The Library Utility Tax will not pass.
2. Current service level levies for the library and jail which maintains our existing percentage of the \$10 cap can pass.
3. The County will find the \$3.3 for the JDH COPS within existing budget (or will not assume that a GO Bond to cover these costs will pass).
4. The County will not deal with the Library Capital issue within the General Fund. The County may deal with it "outside the budget" by trying to pass a GO Bond.
5. The County will not cut additional funds in anticipation of state reductions.
6. The County will not assume any inflationary increases for Deptments. OR
The County will provide a 3% inflationary increase in Materials and Services (and ask for corresponding larger budget cuts of \$2 million)

SHORTFALL

1. Based on the latest revenue estimates, these assumptions leave the County approximately \$8 million short of being able to continue services at existing levels. (If a 3% inflationary increase is not included in constraint figures, the shortfall is reduced to \$6 million. Not including an inflationary increase represents an across the board cut of \$2 million in current services). N.B. The \$8 million estimate will change with revenue fluctuations.

CONSTRAINT DIRECTION

1. Constraint figures from the budget office will be based on 7% reduction across the board. This should provide a balance of \$10 million towards meeting the expected shortfall and allow some restorations or ability to absorb bad revenue results.
2. Departments will be asked to prioritize add back packages.
3. If possible, the Board will make final add back decisions after the results of the utility tax and/or levies are known. Otherwise the Board will develop alternative Budgets based on most favorable/least favorable outcomes of taxes and/or levies.
4. If all assumptions are accurate the Board should be able to approve add-back packages or new programs totalling \$2 - \$4 million (depending on the assumption on inflationary costs)

SHORT TERM PLANNING

GOAL;

Development of a clearer, better understood county mission and a commitment to excellence. Have all Board members support the mission. Use the mission to guide budget decisions. Communicate mission and county excellence to citizens.

December

1. Department Managers and Elected Officials develop lists of their critical issues for 1993-4.

January

1. Four Liaison/policy groups agreed upon.
2. Board develops critical issues list for each liaison based on Department submissions.
3. Board tours with Department Managers and opportunities for informal activities.
4. Board develops list of areas of for potential budget reductions/discussion.

February

1. Board holds half day briefings/discussions on five to ten major policy issues. (e.g. Integrated Services Strategy, Law Enforcement Consolidation/Collaboration, Governor's Task Force Recommendations)
2. Board agrees to unified mission statement.
3. Board agrees to list of issues to negotiate with cities within Multnomah County concerning consolidation and efficiency of operation.

Late February - March - April

1. Budget discussions held in context of critical issues within each liaison.

May

1. Decision made on whether to assign liaisons. Liaison assignments formally made, if necessary.
2. One day retreats focusing on four policy areas during June - August.



MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK
SUITE 1510, PORTLAND BUILDING
1120 S.W. FIFTH AVENUE
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308
PAULINE ANDERSON • DISTRICT 1 • 248-5220
GARY HANSEN • DISTRICT 2 • 248-5219
RICK BAUMAN • DISTRICT 3 • 248-5217
SHARRON KELLEY • DISTRICT 4 • 248-5213
CLERK'S OFFICE • 248-3277 • 248-5222

AGENDA

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS FOR THE WEEK OF

December 7 - 11, 1992

Monday, December 7, 1992 - 8:30 AM - Special Meeting. . . .Page 2
Tuesday, December 8, 1992 - 9:00 AM - Executive Session . .Page 2
Tuesday, December 8, 1992 - 9:30 AM - Planning Items. . . .Page 2
Tuesday, December 8, 1992 - 11:00 AM - Board Briefings. . .Page 3
Tuesday, December 8, 1992 - 11:30 AM - Agenda Review. . . .Page 3
Thursday, December 10, 1992 - 9:30 AM - Regular Meeting . .Page 3

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

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

Thursday, 10:00 PM, Channel 49 for Columbia Cable (Vancouver) subscribers

Friday, 6:00 PM, Channel 22 for Paragon Cable (Multnomah East) subscribers

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

INDIVIDUALS WITH DISABILITIES MAY CALL THE OFFICE OF THE BOARD CLERK AT 248-3277 OR 248-5222 OR MULTNOMAH COUNTY TDD PHONE 248-5040 FOR INFORMATION ON AVAILABLE SERVICES AND ACCESSIBILITY.

Monday, December 7, 1992 - 8:30 AM

Multnomah County EXPO Center, VIP Room
2060 N. Marine Drive

- S-1 The Multnomah County Board of Commissioners and Commissioners Elect will Meet in a Special Meeting to Discuss Various Board Planning Issues. Facilitated by Hank Miggins, Dave Warren and Bill Farver. 8:30 AM TO 3:30 PM.
-

Tuesday, December 8, 1992 - 9:00 AM

Multnomah County Courthouse, Room 602

EXECUTIVE SESSION

- E-1 The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(1)(e) to Discuss a Proposed Real Property Transaction. Presented by Bob Oberst, Billi Odegaard, Dwayne Prather, Dave Boyer and Don Keister. 9:00 AM TIME CERTAIN, 30 MINUTES REQUESTED.
-

Tuesday, December 8, 1992 - 9:30 AM

Multnomah County Courthouse, Room 602

PLANNING ITEMS

- P-1 Second Reading and Possible Adoption of an ORDINANCE Amending Sections of MCC 11.15 to Ensure that Future Land Divisions and Land Uses in Forest Areas are Compatible with Forest Practices as Part of the Amendments needed to bring Multnomah County's Land Use Planning Program into Compliance with Oregon Administrative Rule 660, Division 6
- P-2 Second Reading and Possible Adoption of an ORDINANCE Amending Comprehensive Framework Plan Policy 11, Commercial Forest Land and Plan Policy 12, Multiple Use Forest to Ensure that Future Land Divisions and Land Uses in Forest Areas are Compatible with Forest Practice and to bring Multnomah County's Land Use Planning Program into Compliance with Oregon Administrative Rule 660, Division 6
- P-3 Second Reading and Possible Adoption of an ORDINANCE Amending the Comprehensive Framework Plan Map and Sectional Zoning Maps by Changing the Multiple Use Forest Designation to Commercial Forest Use as part of the Amendments needed to bring Multnomah County's Land Use Planning Program into Compliance with Oregon Administrative Rule 660, Division 6
- P-4 ORDER in the Matter of Amending the Comprehensive Framework Plan to Include Bridal Veil in the County Inventory of Historic Resources

The Following Decisions of the Planning Commission are Reported to the Board of County Commissioners for Review and Affirmation:

P-5 PR 7-92
CU 14-92 DENYING Requested Plan Revision for a 3-C Designation and Recommending a 3-B Designation and DENYING Requested Conditional Use Approval for a 10-Year Permit to Mine; and Consideration of FINAL ORDER in the Matter of a Goal 5 ESSE Analysis for a 283 Acre Site Located at 14545 N.W. St. Helens Road

Tuesday, December 8, 1992 - 11:00 AM

Multnomah County Courthouse, Room 602

BOARD BRIEFINGS

B-1 Discussion and Policy Direction of Proposed Use of PILOT Funds. Presented by Fred Christ and Hank Miggins. 30 MINUTES REQUESTED.

Tuesday, December 8, 1992 - 11:30 AM

Multnomah County Courthouse, Room 602

AGENDA REVIEW

B-2 Review of Agenda for Regular Meeting of December 8, 1992

Thursday, December 10, 1992 - 9:30 AM

Multnomah County Courthouse, Room 602

REGULAR MEETING

CONSENT CALENDAR
NON-DEPARTMENTAL

- C-1 In the Matter of the Appointment of Dan S. Botti to the SKYLINE CREST ROAD DISTRICT #1, Term Expires December 31, 1996
- C-2 In the Matter of the Appointment of Judy Hadley to the CITIZEN INVOLVEMENT COMMITTEE, Term Expires November 30, 1994
- C-3 In the matter of the Appointment of Catherine Smith to the MULTNOMAH COUNTY COMMUNITY ACTION COMMITTEE

DEPARTMENT OF SOCIAL SERVICES

- C-4 Ratification of an Intergovernmental Revenue Agreement Renewal, Contract #103633, between Multnomah County Developmental Disabilities Program Office and Portland Public School District #1 to Continue Early Intervention Services to Children Age 0 to 6 Years, for the Period July 1 1992 through June 30, 1993

JUSTICE SERVICES
SHERIFF'S OFFICE

- C-5 Liquor License Application Renewals Submitted by Sheriff's Office with Recommendation for Approval as Follows:
Restaurant for a) SKIPPER'S SEAFOOD AND CHOWDER HOUSE, 1740 NE 122ND, PORTLAND 97220; b) CHINA GATEWAY, 11642 NE HALSEY, PORTLAND, 97220; c) ROUND TABLE PIZZA, 15920 SE DIVISION, PORTLAND, 97236; and d) PIZZA BARRON, 2604 SE 122ND, PORTLAND, 97236
- C-6 Liquor License Application Change of Ownership Submitted by Sheriff's Office with Recommendation for Approval as Follows:
Restaurant for the ROYAL CHINOOK INN, 2609 NE CORBETT HILL ROAD, CORBETT, 97019
- C-7 Liquor License Application Renewals Submitted by Sheriff's Office with Recommendation for Approval as Follows:
Package Store for a) FAITH MARKET AND DELI, 14902 SE POWELL, PORTLAND, 97236; b) GILL'S JACKPOT FOOD MART, 28210 SE ORIENT DRIVE, GRESHAM, 97080; c) PLAID PANTRY #154, 16216 SE DIVISION, PORTLAND, 97211; d) PLAID PANTRY #113, 13521 SE POWELL BLVD., PORTLAND, 97236; e) PLAID PANTRY #45, 4504 SE 122ND, PORTLAND, 97236; and f) DAVID'S MARKET, 12217 SE FOSTER, PORTLAND, 97236
- C-8 Liquor License Application Change of Ownership Submitted by Sheriff's Office with Recommendation for Approval as Follows:
Package Store for the DIVISION STREET FOOD CONNECTION, 16409 SE DIVISION, PORTLAND, 97236
- C-9 Liquor License Application Renewals Submitted by Sheriff's Office with Recommendation for Approval as Follows:
Retail Malt Beverage for a) WILDWOOD GOLF COURSE, 21881 NW ST. HELENS ROAD, PORTLAND, 97231; b) SPRINGDALE TAVERN, 32302 E. CROWN POINT HWY., CORBETT, 97019; and c) HAGAR'S AT VIKING PARK, 29311 STARK STREET, TROUTDALE, 97060
- C-10 Liquor License Application Change of Ownership Submitted by Sheriff's Office with Recommendation for Approval as Follows:
Retail Malt Beverage for PAPA-SON'S TAVERN, 12525 SE POWELL, PORTLAND, 97236

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-11 ORDER in the Matter of the Execution of Deed D930829 Upon Complete Performance of a Contract to NGUYEN, QUY M and LE, THU-VAN T
- C-12 ORDER in the Matter of the Execution of Deed D930830 for Certain Tax Acquired Property to DONALD L. RUNYAN & RUTH I. RUNYAN
- C-13 ORDER in the Matter of the Execution of Deed D930831 Upon Complete Performance of a Contract to ELEANOR I. BARRETT
- C-14 ORDER in the Matter of the Execution of a Replacement (Original Lost & Never Record) Deed D91488 Upon Complete Performance of a Contract to CAROLYN L. ELSTEN

REGULAR AGENDA

DEPARTMENT OF SOCIAL SERVICES

- R-1 PROCLAMATION in the Matter of Proclaiming December 1992 as Drunk and Drugged Driving Prevention Month

JUSTICE SERVICES

DISTRICT ATTORNEY

- R-2 Ratification of Intergovernmental Agreement, Contract #700083, between The City of Lake Oswego and Multnomah County District Attorneys Forfeitures Division to Split Forfeiture Revenues (75% - 25%) from Cases Initiated by Lake Oswego Police Department, for the Period July 1, 1992 through June 30, 1993 and Automatically Renewing Each July 1st

DEPARTMENT OF HEALTH

- R-3 Budget Modification MCHD #11 Recognizes the Receipt of a Grant from the HCFA through the Northwest Regional Primary care Association (NWRPCA) for Medicare Outreach and Linkage Services

PUBLIC CONTRACT REVIEW BOARD

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

- R-4 ORDER in the Matter of an Emergency Exemption for Dock Repair to the M. James Gleason Road Ramp
- R-5 Ratification of an Intergovernmental Agreement, Contract #400142, between Multnomah County Management Support Services Division, Purchasing, Contracts & Stores Division and the City of Portland, Printing & Distribution to Allow Multnomah County to Purchase Printing and Duplicating Services Under Bid No. B81-000-5638, for the Period October 1, 1992 through September 30, 1993

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

NON-DEPARTMENTAL

- R-6 RESOLUTION in the Matter of Prohibiting Funding of Travel to States or Localities that have Constitutional or Charter Provisions that Deny Civil Rights to Persons Based on Their Sexual Orientation
- R-7 ORDER in the Matter of Confirming the Appointment of Betsy H. Williams as Director of the Multnomah County Department of Environmental Services
- R-8 RESOLUTION in the Matter of Adopting Multnomah County's 1993 Legislative Agenda

R-9 Second Reading and Possible Adoption of an ORDINANCE
Establishing the Duties and Responsibilities of Purchasing,
Contracts and Central Stores (FIRST READING from Thursday,
November 12, 1992)

PUBLIC COMMENT

R-10 Opportunity for Public Comment on Non-Agenda Matters.
Testimony Limited to Three Minutes Per Person.

0203C/45-50
cap

December 4, 1992

To: Board of County Commissioners
Commissioners-Elect
From: Bill Farver
Re: Proposals for December 7th Retreat

During the past month, I have met with elected officials, Department Managers, and Management Teams to discuss their ideas for improving the decision making process at the County.

Four themes emerged:

1. Need for improved communication and trust - among the Board and Board staff, between the Board and the Chair and Elected Officials, and between the Departments and the Board.
2. A need for a more active, informed involvement by the Board with the Departments. A need to decide whether to have a liaison responsibility. If a liaison established, clarify the role of the liaison/portfolio.
3. A need for a more open, deliberative, consensual budget process. A need for greater opportunity for the Departments to explain their operations and proposals. A need for a greater opportunity for Board members to ask questions, explore alternative proposals, and develop a greater understanding of the proposed budget. A need for more meaningful citizen input.
4. A need for a clearer, better publicized county mission and commitment to excellence. A renewed commitment to an ongoing planning process.

I sense a broad commitment to these goals. The question is, what steps you take to begin to accomplish them. In the enclosed proposals, I have collected and organized suggestions from a variety of people. I hope they can serve as an informed starting point for your retreat discussions.

On Monday, November 30, I met with the Department Managers to discuss these proposals. I would be happy to meet with you to discuss these proposals in advance of the retreat.

c. Elected Officials
c. Department Managers

AGENDA DECEMBER 7 RETREAT 8:30 to 3:30

THEME: HOW WE DO BUSINESS

Invited Participants: New and Current Board Members
Invited to Observe: Board Staff
Facilitator: Shared among Hank, Dave and Bill
Scribe: Kathy Millard
Location: Expo Center, VIP Room, 2060 N. Marine Drive
(Take I- 5 to Exit 306B - Delta Park/Expo Center, enter
main double glass doors, make a sharp right)

I. Introductions - 8:30 - 9:30 Hank, facilitator
What would you like to see the County accomplish over the next
two years? the next five years? What do we need to do to
get there? 5 minutes for everyone

II. Proposals for Improved Working Relations/Communications
among Chair, Board, and Department Managers 9:30 to 11:45
A. Communications Ground Rules (45 minutes) - Attachment A
Bill, presenter Hank, facilitator
B. Role of Liaison (45 minutes) - Attachment B
Hank, presenter Dave, facilitator
C. Budget Process (45 minutes) - Attachment C
Dave, presenter Bill, facilitator

Afternoon 1:25 to 4:30

III. Continuation of Proposals Morning Item II 1:30 to 2:30
D. Short Term Planning Process (30 minutes) - Attachment D
Bill, presenter Dave, facilitator

E. Discussion of Information Needed in a Budget Document -
(30 minutes) Dave, presenter Hank, facilitator

IV. January Retreat 2:30 to 3:00 (30 minutes)
Hank, presenter Bill, facilitator
A. 1 or 2 Days? / Dates?
B. Outside Facilitator
C. Participants - Department Managers, Elected Officials
D. Content - Possible topics
1. Discussion and approval of specific proposals on
a. budget process
b. role of liaison
c. short term planning process
2. Issues (Examples)
a. Law Enforcement Proposals (Public Safety 2000,
Governor's Task Force)
b. Transportation Proposals
3. Proposed Areas/Approaches for Possible Budget
Reductions
4. Team Building

V. Summary of Agreements and Meeting Evaluation 3:00 to 3:30
(30 minutes) Bill, facilitator

Revisit List in 3 months.

COMMUNICATIONS - ATTACHMENT A

Goal: Better communications and relationships among Chair, Board, Departments and Elected Officials. Team building. Better understanding of issues and concerns.

CHAIR AND BOARD OF COUNTY COMMISSIONERS

- a. Board members will avoid public personal feuding.
- b. Board members will consult with other Board members before announcing major public initiatives.
- c. Chair will meet monthly with each Board member.
OR
Chair and Board will meet in an unstructured, informal session to discuss issues of concern. Meetings every other week or monthly.
AND/OR
Chair and Board will have lunch once a month with no set agenda.
- d. Board will set aside an additional regular meeting time each week. (Perhaps to accommodate informal briefings that might not attract as much public interest.)
- e. Board will develop common agenda before negotiating with the cities or other counties.
- f. Hank will continue prime liaison responsibility between Chair's office and Board.
- g. Hank will attend Board staff meetings. First 10 minutes of Board staff will be opportunity for information sharing. Bill will attend beginning of Department Manager meetings to discuss agenda review.
- h. Teri Duffy and Management Support Services will develop manual on How the County Works for all Board members and staff.
- i. Chair's office will inform Board of public meetings/events they become aware of that may be of interest to Commissioners.
& same for all Commissioners to inform other BCC officers.
- j. Chair's office will provide Board will a monthly schedule of vacancies in advisory boards for their input. *Start Jan. 1993.*
Also - Advance notice of who is being appointed before on BCC agenda.

- *Common Legislative Agenda*
 - *Informally develop strategies / Issues that cross dept. lines.*
Liaison Responsibility / Dept. Mgrs. / Include Employees /
List of Responsibilities Developed.
- Page 1
- *Quarterly Dinners - Other Goals.*
 - *Mini Planning Sessions*

BOARD AND DEPARTMENTS

a. Each week, Board will receive update on critical issues identified within Policy Areas. (i.e. Each Department will have the opportunity to present an issues update once a month). Liaison Commissioner and/or Department Manager/Elected Official will present information and answer questions.

Weekly Critical Issue Updates (Tuesdays) May Merge w/ Other Briefings.

b. Board members will increase contact/communications with Department Managers/Elected Officials through liaison role.

c. Board members will communicate major questions/concerns about agenda items to liaison Commissioner and/or Department in advance of meeting.

d. Board members will promptly communicate concerns about operation of Department or programs directly to the Department. Department will convey concern and Departmental response to the Chair.

e. Board will provide greater opportunities for county program managers and contractors to discuss outcomes of programs.

Boards of Commissioners. Evaluation Forms. Also Use Brown Bags.

f. Board members will discuss initiatives impacting the ongoing business of the county in advance of placing them on the agenda with the Departments involved. Board initiatives will be reviewed at a Board staff meeting and a Department Managers meeting prior to submission to agenda. Flexibility in scheduling in these two meetings should minimize delay in getting items to the Board agenda.

Formalize Process & Review. Introduce @ Board Staff exp. Ordinances. Draft Form.

g. County Department Managers will provide list of events/activities providing opportunities for more direct interaction with Departments. These activities will be with county or community non-profit contractor staff and provide an opportunity for information gathering and seeing range of departmental activities.

h. Each County Department Manager will arrange a 1/2 day tours for Board members (possibly in groups of two) during January or February for information gathering and seeing departmental activities.

i. Board members and Staff can contact appropriate personnel within the Departments for information directly. Departmental officials are responsible for notifying Department Managers of the contact, as appropriate.

STAFF

- a. Retreat will be held in January for all Commission staff.
- b. Staff will continue weekly Wednesday afternoon meetings. Board staff will share announcements/informational updates from Departments. Departments are welcome to schedule informational briefings or policy discussions with staff during those meetings. Board staff will review initiatives from individual Board members.
- c. Bill will track project development by individual offices to avoid duplicating efforts.
- d. Bill will monitor policy development that crosses departmental lines and be available as a resource for other staffers and Managers wishing to make presentations. (e.g. Integrated Services System)
- e. Personal staff will brief Commissioners in advance of Board meeting on items covered in staff meetings.
- f. Staff will develop an agreed upon process for handling constituent concerns. (e.g. by District, with assistance from liaison commissioner staff, when needed) *Share Results at Mtg.*

*Briefings for whole Board on Education Only.
Issue Analysis & Briefing*

*Analysis Following the Briefing - John Repuf, CCC
- Should be Presented to BCC List. Then use Board Staff
Schedule Mtg. w/Board Staff if there are questions or concerns.*

*Need direction for Board Staff to be Clear.
Direction from BCC on Follow up Issues.*

LIAISON COMMISSIONER - ATTACHMENT B

Goal: More involvement and productive use of all Board members in policy development. Greater communication/cooperation between Board members and Department Managers/Elected Officials. Greater willingness by the Board to make difficult policy choices.

a. Liaison Commissioner will be an informed resource in the assigned area for the Board.

b. Liaison will monitor policy development in the assigned area. Liaison will not veto policy initiatives from Departments which the Department feels may enjoy Board support. Other Commissioners will consult with the Liaison before working on policy issues in the liaison area.

c. Liaison will not exercise administrative control over the area. Any policy direction must come from the Board. Any administrative direction must come from the Chair. If Department Manager feels he/she is being given conflicting direction by Chair and Liaison Commissioner, Manager should report conflict to Chair's Executive Assistant.

d. Board will develop current issues list for each liaison area (to be developed by next retreat with staff and Department Managers). Issues which cross liaison/Department bounds will be identified. (e.g. Integrated Services System)

e. Liaison will work with Department Managers and other Elected Officials in organizing short term planning discussions of issues in her/his liaison.

f. Liaison will meet regularly with Department Manager.

g. Department Manager and/or Elected Official will report monthly to the Board updating the progress on the identified critical issues in the liaison area

h. Liaison will introduce agenda items at Board meetings from her/his area

i. Liaison will have a discretionary review of all RFPs within the Department. Department Manager/Elected Official sends monthly list to Liaison Commissioner of all RFPs about to be issued. Liaison commissioner reviews list and notifies Department within 3 days of any items the liaison would like the full Board to review. Board Review will occur at next informal meeting at which it can be scheduled.

Look @ Board
Rules relating
to Vice-Chair
Assignment

j. Liaisons will be grouped generally around Departments. See attached option with following groupings:

Library Public Safety
Health ~~and~~ Management Support *& Non-Departmental*
Social Services
Environmental ~~and Library~~

While liaison are grouped around Departments, Commissioners could discuss delegation of specific projects or areas, as long as communication is clear with the affected Departments.

N.B. Commissioner Anderson has requested immediate replacement on several of the committees she is on to provide a smooth transition during December. (e.g. JPACT, Regional Funding T.F.)

k. In addition to the General Liaison Assignment, the Board could develop liaisons based on these four areas:

- 1). Legislative/Intergovernmental
Coordinate with Intergovernmental Affairs officer and Human Services Legislative Liaison to make best use of Board during legislative session. Ensure background briefings for AOC meetings.
- 2). Finance and budget
Monitor development of financial plans. Follow up on Auditor's report on County Financial Health. Develop recommendations on budgeting procedures and format. Evaluate budget process.
- 3). Administrative Procedures
Monitor Contracting Task Force, Administrative Procedures Committee, Affirmative Action and personnel rules.
- 4). Board Procedures and Agenda - Vice Chair
Work with Chair and Clerk in coordinating briefings, discussing board rules, retreats. Supervise shared staff.

Chairing Role of the Vice Chair-

1. Liaison will have the option to develop a Policy Committee in his/her area to initiate or review policy initiatives and review budget. Possible Membership of Liaison Policy Committee:
 - a. BCC Liaison (Chairs the Committee)
 - b. Another BCC member
 - c. Department Manager from Liaison
 - d. Two Program Managers from Liaison Department
 - e. Three Line staff and/or Community agencies/ Providers
 - f. Two Citizens from citizen committees/CIC
 - g. Budget analyst

Staffed by staff of Liaison Commissioner and Department staff

Alternatively, Board Liaison may prefer weekly meeting with Department Manager, regular meetings with citizen advisory committee(s) or management teams, and/or regular site visits.

LIAISONS

PUBLIC SAFETY

General Areas: MSCO, DA, Department of Community Corrections including Law Enforcement, Corrections, Prosecution, Supervision, Community Programs

Committees: Public Safety Council, Community Corrections Advisory Comm. *Oregon Head Task Force.*

HEALTH AND MANAGEMENT SUPPORT

General Areas: Departments of Health, including Clinical Services, Regulatory Health, Health Officer, Emergency Medical Services

and Non Departmental, Management Support (Personnel, Budget, *Purchasing*, Finance, Labor Relations) **

Committees: Community Health Council and Medical Advisory Board Arts Commission, ** (Metro Human Relations Comm)*, Cable Regulatory, Data Processing Management Comm., Citizens Involvement Comm.

** Chair's Office Resp. by Ordin.*

SOCIAL SERVICES

General Areas: Departments of Social Services, including Juvenile, Mental Health, Youth and Families, Aging, Developmental Disabilities, Housing and Community Services

Committees: Commission on Aging, Mental Health Adv. Comm., Childrens and Youth Services Comm., Funders Adv. Comm., Welfare Rights Comm., Private Industry Council, Leaders Roundtable (alternate)

ENVIRONMENTAL SERVICES ~~AND LIBRARY~~

General Areas: Department of Environmental Services, including Planning, Animal Control, Transportation, Assessment and Taxation, Elections and Department of Library Services,

Committees:

Parks, Joint Policy Advisory Comm. on Transportation, Regional Policy Advisory Comm., East Mult. Cty. Transportation Comm., West Side Light Rail, Regional Facilities Task Force, Metro Urban Growth, Greenspaces, and Solid Waste *TC*

**Library Board

Chair - Management Support & Non-Departmental

Adjust as needed.

ASSIGNMENT OF LIAISON

a. Board will submit to Chair a proposed list of liaison assignments for the Chair's approval.

b. Liaison assignments will be for two years, ending in 12-94.

c. Formal liaison assignments will be made: *by 3rd wk in January*

1). In January, to allow transition of committee assignments and to begin the new process.

OR

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These are conservative budget assumptions. They do not make the larger policy/revenue decisions of which revenue places to advocate for and when to ask for voter support. They are the assumptions upon which to base constraint figures.

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6. The County will not assume any inflationary increases for Departments. OR The County will provide a 3% inflationary increase in Materials and Services (and ask for larger budget cuts of \$2 million).
Ask Dept. Heads about a supplemental package. "ask" to raise revenue.

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1. Based on the latest revenue estimates, these assumptions leave the County approximately \$8 million short of being able to continue services at existing levels. (If a 3% inflationary increase is not included in constraint figures, the shortfall is reduced to \$6 million. Not including an inflationary increase represents an across the board cut of \$2 million in current services). N.B. The \$8 million estimate will change with revenue fluctuations.

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May - August

1. One day retreats focusing on liaison/policy areas.

December 4, 1992

To: Board of County Commissioners
Commissioners-Elect
From: Bill Farver
Re: Proposals for December 7th Retreat

During the past month, I have met with elected officials, Department Managers, and Management Teams to discuss their ideas for improving the decision making process at the County.

Four themes emerged:

1. Need for improved communication and trust - among the Board and Board staff, between the Board and the Chair and Elected Officials, and between the Departments and the Board.
2. A need for a more active, informed involvement by the Board with the Departments. A need to decide whether to have a liaison responsibility. If a liaison established, clarify the role of the liaison/portfolio.
3. A need for a more open, deliberative, consensual budget process. A need for greater opportunity for the Departments to explain their operations and proposals. A need for a greater opportunity for Board members to ask questions, explore alternative proposals, and develop a greater understanding of the proposed budget. A need for more meaningful citizen input.
4. A need for a clearer, better publicized county mission and commitment to excellence. A renewed commitment to an ongoing planning process.

I sense a broad commitment to these goals. The question is, what steps you take to begin to accomplish them. In the enclosed proposals, I have collected and organized suggestions from a variety of people. I hope they can serve as an informed starting point for your retreat discussions.

On Monday, November 30, I met with the Department Managers to discuss these proposals. I would be happy to meet with you to discuss these proposals in advance of the retreat.

c. Elected Officials
c. Department Managers

AGENDA DECEMBER 7 RETREAT 8:30 to 3:30

THEME: HOW WE DO BUSINESS

Invited Participants: New and Current Board Members

Invited to Observe: Board Staff

Facilitator: Shared among Hank, Dave and Bill

Scribe: Kathy Millard

Location: Expo Center, VIP Room, 2060 N. Marine Drive

(Take I- 5 to Exit 306B - Delta Park/Expo Center, enter main double glass doors, make a sharp right)

I. Introductions - 8:30 - 9:30 Hank, facilitator

What would you like to see the County accomplish over the next two years? the next five years? What do we need to do to get there? 5 minutes for everyone

II. Proposals for Improved Working Relations/Communications among Chair, Board, and Department Managers 9:30 to 11:45

A. Communications Ground Rules (45 minutes) - Attachment A

Bill, presenter Hank, facilitator

B. Role of Liaison (45 minutes) - Attachment B

Hank, presenter Dave, facilitator

C. Budget Process (45 minutes) - Attachment C

Dave, presenter Bill, facilitator

Afternoon 1:25 to 4:30

III. Continuation of Proposals Morning Item II 1:30 to 2:30

D. Short Term Planning Process (30 minutes) - Attachment D

Bill, presenter Dave, facilitator

E. Discussion of Information Needed in a Budget Document - (30 minutes) Dave, presenter Hank, facilitator

IV. January Retreat 2:30 to 3:00 (30 minutes)

Hank, presenter Bill, facilitator

A. 1 or 2 Days? / Dates?

B. Outside Facilitator

C. Participants - Department Managers, Elected Officials

D. Content - Possible topics

1. Discussion and approval of specific proposals on

a. budget process

b. role of liaison

c. short term planning process

2. Issues (Examples)

a. Law Enforcement Proposals (Public Safety 2000, Governor's Task Force)

b. Transportation Proposals

3. Proposed Areas/Approaches for Possible Budget Reductions

4. Team Building

V. Summary of Agreements and Meeting Evaluation 3:00 to 3:30 (30 minutes) Bill, facilitator

COMMUNICATIONS - ATTACHMENT A

Goal: Better communications and relationships among Chair, Board, Departments and Elected Officials. Team building. Better understanding of issues and concerns.

CHAIR AND BOARD OF COUNTY COMMISSIONERS

- a. Board members will avoid public personal feuding.
- b. Board members will consult with other Board members before announcing major public initiatives.
- c. Chair will meet monthly with each Board member.
OR
Chair and Board will meet in an unstructured, informal session to discuss issues of concern. Meetings every other week or monthly.
AND/OR
Chair and Board will have lunch once a month with no set agenda.
- d. Board will set aside an additional regular meeting time each week. (Perhaps to accommodate informal briefings that might not attract as much public interest.)
- e. Board will develop common agenda before negotiating with the cities or other counties.
- f. Hank will continue prime liaison responsibility between Chair's office and Board.
- g. Hank will attend Board staff meetings. First 10 minutes of Board staff will be opportunity for information sharing. Bill will attend beginning of Department Manager meetings to discuss agenda review.
- h. Teri Duffy and Management Support Services will develop manual on How the County Works for all Board members and staff.
- i. Chair's office will inform Board of public meetings/events they become aware of that may be of interest to Commissioners.
- j. Chair's office will provide Board with a monthly schedule of vacancies in advisory boards for their input.

BOARD AND DEPARTMENTS

- a. Each week, Board will receive update on critical issues identified within Policy Areas. (i.e. Each Department will have the opportunity to present an issues update once a month). Liaison Commissioner and/or Department Manager/Elected Official will present information and answer questions.
- b. Board members will increase contact/communications with Department Managers/Elected Officials through liaison role.
- c. Board members will communicate major questions/concerns about agenda items to liaison Commissioner and/or Department in advance of meeting.
- d. Board members will promptly communicate concerns about operation of Department or programs directly to the Department. Department will convey concern and Departmental response to the Chair.
- e. Board will provide greater opportunities for county program managers and contractors to discuss outcomes of programs.
- f. Board members will discuss initiatives impacting the ongoing business of the county in advance of placing them on the agenda with the Departments involved. Board initiatives will be reviewed at a Board staff meeting and a Department Managers meeting prior to submission to agenda. Flexibility in scheduling in these two meetings should minimize delay in getting items to the Board agenda.
- g. County Department Managers will provide list of events/activities providing opportunities for more direct interaction with Departments. These activities will be with county or community non-profit contractor staff and provide an opportunity for information gathering and seeing range of departmental activities.
- h. Each County Department Manager will arrange a 1/2 day tours for Board members (possibly in groups of two) during January or February for information gathering and seeing departmental activities.
- i. Board members and Staff can contact appropriate personnel within the Departments for information directly. Departmental officials are responsible for notifying Department Managers of the contact, as appropriate.

STAFF

- a. Retreat will be held in January for all Commission staff.
- b. Staff will continue weekly Wednesday afternoon meetings. Board staff will share announcements/informational updates from Departments. Departments are welcome to schedule informational briefings or policy discussions with staff during those meetings. Board staff will review initiatives from individual Board members.
- c. Bill will track project development by individual offices to avoid duplicating efforts.
- d. Bill will monitor policy development that crosses departmental lines and be available as a resource for other staffers and Managers wishing to make presentations. (e.g. Integrated Services System)
- e. Personal staff will brief Commissioners in advance of Board meeting on items covered in staff meetings.
- f. Staff will develop an agreed upon process for handling constituent concerns. (e.g. by District, with assistance from liaison commissioner staff, when needed)

LIAISON COMMISSIONER - ATTACHMENT B

Goal: More involvement and productive use of all Board members in policy development. Greater communication/cooperation between Board members and Department Managers/Elected Officials. Greater willingness by the Board to make difficult policy choices.

a. Liaison Commissioner will be an informed resource in the assigned area for the Board.

b. Liaison will monitor policy development in the assigned area. Liaison will not veto policy initiatives from Departments which the Department feels may enjoy Board support. Other Commissioners will consult with the Liaison before working on policy issues in the liaison area.

c. Liaison will not exercise administrative control over the area. Any policy direction must come from the Board. Any administrative direction must come from the Chair. If Department Manager feels he/she is being given conflicting direction by Chair and Liaison Commissioner, Manager should report conflict to Chair's Executive Assistant.

d. Board will develop current issues list for each liaison area (to be developed by next retreat with staff and Department Managers). Issues which cross liaison/Department bounds will be identified. (e.g. Integrated Services System)

e. Liaison will work with Department Managers and other Elected Officials in organizing short term planning discussions of issues in her/his liaison.

f. Liaison will meet regularly with Department Manager.

g. Department Manager and/or Elected Official will report monthly to the Board updating the progress on the identified critical issues in the liaison area

h. Liaison will introduce agenda items at Board meetings from her/his area

i. Liaison will have a discretionary review of all RFPs within the Department. Department Manager/Elected Official sends monthly list to Liaison Commissioner of all RFPs about to be issued. Liaison commissioner reviews list and notifies Department within 3 days of any items the liaison would like the full Board to review. Board Review will occur at next informal meeting at which it can be scheduled.

j. Liaisons will be grouped generally around Departments. See attached option with following groupings:

Public Safety
Health and Management Support
Social Services
Environmental and Library

While liaison are grouped around Departments, Commissioners could discuss delegation of specific projects or areas, as long as communication is clear with the affected Departments.

N.B. Commissioner Anderson has requested immediate replacement on several of the committees she is on to provide a smooth transition during December. (e.g. JPACT, Regional Funding T.F.)

k. In addition to the General Liaison Assignment, the Board could develop liaisons based on these four areas:

1). Legislative/Intergovernmental
Coordinate with Intergovernmental Affairs officer and Human Services Legislative Liaison to make best use of Board during legislative session. Ensure background briefings for AOC meetings.

2). Finance and budget
Monitor development of financial plans. Follow up on Auditor's report on County Financial Health. Develop recommendations on budgeting procedures and format. Evaluate budget process.

3). Administrative Procedures
Monitor Contracting Task Force, Administrative Procedures Committee, Affirmative Action and personnel rules.

4). Board Procedures and Agenda - Vice Chair
Work with Chair and Clerk in coordinating briefings, discussing board rules, retreats. Supervise shared staff.

l. Liaison will have the option to develop a Policy Committee in his/her area to initiate or review policy initiatives and review budget. Possible Membership of Liaison Policy Committee:

- a. BCC Liaison (Chairs the Committee)
- b. Another BCC member
- c. Department Manager from Liaison
- d. Two Program Managers from Liaison Department
- e. Three Line staff and/or Community agencies/ Providers
- f. Two Citizens from citizen committees/CIC
- g. Budget analyst

Staffed by staff of Liaison Commissioner and Department staff

Alternatively, Board Liaison may prefer weekly meeting with Department Manager, regular meetings with citizen advisory committee(s) or management teams, and/or regular site visits.

LIAISONS

PUBLIC SAFETY

General Areas: MSCO, DA, Department of Community Corrections including Law Enforcement, Corrections, Prosecution, Supervision, Community Programs

Committees: Public Safety Council, Community Corrections Advisory Comm.

HEALTH AND MANAGEMENT SUPPORT

General Areas: Departments of Health, including Clinical Services, Regulatory Health, Health Officer, Emergency Medical Services and Non Departmental, Management Support (Personnel, Budget, Finance, Labor Relations)

Committees: Community Health Council and Medical Advisory Board Arts Commission, Metro Human Relations Comm., Cable Regulatory, Data Processing Management Comm., Citizens Involvement Comm.

SOCIAL SERVICES

General Areas: Departments of Social Services, including Juvenile, Mental Health, Youth and Families, Aging, Developmental Disabilities, Housing and Community Services

Committees: Commission on Aging, Mental Health Adv. Comm., Childrens and Youth Services Comm., Funders Adv. Comm., Welfare Rights Comm., Private Industry Council, Leaders Roundtable (alternate)

ENVIRONMENTAL SERVICES AND LIBRARY

General Areas: Department of Environmental Services, including Planning, Animal Control, Transportation, Assessment and Taxation, Elections and Department of Library Services,

Committees:

Parks, Joint Policy Advisory Comm. on Transportation, Regional Policy Advisory Comm., East Mult. Cty. Transportation Comm., West Side Light Rail, Regional Facilities Task Force, Metro Urban Growth, Greenspaces, and Solid Waste and Library Board

ASSIGNMENT OF LIAISON

- a. Board will submit to Chair a proposed list of liaison assignments for the Chair's approval.
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Four themes emerged:

1. Need for improved communication and trust - among the Board and Board staff, between the Board and the Chair and Elected Officials, and between the Departments and the Board.
2. A need for a more active, informed involvement by the Board with the Departments. A need to decide whether to have a liaison responsibility. If a liaison established, clarify the role of the liaison/portfolio.
3. A need for a more open, deliberative, consensual budget process. A need for greater opportunity for the Departments to explain their operations and proposals. A need for a greater opportunity for Board members to ask questions, explore alternative proposals, and develop a greater understanding of the proposed budget. A need for more meaningful citizen input.
4. A need for a clearer, better publicized county mission and commitment to excellence. A renewed commitment to an ongoing planning process.

I sense a broad commitment to these goals. The question is, what steps you take to begin to accomplish them. In the enclosed proposals, I have collected and organized suggestions from a variety of people. I hope they can serve as an informed starting point for your retreat discussions.

On Monday, November 30, I met with the Department Managers to discuss these proposals. I would be happy to meet with you to discuss these proposals in advance of the retreat.

c. Elected Officials
c. Department Managers

AGENDA DECEMBER 7 RETREAT 8:30 to 3:30

THEME: HOW WE DO BUSINESS

Invited Participants: New and Current Board Members

Invited to Observe: Board Staff

Facilitator: Shared among Hank, Dave and Bill

Scribe: Kathy Millard

Location: Expo Center, VIP Room, 2060 N. Marine Drive

(Take I- 5 to Exit 306B - Delta Park/Expo Center, enter main double glass doors, make a sharp right)

I. Introductions - 8:30 - 9:30 Hank, facilitator

What would you like to see the County accomplish over the next two years? the next five years? What do we need to do to get there? 5 minutes for everyone

II. Proposals for Improved Working Relations/Communications among Chair, Board, and Department Managers 9:30 to 11:45

A. Communications Ground Rules (45 minutes) - Attachment A
Bill, presenter Hank, facilitator

B. Role of Liaison (45 minutes) - Attachment B
Hank, presenter Dave, facilitator

C. Budget Process (45 minutes) - Attachment C
Dave, presenter Bill, facilitator

Afternoon 1:25 to 4:30

III. Continuation of Proposals Morning Item II 1:30 to 2:30

D. Short Term Planning Process (30 minutes) - Attachment D
Bill, presenter Dave, facilitator

E. Discussion of Information Needed in a Budget Document -
(30 minutes) Dave, presenter Hank, facilitator

IV. January Retreat 2:30 to 3:00 (30 minutes)

Hank, presenter Bill, facilitator

A. 1 or 2 Days? / Dates?

B. Outside Facilitator

C. Participants - Department Managers, Elected Officials

D. Content - Possible topics

1. Discussion and approval of specific proposals on
 - a. budget process
 - b. role of liaison
 - c. short term planning process

2. Issues (Examples)

- a. Law Enforcement Proposals (Public Safety 2000, Governor's Task Force)

- b. Transportation Proposals

3. Proposed Areas/Approaches for Possible Budget Reductions

4. Team Building

V. Summary of Agreements and Meeting Evaluation 3:00 to 3:30
(30 minutes) Bill, facilitator

COMMUNICATIONS - ATTACHMENT A

Goal: Better communications and relationships among Chair, Board, Departments and Elected Officials. Team building. Better understanding of issues and concerns.

CHAIR AND BOARD OF COUNTY COMMISSIONERS

a. Board members will avoid public personal feuding.

b. Board members will consult with other Board members before announcing major public initiatives.

c. Chair will meet monthly with each Board member.

OR

Chair and Board will meet in an unstructured, informal session to discuss issues of concern. Meetings every other week or monthly.

AND/OR

Chair and Board will have lunch once a month with no set agenda.

d. Board will set aside an additional regular meeting time each week. (Perhaps to accommodate informal briefings that might not attract as much public interest.)

e. Board will develop common agenda before negotiating with the cities or other counties.

f. Hank will continue prime liaison responsibility between Chair's office and Board.

g. Hank will attend Board staff meetings. First 10 minutes of Board staff will be opportunity for information sharing. Bill will attend beginning of Department Manager meetings to discuss agenda review.

h. Teri Duffy and Management Support Services will develop manual on How the County Works for all Board members and staff.

i. Chair's office will inform Board of public meetings/events they become aware of that may be of interest to Commissioners.

j. Chair's office will provide Board with a monthly schedule of vacancies in advisory boards for their input.

BOARD AND DEPARTMENTS

- a. Each week, Board will receive update on critical issues identified within Policy Areas. (i.e. Each Department will have the opportunity to present an issues update once a month). Liaison Commissioner and/or Department Manager/Elected Official will present information and answer questions.
- b. Board members will increase contact/communications with Department Managers/Elected Officials through liaison role.
- c. Board members will communicate major questions/concerns about agenda items to liaison Commissioner and/or Department in advance of meeting.
- d. Board members will promptly communicate concerns about operation of Department or programs directly to the Department. Department will convey concern and Departmental response to the Chair.
- e. Board will provide greater opportunities for county program managers and contractors to discuss outcomes of programs.
- f. Board members will discuss initiatives impacting the ongoing business of the county in advance of placing them on the agenda with the Departments involved. Board initiatives will be reviewed at a Board staff meeting and a Department Managers meeting prior to submission to agenda. Flexibility in scheduling in these two meetings should minimize delay in getting items to the Board agenda.
- g. County Department Managers will provide list of events/activities providing opportunities for more direct interaction with Departments. These activities will be with county or community non-profit contractor staff and provide an opportunity for information gathering and seeing range of departmental activities.
- h. Each County Department Manager will arrange a 1/2 day tours for Board members (possibly in groups of two) during January or February for information gathering and seeing departmental activities.
- i. Board members and Staff can contact appropriate personnel within the Departments for information directly. Departmental officials are responsible for notifying Department Managers of the contact, as appropriate.

STAFF

- a. Retreat will be held in January for all Commission staff.
- b. Staff will continue weekly Wednesday afternoon meetings. Board staff will share announcements/informational updates from Departments. Departments are welcome to schedule informational briefings or policy discussions with staff during those meetings. Board staff will review initiatives from individual Board members.
- c. Bill will track project development by individual offices to avoid duplicating efforts.
- d. Bill will monitor policy development that crosses departmental lines and be available as a resource for other staffers and Managers wishing to make presentations. (e.g. Integrated Services System)
- e. Personal staff will brief Commissioners in advance of Board meeting on items covered in staff meetings.
- f. Staff will develop an agreed upon process for handling constituent concerns. (e.g. by District, with assistance from liaison commissioner staff, when needed)

LIAISON COMMISSIONER - ATTACHMENT B

Goal: More involvement and productive use of all Board members in policy development. Greater communication/cooperation between Board members and Department Managers/Elected Officials. Greater willingness by the Board to make difficult policy choices.

a. Liaison Commissioner will be an informed resource in the assigned area for the Board.

b. Liaison will monitor policy development in the assigned area. Liaison will not veto policy initiatives from Departments which the Department feels may enjoy Board support. Other Commissioners will consult with the Liaison before working on policy issues in the liaison area.

c. Liaison will not exercise administrative control over the area. Any policy direction must come from the Board. Any administrative direction must come from the Chair. If Department Manager feels he/she is being given conflicting direction by Chair and Liaison Commissioner, Manager should report conflict to Chair's Executive Assistant.

d. Board will develop current issues list for each liaison area (to be developed by next retreat with staff and Department Managers). Issues which cross liaison/Department bounds will be identified. (e.g. Integrated Services System)

e. Liaison will work with Department Managers and other Elected Officials in organizing short term planning discussions of issues in her/his liaison.

f. Liaison will meet regularly with Department Manager.

g. Department Manager and/or Elected Official will report monthly to the Board updating the progress on the identified critical issues in the liaison area

h. Liaison will introduce agenda items at Board meetings from her/his area

i. Liaison will have a discretionary review of all RFPs within the Department. Department Manager/Elected Official sends monthly list to Liaison Commissioner of all RFPs about to be issued. Liaison commissioner reviews list and notifies Department within 3 days of any items the liaison would like the full Board to review. Board Review will occur at next informal meeting at which it can be scheduled.

j. Liaisons will be grouped generally around Departments. See attached option with following groupings:

Public Safety
Health and Management Support
Social Services
Environmental and Library

While liaison are grouped around Departments, Commissioners could discuss delegation of specific projects or areas, as long as communication is clear with the affected Departments.

N.B. Commissioner Anderson has requested immediate replacement on several of the committees she is on to provide a smooth transition during December. (e.g. JPACT, Regional Funding T.F.)

k. In addition to the General Liaison Assignment, the Board could develop liaisons based on these four areas:

1). Legislative/Intergovernmental
Coordinate with Intergovernmental Affairs officer and Human Services Legislative Liaison to make best use of Board during legislative session. Ensure background briefings for AOC meetings.

2). Finance and budget
Monitor development of financial plans. Follow up on Auditor's report on County Financial Health. Develop recommendations on budgeting procedures and format. Evaluate budget process.

3). Administrative Procedures
Monitor Contracting Task Force, Administrative Procedures Committee, Affirmative Action and personnel rules.

4). Board Procedures and Agenda - Vice Chair
Work with Chair and Clerk in coordinating briefings, discussing board rules, retreats. Supervise shared staff.

l. Liaison will have the option to develop a Policy Committee in his/her area to initiate or review policy initiatives and review budget. Possible Membership of Liaison Policy Committee:

- a. BCC Liaison (Chairs the Committee)
- b. Another BCC member
- c. Department Manager from Liaison
- d. Two Program Managers from Liaison Department
- e. Three Line staff and/or Community agencies/ Providers
- f. Two Citizens from citizen committees/CIC
- g. Budget analyst

Staffed by staff of Liaison Commissioner and Department staff

Alternatively, Board Liaison may prefer weekly meeting with Department Manager, regular meetings with citizen advisory committee(s) or management teams, and/or regular site visits.

LIAISONS

PUBLIC SAFETY

General Areas: MSCO, DA, Department of Community Corrections including Law Enforcement, Corrections, Prosecution, Supervision, Community Programs

Committees: Public Safety Council, Community Corrections Advisory Comm.

HEALTH AND MANAGEMENT SUPPORT

General Areas: Departments of Health, including Clinical Services, Regulatory Health, Health Officer, Emergency Medical Services and Non Departmental, Management Support (Personnel, Budget, Finance, Labor Relations)

Committees: Community Health Council and Medical Advisory Board Arts Commission, Metro Human Relations Comm., Cable Regulatory, Data Processing Management Comm., Citizens Involvement Comm.

SOCIAL SERVICES

General Areas: Departments of Social Services, including Juvenile, Mental Health, Youth and Families, Aging, Developmental Disabilities, Housing and Community Services

Committees: Commission on Aging, Mental Health Adv. Comm., Childrens and Youth Services Comm., Funders Adv. Comm., Welfare Rights Comm., Private Industry Council, Leaders Roundtable (alternate)

ENVIRONMENTAL SERVICES AND LIBRARY

General Areas: Department of Environmental Services, including Planning, Animal Control, Transportation, Assessment and Taxation, Elections and Department of Library Services,

Committees:

Parks, Joint Policy Advisory Comm. on Transportation, Regional Policy Advisory Comm., East Mult. Cty. Transportation Comm., West Side Light Rail, Regional Facilities Task Force, Metro Urban Growth, Greenspaces, and Solid Waste and Library Board

ASSIGNMENT OF LIAISON

- a. Board will submit to Chair a proposed list of liaison assignments for the Chair's approval.
- b. Liaison assignments will be for two years, ending in 12-94.
- c. Formal liaison assignments will be made:
 - 1). In January, to allow transition of committee assignments and to begin the new process.

OR

- 2). In May, to allow full Board attention to learning about all Departments and issues through the Budget process. (Would require a waiver of Board rules which require assignments by third week of Jan.)

IDENTIFIED POTENTIAL PROBLEMS

- a. "Liaison" assignment may encourage greater involvement by Board in administrative matters.
- b. Some Board members may be better advocates for their liaison areas than others.
- c. Liaison role may unduly limit Board members interests in areas outside their assigned liaison.

ALTERNATIVE TO LIAISON

- a. Eliminate any liaison or portfolio assignment.
- b. Allow any Board member to pursue any policy area of special interest. Attempt to coordinate those efforts at a staff level.
- c. Make key committee assignments, but not by liaison area.

INTEGRATED BUDGET PROCESS - ATTACHMENT C

Goal: Better information flow from Budget Office and Department Managers to Board and citizens. Opportunity for Commissioners and citizens to learn more about Departments. Opportunity for greater Board consensus on the budget. Combines three review processes (i.e. presentations to Chair, CBACs, and Board into a single process for Department Managers and Elected officials.

December: Board discusses Alternative Budget Processes and what information they would like in the budget document (both this year and in future years). Budget office will develop a Budget Notebook format to be used by all Departments and Elected Officials. Budget Notebooks will serve as the working budget document for board review.

Board reviews what assumptions to make in building budget (e.g. jail levy, library utility tax, across the board increase for inflation, JDH COPS). Departments review those decisions. (See enclosed draft for 1993-4).

January: Budget Office presents revenue and expenditure estimates and reserve fund status. Board passes budget resolution adopting assumptions for building budget for 1993-4. Board discusses \$10 cap policy with other local governments, with consideration given to impact of unfavorable ruling on urban renewal districts repayment of prior year's taxes. Departments develop budgets.

Board decides on utility tax/levies mix to present to voters. Board identifies areas of potential budget reduction and asks proposals be developed. Budget office develops add and cut package format and reviews with Board.

February 12 to March 5: (3+ weeks) Budget Office, Department Managers and Elected Officials present revenue information and budget proposals to the entire Board.

The Departments submit add and cut packages in the format agreed to by the Board. Questions or interest areas identified by Board, staff, and representatives of citizen budget advisory committees and the Central CBAC.

List developed of follow up written questions and proposals needed to answer or develop by Departments and Budget office. Nine presentations: DSS, DLS, Health, DCC, MSCO, DA, DES, NonDept., Management Support - one/two days for each. Three presentations/week. Evenings meetings to accommodate CBACs(?).

Example of Schedule of Briefings

	MON.	WED.THURS.	FRI
Week One			Library
Week Two	HOLIDAY	Health	DCC
Week Three	DA	MSCO	Soc. Srvs.
Week Four	Soc. Srvs.	DES	Man.Sup/Non D

March 8 to March 16 Department Managers and Elected Officials present answers to questions, alternative proposals, and discuss areas of interest to Board, board and budget staff, and CBACs.

March 17 to March 19 Written budget recommendations developed by staff and CBACs in conjunction with Departments and Budget staff.

March 22 to March 23 Executive makes budget decisions.

March 23 to April 2 Budget Office compiles Budget document. Budget printed.

April 7 Executive Budget proposed

April 12 to April 23 (two weeks) Public hearings and Board budget deliberations on Executive Budget, staff, and CBAC recommendations. Budget amendments and notes developed as appropriate.

April 26 to April 28 Final Board decisions. Adoption of budget.

May 14 Budget to TSCC

SEE ATTACHED CHART SHOWING SCHEDULE

WEEK OF

"Traditional" calendarProposed 1993-94 Process

11/30-12/4
 12/7-12/11
 12/14-12/18
 12/21-12/25
 12/28-1/1
 1/4-1/8
 1/11-1/15
 1/18-1/22
 1/25-1/29
 2/1-2/5
 2/8-2/12
 2/15-2/19
 2/22-2/26
 3/1-3/5
 3/8-3/12
 3/15-3/19
 3/22-3/26
 3/29-4/2
 4/5-4/9
 4/12-4/16
 4/19-4/23
 4/26-4/30
 5/3-5/7
 5/10-5/14
 5/17-5/21
 5/24-5/28
 5/31-6/4
 6/7-6/11
 6/14-6/18
 6/21-6/25
 6/28-7/2
 7/5-7/10
 7/12-7/16
 7/19-7/23
 7/26-7/30

Revenue projections 92-3 / 93-4

Revenue assumptions to DH's/ Chair

Constraints / adds / cuts

Depts prepare requests

Depts prepare requests

Depts prepare requests

Depts prepare requests

Depts prepare requests

Depts prepare requests

Review requests with Chair

Review requests with Chair

Review requests with Chair

Executive Budget decisions

PRINT BUDGET 3/18-3/26

3/29 Exec Budget to BCC

BUDGET HEARINGS

BUDGET HEARINGS

BUDGET HEARINGS

Board approves budget 4/28

Budget to TSCC 5/14

Board Retreat

Revenue projections 92-3 / 93-4

Revenue assumptions to BCC

BCC identifies assumptions (Constraints/adds/cu

Constraints / adds / cuts

Depts prepare requests

Depts prepare requests

Depts prepare requests

Depts prepare requests

Depts prepare requests

Dept Budget pres to BCC/ - written?'s

Dept Budget pres to BCC/ - written?'s

Dept Budget pres to BCC/ - written?'s

Answers to ?'s discussed with BCC 3/8-3/16

Staff recommendations 3/17-19

Executive Budget Decisions 3/23

PRINT BUDGET 3/24-4/2

4/7 Exec Budget to BCC

BUDGET HEARINGS begin 4/12

BUDGET HEARINGS

Board approves budget 4/28

Budget to TSCC 5/14

BUDGET ASSUMPTIONS 1993-94

These are conservative budget assumptions. They do not make the larger policy/revenue decisions of which revenue places to advocate for and when to ask for voter support. They are the assumptions upon which to base constraint figures.

1. The Library Utility Tax will not pass.
2. Current service level levies for the library and jail which maintains our existing percentage of the \$10 cap can pass.
3. The County will find the \$3.3 for the JDH COPS within existing budget (or will not assume that a GO Bond to cover these costs will pass).
4. The County will not deal with the Library Capital issue within the General Fund. The County may deal with it "outside the budget" by trying to pass a GO Bond.
5. The County will not cut additional funds in anticipation of state reductions.
6. The County will not assume any inflationary increases for Departments. OR The County will provide a 3% inflationary increase in Materials and Services (and ask for larger budget cuts of \$2 million)

SHORTFALL

1. Based on the latest revenue estimates, these assumptions leave the County approximately \$8 million short of being able to continue services at existing levels. (If a 3% inflationary increase is not included in constraint figures, the shortfall is reduced to \$6 million. Not including an inflationary increase represents an across the board cut of \$2 million in current services). N.B. The \$8 million estimate will change with revenue fluctuations.

CONSTRAINT DIRECTION

1. Constraint figures from the budget office will be based on 7% reduction across the board. This should provide a balance of \$10 million towards meeting the expected shortfall and allow some restorations or ability to absorb bad revenue results.
2. Departments prioritize add back or enhanced program packages.
3. If possible, the Board will make final add back decisions after the results of the utility tax and/or levies are known. Otherwise the Board will develop alternative Budgets based on most favorable/least favorable outcomes of taxes and/or levies.
4. If all assumptions are accurate the Board should be able to approve add back or enhanced/new program packages totaling \$2 - \$4 million (depending on the assumption on inflationary costs)

SHORT TERM PLANNING

GOAL;

Development of a clearer, better understood county mission and a commitment to excellence. Have all Board members support the mission. Use the mission to guide budget decisions. Communicate mission and county excellence to citizens.

December

1. Department Managers and Elected Officials develop lists of their critical issues for 1993-4 and submit to Bill by 12-18-92.

January

1. Four Liaison/policy groups agreed upon. Assignment of Liaison (or delay until May).
2. Board develops critical issues list for each liaison based on Department submissions.
3. Board tours with Department Managers and opportunities for informal activities.
4. Board develops list of areas of for potential budget reductions/discussion.
5. Begin development of Board Public Information Plan.

January/February

1. Board holds half day briefings/discussions on major policy issues. (e.g. Integrated Services Strategy, Law Enforcement Consolidation/Collaboration)
2. Board agrees to unified mission statement.

February

1. Board agrees to list of issues to negotiate with cities within Multnomah County concerning consolidation and efficiency of operation.

Late February - March - April

1. Budget discussions held in context of critical issues within each liaison.

May - August

1. One day retreats focusing on liaison/policy areas.

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PLEASE PRINT LEGIBLY!

Klaus Heyne

MEETING DATE

11-24-92

NAME

Klaus Heyne

ADDRESS

41101 SE Condon Rd.

STREET

Carlson, OR 97019

CITY

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM #

1, 2, 3

SUPPORT

✓

OPPOSE

SUBMIT TO

BOARD CLERK

2/

PLEASE PRINT LEGIBLY!

MEETING DATE

11/24/92

NAME

WARD CURTIS

ADDRESS

814 SE 69th AVE

STREET

PORTLAND OR 97215

CITY

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM #

P-12(3)

SUPPORT

OPPOSE

SUBMIT TO BOARD CLERK

3/

PLEASE PRINT LEGIBLY!

MEETING DATE

Nov 24, 1992

NAME

Philip Thompson

ADDRESS

25925 N.W. Cal. Riv. Hwy

STREET

Scappoose OR 97056

CITY

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM #

P-3-

SUPPORT

X But

OPPOSE

for selected lots

SUBMIT TO BOARD CLERK

4 ✓
PLEASE PRINT LEGIBLY!

MEETING DATE

11/24/92

NAME

Bill Moshotsky

ADDRESS

Organizers in Action

STREET

PO Box 230637

CITY

Tigard Or 97281

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM

#1-12-13

SUPPORT

OPPOSE

X

SUBMIT TO BOARD CLERK

5 ✓
PLEASE PRINT LEGIBLY!

MEETING DATE

11/24/92

NAME

JOHN SHERMAN

ADDRESS

1912 NW ASPEN

STREET

PORTLAND

CITY

97210

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM #

Forest Zone

SUPPORT

✓

OPPOSE

SUBMIT TO BOARD CLERK

6/ ✓
PLEASE PRINT LEGIBLY!

MEETING DATE

11/24

NAME

Chris Foster

ADDRESS

15400 N.W. McNamee Rd

STREET

Portland

97231

CITY

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM #

Forest Zone

SUPPORT

✓

OPPOSE

SUBMIT TO BOARD CLERK

✓
PLEASE PRINT LEGIBLY!

MEETING DATE

11/24

NAME

LORNA MURRAY

ADDRESS

1543 NE 52nd Ave

STREET

Portland OR 97213

CITY

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM #

P-1 or P-2

SUPPORT

OPPOSE

✓

SUBMIT TO BOARD CLERK

8/

PLEASE PRINT LEGIBLY!

MEETING DATE Nov. 24, 1992

NAME RUDIE William PLETZ

ADDRESS FOURTH JUDICIAL DISTRICT
13236 N.W. MCNAMEE ROAD
STREET

PORTLAND, OREGON NONE
CITY **ZIP CODE**

[MAIL WILL BE REFUSED IF
ZIP CODE USED]

I WISH TO SPEAK ON AGENDA ITEM # _____

SUPPORT No **OPPOSE** YES

SUBMIT TO BOARD CLERK

9 ✓
PLEASE PRINT LEGIBLY!

MEETING DATE

11/24/92

NAME

DONIS McARDLE

ADDRESS

17405 NW Skyline

STREET

Portland

CITY

97231

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM #

SUPPORT

OPPOSE

SUBMIT TO BOARD CLERK

10 ✓

PLEASE PRINT LEGIBLY!

Charles Danner

MEETING DATE

Nov '92

NAME

Charles Danner

ADDRESS

8102 SE 242

STREET

CITY

Chesham

ZIP CODE

97080

I WISH TO SPEAK ON AGENDA ITEM #

Use Signs

SUPPORT

OPPOSE

SUBMIT TO BOARD CLERK

11 ✓
PLEASE PRINT LEGIBLY!

MEETING DATE

11/24/92

NAME

Daniel J.F. Davis

ADDRESS

17903 N.W. St. Helen Rd

STREET

Portland

CITY

OR 97231
ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM #

ORD CHANGES

SUPPORT

OPPOSE

SUBMIT TO BOARD CLERK

12 ✓
PLEASE PRINT LEGIBLY!

MEETING DATE

11/24/92

NAME

Marc Rappaport

ADDRESS

STREET

14343 S. Clackamas Rvr Dr

CITY

Ore. City

ZIP CODE

97045

I WISH TO SPEAK ON AGENDA ITEM #

SUPPORT

OPPOSE

X

SUBMIT TO BOARD CLERK

13 ✓
PLEASE PRINT LEGIBLY!

MEETING DATE 11/24/92

NAME William A. Monahan

ADDRESS 1727 NW Hoyt
STREET Portland

CITY 97209
ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # _____

SUPPORT ✓ 11.15.2072 C **OPPOSE** _____
SUBMIT TO BOARD CLERK

14 ✓
PLEASE PRINT LEGIBLY!

MEETING DATE

11/24/92

NAME

Kenneth M Smith

ADDRESS

44855 SE Cornett Rd.

STREET

Corbett Or 97019

CITY

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM #

SUPPORT

OPPOSE

SUBMIT TO BOARD CLERK

15 ✓

PLEASE PRINT LEGIBLY!

MEETING DATE 11-24-92

NAME Dr. Marvin Adams

ADDRESS 480 SW 90th Ave

STREET

Portland

OK

97220

CITY

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # 11.5 Late 20

SUPPORT Question **OPPOSE** _____

SUBMIT TO BOARD CLERK

16/ ✓
PLEASE PRINT LEGIBLY!

MEETING DATE 11-24-92

NAME Marvane Lukas

ADDRESS 18451 Lower Island Rd

STREET

Dayton OR 97114

CITY

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # ORDNANCE

Changes

SUPPORT _____ OPPOSE _____

SUBMIT TO BOARD CLERK

17 ✓
PLEASE PRINT LEGIBLY!

MEETING DATE 11-24-92

NAME

Claude H. Patterson

ADDRESS

18510 N. W. Columbia St

STREET

Portland Or 97231

CITY

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # P-1.2.3

SUPPORT

OPPOSE

X
SUBMIT TO BOARD CLERK

18/✓
PLEASE PRINT LEGIBLY!

MEETING DATE

Nov 24/92

NAME

DONALD M HUGHES

ADDRESS

22239 NW 220

STREET

PORTLAND

CITY

97231

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM #

C

SUPPORT

OPPOSE

SUBMIT TO BOARD CLERK

19 ✓

PLEASE PRINT LEGIBLY!

MEETING DATE Nov 24, '92

NAME Rouben Lenske

ADDRESS 7243 SE 34th Ave

STREET

Portland

CITY

97202

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # MCC 11.15

SUPPORT _____ OPPOSE ✓

SUBMIT TO BOARD CLERK

20 ✓
PLEASE PRINT LEGIBLY!

MEETING DATE

11/24/92

NAME

BAIAN LIGHTCAP Lightcap

ADDRESS

13342 NW Newberry Rd

STREET

Portland, OR

CITY

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM #

X

SUPPORT

X

OPPOSE

SUBMIT TO BOARD CLERK

21 ✓

PLEASE PRINT LEGIBLY!

MEETING DATE 11-24-92

NAME Jack Banton

ADDRESS 9541 SW 62nd dr

STREET
Portland Or 97219
CITY ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # _____

SUPPORT _____ OPPOSE X _____

SUBMIT TO BOARD CLERK

22 ✓
PLEASE PRINT LEGIBLY!

MEETING DATE 11-24-92

NAME CANTERON, ROYCE W.

ADDRESS 4304 SE 47th AVE
STREET
PORTLAND OR 97206
CITY **ZIP CODE**

I WISH TO SPEAK ON AGENDA ITEM # _____

SUPPORT _____ **OPPOSE** ☒
SUBMIT TO BOARD CLERK

PAULINE ANDERSON
Multnomah County Commissioner
District 1



1120 S.W. Fifth, Suite 1500
Portland, Oregon 97204
(503) 248-5220

Date: December 2, 1992

To: Chair Gladys McCoy
Commissioners Rick Bauman
Commissioner Gary Hansen
Commissioner Sharron Kelley

From: Commissioner Pauline Anderson *pa*

RE: IGA (PILOT) among Portland, Multnomah County, School District No. 1, a portion of which states that the School District deeds Kennedy School to City of Portland and accepts deed for Dickinson Park from Multnomah County.

After visiting the Dickinson site and remembering our commitment to greenspaces, I am reluctant to give ("sell") this undeveloped 7 acres of park to anyone without a restriction on the deed limiting it in perpetuity to park purposes.

Attached: 1) IGA (PILOT) between City of Portland, Multnomah County and Portland School District No. 1
2) October 15, 1992 letter to Commissioner Anderson from Metro Environmental Planning Supervisor, Patrick Lee
3) October 16, 1992 memo from County Counsel John Dubay
4) November 9, 1992 letter from Fred Christ to Donald McElroy
5) November 22, 1992 letter from Donald McElroy to Fred Christ
6) undated (written November 25, 1992) handwritten note from Pauline Anderson to Fred Christ re: 11-22-92 McElroy letter.

This proposed IGA will come before the BCC as a briefing item on Tuesday, December 8th at 11 a.m.

Comments?

INTERGOVERNMENTAL AGREEMENT

BETWEEN

THE CITY OF PORTLAND, MULTNOMAH COUNTY AND PORTLAND SCHOOL DISTRICT NO. 1

I. RECITALS

- A. The City of Portland (City), Multnomah County (County), and Portland School District No. 1 (District) share a common interest in improving the educational environment for children within Multnomah County and the City of Portland. This interest has resulted in joint funding of collaborative projects, including more than \$1 million budgeted by the City of Portland for FY 1992-93 to fund projects benefitting students of the District.
- B. The Housing Authority of Portland (HAP), as permitted in Federal and State statutes, has entered into a Cooperative Agreement with the City which enables HAP to make payments in lieu of taxes (PILOT) to local taxing jurisdictions.
- C. The primary recipients of PILOT funds from HAP are the City, the County and the District. The City, the County and the District have received approximately 90% of the PILOT payments from HAP.
- D. A constitutional limit on property taxes imposed as a result of Ballot Measure 5 will decrease the share of PILOT receipts for the District and increase the amounts to be received by the City and County.
- E. HAP allocates funds to make PILOT disbursements from a portion of the rents collected from the tenants of specific HAP-owned properties. These rents are directly subsidized by the Department of Housing and Urban Development (HUD).
- F. Recent directives from HUD encourages HAP to decrease the number of directly-subsidized properties owned by HAP. Such a decrease in HAP-owned properties will result in a reduction of PILOT receipts by the City, the County and the District.
- G. Pending a decision by the City, the County and the District regarding the distribution of PILOT funds, HAP has accumulated a balance of \$1,170,000 in PILOT funds which are available to be disbursed.
- H. A fixed-term agreement has been reached by the City, the County and the District concerning distribution of PILOT funds in a manner that each expects to benefit students of the District by improving educational facilities, affordable housing, and community services within the City and the County.

- I. The agreement between the City, the County and the District involves, in part, the transfer of Kennedy School from the District to the City.
- J. The Concordia Neighborhood Association has expressed strong interest in participating in an achievable development plan for the Kennedy School site.

II. MUTUAL AGREEMENTS

In consideration and recognition of their common interests, the projected reductions in PILOT funds, the changes in the PILOT distribution formula resulting from Ballot Measure 5, the funds projected in the FY 1992-93 budgets of the City and the County to benefit students of the District and the intent of the City and the County to continue such funding into the future, the undersigned mutually agree as follows:

A. Right to Future PILOT Receipts

1. Suspension of Right to Receipts. For a period of 10 years or less each party agrees to suspend and waive any right to retain PILOT funds disbursements. Each party agrees during this suspension period to transfer its allotment of PILOT funds to the Multnomah County/City of Portland Housing and Community Development Commission (HCDC).
2. Restriction of PILOT Fund Uses. During the terms of this Agreement, each party agrees that uses of PILOT funds, except as provided in Section II.B. herein, will be restricted to those uses both recommended by the HCDC and approved by the City and County.

B. Distribution of Current PILOT Funds Balance

1. Management of Balance by City. The City, as administrative manager of the HCDC, will receive and disburse the PILOT funds currently held by HAP. Disbursement shall be as herein provided in Section II.B.2. below.
2. Approved Disbursement. The following disbursements will be made by the City:
 - a. A maximum of \$100,000 to the City to conduct a social services siting policy study.
 - b. A maximum of \$20,000 to the City to reimburse the City for costs associated with vacating a portion of North Commercial Street and relocating fire suppression lines in conjunction with development at Jefferson High School.

- c. A maximum of \$150,000 to the City for producing an achievable development plan for the reuse of the Kennedy School property, to provide interim maintenance and security, and to pay for other pre-development costs associated with the reuse of the property.
- d. An amount of \$450,000 now and \$50,000 each year for the next four years thereafter to the District.
- e. Funds remaining after providing for items II.B.2. a-d above will be disbursed in a manner to be determined by the HCDC and approved by the City and County.

C. Disposition of Historic Artworks and Architectural Components

All works of art and substantial architectural components removed from the Kennedy School building by the District for safekeeping (including the Lucca Della Robbia castings) will be made available to the City for use in any redevelopment of the historic Kennedy School building.

- D. To the extent permissible under applicable law, the redevelopment of the Kennedy School property shall be managed in furtherance of City and County policies and goals for female and minority business enterprise contracting, sub-contracting and employment, including, as applicable, the City's First Source Hiring policy.

III. SPECIFIC PROMISES

In consideration of their mutual promises as provided herein, each of the undersigned agrees as follows:

A. Portland Public School District No. 1 agrees to:

- 1. Deed Kennedy School to the City.
- 2. Accept the deed for Dickinson Park from the County.

B. Multnomah County agrees to:

- 1. Deed Dickinson Park to the District.
- 2. Fulfill its obligation to appoint members to, and participate with, the HCDC.

C. City of Portland agrees to:

- 1. Accept the deed for Kennedy School from the District.

2. Administer, as provided herein, current and future PILOT funds ~~disbursed~~^{received} from HAP.
3. Conduct a social service siting policy study.
4. Support, to the limits of its authority, the vacation of a portion of North Commercial Street.
5. Fulfill its obligation to appoint members to, and participate with, the HCDC.
6. Work with the Concordia Neighborhood Association and other interested parties to prepare a development plan for Kennedy School and perform on-going maintenance of the building and grounds.

IV. GENERAL PROVISIONS

A. Assignment

No party shall assign this Agreement, in whole or in part, or any right or obligation hereunder.

B. Severability

If any provision of this Agreement is found to be illegal or unenforceable, this Agreement shall nevertheless remain in full force and effect and the provision shall be stricken.

C. Integration

This Agreement contains the entire agreement among the parties and supersedes all prior written or oral discussions or agreements.

D. Non-Waiver

The parties shall not be deemed to have waived any breach of this Agreement by the other party except by an express waiver in writing. An express Written Waiver as to one breach shall not be deemed a waiver of any other breach not expressly identified, even though the other breach is of the same nature as that waived.

E. Remedies

If any party to this Agreement shall fail or refuse to carry out any provision of this Agreement, the other parties shall be entitled to such remedy or remedies for breach of contract as may be available under applicable law including, without limitation, the remedy of specific performance.

F. Changes

The parties may, from time to time, request changes in the scope of the services or terms and conditions hereunder. Such changes, shall be incorporated in written amendments to this Agreement.

V. TERM

The term of this Agreement shall be effective as of July 1, 1992 and shall terminate ten (10) years from the effective date.

CITY OF PORTLAND

Commissioner Gretchen Kafoury

APPROVED AS TO FORM:

Jeffrey L. Rogers, City Attorney

SCHOOL DISTRICT NO. 1

Dr. Donald McElroy
Executive Deputy Superintendent

APPROVED AS TO FORM:

Don Jeffery, PPS Staff Attorney

MULTNOMAH COUNTY

Chair Gladys McCoy

REVIEWED:

Laurence Kressel, County Counsel

George Collins
Deputy Clerk

REVIEWED:

Harvey Barragar, Board Counsel

September 24, 1992

Award of Contracts
Fuel Oil for Various Schools (Requirement Contract)

- 3671 WHEREAS, Bids for fuel oil for various schools (requirement contract) were received September 15, 1992, and tabulated in accordance with Board Action #3502 therefore be it
RESOLVED, That award be made to the following firms, they being low bidders meeting the District's specifications on the item awarded them and the Director of Finance/Deputy Clerk or his designee is authorized to sign a contract in form approved by the staff attorney:

Carson Oil Company, Inc.	\$ 90,546.32
Albina Fuel Company	<u>1,432,584.21</u>
 TOTAL	 <u>\$1,523,130.53</u>

BE IT FURTHER RESOLVED, That this expenditure be charged to General Fund Physical Plant 000-551-26302-E-624.

Interagency Exchange
Portland School District/City of Portland/Multnomah County

- 3672 WHEREAS, the District is presently entitled to receive a portion of certain payments in lieu of taxes ("PILOT") made by Housing Authority of Portland, and

WHEREAS, Multnomah County and the City of Portland Have requested that the District forego its right to receive PILOT funds for a period of not more than 10 years so that PILOT funds can be used for programs of the Multnomah County/City of Portland Housing and Community Development Commission, and

WHEREAS, the City of Portland and Multnomah County have agreed to provide the District with \$650,000 to pay a portion of the costs of developing the former Masonic Lodge at Jefferson High School and have agreed to enter into a property exchange whereby the District would exchange Kennedy School for Dickinson Park, and

WHEREAS, Kennedy School is not presently being used by the District and cannot be used without expensive removal of asbestos within the building, and extensive renovation, and Dickinson Park would have substantial value to the District, and

WHEREAS, the Board of Education has determined that, in view of uncertainty as to the continued availability of PILOT funds and the benefits which would be received by the District through the funding of the development of the building and campus at Jefferson High School and above-described property exchange, it would be in the best interests of the District to enter into an Intergovernmental Agreement with the City of Portland and Multnomah County to complete such transactions, now therefore be it

RESOLVED that the District enter into an Inter-governmental Agreement with Multnomah County and the City of Portland providing for (a) the District to forego its right to receive PILOT funds for a period of not more than 10 years (b) the payment to the District of \$650,000 in installments to pay a portion of the development costs at Jefferson High School, and (c) an exchange of Kennedy School for Dickinson Park, and

BE IT FURTHER RESOLVED that the Executive Deputy Superintendent and the Deputy Clerk be and are hereby authorized to execute and deliver on behalf of the District an Intergovernmental Agreement in such form as may be approved by them to carry out the intent of the foregoing resolution.

METRO

2001 SW First Avenue
Portland, OR 97201-5398
(503) 221-1646
Fax 241-7417

October 15, 1992

Honorable Pauline Anderson
Multnomah County Commission
1021 S.W. Fourth Ave. Rm 605
Portland, OR. 97204

Dear Commissioner Anderson:

Subject: Dickinson County Park

Having reviewed the Greenspaces Natural Areas Inventory and the Master Plan, I offer the following observations regarding the possibility of declaring Dickinson County Park a surplus property.

Dickinson Park is located on an unnamed tributary of Fanno Creek, very near its headwaters. The Fanno Creek watershed boundary is located between I-5 and southwest 49th Avenue in this vicinity. Across 55th Avenue immediately east of the park, an 8-10 acre forested area was mapped through the Greenspaces inventory. Immediately downstream of the site between southwest 57th and southwest 72nd Avenues no natural areas were mapped, although field observations reveal a very narrow riparian forest strip in "backyards" along the tributary, probably within the City of Portland's sewer right of way. Downstream of southwest 72nd Avenue a continuous forested strip of natural area was mapped along the tributary to its confluence with Ash Creek, continuing along Ash Creek to its confluence with the main stem of Fanno Creek near the Greenberg Rd/State Route 217 interchange.

The minimum mapping unit used in the natural areas inventory was approximately 10 acres for upland sites with a 1 acre minimum mapping unit sought for riparian zones along perennial streams. The unnamed tributary flowing through Dickinson Park is not a perennial stream, however, and this explains the discrepancy between the natural areas map and field observations between southwest 57th and 72nd avenues.

The Greenspaces Master Plan calls for maintaining natural area linkages along stream corridors in the region, and such opportunities seem available in this area. Were Dickinson Park declared surplus and/or converted to a non open space use, maintaining this linkage would become more difficult. The Master Plan also calls for keeping publicly owned parcels that have open space value in public ownership. Citizen nominations were received during Metro's open

Executive Officer
Kena Cusma

Metro Council

Jim Gardner
Presiding Officer
District 3

Judy Wyers
Deputy Presiding
Officer
District 8

Susan McLain
District 1

Lawrence Bauer
District 2

Richard Devlin
District 4

Edward P. Gronke
District 5

George Van Bergen
District 6

Ruth McFarland
District 7

Tanya Collier
District 9

Roger Buchanan
District 10

Ed Washington
District 11

Sandi Hansen
District 12

*

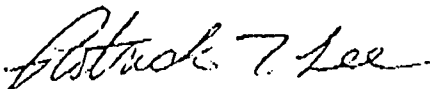
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X

nomination process in the spring of 1992 supporting protection of the park as a greenspace. Several informal trails are also evident within the park indicating a recreational use of the site.

I hope this information is useful to you in considering the future of Dickinson County Park.

Sincerely,



Patrick T. Lee
Environmental Planning Supervisor

cc: Charlie Ciecko
Don Carlson



MULTNOMAH COUNTY OREGON

OFFICE OF COUNTY COUNSEL
1120 S.W. FIFTH AVENUE, SUITE 1530
P.O. BOX 849
PORTLAND, OREGON 97207-0849
(503) 248-3138
FAX 248-3377

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY, CHAIR
PAULINE ANDERSON
RICK BAUMAN
GARY HANSEN
SHARRON KELLEY

COUNTY COUNSEL
LAURENCE KRESSEL

CHIEF ASSISTANT
JOHN L. DU BAY

ASSISTANTS
J. MICHAEL DOYLE
SANDRA N. DUFFY
GERALD H. ITKIN
H.H. LAZENBY, JR.
STEVEN J. NEMIROW
MATTHEW O. RYAN
JACQUELINE A. WEBER

M E M O R A N D U M

TO: Margaret Mahoney
Bill Manlove
Hank Miggins
Fred Christ

FROM: John L. DuBay (106/1530)
Chief Assistant County Counsel

DATE: October 16, 1992

SUBJECT: Dickinson Park transfer

While the County has statutory authority to donate public parks, the future use may be restricted. The County's authority is set out in ORS 275.330, copy enclosed.

In summary, the County can:

1. Transfer a park if approved by the voters. ORS 275.330(1).
2. Sell a park if the Board finds it is in the best interest of the County. ORS 275.330(1)(a)(A) and (2).
3. Donate a park to a public educational institution, recreational district or county service district on condition it revert to the County if it is not used for park purposes or if the institution dissolves. ORS 275.330(1)(a)(B).
4. Sell or donate a park to the state or a city for public use. ORS 275.330(1)(b).

Whenever a park is transferred without a vote, the County must first hold a public hearing after two weeks published notice. ORS 275.330(4).

Absent a sale, a donation to the school district under option 3 is the most straightforward method to implement the PILOT agreement. However, the restriction that the property must continue to be used for park and recreation purposes must apply.

If the restriction for park and recreation use is unacceptable, a donation to the city may be another option to explore. The transfer would then be subject to the requirement the conveyance must be for a public use. Assuming the city has no restrictions on its power to transfer the property, it could then convey the property to the school district subject to the public use restriction. A 1981 AG Opinion seems to endorse this approach:

"While property held as county forest land may not be used as a solid waste collection station, there is nothing to prevent the conveyance of such a parcel to a city or to one of the other governmental recipients listed above [in ORS 275.330(1)(b)], for the operation of a regional collection station under an intergovernmental agreement." 41 Op. AG 140, 142-3.

Indirect approaches often invite challenges, however. For this reason, I would recommend option 3.

CC: Jean Bucciarelli

COUNTY FORESTS AND PARKS

275.320 Designation of county forests, parks and recreational areas. Any county court sitting for the transaction of county business may, by order, designate as county forests, public parks or recreational areas any real property heretofore or hereafter acquired by the county for delinquent taxes or otherwise. Where the park or recreational area is situated in whole or in part within the corporate limits of any city the county first shall obtain the consent or approval, by resolution or ordinance adopted by the city consenting or approving the creation of the public park or recreational area.

275.330 Conveyance of county forests, parks or recreational areas; agreements to manage timber. (1) Upon the entry of an order by the county governing body setting aside the real property for county forest, public park or recreational area, the lands shall be set apart for such use. Thereafter such lands may not be alienated by the county governing body for any purpose unless authorized by a majority of the electors of the county in a regular or special election, except that:

(a) In counties having 450,000 population or over according to the latest federal decennial census:

(A) The lands may be sold and conveyed by the county governing body if it considers the sale to be in the best interests of the county; or

(B) The lands may be conveyed without payment or compensation for park and recreational purposes to any public educational institution, park and recreation district, service district formed under ORS chapter 451 to provide and maintain park and recreational facilities or nonprofit corporation organized under the laws of the State of Oregon for as long as the lands so conveyed are used for such purposes. Any lands conveyed under this subparagraph shall automatically revert to the county if the lands are not used for such purposes or if the institution, district or corporation to which the lands are conveyed is dissolved. However, lands conveyed under this subparagraph to a nonprofit corporation which is organized for the purpose of promoting the preservation of park and recreational areas may be conveyed without restriction subject to prior approval of the county court. When lands are conveyed under this subparagraph, the county shall be relieved from any obligation to account for the payment of any taxes, liens or assessments that may have been levied against the lands by any taxing agency, district or municipality authorized to levy against any of the lands.

(b) The county governing body of any county may convey the lands to the state, an incorporated city or the United States Government for public use. The conveyance may be made without the payment of compensation, and when so made the county shall be relieved from any obligation to account for the payment of any taxes, liens or assessments that may have been levied against the lands by any taxing agency, district or municipality authorized to levy taxes against any of the lands.

(c) The county governing body of any county may enter into agreements with the state or the United States for the management of the timber and other forest products on the designated county forestlands.

(2) In addition to the methods described in subsection (1) of this section, lands that have been set aside for county forest, public park or recreational area may be alienated, sold or conveyed, in part or in whole, by the public body upon a finding that it is in the best interest of the public. Upon a determination that an alienation, sale or conveyance is in the public interest, the lands set aside may be sold at public or private sale, or other lands may be taken in exchange and set aside for park or recreational purposes. When a sale, an alienation or conveyance takes place, the proceeds shall be held for maintenance and improvement of existing park and recreation lands or future acquisition of lands to be set aside for park or recreational purposes.

(3) Before making an order for an alienation, sale or conveyance of the property without approval at an election, or before entering into agreements for management of timber and other forest products under paragraph (c) of subsection (1) of this section, the county governing body shall hold a hearing in the county at which objections to the proposed agreements or alienation, sale or conveyance may be heard. Notice of the hearing shall be given by publication weekly for two consecutive weeks in a newspaper circulated generally within the county, and the notice shall describe particularly the property affected. [Amended by 1959 c.546 §1; 1981 c.482 §1; 1989 c.534 §1]

275.335 Exchanging land within county forest; reserving rights of way. (1) Notwithstanding the provisions of ORS 275.330 or 275.340, any county court may provide for the exchange of land within a designated county forest for other land when in the judgment of the county court, supported as provided in subsection (3) of this section, such exchange is for equal value and is in the best interest of the county. Such

RICK BAUMAN
Multnomah County Commissioner
District 3



606 County Courthouse
Portland, Oregon 97204
(503) 248-5217

November 9, 1992

Dr. Donald McElroy
Executive Deputy Superintendent
Portland Public Schools
501 North Dixon Street
Portland, OR 97227

Dear Dr. McElroy:

Commissioner Bauman and Chair McCoy have assigned to me the task of moving to conclusion the County's end of the long-awaited PILOT agreement.

Following the School Board's approval of the PILOT plan, I briefed the Board of County Commissioners, receiving mostly positive responses. However, there is one development of which you should be aware as it may affect the School Board's acceptance of the concept.

Members of the Board have a concern regarding the transfer of Dickinson Park to PPS. At the request of Commissioner Anderson, County Counsel looked into the feasibility of transferring county parkland to the schools. A transfer is problematic in that Oregon statutes require transferred park property to remain park property. I have enclosed a copy of counsel's analysis. I'm unclear whether this would negatively affect PPS interests in a 'full' Dickinson school site.

Is it PPS' intent to develop any portion of the park area, or is it to be used as a 'buffer' between a future school and development?

The County does have the ability to sell Dickinson Park to PPS, but that also may be problematic.

In order for the Commissioners to fully understand the implications of this agreement, it would be helpful to have your best advice and interpretation of the School Board's interests.

I hope to schedule a formal BCC briefing early in December to finalize their position on the PILOT proposal. A vote would follow before the end of the year.

Thank you for your help on bringing this project to a conclusion.

Sincerely,

Fred Christ, Staff Assistant

FMC/st
encl. (1)
cc: Comm. Anderson, Comm. Bauman, Hank Miggins



PORTLAND PUBLIC SCHOOLS

501 North Dixon Street / Portland, Oregon 97227

Phone: (503) 249-2000

Mailing Address: P.O. Box 3107 / 97208-3107

OFFICE OF THE SUPERINTENDENT

Donald D. McElroy
Executive Deputy Superintendent

November 22, 1992

Mr. Fred Christ
Staff Assistant to Multnomah County
Commissioner Rick Bauman
606 County Courthouse
Portland, Oregon 97204

Dear Mr. Christ:

Thank you for your letter discussing the County's movement to conclusion with its part of the County, City and School District agreement about PILOT funds.

We have been looking forward to the completion of the arrangements and were glad when the agreement was presented as being mutually satisfactory. That has allowed our Board of Education to sign acceptance.

We see the situation as a collaborative arrangement of purchases supported by the payments of funds from one agency to another. The City has "bought" the Kennedy site and is paying for it with PILOT funds and the activities and arrangement related to the Jefferson High School site. The County is selling the School District a piece of property and will receive payment from the PILOT funds. The City and County will approve the use of funds as detailed in the agreement, and will approve the use of the remaining funds. The connected social services, etc., that accrue as a result of the collaboration benefit the three agencies' common interests.

The District placed no restriction on the property it sold and accepted only the requirement to provide to the City, works of art and any substantial architectural components previously removed from the building. There were no restrictions placed on the money or properties other than those contained in the agreement.

Regarding the Dickinson Property: The understanding is that the District is purchasing unencumbered property in order to enlarge the plot of unencumbered property that we own there. The current intent is to hold the property, unimproved, until there is a need for its use. The likelihood that the parcel bought from the County would ever be significantly

improved is very low. That is because the combined full site would most probably be able to accommodate the kind and location of building and supporting grounds that might be placed there. However, I should reclarify here that in the context of the three-way intergovernmental agreement, the District did not require restrictions on the property it sold and does not wish to receive restricted property for the funds it "pays."

Again, the nature of the terrain is such that it almost guarantees that it would serve as a "buffer" in future school and grounds development. It is the least likely part of the combined site to ever be used for building. I do need to clearly state that the District has looked forward to putting those two parcels together open to any kind of use that might be in the best interest of the District now and perhaps in a reasonably far distant future. It was with that, and other expectations, that the package arrangement was developed.

Thank you for sharing a copy of Mr. DuBay's good legal analysis. We have been of the understanding that his "#2." was the authority you would use. The Board of County Commissioners' finding that it is in the best interest of the county to sell the property seems to be logical. I am attaching a recent legal opinion from Board of Education counsel. I sought a re-check of this description after receiving your letter.

I hope that you and the Commissioners can feel as comfortable and enthusiastic with this three-way agreement as we do. It certainly appears to be one through which many significant improvements and developments will be delivered.

If I have not adequately responded to your questions and interest, please let me know and I will be glad to address whatever I have missed.

Thank you for your efforts to put these arrangements in place. It is really a package filled with positive potential.

Cordially,



Donald D. McElroy
Executive Deputy Superintendent

Attachment

MILLER, NASH, WIENER,
HAGER & CARLSEN

ATTORNEYS AND COUNSELORS AT LAW
3500 U.S. BANCORP TOWER
111 S.W. FIFTH AVENUE
PORTLAND, OREGON 97204-3699
TELEPHONE (503) 224-5858
TELEX 364462 KINGMAR PTL
FACSIMILE (503) 224-0155

HARVEY C. BARRAGAR

SEATTLE OFFICE:
4400 TWO UNION SQUARE
601 UNION STREET
SEATTLE, WASHINGTON 98101-2352
TELEPHONE (206) 622-8484
FACSIMILE (206) 622-7485

November 16, 1992

Dr. Donald D. McElroy
Executive Deputy Superintendent
Portland Public Schools
501 North Dixon
Portland, Oregon 97227
Post Office Box 3107
Portland, Oregon 97208

RECEIVED
NOV 17 1992
DONALD D. McELROY
EXEC. DEPUTY SUPERINTENDENT
SCHOOL DISTRICT NO. 1

Dear Donald:

Reference is made to Fred Christ's letter to you dated November 9, 1992.

In view of the fact that the District is giving up its PILOT payments, I believe that the proposed transaction would qualify as a sale under ORS 275.330(1)(a)(A). Therefore, I see no reason for the county not to proceed under option 2 set forth in John L. DuBay's memorandum of October 16, 1992.

If I can be of any further assistance, please let me know.

Very truly yours,

Harvey C. Barragar

Fred — This letter is
full of unfounded
assumptions. The
county has by no
means agreed to
"sell" or donate
Dickinson Ak. to
PPS. Over my dead
body will it be
sold or donated
without the
accompanying
deed restriction
that it shall
remain a park
in perpetuity.
Pauhae

BOARD OF COUNTY COMMISSIONERS
FORMAL BOARD MEETING
RESULTS

MEETING DATE: 12-8-92 Planning

Motion to Approve
Amend. to Ordini. PA SK App
Agenda Item # Motion Second APP/NOT APP

Ordin. 2nd Reading of Amended Ordini.
P-1 PA RB App
Ordin. 2nd Reading

P-2 PA SK App
Ordin. 2nd Reading

P-3 PA SK App

P-4 RB PA App Motion to Set a Public Hearing 12-29-92 10:00

P-5 RB PA App Final Order Set a Public Hearing 12-29-92 1:30

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
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_____	_____	_____	_____

Meeting Date: December 8, 1992

Agenda No.: P-1273

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: C 4-92 Resolution - First Reading

BCC Informal _____ (date) BCC Formal December 8, 1992 (date)
DEPARTMENT DES DIVISION Planning
CONTACT Sharon Cowley TELEPHONE 2610
PERSON(S) MAKING PRESENTATION Gary Clifford

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 90 Minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: ☒

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

C 4-92 An Ordinance amending Sections of MOC 11.15 to ensure that future land divisions and land uses in forest areas are compatible with forest practices as part of the amendments needed to bring Multnomah County's land use planning program into compliance with Oregon Administrative Rule 660, Division 6.

An Ordinance amending Comprehensive Framework Plan Policy 11, Commercial Forest Land and Plan Policy 12, Multiple Use Forest, to ensure that future land divisions and land uses in forest areas are compatible with forest practices and to bring Multnomah County's land use planning program into compliance with Oregon Administrative Rule 600, Division 6.

An Ordinance amending the Comprehensive Framework Plan Map and Sectional Zoning Maps by changing the Multiple Use Forest designation to Commercial Forest Use as part of the amendments needed to bring Multnomah County's land use planning program into compliance with Oregon Administrative Rule 660, Division 6.

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER

Paul Yarbrough / bkw

(All accompanying documents must have required signatures)

(For information purposes only, the first Yellow Packet is an overview of State Rules)

(The Second Yellow Packet is background information only, and are not part of the proposed Ordinances)

**BEFORE THE PLANNING COMMISSION
FOR MULTNOMAH COUNTY**

In the Matter of Recommending Adoption of Ordinances)
Amending Comprehensive Plan Policy 11, Commercial)
Forest Land; Policy 12, Multiple Use Forest; the Compre-)
hensive Framework Plan Map; and MCC Chapter 11.15)
To Bring Multnomah County's Land Use Planning Program)
Into Compliance with Ore. Administrative Rule 660, Div. 6.)

**RESOLUTION
C 4-92**

WHEREAS, The Planning Commission is authorized by Multnomah County Code, Chapter 11.05 and by ORS 215.110, to recommend to the Board of County Commissioners the adoption of Ordinances to carry out and amend the Multnomah County Comprehensive Plan; and

WHEREAS, On January 25, 1990 the State of Oregon Land Conservation and Development Commission (LCDC) adopted significant amendments to the Statewide Planning Goal 4, Forest Lands and the related Oregon Administrative Rule (OAR 660, Division 6) giving Counties until February 5, 1993 to implement those rules into their comprehensive plan text, plan map, zoning code, and zoning maps;

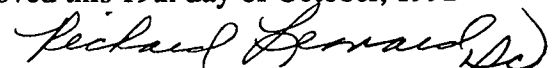
WHEREAS, As presented on pages 17 and 18 of Exhibit A, C 4-92, Multnomah County could not meet the State requirements to propose a land division standard less than 80 acres in acknowledged forest land areas;

WHEREAS, The Commercial Forest Use zoning district (which has had a minimum land division standard of 80 acres since 1980) and Plan Policy 11, Commercial Forest Use as proposed to be amended will meet the requirements of OAR 660-6;

WHEREAS, The Planning Commission considered these Ordinances at public hearings on September 8, 1992, September 21, 1992, and October 5, 1992 where all interested persons were given an opportunity to appear and be heard,

NOW, THEREFORE BE IT RESOLVED that the three Ordinances captioned "An Ordinance amending Comprehensive Framework Plan Policy 11, Commercial Forest Land and Plan Policy 12, Multiple Use Forest ...;" "An Ordinance amending the Comprehensive Framework Plan Map and Sectional Zoning Maps by changing the Multiple Use Forest designation to Commercial Forest Use ...;" and "An Ordinance amending sections of MCC 11.15 to ensure that future land divisions and land uses in forest areas are compatible with forest practices as part of the amendments needed to bring Multnomah County's land use planning program into compliance with Oregon Administrative Rule 660, Division 6" are hereby recommended for adoption by the Board of County Commissioners.

Approved this 19th day of October, 1992



Richard T. Leonard, Chair
Multnomah County Planning Commission

ORDINANCE FACT SHEET (29 Page Ord.)

Ordinance Title: An Ordinance amending Sections of MCC 11.15 to ensure that future land divisions and land uses in forest areas are compatible with forest practices as part of the amendments needed to bring Multnomah County's land use planning program into compliance with Oregon Administrative Rule 660, Division 6.

Give a brief statement of the purpose of the ordinance (include the rationale for adoption of ordinance, description of persons benefited, other alternatives explored): Ordinance amending the Commercial Forest Use (CFU) Zoning District to comply with State LCDC requirements. Changes include a reduction in the number of land uses permitted and adds restrictions on the ability to place new dwellings in the zone in order to ensure that future new lot areas and land uses are more compatible with forest management and reduce difficulties in wildfire suppression.

What other local jurisdictions in the metropolitan area have enacted similar legislation?

Washington County.

All other counties in Oregon must also enact to comply with Oregon Administrative Rule 660, Division 6.

What has been the experience in other areas with this type of legislation?

Washington County's has been in place since November, 1990. No problems reported by staff but also, relatively few land use applications received.

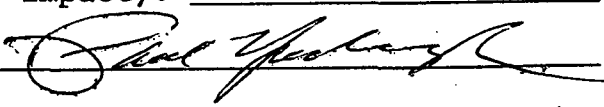
What is the fiscal impact, if any?

(If space is inadequate, please use other side)

SIGNATURES:

Person Filling Out Form: _____

Planning & Budget Division (if fiscal impact): _____

Department Manager/Elected Official:  _____

ORDINANCE FACT SHEET (6 Page Ord.)

Ordinance Title: An Ordinance amending Comprehensive Framework Plan Policy 11, Commercial Forest Land, and Plan Policy 12, Multiple Use Forest, to ensure that future land divisions and land uses in forest areas are compatible with forest practices and bring Multnomah County's land use planning program into compliance with Oregon Administrative 660, Division 6.

Give a brief statement of the purpose of the ordinance (include the rationale for adoption of ordinance, description of persons benefited, other alternatives explored): Ordinance amending Comprehensive Framework Plan Policy 11, Commercial Forest Land and Plan Policy 12, Multiple Use Forest by changing language in Policy 11 to meet the amended Statewide Goal 4, Forest lands, and changing Policy 12 to apply only to those areas of the County not subject to Goal 4. All County forest lands will then be covered by only one Policy which will strive to ensure that future land divisions and land uses in forest areas do not diminish the commercial forest land base and not present difficulties in fire suppression.

What other local jurisdictions in the metropolitan area have enacted similar legislation?

Washington County.

All other counties in Oregon must also enact to comply with Oregon Administrative Rule 660, Division 6.

What has been the experience in other areas with this type of legislation?

Washington County's has been in place since November, 1990. No problems reported by staff but also, relatively few land use applications received.

What is the fiscal impact, if any?

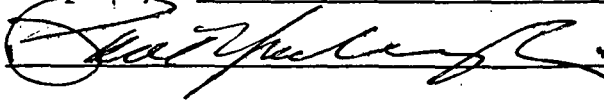
None

(If space is inadequate, please use other side)

SIGNATURES:

Person Filling Out Form: _____

Planning & Budget Division (if fiscal impact): _____

Department Manager/Elected Official: 

ORDINANCE FACT SHEET (3 Page Ord.)

An Ordinance amending the Comprehensive Framework Plan Map and Sectional Zoning Maps by changing the Multiple Use Forest designation to Commercial Forest Use as part of the amendments needed

Ordinance Title:

to bring Multnomah County's land use planning program into compliance with Oregon Administrative Rule 660, Division 6.

Give a brief statement of the purpose of the ordinance (include the rationale for adoption of ordinance, description of persons benefited, other alternatives explored): Ordinance amending the Comprehensive Framework Plan Map and Zoning Maps to change all currently designated Multiple Use Forest (MUF) lands outside of the UGB and Columbia River National Scenic Area to Commercial Forest Use (CFU). This action will increase the minimum lot area requirement for new lots from 19 and 38 acres to the 80 acres of the CFU zone. The properties rezoned to CFU will then also be subject to the amended CFU zone (the 29-page Ordinance), bringing the County into full compliance with OAR 660, Division 6.

What other local jurisdictions in the metropolitan area have enacted similar legislation?

Washington County.

All other counties in Oregon must also enact to comply with Oregon Administrative Rule 660, Division 6.

What has been the experience in other areas with this type of legislation?

Washington County's has been in place since November, 1990. No problems reported by staff but also, relatively few land use applications received.

What is the fiscal impact, if any?

None

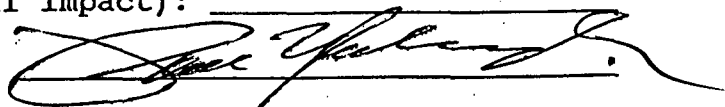
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SIGNATURES:

Person Filling Out Form: _____

Planning & Budget Division (if fiscal impact): _____

Department Manager/Elected Official: _____



Meeting Date: November 24, 1992

Agenda No.: P-3

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: C 4-92 Resolution - First Reading

BCC Informal _____ BCC Formal November 24, 1992
(date) (date)

DEPARTMENT DES DIVISION Planning

CONTACT Sharon Cowley TELEPHONE 2610

PERSON(S) MAKING PRESENTATION Gary Clifford

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 90 Minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: _____

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

C 4-92 An Ordinance amending Sections of MOC 11.15 to ensure that future land divisions and land uses in forest areas are compatible with forest practices as part of the amendments needed to bring Multnomah County's land use planning program into compliance with Oregon Administrative Rule 660, Division 6.

An Ordinance amending Comprehensive Framework Plan Policy 11, Commercial Forest Land and Plan Policy 12, Multiple Use Forest, to ensure that future land divisions and land uses in forest areas are compatible with forest practices and to bring Multnomah County's land use planning program into compliance with Oregon Administrative Rule 600, Division 6.

An Ordinance amending the Comprehensive Framework Plan Map and Sectional Zoning Maps by changing the Multiple Use Forest designation to Commercial Forest Use as part of the amendments needed to bring Multnomah County's land use planning program into compliance with Oregon Administrative Rule 660, Division 6.

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER _____

Paul Yarbrough / bkw

(All accompanying documents must have required signatures)

(For information purposes only, the first Yellow Packet is an overview of State Rules)

(The Second Yellow Packet is background information only, and are not part of the proposed Ordinances)

MULTNOMAH COUNTY
OREGON
1992 NOV 17
AM 8:56
CLERK OF COUNTY COMMISSIONERS

ORDINANCE FACT SHEET (3 Page Ord.)

An Ordinance amending the Comprehensive Framework Plan Map and Sectional Zoning Maps by changing the Multiple Use Forest designation to Commercial Forest Use as part of the amendments needed

Ordinance Title:

to bring Multnomah County's land use planning program into compliance with Oregon Administrative Rule 660, Division 6.

Give a brief statement of the purpose of the ordinance (include the rationale for adoption of ordinance, description of persons benefited, other alternatives explored): Ordinance amending the Comprehensive Framework Plan Map and Zoning Maps to change all currently designated Multiple Use Forest (MUF) lands outside of the UGB and Columbia River National Scenic Area to Commercial Forest Use (CFU). This action will increase the minimum lot area requirement for new lots from 19 and 38 acres to the 80 acres of the CFU zone. The properties rezoned to CFU will then also be subject to the amended CFU zone (the 29-page Ordinance), bringing the County into full compliance with OAR 660, Division 6.

What other local jurisdictions in the metropolitan area have enacted similar legislation?

Washington County.

All other counties in Oregon must also enact to comply with Oregon Administrative Rule 660, Division 6.

What has been the experience in other areas with this type of legislation?

Washington County's has been in place since November, 1990. No problems reported by staff but also, relatively few land use applications received.

What is the fiscal impact, if any?

None

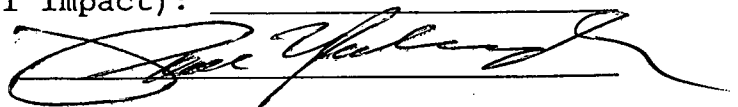
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SIGNATURES:

Person Filling Out Form: _____

Planning & Budget Division (if fiscal impact): _____

Department Manager/Elected Official: _____



BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ORDINANCE NO. _____

An Ordinance amending the Comprehensive Framework Plan Map and Sectional Zoning Maps by changing the Multiple Use Forest designation to Commercial Forest Use as part of the amendments needed to bring Multnomah County's land use planning program into compliance with Oregon Administrative Rule 660, Division 6.

Multnomah County Ordains as follows:

Section I. Findings.

(A). On January 25, 1990 the State of Oregon Land Conservation and Development Commission (LCDC) adopted significant amendments to the Statewide Planning Goal 4, Forest Lands and the related Oregon Administrative Rule (OAR Chapter 660, Division 6). By February 5, 1993 Multnomah County must implement those rules into the comprehensive plan text, plan map, zoning code, and zoning map.

(B). The Land Conservation and Development Commission stated four primary reasons for the amendments: "The Commission has found it necessary to amend Goal 4 and OAR 660, Division 6, for several reasons. In 1986, the Oregon Supreme Court in 1000 Friends of Oregon v. LCDC and Lane County interpreted Goal 4 contrary to Commission interpretations contained in acknowledged comprehensive plans. Second, the Oregon Legislature passed HB 3396 which limited the authority of counties to regulate forest practices. Third, the commercial forest land base continues to shrink while the state's timber supply diminishes thereby affecting the state's economy. Fourth, recent forest fire seasons have been extremely costly, and have illustrated the difficulties in suppressing wildfires in forest areas where dwellings are present."

1 (C). This ordinance amends the Comprehensive Framework Plan Map and Sectional
2 Zoning Maps by changing the designation on all lands subject to the amended Statewide
3 Planning Goal 4 from Multiple Use Forest to Commercial Forest Use. The Commercial Forest
4 Use designation will then be the Plan Policy and Zoning Code Section in place to satisfy the
5 State requirements of OAR 660, Division 6.

6 (D). A 46 page findings document examining the impacts of the State Rule changes
7 and the reasons for the course of action taken is on file with the Multnomah County
8 Department of Environmental Services, Division of Planning and Development. The findings
9 have the title "C 4-92, Exhibit A, Findings Associated with Bringing the Multnomah County
10 Zoning Code into Compliance with the Oregon Administrative Rule on Forest Lands."

11 (E). On May 4, 1992, June 1, 1992, and July 8, 1992 the Planning Commission held
12 open workshops for drafting of the forest amendments. On August 17 and 18, 1992 County
13 staff conducted public information meetings to explain the State requirements and the proposed
14 County ordinances to meet those requirements. The Planning Commission then held public
15 hearings on September 8, 1992, September 21, 1992 and October 5, 1992. Hearings before the
16 Board of County Commissioners followed on November 24, 1992 and _____, 1992.
17 At each of the hearings all interested persons were given an opportunity to appear and be heard.

18 Section II. Amendment of Framework Plan Land Use Map.

19 The Framework Plan Land Use Map is hereby amended by SUBSTITUTING for the
20 present designation of Multiple Use Forest on certain lands, the designation of Commercial
21 Forest as contained in Exhibit B — "Proposed Plan Map Amendments, C 4-92," consisting of
22 34 maps by that name, and on file with the Multnomah County Department of Environmental
23 Services, Division of Planning and Development.

24 Section III. Amendment of Zoning Map.

25 The following Sectional Zoning Maps, as adopted November 15, 1962, including all
26 subsequent amendments thereto as of the effective date of this Ordinance, are hereby amended

1 by SUBSTITUTING for the the present Zoning District designation of Multiple Use Forest - 19
2 or Multiple Use Forest - 38 on certain lands, the Zoning District designation of Commercial
3 Forest Use as contained in Exhibit C — "Proposed Sectional Zoning Map Amendments, C 4-
4 92," consisting of 136 pages of Sectional Zoning Maps and on file with the Multnomah County
5 Department of Environmental Services, Division of Planning and Development: Numbers 2; 3;
6 11; 19; 25 through 28; 33 through 36; 41 through 51; 57 through 67; 69; 70; 75 through 86; 88
7 through 92; 94; 95; 98; 100 through 102; 105 through 110; 121; 122; 124; 125; 127; 131
8 through 134; 292; 293; 298 through 301; 307 through 313; 322 through 325; 336; 337; 452
9 through 460; 464; 543 through 545; 586; 592; 649 through 652; 658 through 674; 679 through
10 681; 683 through 687; 692 through 702; 715 through 717; 779 through 781; 791; 792; 801;
11 802; 811; 812; 819; 820.

12 Section IV. Adoption.

13 This ordinance, being necessary for the health, safety, and general welfare of the people
14 of Multnomah County, shall take effect on the thirtieth (30th) day after its adoption, pursuant to
15 Section 5.50 of the Charter of Multnomah County.

16 ADOPTED THIS _____ day of _____, 1992, being the date of its
17 _____ reading before the Board of County Commissioners of Multnomah County.

18
19
20 (SEAL)

21 By _____
22 Gladys McCoy, County Chair
23 MULTNOMAH COUNTY, OREGON

24 REVIEWED:

25 _____
26 John DuBay, Deputy County Counsel
of Multnomah County, Oregon

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 745

An Ordinance amending the Comprehensive Framework Plan Map and Sectional Zoning Maps by changing the Multiple Use Forest designation to Commercial Forest Use as part of the amendments needed to bring Multnomah County's land use planning program into compliance with Oregon Administrative Rule 660, Division 6.

Multnomah County Ordains as follows:

Section I. Findings.

(A). On January 25, 1990 the State of Oregon Land Conservation and Development Commission (LCDC) adopted significant amendments to the Statewide Planning Goal 4, Forest Lands and the related Oregon Administrative Rule (OAR Chapter 660, Division 6). By February 5, 1993 Multnomah County must implement those rules into the comprehensive plan text, plan map, zoning code, and zoning map.

(B). The Land Conservation and Development Commission stated four primary reasons for the amendments: "The Commission has found it necessary to amend Goal 4 and OAR 660, Division 6, for several reasons. In 1986, the Oregon Supreme Court in 1000 Friends of Oregon v. LCDC and Lane County interpreted Goal 4 contrary to Commission interpretations contained in acknowledged comprehensive plans. Second, the Oregon Legislature passed HB 3396 which limited the authority of counties to regulate forest practices. Third, the commercial forest land base continues to shrink while the state's timber supply diminishes thereby affecting the state's economy. Fourth, recent forest fire seasons have been extremely costly, and have illustrated the difficulties in suppressing wildfires in forest areas where dwellings are present."

1 (C). This ordinance amends the Comprehensive Framework Plan Map and Sectional
2 Zoning Maps by changing the designation on all lands subject to the amended Statewide
3 Planning Goal 4 from Multiple Use Forest to Commercial Forest Use. The Commercial Forest
4 Use designation will then be the Plan Policy and Zoning Code Section in place to satisfy the
5 State requirements of OAR 660, Division 6.

6 (D). A 46 page findings document examining the impacts of the State Rule changes
7 and the reasons for the course of action taken is on file with the Multnomah County
8 Department of Environmental Services, Division of Planning and Development. The findings
9 have the title "C 4-92, Exhibit A, Findings Associated with Bringing the Multnomah County
10 Zoning Code into Compliance with the Oregon Administrative Rule on Forest Lands." They
11 are attached hereto, are incorporated by reference, and are adopted.

12 (E). On May 4, 1992, June 1, 1992, and July 8, 1992 the Planning Commission held
13 open workshops for drafting of the forest amendments. On August 17 and 18, 1992 County
14 staff conducted public information meetings to explain the State requirements and the proposed
15 County ordinances to meet those requirements. The Planning Commission then held public
16 hearings on September 8, 1992, September 21, 1992 and October 5, 1992. Hearings before the
17 Board of County Commissioners followed on November 24, 1992 and December 8, 1992.
18 At each of the hearings all interested persons were given an opportunity to appear and be heard.

19 Section II. Amendment of Framework Plan Land Use Map.

20 The Framework Plan Land Use Map is hereby amended by SUBSTITUTING for the
21 present designation of Multiple Use Forest on certain lands, the designation of Commercial
22 Forest as contained in Exhibit B — "Proposed Plan Map Amendments, C 4-92," consisting of
23 34 maps by that name, and on file with the Multnomah County Department of Environmental
24 Services, Division of Planning and Development.

25 Section III. Amendment of Zoning Map.

26 The following Sectional Zoning Maps, as adopted November 15, 1962, including all

subsequent amendments thereto as of the effective date of this Ordinance, are hereby amended by SUBSTITUTING for the the present Zoning District designation of Multiple Use Forest - 19 or Multiple Use Forest - 38 on certain lands, the Zoning District designation of Commercial Forest Use as contained in Exhibit C — "Proposed Sectional Zoning Map Amendments, C 4-92," consisting of 136 pages of Sectional Zoning Maps and on file with the Multnomah County Department of Environmental Services, Division of Planning and Development: Numbers 2; 3; 11; 19; 25 through 28; 33 through 36; 41 through 51; 57 through 67; 69; 70; 75 through 86; 88 through 92; 94; 95; 98; 100 through 102; 105 through 110; 121; 122; 124; 125; 127; 131 through 134; 292; 293; 298 through 301; 307 through 313; 322 through 325; 336; 337; 452 through 460; 464; 543 through 545; 586; 592; 649 through 652; 658 through 674; 679 through 681; 683 through 687; 692 through 702; 715 through 717; 779 through 781; 791; 792; 801; 802; 811; 812; 819; 820.

ADOPTED THIS 8th day of December, 1992, being the date of its 2nd reading before the Board of County Commissioners of Multnomah County.



By Gladys McCoy
Gladys McCoy, County Chair
MULTNOMAH COUNTY, OREGON

REVIEWED:

Peter Lunny
John DuBay, Deputy County Counsel
of Multnomah County, Oregon



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

C 4-92
Exhibit A

**FINDINGS ASSOCIATED WITH BRINGING THE MULTNOMAH
COUNTY ZONING CODE INTO COMPLIANCE WITH THE
OREGON ADMINISTRATIVE RULE ON FOREST LANDS**

September 21, 1992

I. INTRODUCTION

On January 25, 1990 the State of Oregon Land Conservation and Development Commission (LCDC) adopted significant amendments to the Statewide Planning Goal 4 (Forest Lands) and the related Oregon Administrative Rule (OAR Chapter 660, Division 6). By February 5, 1993 Multnomah County must implement those rules into the comprehensive plan text, plan map, zoning code, and zoning map.

Within this findings report is the full text of the forest goal and rule. Explanations and comments are inserted within the text in "Helvetica font" prefaced by the word "COMMENT." In a few locations, under the heading "POLICY OPTION," is an explanation of the course of action taken by the Planning Commission where the rule allows some discretion in the implementation of the rule or where the Planning Commission has chosen to include additional restrictions on non-forest land uses.

On page 1 of the "Summary of Testimony and Discussion of Amendments to Goal 4 and OAR 660, Division 6" the Oregon Land Conservation and Development Commission stated four primary reasons for the amendments:

"The Commission has found it necessary to amend Goal 4 and OAR 660, Division 6, for several reasons. In 1986, the Oregon Supreme Court in 1000 Friends of Oregon v. LCDC and Lane County interpreted Goal 4 contrary to Commission interpretations contained in acknowledged comprehensive plans. Second, the Oregon Legislature passed HB 3396 which limited the authority of counties to regulate forest practices. Third, the commercial forest land base continues to shrink while the state's timber supply diminishes thereby affecting the state's economy. Fourth, recent forest fire seasons have been extremely costly, and have illustrated the difficulties in suppressing wildfires in forest areas where dwellings are present."

II. OREGON STATEWIDE PLANNING GOAL 4

GOAL 4: FOREST LANDS

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Forest lands are those lands acknowledged as forest lands as of the date of adoption of this goal amendment. Where a plan is not acknowledged or a plan amendment involving forest lands is proposed, forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water and fish and wildlife resources.

USES

Forest operations, practices and auxiliary uses shall be allowed on forest lands subject only to such regulation of uses as are found in ORS 527.722.

Uses which may be allowed subject to standards set forth in this goal and administrative rule are: (1) uses related to and in support of forest operations; (2) uses to conserve soil, water and air quality, and to provide for fish and wildlife resources, agriculture and recreational opportunities appropriate in a forest environment; (3) locationally dependent uses; (4) forest management dwellings that are necessary for, and accessory to, forest operations; and (5) other dwellings under prescribed conditions.

IMPLEMENTATION

Comprehensive plans and zoning provide certainty to assure that forest lands will be available now and in the future for the growing and harvesting of trees. Local governments shall inventory, designate and zone forest lands. Local governments shall adopt zones which contain provisions to address the uses allowed by the goal and administrative rule and apply those zones to designated forest lands.

Zoning applied to forest land shall contain provisions which limit, to the extent permitted by ORS 527.722, uses which can have significant adverse effects on forest land, operations or practices. Such zones shall contain standards for land divisions and for the review and siting of land uses consistent with the goal and administrative rule. These standards shall be designed to make land divisions and allowed uses compatible with forest operations and agriculture and to conserve values found on forest lands.

Local governments may inventory, designate and zone forest lands as marginal land, and may adopt a zone which contains provisions for those uses and land divisions consistent with ORS 197.247.

III. OREGON ADMINISTRATIVE RULE 660, DIVISION 6

ADOPTED JANUARY 25, 1990
AMENDED MARCH 1, 1990

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Plan Designation Within an Urban Growth Boundary	660-06-020
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OREGON ADMINISTRATIVE RULE 660, DIVISION 6

Purpose

660-06-001

- (1) The purpose of the Forest Lands Goal is to conserve forest lands.
- (2) To accomplish the purpose of conserving forest lands, the governing body shall:
 - (a) Designate forest lands on the comprehensive plan map as forest lands consistent with Goal 4 and OAR 660, Division 6; and
 - (b) Zone forest lands for uses allowed pursuant to OAR 660, Division 6 on designated forest lands, and
 - (c) Adopt plan policies consistent with OAR 660, Division 6.
- (3) This rule provides for a balance between the application of Goal 3 "Agricultural Lands" and Goal 4 "Forest Lands" because of the extent of lands that may be designated as either agricultural or forest land.

Applicability

660-06-003 The following rule describes how and when requirements of the amended Forest Lands Goal and Rule apply to local government land use decisions. OAR 660, Division 6 applies to all forest lands as defined by Goal 4. Governing bodies shall comply with the requirements of OAR 660-06-004 within sixty (60) days of the effective date of this rule:

POLICY OPTION: AMENDMENT OF ZONING DISTRICT. The OAR states that the amended rule applies to all forest lands with no differentiation between areas of large commercial timber ownerships and areas of smaller woodlot ownerships. Therefore, lands presently zoned Commercial Forest Use (CFU) (80 acre parcel size) and Multiple Use Forest (MUF) (19 and 38 acre parcel size) will, as a result of the rule, both have the same zoning district designation. The Commission has taken the option to amend the existing CFU code language to reflect the OAR and to change the zoning on all MUF designated properties to the CFU designation.

Amending the CFU zone, instead of creating a new Forest zone, is being done because the minimum lot size for new parcels does not change (discussion of this issue to follow), the types and number of permitted land uses are similar to

the types of uses listed in the CFU code section, the County Assessor's records do not have to be changed on as many properties, and a new forest subdistrict would have to be "out of place" from the other rural resource subdistricts in the zoning code (due to a lack of available subsection numbers).

- (1) Governing bodies shall comply with requirements of this amended goal and rules, in the following ways prior to the director terminating periodic review, the commission affirming the final periodic review order, or the court sustaining a commission order affirming the final periodic review order for issues covered by this amended goal and rules. Where a proposed periodic review order is submitted prior to the effective date of this amended goal and rules, the following provisions will not apply until three years from the effective date of this amended goal and rules (see OAR 660-06-003(4)):
 - (a) If a governing body amends a plan policy, then the requirements of the amended goal and rules shall apply.
 - (b) If the governing body amends a plan map, then the requirements of this amended goal and rules shall apply.
 - (c) If the governing body amends the background, inventory or other information in the plan, then it shall not be required to meet the requirements of this amended goal and rules but shall be required to meet the requirements of Goal 4 and Division 6 as existed prior to the adoption of these amendments.
 - (d) If the governing body amends its land use regulation, then the requirements of this amended goal and rules shall apply. A governing body may amend its regulations to authorize the nonforest uses permitted by OAR 660-06-025 and OAR 660-06-050 provided it simultaneously implements the provisions establishing standards for nonforest uses in OAR 660-06-029, OAR 660-06-035, and OAR 660-06-040. A governing body may amend its regulations to authorize the nonforest dwellings permitted by OAR 660-06-028 provided it simultaneously eliminates any other provisions in its comprehensive plan and land use regulations which permit nonforest dwellings under different standards, and simultaneously implements the provisions in OAR 660-06-027 governing forest dwellings. The requirements of OAR 660-06-003(1)(d) do not apply if a governing body is amending its land use regulation only to comply with the requirements of notice provided for in OAR 660-06-004.
 - (e) If the governing body amends a zone map for which no comprehensive plan change is required then it shall apply the requirements of the acknowledged comprehensive plan and land use regulations which apply to the action.
 - (f) If the governing body is making a decision under only acknowledged land use regulations, then it shall apply the requirements of that acknowledged land use regulation in place at the time the application for the decision is made.

Independent application of the provisions of this amended goal or rules is not required.

- (2) Governing bodies shall comply with requirements of this amended goal and rules in the following ways at the time it submits a final periodic review order, unless the local government has submitted a proposed periodic review order prior to the effective date of this amended goal and rules. Where the local government has submitted a proposed periodic review order prior to the effective date of this amended goal and rules, the provisions of this amended goal and rules apply as outlined in section 4 below:
 - (a) The governing body shall amend its plan policies to conform to the requirements of this amended goal and rules.
 - (b) The governing body shall amend its plan map to conform to the requirements of this amended goal and rules.
 - (c) The governing body shall amend its plan background, inventory or other information in the plan to conform to the requirements of this amended goal and rules.
 - (d) The governing body shall amend its land use regulation to conform to the requirements of this amended goal and rules.
 - (e) The governing body shall amend its zone map to conform to the requirements of this amended goal and rules.
 - (f) Implementation decisions made by the governing body or its designate shall adhere to the acknowledged land use regulations in place at the time the application for the decision is made.
- (3) Following termination of periodic review, a governing body shall apply the requirements of this amended goal and rules as outlined in ORS 197.835 (LUBA Scope of Review).
- (4) Local governments that have submitted a proposed periodic review order prior to the effective date of this amended goal and rules must amend their comprehensive plan and land use regulations to comply with requirements of this amended goal and rules, within three years of the effective date of this rule.

STAFF COMMENT : COMPLIANCE DATE. Multnomah County submitted a proposed Periodic Review Order prior to the adoption date of the amended rule and therefore is given three years to comply. The effective date of the rule was February 5, 1990.

POLICY OPTION: FOREST LANDS IN THE COLUMBIA GORGE.

At the same time that this Goal 4 work is progressing, planning staff are drafting upcoming needed ordinance changes for the Columbia River Gorge National Scenic Area (CRGNSA) Management Plan that will be enacted following the State Goal 4 deadline. In comparing the required and allowed land use provisions that will be enacted for forest areas both within the CRGNSA and out of the CRGNSA there is an important issue regarding the timing of adoption of new regulations. Even though it is our understanding that the NSA Management Plan will be accepted as in compliance with State land use goals, planning staff finds enough differences in the two forest related rules and policies that staff has determined that it is necessary to draft and adopt different zoning ordinances for CRGNSA and non-CRGNSA forest lands.

Therefore, Multnomah County will not enact the state forest OAR requirements on MUF zoned properties in the Gorge. The existing MUF forest regulations will remain in effect until the CRGNSA Management Plan provisions are adopted at a later time, (approximately one to two months later). For the short interval between adoption of the State forest requirements and the adoption of the NSA provisions, lands in the Gorge that are presently zoned CFU (not MUF) will be subject to the amended CFU zone regulations enacted as part of this proposal. Some of the reasons that one forest zone would not work both outside and inside the Gorge is as follows:

1. Outside the CRGNSA our two present forest zones will be combined into one district with an 80 acre minimum parcel area requirement. Within the CRGNSA, however, there are four different forest designations, three in the GMA and one in the SMA. In the Management Plan, those four forest areas have minimum parcel size requirements ranging from 20 to 40 to 80 acres. It would be better policy to not change the present MUF lot area requirement of 19 and 38 acres to the 80 acre requirement if it would only be changed again when the Gorge plan is enacted.
 2. There are some land uses and provisions allowed in the CRGNSA Management Plan that are not listed in the Goal 4 administrative rule and there are some provisions in the 1990 Goal 4 OAR which are not permitted in the CRGNSA forest areas. The transition from the existing zoning regulations to the CRGNSA regulations, at least for the more numerous MUF parcels, would be better without an intervening change.
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- (a) Local governments that do not complete the required comprehensive plan and land use regulation amendments before the expiration of the three-year period will be subject to the requirements of this amended goal and rules for all land use decisions as defined in ORS 197.015.
- (b) After local governments have completed the required amendments to their comprehensive plan and land use regulations, and such amendments are acknowledged as provided in ORS 197.625, the provisions of this amended goal and rules shall apply in the same manner as other goals and rules apply to other land use decisions made pursuant to acknowledged comprehensive plans and land use regulations.

(5) Applicability Matrix

The following matrix is intended to supplement the above applicability section. It is intended as a general expression of legislative intent. Should confusion or conflicts arise over the meaning of the specific language of the rule, the rule shall take precedence over the matrix.

Type of Action	Before PR ¹	At PR ²	After PR ³
1. Plan Policy Amendment	Y	Y	Y
2. Plan Map Amendment	Y	Y	Y
3. Background Information (Inventory)	N	Y	Y
4. Regulation (Code) Amendment	Y	Y	Y ⁴
5. Zone Map Change	N	Y	N
6. Implementation decision under acknowledged Land Use Regulation (e.g., dwelling or division approval)	N	N	N

Y Provisions apply

N Provisions do not apply

¹Refer to OAR 660-06-003(1)

²Refer to OAR 660-06-003(2)

³Refer to OAR 660-06-003(3)

⁴Except as provided in ORS 197.835(5)(B)

- (6) For jurisdictions not acknowledged as in compliance with Goal 4 at the time the amended Goal 4 is filed with the Secretary of State, unacknowledged provisions must comply with the amended section(s) of OAR 660, Division 6.

Notice of Decision in Forest Zones

660-06-004 Governing bodies shall provide the following types of notice:

- (1) Notice of all applications for dwellings and land divisions in forest and agriculture/forest zones shall be provided to the Department of Land Conservation and Development and the Department of Forestry at their Salem and field offices. Notice shall be in accordance with the governing body's acknowledged comprehensive plan and land use regulations, and shall be mailed at least ten (10) calendar days prior to the hearing or decision being made.
- (2) Notice of proposed actions described in OAR 660-06-004(1) shall be provided as required by procedures for notice contained in ORS 197.762, ORS 215.402 to ORS 215.438.

Definitions

660-06-005 For the purpose of this rule, the following definitions apply:

- (1) Definitions contained in ORS 197.015 and the Statewide Planning Goals.
- (2) Forest operation means any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620(6).
- (3) Governing body means a city council or county board of commissioners or county court or its designate, including planning director, hearings officer, planning commission or as provided by Oregon law.

Inventory

660-06-010 Governing bodies shall include an inventory of "forest lands" as defined by Goal 4 in the comprehensive plan. Lands inventoried as Goal 3 agricultural lands or lands for which an exception to Goal 4 is justified pursuant to ORS 197.732 and taken are not required to be inventoried under OAR 660-06-010. Outside urban growth boundaries, this inventory shall include a mapping of forest site class. If site information is not available then an equivalent method of determining forest land suitability must be used. Notwithstanding OAR 660-06-010, governing bodies are not required to reinventory forest lands if such an inventory was acknowledged previously by the Land Conservation and Development Commission.

STAFF COMMENT: FOREST LAND INVENTORY. No forest land inventory work in addition to that already done for acknowledgment in 1981 has been done. The instructions for classifying forest lands is based on potential tree production "site class" and is mapped by soil type. The classification system has not changed sufficiently to alter any mapping of forest land. Also, until some change in state law occurs, such as "secondary lands," it is doubtful whether any additional areas could qualify for a Goal 4 "exception." For other options for areas characterized by certain levels of parcelization, see OAR 660-06-028.

Plan Designation Outside an Urban Growth Boundary

660-06-015

- (1) Lands inventoried as forest lands must be designated in the comprehensive plan and implemented with a zone which conserves forest lands consistent with OAR 660, Division 6, unless an exception to Goal 4 is taken pursuant to ORS 197.732, the forest lands are marginal lands pursuant to ORS 197.247, or the land is zoned with an Exclusive Farm Use Zone pursuant to ORS Chapter 215 provided the zone qualifies for special assessment under ORS 308.370. In areas of intermingled agricultural and forest lands, an agricultural/forest lands designation may also be appropriate if it provides protection for forest lands consistent with the requirements of OAR 660, Division 6. The plan shall describe the zoning designation(s) applied to forest lands and its purpose and shall contain criteria which clearly indicate where the zone(s) will be applied.
- (2) When lands satisfy the definition requirements of both agricultural land and forest land, an exception is not required to show why one resource designation is chosen over another. The plan need only document the factors that were used to select an agricultural, forest, agricultural/forest, or other appropriate designation.

Plan Designation Within an Urban Growth Boundary

660-06-020 Goal 4 does not apply within urban growth boundaries and therefore, the designation of forest lands is not required.

STAFF COMMENT: WEST HAYDEN ISLAND. In 1982, the Urban Growth Boundary (UGB) was expanded to include the portion of Hayden Island west of the railroad. The zoning designation of Multiple Use Forest, however,

has not been changed in wait for urban level of services to be available. Because the rule does not apply within the UGB, Multnomah County will leave the MUF zoning in place.

Uses Authorized in Forest Zones

660-06-025

(1) Goal 4 requires that forest land be conserved. Forest lands are conserved by adopting and applying comprehensive plan provisions and zoning regulations consistent with the goal and this rule. In addition to forest practices and operations and uses auxiliary to forest practices, as set forth in ORS 527.722, the Commission has determined that five general types of uses, as set forth in the goal, may be allowed in the forest environment, subject to the standards in the goal and in this rule. These general types of uses are:

- (a) Uses related to and in support of forest operations;
 - (b) Uses to conserve soil, air and water quality and to provide for fish and wildlife resources, agriculture and recreational opportunities appropriate in a forest environment;
 - (c) Locationally dependent uses, such as communication towers, mineral and aggregate resources; etc.
 - (d) Forest management dwellings as provided for in OAR 660-06-027; and
 - (e) Other dwellings under prescribed conditions.
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STAFF COMMENT: CHANGES TO PERMITTED LAND USES.

The number of listed permitted land uses in the forest rule are even fewer than the land uses listed in the Exclusive Farm Use state statutes. Within the uses listed, the following is of note:

1. Dwellings can no longer be a "Primary Use." The Planning Commission has chosen to require all new dwellings, both forest management and not related to forest management, be reviewed as a Conditional Use (an 'action proceeding' in a public hearing).
2. The amended forest rule does not permit such "Community Service" uses as Schools, Hospitals, Churches, Government Buildings (except those accessory to forest operations and fire stations), Private Clubs, Recycling Centers,

Golf Courses, Boat Moorages, Marinas, or Boathouse Moorages.

3. The amended forest rule does not list the following "Conditional" uses which are permitted in the MUF zoning district:
- A. "Limited rural service commercial uses" including stores, shops, and offices;
 - B. "Tourist commercial uses" such as restaurants, gas stations, and motels;
 - C. Cottage industries (a type of light industry employing less than 20 persons in an enclosed building); and
 - D. Houseboats. One of the areas that the Comprehensive Plan designates as suitable for houseboats is zoned MUF-19. This is the area from the Portland city limits northward to one-half mile north of the Sauvie Island Bridge on the west side of Multnomah Channel. There are presently several moorages in this location with an estimated potential increase under the existing code, with redevelopment, of 30 to 40 more houseboats.
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(2) The following uses pursuant to the Forest Practices Act (ORS Chapter 527) and Goal 4 shall be allowed in forest zones:

- (a) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash;
- (b) Temporary onsite structures which are auxiliary to and used during the term of a particular forest operation;
- (c) Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities;
- (d) For the purposes of OAR 660-06-025(2) "auxiliary" means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

(3) The following uses may be allowed outright on forest lands:

- (a) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources;
- (b) Farm use as defined in ORS 215.203;
- (c) Additional local distribution lines within existing rights-of-way (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, meter cabinets, terminal boxes, pedestals), or which provide service hookups, including water service hookups;
- (d) Temporary portable facility for the primary processing of forest products;
- (e) Exploration for mineral and aggregate resources as defined in ORS Chapter 517;
- (f) Private hunting and fishing operations without any lodging accommodations;
- (g) Towers and fire stations for forest fire protection;
- (h) Widening of roads within existing rights-of-way in conformance with the transportation element of acknowledged comprehensive plans including public road and highway projects as described in ORS 215.213(1)(m) through (p) and ORS 215.283(1)(k) through (n);
- (i) Water intake facilities, canals and distribution lines for farm irrigation and ponds;
- (j) Caretaker residences for public parks and fish hatcheries;
- (k) Uninhabitable structures accessory to fish and wildlife enhancement;
- (l) Temporary forest labor camps;
- (m) Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head;
- (n) Destination resorts reviewed and approved pursuant to ORS 197.435 to ORS 197.465 and Goal 8;
- (o) Disposal site for solid waste that has been ordered established by the Environ-

mental Quality Commission under ORS 459.049, together with the equipment, facilities or buildings necessary for its operation;

(p) Maintenance, repair or replacement of existing dwellings.

(4) The following uses may be allowed on forest lands subject to the review standards in OAR 660-06-025(5):

(a) Permanent facility for the primary processing of forest products;

(b) Permanent logging equipment repair and storage;

(c) Log scaling and weigh stations;

(d) Disposal site for solid waste approved by the governing body of a city or county or both and for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation;

(e) Parks and campgrounds. For the purpose of OAR 660-06-025 a campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle. Campgrounds authorized by OAR 660-06-025 shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations;

(f) Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under OAR 660-06-025(3)(m) (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517;

(g) Television, microwave and radio communication facilities and transmission towers;

(h) Fire stations for rural fire protection;

(i) Utility facilities for the purpose of generating five (5) megawatts or less of power;

(j) Aids to navigation and aviation;

(k) Water intake facilities, related treatment facilities, pumping stations, and distribution lines;

- (l) Reservoirs and water impoundments;
- (m) Firearms training facility;
- (n) Cemeteries;
- (o) Private seasonal accommodations for fee hunting operations may be allowed subject to OAR 660-06-025(5), OAR 660-06-029, and OAR 660-06-035 and the following requirements:
 - (A) accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Speciality Code,
 - (B) only minor incidental and accessory retail sales are permitted,
 - (C) accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission,
 - (D) a governing body may impose other appropriate conditions, and
- (p) New distribution lines (e.g., electrical, gas, oil, geothermal) with rights-of-way 50 feet or less in width;
- (q) Temporary asphalt and concrete batch plants as accessory uses to specific highway projects;
- (r) Home occupations as defined in ORS 215.448;
- (s) A mobile home in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative as defined in ORS 215.213 and 215.283. The mobile home shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the mobile home will use a public sanitary sewer system, such condition will not be required. Governing bodies every two years shall review the permit authorizing such mobile homes. When the hardships end, governing bodies or their designate shall require the removal of such mobile homes. Department of Environmental Quality review and removal requirements also apply to such mobile homes;
- (t) Expansion of existing airports;

- (u) Public road and highway projects as described in ORS 215.213(2)(q) through (s) and ORS 215.283(2)(p) through (r) ;
 - (v) Private accommodations for fishing occupied on a temporary basis may be allowed subject to OAR 660-06-025(5), OAR 660-06-029, and OAR 660-06-035 and the following requirements:
 - (A) accommodations limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Speciality Code,
 - (B) only minor incidental and accessory retail sales are permitted,
 - (C) accommodations occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission,
 - (D) accommodations must be located within 1/4 mile of fish bearing Class I waters,
 - (E) a governing body may impose other appropriate conditions, and
 - (w) Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.
- (5) A use authorized by OAR 660-06-025(4) may be allowed provided the following requirements or their equivalent are met. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands:
- (a) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;
 - (b) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and
 - (c) A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in OAR 660-06-025(4)(e), (1), (r), (s) and (v).
- (6) Nothing in OAR 660-06-025 relieves governing bodies from complying with other requirements contained in the comprehensive plan or implementing ordi-

nances such as the requirements addressing other resource values (e.g., Goal 5) which exist on forest lands.

New Land Division Requirements in Forest Zones

660-06-026

- (1) Governing bodies may approve land divisions pursuant to acknowledged comprehensive plan provisions for authorizing new land divisions in forest zones pending the evaluation described below:
 - (a) An evaluation of acknowledged provisions that authorize new land divisions below 80 acres in forest zones shall be conducted by the governing body to determine whether the land division standards in the plan have worked to achieve compliance with the amended Goal 4. In conducting the evaluation, governing bodies shall provide findings based on substantial evidence that the acknowledged land division standards have worked to assure:
 - (A) the opportunity for economically efficient forest and agriculture practices typically occurring in the area, and
 - (B) the opportunity for the continuous growing and harvesting of forest tree species, and
 - (C) the conservation of other values found on forest lands;
 - (b) The results of the evaluation must be completed and submitted to the department for review prior to the time the governing body is obligated to be in compliance with OAR 660, Division 6.

POLICY CHOICE: MINIMUM LOT AREA FOR LAND DIVISION.

To keep acknowledged minimum land division standards which are less than 80 acres in area, a county must provide an evaluation showing how past land divisions have worked to achieve compliance with the amended Goal 4. A description of the required studies is in the "Summary of Testimony and Discussion of Amendments to Goal 4 and OAR 660, Division 6" by DLCD. The report states:

"This analysis needs to include enough case studies over a period of years to determine whether the land division standards in forest and agricultural/forest zones have or have not worked to achieve compliance with the goal. Besides basic information about the location, size and cubic site class, the case studies should discuss the following:

- (1) the current use of the lands that were divided; and
- (2) whether the parcels are receiving a forest or farm deferral; and
- (3) whether either parcel has a dwelling and the circumstances under which the dwelling was approved; and
- (4) whether the parcels are stocked to the applicable FPA regional standard; and
- (5) the status of the management plan if one was required as part of the approval; and
- (6) whether other conditions of approval were met; and
- (7) whether the approved parcels have now increased in residential value as a result of the land divisions. This determination may require a comparison of the per acre value of forest lands in the area with the per acre value of those parcels involved with the approval.

In May, 1987, the planning division conducted a study of farm and forest management plans which included an investigation into the amount of compliance there existed to forest management plans approved from 1980 through 1986 on properties from 10 to 37.9 acres in area. Approval of the plans is a requirement to obtain a resource related dwelling. On page 2 of the report is a table which had the following categories and number of properties matching that description:

"Evidence the management plan is followed
and that it is a commercial farm or forest use": 0

'Evidence the management plan is
followed but use appears more rural
residential or hobby farm than commercial': 9

'No evidence that ... plan is followed but a
residence is present.': 4"

Such results lead staff to conclude that it is very doubtful that there is "substantial evidence that the acknowledged land division standards" of the MUF -19 zone have worked to achieve compliance with the amended Goal 4.

In addition, the findings of the *Farm and Forest Land Research Project*, prepared for the Oregon Department of Land Conservation and Development in a statewide study, concludes that smaller parcel sizes actually reduce the likely amount of forest practices that can be expected to occur on the property. The project results are divided into 3 different reports: *Task One: Status of the Land Resource Base, March 1991; Task Two: Analysis of the Relationship of Resource Dwelling and Partition Approvals Between 1985-87 and Resource*

Management in 1990, May 24, 1991; and Task Three: Survey of Farm and Forest Operators, April 1991. In the Task Two report, page 16 it reads:

"... Operation size appears to positively affect forest management-- 80.8% of forest approval operations managed by owner that are over 80 acres have received silvicultural treatments since approval date (with a margin of error of plus or minus 15.1%) while only 61.1% of such operations 20 acres and under have managed forests (with a margin of error of plus 22.5%)."

In the County's MUF zone, a dwelling may be placed or built on a parcel of 38 acres without the requirement for approval of a forest management plan. As a consequence, such parcels were not included in any past County studies correlating the amount of forestry practice occurring on lots between 38 and 80 acres. Related to that issue are the statements on page 30 of the above referenced Task One report:

"II.5.A. Harvest Patterns

Summary: Within the private ownership sector, non-industrial owners are less inclined to harvest timber than industrial owners.

Even though industry owners possessed less than two-thirds of the total volume of growing stock on private lands in the mid-'80s, the industry lands were responsible for nearly 90% of the timber harvested off private lands in this time period. ...

Two reasons why non-industrial timberland owners harvest less than industrial owners and far less than their own potential are that some of these owners hold land for non-timber purposes, and many of those who do grow and harvest timber manage their timberlands less intensively than industry owners."

In a October 11, 1989, report to the Board of Forestry, Ann Hanus, Department of Forestry staff member, concluded that smaller parcels "attract potential buyers of homesites who have little or no interest in forest management." The problem is described as follows:

"They want from 5 to 50 acres for their house and are willing to pay a premium over and above the value of the land for forest production. Thus they compete with timber growers for the same land but can afford to outbid these other purchasers. The Department of Revenue values forest land from \$100 to \$500/acre but homesite buyers can pay up to ten times those amounts per acre."

Under the 38 acre minimum parcel size, sizable portions of commercial timber company holdings in the MUF zone have been clearcut and then parceled into 38 acre lots and sold to non-industrial owners. Just one holding on McNamee Road involved twelve 38 acre parcels. On Skyline Blvd. several 38 acre parcels have been sold by a commercial timber company to non-industrial owners right up to the CFU -80 boundary and then the parcelization stops.

This industrial timber land parcelization is of concern to Ted Lorensen, Policy Analyst with the Department of Forestry. In a January 27, 1989 letter to Craig Greenleaf of DLCD Mr. Lorensen wrote:

"It is the Department's opinion that the majority of land use changes (outside of southwest and eastern Oregon) occur on smaller forest parcels and in counties with high development pressure (Washington and Yamhill). Land use changes often occur after the sale of a recently clearcut parcel. The land use change is often the result of such change being the least expensive way of meeting the FPA reforestation liability.

The Department of Forestry does not collect data on land use changes. However, we believe the scenario producing these land use changes is: 1) the original landowner clearcuts the parcel; 2) to avoid the reforestation expense and capture the value of the homesite development opportunity, the landowner puts up the land for sale; 3) the time interval between harvest and the sale to a new owner results in a brushy site that is expensive to reforest; 4) ownership is transferred and the new owner is confronted with a reforestation obligation he/she may not have been aware existed; 5) the new landowner places a fence around the ownership and begins grazing livestock because a fence and livestock are much cheaper than scarification and planting." (Page 23, "Summary of Testimony and Discussion of Amendments to Goal 4 and OAR 660, Division 6.")

From the information that staff has obtained, it appears that most other Counties either have adopted the 80 acre minimum requirement or expect to adopt it. As given in OAR 660-06-026(2)(a) below, Multnomah County is allowed to adopt the 80 acre minimum land division requirement without having to justify the standard to the Department of Land Conservation and Development (DLCD). The 80 acre minimum is actually a reduction from a 1988 draft of the rule in which DLCD staff recommended to LCDC a minimum lot size of 160 acres.

- (2) Where the commission or department determines that acknowledged land division standards do not comply with the amended Goal 4, the governing body shall amend their land division standards to be consistent with the amended Goal 4 through the adoption of one or more of the following:
- (a) An 80-acre minimum land division standard; or
 - (b) One or more numeric minimum land division standards less than 80 acres provided that the numeric minimum land division size(s) is large enough to assure:
 - (A) the opportunity for economically efficient forest and agriculture practices typically occurring in the area, and
 - (B) the opportunity for the continuous growing and harvesting of forest tree species, and
 - (C) the conservation of other values found on forest lands.
 - (3) New land divisions less than the parcel size in OAR 660-06-026(1) and (2) may be approved only for the uses listed in OAR 660-06-025(3)(m) through (o) and OAR 660-06-025(4)(a) through (n) provided that such uses have been approved pursuant to OAR 660-06-025(5).
 - (4) Notwithstanding OAR 660-06-026(1) and OAR 660-06-026(2), the minimum land division standards may be waived to allow a division of forest land involving a dwelling existing prior to the date of adoption of this rule provided:
 - (a) The new parcel containing the dwelling is no larger than 5 acres; and
 - (b) The remaining forest parcel, not containing the dwelling, meets the minimum land division standards of the zone; or
 - (c) The remaining forest parcel, not containing the dwelling, is consolidated with another parcel which together meet the minimum land division standards of the zone.

POLICY CHOICE: LAND DIVISION OPTION FOR EXISTING DWELLINGS ON VERY LARGE PARCELS. The above subsection (4) allows a dwelling which existed prior to January, 1990 to be sold separately on a parcel of five acres or less if the remainder of the parcel either meets the minimum land division standard or is consolidated with another parcel which together meet the minimum land division standard. The concept is similar to the "home-

stead lot" provision in the EFU zone except that there is no resource impact evaluation required, there is allowance for consolidation to meet the minimum parcel size, and the larger parcel could qualify for a new dwelling.

Even though this provision would result in a dwelling not related to forest management, the Planning Commission does not anticipate much impact from these dwellings because there are so few situations meeting the requirements. Staff has counted only two dwellings on existing lots of more than 80 acres in area.

Forest Management Dwellings in Forest Zones

660-06-027

- (1) Forest management dwellings may be allowed in forest zones provided the governing body makes findings based on substantial evidence that the requirements of OAR 660-06-027 are met. For the purpose of OAR 660-06-027, necessary for and accessory to are defined as:

- (a) "Necessary for" means the dwelling will contribute substantially to effective and efficient management of the forest land to be managed by the resident(s) of the dwelling.

NOTE: (The Commission intends that this requirement create a relationship between the approval of a dwelling and the ongoing forest management of the land. It means that the principal purpose for locating a dwelling on forest lands is to enable the resident to conduct efficient and effective forest management. A dwelling is necessary where the occupant must spend an extensive amount of time on forest management. This definition precludes a dwelling which simply "enhances" forest management. This definition also does not demand that a dwelling be absolutely required for forest management or that the production of trees is physically possible only with a dwelling.)

- (b) "Accessory to" means that the dwelling is incidental and subordinate to the main forest use.

- (2) The governing body shall determine whether the dwelling is necessary for and accessory to forest operations including cultured Christmas trees as defined in ORS 215.203(3). That determination shall be based at a minimum on the following information provided by the applicant. The applicant shall provide information necessary to complete the form attached in Appendix A of this rule or its equivalent regarding the condition and productivity of the lands to be managed, the plan for management of these lands including a chronological description of

commercial forest management activities to be undertaken by the resident(s) or under contract and estimates of yield, labor and expenses. Also, information is required showing the site for the proposed dwelling and a description of related fire safety measures. The information must be sufficient to enable the Oregon Department of Forestry within 45 days to determine that:

- (a) The information describing the productivity and current condition of the forest land to be managed is complete and accurate; and
 - (b) Fulfillment of the forest management plan will result in use of the parcel for the required management purpose in terms of stocking, stand density, and harvest; and
 - (c) The siting and safety standards in OAR 660-06-029 and OAR 660-06-035 have been adequately addressed.
- (3) There are no other dwellings on the property which are vacant or currently occupied by persons not engaged in forestry, which could be used as the principal forest dwelling on the forest operation.
 - (4) The property qualifies for and is enrolled in one of Oregon's forest tax programs.
 - (5) The dwelling will not significantly interfere with, significantly increase the costs of, or impede forest or farm management on adjacent forest and agricultural lands.
 - (6) If road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.
 - (7) The forest lands to be managed by the resident of the proposed dwelling meet the stocking and survival requirements of the Forest Practices Rules for the Eastern (OAR 629-24-402), Northwest (OAR 629-24-502), or Southern (OAR 629-24-602) Regions which ever is applicable, at the time authorization for a permanent dwelling is requested. If the lands to be managed do not meet these stocking and survival requirements, the governing body may approve a temporary dwelling subject to the following requirements:
 - (a) The prospective resident(s) shall agree in writing to remove the temporary dwelling and any accessory structures within 60 days of the governing body's determination pursuant to OAR 660-06-027(7) that the property has not met the stocking and survival requirements within five years of the date the temporary dwelling was approved;

- (b) The prospective resident(s) shall agree in writing to pay all costs associated with the removal of the dwelling and any accessory structures by the governing body if the prospective resident(s) fails to comply with OAR 660-06-027(7)(a). This written agreement with the governing body shall include either a performance bond, cash deposit, irrevocable letter of credit, promissory note, written contract or other similar form of security equal to costs determined by the governing body needed to remove totally the temporary dwelling and accessory structures from the parcel and any additional costs for legal proceedings;
 - (c) The governing body shall determine whether the prospective resident(s) has complied with OAR 660-06-027(7)(a) within 60 days of the end of the time period prescribed in OAR 660-06-027(7)(a). If the prospective resident(s) has not complied with such requirements, the governing body shall secure the removal of the dwelling unless an extension is granted. An extension of not more than two (2) years may be granted if the governing body has substantial evidence on which the finding can be made that, due to natural disaster or illness, completion of the requirements in OAR 660-06-027(7)(a) was not possible;
 - (d) The governing body shall enforce the terms of this agreement if the prospective resident(s) fails to meet the stocking and survival requirements of OAR 660-06-027(7)(a) for the lands to be managed within five years unless the temporary dwelling and accessory structures already have been removed or unless an extension has been granted under OAR 660-06-027(7)(c);
 - (e) When the governing body has determined that the prospective resident(s) has complied with the requirements of OAR 660-06-027(7)(a), the temporary dwelling may be replaced by a permanently constructed dwelling.
- (8) A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.
- (9) An application for a forest management dwelling is not complete for the purpose of requiring a governing body to take final action on the permit within 120 days, as required by ORS 215.428, until all the required information including the review and evaluation by the Oregon Department of Forestry required by OAR 660-06-027(1) is submitted to the governing body.
- (10) It is the responsibility of the governing body to make the final determination that the requirements of OAR 660-06-027 have been met.

STAFF COMMENT: FOREST MANAGEMENT DWELLINGS.

One of the reasons that the Forest Goal had to be amended was a result of the Oregon Supreme Court 1988 decision in 1000 Friends of Oregon v. Land Conservation and Development Commission (Lane County). The Supreme Court held that the LCDC should not have acknowledged Lane County's comprehensive plan to be in compliance with statewide planning goals. One, of many, issues in the case dealt with the County's use of the words "accessory" and "necessary" in the approval criteria for a "forest dwelling." Those two words had been used by LCDC in reviewing land uses in Goal 3 and 4 lands since a 1983 Land Use Board of Appeals case. Lane County's code provided that if a forest management plan was completed, then a dwelling was "deemed accessory and necessary to the forest management." The Supreme Court noted that the words "necessary" and "accessory" were themselves not a part of Goal 4 and then the Court concluded:

"Therefore, the question is actually whether the standards for compliance with the forest management plan are such that LCDC can properly conclude that what would otherwise be a non-forest use -- a dwelling -- is, because of the forest management plan, properly considered a forest use. (Page 13).

The 'necessary and accessory' test in the Lane County plan is neither precise nor strict enough to show that dwellings on forest lands will meet the stated intent of Goal 4 to conserve forest lands for forest uses." (Page 15)

As a result, LCDC in 1990 amended Goal 4 and the administrative rule to address the Supreme Courts concerns. The Commission added the phrase "necessary for, and accessory to, forest operations" to both the goal and rule in order to allow forest related dwellings under appropriate standards.

The rule language, however, does not state a specific minimum parcel size for a forest related dwelling and uses the vague term "extensive" in describing the amount of time (labor) which the dwelling resident must spend on forest management labor in order to provide the "findings based on substantial evidence that the requirements" of the rule are met.

A good summary explanation of the forest related dwelling standards was made by Ted Lorensen, Policy Analyst with the Oregon Department of Forestry (ODOF), in a report to the Board of Forestry entitled "Dwellings 'Necessary For' A Forest Operation, (Agenda Item 4, July 19, 1991 Board meeting). After a narration of the evolution of the LCDC forest dwelling rule language, Mr. Lorensen states:

"The eventual draft wording of 'necessary for' which used the term 'contribute substantially' reflected a vision that the time to be spent by the resident on forest management was an important factor, but not the only factor in making the determination. The key words in the intent statement are 'principal purpose,' 'extensive amount of time,' and 'ongoing forest management'.

With regard to 'principal purpose', it appears that LCDC is embracing a standard somewhat less than requiring the manager(s) to be totally a 'tree farmer', but which requires that the resident manager is predominantly a 'tree farmer'.

With regard to 'extensive amount of time', it appears that this is less restrictive than 'a continuous presence is required' but does require that significant work exists for the resident manager to conduct on an on-going manner.

'Ongoing forest management' appears to imply that the long-term forest management should be the basis for analyzing the need for a dwelling and not short term management needs." (Page 4).

The same report to the Board of Forestry outlined a range of five different possible levels of resident forest management labor and characterized them as follows on pages 5 and 6:

1. One weekend per month (192 hours per year): "... a situation in which the dwelling would 'enhance' the management of the property. However this level of input can be provided by off-site owners and clearly, the principal purpose of the dwelling would not be forest management."
2. Two weekends per month (384 hours per year): "... represents an alternative where a manager that has a full-time other job would be spending, more or less, half their free time on the weekends managing the property. ... This does not appear to be a situation where the principal purpose of the dwelling is forest management. However, time spent on management is becoming significant in terms of free time."
3. 500 hours per year: "... represents that level of input that is considered to define an active participant in forestry under the current IRS tax codes. ... This may be a situation where a principal purpose of the dwelling is forest management and the time spent is becoming more extensive."
4. 20 hours per week (1040 hours per year): "... represents a situation where clearly a principal purpose of the dwelling is forest management. Additionally, 20 hours per week would also reasonably be considered to be an extensive amount of time and require 'ongoing management'."

5. 40 hours per week (2080 hours per year): "... represents a situation where the 'principal purpose,' 'extensive amount of time,' and 'ongoing management' standards are met."

The report then matched those labor amounts with the results of a study done to determine the type and amount of labor that would be expected in conducting forestry practices on different acreages of forest parcels. The study was done by the Department of Forestry assisted by a committee of professional foresters employed by the Department. Table 3 (on page 5 of Attachment 1 to Agenda Item 4) sums up this match:

Table 3: Acres of Land That Can Be Managed For A Given Amount of Landowner Labor Input

Hours of Landowner Labor	Difficulty (Working the Land)	
	Low	High
	----- Acres -----	
1 Weekend / Month (192 hrs/yr)	102	52
2 Weekends / Month (384 hrs/yr)	202	81
500 Hours / Year	263	106
20 Hours / Week (1040 hrs/yr)	547	220
40 Hours / Week (2080 hrs/yr)	1095	440

Note: These acreage estimates above are consistent with the estimates of Lucien Alexander, a partner in the Portland forestry consulting firm of Mason, Bruce & Girard. In 1984, he calculated the amount of time it would take to manage 16 different acreages of forest land ranging from 20 to 640 acres, based on some actual property in Lane County. The sixteen hypothetical tracts also had a variety of different conditions, ranging from brushy cut-over land to 40 year old trees. Except for one or two of the 640 acre tracts all of the smaller tracts, (from 20 to 80 acres) could easily be managed using weekends. Periods of up to 20 years required no management by the landowner, such as between planting and thinning, or between the first and second thinning."

In addition to presenting the above findings to the Board of Forestry, Department of Forestry staff also recommended that the Board adopt the following position in reviewing forest management plans:

"The Department recommends that the position about how much ongoing forest management labor by a landowner results in contribut-

ing substantially to effective and efficient management of the forest land to be managed and therefore, meets the definition of 'necessary for' should be:

- a. For levels of input less than two weekends per month, the Department would oppose the application as not meeting the 'necessary for' standard;
- b. For levels of input that meet or exceed 20 hours per week would be accepted by the Department as 'necessary for;' and
- c. For levels of input between these two levels, the Department would make a declarative statement about the amount of labor input and that in the Department's opinion the dwelling may not meet the definition of 'necessary for'."

The above position, in effect, is a determination that most likely only on a parcel of at least 80 acres is there sufficient labor involved to meet the "necessary for" forest dwelling standard. **The preceding position, recommended by ODOF staff, was NOT adopted by the Board of Forestry.** However, portions of the Department of Forestry studies and recommendations are presented in these Findings as the best information Multnomah County planning staff has located which attempts to quantify the new rule standards for forest related dwellings.

Part of the reason that the Board of Forestry did not adopt the recommended standard was testimony at the hearing asking for (1) a delay in adoption of such standards until a "secondary lands" law or rule was adopted which permitted dwellings on smaller existing parcels and (2) opposition from small woodlot owners. In a July 16, 1991 memo to the Board of Forestry from Gary Carlson, Executive Director of the Oregon Small Woodlands Association states:

"The Oregon Small Woodlands Association urges the Board not to adopt as Department policy the recommendations contained in the staff report for Agenda Item 4, Dwellings 'Necessary For' a Forest Operation.

We object to the application of a rigid criteria based on hours of management input contained in the requisite management plan. We object in particular to the 'statistical' and the 'one size fits all' approach contained in the 'Analytical Process for Determining Level of Ongoing Forest Management Labor Related to 'Necessary For' staff paper that is the basis for the recommended Board position.

Testimony submitted to the Board of Forestry on July 19, 1991 from the Department of Land Conservation and Development supported the approach of evaluating the labor required to implement a management plan for determining whether a dwelling will substantially contribute to effective forest management, but advised against setting minimum lot sizes:

"It is important to note that the forest rule implies that each application be judged independently. Therefore, we advise that it be made clear that these are guidelines and not minimum lot sizes upon which ODOF's recommendation must be based.

In adopting the definition of 'necessary for,' LCDC recognized that forest management objectives among individuals will vary. Their intention was to allow for some variation in forest management provided these practices would be effective and efficient. The variation in practices may include managing a portion of their operation for Christmas trees or hardwoods or providing hand labor in place of certain chemical applications. In addition, LCDC recognized that existing conditions of the land or the specific location of a parcel may require the resident to spent more time than what might be described as typical for certain forest practices. For example, extensive vandalism or drought conditions may demand more labor from a resident to manage the operation successfully. These factors alone would not support a conclusion that a dwelling was necessary, but they are factors relevant to the decision."

The result of the ODOF study seems to be that while ODOF staff will still review the proposed management plans and provide an evaluation, those evaluations, either won't use the acreage standard or if they do it is not Board policy and would have less validity in any future court challenges to individual cases. In the end, however, it has always been "the responsibility of the governing body to make the final determination that the requirements of OAR 660-06-027 have been met".

In drafting ordinance language to comply with this section of the OAR most of the language must exactly match the rule. Because no minimum parcel sizes are specified, Multnomah County may include a minimum parcel size as an additional standard to be met. The Planning Commission has chosen to use the same minimum lot size for a forest management dwelling that is in the present MUF and CFU zoning regulations. This 10 acre minimum is recognized not as an indicator of the size of lot appropriate for approval of a management plan, but more of a means of eliminating the need to process applications where clearly the lot size would not meet the standards for a dwelling being "necessary" for forest management.

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- (11) Nothing in OAR 660-06-027 relieves governing bodies from complying with other requirements contained in the comprehensive plan or implementing ordinances such as the requirements addressing other resource values (e.g., Goal 5) which exist on forest lands.

Dwellings Not Related to Forest Management

660-06-028 The Commission has determined that circumstances may exist under which a dwelling not related to forest management may be allowed under prescribed conditions. Governing bodies may allow dwellings not related to forest management subject to the following standards:

- (1) The dwelling would not force a significant change in, significantly increase the costs of, or impede accepted farming or forest practices on agriculture or forest lands; and

STAFF COMMENT: DWELLINGS EFFECT ON FOREST PRACTICES.

For a dwelling to "force a significant change in, significantly increase the costs of, or impede accepted farming or forest practices," the presence of and/or location of the dwelling would cause a forest operator or farmer to modify forest or farming practices in anticipation of or after receipt of complaints from the non-resource dwelling occupant. Some of the conflicts which occur between non-forest dwellings and adjacent and nearby forestry and farming practices involve:

(from forestry practices)

1. aerial application of pesticides;
2. the burning of slash;
3. forest road construction;
4. hauling activities (causing dust, noise and safety concerns);
5. complaints about the visual appearance of the site after timber harvest;

(sometimes from residents)

6. trespass;
7. refuse and litter;
8. vandalism;
9. accidental fire;

(from farming practices)

10. fertilizer and chemical spraying;
 11. farm animal trespass;
 12. complaints about odors and smells; and
 13. complaints about slow moving machinery.
-

- (2) The parcel of the proposed dwelling is located within a rural fire protection district or the proposed resident has contracted for residential fire protection; and
- (3) A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules; and
- (4) The dwelling meets the standards in OAR 660-06-029 and OAR 660-06-035; and
- (5) The parcel on which the dwelling would be located was lawfully created prior to adoption of OAR 660-06-028; and
- (6) The parcel on which the dwelling would be located has been disqualified from receiving a farm or forest tax deferral; and
- (7) The parcel satisfies one of the following:
 - (a) In western Oregon, the parcel is composed primarily of soils which are:
 - (A) capable of 0 to 49 cubic feet per acre per year (cf/ac/yr) and where this parcel and at least all or part of 3 other parcels exist within a 160-acre square when centered on the center of the subject parcel, or
 - (B) capable of 50 to 85 cf/ac/yr and where this parcel and at least all or part of 7 other parcels exist within a 160-acre square when centered on the center of the subject parcel, or
 - (C) capable of above 85 cf/ac/yr and where this parcel and at least all or part of 11 other parcels exist within a 160-acre square when centered on the center of the subject parcel; or
 - (b) In eastern Oregon, the parcel is composed primarily of soils which are:
 - (A) capable of 0 to 50 cf/ac/yr and where this parcel and at least all or part of 7 other parcels exist within a 160-acre square when centered on the center of the subject parcel, or
 - (B) capable of above 50 cf/ac/yr and where this parcel and at least all or part of 11 other parcels exist within a 160-acre square when centered on the center of the subject parcel.
- (8) Parcels within urban growth boundaries shall not be counted to satisfy the eligibility requirements under OAR 660-06-028(7).

- (9) If road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.
 - (10) Nothing in OAR 660-06-028 relieves governing bodies from complying with other requirements contained in the comprehensive plan or implementing ordinances such as the requirements addressing other resource values (e.g., Goal 5) which exist on forest lands.
 - (11) Dwellings not related to forest management shall not be allowed pursuant to OAR 660-06-028 thirty (30) days after the commission adopts goal and rule amendments establishing secondary lands.
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POLICY CHOICE: STANDARDS FOR ALLOWING DWELLINGS NOT RELATED TO FOREST MANAGEMENT

Much of the testimony heard by the Land Conservation and Development Commission during hearings on the amended forest rule were requests for the opportunity to develop existing lots with dwellings not related to forest management (sometimes referred to in this report as "nonforest" dwellings). After much deliberation, the Commission recognized that there are "certain situations within the forest environment where the siting of a dwelling will not appreciably affect the values Goal 4 is designed to protect" ("Summary of Testimony and Discussion of Amendments to Goal 4 and OAR 660, Division 6," a report accompanying the February 8 distribution of the goal and OAR, page 31). The "situations" are, in many cases, where there is some factor that makes a forest area less productive or viable ("secondary" in quality) compared to others of more importance ("primary" forest lands). Such factors may include soil capabilities in producing timber, quantified as cubic feet per acre per year of Douglas Fir, and the degree to which the land ownership is parceled into many inefficient small lots.

LCDC and the State Legislature have both been struggling the past several years with defining and enacting a statewide "secondary lands" goal, rule, or statute. Lacking such a program, LCDC wrote the amended forest rule to allow the limited approval of dwellings not related to forest management in situations like those which have been under discussion as qualifying for designation as "secondary." However, written into the rule is a deadline in which this provision expires 30 days after the adoption of goal and rule amendments establishing "secondary lands."

The "secondary lands" type of standard in the rule [subsection 660-06-028 (5)-(8)] establishes an eligibility process for individual parcels which involves counting the number of existing parcels there are within a 160 acre square grid centered on the subject parcel. The number of parcels required for eligibility depends on the timber producing quality of the soils, more parcels are required when the productivity potential is higher. For nearly all of timber zoned soils in Multnomah County the highest number of 11 other parcels is required to meet the eligibility threshold. In addition to the 160 acre grid test, an assessment of the possible effects the residence might have on adjacent forest lands is also required.

In an effort to determine the number and characteristics of the existing parcels in Multnomah County that could meet the "11 other parcels within a 160 acre square grid test," staff conducted a study which actually tested each parcel that met the present lot of record definition. In addition to single ownership tax lots and subdivision lots, lots of record in the MUF and CFU zone include "aggregations" of adjacent existing tax lots or subdivision lots in the same ownership into groups of at least 19 acres with no lot or grouping of lots less than 19 acres standing alone.

The study included updating dwelling permit information and land divisions on assessment and taxation property maps. Then a to scale 160 acre clear template was centered on each of the 720 lots of record of less than 80 acres without a dwelling. (Parcels more than 80 acres were not tested). The number of lots in which any portion of the lot was within the square were then counted.

The parcels which met the 160 acre grid test were then totaled into four different groupings of parcel sizes. The groupings were: under 10 acres, considered by the present zones to be non-resource; 10 to under 19, presently considered presently to be resource land but is less than the minimum lot size of the MUF -19 zone; 19 to under 38, a match of the MUF-19 zone minimum; 38 to under 80, a match with lots created in the MUF -38 zone. The results then were added for county-wide totals and also broken down into three subregions: Northwest Hills, East County / West of the Sandy River, and East County / East of the Sandy River (excluding the Columbia River NSA and State and Federal owned lands).

The study produced some surprises, most notably that 83 percent of the existing parcels under 80 acres without dwellings met the 160 acre square grid test for eligibility to apply for a dwelling not related to forest management. These 532 potential nonforest dwellings amount to about three quarters of the 680 existing dwellings in the forest zones. The Planning Commission could view the figures in many ways. One would be that the numbers are evidence that the County is so parceled up into small ownerships, with its resulting less efficient forest productivity potential, that allowing all eligible nonforest dwellings would likely have little impact on commercial levels of forest production. Another view may be that the numbers of nonforest related dwellings are unacceptably high considering their potential interference with

existing forest practices and some other mechanism is necessary to further define areas appropriate for dwellings not related to forest management.

Table 1. Existing Parcels Without Dwellings
"NONFOREST" DWELLING ANALYSIS
TOTALS FOR ALL FOREST ZONED LANDS

(Does not include: Columbia Gorge NSA, Columbia River Islands,
State and Federal Ownerships, and Urban Areas)

Existing Dwellings: 680 Lots >80 acres with existing dwellings: 2

NUMBER OF PARCELS* WITHOUT DWELLINGS BY LOT AREA (Acres):

<u>Total parcels</u>	<u>Parcels meeting</u> <u>160 acre <input type="checkbox"/> test</u>	<u>Parcels not meeting</u> <u>160 acre <input type="checkbox"/> test</u>
> 80 <u>78</u>		
38 - 79.9 <u>137</u>	<u>78</u>	<u>59</u>
19 - 37.9 <u>127</u>	<u>106</u>	<u>21</u>
10 - 18.9 <u>98</u>	<u>87</u>	<u>11</u>
< 10 <u>280</u>	<u>261</u>	<u>19</u>
Total <u>720</u>	Total <u>532</u>	Total <u>110</u>

*Parcels which are defined in the present MUF and CFU zones as "lots of record."

* Totals do not include 40 different ownerships in the Greenoe Heights and Ingleview Subdivisions, both platted in 1909 into 25'x100' lots on street systems that do not connect to any County road. Steep slopes, lack of adequate access, small lot areas, and sizable percentage of out of state ownerships combine to raise doubts about using those lots in the count of potential buildable non-resource lots.

SUBREGIONAL SUMMARY

Table 2. Existing Parcels Without Dwellings
"NONFOREST" DWELLING ANALYSIS
NORTHWEST HILLS
FOREST ZONED LANDS

Existing Dwellings 376 Lots >80 acres with existing dwellings 1

NUMBER OF PARCELS* WITHOUT DWELLINGS BY LOT AREA (Acres):

<u>Total parcels</u>	<u>meeting <input type="checkbox"/> test</u>	<u>not meeting <input type="checkbox"/> test</u>
> 80 <u>29</u>		
38 - 79.9 <u>63</u>	<u>37</u>	<u>26</u>
19 - 37.9 <u>70</u>	<u>60</u>	<u>10</u>
10 - 18.9 <u>71</u>	<u>62</u>	<u>9</u>
< 10 <u>219</u>	<u>208</u>	<u>11</u>
Total** <u>452</u>	Total** <u>367</u>	Total** <u>56</u>

*Parcels which are defined in the present MUF and CFU zones as "lots of record."

* Totals do not include 40 different ownerships in the Greenoe Heights and Inglevue Subdivisions, both platted in 1909 into 25'x100' lots on street systems that do not connect to any County road. Steep slopes, lack of adequate access, small lot areas, and sizable percentage of out of state ownerships combine to raise doubts about using those lots in the count of potential buildable non-resource lots.

Table 3. Existing Parcels Without Dwellings
 "NONFOREST" DWELLING ANALYSIS
EAST COUNTY/WEST OF SANDY RIVER
 FOREST ZONED LANDS

Existing Dwellings 46 Lots >80 acres with existing dwellings 0

NUMBER OF PARCELS* WITHOUT DWELLINGS BY LOT AREA (Acres):

<u>Total parcels</u>	<u>meeting <input type="checkbox"/> test</u>	<u>not meeting <input type="checkbox"/> test</u>
> 80 <u>1</u>		
38 - 79.9 <u>2</u>	<u>1</u>	<u>1</u>
19 - 37.9 <u>5</u>	<u>5</u>	<u>0</u>
10 - 18.9 <u>6</u>	<u>5</u>	<u>1</u>
< 10 <u>13</u>	<u>13</u>	<u>0</u>
Total <u>27</u>	Total <u>24</u>	Total <u>2</u>

*Parcels which are defined in the present MUF and CFU zones as "lots of record."

Table 4. Existing Parcels Without Dwellings
 "NONFOREST" DWELLING ANALYSIS
EAST COUNTY/EAST OF SANDY RIVER
 FOREST ZONED LANDS

(Not including: Columbia Gorge NSA, and State and Federal Ownerships.)

Existing Dwellings 258 Lots >80 acres with existing dwellings 1

NUMBER OF PARCELS* WITHOUT DWELLINGS BY LOT AREA (Acres):

<u>Total parcels</u>	<u>meeting <input type="checkbox"/> test</u>	<u>not meeting <input type="checkbox"/> test</u>
> 80 <u>48</u>		
38 - 79.9 <u>72</u>	<u>40</u>	<u>32</u>
19 - 37.9 <u>52</u>	<u>41</u>	<u>11</u>
10 - 18.9 <u>21</u>	<u>20</u>	<u>1</u>
< 10 <u>69</u>	<u>40</u>	<u>8</u>
Total <u>241</u>	Total <u>141</u>	Total <u>52</u>

*Parcels which are defined in the present MUF and CFU zones as "lots of record."

NON-MANDATED APPROVAL STANDARDS FOR DWELLINGS NOT RELATED TO FOREST MANAGEMENT: While Multnomah County can adopt regulations no less strict than the Oregon Administrative Rule, the County may adopt more restrictions on development than are in the Rule. In response to some problems and conflicts seen in the past between residences and efficient forestry practices, the Planning Commission is recommending to the Board of County Commissioners that the following additional regulations be adopted. The additional restrictions would result in some reduction in the number of potential dwellings but the dwellings that are approved are the ones more more likely to be compatible with efficient forest production.

- A. Add a minimum lot size for **existing** lots which must be met in order to apply for a dwelling not related to forest management. In the CFU zone amendments no minimum lot area is cited, but the lot must be of sufficient area to site a dwelling with minimum yard setbacks of 100 feet to the centerline of any County-maintained road and 200 feet to all other property lines. Those setbacks are proposed in an effort to ensure that a new dwelling will be less likely to affect forestry practices on adjacent property. This requirement, assuming a rectangular lot shape, would require the lot to be about 3 1/4 acres in area at a minimum. Less regular shaped lots will need to contain more area or may not be able to meet the standard.
 - B. In an attempt to better identify areas impacted by parcelization and development, resulting in the properties being less efficient for forestry production and more committed to non-forest uses, the Planning Commission is recommending additional criteria for eligibility for this type of dwelling. CFU language adds to the "160 acre square test" the requirement that a specific number of the other 11 parcels also contain a dwelling that existed on the date of passage of the amendments. This requirement will (1) result in the nonforest dwellings that are approved being closer together and more in character with the immediate surrounding area, (2) eliminate the possibility of isolated dwellings impacting forest practices on nearby properties, and (3) cluster the dwellings for better fire protection. No determination of the number of properties affected by this non-mandated provision has been made.
-

Siting Standards for Dwellings and Structures in Forest Zones

660-06-029 The following siting standards or their equivalent shall apply to all new dwellings and structures in forest and agriculture/forest zones. These standards are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. A governing body shall weigh the standards in OAR 660-06-029 together with the requirements in OAR 660-06-035 to identify the building site.

- (1) Dwellings and structures shall be sited on the parcel so that:
 - (a) They have the least impact on nearby or adjoining forest or agricultural lands;
 - (b) The siting ensures that forest operations and accepted farming practices will not be curtailed or impeded;
 - (c) The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and
 - (d) The risks associated with wildfire are minimized.
- (2) Siting standards satisfying subsection OAR 660-06-029(1) may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.
- (3) The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class II stream as defined in the Forest Practices Rule (OAR 629-24-101(3)). If the water supply is unavailable from public sources or sources located entirely on the property, then the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.

POLICY CHOICE: SITING STANDARDS FOR DWELLINGS AND STRUCTURES

In this report to follow is a summary of siting and road standards recommended by the Oregon Department of Forestry and various fire protection districts. The information was used by the Planning Commission in the drafting of the dwelling and structure siting standards. In the past, there have been some problems in using our present development standards. The problems usually arose from different interpretations of a few vague phrases, ie. "as close proximity to a publicly maintained street as possible." The rule unfortunately is not much more specific, using such terms as "minimized" and "least impact."

The recommended siting regulations in the amended CFU district strive to avoid imprecise language and use a numerical standard where the rule allows. The numbers are taken from ODOF technical publications, recommendations and requirements of the various fire protection districts in the County, or are MUF and CFU standards used since 1980.

Fire Siting Standards for Dwellings and Structures

660-06-035 The following fire siting standards or their equivalent shall apply to new dwelling or structures in a forest or agriculture/forest zone:

- (1) If a water supply is available and suitable for fire protection, such as a swimming pool, pond, stream, or lake, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
- (2) Road access to the dwelling shall meet road design standards described in OAR 660-06-040.
- (3) The owners of the dwellings and structures shall: maintain a primary fuel-free break area surrounding all structures; clear and maintain a secondary fuel-free break area; and maintain adequate access to the dwelling for fire fighting equipment vehicles in accordance with the provisions in "Protecting Your Home from Wildfire," (National Fire Protection Association).

RECOMMENDED FIRE SITING STANDARDS OF THE OREGON DEPARTMENT OF FORESTRY:

Water Supply Standards:

1. Access - If a water supply (such as a swimming pool, pond, stream, or lake) of 4,000 gallons or more exists within 100 feet of the driveway or road at a reasonable grade (12%), an all-weather approach to a point within 15 feet of the water's edge should be provided. The all-weather approach would provide a turnaround with a 48-foot radius of one of the types shown in the illustration below.
2. Identification - Emergency water supplies should be clearly marked along the access route with a county approved sign.

Fuel Break Standards:

1. **Primary Safety Zone** - The primary safety zone is a fire break extending a minimum of 30 feet in all directions around structures. The goal within the primary safety zone is to remove fuels that will produce flame lengths in excess of one foot. Vegetation within the primary safety zone could include green lawns and low shrubs (less than 24 inches in height). Trees should be spaced with greater than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet) branches. Accumulated leaves, needles, limbs and other dead vegetation should be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) should be placed next to the house.

As slope increases, the primary safety zone should increase away from the house, parallel to the slope and down the slope.

2. **Secondary Fuel Break** - The secondary fuel break is a fuel break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of the secondary fuel break should be to reduce fuels so that the overall intensity of any wildfire would be lessened and the likelihood of crown fires and crowning is reduced. Vegetation within the secondary fuel break should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent spread of fire up into the crowns of larger trees. Dead fuels should be removed.

Fire Safety Design Standards for Roads

660-06-040 The governing body shall establish road design standards, except for private roads and bridges accessing only commercial forest uses, which ensure that public roads, bridges, private roads and driveways are constructed so as to provide adequate access for fire fighting equipment. Such standards shall address maximum grade, road width, turning radius, road surface, bridge design, culverts, and road access taking into consideration seasonal weather conditions. The governing body shall consult with the appropriate Rural Fire Protection District and Forest Protection District in establishing these standards.

EXAMPLES OF FIRE SAFETY DESIGN STANDARDS FOR ROADS:

OREGON DEPARTMENT OF FORESTRY

Road Standards (public roads and private roads accessing 2 or more residences):

1. Roads should be built and maintained to provide a minimum 20 foot width of all-weather surface capable of supporting gross vehicle weights of 50,000 pounds, a minimum curve radius of 48 feet and a vertical clearance of 13'6".
2. Cul-de-sacs should be defined as dead-end roads over 150 feet in length. Cul-de-sacs should have turn-arounds of not less than 48 feet radius at a maximum spacing of 500 feet between turn-arounds. All turn-arounds should be marked and signed as "NO PARKING."
3. Bridges, culverts, and other structures in the road bed should be constructed and maintained to support gross vehicle weights of 50,000 pounds.
4. Road grades should not exceed an average of 8 percent, with a maximum of 12 percent on short pitches. Variances could be granted by the fire service having responsibility for the area when topographic conditions make these standards impractical.
5. Roads should be uniquely named or numbered and visibly signed at each road intersection. Letters or numbers should be a minimum of three inches in height and constructed of reflectorized material.

Driveway Standards (private roads accessing a single residence):

1. Driveways should be built and maintained to provide a minimum 12-foot width of all-weather surface capable of supporting gross vehicle weights of 50,000 pounds, a minimum curve radius of 48 feet and a vertical clearance of 13'6".
2. Driveways in excess of 200 feet should provide 20-foot wide by 40-foot long passage space (turnouts) at a maximum spacing of 1/2 the driveway length or 400 feet, whichever is less. Wherever visibility is limited, these distances should be reduced appropriately.
3. Dead-end-driveways are defined as dead-end roads over 150 feet in length serving a single residence. Dead-end-driveways should have turn-arounds of not less than 48 feet radius.

4. Bridges, culverts, and other structures in the road bed should be constructed and maintained to support gross vehicle weights of 50,000 pounds.
5. Driveway grades should not exceed an average of 8 percent, with a maximum of 12 percent on short pitches. Variances could be granted by the fire service having responsibility for the area when topographic conditions make these standards impractical.
6. Driveways should be marked with the residence's address unless the residence is visible from the roadway and the address is clearly visible on the residence. Letters or numbers should be a minimum of three inches in height and constructed of reflectorized material.

FIRE PROTECTION DISTRICTS

1. Maximum road grade:

Tualatin Valley Fire and Rescue: Roads and driveways should not exceed an average of 10%, with a maximum of 15% on short pitches.

Sylvan RFPD #4: Contracts with Tualatin Valley.

Powellhurst RFPD #10: Contracts with City of Portland.

Corbett/Springdale #14: Driveway should not exceed 6%, if it exceeds 6% must be approved by fire chief.

Burlington Water District: Contracts with City of Portland.

City of Portland: No standard (uses Uniform Fire Code which for most of these categories does not have standards, and where it does the code is more oriented to urban fire service).

2. Road Width:

Tualatin Valley Fire and Rescue: Road width of 20 feet, driveway width of 15 feet.

Corbett/Springdale #14: Road - no standard, driveway - 12 feet.

Skyline #20: Road - 20 feet, driveway - 12 feet.

City of Portland: Road - no standard, driveway - 12 feet.

3. Turning Radius:

Tualatin Valley Fire and Rescue: Roads and driveways - 45 feet, turnarounds - various alternatives shown by diagram.

Corbett/Springdale #14: Roads - no standard, driveways - 35 feet, turnarounds - must be approved by district.

Skyline #20: no standard.

City of Portland: no standard.

4. Road Surface:

Tualatin Valley Fire and Rescue: Roads and driveways - all-weather surface capable of supporting GVW of 50,000 lbs.

Corbett/Springdale #14: Roads - no standards, driveways - designed and maintained to support the imposed loads of fire apparatus with a surface providing all-weather driving capabilities that can support 26 tons.

Skyline #20: No standard.

City of Portland: Road must support 33,000 lbs (this is an example of an urban standard. They depend on fire hydrants, so the trucks weigh less than tankers that are used if no water source is available).

5. Bridges and Culverts::

Tualatin Valley Fire and Rescue: Roads and driveways - must support 50,000 lb GVW.

Corbett/Springdale #14: Roads - no standard, driveways - must support 26 tons.

Skyline #20: No standard.

City of Portland: Must support 33,000 lbs.

6. Cul-de-sac and turnaround spacing:

Tualatin Valley Fire and Rescue: Dead end roads and driveways are defined as over 150 in length and shall have approved provisions for the turning around of fire apparatus.

Corbett/Springdale #14: No road standard, all dead end driveways in excess of 150 feet shall have approved provisions for turning around fire apparatus.

Skyline #20: If road is more than 500 feet long, must have a turnaround, recommends turnarounds have "no parking" signs.

City of Portland: If road is more than 300 feet long, must have a turnaround.

7. Vertical clearance:

Tualatin Valley Fire and Rescue: 13'6"

Corbett/Springdale #14: 12 feet

Skyline #20: No standard

City of Portland: 13'6"

Uses Authorized in Agriculture/Forest Zones

POLICY CHOICE: AGRICULTURE / FOREST ZONE

The rule allows setting up a combination agriculture and forest zone. The agriculture provisions would be those of the Oregon Revised Statutes on EFU lands and forest provisions would be from this Oregon Administrative Rule. The Planning Commission sees little benefit to be gained from setting up the additional zoning district. It would also be very difficult to satisfy the following requirement:

"Any rezoning of lands from an acknowledged zone to an agricultural / forest zone requires a demonstration that each parcel within the area being rezoned contains such a mixture of agriculture and forest uses that neither Goal 3 nor Goal 4 can be applied alone."

- (1) Governing bodies may establish agriculture/forest zones in accordance with Goals 3 and 4, and OAR 660, Division 6.
- (2) Uses authorized in Exclusive Farm Use Zones in ORS 215.213 and ORS 215.283, whichever is applicable, and in OAR 660-06-025, OAR 660-06-027 and OAR 660-06-028, subject to the requirements of the applicable section, may be allowed in any agriculture/forest zone.
- (3) Notwithstanding OAR 660-06-050(2), nonfarm dwellings authorized under OAR 215.213(3) or ORS 215.283(3) may be allowed on land not receiving special tax assessments under ORS 321.730 or ORS 321.815 three (3) out of the last five (5) years.
- (4) Dwellings and related structures authorized under OAR 660-06-050(2) and (3) in agriculture/forest zones may be allowed subject to the requirements of OAR 660-06-029 and OAR 660-06-035.

New Land Division Requirements in Agriculture/Forest Zones

660-06-055 A governing body shall apply the following standards to new land divisions in agriculture/forest zones. These standards are designed: to make new land divisions compatible with forest operations; to maintain the opportunity for economically efficient forest and agriculture practices; and to conserve values found on forest lands:

- (1) New land divisions may be allowed for certain nonfarm or certain other uses pursuant to ORS 215.263(3) and (4) and OAR 660-06-026(3); and
- (2) New land divisions may be allowed for agriculture/forest practices pursuant to the minimum land division standards established in acknowledged agriculture/forest zones pending an evaluation described in OAR 660-06-026(1). Governing bodies shall submit the findings from the evaluation to the department for their review prior to the time the governing body is obligated to be in compliance with OAR 660, Division 6.
- (3) Where the commission or department determines that acknowledged land division standards do not comply with the amended Goal 4, the governing body shall amend their land division standards to be consistent with the amended Goal 4 and the requirements of OAR 660-06-026(2).
- (4) Notwithstanding OAR 660-06-055(2) and OAR 660-06-055(3), the minimum land division standards may be waived to allow a division of forest land involving a dwelling existing prior to the date of adoption of this rule provided:

- (a) The new parcel containing the dwelling is no larger than 5 acres; and
- (b) The remaining forest parcel, not containing the dwelling, meets the minimum land division standards of the zone; or
- (c) The remaining forest parcel, not containing the dwelling, is consolidated with another parcel which together meet the minimum land division standards of the zone.

Rezoning Land to an Agriculture/Forest Zone

660-06-057 Any rezoning of lands from an acknowledged zone to an agriculture/forest zone requires a demonstration that each parcel within the area being rezoned contains such a mixture of agriculture and forest uses that neither Goal 3 nor Goal 4 can be applied alone.

Regulation of Forest Operations

660-06-060 The Forest Practices Act (ORS 527.620 to ORS 527.990) as implemented through State Board of Forestry rules (OAR 629-24-101 to OAR 629-24-648) regulates forest operations on forest lands. The relationship between the Forest Practices Act and land use planning is described in ORS 527.722 to ORS 527.726. OAR 660-06-025 does not authorize county governing bodies to regulate forest operations or other uses allowed by ORS 527.620 to ORS 527.990 and OAR 629-24-101 to OAR 629-24-648.

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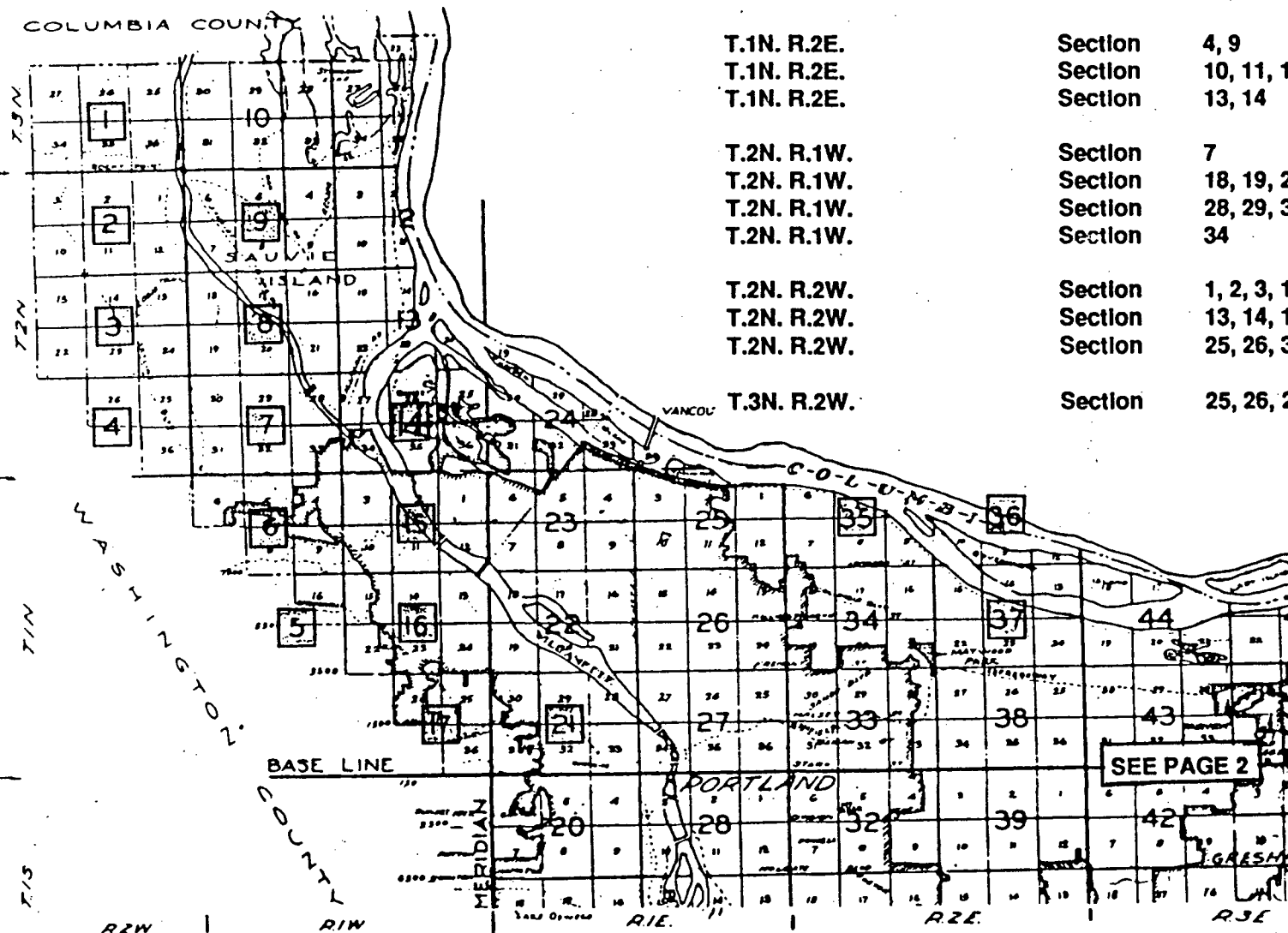
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ADOPTED THIS _____
day of _____
1992., being the date of its _____
reading before the Board of
County Commissioners of
Multnomah County.

By _____
Gladys McCoy, County Chair
MULTNOMAH COUNTY, OREGON

FOREST ZONED LAND
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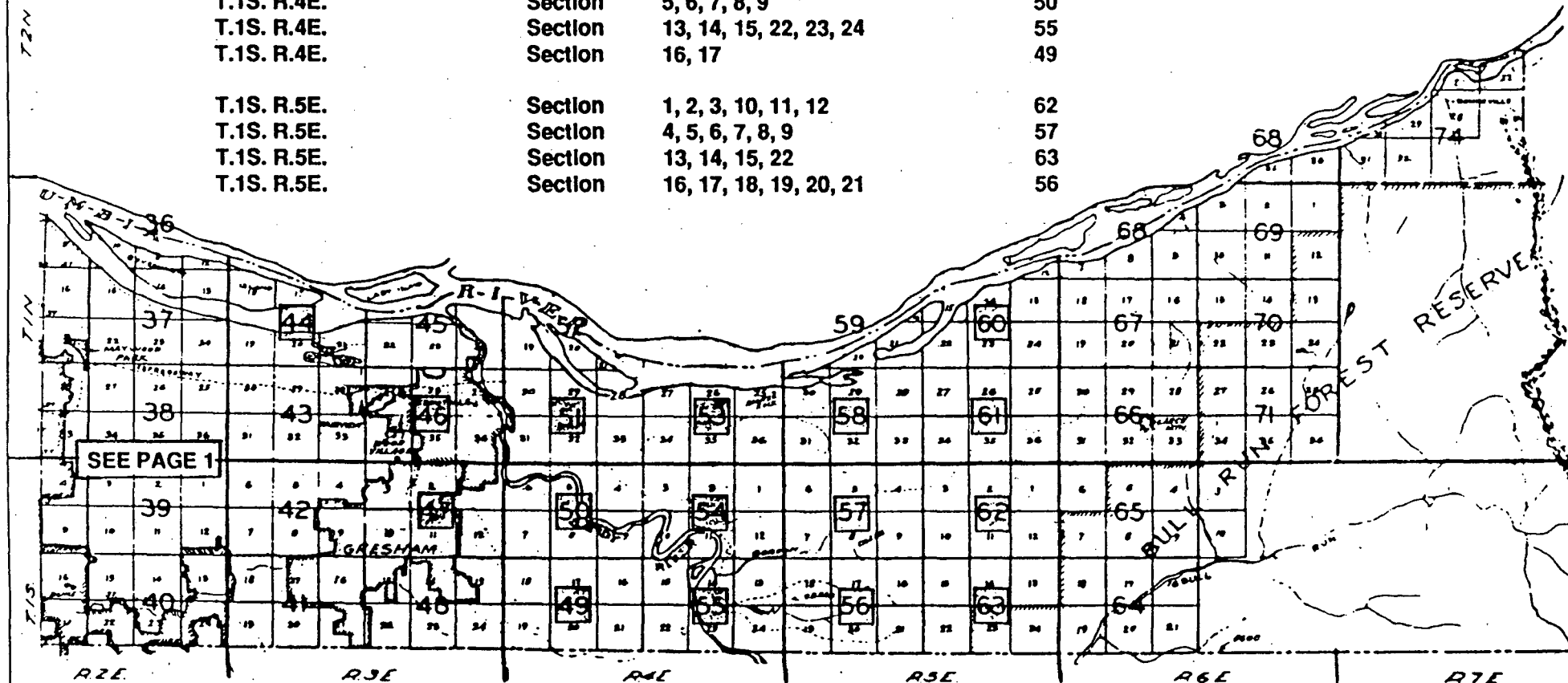
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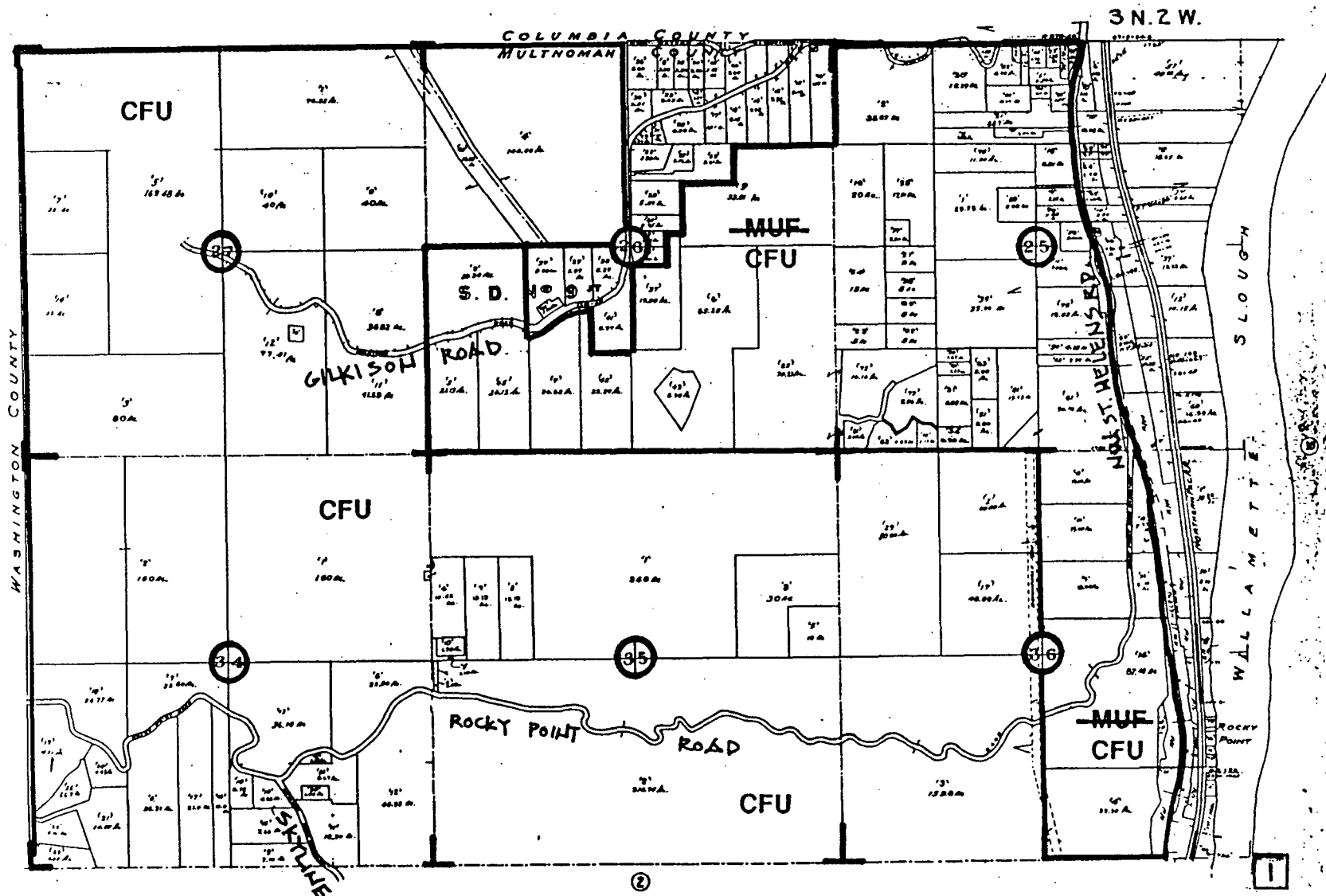
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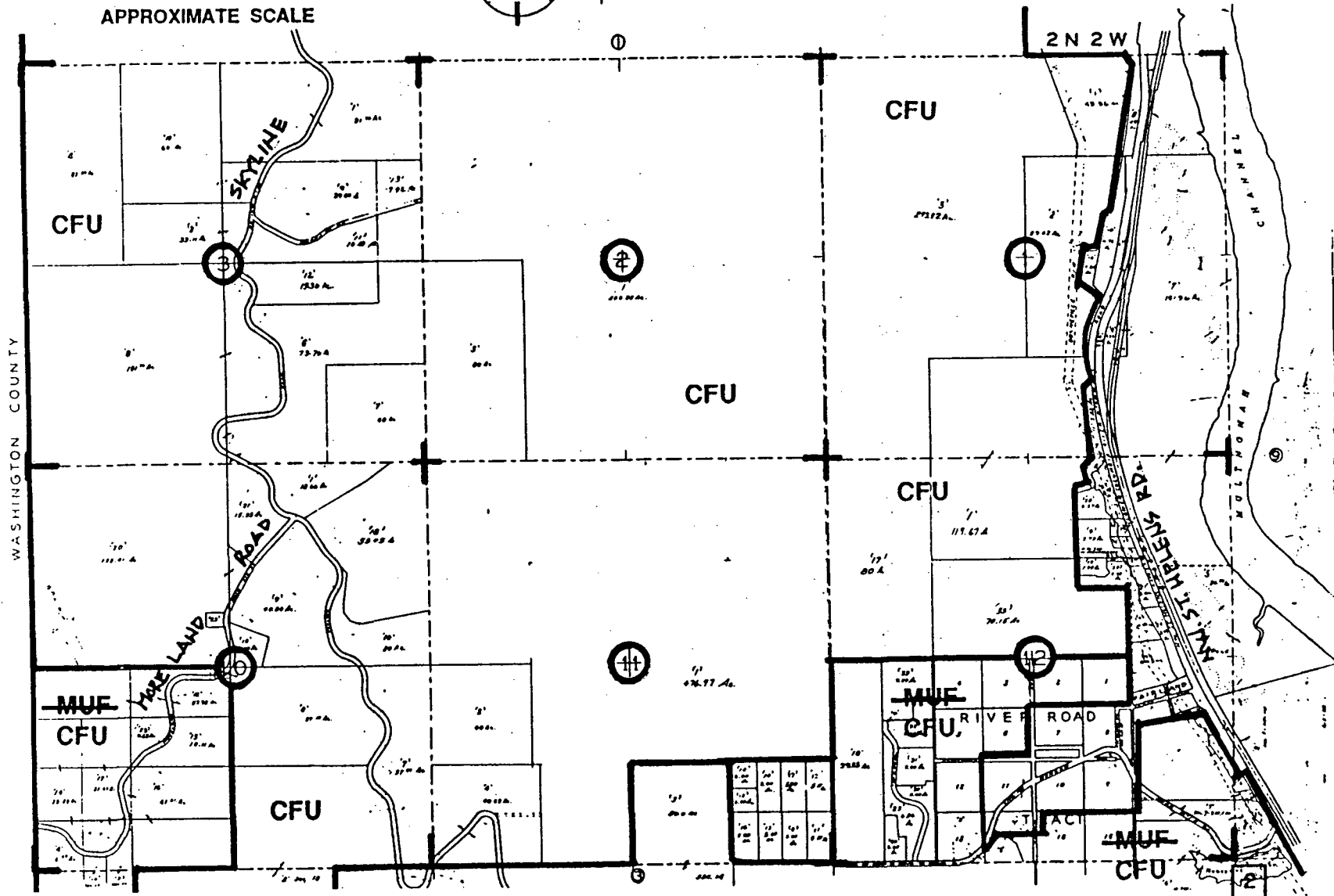
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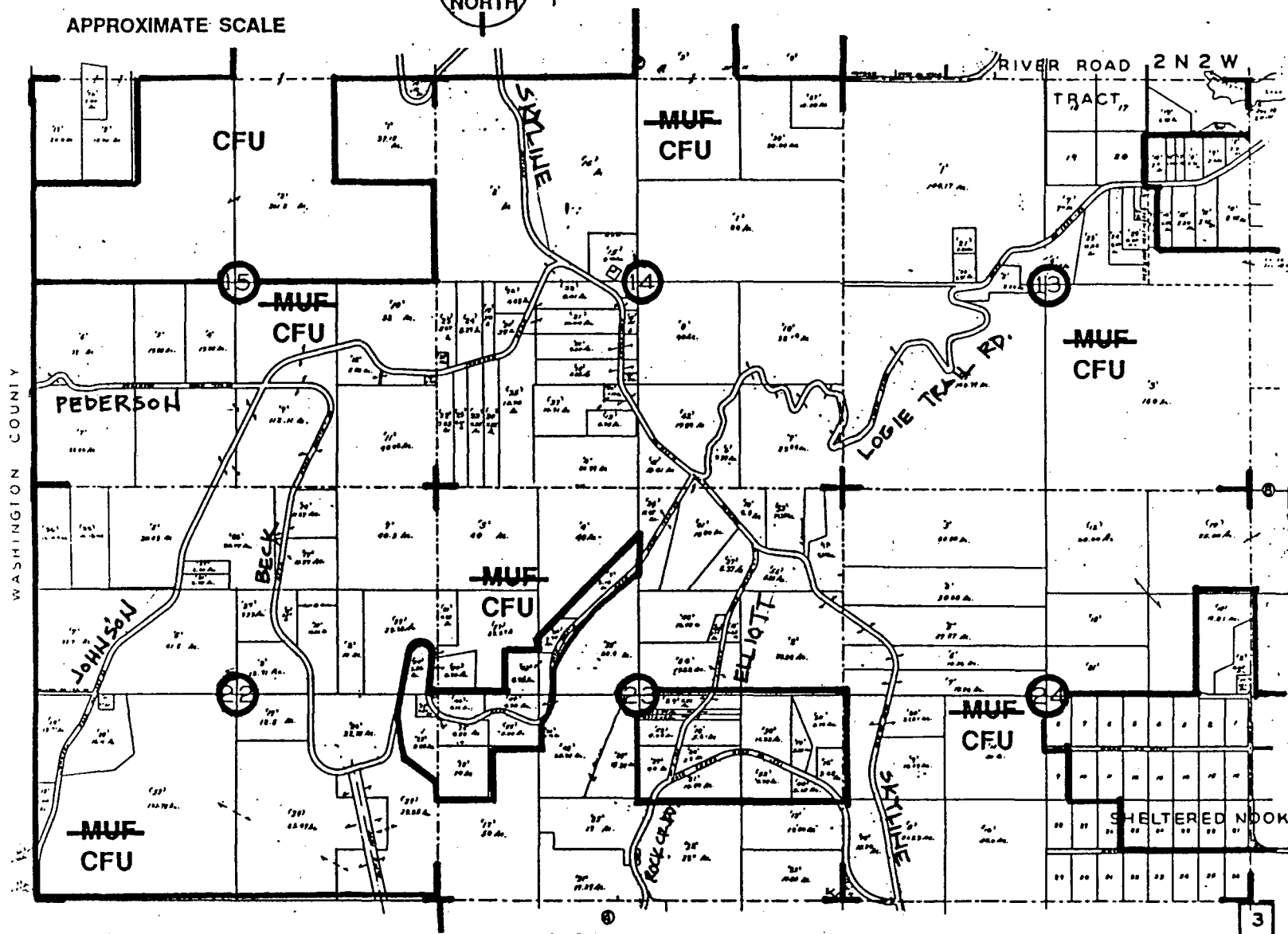
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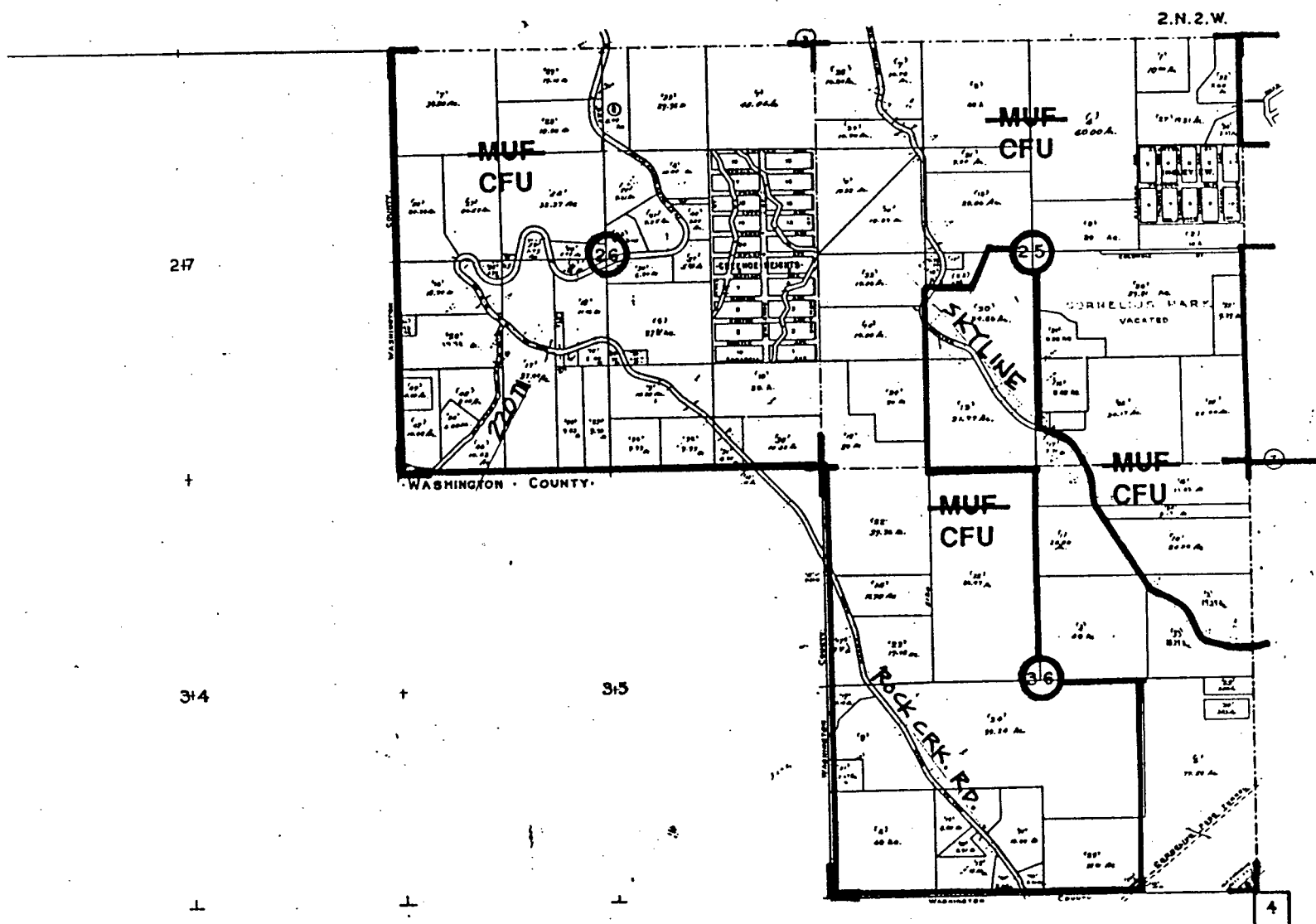


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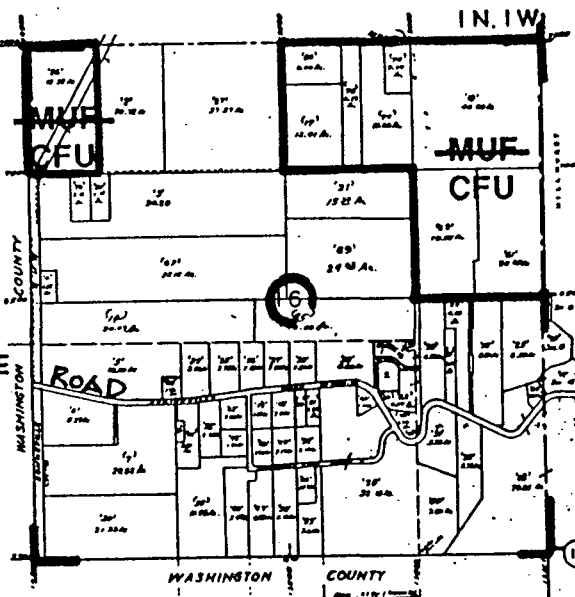
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WASHINGTON COUNTY

WASHINGTON COUNTY

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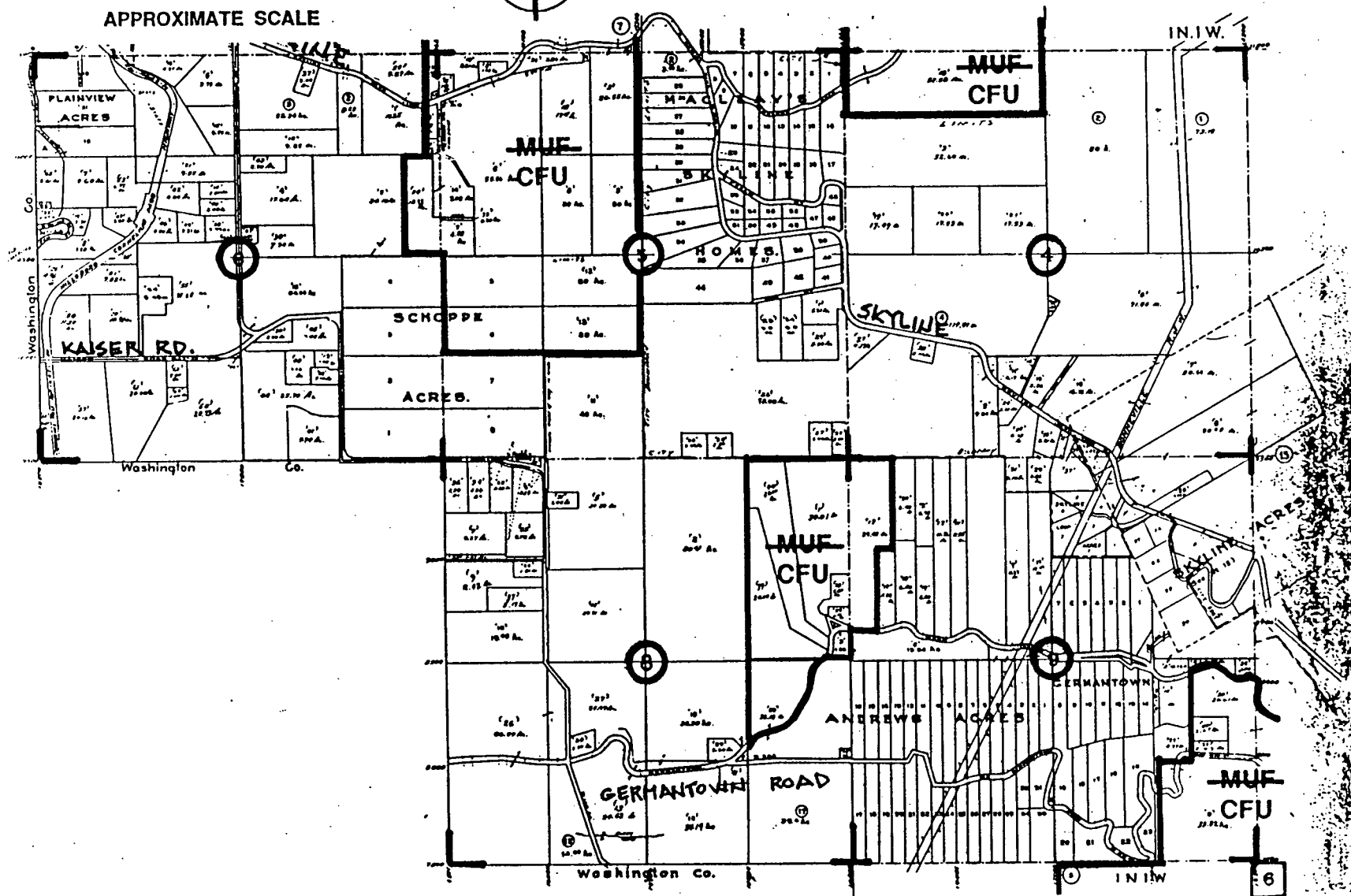
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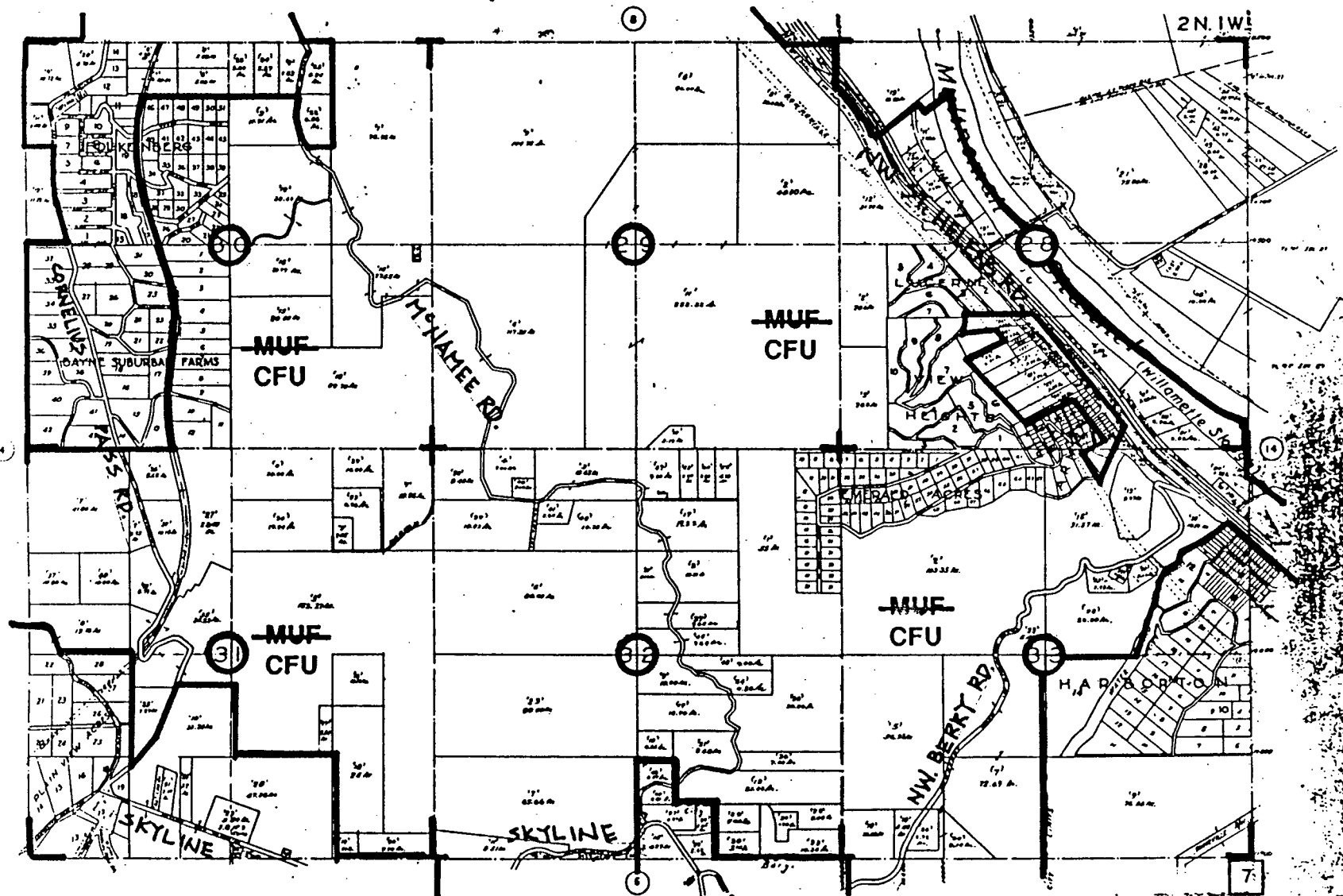
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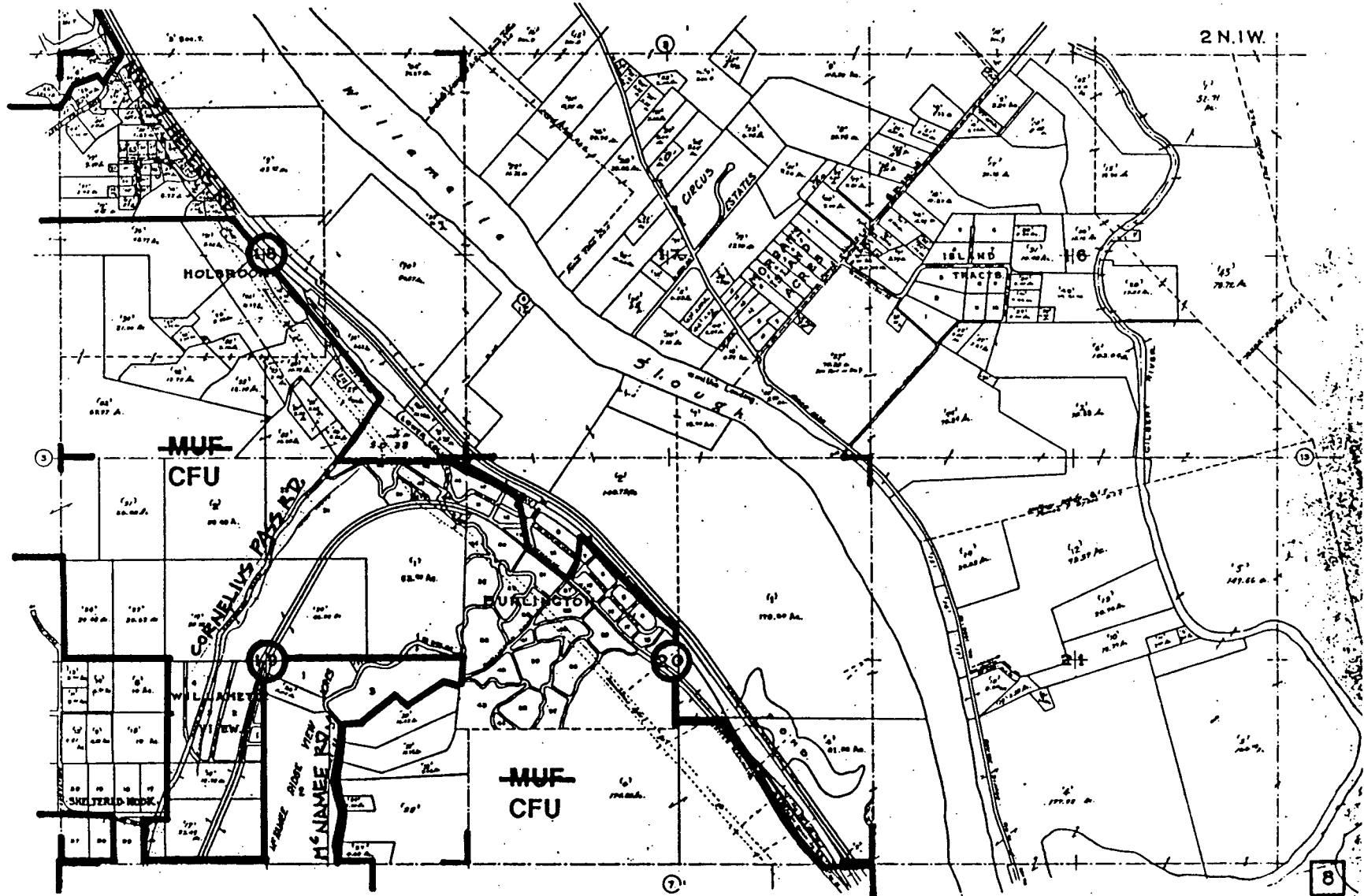
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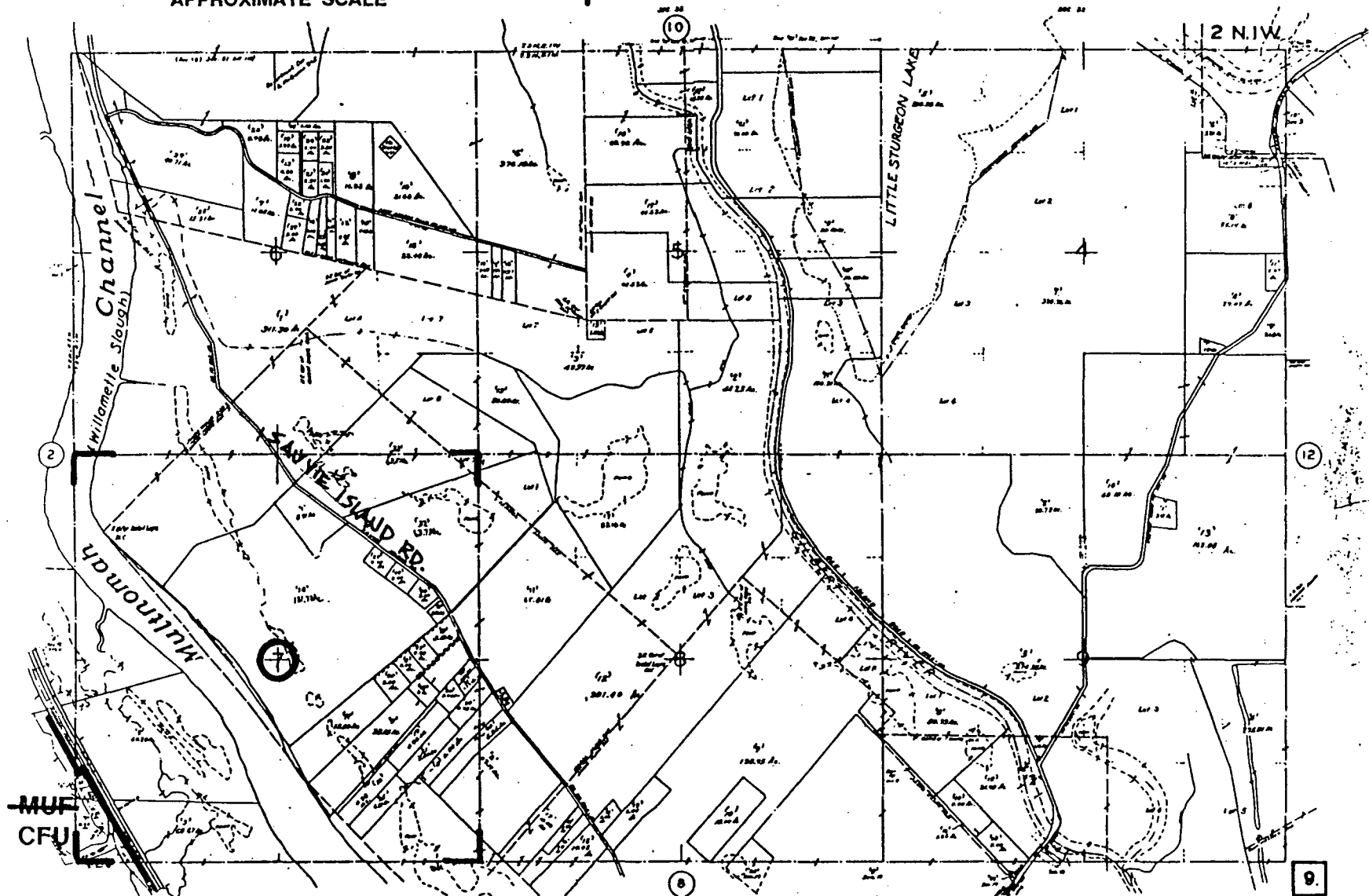
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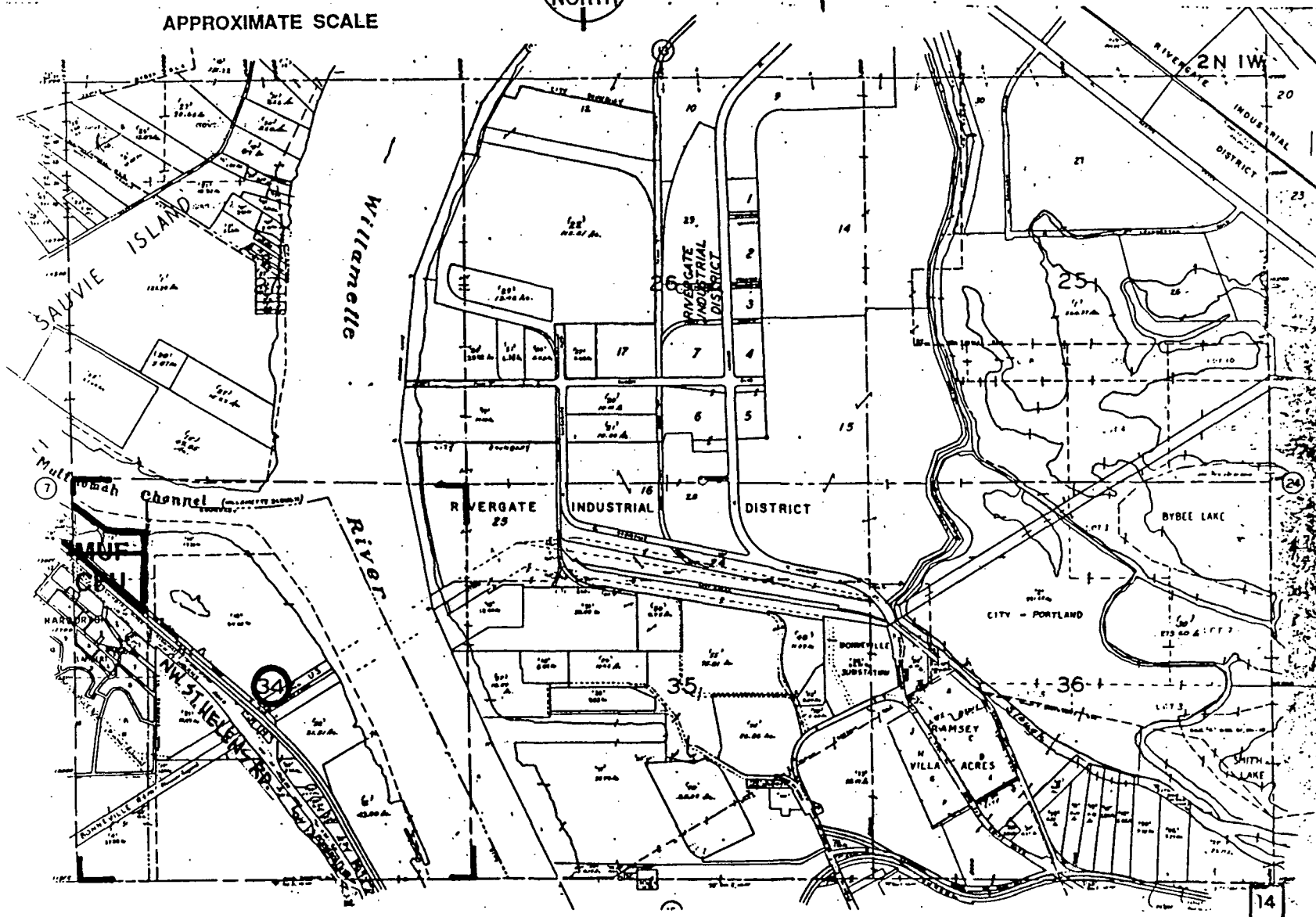
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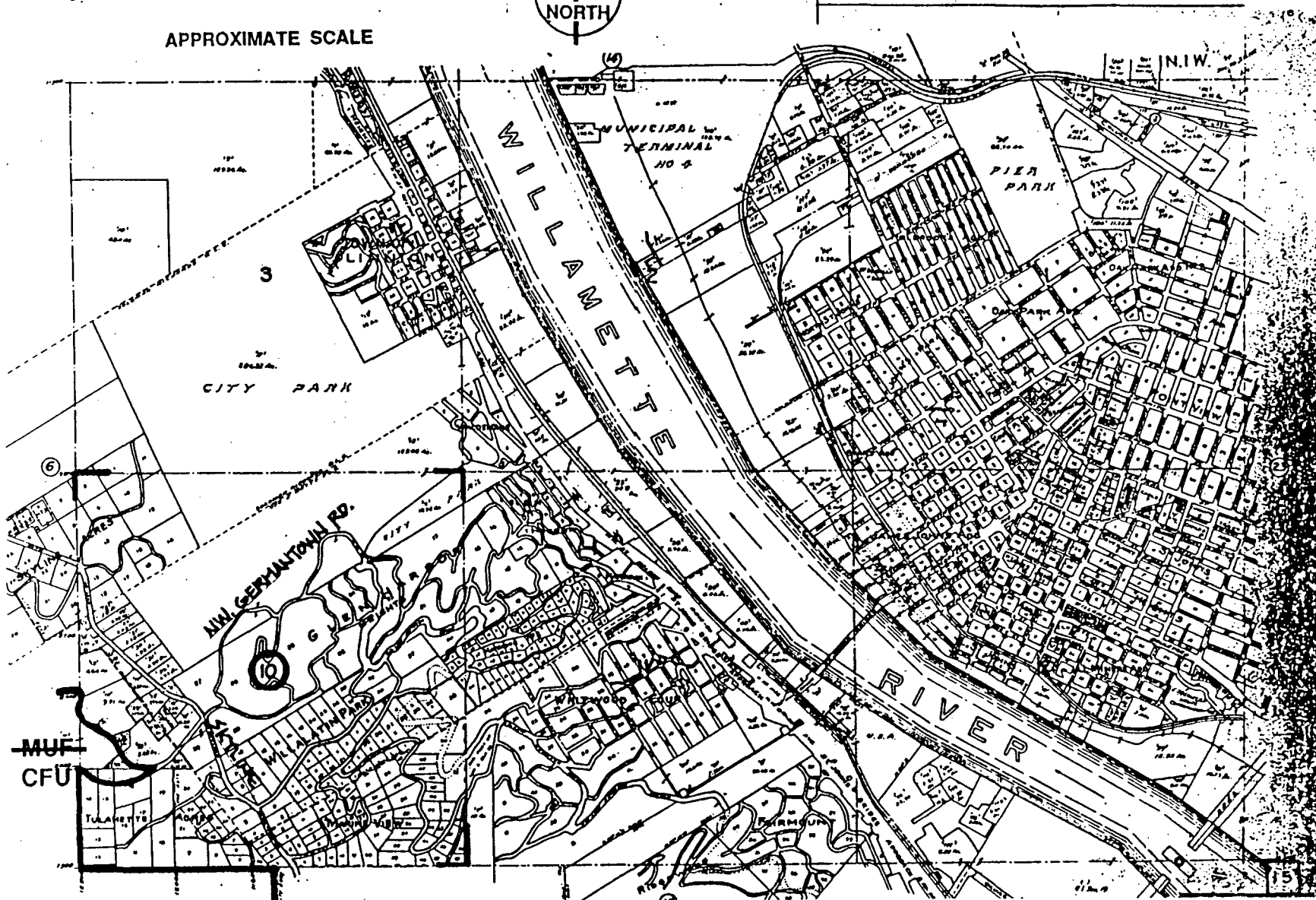
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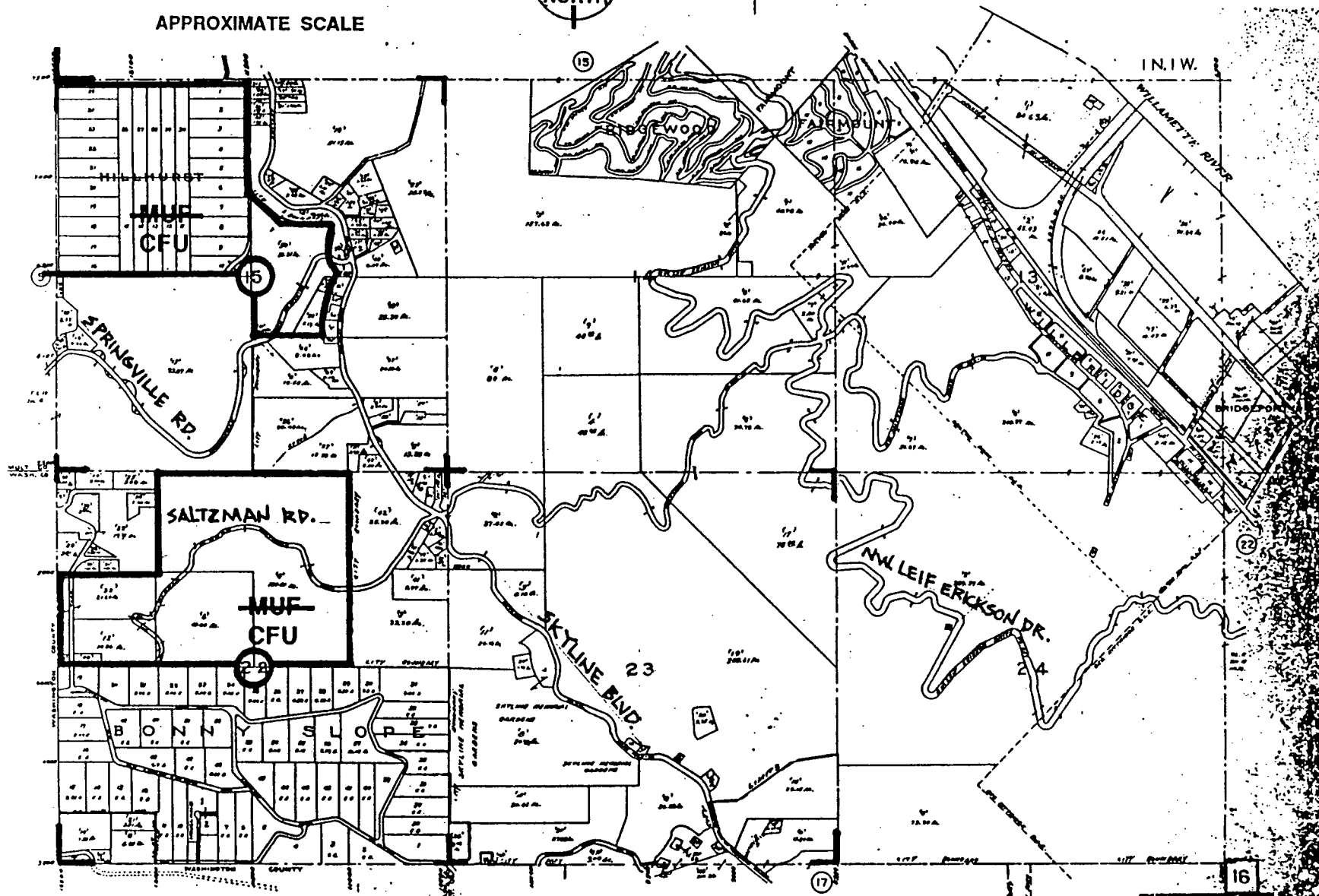
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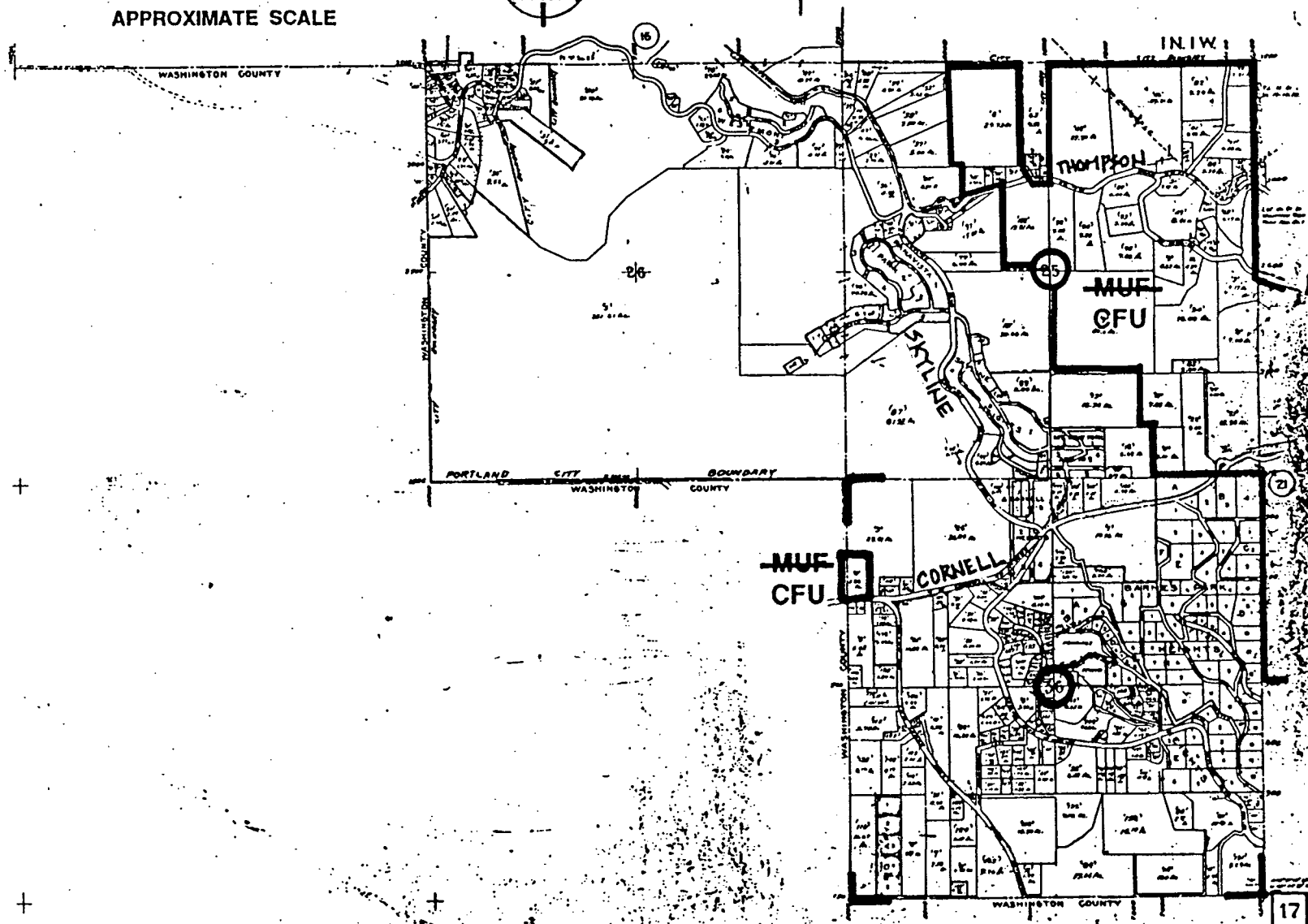
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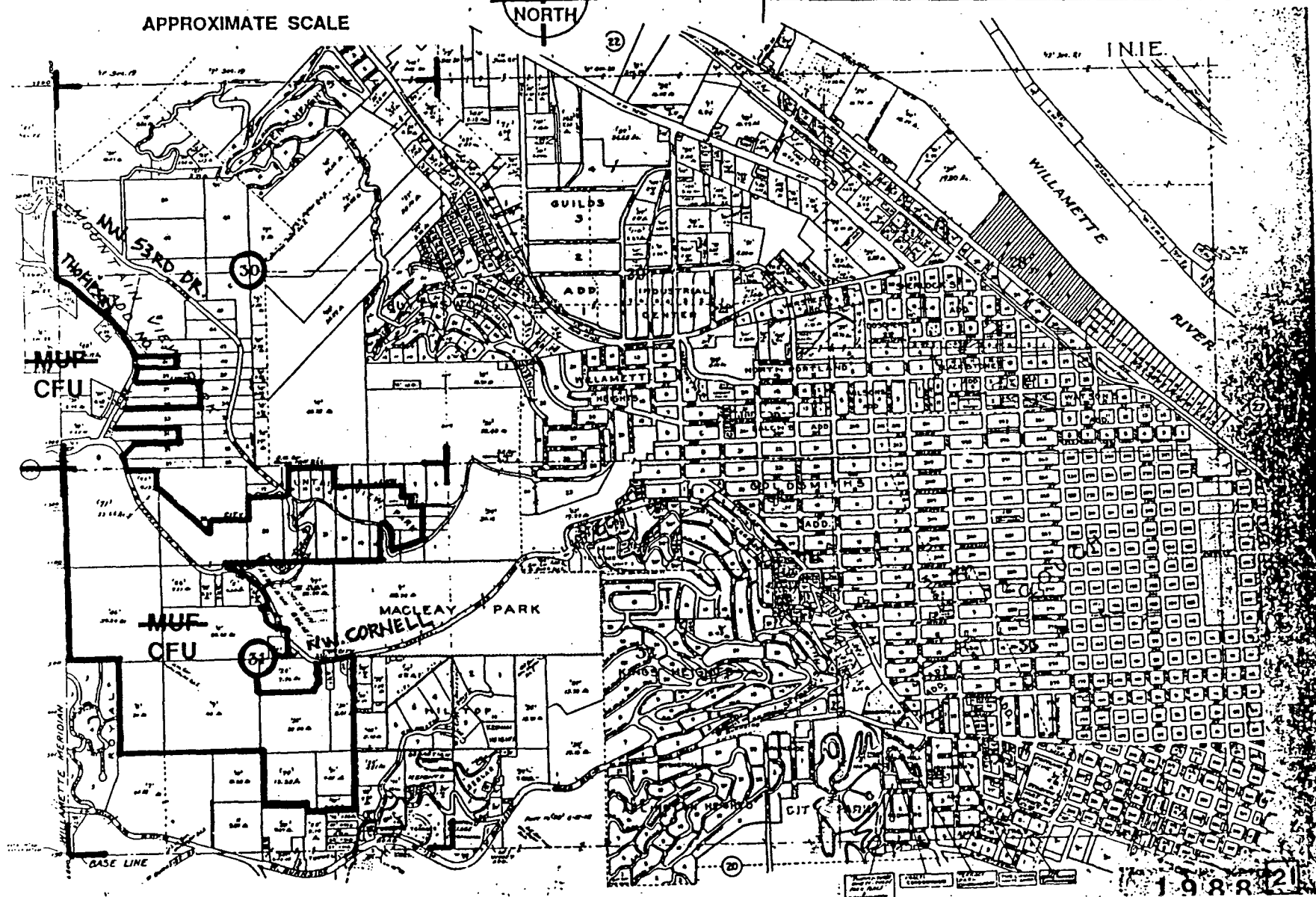
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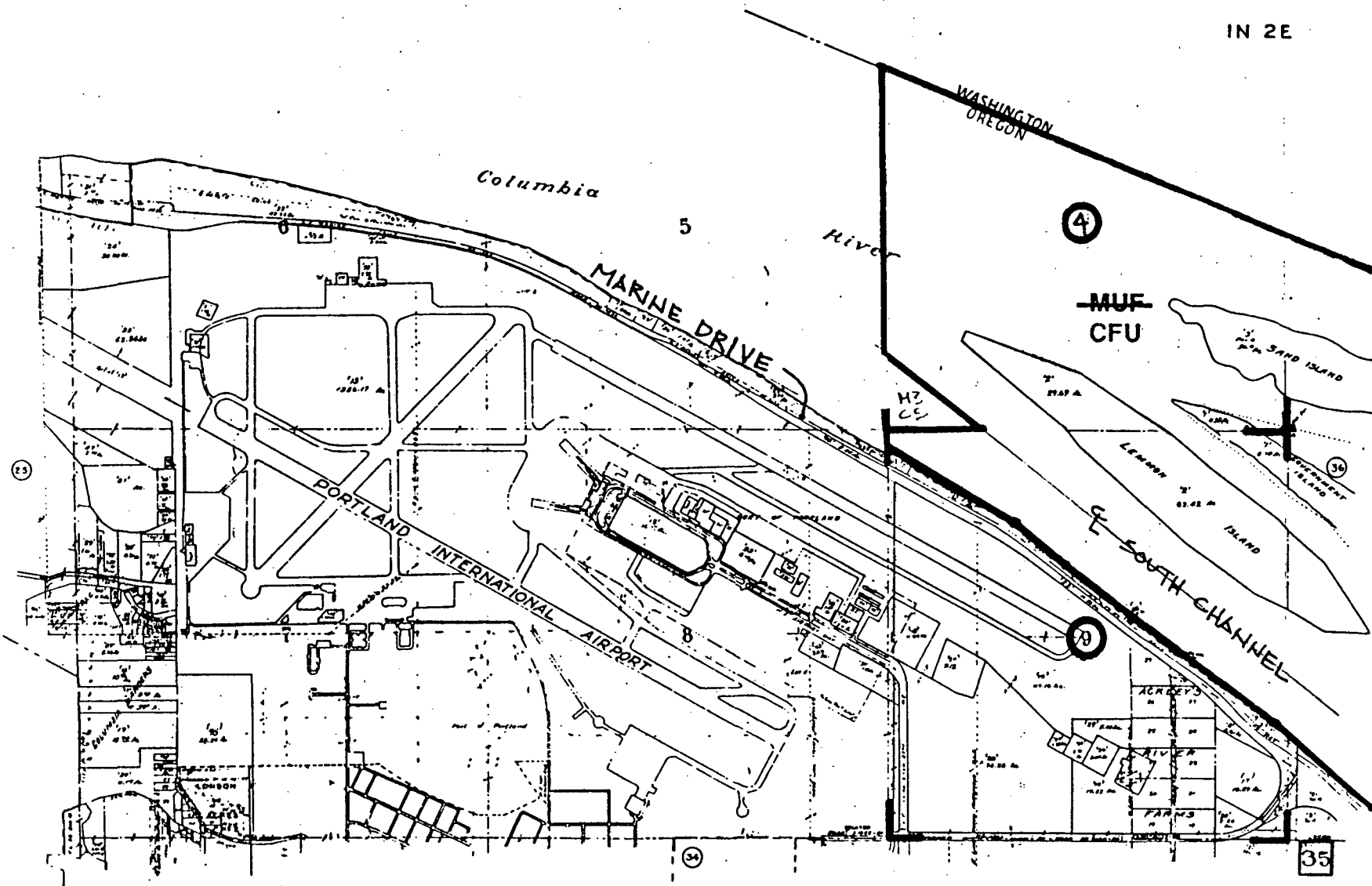
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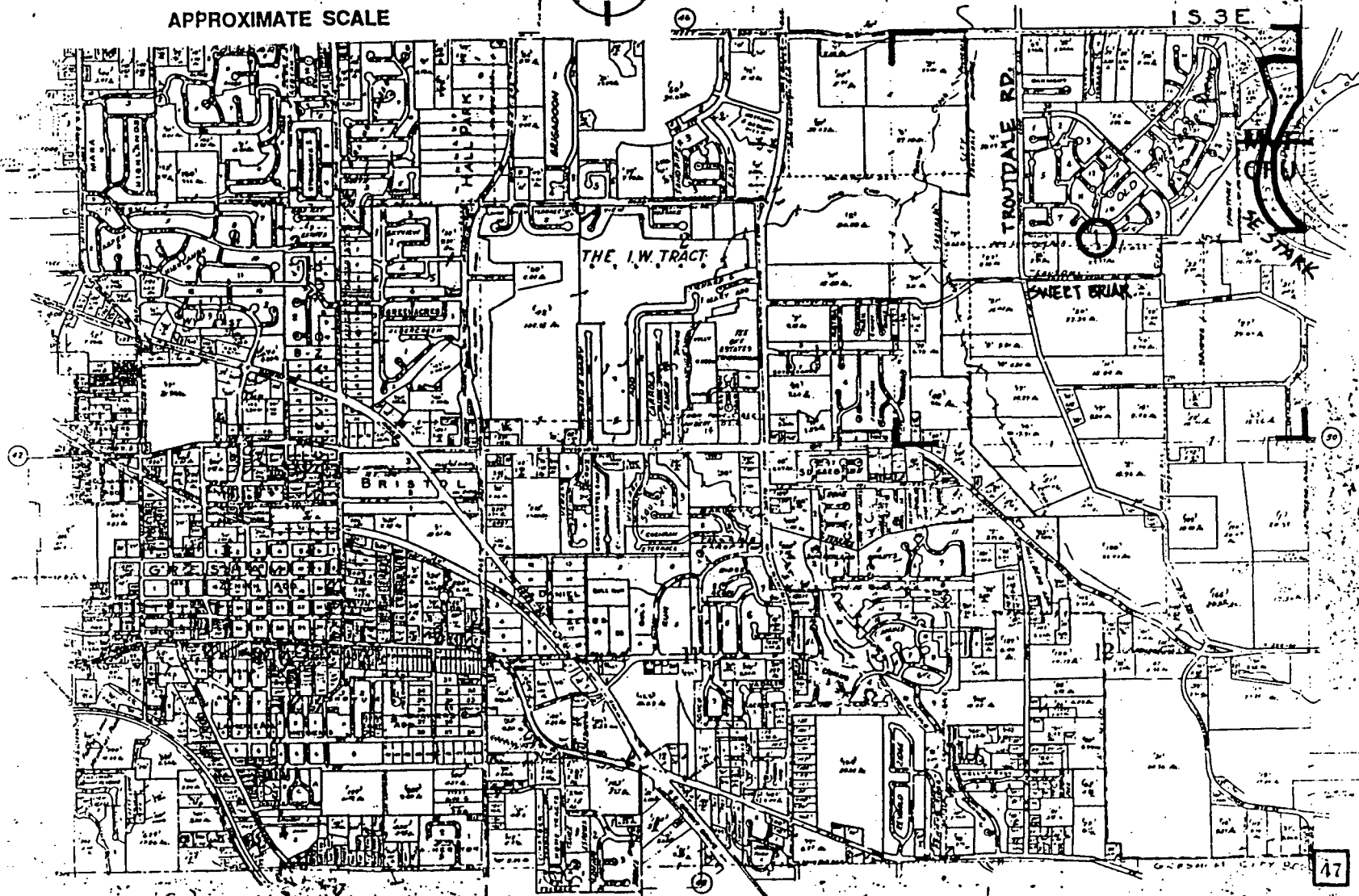
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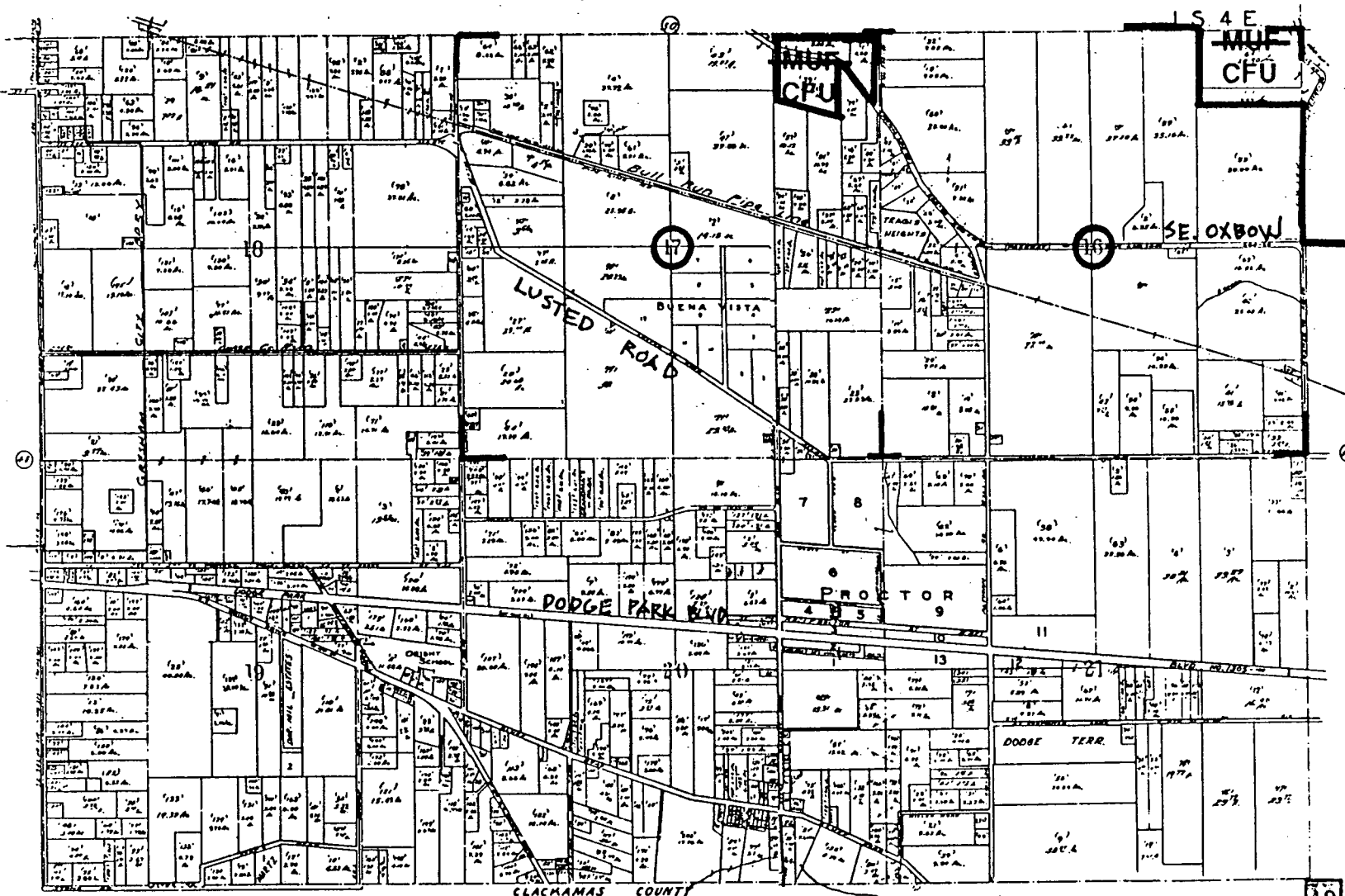
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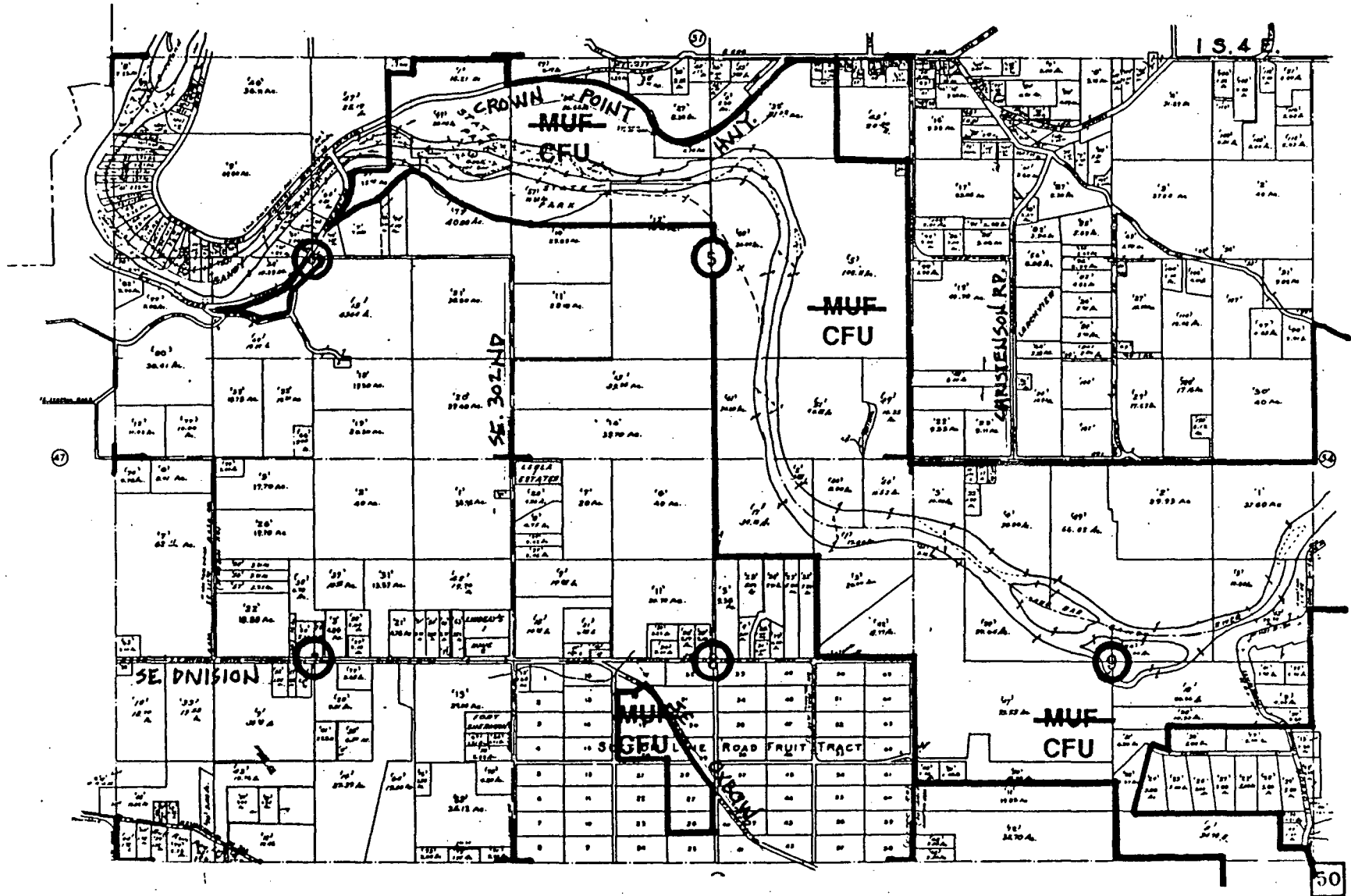
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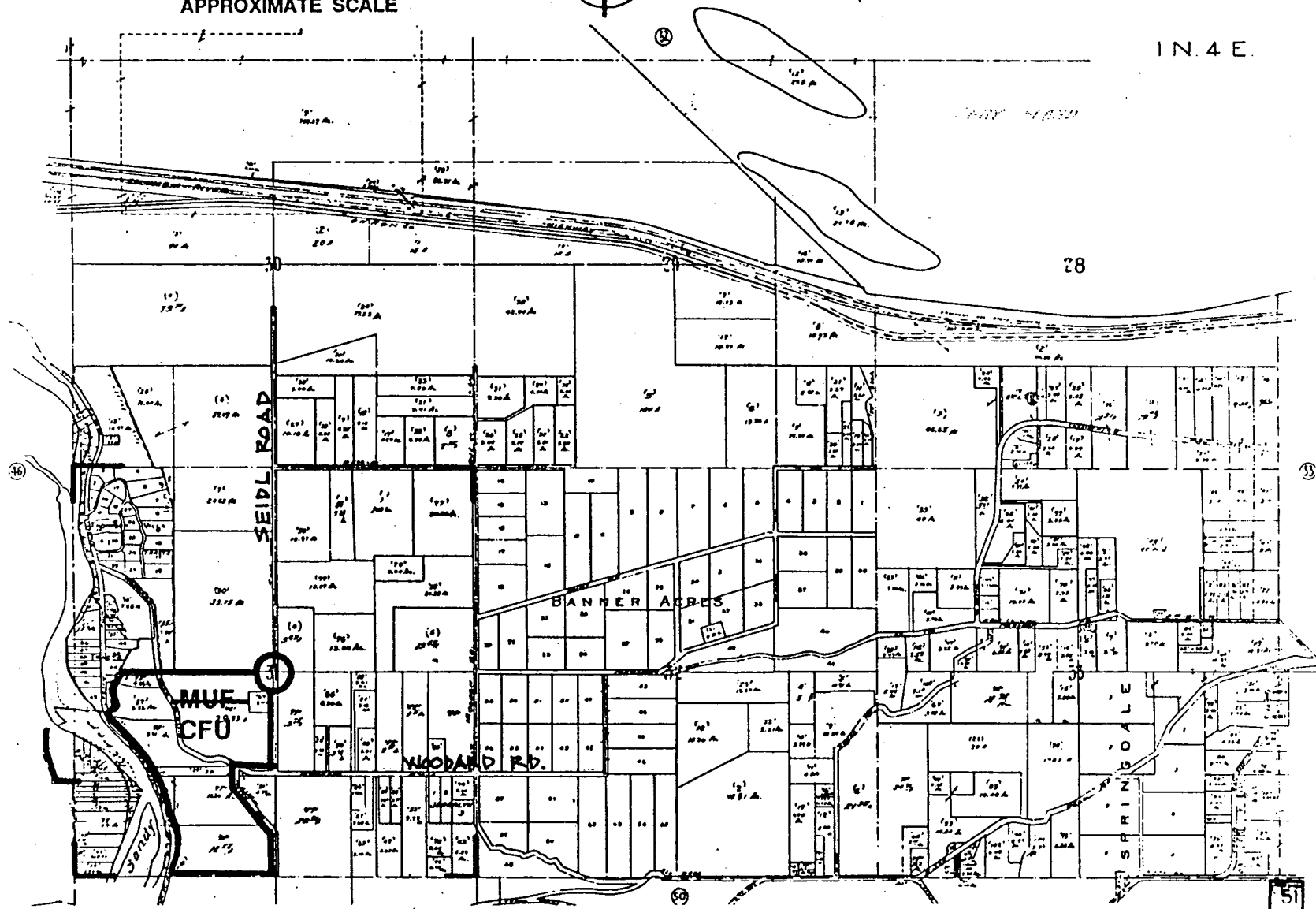


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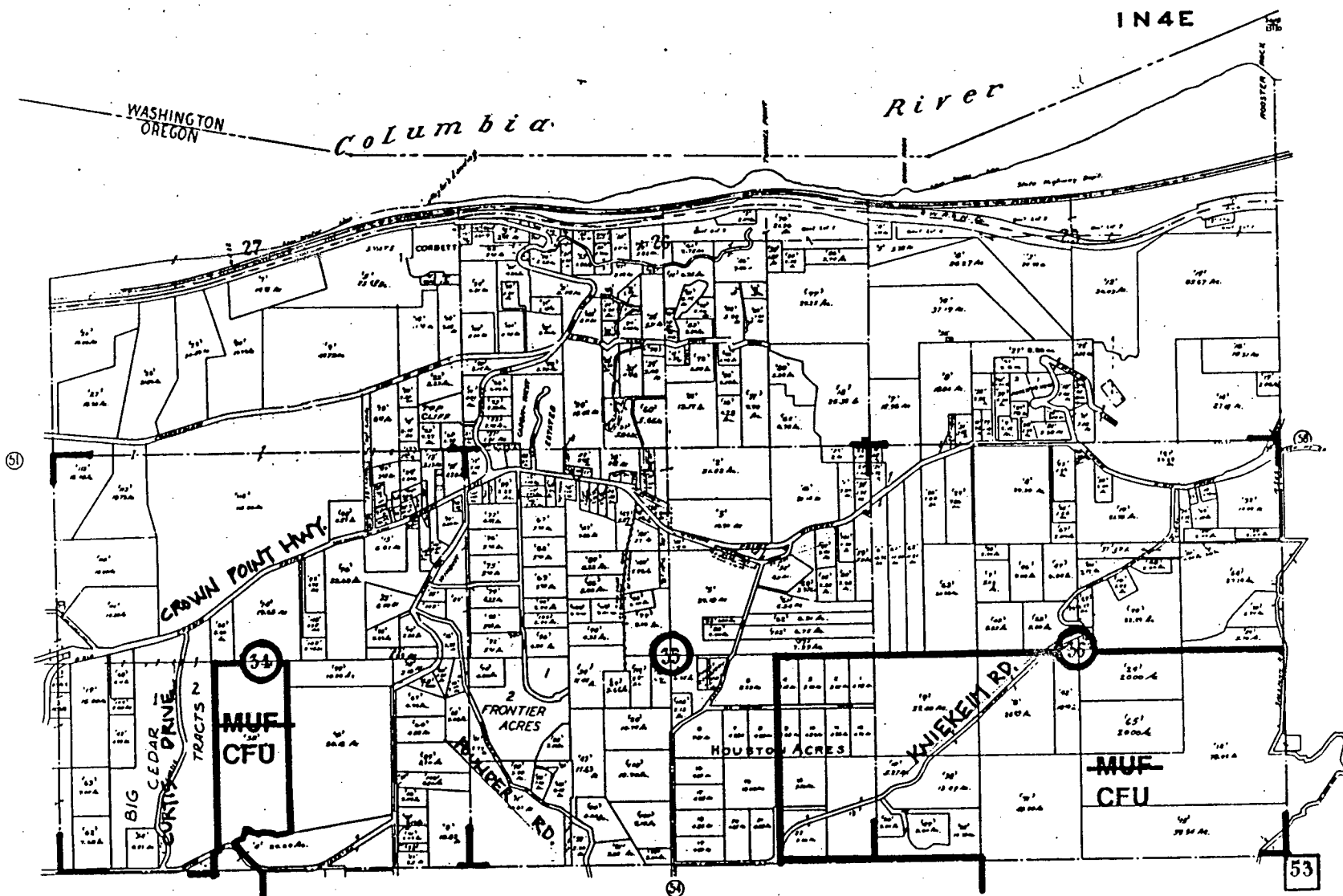
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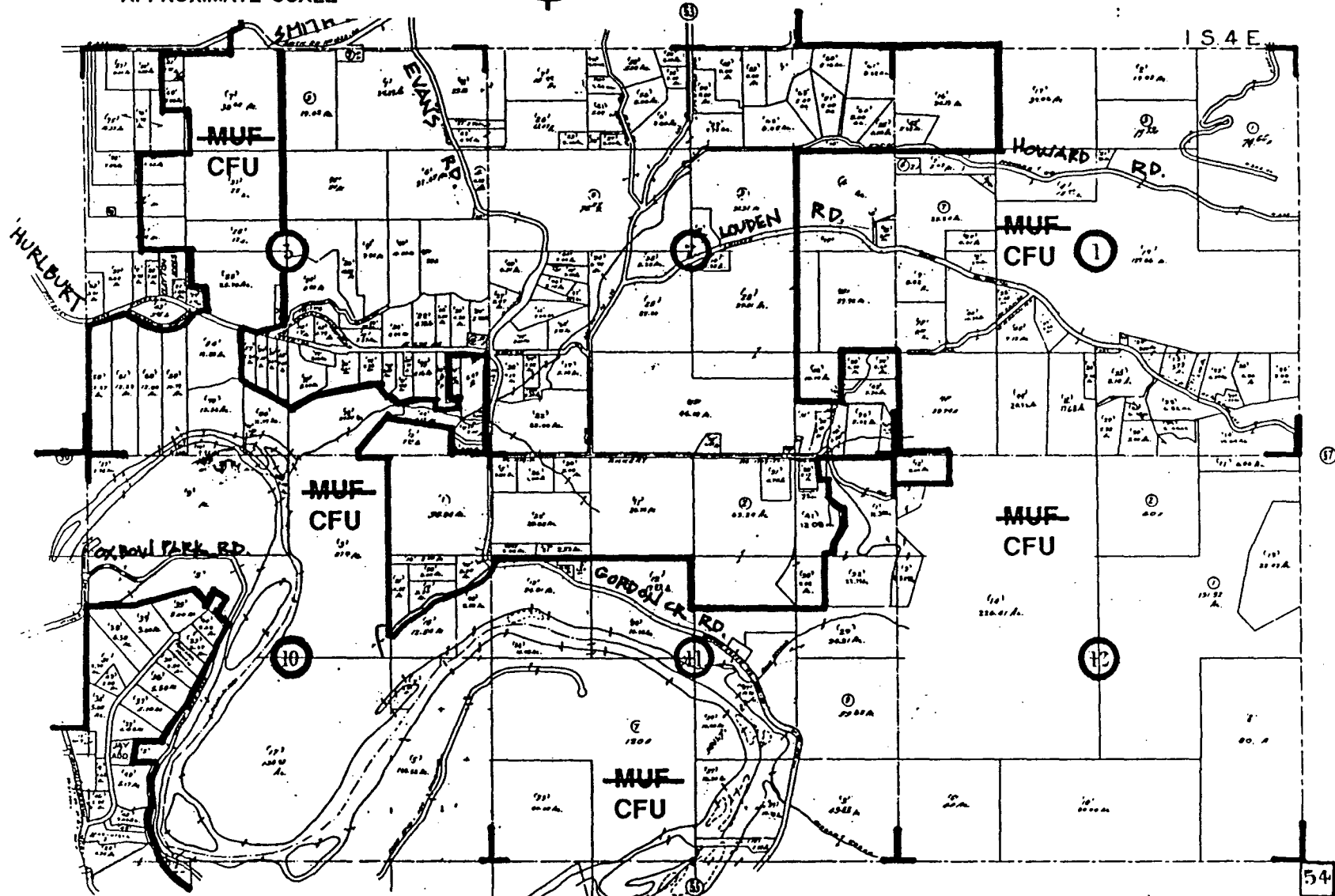
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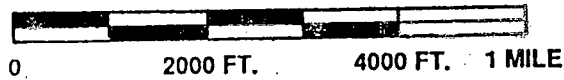
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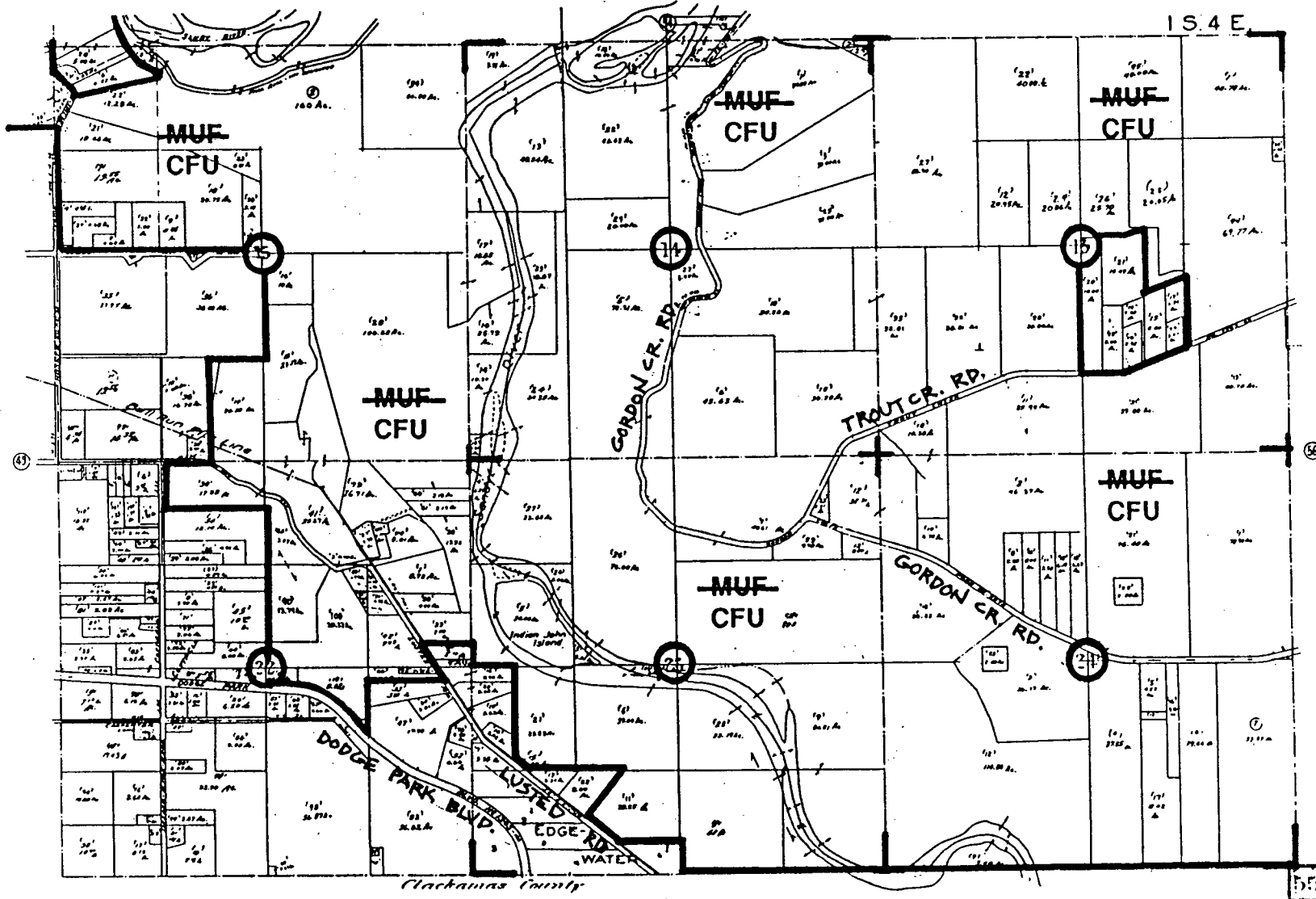
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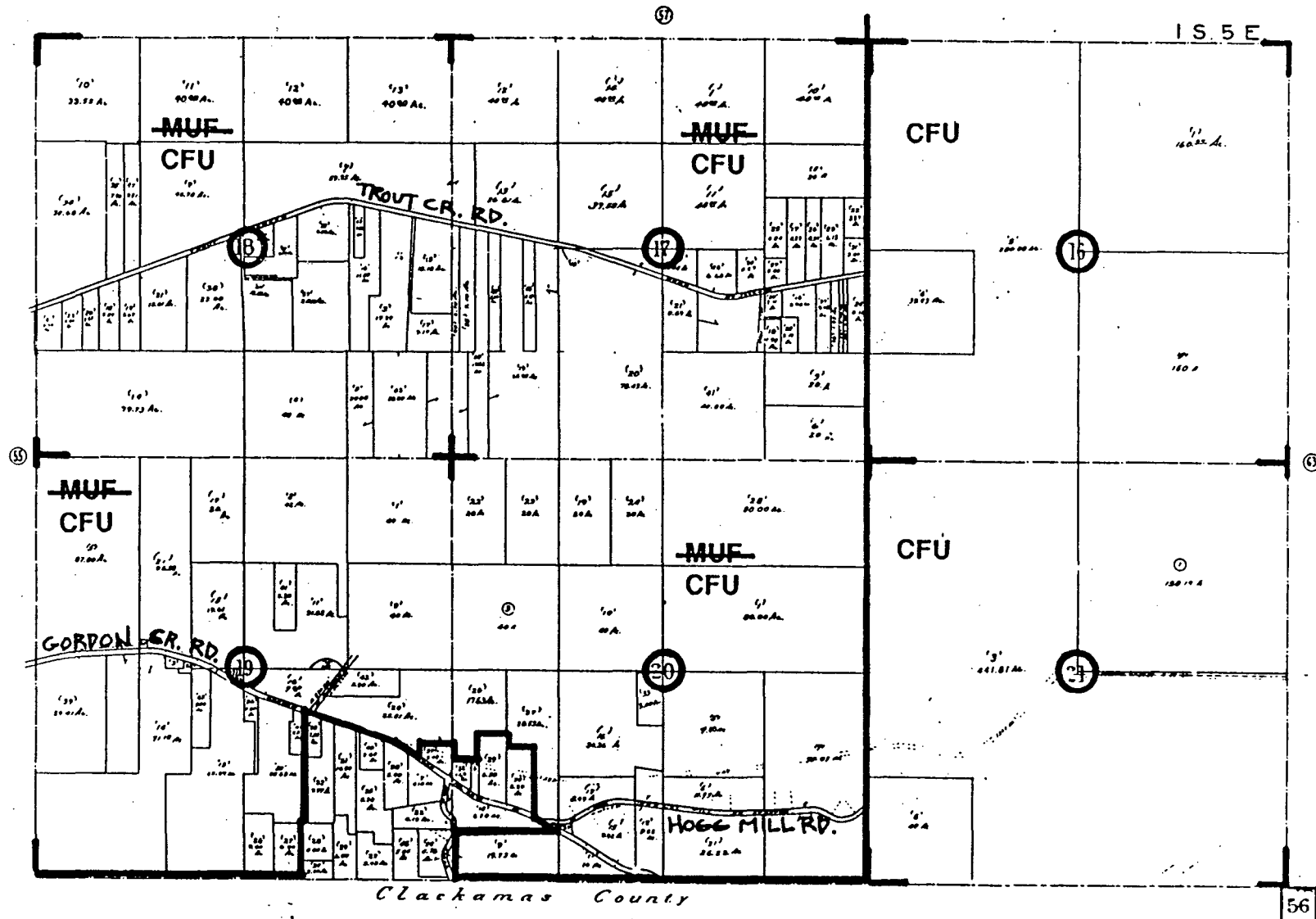
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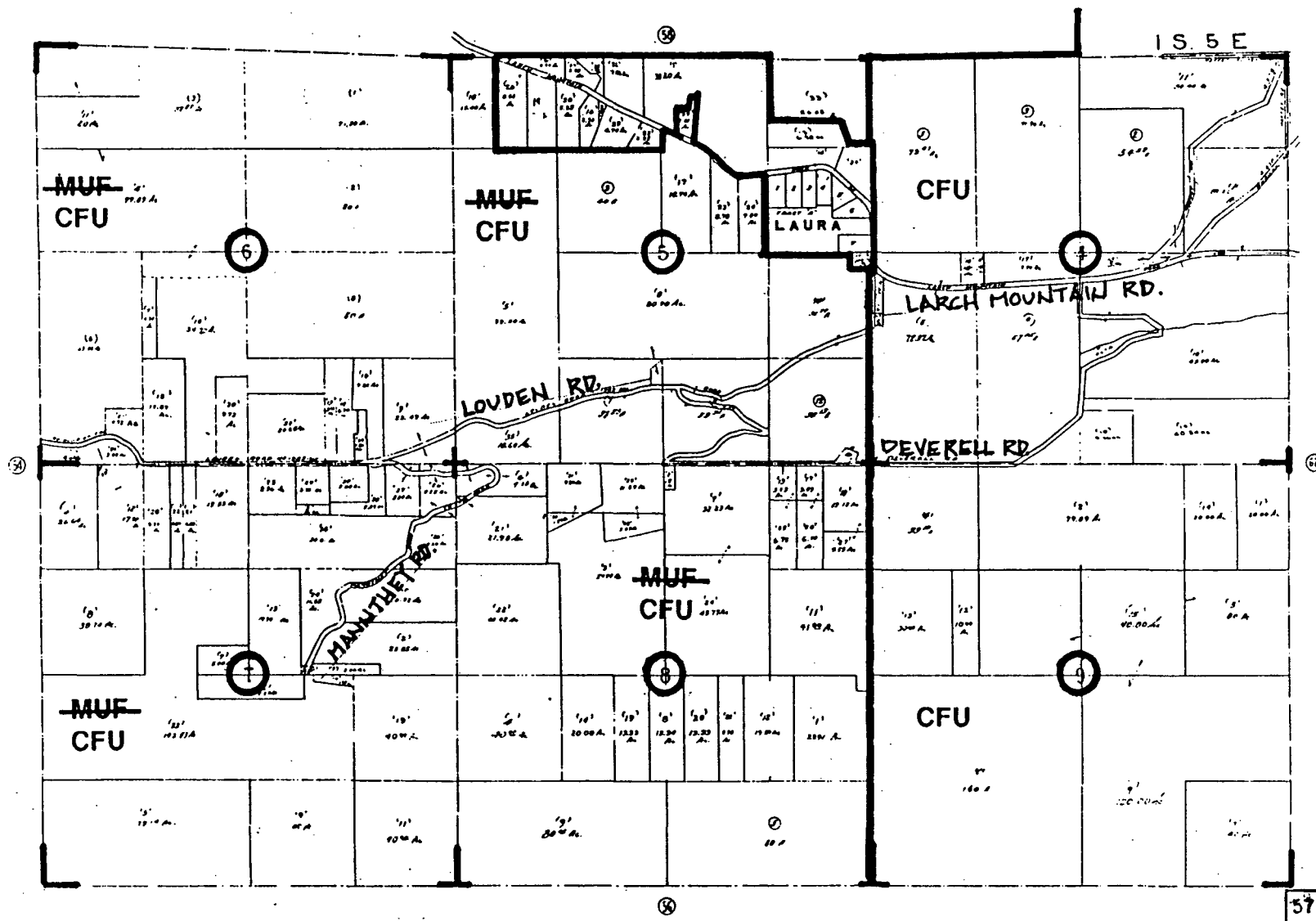
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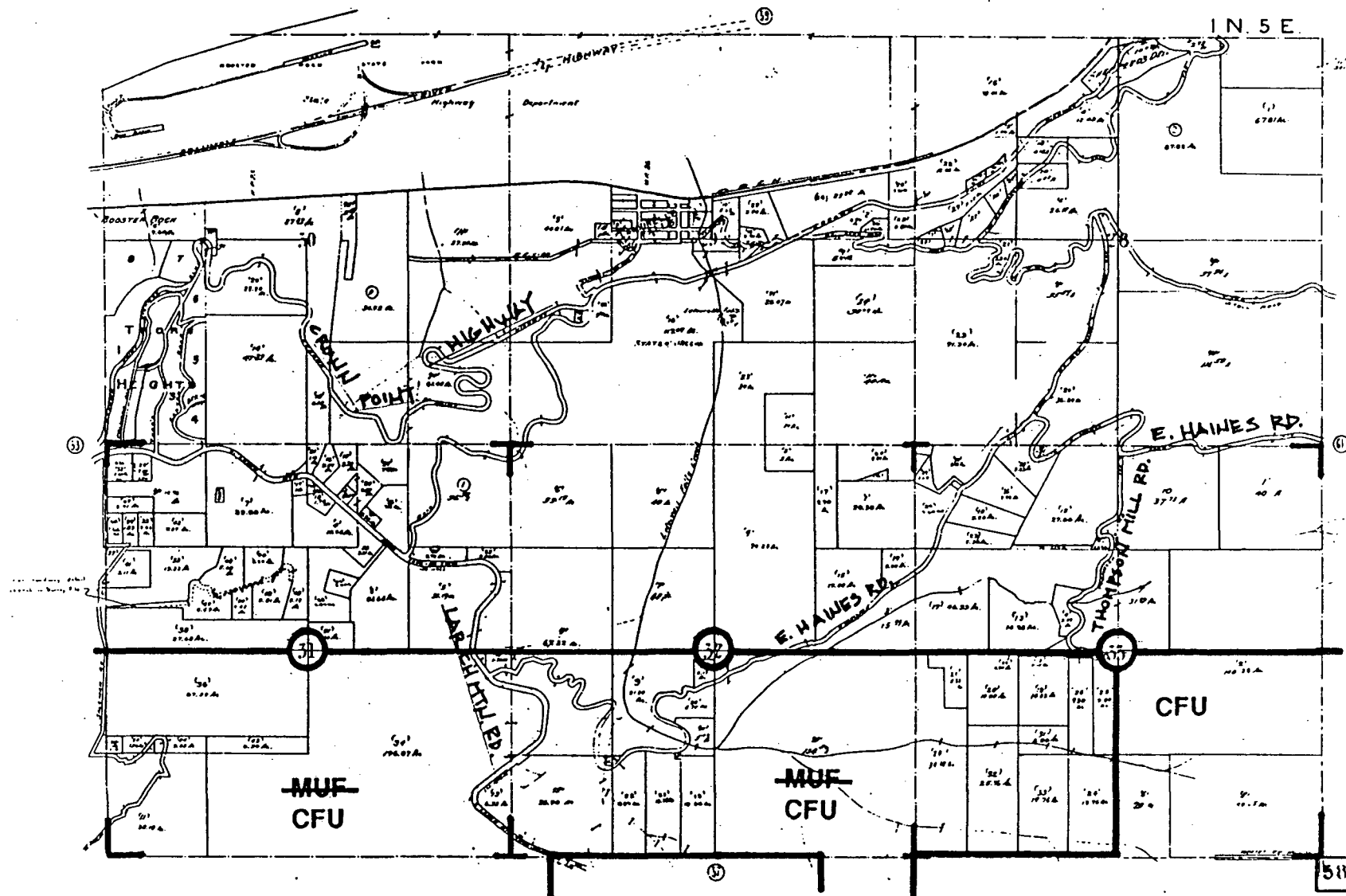
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T.1N. R.5E.

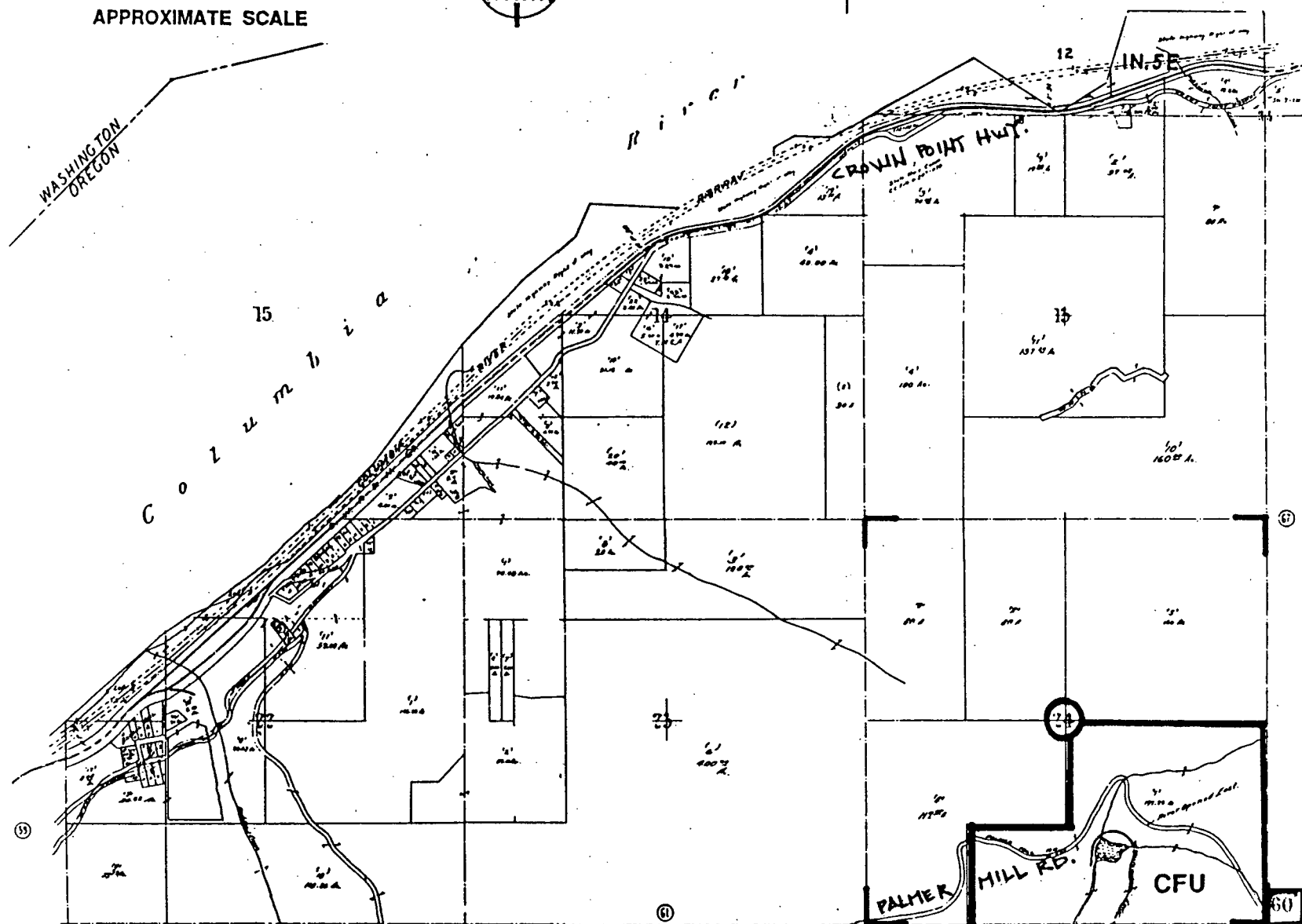


FOREST ZONED LAND
1992 PLAN REVISION AND ZONE CHANGE OF MUF TO CFU



SECTION 24

T.1N. R.5E.



FOREST ZONED LAND
1992 PLAN REVISION AND ZONE CHANGE OF MUF TO CFU



A compass rose with a circle and a vertical line. The word "NORTH" is written in the upper half of the circle. The vertical line has a small tick mark at the top and a small tick mark at the bottom.

T.1N. R.5E.



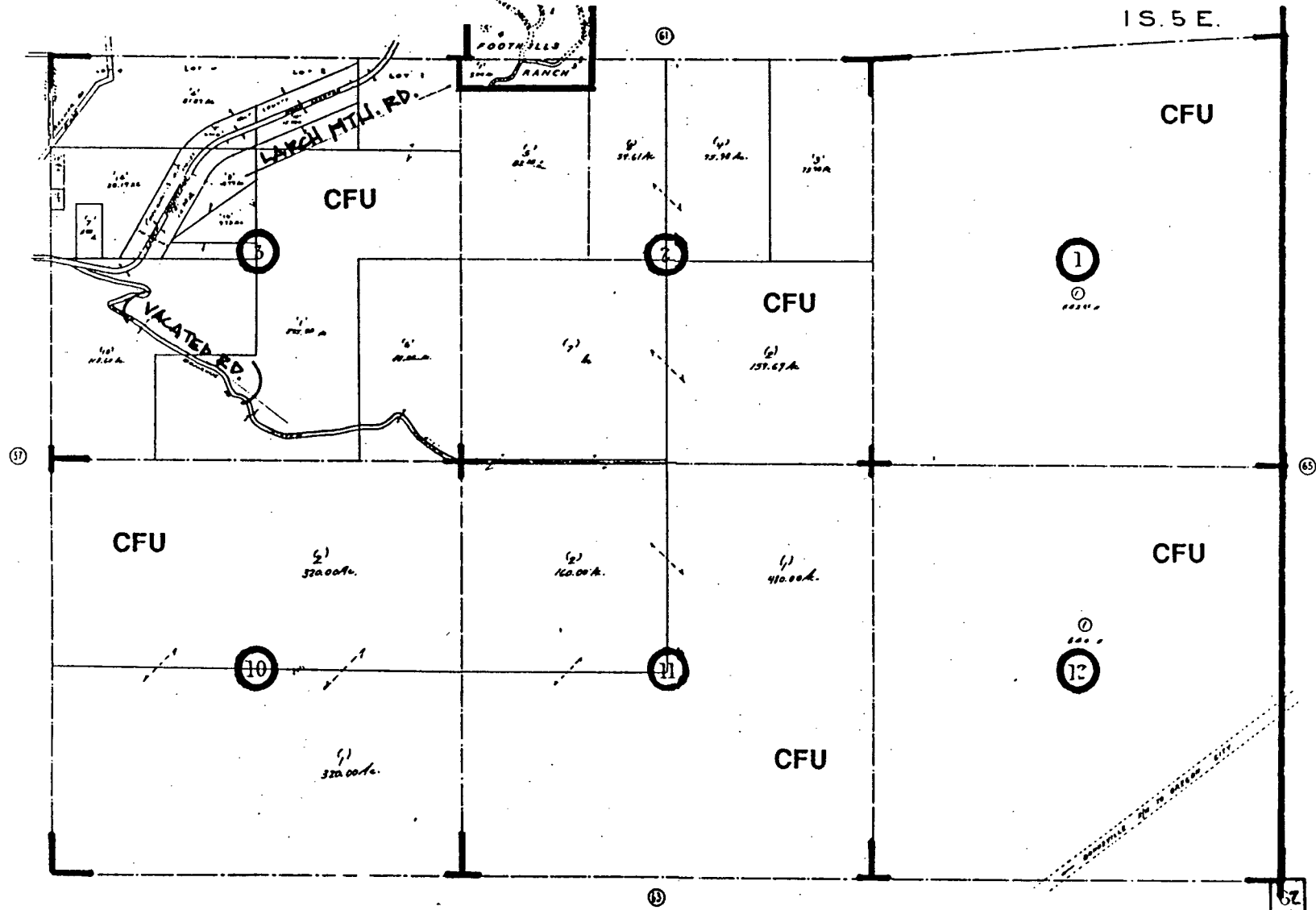
0 2000 FT. 4000 FT. 1 MILE

APPROXIMATE SCALE



SECTION 1, 2, 3, 10, 11, 12

T.1S. R.5E.



FOREST ZONED LAND
1992 PLAN REVISION AND ZONE CHANGE OF MUF TO CFU

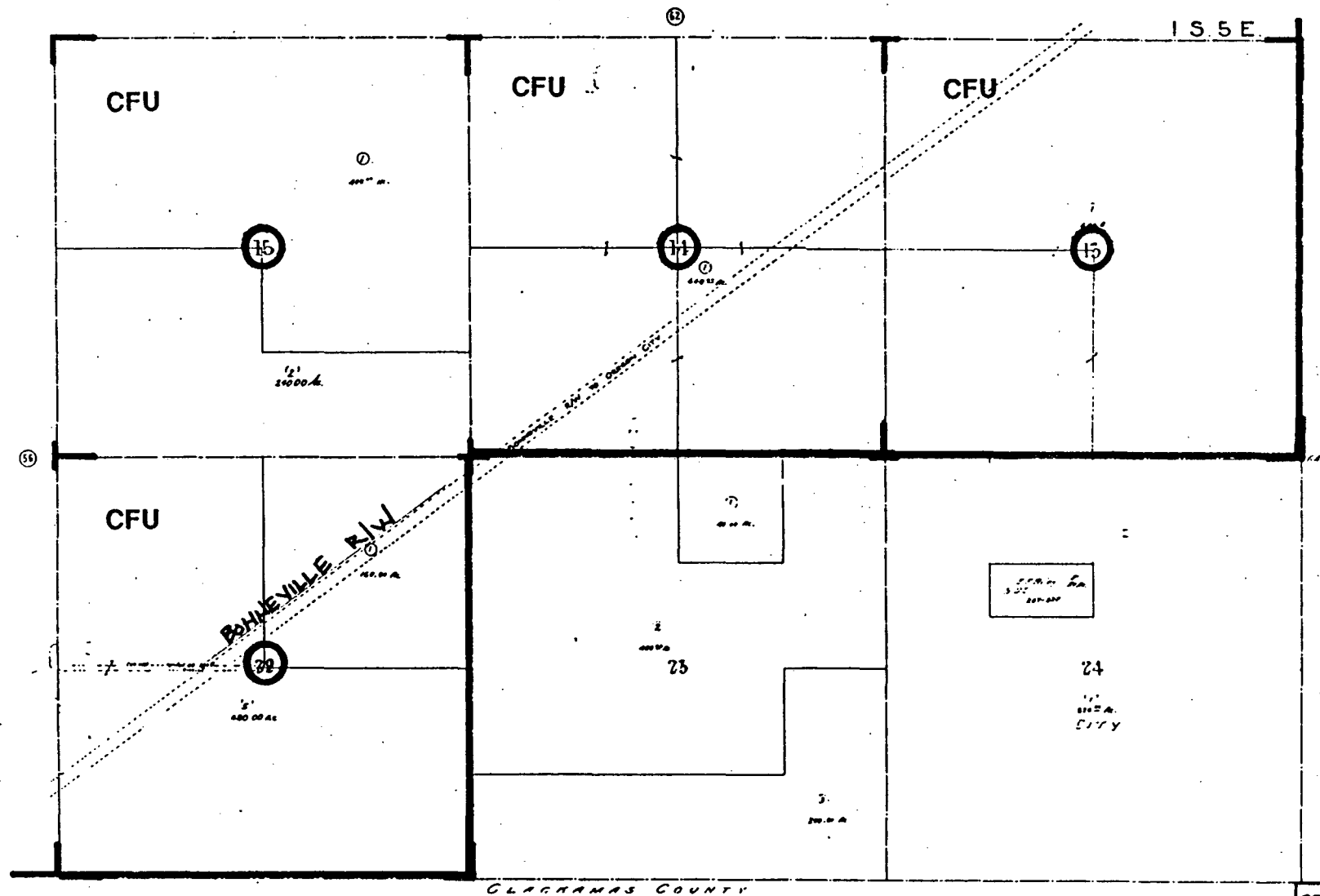
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APPROXIMATE SCALE



SECTION 13, 14, 15, 22

T.1S. R.5E.



FOREST ZONED LAND
1992 PLAN REVISION AND ZONE CHANGE OF MUF TO CFU



DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING AND DEVELOPMENT
2115 SE MORRISON STREET
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C 4-92
Exhibit A

**FINDINGS ASSOCIATED WITH BRINGING THE MULTNOMAH
COUNTY ZONING CODE INTO COMPLIANCE WITH THE
OREGON ADMINISTRATIVE RULE ON FOREST LANDS**

September 21, 1992

I. INTRODUCTION

On January 25, 1990 the State of Oregon Land Conservation and Development Commission (LCDC) adopted significant amendments to the Statewide Planning Goal 4 (Forest Lands) and the related Oregon Administrative Rule (OAR Chapter 660, Division 6). By February 5, 1993 Multnomah County must implement those rules into the comprehensive plan text, plan map, zoning code, and zoning map.

Within this findings report is the full text of the forest goal and rule. Explanations and comments are inserted within the text in "Helvetica font" prefaced by the word "COMMENT." In a few locations, under the heading "POLICY OPTION," is an explanation of the course of action taken by the Planning Commission where the rule allows some discretion in the implementation of the rule or where the Planning Commission has chosen to include additional restrictions on non-forest land uses.

On page 1 of the "Summary of Testimony and Discussion of Amendments to Goal 4 and OAR 660, Division 6" the Oregon Land Conservation and Development Commission stated four primary reasons for the amendments:

"The Commission has found it necessary to amend Goal 4 and OAR 660, Division 6, for several reasons. In 1986, the Oregon Supreme Court in 1000 Friends of Oregon v. LCDC and Lane County interpreted Goal 4 contrary to Commission interpretations contained in acknowledged comprehensive plans. Second, the Oregon Legislature passed HB 3396 which limited the authority of counties to regulate forest practices. Third, the commercial forest land base continues to shrink while the state's timber supply diminishes thereby affecting the state's economy. Fourth, recent forest fire seasons have been extremely costly, and have illustrated the difficulties in suppressing wildfires in forest areas where dwellings are present."

II. OREGON STATEWIDE PLANNING GOAL 4

GOAL 4: FOREST LANDS

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Forest lands are those lands acknowledged as forest lands as of the date of adoption of this goal amendment. Where a plan is not acknowledged or a plan amendment involving forest lands is proposed, forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water and fish and wildlife resources.

USES

Forest operations, practices and auxiliary uses shall be allowed on forest lands subject only to such regulation of uses as are found in ORS 527.722.

Uses which may be allowed subject to standards set forth in this goal and administrative rule are: (1) uses related to and in support of forest operations; (2) uses to conserve soil, water and air quality, and to provide for fish and wildlife resources, agriculture and recreational opportunities appropriate in a forest environment; (3) locationally dependent uses; (4) forest management dwellings that are necessary for, and accessory to, forest operations; and (5) other dwellings under prescribed conditions.

IMPLEMENTATION

Comprehensive plans and zoning provide certainty to assure that forest lands will be available now and in the future for the growing and harvesting of trees. Local governments shall inventory, designate and zone forest lands. Local governments shall adopt zones which contain provisions to address the uses allowed by the goal and administrative rule and apply those zones to designated forest lands.

Zoning applied to forest land shall contain provisions which limit, to the extent permitted by ORS 527.722, uses which can have significant adverse effects on forest land, operations or practices. Such zones shall contain standards for land divisions and for the review and siting of land uses consistent with the goal and administrative rule. These standards shall be designed to make land divisions and allowed uses compatible with forest operations and agriculture and to conserve values found on forest lands.

Local governments may inventory, designate and zone forest lands as marginal land, and may adopt a zone which contains provisions for those uses and land divisions consistent with ORS 197.247.

III. OREGON ADMINISTRATIVE RULE 660, DIVISION 6

ADOPTED JANUARY 25, 1990
AMENDED MARCH 1, 1990

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OREGON ADMINISTRATIVE RULE 660, DIVISION 6

Purpose

660-06-001

- (1) The purpose of the Forest Lands Goal is to conserve forest lands.
- (2) To accomplish the purpose of conserving forest lands, the governing body shall:
 - (a) Designate forest lands on the comprehensive plan map as forest lands consistent with Goal 4 and OAR 660, Division 6; and
 - (b) Zone forest lands for uses allowed pursuant to OAR 660, Division 6 on designated forest lands, and
 - (c) Adopt plan policies consistent with OAR 660, Division 6.
- (3) This rule provides for a balance between the application of Goal 3 "Agricultural Lands" and Goal 4 "Forest Lands" because of the extent of lands that may be designated as either agricultural or forest land.

Applicability

660-06-003 The following rule describes how and when requirements of the amended Forest Lands Goal and Rule apply to local government land use decisions. OAR 660, Division 6 applies to all forest lands as defined by Goal 4. Governing bodies shall comply with the requirements of OAR 660-06-004 within sixty (60) days of the effective date of this rule:

POLICY OPTION: AMENDMENT OF ZONING DISTRICT. The OAR states that the amended rule applies to all forest lands with no differentiation between areas of large commercial timber ownerships and areas of smaller woodlot ownerships. Therefore, lands presently zoned Commercial Forest Use (CFU) (80 acre parcel size) and Multiple Use Forest (MUF) (19 and 38 acre parcel size) will, as a result of the rule, both have the same zoning district designation. The Commission has taken the option to amend the existing CFU code language to reflect the OAR and to change the zoning on all MUF designated properties to the CFU designation.

Amending the CFU zone, instead of creating a new Forest zone, is being done because the minimum lot size for new parcels does not change (discussion of this issue to follow), the types and number of permitted land uses are similar to

the types of uses listed in the CFU code section, the County Assessor's records do not have to be changed on as many properties, and a new forest subdistrict would have to be "out of place" from the other rural resource subdistricts in the zoning code (due to a lack of available subsection numbers).

(1) Governing bodies shall comply with requirements of this amended goal and rules, in the following ways prior to the director terminating periodic review, the commission affirming the final periodic review order, or the court sustaining a commission order affirming the final periodic review order for issues covered by this amended goal and rules. Where a proposed periodic review order is submitted prior to the effective date of this amended goal and rules, the following provisions will not apply until three years from the effective date of this amended goal and rules (see OAR 660-06-003(4)):

- (a) If a governing body amends a plan policy, then the requirements of the amended goal and rules shall apply.
- (b) If the governing body amends a plan map, then the requirements of this amended goal and rules shall apply.
- (c) If the governing body amends the background, inventory or other information in the plan, then it shall not be required to meet the requirements of this amended goal and rules but shall be required to meet the requirements of Goal 4 and Division 6 as existed prior to the adoption of these amendments.
- (d) If the governing body amends its land use regulation, then the requirements of this amended goal and rules shall apply. A governing body may amend its regulations to authorize the nonforest uses permitted by OAR 660-06-025 and OAR 660-06-050 provided it simultaneously implements the provisions establishing standards for nonforest uses in OAR 660-06-029, OAR 660-06-035, and OAR 660-06-040. A governing body may amend its regulations to authorize the nonforest dwellings permitted by OAR 660-06-028 provided it simultaneously eliminates any other provisions in its comprehensive plan and land use regulations which permit nonforest dwellings under different standards, and simultaneously implements the provisions in OAR 660-06-027 governing forest dwellings. The requirements of OAR 660-06-003(1)(d) do not apply if a governing body is amending its land use regulation only to comply with the requirements of notice provided for in OAR 660-06-004.
- (e) If the governing body amends a zone map for which no comprehensive plan change is required then it shall apply the requirements of the acknowledged comprehensive plan and land use regulations which apply to the action.
- (f) If the governing body is making a decision under only acknowledged land use regulations, then it shall apply the requirements of that acknowledged land use regulation in place at the time the application for the decision is made.

Independent application of the provisions of this amended goal or rules is not required.

- (2) Governing bodies shall comply with requirements of this amended goal and rules in the following ways at the time it submits a final periodic review order, unless the local government has submitted a proposed periodic review order prior to the effective date of this amended goal and rules. Where the local government has submitted a proposed periodic review order prior to the effective date of this amended goal and rules, the provisions of this amended goal and rules apply as outlined in section 4 below:
 - (a) The governing body shall amend its plan policies to conform to the requirements of this amended goal and rules.
 - (b) The governing body shall amend its plan map to conform to the requirements of this amended goal and rules.
 - (c) The governing body shall amend its plan background, inventory or other information in the plan to conform to the requirements of this amended goal and rules.
 - (d) The governing body shall amend its land use regulation to conform to the requirements of this amended goal and rules.
 - (e) The governing body shall amend its zone map to conform to the requirements of this amended goal and rules.
 - (f) Implementation decisions made by the governing body or its designate shall adhere to the acknowledged land use regulations in place at the time the application for the decision is made.
- (3) Following termination of periodic review, a governing body shall apply the requirements of this amended goal and rules as outlined in ORS 197.835 (LUBA Scope of Review).
- (4) Local governments that have submitted a proposed periodic review order prior to the effective date of this amended goal and rules must amend their comprehensive plan and land use regulations to comply with requirements of this amended goal and rules, within three years of the effective date of this rule.

STAFF COMMENT : COMPLIANCE DATE. Multnomah County submitted a proposed Periodic Review Order prior to the adoption date of the amended rule and therefore is given three years to comply. The effective date of the rule was February 5, 1990.

POLICY OPTION: FOREST LANDS IN THE COLUMBIA GORGE.

At the same time that this Goal 4 work is progressing, planning staff are drafting upcoming needed ordinance changes for the Columbia River Gorge National Scenic Area (CRGNSA) Management Plan that will be enacted following the State Goal 4 deadline. In comparing the required and allowed land use provisions that will be enacted for forest areas both within the CRGNSA and out of the CRGNSA there is an important issue regarding the timing of adoption of new regulations. Even though it is our understanding that the NSA Management Plan will be accepted as in compliance with State land use goals, planning staff finds enough differences in the two forest related rules and policies that staff has determined that it is necessary to draft and adopt different zoning ordinances for CRGNSA and non-CRGNSA forest lands.

Therefore, Multnomah County will not enact the state forest OAR requirements on MUF zoned properties in the Gorge. The existing MUF forest regulations will remain in effect until the CRGNSA Management Plan provisions are adopted at a later time, (approximately one to two months later). For the short interval between adoption of the State forest requirements and the adoption of the NSA provisions, lands in the Gorge that are presently zoned CFU (not MUF) will be subject to the amended CFU zone regulations enacted as part of this proposal. Some of the reasons that one forest zone would not work both outside and inside the Gorge is as follows:

1. Outside the CRGNSA our two present forest zones will be combined into one district with an 80 acre minimum parcel area requirement. Within the CRGNSA, however, there are four different forest designations, three in the GMA and one in the SMA. In the Management Plan, those four forest areas have minimum parcel size requirements ranging from 20 to 40 to 80 acres. It would be better policy to not change the present MUF lot area requirement of 19 and 38 acres to the 80 acre requirement if it would only be changed again when the Gorge plan is enacted.
2. There are some land uses and provisions allowed in the CRGNSA Management Plan that are not listed in the Goal 4 administrative rule and there are some provisions in the 1990 Goal 4 OAR which are not permitted in the CRGNSA forest areas. The transition from the existing zoning regulations to the CRGNSA regulations, at least for the more numerous MUF parcels, would be better without an intervening change.

- (a) Local governments that do not complete the required comprehensive plan and land use regulation amendments before the expiration of the three-year period will be subject to the requirements of this amended goal and rules for all land use decisions as defined in ORS 197.015.
- (b) After local governments have completed the required amendments to their comprehensive plan and land use regulations, and such amendments are acknowledged as provided in ORS 197.625, the provisions of this amended goal and rules shall apply in the same manner as other goals and rules apply to other land use decisions made pursuant to acknowledged comprehensive plans and land use regulations.

(5) Applicability Matrix

The following matrix is intended to supplement the above applicability section. It is intended as a general expression of legislative intent. Should confusion or conflicts arise over the meaning of the specific language of the rule, the rule shall take precedence over the matrix.

Type of Action	Before PR ¹	At PR ²	After PR ³
1. Plan Policy Amendment	Y	Y	Y
2. Plan Map Amendment	Y	Y	Y
3. Background Information (Inventory)	N	Y	Y
4. Regulation (Code) Amendment	Y	Y	Y ⁴
5. Zone Map Change	N	Y	N
6. Implementation decision under acknowledged Land Use Regulation (e.g., dwelling or division approval)	N	N	N

Y Provisions apply

N Provisions do not apply

¹Refer to OAR 660-06-003(1)

²Refer to OAR 660-06-003(2)

³Refer to OAR 660-06-003(3)

⁴Except as provided in ORS 197.835(5)(B)

- (6) For jurisdictions not acknowledged as in compliance with Goal 4 at the time the amended Goal 4 is filed with the Secretary of State, unacknowledged provisions must comply with the amended section(s) of OAR 660, Division 6.

Notice of Decision in Forest Zones

660-06-004 Governing bodies shall provide the following types of notice:

- (1) Notice of all applications for dwellings and land divisions in forest and agriculture/forest zones shall be provided to the Department of Land Conservation and Development and the Department of Forestry at their Salem and field offices. Notice shall be in accordance with the governing body's acknowledged comprehensive plan and land use regulations, and shall be mailed at least ten (10) calendar days prior to the hearing or decision being made.
- (2) Notice of proposed actions described in OAR 660-06-004(1) shall be provided as required by procedures for notice contained in ORS 197.762, ORS 215.402 to ORS 215.438.

Definitions

660-06-005 For the purpose of this rule, the following definitions apply:

- (1) Definitions contained in ORS 197.015 and the Statewide Planning Goals.
- (2) Forest operation means any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620(6).
- (3) Governing body means a city council or county board of commissioners or county court or its designate, including planning director, hearings officer, planning commission or as provided by Oregon law.

Inventory

660-06-010 Governing bodies shall include an inventory of "forest lands" as defined by Goal 4 in the comprehensive plan. Lands inventoried as Goal 3 agricultural lands or lands for which an exception to Goal 4 is justified pursuant to ORS 197.732 and taken are not required to be inventoried under OAR 660-06-010. Outside urban growth boundaries, this inventory shall include a mapping of forest site class. If site information is not available then an equivalent method of determining forest land suitability must be used. Notwithstanding OAR 660-06-010, governing bodies are not required to reinventory forest lands if such an inventory was acknowledged previously by the Land Conservation and Development Commission.

STAFF COMMENT: FOREST LAND INVENTORY. No forest land inventory work in addition to that already done for acknowledgment in 1981 has been done. The instructions for classifying forest lands is based on potential tree production "site class" and is mapped by soil type. The classification system has not changed sufficiently to alter any mapping of forest land. Also, until some change in state law occurs, such as "secondary lands," it is doubtful whether any additional areas could qualify for a Goal 4 "exception." For other options for areas characterized by certain levels of parcelization, see OAR 660-06-028.

Plan Designation Outside an Urban Growth Boundary

660-06-015

- (1) Lands inventoried as forest lands must be designated in the comprehensive plan and implemented with a zone which conserves forest lands consistent with OAR 660, Division 6, unless an exception to Goal 4 is taken pursuant to ORS 197.732, the forest lands are marginal lands pursuant to ORS 197.247, or the land is zoned with an Exclusive Farm Use Zone pursuant to ORS Chapter 215 provided the zone qualifies for special assessment under ORS 308.370. In areas of intermingled agricultural and forest lands, an agricultural/forest lands designation may also be appropriate if it provides protection for forest lands consistent with the requirements of OAR 660, Division 6. The plan shall describe the zoning designation(s) applied to forest lands and its purpose and shall contain criteria which clearly indicate where the zone(s) will be applied.
- (2) When lands satisfy the definition requirements of both agricultural land and forest land, an exception is not required to show why one resource designation is chosen over another. The plan need only document the factors that were used to select an agricultural, forest, agricultural/forest, or other appropriate designation.

Plan Designation Within an Urban Growth Boundary

660-06-020 Goal 4 does not apply within urban growth boundaries and therefore, the designation of forest lands is not required.

STAFF COMMENT: WEST HAYDEN ISLAND. In 1982, the Urban Growth Boundary (UGB) was expanded to include the portion of Hayden Island west of the railroad. The zoning designation of Multiple Use Forest, however,

has not been changed in wait for urban level of services to be available. Because the rule does not apply within the UGB, Multnomah County will leave the MUF zoning in place.

Uses Authorized in Forest Zones

660-06-025

(1) Goal 4 requires that forest land be conserved. Forest lands are conserved by adopting and applying comprehensive plan provisions and zoning regulations consistent with the goal and this rule. In addition to forest practices and operations and uses auxiliary to forest practices, as set forth in ORS 527.722, the Commission has determined that five general types of uses, as set forth in the goal, may be allowed in the forest environment, subject to the standards in the goal and in this rule. These general types of uses are:

- (a) Uses related to and in support of forest operations;
 - (b) Uses to conserve soil, air and water quality and to provide for fish and wildlife resources, agriculture and recreational opportunities appropriate in a forest environment;
 - (c) Locationally dependent uses, such as communication towers, mineral and aggregate resources; etc.
 - (d) Forest management dwellings as provided for in OAR 660-06-027; and
 - (e) Other dwellings under prescribed conditions.
-

STAFF COMMENT: CHANGES TO PERMITTED LAND USES.

The number of listed permitted land uses in the forest rule are even fewer than the land uses listed in the Exclusive Farm Use state statutes. Within the uses listed, the following is of note:

- 1. Dwellings can no longer be a "Primary Use." The Planning Commission has chosen to require all new dwellings, both forest management and not related to forest management, be reviewed as a Conditional Use (an 'action proceeding' in a public hearing).
- 2. The amended forest rule does not permit such "Community Service" uses as Schools, Hospitals, Churches, Government Buildings (except those accessory to forest operations and fire stations), Private Clubs, Recycling Centers,

Golf Courses, Boat Moorages, Marinas, or Boathouse Moorages.

3. The amended forest rule does not list the following "Conditional" uses which are permitted in the MUF zoning district:
- A. "Limited rural service commercial uses" including stores, shops, and offices;
 - B. "Tourist commercial uses" such as restaurants, gas stations, and motels;
 - C. Cottage industries (a type of light industry employing less than 20 persons in an enclosed building); and
 - D. Houseboats. One of the areas that the Comprehensive Plan designates as suitable for houseboats is zoned MUF-19. This is the area from the Portland city limits northward to one-half mile north of the Sauvie Island Bridge on the west side of Multnomah Channel. There are presently several moorages in this location with an estimated potential increase under the existing code, with redevelopment, of 30 to 40 more houseboats.
-

- (2) The following uses pursuant to the Forest Practices Act (ORS Chapter 527) and Goal 4 shall be allowed in forest zones:
- (a) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash;
 - (b) Temporary onsite structures which are auxiliary to and used during the term of a particular forest operation;
 - (c) Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities;
 - (d) For the purposes of OAR 660-06-025(2) "auxiliary" means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

(3) The following uses may be allowed outright on forest lands:

- (a) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources;**
- (b) Farm use as defined in ORS 215.203;**
- (c) Additional local distribution lines within existing rights-of-way (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, meter cabinets, terminal boxes, pedestals), or which provide service hookups, including water service hookups;**
- (d) Temporary portable facility for the primary processing of forest products;**
- (e) Exploration for mineral and aggregate resources as defined in ORS Chapter 517;**
- (f) Private hunting and fishing operations without any lodging accommodations;**
- (g) Towers and fire stations for forest fire protection;**
- (h) Widening of roads within existing rights-of-way in conformance with the transportation element of acknowledged comprehensive plans including public road and highway projects as described in ORS 215.213(1)(m) through (p) and ORS 215.283(1)(k) through (n);**
- (i) Water intake facilities, canals and distribution lines for farm irrigation and ponds;**
- (j) Caretaker residences for public parks and fish hatcheries;**
- (k) Uninhabitable structures accessory to fish and wildlife enhancement;**
- (l) Temporary forest labor camps;**
- (m) Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head;**
- (n) Destination resorts reviewed and approved pursuant to ORS 197.435 to ORS 197.465 and Goal 8;**
- (o) Disposal site for solid waste that has been ordered established by the Environ-**

mental Quality Commission under ORS 459.049, together with the equipment, facilities or buildings necessary for its operation;

(p) Maintenance, repair or replacement of existing dwellings.

(4) The following uses may be allowed on forest lands subject to the review standards in OAR 660-06-025(5):

(a) Permanent facility for the primary processing of forest products;

(b) Permanent logging equipment repair and storage;

(c) Log scaling and weigh stations;

(d) Disposal site for solid waste approved by the governing body of a city or county or both and for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation;

(e) Parks and campgrounds. For the purpose of OAR 660-06-025 a campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle. Campgrounds authorized by OAR 660-06-025 shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations;

(f) Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under OAR 660-06-025(3)(m) (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517;

(g) Television, microwave and radio communication facilities and transmission towers;

(h) Fire stations for rural fire protection;

(i) Utility facilities for the purpose of generating five (5) megawatts or less of power;

(j) Aids to navigation and aviation;

(k) Water intake facilities, related treatment facilities, pumping stations, and distribution lines;

- (l) Reservoirs and water impoundments;
- (m) Firearms training facility;
- (n) Cemeteries;
- (o) Private seasonal accommodations for fee hunting operations may be allowed subject to OAR 660-06-025(5), OAR 660-06-029, and OAR 660-06-035 and the following requirements:
 - (A) accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Speciality Code,
 - (B) only minor incidental and accessory retail sales are permitted,
 - (C) accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission,
 - (D) a governing body may impose other appropriate conditions, and
- (p) New distribution lines (e.g., electrical, gas, oil, geothermal) with rights-of-way 50 feet or less in width;
- (q) Temporary asphalt and concrete batch plants as accessory uses to specific highway projects;
- (r) Home occupations as defined in ORS 215.448;
- (s) A mobile home in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative as defined in ORS 215.213 and 215.283. The mobile home shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the mobile home will use a public sanitary sewer system, such condition will not be required. Governing bodies every two years shall review the permit authorizing such mobile homes. When the hardships end, governing bodies or their designate shall require the removal of such mobile homes. Department of Environmental Quality review and removal requirements also apply to such mobile homes;
- (t) Expansion of existing airports;

- (u) Public road and highway projects as described in ORS 215.213(2)(q) through (s) and ORS 215.283(2)(p) through (r) ;
- (v) Private accommodations for fishing occupied on a temporary basis may be allowed subject to OAR 660-06-025(5), OAR 660-06-029, and OAR 660-06-035 and the following requirements:
 - (A) accommodations limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Speciality Code,
 - (B) only minor incidental and accessory retail sales are permitted,
 - (C) accommodations occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission,
 - (D) accommodations must be located within 1/4 mile of fish bearing Class I waters,
 - (E) a governing body may impose other appropriate conditions, and
- (w) Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.
- (5) A use authorized by OAR 660-06-025(4) may be allowed provided the following requirements or their equivalent are met. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands:
 - (a) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;
 - (b) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and
 - (c) A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in OAR 660-06-025(4)(e), (1), (r), (s) and (v).
- (6) Nothing in OAR 660-06-025 relieves governing bodies from complying with other requirements contained in the comprehensive plan or implementing ordi-

nances such as the requirements addressing other resource values (e.g., Goal 5) which exist on forest lands.

New Land Division Requirements in Forest Zones

660-06-026

(1) Governing bodies may approve land divisions pursuant to acknowledged comprehensive plan provisions for authorizing new land divisions in forest zones pending the evaluation described below:

(a) An evaluation of acknowledged provisions that authorize new land divisions below 80 acres in forest zones shall be conducted by the governing body to determine whether the land division standards in the plan have worked to achieve compliance with the amended Goal 4. In conducting the evaluation, governing bodies shall provide findings based on substantial evidence that the acknowledged land division standards have worked to assure:

(A) the opportunity for economically efficient forest and agriculture practices typically occurring in the area, and

(B) the opportunity for the continuous growing and harvesting of forest tree species, and

(C) the conservation of other values found on forest lands;

(b) The results of the evaluation must be completed and submitted to the department for review prior to the time the governing body is obligated to be in compliance with OAR 660, Division 6.

POLICY CHOICE: MINIMUM LOT AREA FOR LAND DIVISION.

To keep acknowledged minimum land division standards which are less than 80 acres in area, a county must provide an evaluation showing how past land divisions have worked to achieve compliance with the amended Goal 4. A description of the required studies is in the "Summary of Testimony and Discussion of Amendments to Goal 4 and OAR 660, Division 6" by DLCD. The report states:

"This analysis needs to include enough case studies over a period of years to determine whether the land division standards in forest and agricultural/forest zones have or have not worked to achieve compliance with the goal. Besides basic information about the location, size and cubic site class, the case studies should discuss the following:

- (1) the current use of the lands that were divided; and
- (2) whether the parcels are receiving a forest or farm deferral;
and
- (3) whether either parcel has a dwelling and the circumstances under which the dwelling was approved; and
- (4) whether the parcels are stocked to the applicable FPA regional standard; and
- (5) the status of the management plan if one was required as part of the approval; and
- (6) whether other conditions of approval were met; and
- (7) whether the approved parcels have now increased in residential value as a result of the land divisions. This determination may require a comparison of the per acre value of forest lands in the area with the per acre value of those parcels involved with the approval.

In May, 1987, the planning division conducted a study of farm and forest management plans which included an investigation into the amount of compliance there existed to forest management plans approved from 1980 through 1986 on properties from 10 to 37.9 acres in area. Approval of the plans is a requirement to obtain a resource related dwelling. On page 2 of the report is a table which had the following categories and number of properties matching that description:

"Evidence the management plan is followed
and that it is a commercial farm or forest use': 0

'Evidence the management plan is
followed but use appears more rural
residential or hobby farm than commercial': 9

'No evidence that ... plan is followed but a
residence is present.': 4"

Such results lead staff to conclude that it is very doubtful that there is "substantial evidence that the acknowledged land division standards" of the MUF -19 zone have worked to achieve compliance with the amended Goal 4.

In addition, the findings of the *Farm and Forest Land Research Project*, prepared for the Oregon Department of Land Conservation and Development in a statewide study, concludes that smaller parcel sizes actually reduce the likely amount of forest practices that can be expected to occur on the property. The project results are divided into 3 different reports: *Task One: Status of the Land Resource Base, March 1991; Task Two: Analysis of the Relationship of Resource Dwelling and Partition Approvals Between 1985-87 and Resource*

Management in 1990, May 24, 1991; and Task Three: Survey of Farm and Forest Operators, April 1991. In the Task Two report, page 16 it reads:

"... Operation size appears to positively affect forest management-- 80.8% of forest approval operations managed by owner that are over 80 acres have received silvicultural treatments since approval date (with a margin of error of plus or minus 15.1%) while only 61.1% of such operations 20 acres and under have managed forests (with a margin of error of plus 22.5%)."

In the County's MUF zone, a dwelling may be placed or built on a parcel of 38 acres without the requirement for approval of a forest management plan. As a consequence, such parcels were not included in any past County studies correlating the amount of forestry practice occurring on lots between 38 and 80 acres. Related to that issue are the statements on page 30 of the above referenced Task One report:

"II.5.A. Harvest Patterns

Summary: Within the private ownership sector, non-industrial owners are less inclined to harvest timber than industrial owners.

Even though industry owners possessed less than two-thirds of the total volume of growing stock on private lands in the mid-'80s, the industry lands were responsible for nearly 90% of the timber harvested off private lands in this time period. ...

Two reasons why non-industrial timberland owners harvest less than industrial owners and far less than their own potential are that some of these owners hold land for non-timber purposes, and many of those who do grow and harvest timber manage their timberlands less intensively than industry owners."

In a October 11, 1989, report to the Board of Forestry, Ann Hanus, Department of Forestry staff member, concluded that smaller parcels "attract potential buyers of homesites who have little or no interest in forest management." The problem is described as follows:

"They want from 5 to 50 acres for their house and are willing to pay a premium over and above the value of the land for forest production. Thus they compete with timber growers for the same land but can afford to outbid these other purchasers. The Department of Revenue values forest land from \$100 to \$500/acre but homesite buyers can pay up to ten times those amounts per acre."

Under the 38 acre minimum parcel size, sizable portions of commercial timber company holdings in the MUF zone have been clearcut and then parceled into 38 acre lots and sold to non-industrial owners. Just one holding on McNamee Road involved twelve 38 acre parcels. On Skyline Blvd. several 38 acre parcels have been sold by a commercial timber company to non-industrial owners right up to the CFU -80 boundary and then the parcelization stops.

This industrial timber land parcelization is of concern to Ted Lorensen, Policy Analyst with the Department of Forestry. In a January 27, 1989 letter to Craig Greenleaf of DLCD Mr. Lorensen wrote:

"It is the Department's opinion that the majority of land use changes (outside of southwest and eastern Oregon) occur on smaller forest parcels and in counties with high development pressure (Washington and Yamhill). Land use changes often occur after the sale of a recently clearcut parcel. The land use change is often the result of such change being the least expensive way of meeting the FPA reforestation liability.

The Department of Forestry does not collect data on land use changes. However, we believe the scenario producing these land use changes is: 1) the original landowner clearcuts the parcel; 2) to avoid the reforestation expense and capture the value of the homesite development opportunity, the landowner puts up the land for sale; 3) the time interval between harvest and the sale to a new owner results in a brushy site that is expensive to reforest; 4) ownership is transferred and the new owner is confronted with a reforestation obligation he/she may not have been aware existed; 5) the new landowner places a fence around the ownership and begins grazing livestock because a fence and livestock are much cheaper than scarification and planting." (Page 23, "Summary of Testimony and Discussion of Amendments to Goal 4 and OAR 660, Division 6.")

From the information that staff has obtained, it appears that most other Counties either have adopted the 80 acre minimum requirement or expect to adopt it. As given in OAR 660-06-026(2)(a) below, Multnomah County is allowed to adopt the 80 acre minimum land division requirement without having to justify the standard to the Department of Land Conservation and Development (DLCD). The 80 acre minimum is actually a reduction from a 1988 draft of the rule in which DLCD staff recommended to LCDC a minimum lot size of 160 acres.

- (2) Where the commission or department determines that acknowledged land division standards do not comply with the amended Goal 4, the governing body shall amend their land division standards to be consistent with the amended Goal 4 through the adoption of one or more of the following:
- (a) An 80-acre minimum land division standard; or
 - (b) One or more numeric minimum land division standards less than 80 acres provided that the numeric minimum land division size(s) is large enough to assure:
 - (A) the opportunity for economically efficient forest and agriculture practices typically occurring in the area, and
 - (B) the opportunity for the continuous growing and harvesting of forest tree species, and
 - (C) the conservation of other values found on forest lands.
- (3) New land divisions less than the parcel size in OAR 660-06-026(1) and (2) may be approved only for the uses listed in OAR 660-06-025(3)(m) through (o) and OAR 660-06-025(4)(a) through (n) provided that such uses have been approved pursuant to OAR 660-06-025(5).
- (4) Notwithstanding OAR 660-06-026(1) and OAR 660-06-026(2), the minimum land division standards may be waived to allow a division of forest land involving a dwelling existing prior to the date of adoption of this rule provided:
- (a) The new parcel containing the dwelling is no larger than 5 acres; and
 - (b) The remaining forest parcel, not containing the dwelling, meets the minimum land division standards of the zone; or
 - (c) The remaining forest parcel, not containing the dwelling, is consolidated with another parcel which together meet the minimum land division standards of the zone.

POLICY CHOICE: LAND DIVISION OPTION FOR EXISTING DWELLINGS ON VERY LARGE PARCELS.

The above subsection (4) allows a dwelling which existed prior to January, 1990 to be sold separately on a parcel of five acres or less if the remainder of the parcel either meets the minimum land division standard or is consolidated with another parcel which together meet the minimum land division standard. The concept is similar to the "home-

stead lot" provision in the EFU zone except that there is no resource impact evaluation required, there is allowance for consolidation to meet the minimum parcel size, and the larger parcel could qualify for a new dwelling.

Even though this provision would result in a dwelling not related to forest management, the Planning Commission does not anticipate much impact from these dwellings because there are so few situations meeting the requirements. Staff has counted only two dwellings on existing lots of more than 80 acres in area.

Forest Management Dwellings in Forest Zones

660-06-027

- (1) Forest management dwellings may be allowed in forest zones provided the governing body makes findings based on substantial evidence that the requirements of OAR 660-06-027 are met. For the purpose of OAR 660-06-027, necessary for and accessory to are defined as:

- (a) "Necessary for" means the dwelling will contribute substantially to effective and efficient management of the forest land to be managed by the resident(s) of the dwelling.

NOTE: (The Commission intends that this requirement create a relationship between the approval of a dwelling and the ongoing forest management of the land. It means that the principal purpose for locating a dwelling on forest lands is to enable the resident to conduct efficient and effective forest management. A dwelling is necessary where the occupant must spend an extensive amount of time on forest management. This definition precludes a dwelling which simply "enhances" forest management. This definition also does not demand that a dwelling be absolutely required for forest management or that the production of trees is physically possible only with a dwelling.)

- (b) "Accessory to" means that the dwelling is incidental and subordinate to the main forest use.
- (2) The governing body shall determine whether the dwelling is necessary for and accessory to forest operations including cultured Christmas trees as defined in ORS 215.203(3). That determination shall be based at a minimum on the following information provided by the applicant. The applicant shall provide information necessary to complete the form attached in Appendix A of this rule or its equivalent regarding the condition and productivity of the lands to be managed, the plan for management of these lands including a chronological description of

commercial forest management activities to be undertaken by the resident(s) or under contract and estimates of yield, labor and expenses. Also, information is required showing the site for the proposed dwelling and a description of related fire safety measures. The information must be sufficient to enable the Oregon Department of Forestry within 45 days to determine that:

- (a) The information describing the productivity and current condition of the forest land to be managed is complete and accurate; and
 - (b) Fulfillment of the forest management plan will result in use of the parcel for the required management purpose in terms of stocking, stand density, and harvest; and
 - (c) The siting and safety standards in OAR 660-06-029 and OAR 660-06-035 have been adequately addressed.
- (3) There are no other dwellings on the property which are vacant or currently occupied by persons not engaged in forestry, which could be used as the principal forest dwelling on the forest operation.
 - (4) The property qualifies for and is enrolled in one of Oregon's forest tax programs.
 - (5) The dwelling will not significantly interfere with, significantly increase the costs of, or impede forest or farm management on adjacent forest and agricultural lands.
 - (6) If road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.
 - (7) The forest lands to be managed by the resident of the proposed dwelling meet the stocking and survival requirements of the Forest Practices Rules for the Eastern (OAR 629-24-402), Northwest (OAR 629-24-502), or Southern (OAR 629-24-602) Regions which ever is applicable, at the time authorization for a permanent dwelling is requested. If the lands to be managed do not meet these stocking and survival requirements, the governing body may approve a temporary dwelling subject to the following requirements:
 - (a) The prospective resident(s) shall agree in writing to remove the temporary dwelling and any accessory structures within 60 days of the governing body's determination pursuant to OAR 660-06-027(7) that the property has not met the stocking and survival requirements within five years of the date the temporary dwelling was approved;

- (b) The prospective resident(s) shall agree in writing to pay all costs associated with the removal of the dwelling and any accessory structures by the governing body if the prospective resident(s) fails to comply with OAR 660-06-027(7)(a). This written agreement with the governing body shall include either a performance bond, cash deposit, irrevocable letter of credit, promissory note, written contract or other similar form of security equal to costs determined by the governing body needed to remove totally the temporary dwelling and accessory structures from the parcel and any additional costs for legal proceedings;
- (c) The governing body shall determine whether the prospective resident(s) has complied with OAR 660-06-027(7)(a) within 60 days of the end of the time period prescribed in OAR 660-06-027(7)(a). If the prospective resident(s) has not complied with such requirements, the governing body shall secure the removal of the dwelling unless an extension is granted. An extension of not more than two (2) years may be granted if the governing body has substantial evidence on which the finding can be made that, due to natural disaster or illness, completion of the requirements in OAR 660-06-027(7)(a) was not possible;
- (d) The governing body shall enforce the terms of this agreement if the prospective resident(s) fails to meet the stocking and survival requirements of OAR 660-06-027(7)(a) for the lands to be managed within five years unless the temporary dwelling and accessory structures already have been removed or unless an extension has been granted under OAR 660-06-027(7)(c);
- (e) When the governing body has determined that the prospective resident(s) has complied with the requirements of OAR 660-06-027(7)(a), the temporary dwelling may be replaced by a permanently constructed dwelling.
- (8) A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.
- (9) An application for a forest management dwelling is not complete for the purpose of requiring a governing body to take final action on the permit within 120 days, as required by ORS 215.428, until all the required information including the review and evaluation by the Oregon Department of Forestry required by OAR 660-06-027(1) is submitted to the governing body.
- (10) It is the responsibility of the governing body to make the final determination that the requirements of OAR 660-06-027 have been met.

STAFF COMMENT: FOREST MANAGEMENT DWELLINGS.

One of the reasons that the Forest Goal had to be amended was a result of the Oregon Supreme Court 1988 decision in 1000 Friends of Oregon v. Land Conservation and Development Commission (Lane County). The Supreme Court held that the LCDC should not have acknowledged Lane County's comprehensive plan to be in compliance with statewide planning goals. One, of many, issues in the case dealt with the County's use of the words "accessory" and "necessary" in the approval criteria for a "forest dwelling." Those two words had been used by LCDC in reviewing land uses in Goal 3 and 4 lands since a 1983 Land Use Board of Appeals case. Lane County's code provided that if a forest management plan was completed, then a dwelling was "deemed accessory and necessary to the forest management." The Supreme Court noted that the words "necessary" and "accessory" were themselves not a part of Goal 4 and then the Court concluded:

"Therefore, the question is actually whether the standards for compliance with the forest management plan are such that LCDC can properly conclude that what would otherwise be a non-forest use -- a dwelling -- is, because of the forest management plan, properly considered a forest use. (Page 13).

The 'necessary and accessory' test in the Lane County plan is neither precise nor strict enough to show that dwellings on forest lands will meet the stated intent of Goal 4 to conserve forest lands for forest uses." (Page 15)

As a result, LCDC in 1990 amended Goal 4 and the administrative rule to address the Supreme Courts concerns. The Commission added the phrase "necessary for, and accessory to, forest operations" to both the goal and rule in order to allow forest related dwellings under appropriate standards.

The rule language, however, does not state a specific minimum parcel size for a forest related dwelling and uses the vague term "extensive" in describing the amount of time (labor) which the dwelling resident must spend on forest management labor in order to provide the "findings based on substantial evidence that the requirements" of the rule are met.

A good summary explanation of the forest related dwelling standards was made by Ted Lorensen, Policy Analyst with the Oregon Department of Forestry (ODOF), in a report to the Board of Forestry entitled "Dwellings 'Necessary For' A Forest Operation, (Agenda Item 4, July 19, 1991 Board meeting). After a narration of the evolution of the LCDC forest dwelling rule language, Mr. Lorensen states:

"The eventual draft wording of 'necessary for' which used the term 'contribute substantially' reflected a vision that the time to be spent by the resident on forest management was an important factor, but not the only factor in making the determination. The key words in the intent statement are 'principal purpose,' 'extensive amount of time,' and 'ongoing forest management'.

With regard to 'principal purpose', it appears that LCDC is embracing a standard somewhat less than requiring the manager(s) to be totally a 'tree farmer', but which requires that the resident manager is predominantly a 'tree farmer'.

With regard to 'extensive amount of time', it appears that this is less restrictive than 'a continuous presence is required' but does require that significant work exists for the resident manager to conduct on an on-going manner.

'Ongoing forest management' appears to imply that the long-term forest management should be the basis for analyzing the need for a dwelling and not short term management needs." (Page 4).

The same report to the Board of Forestry outlined a range of five different possible levels of resident forest management labor and characterized them as follows on pages 5 and 6:

1. One weekend per month (192 hours per year): "... a situation in which the dwelling would 'enhance' the management of the property. However this level of input can be provided by off-site owners and clearly, the principal purpose of the dwelling would not be forest management."
2. Two weekends per month (384 hours per year): "... represents an alternative where a manager that has a full-time other job would be spending, more or less, half their free time on the weekends managing the property. ... This does not appear to be a situation where the principal purpose of the dwelling is forest management. However, time spent on management is becoming significant in terms of free time."
3. 500 hours per year: "... represents that level of input that is considered to define an active participant in forestry under the current IRS tax codes. ... This may be a situation where a principal purpose of the dwelling is forest management and the time spent is becoming more extensive."
4. 20 hours per week (1040 hours per year): "... represents a situation where clearly a principal purpose of the dwelling is forest management. Additionally, 20 hours per week would also reasonably be considered to be an extensive amount of time and require 'ongoing management'."

5. 40 hours per week (2080 hours per year): "... represents a situation where the 'principal purpose,' 'extensive amount of time,' and 'ongoing management' standards are met."

The report then matched those labor amounts with the results of a study done to determine the type and amount of labor that would be expected in conducting forestry practices on different acreages of forest parcels. The study was done by the Department of Forestry assisted by a committee of professional foresters employed by the Department. Table 3 (on page 5 of Attachment 1 to Agenda Item 4) sums up this match:

"Table 3: Acres of Land That Can Be Managed For A Given Amount of Landowner Labor Input"

Hours of Landowner Labor	Difficulty (Working the Land)	
	Low	High
	-----	-----
	Acres	Acres
1 Weekend / Month (192 hrs/yr)	102	52
2 Weekends / Month (384 hrs/yr)	202	81
500 Hours / Year	263	106
20 Hours / Week (1040 hrs/yr)	547	220
40 Hours / Week (2080 hrs/yr)	1095	440

Note: These acreage estimates above are consistent with the estimates of Lucien Alexander, a partner in the Portland forestry consulting firm of Mason, Bruce & Girard. In 1984, he calculated the amount of time it would take to manage 16 different acreages of forest land ranging from 20 to 640 acres, based on some actual property in Lane County. The sixteen hypothetical tracts also had a variety of different conditions, ranging from brushy cut-over land to 40 year old trees. Except for one or two of the 640 acre tracts all of the smaller tracts, (from 20 to 80 acres) could easily be managed using weekends. Periods of up to 20 years required no management by the landowner, such as between planting and thinning, or between the first and second thinning."

In addition to presenting the above findings to the Board of Forestry, Department of Forestry staff also recommended that the Board adopt the following position in reviewing forest management plans:

"The Department recommends that the position about how much ongoing forest management labor by a landowner results in contribut-

ing substantially to effective and efficient management of the forest land to be managed and therefore, meets the definition of 'necessary for' should be:

- a. For levels of input less than two weekends per month, the Department would oppose the application as not meeting the 'necessary for' standard;
- b. For levels of input that meet or exceed 20 hours per week would be accepted by the Department as 'necessary for;' and
- c. For levels of input between these two levels, the Department would make a declarative statement about the amount of labor input and that in the Department's opinion the dwelling may not meet the definition of 'necessary for'."

The above position, in effect, is a determination that most likely only on a parcel of at least 80 acres is there sufficient labor involved to meet the "necessary for" forest dwelling standard. **The preceding position, recommended by ODOF staff, was NOT adopted by the Board of Forestry.** However, portions of the Department of Forestry studies and recommendations are presented in these Findings as the best information Multnomah County planning staff has located which attempts to quantify the new rule standards for forest related dwellings.

Part of the reason that the Board of Forestry did not adopt the recommended standard was testimony at the hearing asking for (1) a delay in adoption of such standards until a "secondary lands" law or rule was adopted which permitted dwellings on smaller existing parcels and (2) opposition from small woodlot owners. In a July 16, 1991 memo to the Board of Forestry from Gary Carlson, Executive Director of the Oregon Small Woodlands Association states:

"The Oregon Small Woodlands Association urges the Board not to adopt as Department policy the recommendations contained in the staff report for Agenda Item 4, Dwellings 'Necessary For' a Forest Operation.

We object to the application of a rigid criteria based on hours of management input contained in the requisite management plan. We object in particular to the 'statistical' and the 'one size fits all' approach contained in the 'Analytical Process for Determining Level of Ongoing Forest Management Labor Related to 'Necessary For' staff paper that is the basis for the recommended Board position.

Testimony submitted to the Board of Forestry on July 19, 1991 from the Department of Land Conservation and Development supported the approach of evaluating the labor required to implement a management plan for determining whether a dwelling will substantially contribute to effective forest management, but advised against setting minimum lot sizes:

"It is important to note that the forest rule implies that each application be judged independently. Therefore, we advise that it be made clear that these are guidelines and not minimum lot sizes upon which ODOF's recommendation must be based.

In adopting the definition of 'necessary for,' LCDC recognized that forest management objectives among individuals will vary. Their intention was to allow for some variation in forest management provided these practices would be effective and efficient. The variation in practices may include managing a portion of their operation for Christmas trees or hardwoods or providing hand labor in place of certain chemical applications. In addition, LCDC recognized that existing conditions of the land or the specific location of a parcel may require the resident to spend more time than what might be described as typical for certain forest practices. For example, extensive vandalism or drought conditions may demand more labor from a resident to manage the operation successfully. These factors alone would not support a conclusion that a dwelling was necessary, but they are factors relevant to the decision."

The result of the ODOF study seems to be that while ODOF staff will still review the proposed management plans and provide an evaluation, those evaluations, either won't use the acreage standard or if they do it is not Board policy and would have less validity in any future court challenges to individual cases. In the end, however, it has always been "the responsibility of the governing body to make the final determination that the requirements of OAR 660-06-027 have been met".

In drafting ordinance language to comply with this section of the OAR most of the language must exactly match the rule. Because no minimum parcel sizes are specified, Multnomah County may include a minimum parcel size as an additional standard to be met. The Planning Commission has chosen to use the same minimum lot size for a forest management dwelling that is in the present MUF and CFU zoning regulations. This 10 acre minimum is recognized not as an indicator of the size of lot appropriate for approval of a management plan, but more of a means of eliminating the need to process applications where clearly the lot size would not meet the standards for a dwelling being "necessary" for forest management.

-
- (11) Nothing in OAR 660-06-027 relieves governing bodies from complying with other requirements contained in the comprehensive plan or implementing ordinances such as the requirements addressing other resource values (e.g., Goal 5) which exist on forest lands.

Dwellings Not Related to Forest Management

660-06-028 The Commission has determined that circumstances may exist under which a dwelling not related to forest management may be allowed under prescribed conditions. Governing bodies may allow dwellings not related to forest management subject to the following standards:

- (1) The dwelling would not force a significant change in, significantly increase the costs of, or impede accepted farming or forest practices on agriculture or forest lands; and
-

STAFF COMMENT: DWELLINGS EFFECT ON FOREST PRACTICES.

For a dwelling to "force a significant change in, significantly increase the costs of, or impede accepted farming or forest practices," the presence of and/or location of the dwelling would cause a forest operator or farmer to modify forest or farming practices in anticipation of or after receipt of complaints from the non-resource dwelling occupant. Some of the conflicts which occur between non-forest dwellings and adjacent and nearby forestry and farming practices involve:

(from forestry practices)

1. aerial application of pesticides;
2. the burning of slash;
3. forest road construction;
4. hauling activities (causing dust, noise and safety concerns);
5. complaints about the visual appearance of the site after timber harvest;

(sometimes from residents)

6. trespass;
7. refuse and litter;
8. vandalism;
9. accidental fire;

(from farming practices)

10. fertilizer and chemical spraying;
 11. farm animal trespass;
 12. complaints about odors and smells; and
 13. complaints about slow moving machinery.
-

- (2) The parcel of the proposed dwelling is located within a rural fire protection district or the proposed resident has contracted for residential fire protection; and
- (3) A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules; and
- (4) The dwelling meets the standards in OAR 660-06-029 and OAR 660-06-035; and
- (5) The parcel on which the dwelling would be located was lawfully created prior to adoption of OAR 660-06-028; and
- (6) The parcel on which the dwelling would be located has been disqualified from receiving a farm or forest tax deferral; and
- (7) The parcel satisfies one of the following:
 - (a) In western Oregon, the parcel is composed primarily of soils which are:
 - (A) capable of 0 to 49 cubic feet per acre per year (cf/ac/yr) and where this parcel and at least all or part of 3 other parcels exist within a 160-acre square when centered on the center of the subject parcel, or
 - (B) capable of 50 to 85 cf/ac/yr and where this parcel and at least all or part of 7 other parcels exist within a 160-acre square when centered on the center of the subject parcel, or
 - (C) capable of above 85 cf/ac/yr and where this parcel and at least all or part of 11 other parcels exist within a 160-acre square when centered on the center of the subject parcel; or
 - (b) In eastern Oregon, the parcel is composed primarily of soils which are:
 - (A) capable of 0 to 50 cf/ac/yr and where this parcel and at least all or part of 7 other parcels exist within a 160-acre square when centered on the center of the subject parcel, or
 - (B) capable of above 50 cf/ac/yr and where this parcel and at least all or part of 11 other parcels exist within a 160-acre square when centered on the center of the subject parcel.
- (8) Parcels within urban growth boundaries shall not be counted to satisfy the eligibility requirements under OAR 660-06-028(7).

- (9) If road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.
- (10) Nothing in OAR 660-06-028 relieves governing bodies from complying with other requirements contained in the comprehensive plan or implementing ordinances such as the requirements addressing other resource values (e.g., Goal 5) which exist on forest lands.
- (11) Dwellings not related to forest management shall not be allowed pursuant to OAR 660-06-028 thirty (30) days after the commission adopts goal and rule amendments establishing secondary lands.
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POLICY CHOICE: STANDARDS FOR ALLOWING DWELLINGS NOT RELATED TO FOREST MANAGEMENT

Much of the testimony heard by the Land Conservation and Development Commission during hearings on the amended forest rule were requests for the opportunity to develop existing lots with dwellings not related to forest management (sometimes referred to in this report as "nonforest" dwellings). After much deliberation, the Commission recognized that there are "certain situations within the forest environment where the siting of a dwelling will not appreciably affect the values Goal 4 is designed to protect" ("Summary of Testimony and Discussion of Amendments to Goal 4 and OAR 660, Division 6," a report accompanying the February 8 distribution of the goal and OAR, page 31). The "situations" are, in many cases, where there is some factor that makes a forest area less productive or viable ("secondary" in quality) compared to others of more importance ("primary" forest lands). Such factors may include soil capabilities in producing timber, quantified as cubic feet per acre per year of Douglas Fir, and the degree to which the land ownership is parceled into many inefficient small lots.

LCDC and the State Legislature have both been struggling the past several years with defining and enacting a statewide "secondary lands" goal, rule, or statute. Lacking such a program, LCDC wrote the amended forest rule to allow the limited approval of dwellings not related to forest management in situations like those which have been under discussion as qualifying for designation as "secondary." However, written into the rule is a deadline in which this provision expires 30 days after the adoption of goal and rule amendments establishing "secondary lands."

The "secondary lands" type of standard in the rule [subsection 660-06-028 (5)-(8)] establishes an eligibility process for individual parcels which involves counting the number of existing parcels there are within a 160 acre square grid centered on the subject parcel. The number of parcels required for eligibility depends on the timber producing quality of the soils, more parcels are required when the productivity potential is higher. For nearly all of timber zoned soils in Multnomah County the highest number of 11 other parcels is required to meet the eligibility threshold. In addition to the 160 acre grid test, an assessment of the possible effects the residence might have on adjacent forest lands is also required.

In an effort to determine the number and characteristics of the existing parcels in Multnomah County that could meet the "11 other parcels within a 160 acre square grid test," staff conducted a study which actually tested each parcel that met the present lot of record definition. In addition to single ownership tax lots and subdivision lots, lots of record in the MUF and CFU zone include "aggregations" of adjacent existing tax lots or subdivision lots in the same ownership into groups of at least 19 acres with no lot or grouping of lots less than 19 acres standing alone.

The study included updating dwelling permit information and land divisions on assessment and taxation property maps. Then a to scale 160 acre clear template was centered on each of the 720 lots of record of less than 80 acres without a dwelling. (Parcels more than 80 acres were not tested). The number of lots in which any portion of the lot was within the square were then counted.

The parcels which met the 160 acre grid test were then totaled into four different groupings of parcel sizes. The groupings were: under 10 acres, considered by the present zones to be non-resource; 10 to under 19, presently considered presently to be resource land but is less than the minimum lot size of the MUF -19 zone; 19 to under 38, a match of the MUF-19 zone minimum; 38 to under 80, a match with lots created in the MUF -38 zone. The results then were added for county-wide totals and also broken down into three subregions: Northwest Hills, East County / West of the Sandy River, and East County / East of the Sandy River (excluding the Columbia River NSA and State and Federal owned lands).

The study produced some surprises, most notably that 83 percent of the existing parcels under 80 acres without dwellings met the 160 acre square grid test for eligibility to apply for a dwelling not related to forest management. These 532 potential nonforest dwellings amount to about three quarters of the 680 existing dwellings in the forest zones. The Planning Commission could view the figures in many ways. One would be that the numbers are evidence that the County is so parceled up into small ownerships, with its resulting less efficient forest productivity potential, that allowing all eligible nonforest dwellings would likely have little impact on commercial levels of forest production. Another view may be that the numbers of nonforest related dwellings are unacceptably high considering their potential interference with

existing forest practices and some other mechanism is necessary to further define areas appropriate for dwellings not related to forest management.

Table 1. Existing Parcels Without Dwellings
"NONFOREST" DWELLING ANALYSIS
TOTALS FOR ALL FOREST ZONED LANDS

(Does not include: Columbia Gorge NSA, Columbia River Islands,
State and Federal Ownerships, and Urban Areas)

Existing Dwellings: 680 Lots >80 acres with existing dwellings: 2

NUMBER OF PARCELS* WITHOUT DWELLINGS BY LOT AREA (Acres):

<u>Total parcels</u>	<u>Parcels meeting</u> <u>160 acre <input type="checkbox"/> test</u>	<u>Parcels not meeting</u> <u>160 acre <input type="checkbox"/> test</u>
> 80 <u>78</u>		
38 - 79.9 <u>137</u>	<u>78</u>	<u>59</u>
19 - 37.9 <u>127</u>	<u>106</u>	<u>21</u>
10 - 18.9 <u>98</u>	<u>87</u>	<u>11</u>
< 10 <u>280</u>	<u>261</u>	<u>19</u>
Total <u>720</u>	Total <u>532</u>	Total <u>110</u>

*Parcels which are defined in the present MUF and CFU zones as "lots of record."

* Totals do not include 40 different ownerships in the Greenoe Heights and Inglevue Subdivisions, both platted in 1909 into 25'x100' lots on street systems that do not connect to any County road. Steep slopes, lack of adequate access, small lot areas, and sizable percentage of out of state ownerships combine to raise doubts about using those lots in the count of potential buildable non-resource lots.

SUBREGIONAL SUMMARY

Table 2. Existing Parcels Without Dwellings
"NONFOREST" DWELLING ANALYSIS
NORTHWEST HILLS
FOREST ZONED LANDS

Existing Dwellings 376 Lots >80 acres with existing dwellings 1

NUMBER OF PARCELS* WITHOUT DWELLINGS BY LOT AREA (Acres):

<u>Total parcels</u>	<u>meeting <input type="checkbox"/> test</u>	<u>not meeting <input type="checkbox"/> test</u>
> 80 <u>29</u>		
38 - 79.9 <u>63</u>	<u>37</u>	<u>26</u>
19 - 37.9 <u>70</u>	<u>60</u>	<u>10</u>
10 - 18.9 <u>71</u>	<u>62</u>	<u>9</u>
< 10 <u>219</u>	<u>208</u>	<u>11</u>
Total** <u>452</u>	Total** <u>367</u>	Total** <u>56</u>

*Parcels which are defined in the present MUF and CFU zones as "lots of record."

* Totals do not include 40 different ownerships in the Greenoe Heights and Ingleview Subdivisions, both platted in 1909 into 25'x100' lots on street systems that do not connect to any County road. Steep slopes, lack of adequate access, small lot areas, and sizable percentage of out of state ownerships combine to raise doubts about using those lots in the count of potential buildable non-resource lots.

Table 3. Existing Parcels Without Dwellings
 "NONFOREST" DWELLING ANALYSIS
EAST COUNTY/WEST OF SANDY RIVER
 FOREST ZONED LANDS

Existing Dwellings 46 Lots >80 acres with existing dwellings 0

NUMBER OF PARCELS* WITHOUT DWELLINGS BY LOT AREA (Acres):

<u>Total parcels</u>	<u>meeting <input type="checkbox"/> test</u>	<u>not meeting <input type="checkbox"/> test</u>
> 80 <u>1</u>		
38 - 79.9 <u>2</u>	<u>1</u>	<u>1</u>
19 - 37.9 <u>5</u>	<u>5</u>	<u>0</u>
10 - 18.9 <u>6</u>	<u>5</u>	<u>1</u>
< 10 <u>13</u>	<u>13</u>	<u>0</u>
Total <u>27</u>	Total <u>24</u>	Total <u>2</u>

*Parcels which are defined in the present MUF and CFU zones as "lots of record."

Table 4. Existing Parcels Without Dwellings
 "NONFOREST" DWELLING ANALYSIS
EAST COUNTY/EAST OF SANDY RIVER
 FOREST ZONED LANDS

(Not including: Columbia Gorge NSA, and State and Federal Ownerships.)

Existing Dwellings 258 Lots >80 acres with existing dwellings 1

NUMBER OF PARCELS* WITHOUT DWELLINGS BY LOT AREA (Acres):

<u>Total parcels</u>	<u>meeting <input type="checkbox"/> test</u>	<u>not meeting <input type="checkbox"/> test</u>
> 80 <u>48</u>		
38 - 79.9 <u>72</u>	<u>40</u>	<u>32</u>
19 - 37.9 <u>52</u>	<u>41</u>	<u>11</u>
10 - 18.9 <u>21</u>	<u>20</u>	<u>1</u>
< 10 <u>69</u>	<u>40</u>	<u>8</u>
Total <u>241</u>	Total <u>141</u>	Total <u>52</u>

*Parcels which are defined in the present MUF and CFU zones as "lots of record."

NON-MANDATED APPROVAL STANDARDS FOR DWELLINGS NOT RELATED TO FOREST MANAGEMENT: While Multnomah County can adopt regulations no less strict than the Oregon Administrative Rule, the County may adopt more restrictions on development than are in the Rule. In response to some problems and conflicts seen in the past between residences and efficient forestry practices, the Planning Commission is recommending to the Board of County Commissioners that the following additional regulations be adopted. The additional restrictions would result in some reduction in the number of potential dwellings but the dwellings that are approved are the ones more more likely to be compatible with efficient forest production.

- A. Add a minimum lot size for **existing** lots which must be met in order to apply for a dwelling not related to forest management. In the CFU zone amendments no minimum lot area is cited, but the lot must be of sufficient area to site a dwelling with minimum yard setbacks of 100 feet to the centerline of any County-maintained road and 200 feet to all other property lines. Those setbacks are proposed in an effort to ensure that a new dwelling will be less likely to affect forestry practices on adjacent property. This requirement, assuming a rectangular lot shape, would require the lot to be about 3 1/4 acres in area at a minimum. Less regular shaped lots will need to contain more area or may not be able to meet the standard.
 - B. In an attempt to better identify areas impacted by parcelization and development, resulting in the properties being less efficient for forestry production and more committed to non-forest uses, the Planning Commission is recommending additional criteria for eligibility for this type of dwelling. CFU language adds to the "160 acre square test" the requirement that a specific number of the other 11 parcels also contain a dwelling that existed on the date of passage of the amendments. This requirement will (1) result in the nonforest dwellings that are approved being closer together and more in character with the immediate surrounding area, (2) eliminate the possibility of isolated dwellings impacting forest practices on nearby properties, and (3) cluster the dwellings for better fire protection. No determination of the number of properties affected by this non-mandated provision has been made.
-

Siting Standards for Dwellings and Structures in Forest Zones

660-06-029 The following siting standards or their equivalent shall apply to all new dwellings and structures in forest and agriculture/forest zones. These standards are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. A governing body shall weigh the standards in OAR 660-06-029 together with the requirements in OAR 660-06-035 to identify the building site.

- (1) Dwellings and structures shall be sited on the parcel so that:
 - (a) They have the least impact on nearby or adjoining forest or agricultural lands;
 - (b) The siting ensures that forest operations and accepted farming practices will not be curtailed or impeded;
 - (c) The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and
 - (d) The risks associated with wildfire are minimized.
- (2) Siting standards satisfying subsection OAR 660-06-029(1) may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.
- (3) The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class II stream as defined in the Forest Practices Rule (OAR 629-24-101(3)). If the water supply is unavailable from public sources or sources located entirely on the property, then the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.

POLICY CHOICE: SITING STANDARDS FOR DWELLINGS AND STRUCTURES

In this report to follow is a summary of siting and road standards recommended by the Oregon Department of Forestry and various fire protection districts. The information was used by the Planning Commission in the drafting of the dwelling and structure siting standards. In the past, there have been some problems in using our present development standards. The problems usually arose from different interpretations of a few vague phrases, ie. "as close proximity to a publicly maintained street as possible." The rule unfortunately is not much more specific, using such terms as "minimized" and "least impact."

The recommended siting regulations in the amended CFU district strive to avoid imprecise language and use a numerical standard where the rule allows. The numbers are taken from ODOF technical publications, recommendations and requirements of the various fire protection districts in the County, or are MUF and CFU standards used since 1980.

Fire Siting Standards for Dwellings and Structures

660-06-035 The following fire siting standards or their equivalent shall apply to new dwelling or structures in a forest or agriculture/forest zone:

- (1) If a water supply is available and suitable for fire protection, such as a swimming pool, pond, stream, or lake, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
- (2) Road access to the dwelling shall meet road design standards described in OAR 660-06-040.
- (3) The owners of the dwellings and structures shall: maintain a primary fuel-free break area surrounding all structures; clear and maintain a secondary fuel-free break area; and maintain adequate access to the dwelling for fire fighting equipment vehicles in accordance with the provisions in "Protecting Your Home from Wildfire," (National Fire Protection Association).

RECOMMENDED FIRE SITING STANDARDS OF THE OREGON DEPARTMENT OF FORESTRY:

Water Supply Standards:

1. Access - If a water supply (such as a swimming pool, pond, stream, or lake) of 4,000 gallons or more exists within 100 feet of the driveway or road at a reasonable grade (12%), an all-weather approach to a point within 15 feet of the water's edge should be provided. The all-weather approach would provide a turnaround with a 48-foot radius of one of the types shown in the illustration below.
2. Identification - Emergency water supplies should be clearly marked along the access route with a county approved sign.

Fuel Break Standards:

1. **Primary Safety Zone** - The primary safety zone is a fire break extending a minimum of 30 feet in all directions around structures. The goal within the primary safety zone is to remove fuels that will produce flame lengths in excess of one foot. Vegetation within the primary safety zone could include green lawns and low shrubs (less than 24 inches in height). Trees should be spaced with greater than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet) branches. Accumulated leaves, needles, limbs and other dead vegetation should be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) should be placed next to the house.

As slope increases, the primary safety zone should increase away from the house, parallel to the slope and down the slope.

2. **Secondary Fuel Break** - The secondary fuel break is a fuel break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of the secondary fuel break should be to reduce fuels so that the overall intensity of any wildfire would be lessened and the likelihood of crown fires and crowning is reduced. Vegetation within the secondary fuel break should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent spread of fire up into the crowns of larger trees. Dead fuels should be removed.
-

Fire Safety Design Standards for Roads

660-06-040 The governing body shall establish road design standards, except for private roads and bridges accessing only commercial forest uses, which ensure that public roads, bridges, private roads and driveways are constructed so as to provide adequate access for fire fighting equipment. Such standards shall address maximum grade, road width, turning radius, road surface, bridge design, culverts, and road access taking into consideration seasonal weather conditions. The governing body shall consult with the appropriate Rural Fire Protection District and Forest Protection District in establishing these standards.

EXAMPLES OF FIRE SAFETY DESIGN STANDARDS FOR ROADS:

OREGON DEPARTMENT OF FORESTRY

Road Standards (public roads and private roads accessing 2 or more residences):

1. Roads should be built and maintained to provide a minimum 20 foot width of all-weather surface capable of supporting gross vehicle weights of 50,000 pounds, a minimum curve radius of 48 feet and a vertical clearance of 13'6".
2. Cul-de-sacs should be defined as dead-end roads over 150 feet in length. Cul-de-sacs should have turn-arounds of not less than 48 feet radius at a maximum spacing of 500 feet between turn-arounds. All turn-arounds should be marked and signed as "NO PARKING."
3. Bridges, culverts, and other structures in the road bed should be constructed and maintained to support gross vehicle weights of 50,000 pounds.
4. Road grades should not exceed an average of 8 percent, with a maximum of 12 percent on short pitches. Variances could be granted by the fire service having responsibility for the area when topographic conditions make these standards impractical.
5. Roads should be uniquely named or numbered and visibly signed at each road intersection. Letters or numbers should be a minimum of three inches in height and constructed of reflectorized material.

Driveway Standards (private roads accessing a single residence):

1. Driveways should be built and maintained to provide a minimum 12-foot width of all-weather surface capable of supporting gross vehicle weights of 50,000 pounds, a minimum curve radius of 48 feet and a vertical clearance of 13'6".
2. Driveways in excess of 200 feet should provide 20-foot wide by 40-foot long passage space (turnouts) at a maximum spacing of 1/2 the driveway length or 400 feet, whichever is less. Wherever visibility is limited, these distances should be reduced appropriately.
3. Dead-end-driveways are defined as dead-end roads over 150 feet in length serving a single residence. Dead-end-driveways should have turn-arounds of not less than 48 feet radius.

4. Bridges, culverts, and other structures in the road bed should be constructed and maintained to support gross vehicle weights of 50,000 pounds.
5. Driveway grades should not exceed an average of 8 percent, with a maximum of 12 percent on short pitches. Variances could be granted by the fire service having responsibility for the area when topographic conditions make these standards impractical.
6. Driveways should be marked with the residence's address unless the residence is visible from the roadway and the address is clearly visible on the residence. Letters or numbers should be a minimum of three inches in height and constructed of reflectorized material.

FIRE PROTECTION DISTRICTS

1. Maximum road grade:

Tualatin Valley Fire and Rescue: Roads and driveways should not exceed an average of 10%, with a maximum of 15% on short pitches.

Sylvan RFPD #4: Contracts with Tualatin Valley.

Powellhurst RFPD #10: Contracts with City of Portland.

Corbett/Springdale #14: Driveway should not exceed 6%, if it exceeds 6% must be approved by fire chief.

Burlington Water District: Contracts with City of Portland.

City of Portland: No standard (uses Uniform Fire Code which for most of these categories does not have standards, and where it does the code is more oriented to urban fire service).

2. Road Width:

Tualatin Valley Fire and Rescue: Road width of 20 feet, driveway width of 15 feet.

Corbett/Springdale #14: Road - no standard, driveway - 12 feet.

Skyline #20: Road - 20 feet, driveway - 12 feet.

City of Portland: Road - no standard, driveway - 12 feet.

3. Turning Radius:

Tualatin Valley Fire and Rescue: Roads and driveways - 45 feet, turnarounds - various alternatives shown by diagram.

Corbett/Springdale #14: Roads - no standard, driveways - 35 feet, turnarounds - must be approved by district.

Skyline #20: no standard.

City of Portland: no standard.

4. Road Surface:

Tualatin Valley Fire and Rescue: Roads and driveways - all-weather surface capable of supporting GVW of 50,000 lbs.

Corbett/Springdale #14: Roads - no standards, driveways - designed and maintained to support the imposed loads of fire apparatus with a surface providing all-weather driving capabilities that can support 26 tons.

Skyline #20: No standard.

City of Portland: Road must support 33,000 lbs (this is an example of an urban standard. They depend on fire hydrants, so the trucks weigh less than tankers that are used if no water source is available).

5. Bridges and Culverts::

Tualatin Valley Fire and Rescue: Roads and driveways - must support 50,000 lb GVW.

Corbett/Springdale #14: Roads - no standard, driveways - must support 26 tons.

Skyline #20: No standard.

City of Portland: Must support 33,000 lbs.

6. Cul-de-sac and turnaround spacing:

Tualatin Valley Fire and Rescue: Dead end roads and driveways are defined as over 150 in length and shall have approved provisions for the turning around of fire apparatus.

Corbett/Springdale #14: No road standard, all dead end driveways in excess of 150 feet shall have approved provisions for turning around fire apparatus.

Skyline #20: If road is more than 500 feet long, must have a turnaround, recommends turnarounds have "no parking" signs.

City of Portland: If road is more than 300 feet long, must have a turnaround.

7. Vertical clearance:

Tualatin Valley Fire and Rescue: 13'6"

Corbett/Springdale #14: 12 feet

Skyline #20: No standard

City of Portland: 13'6"

Uses Authorized in Agriculture/Forest Zones

POLICY CHOICE: AGRICULTURE / FOREST ZONE

The rule allows setting up a combination agriculture and forest zone. The agriculture provisions would be those of the Oregon Revised Statutes on EFU lands and forest provisions would be from this Oregon Administrative Rule. The Planning Commission sees little benefit to be gained from setting up the additional zoning district. It would also be very difficult to satisfy the following requirement:

"Any rezoning of lands from an acknowledged zone to an agricultural / forest zone requires a demonstration that each parcel within the area being rezoned contains such a mixture of agriculture and forest uses that neither Goal 3 nor Goal 4 can be applied alone."

- (1) Governing bodies may establish agriculture/forest zones in accordance with Goals 3 and 4, and OAR 660, Division 6.
- (2) Uses authorized in Exclusive Farm Use Zones in ORS 215.213 and ORS 215.283, whichever is applicable, and in OAR 660-06-025, OAR 660-06-027 and OAR 660-06-028, subject to the requirements of the applicable section, may be allowed in any agriculture/forest zone.
- (3) Notwithstanding OAR 660-06-050(2), nonfarm dwellings authorized under OAR 215.213(3) or ORS 215.283(3) may be allowed on land not receiving special tax assessments under ORS 321.730 or ORS 321.815 three (3) out of the last five (5) years.
- (4) Dwellings and related structures authorized under OAR 660-06-050(2) and (3) in agriculture/forest zones may be allowed subject to the requirements of OAR 660-06-029 and OAR 660-06-035.

New Land Division Requirements in Agriculture/Forest Zones

660-06-055 A governing body shall apply the following standards to new land divisions in agriculture/forest zones. These standards are designed: to make new land divisions compatible with forest operations; to maintain the opportunity for economically efficient forest and agriculture practices; and to conserve values found on forest lands:

- (1) New land divisions may be allowed for certain nonfarm or certain other uses pursuant to ORS 215.263(3) and (4) and OAR 660-06-026(3); and
- (2) New land divisions may be allowed for agriculture/forest practices pursuant to the minimum land division standards established in acknowledged agriculture/forest zones pending an evaluation described in OAR 660-06-026(1). Governing bodies shall submit the findings from the evaluation to the department for their review prior to the time the governing body is obligated to be in compliance with OAR 660, Division 6.
- (3) Where the commission or department determines that acknowledged land division standards do not comply with the amended Goal 4, the governing body shall amend their land division standards to be consistent with the amended Goal 4 and the requirements of OAR 660-06-026(2).
- (4) Notwithstanding OAR 660-06-055(2) and OAR 660-06-055(3), the minimum land division standards may be waived to allow a division of forest land involving a dwelling existing prior to the date of adoption of this rule provided:

- (a) The new parcel containing the dwelling is no larger than 5 acres; and
- (b) The remaining forest parcel, not containing the dwelling, meets the minimum land division standards of the zone; or
- (c) The remaining forest parcel, not containing the dwelling, is consolidated with another parcel which together meet the minimum land division standards of the zone.

Rezoning Land to an Agriculture/Forest Zone

660-06-057 Any rezoning of lands from an acknowledged zone to an agriculture/forest zone requires a demonstration that each parcel within the area being rezoned contains such a mixture of agriculture and forest uses that neither Goal 3 nor Goal 4 can be applied alone.

Regulation of Forest Operations

660-06-060 The Forest Practices Act (ORS 527.620 to ORS 527.990) as implemented through State Board of Forestry rules (OAR 629-24-101 to OAR 629-24-648) regulates forest operations on forest lands. The relationship between the Forest Practices Act and land use planning is described in ORS 527.722 to ORS 527.726. OAR 660-06-025 does not authorize county governing bodies to regulate forest operations or other uses allowed by ORS 527.620 to ORS 527.990 and OAR 629-24-101 to OAR 629-24-648.

Meeting Date: December 8, 1992

Agenda No.: P-4

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Planning Commission November 16, 1992 Decision

BCC Informal	<u>(date)</u>	BCC Formal	<u>December 8, 1992</u>
DEPARTMENT	<u>DES</u>	DIVISION	<u>Planning</u>
CONTACT	<u>Sharon Cowley</u>	TELEPHONE	<u>2610</u>
PERSON(S) MAKING PRESENTATION	<u>Planning Staff</u>		

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 15 Minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: xx

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

C 9-92 A proposal to consider revision of the Comprehensive Framework Plan to add Bridal Veil to the inventory of significant Historic Resources

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER  _____

(All accompanying documents must have required signatures)

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY**

In the Matter of Amending the Comprehensive)
Framework Plan to include Bridal Veil in the)
County Inventory of Historic Resources)

**ORDER
C 9-92**

WHEREAS, Multnomah County is required by Statewide Planning Goal 5 to inventory its historic resources and include significant sites in the Comprehensive Plan Inventory; and

WHEREAS, Comprehensive Plan Policy 16-I states that significant historic resources should be recognized and appropriate preservation measures applied; and

WHEREAS, Bridal Veil complies with the majority of the Historic Site Criteria contained within the Comprehensive Framework Plan; and

WHEREAS, The Goal 5 process must be completed for significant sites by identifying conflicting uses and the economic, social, environmental and energy consequences of allowing those uses, leading to a protection plan based on the results to provide full, partial or no protection of the resource; and

WHEREAS, There are various state and federal agencies and private parties with an interest in Bridal Veil who could assist in the Goal 5 process as part of a Task Force; and

WHEREAS, The Planning Commission recommended that the Multnomah County Board of County Commissioners amend the Comprehensive Framework Plan to include Bridal Veil in the inventory of Historic Resources.

NOW, THEREFORE the Board of Commissioners Orders in accordance with MCC 11.05.320, and upon recommendation of the Planning Commission, the Supplemental Findings section of the Comprehensive Framework Plan is amended to include Bridal Veil in the inventory of significant historic resources.

Adopted this 8th day of December, 1992

(SEAL)

By _____
Gladys McCoy, County Chair
Multnomah County Board of Commissioners

REVIEWED:

John DuBay, Deputy County Counsel
of Multnomah County, Oregon



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

C 9-92
PLANNING COMMISSION DECISION
NOVEMBER 16, 1992

PROPOSAL: To consider revision of the Comprehensive Framework Plan to add Bridal Veil to the inventory of significant Historic Resources.

I. INTRODUCTION

BACKGROUND:

Bridal Veil was established in the 1880's as a company mill town to process timber resources in the Columbia Gorge. A paper mill was operating next to the creek by 1883, and the first sawmill was built in 1886-87. These first mills utilized power generated by Bridal Veil Falls to run their machinery. In 1886 the Bridal Veil Falls Lumbering Company was formed. The company constructed a sawmill and logging town 1 1/2 miles above Bridal Veil on Larch Mountain, where timber was rough-cut then flumed down the mountain to a replanning mill at Bridal Veil. Lumber from this mill was used in constructing many of the town's buildings. In 1936 a fire destroyed the replanning mill and several associated buildings. The company decided not to rebuild due to the depletion of timber in the vicinity and the unfavorable economic climate. In 1937 the mill buildings and town were sold to the Kraft Cheese Company, which produced cheese and other wooden boxes under the name of the Bridal Veil Lumber and Box Company. In 1950 the company decided to diversify and began producing molding and door and window frames. Although employment increased from approximately 100 employees in 1950 to 180 in 1955, by 1960 the company had ceased operations and Bridal Veil's 75 year history as an operating company mill town came to an end. Since then the town and buildings have changed hands several times and the population has virtually disappeared.

In March, 1991, the Trust for Public Lands (TPL) purchased the townsite along with a 58 acre parcel with the intent of reselling the property to the Forest Service to be managed for natural and scenic values as part of the Columbia River Gorge National Scenic Area. The majority of the parcel has been sold, but the townsite was excluded because the Forest Service did not want developed property.

When it became known that TPL was considering razing the buildings at Bridal Veil in order to facilitate development of wetland and natural areas, public concerns were raised about possible historic significance of the site and buildings. In response to these con-

cerns, the Multnomah County Planning Division funded a study to provide background research to aid in determining Bridal Veil's significance. Sharr Prohaska, Cultural Heritage Resource Consultant, completed the study and submitted her findings to the Planning Division in July, 1992. The Prohaska report concludes that the Bridal Veil district is of historic and cultural significance. Her report, Bridal Veil, Oregon: History and Significance of the Community, will be referenced in this staff report where appropriate. TPL also commissioned a report, prepared by the Heritage Investment Corporation and entitled Bridal Veil, Multnomah County, Oregon. Historical and Architectural Evaluation. This report concludes that the Bridal Veil site lacks historic significance due to lack of integrity. The Heritage report will also be referenced in this report.

The two reports, while coming to opposite conclusions, also approached the study in different ways. The Prohaska report is an intensive study of the area's history, and argues that the district's significance is rooted in its cultural interpretation values. The Heritage report, on the other hand, focuses on evaluating the physical integrity of the existing structures both individually and as parts of a mill town, reaching a conclusion that there is insufficient integrity left to consider the town historically significant.

NATIONAL SCENIC AREA ISSUES:

Bridal Veil is within the Columbia River Gorge National Scenic Area (CRGNSA) and has been classified as a Public Recreation Area within the Special Management Area (SMA). One of the SMA Goals is to "Protect and enhance cultural resources", which are defined as buildings, structures, ruins or physical evidence of human occupation or activity that are at least 50 years old.

Under the CRGNSA Management Plan, any proposed development or land use which might affect a cultural resource would trigger a field survey and evaluation of significance of the resource. Significance would be based on National Register of Historic Places designation or eligibility. If significant, a professional assessment of the effects of the proposed use is required, and a mitigation plan is necessary if adverse effects are found. Although at this point the county is not proposing application to the National Register for the Bridal Veil district, the county designation process does not conflict with the CRGNSA Management Plan procedures.

In the Recreation Development Plan section of the CRGNSA Management Plan, Bridal Veil has been identified in the "Inventory of Potential Recreation Sites". The development proposal for the site involves constructing facilities "for scenic appreciation, picnicking, interpretation, community activities, fisheries, and riparian rehabilitation". Historic resource adaptation is identified as a possible theme of the site design, and "Historic resources are a primary resource concern." (CRGNSA Management Plan, Action Program, III-46)

II. DETERMINING SIGNIFICANCE

GOAL 5 PROCESS

Statewide Planning Goal 5 requires counties to provide programs that will "protect scenic and historic areas and natural resources for future generations". The Goal 5 process includes inventorying historic resources, then determining which resources are significant based on location, quality and quantity. OAR 660-16-000 (2) and (3) governs the process as follows:

"A 'valid' inventory of a Goal 5 resource...must include a determination of the location, quality, and quantity of each of the resource sites...For site-specific resources, determination of location must include a description or map of the boundaries of the resource site and of the impact area to be affected, if different...The determination of quality requires some consideration of the resource site's relative value, as compared to other examples of the same resource in at least the jurisdiction itself. A determination of quantity requires consideration of the relative abundance of the resource (of any given quality)."

If a resource is not significant, it is designated 1A and no further action is required. If inadequate information is available to determine significance, the resource should be designated 1B and the county must state a time frame for obtaining additional information and completing the Goal 5 process. If information on location, quality and quantity indicate that the resource is significant, it must be included in the Plan inventory, and the Goal 5 process completed (see attached Goal 5 work program). The next step in the Goal 5 process is to determine conflicting uses. If conflicting uses are identified, an analysis of the Economic, Social, Environmental and Energy (ESEE) consequences must be conducted in order to determine which conflicting uses should or should not be allowed. This leads to development of a plan to provide the level of protection necessary.

This report proposes to take the Bridal Veil townsite through the first step of the Goal 5 process - determining its historic significance and, if significant, adding it to the county's inventory of historic resources. It would then be necessary to complete the Goal 5 process by doing the ESEE analysis and developing an appropriate protection program. A Goal 5 Work Program is attached to this report illustrating the potential timeframe for completion of the Goal 5 process.

If the site is found to be significant, it is suggested that a Task Force be formed to assist in the ESEE analysis. The Task Force could include representatives from the various state and federal agencies and private groups with an interest in the site. (A list of possible members follows this report.) The Task Force would be an advisory body, with the goal of reaching a consensus among the various groups. Besides assisting in the ESEE analysis, the Task Force might assist in forming a proposal for protection of the townsite as well as reviewing individual structures and making a recommendation as to which buildings should be preserved and which might be removed due to lack of integrity, alteration, or safety issues. (It should be noted that the town can be deemed historically significant and included in the Comprehensive

Plan inventory, and then to determine that some or even all of the buildings lack integrity and can be demolished. This would be similar to the Portland Women's Forum State Park, which is included in the inventory but which contains no structures except a monument.)

COMPREHENSIVE PLAN POLICIES:

Policy 16-I of the Comprehensive Framework Plan states: "It is the county's policy to recognize significant historic resources, and to apply appropriate historic preservation measures to all designated historic sites."

(As stated previously, this proposal deals only with determining the significance of the Bridal Veil townsite. If found to be significant, the county will complete the ESEE/conflicts analysis portion of the Goal 5 process, and base preservation measures on the results.)

The criteria to be used in determining the significance of a historical site are as follows (page 14, 1991 Comprehensive Framework Plan Summary):

HISTORICAL SITE CRITERIA:

- A. Historic Significance - Property is associated with significant past events, personages, trends or values and has the capacity to evoke one or more of the dominant themes of national or local history.
- B. Architectural Significance - (Rarity of Type and/or Style). Property is a prime example of a stylistic or structural type, or is representative of a type once common and is among the last examples surviving in the county. Property is a prototype or significant work of an architect, builder or engineer noted in the history of architecture and construction in Multnomah County.
- C. Environmental Considerations - Current land use surrounding the property contributes to an aura of the historic period, or property defines important space.
- D. Physical Integrity - Property is essentially as constructed on original site. Sufficient original workmanship and material remain to serve as instruction in period fabrication.
- E. Symbolic Value - Through public interest, sentiment, uniqueness or other factors, property has come to connote an ideal, institution, political entity or period.
- F. Chronology - Property was developed early in the relative scale of local history or was an early expression of type/style.

PLAN REVISION CRITERIA:

MCC 11.05.290: The burden of proof is upon the person initiating a quasi-judicial plan revision. That burden shall be to persuade that the revision is:

- (1) Consistent with the procedures of ORS 197.610 - .625 including any OAR's adopted pursuant to these statutes.
- (2) Evidence that the proposal conforms to the intent of relevant policies in the Comprehensive Plan or that the Plan policies do not apply.
- (3) Evidence that the uses allowed by the proposed change will: 1) not destabilize the land use pattern in the vicinity, 2) not conflict with existing or planned uses on adjacent lands, and 3) that necessary public services are or will be available to serve allowed uses.

III. FINDINGS:

COMPLIANCE WITH GOAL 5 CRITERIA:

Location: Bridal Veil town and mill area, bordered on the west by Bridal Veil Creek, on the east by the eastern edge of the cemetery, on the north by the railroad tracks, and on the south by Crown Point Highway; described as Lots 7-10 and 12-15 of the First Addition to Bridal Veil; tax lots '2' and '3'; the portion of tax lot '11' lying north of the Crown Point Highway; tax lot '19'; the portion of tax lot '18' lying east of and including Bridal Veil Creek, plus a portion of the railroad right-of-way between the I-84 interchange and Bridal Veil Creek, all in Section 22, T1N, R5E (see attached map). This encompasses the original townsite and mill area, the cemetery, and all existing buildings.

Quantity - Bridal Veil is the only mill town remaining in Multnomah County, which increases its significance.

Quality - Bridal Veil operated continuously as a mill town for 100 years, and is one of the earliest established mill towns in the state. There is no modern infill development to detract from the historic setting other than the church and the remodeled mill buildings. The layout of the town is as originally established, with manager's houses on the hillside above the smaller worker's houses located in rows down the hill. While most of the individual houses have been altered and updated over time, structurally they remain very similar to when built.

COMPLIANCE WITH COMPREHENSIVE PLAN HISTORICAL SITE CRITERIA:

- A. Historic Significance - The logging and wood processing industries played a major role in Multnomah County's development. Persons of historic significance to Multnomah County were associated with the town. The State Historic Preservation Office

has identified the timber and fishing industries as the broad themes most urgently requiring cultural resource context studies. Bridal Veil was a mill town associated with the timber industry and logging in the Columbia Gorge. It also evokes the theme of transportation because of its association with shipping of products first on the Columbia River, then by rail, and the development of the Columbia River Highway which opened the Gorge to early (and continued) tourism. In a social context the layout of the manager's houses above the small worker's houses illustrates and evokes the social and economic stratification of the controlling lumber company.

- B. Architectural Significance - (Rarity of Type and/or Style). When the town is considered as a whole, it is a good example of a mill town, showing the social arrangement of manager's houses on the hill with views of the Columbia River, and the worker's houses in rows lower down the slopes and closer to the railroad tracks. No important architect, builder, or engineer was associated with the design or construction of the houses. The houses do not represent a stylistic or structural type other than basic vernacular. Although there were several mill towns associated with the timber and fishing industries in Multnomah County at the turn of the century, Bridal Veil is the last remaining example.
- C. Environmental Considerations - Bridal Veil exhibits little non-historic infill within the townsite area and within the surrounding area. The houses, which date from between 1902-1913, have received some alteration and modernization over the years. The church is not historic, all other community buildings are gone, the mill buildings are from a more recent date and there is no sawmill equipment or machinery left to indicate the historic use.
- D. Physical Integrity - The houses and some of the other structures and mill area are in the same locations as originally constructed. This physical layout is important in recognizing the social hierarchy exhibited in the two housing types (manager vs. worker). Although there has been some alteration to exterior and interior features on many of the houses and some of the other structures, there may be enough original material and workmanship remaining to interpret their original appearance as well as to make restoration possible.
- E. Symbolic Value - Bridal Veil has a great deal of symbolic value as evidenced by public testimony received during the public hearing process. It is unique to Multnomah County, and much public sentiment has been shown for its preservation. The town connotes an earlier period in county history when small settlements were established to process timber and other natural resources. The townsite is symbolic of early logging practices in the Columbia Gorge and the positive and negative aspects thereof. The fact that Bridal Veil diversified the type of wood products produced and continued to operate as a mill town even during the depression and both World Wars lends additional sentiment and testimony to its long history which many area residents do not want to see destroyed.


- F. Chronology - Bridal Veil was established in the 1880's. While several mill towns were established in the county earlier than this, they no longer exist. On a state comparison level, Bridal Veil is the earliest remaining example of a timber related company mill town.

COMPLIANCE WITH PLAN REVISION CRITERIA:

- (1) DLCD notification procedures - ORS 197.610 - .625 deals with giving 45 day notice to DLCD of a proposed plan amendment, sending a copy of the amended text and adopted findings within 5 days of the final decision, the right of appeal, and final acknowledgement 21 days after the final decision if unappealed. These procedures are being followed. ORS 197.732 deals with Goal exceptions, not applicable to this proposal.
- (2) Conformance with Comprehensive Plan policies, or Plan policies do not apply - Comprehensive Plan Policy 16: *"The purpose of the Natural Resources policy is to implement statewide Planning Goal 5: 'Open Spaces, Scenic and Historic Areas, and Natural Resources'. These resources are necessary to ensure the health and well-being of the population, and include such diverse components as mineral and aggregate reserves, significant wetlands, historic sites, and scenic waterways".* Sub-policy 16-I: *"It is the county's policy to recognize significant historic resources, and to apply appropriate historic preservation measures to all designated historic sites".* Bridal Veil complies with the Historic Site Criteria. Amending the Comprehensive Plan will recognize the site's historic significance. Protection is provided to resources included in the inventory through MCC 11.15.8720, which requires design review prior to any alteration of an historic structure and a public hearing process prior to removal or demolition of the structure. Further site specific protection may be proposed based on the results of the ESEE analysis.
- (3) Changed uses will: 1) not destabilize the land use pattern in the vicinity, 2) not conflict with existing or planned uses on adjacent lands, and 3) that necessary public services are or will be available to serve allowed uses - Amending the Comprehensive Plan to include Bridal Veil on the inventory of significant historic resources will not cause a change in allowed uses. Thus there will be no destabilization of the local land use pattern or conflicts with adjacent land uses, and no need for additional public services. Completion of the ESEE analysis may lead to development of a protection plan requiring adoption of a Historic Preservation overlay zone, which could change the allowed uses. This would require additional public hearings, and any effects to adjacent properties or land uses would be discussed at that time.

CONCLUSIONS:

1. Bridal Veil is the only mill town remaining in Multnomah County, and the oldest in the state. It operated continuously for 100 years.
2. Bridal Veil is associated with the historic theme of the timber industry, which was an important factor in the development of the county and state.
3. The physical layout of the town and buildings are as originally constructed in the late 1800's and early 1900's, and reflect the social and economic hierarchy of the workers and managers.
4. The houses may retain enough original materials and structure to understand their original appearance and make restoration possible.
5. Public interest and sentiment support the preservation of Bridal Veil as an historic mill town site.
6. Bridal Veil complies with the majority of the Historical Site Criteria found in the Comprehensive Framework Plan. The Comprehensive Plan should be amended to include Bridal Veil in the inventory of significant historic resources.
7. The remainder of the Goal 5 process, including identification of conflicting uses, ESEE analysis, and resulting proposal for appropriate level of protection should be finished, and reported back to the Planning Commission for decision at their regular April 5, 1993 meeting. A Task Force should be formed to assist in this process.

By 
Richard T. Leonard, Chair
Multnomah County Planning Commission

Filed with Clerk of the Board on November 25, 1992

Appeal to the Board of County Commissioners

Any person who appears and testifies at the hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 4:30 p.m. December 7, 1992 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision in this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, December 8, 1992 in Room 602 of the Multnomah County Courthouse. For further information call Multnomah County Planning and Development at 248-3043.

N

↑

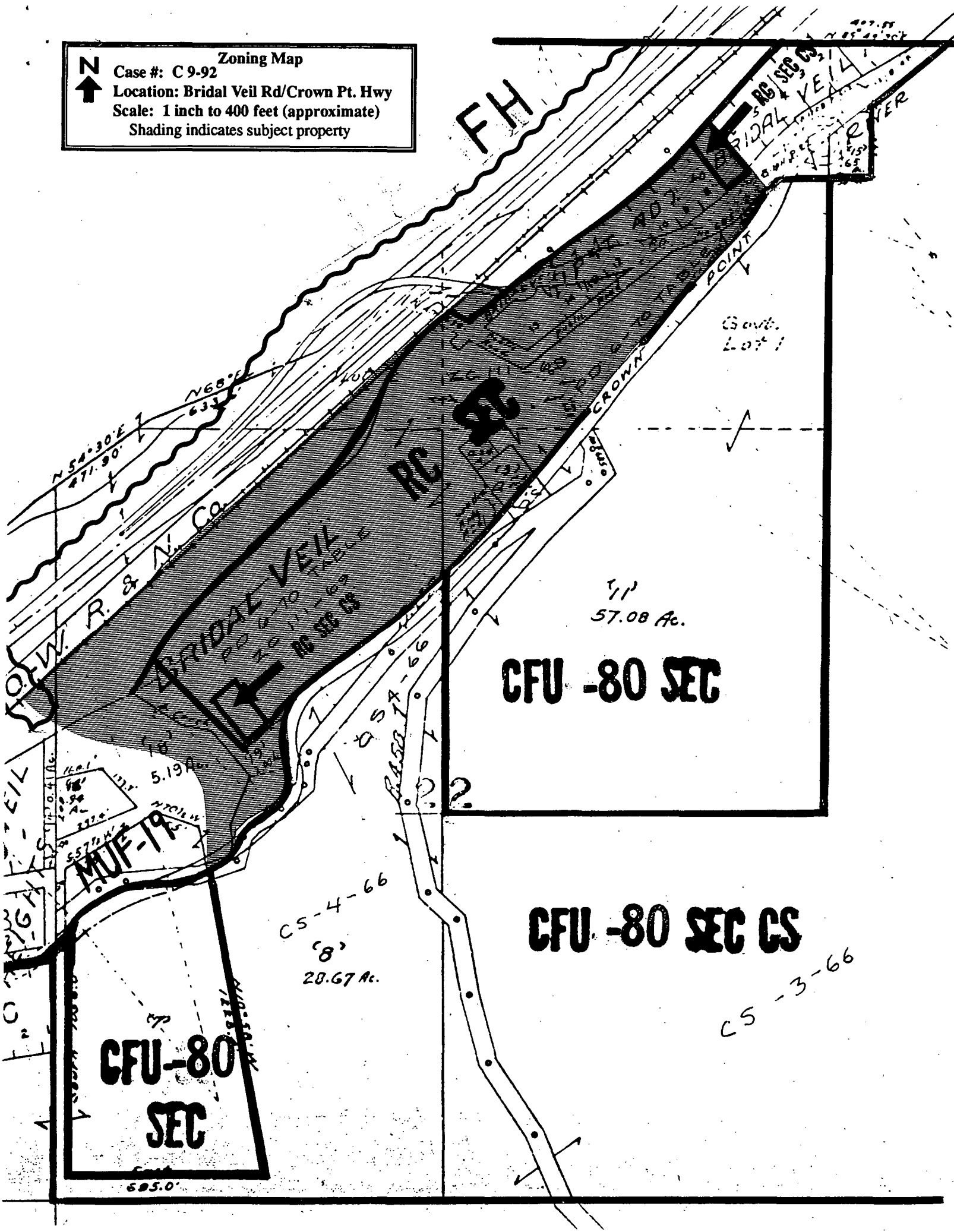
Zoning Map

Case #: C 9-92

Location: Bridal Veil Rd/Crown Pt. Hwy

Scale: 1 inch to 400 feet (approximate)

Shading indicates subject property



Agenda Review
12-8-92
R-8
Handout #1
Fred Neal

PROPOSED ADDITION TO RESOLUTION R-8

December 8, 1992

BE IT FURTHER RESOLVED THAT Multnomah County urges increased/maintained levels of funding for areas of special concern to the most vulnerable of the County's population. *Such as:* Medicaid adult dental programs, Preventative health services for children, youth and families, AIDS/HIV programs, Housing programs, Children and youth services, Mental health programs, Developmental disability programs, Community aging services, Local Area Agency on Aging funding and authority, and Juvenile Corrections, including State Institutions and Community Services and Gang Youth programs.

Meeting Date: DEC 08 1992

Agenda No.: B-1

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Payment in Lieu of Taxes (PILOT)

BCC Informal December 8, 1992 BCC Formal _____
(date) (date)

DEPARTMENT Non Departmental DIVISION _____

CONTACT Fred Christ TELEPHONE 248-5276

PERSON(S) MAKING PRESENTATION Christ, Miggins,

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☒ POLICY DIRECTION ☐ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 30 min.

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: _____

BRIEF SUMMARY (include statement of rationale for action requested,
as well as personnel and fiscal/budgetary impacts, if applicable):

Discussion and approval of proposed use of PILOT funds.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER Miggins

(All accompanying documents must have required signatures)

BOARD OF
COUNTY COMMISSIONERS
1992 NOV 17 AM 11:11
MULTNOMAH COUNTY
OREGON

INTERGOVERNMENTAL AGREEMENT

BETWEEN

THE CITY OF PORTLAND, MULTNOMAH COUNTY AND PORTLAND SCHOOL
DISTRICT NO. 1

Briefing
12-8-92
B-1
Handout #1

I. RECITALS

- A. The City of Portland (City), Multnomah County (County), and Portland School District No. 1 (District) share a common interest in improving the educational environment for children within Multnomah County and the City of Portland. This interest has resulted in joint funding of collaborative projects, including more than \$1 million budgeted by the City of Portland for FY 1992-93 to fund projects benefitting students of the District.
- B. The Housing Authority of Portland (HAP), as permitted in Federal and State statutes, has entered into a Cooperative Agreement with the City which enables HAP to make payments in lieu of taxes (PILOT) to local taxing jurisdictions.
- C. The primary recipients of PILOT funds from HAP are the City, the County and the District. The City, the County and the District have received approximately 90% of the PILOT payments from HAP.
- D. A constitutional limit on property taxes imposed as a result of Ballot Measure 5 will decrease the share of PILOT receipts for the District and increase the amounts to be received by the City and County.
- E. HAP allocates funds to make PILOT disbursements from a portion of the rents collected from the tenants of specific HAP-owned properties. These rents are directly subsidized by the Department of Housing and Urban Development (HUD).
- F. Recent directives from HUD encourages HAP to decrease the number of directly-subsidized properties owned by HAP. Such a decrease in HAP-owned properties will result in a reduction of PILOT receipts by the City, the County and the District.
- G. Pending a decision by the City, the County and the District regarding the distribution of PILOT funds, HAP has accumulated a balance of \$1,170,000 in PILOT funds which are available to be disbursed.
- H. A fixed-term agreement has been reached by the City, the County and the District concerning distribution of PILOT funds in a manner that each expects to benefit students of the District by improving educational facilities, affordable housing, and community services within the City and the County.

- I. The agreement between the City, the County and the District involves, in part, the transfer of Kennedy School from the District to the City.
- J. The Concordia Neighborhood Association has expressed strong interest in participating in an achievable development plan for the Kennedy School site.

II. MUTUAL AGREEMENTS

In consideration and recognition of their common interests, the projected reductions in PILOT funds, the changes in the PILOT distribution formula resulting from Ballot Measure 5, the funds projected in the FY 1992-93 budgets of the City and the County to benefit students of the District and the intent of the City and the County to continue such funding into the future, the undersigned mutually agree as follows:

A. Right to Future PILOT Receipts

1. Suspension of Right to Receipts. For a period of 10 years or less each party agrees to suspend and waive any right to retain PILOT funds disbursements. Each party agrees during this suspension period to transfer its allotment of PILOT funds to the Multnomah County/City of Portland Housing and Community Development Commission (HCDC).
2. Restriction of PILOT Fund Uses. During the terms of this Agreement, each party agrees that uses of PILOT funds, except as provided in Section II.B. herein, will be restricted to those uses both recommended by the HCDC and approved by the City and County.

B. Distribution of Current PILOT Funds Balance

1. Management of Balance by City. The City, as administrative manager of the HCDC, will receive and disburse the PILOT funds currently held by HAP. Disbursement shall be as herein provided in Section II.B.2. below.
2. Approved Disbursement. The following disbursements will be made by the City:
 - a. A maximum of \$100,000 to the City to conduct a social services siting policy study.
 - b. A maximum of \$20,000 to the City to reimburse the City for costs associated with vacating a portion of North Commercial Street and relocating fire suppression lines in conjunction with development at Jefferson High School.

- c. A maximum of \$150,000 to the City for producing an achievable development plan for the reuse of the Kennedy School property, to provide interim maintenance and security, and to pay for other pre-development costs associated with the reuse of the property.
- d. An amount of \$450,000 now and \$50,000 each year for the next four years thereafter to the District.
- e. Funds remaining after providing for items II.B.2. a-d above will be disbursed in a manner to be determined by the HCDC and approved by the City and County.

Flexibility
Housing/related

400K

C. Disposition of Historic Artworks and Architectural Components

All works of art and substantial architectural components removed from the Kennedy School building by the District for safekeeping (including the Lucca Della Robbia castings) will be made available to the City for use in any redevelopment of the ~~historic Kennedy School building~~ site.

- D. To the extent permissible under applicable law, the redevelopment of the Kennedy School property shall be managed in furtherance of City and County policies and goals for female and minority business enterprise contracting, sub-contracting and employment, including, as applicable, the City's First Source Hiring policy.

III. SPECIFIC PROMISES

In consideration of their mutual promises as provided herein, each of the undersigned agrees as follows:

A. Portland Public School District No. 1 agrees to:

- 1. Deed Kennedy School to the City.
- 2. Accept the deed for Dickinson Park from the County.

B. Multnomah County agrees to:

- 1. Deed Dickinson Park to the District.
- 2. Fulfill its obligation to appoint members to, and participate with, the HCDC.

C. City of Portland agrees to:

- 1. Accept the deed for Kennedy School from the District.

1170
720
450 →

2. Administer, as provided herein, current and future PILOT funds ~~disbursed~~ ^{received} from HAP.
3. Conduct a social service siting policy study. → *shelter reconfiguration housing / related activities*
4. Support, to the limits of its authority, the vacation of a portion of North Commercial Street.
5. Fulfill its obligation to appoint members to, and participate with, the HCDC.
6. Work with the Concordia Neighborhood Association and other interested parties to prepare a development plan for Kennedy School and perform on-going maintenance of the building and grounds.

IV. GENERAL PROVISIONS

A. Assignment

No party shall assign this Agreement, in whole or in part, or any right or obligation hereunder.

B. Severability

If any provision of this Agreement is found to be illegal or unenforceable, this Agreement shall nevertheless remain in full force and effect and the provision shall be stricken.

C. Integration

This Agreement contains the entire agreement among the parties and supersedes all prior written or oral discussions or agreements.

D. Non-Waiver

The parties shall not be deemed to have waived any breach of this Agreement by the other party except by an express waiver in writing. An express Written Waiver as to one breach shall not be deemed a waiver of any other breach not expressly identified, even though the other breach is of the same nature as that waived.

E. Remedies

If any party to this Agreement shall fail or refuse to carry out any provision of this Agreement, the other parties shall be entitled to such remedy or remedies for breach of contract as may be available under applicable law including, without limitation, the remedy of specific performance.

F. Changes

The parties may, from time to time, request changes in the scope of the services or terms and conditions hereunder. Such changes, shall be incorporated in written amendments to this Agreement.

V. TERM

The term of this Agreement shall be effective as of July 1, 1992 and shall terminate ten (10) years from the effective date.

CITY OF PORTLAND

Commissioner Gretchen Kafoury

APPROVED AS TO FORM:

Jeffrey L. Rogers, City Attorney

SCHOOL DISTRICT NO. 1

Dr. Donald McElroy
Executive Deputy Superintendent

APPROVED AS TO FORM:

Don Jeffery, PPS Staff Attorney

MULTNOMAH COUNTY

Chair Gladys McCoy

REVIEWED:

Laurence Kressel, County Counsel

George Collins
Deputy Clerk

REVIEWED:

Harvey Barragar, Board Counsel



PORTLAND PUBLIC SCHOOLS

501 North Dixon Street / Portland, Oregon 97227

Phone: (503) 249-2000

Mailing Address: P.O. Box 3107 / 97208-3107

OFFICE OF THE SUPERINTENDENT

Donald D. McElroy
Executive Deputy Superintendent

*Briefing
12-8-92
B-1
Handout #2*

November 22, 1992

Mr. Fred Christ
Staff Assistant to Multnomah County
Commissioner Rick Bauman
606 County Courthouse
Portland, Oregon 97204

Dear Mr. Christ:

Thank you for your letter discussing the County's movement to conclusion with its part of the County, City and School District agreement about PILOT funds.

We have been looking forward to the completion of the arrangements and were glad when the agreement was presented as being mutually satisfactory. That has allowed our Board of Education to sign acceptance.

We see the situation as a collaborative arrangement of purchases supported by the payments of funds from one agency to another. The City has "bought" the Kennedy site and is paying for it with PILOT funds and the activities and arrangement related to the Jefferson High School site. The County is selling the School District a piece of property and will receive payment from the PILOT funds. The City and County will approve the use of funds as detailed in the agreement, and will approve the use of the remaining funds. The connected social services, etc., that accrue as a result of the collaboration benefit the three agencies' common interests.

The District placed no restriction on the property it sold and accepted only the requirement to provide to the City, works of art and any substantial architectural components previously removed from the building. There were no restrictions placed on the money or properties other than those contained in the agreement.

Regarding the Dickinson Property: The understanding is that the District is purchasing unencumbered property in order to enlarge the plot of unencumbered property that we own there. The current intent is to hold the property, unimproved, until there is a need for its use. The likelihood that the parcel bought from the County would ever be significantly

Christ, Fred
Pilot Agreement
Page 2

improved is very low. That is because the combined full site would most probably be able to accommodate the kind and location of building and supporting grounds that might be placed there. However, I should reclarify here that in the context of the three-way intergovernmental agreement, the District did not require restrictions on the property it sold and does not wish to receive restricted property for the funds it "pays."

Again, the nature of the terrain is such that it almost guarantees that it would serve as a "buffer" in future school and grounds development. It is the least likely part of the combined site to ever be used for building. I do need to clearly state that the District has looked forward to putting those two parcels together open to any kind of use that might be in the best interest of the District now and perhaps in a reasonably far distant future. It was with that, and other expectations, that the package arrangement was developed.

Thank you for sharing a copy of Mr. DuBay's good legal analysis. We have been of the understanding that his "#2." was the authority you would use. The Board of County Commissioners' finding that it is in the best interest of the county to sell the property seems to be logical. I am attaching a recent legal opinion from Board of Education counsel. I sought a re-check of this description after receiving your letter.

I hope that you and the Commissioners can feel as comfortable and enthusiastic with this three-way agreement as we do. It certainly appears to be one through which many significant improvements and developments will be delivered.

If I have not adequately responded to your questions and interest, please let me know and I will be glad to address whatever I have missed.

Thank you for your efforts to put these arrangements in place. It is really a package filled with positive potential.

Cordially,

A handwritten signature in cursive script that reads "Donald".

Donald D. McElroy
Executive Deputy Superintendent

Attachment

✓
PLEASE PRINT LEGIBLY!

MEETING DATE Dec 8

NAME Gordon Hoare

ADDRESS 15729 NW Sheltered Nook Rd
STREET
Portland 97231
CITY ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # C-4-92

SUPPORT _____ OPPOSE X
SUBMIT TO BOARD CLERK

2 ✓
PLEASE PRINT LEGIBLY!

MEETING DATE 12-8-92

NAME Dr Marv Adams

ADDRESS 450 SW 90th Ave

STREET Portland 97225

CITY **ZIP CODE**

I WISH TO SPEAK ON AGENDA ITEM # ? P-8

SUPPORT **OPPOSE** X

SUBMIT TO BOARD CLERK

3 ✓
PLEASE PRINT LEGIBLY!

MEETING DATE DEC 8 92

NAME

Peter Nortman

ADDRESS

16320 NW SKYLINE BLVD
STREET

PORTLAND, OR
CITY

97231

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM #

C4-92

SUPPORT

OPPOSE

SUBMIT TO BOARD CLERK

4 ✓

12/8/92

BRIAN & CHESTINE LIGHTCAP

13342 NW Newberry Rd.

Pat Long

97231

ZIP CODE

CFU Code

X

SUBMIT TO BOARD CLERK

5 ✓
PLEASE PRINT LEGIBLY!

MEETING DATE 12-8-92

NAME Mrs. Wallace L. Moore

ADDRESS 6700 NW Thompson Rd

STREET

Portland OR 97229

CITY

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # P1-2

SUPPORT _____ OPPOSE ✓

SUBMIT TO BOARD CLERK

6 ✓
PLEASE PRINT LEGIBLY!

MEETING DATE 12-8-92

NAME

DONIS McARDIE

ADDRESS

17405 NW Skyline
STREET
Portland Or.
CITY

97231
ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # P-1-3

SUPPORT

OPPOSE

SUBMIT TO BOARD CLERK

7 ✓
PLEASE PRINT LEGIBLY!

MEETING DATE Dec 8, 1992

NAME

Philip Thompson

ADDRESS

25925 N.W. Columbia Riv. Hwy

STREET

Scappoose, Ore 97056

CITY

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM #

P-1 to P-3

SUPPORT

OPPOSE

SUBMIT TO BOARD CLERK

8 ✓
PLEASE PRINT LEGIBLY!

MEETING DATE 12-8-92

NAME TOM SCHMIT Yod

ADDRESS 9400 S.W. Barnes Road, Suite

STREET
Portland, Or 97225

CITY ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # P-1

SUPPORT _____ OPPOSE ✓

SUBMIT TO BOARD CLERK

9 ✓
PLEASE PRINT LEGIBLY!

MEETING DATE 12-8-92

NAME Mrs RE SIVVER

ADDRESS 14060 N.W. Newberry Rd
STREET
Portland
CITY 97231
ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # P-1

SUPPORT _____ OPPOSE X

SUBMIT TO BOARD CLERK

10 ✓
PLEASE PRINT LEGIBLY!

MEETING DATE 12/8/92

NAME Bill Monahan

ADDRESS 1727 NW Hoyt St.

STREET

Portland

CITY

97209

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # P-1

SUPPORT _____

OPPOSE _____

SUBMIT TO BOARD CLERK

11 ✓
PLEASE PRINT LEGIBLY!

MEETING DATE

12/8/93

NAME

John Sherman

ADDRESS

1912 NW Aspen

STREET

Portland OR 97210

CITY

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM #

A-2

SUPPORT

☒

OPPOSE

☐

SUBMIT TO BOARD CLERK

12 ✓
PLEASE PRINT LEGIBLY!

MEETING DATE

12-8-92

NAME

John Van has Lester Lukas

ADDRESS

Scappoose
STREET

CITY

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM #

P-1

SUPPORT

OPPOSE

SUBMIT TO BOARD CLERK

13 ✓

PLEASE PRINT LEGIBLY!

MEETING DATE 12-8-92

NAME Gordon Herheim

ADDRESS Rock Creek Rd.
STREET

CITY _____ ZIP CODE _____

I WISH TO SPEAK ON AGENDA ITEM # P-1

SUPPORT _____ OPPOSE _____
SUBMIT TO BOARD CLERK

✓
M
PLEASE PRINT LEGIBLY!

MEETING DATE

Dec 8-1992

NAME

Earl Hendrix

ADDRESS

3330 N.E. 130th

STREET

Portland Ore

CITY

97230

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM #

P-2

SUPPORT

OPPOSE

✓

SUBMIT TO BOARD CLERK

1

PLEASE PRINT LEGIBLY!

MEETING DATE

12-8-92

NAME

Chris Beck

ADDRESS

8211 SW 6th

STREET

PDK

97204

CITY

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM #

P-4

SUPPORT

OPPOSE

SUBMIT TO BOARD CLERK

Meeting Date: December 8, 1992

Agenda No.: P-1, 2 + 3

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: C 4-92 Resolution - First Reading

BCC Informal _____ BCC Formal December 8, 1992
(date) (date)
DEPARTMENT DES DIVISION Planning
CONTACT Sharon Cowley TELEPHONE 2610
PERSON(S) MAKING PRESENTATION Gary Clifford

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 90 Minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: ☒

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

C 4-92 An Ordinance amending Sections of MOC 11.15 to ensure that future land divisions and land uses in forest areas are compatible with forest practices as part of the amendments needed to bring Multnomah County's land use planning program into compliance with Oregon Administrative Rule 660, Division 6.

An Ordinance amending Comprehensive Framework Plan Policy 11, Commercial Forest Land and Plan Policy 12, Multiple Use Forest, to ensure that future land divisions and land uses in forest areas are compatible with forest practices and to bring Multnomah County's land use planning program into compliance with Oregon Administrative Rule 600, Division 6.

An Ordinance amending the Comprehensive Framework Plan Map and Sectional Zoning Maps by changing the Multiple Use Forest designation to Commercial Forest Use as part of the amendments needed to bring Multnomah County's land use planning program into compliance with Oregon Administrative Rule 660, Division 6.

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER

Paul Yarbrough / bkw

(All accompanying documents must have required signatures)

(For information purposes only, the first Yellow Packet is an overview of State Rules)

(The Second Yellow Packet is background information only, and are not part of the proposed Ordinances)

**BEFORE THE PLANNING COMMISSION
FOR MULTNOMAH COUNTY**

In the Matter of Recommending Adoption of Ordinances)
Amending Comprehensive Plan Policy 11, Commercial)
Forest Land; Policy 12, Multiple Use Forest; the Compre-)
hensive Framework Plan Map; and MCC Chapter 11.15)
To Bring Multnomah County's Land Use Planning Program)
Into Compliance with Ore. Administrative Rule 660, Div. 6.)

**RESOLUTION
C 4-92**

WHEREAS, The Planning Commission is authorized by Multnomah County Code, Chapter 11.05 and by ORS 215.110, to recommend to the Board of County Commissioners the adoption of Ordinances to carry out and amend the Multnomah County Comprehensive Plan; and

WHEREAS, On January 25, 1990 the State of Oregon Land Conservation and Development Commission (LCDC) adopted significant amendments to the Statewide Planning Goal 4, Forest Lands and the related Oregon Administrative Rule (OAR 660, Division 6) giving Counties until February 5, 1993 to implement those rules into their comprehensive plan text, plan map, zoning code, and zoning maps;

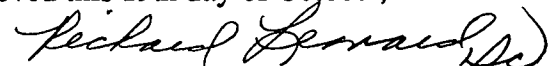
WHEREAS, As presented on pages 17 and 18 of Exhibit A, C 4-92, Multnomah County could not meet the State requirements to propose a land division standard less than 80 acres in acknowledged forest land areas;

WHEREAS, The Commercial Forest Use zoning district (which has had a minimum land division standard of 80 acres since 1980) and Plan Policy 11, Commercial Forest Use as proposed to be amended will meet the requirements of OAR 660-6;

WHEREAS, The Planning Commission considered these Ordinances at public hearings on September 8, 1992, September 21, 1992, and October 5, 1992 where all interested persons were given an opportunity to appear and be heard,

NOW, THEREFORE BE IT RESOLVED that the three Ordinances captioned "An Ordinance amending Comprehensive Framework Plan Policy 11, Commercial Forest Land and Plan Policy 12, Multiple Use Forest ...;" "An Ordinance amending the Comprehensive Framework Plan Map and Sectional Zoning Maps by changing the Multiple Use Forest designation to Commercial Forest Use ...;" and "An Ordinance amending sections of MCC 11.15 to ensure that future land divisions and land uses in forest areas are compatible with forest practices as part of the amendments needed to bring Multnomah County's land use planning program into compliance with Oregon Administrative Rule 660, Division 6" are hereby recommended for adoption by the Board of County Commissioners.

Approved this 19th day of October, 1992



Richard T. Leonard, Chair
Multnomah County Planning Commission ,

ORDINANCE FACT SHEET (29 Page Ord.)

Ordinance Title: An Ordinance amending Sections of MCC 11.15 to ensure that future land divisions and land uses in forest areas are compatible with forest practices as part of the amendments needed to bring Multnomah County's land use planning program into compliance with Oregon Administrative Rule 660, Division 6.

Give a brief statement of the purpose of the ordinance (include the rationale for adoption of ordinance, description of persons benefited, other alternatives explored): Ordinance amending the Commercial Forest Use (CFU) Zoning District to comply with State LCDC requirements. Changes include a reduction in the number of land uses permitted and adds restrictions on the ability to place new dwellings in the zone in order to ensure that future new lot areas and land uses are more compatible with forest management and reduce difficulties in wildfire suppression.

What other local jurisdictions in the metropolitan area have enacted similar legislation?

Washington County.

All other counties in Oregon must also enact to comply with Oregon Administrative Rule 660, Division 6.

What has been the experience in other areas with this type of legislation?

Washington County's has been in place since November, 1990. No problems reported by staff but also, relatively few land use applications received.

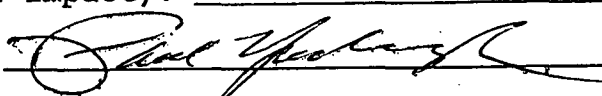
What is the fiscal impact, if any?

(If space is inadequate, please use other side)

SIGNATURES:

Person Filling Out Form: _____

Planning & Budget Division (if fiscal impact): _____

Department Manager/Elected Official:  _____

ORDINANCE FACT SHEET (6 Page Ord.)

Ordinance Title: An Ordinance amending Comprehensive Framework Plan Policy 11, Commercial Forest Land, and Plan Policy 12, Multiple Use Forest, to ensure that future land divisions and land uses in forest areas are compatible with forest practices and bring Multnomah County's land use planning program into compliance with Oregon Administrative 660, Division 6.

Give a brief statement of the purpose of the ordinance (include the rationale for adoption of ordinance, description of persons benefited, other alternatives explored): Ordinance amending Comprehensive Framework Plan Policy 11, Commercial Forest Land and Plan Policy 12, Multiple Use Forest by changing language in Policy 11 to meet the amended Statewide Goal 4, Forest lands, and changing Policy 12 to apply only to those areas of the County not subject to Goal 4. All County forest lands will then be covered by only one Policy which will strive to ensure that future land divisions and land uses in forest areas do not diminish the commercial forest land base and not present difficulties in fire suppression.

What other local jurisdictions in the metropolitan area have enacted similar legislation?

Washington County.

All other counties in Oregon must also enact to comply with Oregon Administrative Rule 660, Division 6.

What has been the experience in other areas with this type of legislation?

Washington County's has been in place since November, 1990. No problems reported by staff but also, relatively few land use applications received.

What is the fiscal impact, if any?

None

(If space is inadequate, please use other side)

SIGNATURES:

Person Filling Out Form: _____

Planning & Budget Division (if fiscal impact): _____

Department Manager/Elected Official:  _____

ORDINANCE FACT SHEET (3 Page Ord.)

An Ordinance amending the Comprehensive Framework Plan Map and Sectional Zoning Maps by changing the Multiple Use Forest designation to Commercial Forest Use as part of the amendments needed

Ordinance Title:

to bring Multnomah County's land use planning program into compliance with Oregon Administrative Rule 660, Division 6.

Give a brief statement of the purpose of the ordinance (include the rationale for adoption of ordinance, description of persons benefited, other alternatives explored): Ordinance amending the Comprehensive Framework Plan Map and Zoning Maps to change all currently designated Multiple Use Forest (MUF) lands outside of the UGB and Columbia River National Scenic Area to Commercial Forest Use (CFU). This action will increase the minimum lot area requirement for new lots from 19 and 38 acres to the 80 acres of the CFU zone. The properties rezoned to CFU will then also be subject to the amended CFU zone (the 29-page Ordinance), bringing the County into full compliance with OAR 660, Division 6.

What other local jurisdictions in the metropolitan area have enacted similar legislation?

Washington County.

All other counties in Oregon must also enact to comply with Oregon Administrative Rule 660, Division 6.

What has been the experience in other areas with this type of legislation?

Washington County's has been in place since November, 1990. No problems reported by staff but also, relatively few land use applications received.

What is the fiscal impact, if any?

None

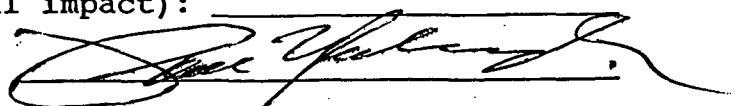
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SIGNATURES:

Person Filling Out Form: _____

Planning & Budget Division (if fiscal impact): _____

Department Manager/Elected Official: _____



Meeting Date: December 8, 1992

Agenda No.: P-4

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Planning Commission November 16, 1992 Decision

BCC Informal _____ BCC Formal December 8, 1992
(date) (date)
DEPARTMENT DES DIVISION Planning
CONTACT Sharon Cowley TELEPHONE 2610
PERSON(S) MAKING PRESENTATION Planning Staff

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 15 Minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: xx

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

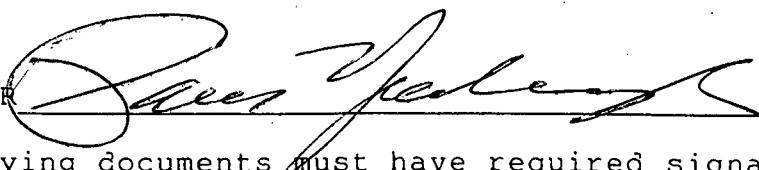
C 9-92 A proposal to consider revision of the Comprehensive Framework Plan to add Bridal Veil to the inventory of significant Historic Resources

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER 

(All accompanying documents must have required signatures)

CLERK OF
COUNTY BOARD OF
SUPERVISORS
1992 DEC 1 - JAN 15 140
MUNICIPALITY
ORGANIZATION

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY**

In the Matter of Amending the Comprehensive)
Framework Plan to include Bridal Veil in the)
County Inventory of Historic Resources)

**ORDER
C 9-92**

WHEREAS, Multnomah County is required by Statewide Planning Goal 5 to inventory its historic resources and include significant sites in the Comprehensive Plan Inventory; and

WHEREAS, Comprehensive Plan Policy 16-I states that significant historic resources should be recognized and appropriate preservation measures applied; and

WHEREAS, Bridal Veil complies with the majority of the Historic Site Criteria contained within the Comprehensive Framework Plan; and

WHEREAS, The Goal 5 process must be completed for significant sites by identifying conflicting uses and the economic, social, environmental and energy consequences of allowing those uses, leading to a protection plan based on the results to provide full, partial or no protection of the resource; and

WHEREAS, There are various state and federal agencies and private parties with an interest in Bridal Veil who could assist in the Goal 5 process as part of a Task Force; and

WHEREAS, The Planning Commission recommended that the Multnomah County Board of County Commissioners amend the Comprehensive Framework Plan to include Bridal Veil in the inventory of Historic Resources.

NOW, THEREFORE the Board of Commissioners Orders in accordance with MCC 11.05.320, and upon recommendation of the Planning Commission, the Supplemental Findings section of the Comprehensive Framework Plan is amended to include Bridal Veil in the inventory of significant historic resources.

Adopted this 8th day of December, 1992

(SEAL)

By _____
Gladys McCoy, County Chair
Multnomah County Board of Commissioners

REVIEWED:

John DuBay
for John DuBay, Deputy County Counsel
of Multnomah County, Oregon



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

C 9-92
PLANNING COMMISSION DECISION
NOVEMBER 16, 1992

PROPOSAL: To consider revision of the Comprehensive Framework Plan to add Bridal Veil to the inventory of significant Historic Resources.

I. INTRODUCTION

BACKGROUND:

Bridal Veil was established in the 1880's as a company mill town to process timber resources in the Columbia Gorge. A paper mill was operating next to the creek by 1883, and the first sawmill was built in 1886-87. These first mills utilized power generated by Bridal Veil Falls to run their machinery. In 1886 the Bridal Veil Falls Lumbering Company was formed. The company constructed a sawmill and logging town 1 1/2 miles above Bridal Veil on Larch Mountain, where timber was rough-cut then flumed down the mountain to a replanning mill at Bridal Veil. Lumber from this mill was used in constructing many of the town's buildings. In 1936 a fire destroyed the replanning mill and several associated buildings. The company decided not to rebuild due to the depletion of timber in the vicinity and the unfavorable economic climate. In 1937 the mill buildings and town were sold to the Kraft Cheese Company, which produced cheese and other wooden boxes under the name of the Bridal Veil Lumber and Box Company. In 1950 the company decided to diversify and began producing molding and door and window frames. Although employment increased from approximately 100 employees in 1950 to 180 in 1955, by 1960 the company had ceased operations and Bridal Veil's 75 year history as an operating company mill town came to an end. Since then the town and buildings have changed hands several times and the population has virtually disappeared.

In March, 1991, the Trust for Public Lands (TPL) purchased the townsite along with a 58 acre parcel with the intent of reselling the property to the Forest Service to be managed for natural and scenic values as part of the Columbia River Gorge National Scenic Area. The majority of the parcel has been sold, but the townsite was excluded because the Forest Service did not want developed property.

When it became known that TPL was considering razing the buildings at Bridal Veil in order to facilitate development of wetland and natural areas, public concerns were raised about possible historic significance of the site and buildings. In response to these con-

cerns, the Multnomah County Planning Division funded a study to provide background research to aid in determining Bridal Veil's significance. Sharr Prohaska, Cultural Heritage Resource Consultant, completed the study and submitted her findings to the Planning Division in July, 1992. The Prohaska report concludes that the Bridal Veil district is of historic and cultural significance. Her report, Bridal Veil, Oregon: History and Significance of the Community, will be referenced in this staff report where appropriate. TPL also commissioned a report, prepared by the Heritage Investment Corporation and entitled Bridal Veil, Multnomah County, Oregon. Historical and Architectural Evaluation. This report concludes that the Bridal Veil site lacks historic significance due to lack of integrity. The Heritage report will also be referenced in this report.

The two reports, while coming to opposite conclusions, also approached the study in different ways. The Prohaska report is an intensive study of the area's history, and argues that the district's significance is rooted in its cultural interpretation values. The Heritage report, on the other hand, focuses on evaluating the physical integrity of the existing structures both individually and as parts of a mill town, reaching a conclusion that there is insufficient integrity left to consider the town historically significant.

NATIONAL SCENIC AREA ISSUES:

Bridal Veil is within the Columbia River Gorge National Scenic Area (CRGNSA) and has been classified as a Public Recreation Area within the Special Management Area (SMA). One of the SMA Goals is to "Protect and enhance cultural resources", which are defined as buildings, structures, ruins or physical evidence of human occupation or activity that are at least 50 years old.

Under the CRGNSA Management Plan, any proposed development or land use which might affect a cultural resource would trigger a field survey and evaluation of significance of the resource. Significance would be based on National Register of Historic Places designation or eligibility. If significant, a professional assessment of the effects of the proposed use is required, and a mitigation plan is necessary if adverse effects are found. Although at this point the county is not proposing application to the National Register for the Bridal Veil district, the county designation process does not conflict with the CRGNSA Management Plan procedures.

In the Recreation Development Plan section of the CRGNSA Management Plan, Bridal Veil has been identified in the "Inventory of Potential Recreation Sites". The development proposal for the site involves constructing facilities "for scenic appreciation, picnicking, interpretation, community activities, fisheries, and riparian rehabilitation". Historic resource adaptation is identified as a possible theme of the site design, and "Historic resources are a primary resource concern." (CRGNSA Management Plan, Action Program, III-46)

II. DETERMINING SIGNIFICANCE

GOAL 5 PROCESS

Statewide Planning Goal 5 requires counties to provide programs that will "protect scenic and historic areas and natural resources for future generations". The Goal 5 process includes inventorying historic resources, then determining which resources are significant based on location, quality and quantity. OAR 660-16-000 (2) and (3) governs the process as follows:

"A 'valid' inventory of a Goal 5 resource...must include a determination of the location, quality, and quantity of each of the resource sites...For site-specific resources, determination of location must include a description or map of the boundaries of the resource site and of the impact area to be affected, if different...The determination of quality requires some consideration of the resource site's relative value, as compared to other examples of the same resource in at least the jurisdiction itself. A determination of quantity requires consideration of the relative abundance of the resource (of any given quality)."

If a resource is not significant, it is designated 1A and no further action is required. If inadequate information is available to determine significance, the resource should be designated 1B and the county must state a time frame for obtaining additional information and completing the Goal 5 process. If information on location, quality and quantity indicate that the resource is significant, it must be included in the Plan inventory, and the Goal 5 process completed (see attached Goal 5 work program). The next step in the Goal 5 process is to determine conflicting uses. If conflicting uses are identified, an analysis of the Economic, Social, Environmental and Energy (ESEE) consequences must be conducted in order to determine which conflicting uses should or should not be allowed. This leads to development of a plan to provide the level of protection necessary.

This report proposes to take the Bridal Veil townsite through the first step of the Goal 5 process - determining its historic significance and, if significant, adding it to the county's inventory of historic resources. It would then be necessary to complete the Goal 5 process by doing the ESEE analysis and developing an appropriate protection program. A Goal 5 Work Program is attached to this report illustrating the potential timeframe for completion of the Goal 5 process.

If the site is found to be significant, it is suggested that a Task Force be formed to assist in the ESEE analysis. The Task Force could include representatives from the various state and federal agencies and private groups with an interest in the site. (A list of possible members follows this report.) The Task Force would be an advisory body, with the goal of reaching a consensus among the various groups. Besides assisting in the ESEE analysis, the Task Force might assist in forming a proposal for protection of the townsite as well as reviewing individual structures and making a recommendation as to which buildings should be preserved and which might be removed due to lack of integrity, alteration, or safety issues. (It should be noted that the town can be deemed historically significant and included in the Comprehensive

Plan inventory, and then to determine that some or even all of the buildings lack integrity and can be demolished. This would be similar to the Portland Women's Forum State Park, which is included in the inventory but which contains no structures except a monument.)

COMPREHENSIVE PLAN POLICIES:

Policy 16-I of the Comprehensive Framework Plan states: "It is the county's policy to recognize significant historic resources, and to apply appropriate historic preservation measures to all designated historic sites."

(As stated previously, this proposal deals only with determining the significance of the Bridal Veil townsite. If found to be significant, the county will complete the ESEE/conflicts analysis portion of the Goal 5 process, and base preservation measures on the results.)

The criteria to be used in determining the significance of a historical site are as follows (page 14, 1991 Comprehensive Framework Plan Summary):

HISTORICAL SITE CRITERIA:

- A. Historic Significance - Property is associated with significant past events, personages, trends or values and has the capacity to evoke one or more of the dominant themes of national or local history.
- B. Architectural Significance - (Rarity of Type and/or Style). Property is a prime example of a stylistic or structural type, or is representative of a type once common and is among the last examples surviving in the county. Property is a prototype or significant work of an architect, builder or engineer noted in the history of architecture and construction in Multnomah County.
- C. Environmental Considerations - Current land use surrounding the property contributes to an aura of the historic period, or property defines important space.
- D. Physical Integrity - Property is essentially as constructed on original site. Sufficient original workmanship and material remain to serve as instruction in period fabrication.
- E. Symbolic Value - Through public interest, sentiment, uniqueness or other factors, property has come to connote an ideal, institution, political entity or period.
- F. Chronology - Property was developed early in the relative scale of local history or was an early expression of type/style.

PLAN REVISION CRITERIA:

MCC 11.05.290: The burden of proof is upon the person initiating a quasi-judicial plan revision. That burden shall be to persuade that the revision is:

- (1) Consistent with the procedures of ORS 197.610 - .625 including any OAR's adopted pursuant to these statutes.
- (2) Evidence that the proposal conforms to the intent of relevant policies in the Comprehensive Plan or that the Plan policies do not apply.
- (3) Evidence that the uses allowed by the proposed change will: 1) not destabilize the land use pattern in the vicinity, 2) not conflict with existing or planned uses on adjacent lands, and 3) that necessary public services are or will be available to serve allowed uses.

III. FINDINGS:

COMPLIANCE WITH GOAL 5 CRITERIA:

Location: Bridal Veil town and mill area, bordered on the west by Bridal Veil Creek, on the east by the eastern edge of the cemetery, on the north by the railroad tracks, and on the south by Crown Point Highway; described as Lots 7-10 and 12-15 of the First Addition to Bridal Veil; tax lots '2' and '3'; the portion of tax lot '11' lying north of the Crown Point Highway; tax lot '19'; the portion of tax lot '18' lying east of and including Bridal Veil Creek, plus a portion of the railroad right-of-way between the I-84 interchange and Bridal Veil Creek, all in Section 22, T1N, R5E (see attached map). This encompasses the original townsite and mill area, the cemetery, and all existing buildings.

Quantity - Bridal Veil is the only mill town remaining in Multnomah County, which increases its significance.

Quality - Bridal Veil operated continuously as a mill town for 100 years, and is one of the earliest established mill towns in the state. There is no modern infill development to detract from the historic setting other than the church and the remodeled mill buildings. The layout of the town is as originally established, with manager's houses on the hillside above the smaller worker's houses located in rows down the hill. While most of the individual houses have been altered and updated over time, structurally they remain very similar to when built.

COMPLIANCE WITH COMPREHENSIVE PLAN HISTORICAL SITE CRITERIA:

- A. Historic Significance - The logging and wood processing industries played a major role in Multnomah County's development. Persons of historic significance to Multnomah County were associated with the town. The State Historic Preservation Office

has identified the timber and fishing industries as the broad themes most urgently requiring cultural resource context studies. Bridal Veil was a mill town associated with the timber industry and logging in the Columbia Gorge. It also evokes the theme of transportation because of its association with shipping of products first on the Columbia River, then by rail, and the development of the Columbia River Highway which opened the Gorge to early (and continued) tourism. In a social context the layout of the manager's houses above the small worker's houses illustrates and evokes the social and economic stratification of the controlling lumber company.

- B. Architectural Significance - (Rarity of Type and/or Style). When the town is considered as a whole, it is a good example of a mill town, showing the social arrangement of manager's houses on the hill with views of the Columbia River, and the worker's houses in rows lower down the slopes and closer to the railroad tracks. No important architect, builder, or engineer was associated with the design or construction of the houses. The houses do not represent a stylistic or structural type other than basic vernacular. Although there were several mill towns associated with the timber and fishing industries in Multnomah County at the turn of the century, Bridal Veil is the last remaining example.
- C. Environmental Considerations - Bridal Veil exhibits little non-historic infill within the townsite area and within the surrounding area. The houses, which date from between 1902-1913, have received some alteration and modernization over the years. The church is not historic, all other community buildings are gone, the mill buildings are from a more recent date and there is no sawmill equipment or machinery left to indicate the historic use.
- D. Physical Integrity - The houses and some of the other structures and mill area are in the same locations as originally constructed. This physical layout is important in recognizing the social hierarchy exhibited in the two housing types (manager vs. worker). Although there has been some alteration to exterior and interior features on many of the houses and some of the other structures, there may be enough original material and workmanship remaining to interpret their original appearance as well as to make restoration possible.
- E. Symbolic Value - Bridal Veil has a great deal of symbolic value as evidenced by public testimony received during the public hearing process. It is unique to Multnomah County, and much public sentiment has been shown for its preservation. The town connotes an earlier period in county history when small settlements were established to process timber and other natural resources. The townsite is symbolic of early logging practices in the Columbia Gorge and the positive and negative aspects thereof. The fact that Bridal Veil diversified the type of wood products produced and continued to operate as a mill town even during the depression and both World Wars lends additional sentiment and testimony to its long history which many area residents do not want to see destroyed.

- F. Chronology - Bridal Veil was established in the 1880's. While several mill towns were established in the county earlier than this, they no longer exist. On a state comparison level, Bridal Veil is the earliest remaining example of a timber related company mill town.

COMPLIANCE WITH PLAN REVISION CRITERIA:

- (1) DLCD notification procedures - ORS 197.610 - .625 deals with giving 45 day notice to DLCD of a proposed plan amendment, sending a copy of the amended text and adopted findings within 5 days of the final decision, the right of appeal, and final acknowledgement 21 days after the final decision if unappealed. These procedures are being followed. ORS 197.732 deals with Goal exceptions, not applicable to this proposal.
- (2) Conformance with Comprehensive Plan policies, or Plan policies do not apply - Comprehensive Plan Policy 16: *"The purpose of the Natural Resources policy is to implement statewide Planning Goal 5: 'Open Spaces, Scenic and Historic Areas, and Natural Resources'. These resources are necessary to ensure the health and well-being of the population, and include such diverse components as mineral and aggregate reserves, significant wetlands, historic sites, and scenic waterways".* Sub-policy 16-I: *"It is the county's policy to recognize significant historic resources, and to apply appropriate historic preservation measures to all designated historic sites".* Bridal Veil complies with the Historic Site Criteria. Amending the Comprehensive Plan will recognize the site's historic significance. Protection is provided to resources included in the inventory through MCC 11.15.8720, which requires design review prior to any alteration of an historic structure and a public hearing process prior to removal or demolition of the structure. Further site specific protection may be proposed based on the results of the ESEE analysis.
- (3) Changed uses will: 1) not destabilize the land use pattern in the vicinity, 2) not conflict with existing or planned uses on adjacent lands, and 3) that necessary public services are or will be available to serve allowed uses - Amending the Comprehensive Plan to include Bridal Veil on the inventory of significant historic resources will not cause a change in allowed uses. Thus there will be no destabilization of the local land use pattern or conflicts with adjacent land uses, and no need for additional public services. Completion of the ESEE analysis may lead to development of a protection plan requiring adoption of a Historic Preservation overlay zone, which could change the allowed uses. This would require additional public hearings, and any effects to adjacent properties or land uses would be discussed at that time.

CONCLUSIONS:

1. Bridal Veil is the only mill town remaining in Multnomah County, and the oldest in the state. It operated continuously for 100 years.
2. Bridal Veil is associated with the historic theme of the timber industry, which was an important factor in the development of the county and state.
3. The physical layout of the town and buildings are as originally constructed in the late 1800's and early 1900's, and reflect the social and economic hierarchy of the workers and managers.
4. The houses may retain enough original materials and structure to understand their original appearance and make restoration possible.
5. Public interest and sentiment support the preservation of Bridal Veil as an historic mill town site.
6. Bridal Veil complies with the majority of the Historical Site Criteria found in the Comprehensive Framework Plan. The Comprehensive Plan should be amended to include Bridal Veil in the inventory of significant historic resources.
7. The remainder of the Goal 5 process, including identification of conflicting uses, ESEE analysis, and resulting proposal for appropriate level of protection should be finished, and reported back to the Planning Commission for decision at their regular April 5, 1993 meeting. A Task Force should be formed to assist in this process.

By Richard Leonard, ps
Richard T. Leonard, Chair
Multnomah County Planning Commission

Filed with Clerk of the Board on November 25, 1992

Appeal to the Board of County Commissioners

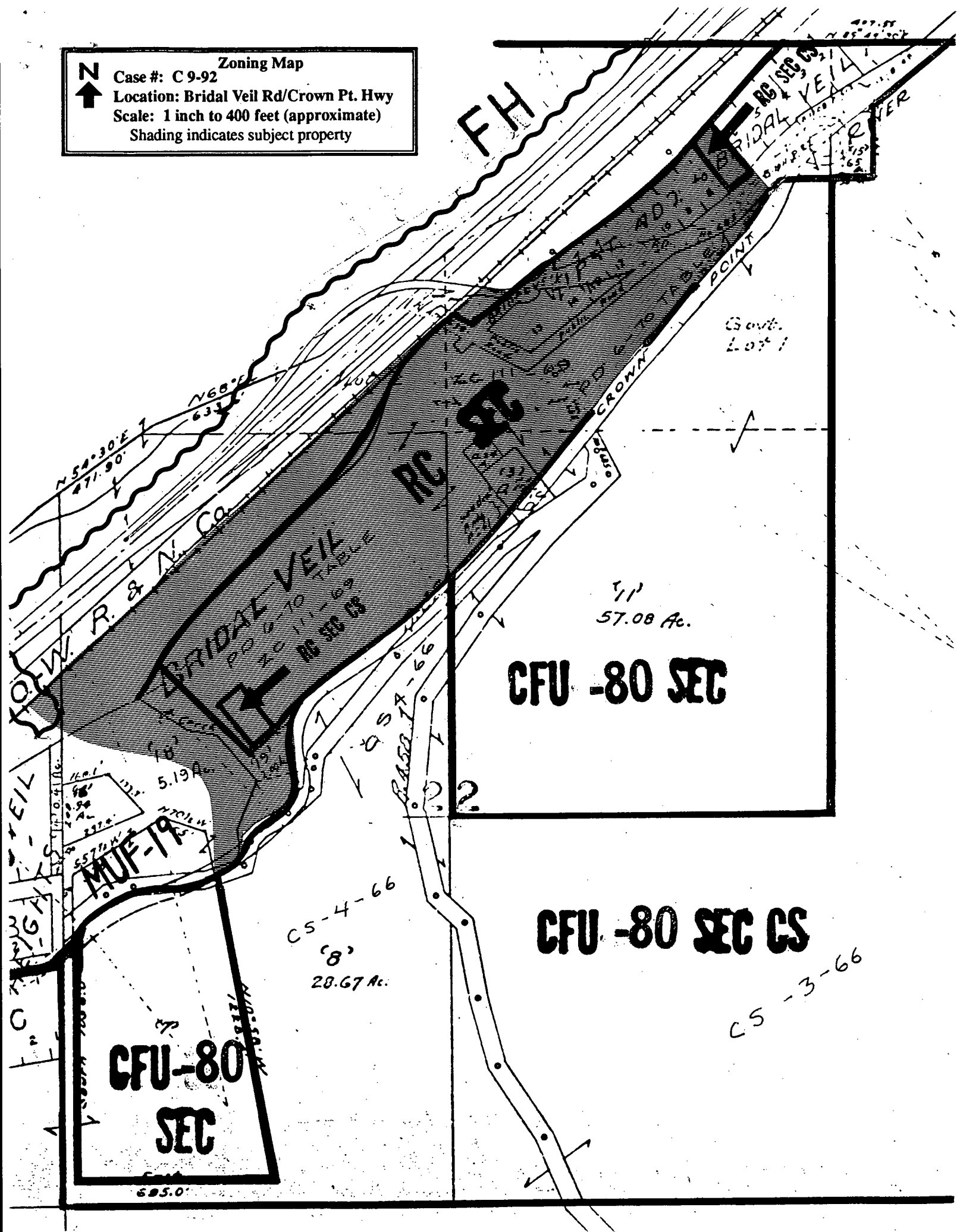
Any person who appears and testifies at the hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 4:30 p.m. December 7, 1992 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision in this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, December 8, 1992 in Room 602 of the Multnomah County Courthouse. For further information call Multnomah County Planning and Development at 248-3043.

Case #: C 9-92

Scale: 1 inch to 400 feet (approximate)

Shading indicates subject property



11/30
County Counsel Peel
has the original
signature pages
shown

11/24
~~John~~ Peter
Could you review &
sign this so that I
have it back by
Friday - it is for Dec. 8th

Board Agenda & I
have to route it to
the Board Clerk by
9:00 am on Monday -
Nov. 30th Thanks
Sharon

Meeting Date: December 8, 1992

Agenda No.: P-5

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Planning Commission November 16, 1992 Decision

BCC Informal _____ BCC Formal December 8, 1992
(date) (date)
DEPARTMENT DES DIVISION Planning
CONTACT Sharon Cowley TELEPHONE 2610
PERSON(S) MAKING PRESENTATION Planning Staff

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 15 Minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: xx

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

PR 7-92/CU 14-92 Review the Decision of the Planning Commission of November 16, 1992, denying requested plan revision for a 3-C designation and recommending a 3-B designation and denying requested conditional use approval for a 10-year permit to mine, all for property at 14545 NW St. Helens Road

(If space is inadequate, please use other side)

SIGNATURES:

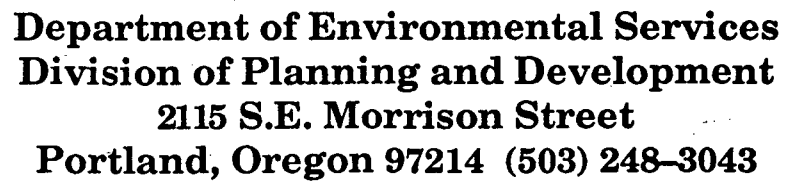
ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER 

(All accompanying documents must have required signatures)

1992 NOV 1992 DEC 8 11 AM 11:40
CLERK OF COUNTY COMMISSION
MULTI-COUNTY COMMUNITY DEVELOPMENT
OREGON OREGON



This Decision consists of Findings of Fact and Conclusions

PR 7-92, #66
CU 14-92, #66

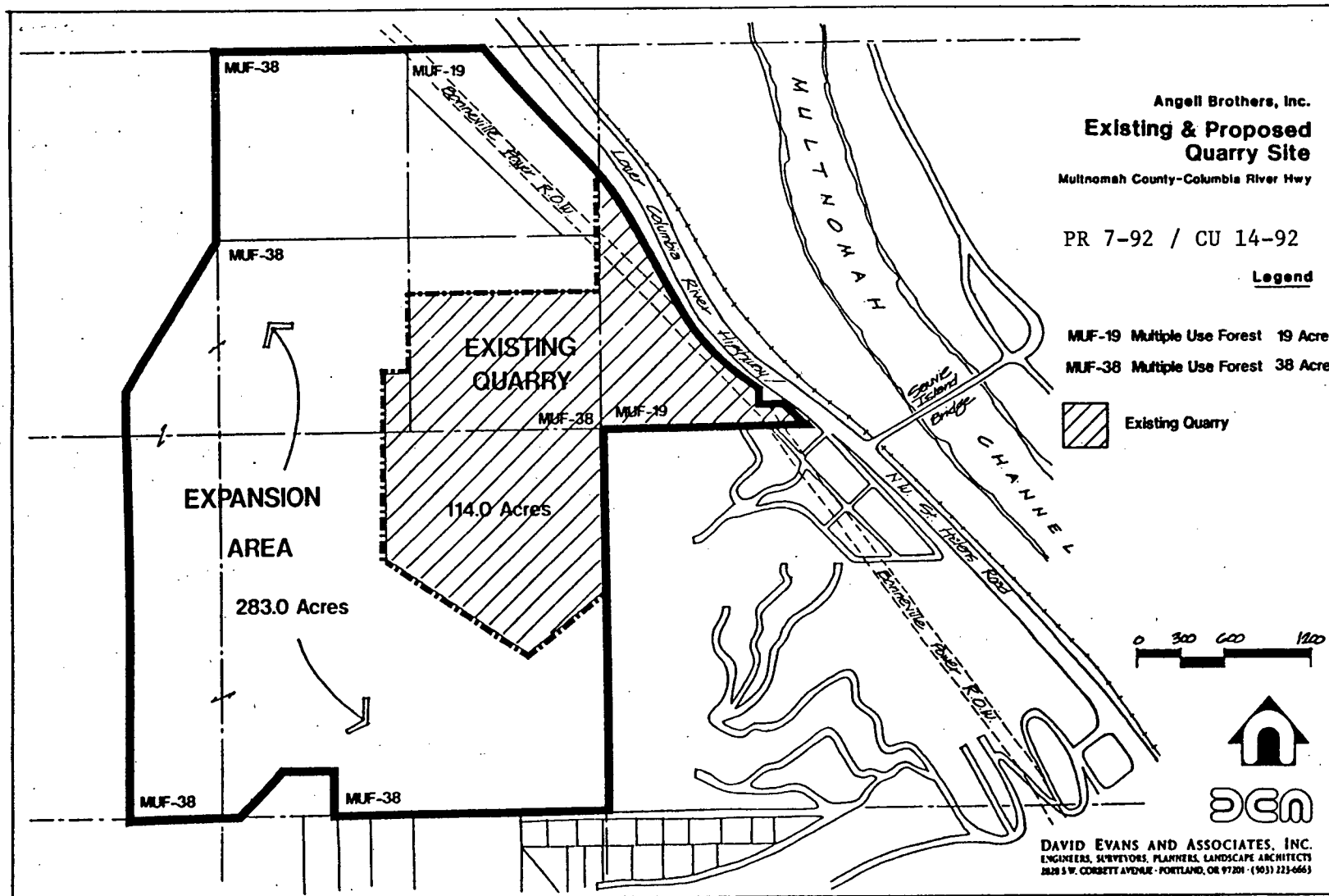
**(Goal 5 ESEE and Program Amendment to the Comprehensive Plan plus
Aggregate Surface Mining as a Conditional Use)**

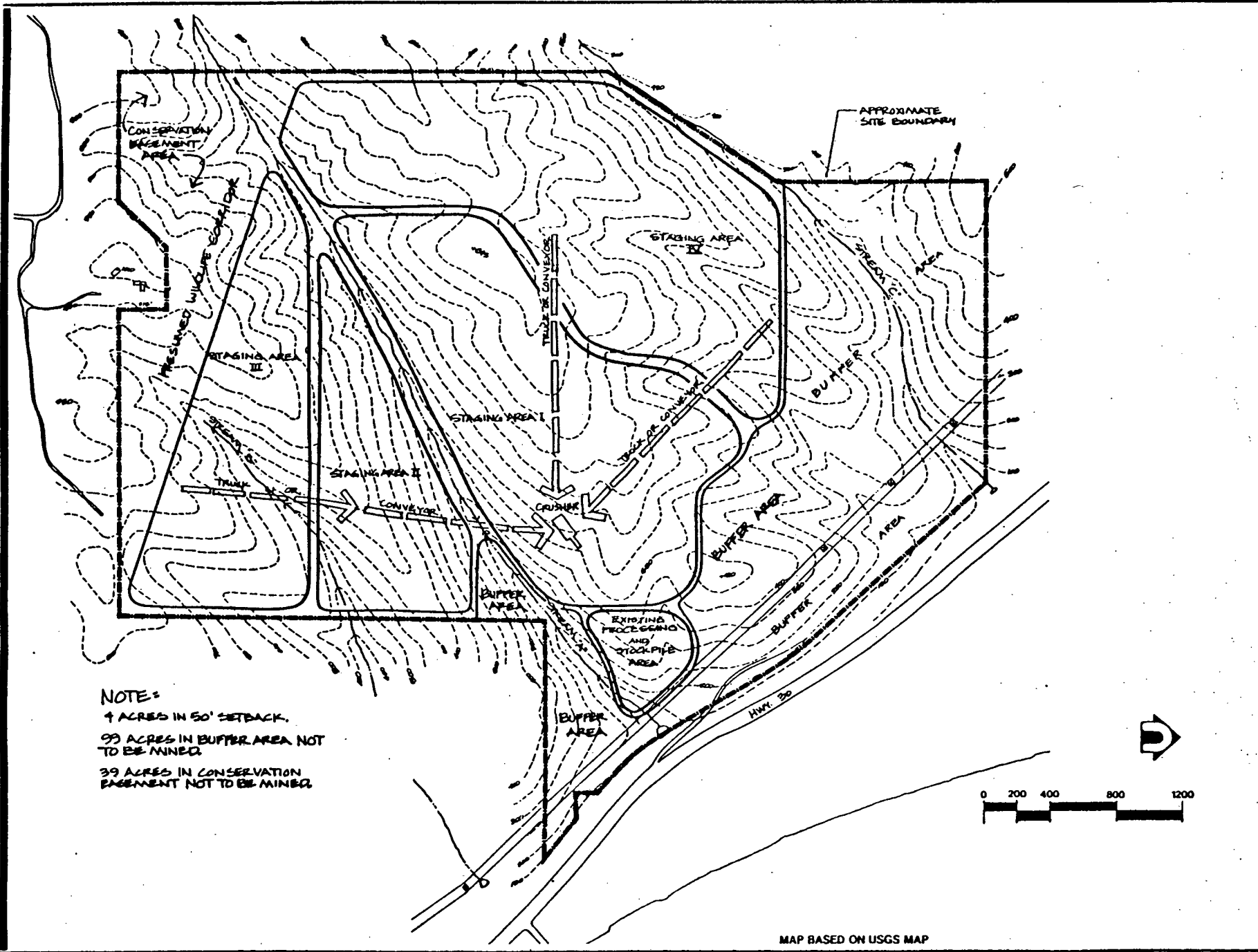
Location:	14545 NW St. Helens Road
Legal:	Tax Lot 12, in the NW ¹ / ₄ of Section 28, T2N, R1W, Willamette Meridian; and Tax Lots 2, 6, 8 and 11 in the E ¹ / ₂ of Section 29, T2N, R1W, Willamette Meridian, 1992 Assessor's Map
Site Size:	283 acres
Size Requested:	Same
Property Owner:	Linnton Rock Corp. P.O. Box 2183 Grand Junction, CO 81503
Applicant:	Angell Bros. PO Box 03449 Portland 97203
Comprehensive Plan:	Multiple Use Forest
Present Zoning:	MUF-38, Multiple Use Forest Use Allows aggregate surface mining as a Conditional Use

Decision #1: DENY requested plan revision for a 3-C designation, and recommend a 3-B designation, based on the following Findings and Conclusions.

Decision #2: DENY conditional use request (for a 10-year permit to mine) based on the fact that the request does not meet 3-C ESEE criteria, based on the following Findings and Conclusions.

PR 7-92/CU 14-92

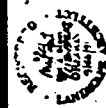




NOTE:
 4 ACRES IN 50' SETBACK.
 93 ACRES IN BUFFER AREA NOT TO BE MINED.
 39 ACRES IN CONSERVATION EASEMENT NOT TO BE MINED.

MAP BASED ON USGS MAP

Site Operations and Buffer Areas
 ANGELL BROTHERS QUARRY -
 PROPOSED EXPANSION
 Multnomah County, Oregon
 PR 7-92/CU 14-92



BOUNDARIES TYPICAL NOT

As shown on
 11/11/92
 11/11/92
 11/11/92

DECISION
BY THE MULTNOMAH COUNTY PLANNING COMMISSION

In the Matter of a Goal 5 ESEE Analysis and)
Program and an Application for a Conditional)
Use Permit by Angell Brothers)

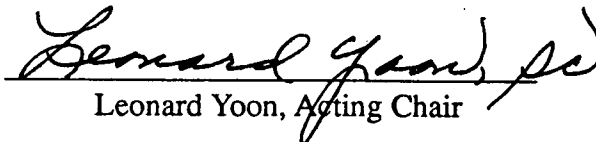
PR 7-92, & CU 14-92

Angell Bros. submitted material to assist the county in the completion of its Goal 5 mineral and aggregate review process and a request for a conditional use permit to authorize mineral extraction from a 283 acre site zoned Multiple Use Forest. The site adjoins an existing mineral extraction operation, and is located at 14545 N. W. St. Helens Road (Tax Lot 12, in the NW 1/4 of Section 28, T2N, R1W, Willamette Meridian; and Tax Lots 2, 6, 8, and 11 in the E 1/4 of Section 29, T2N, R1W, Willamette Meridian, 1992 Assessor's Map).

After notice, public hearings on the were held before the Planning Commission on September 8, 1992, September 21, 1992, October 5, 1992, and October 19, 1992. During the first three hearings, written and oral testimony pertaining to the Plan amendment and permit request was taken and heard. Following the hearing on October 5, 1992, the record was left open for the submission of additional written testimony until October 12, 1992, and for the submission of written rebuttal testimony until October 16, 1992.

Based upon the record, which includes the application and the exhibits appended to the application, as well as the testimony taken and received during and after the public hearings, the Planning Commission adopts the attached findings and conclusions, recommends denial of the requested comprehensive plan amendment, and denies the requested conditional use permit, pursuant to Multnomah County Code §§ 11.05.300 and 11.15.8240. In addition, the Planning Commission recommends a comprehensive plan amendment designating the site "3B" pursuant to Oregon Administrative Rule 660-16-010 (2).

Adopted the 16th day of November, 1992.


Leonard Yoon, Acting Chair

FINDINGS AND CONCLUSIONS

Proposed Comprehensive Plan Amendment PR 7-92

REQUEST

The applicant's request concerns a 283 acre site ("the site") located at 14545 N. W. St. Helens Road (Tax Lot 12, in the NW 1/4 of Section 28, T2N, R1W, Willamette Meridian; and Tax Lots 2, 6, 8, and 11 in the E 1/4 of Section 29, T2N, R1W, Willamette Meridian, 1992 Assessor's Map). In 1990, Multnomah County added the site to its comprehensive plan inventory of Statewide Planning Goal 5 ("Goal 5") mineral and aggregate resource sites as a part of Periodic Review, but did not proceed through the remainder of the Goal 5 process. Angell Bros. asked that the comprehensive plan be revised by completing the Goal 5 process and making mineral extraction the sole use at the site (a "3A" decision) or one of a mix of uses allowed at the site (a "3C" decision).

CRITERIA

Pursuant to Multnomah County Code ("MCC") § 11.05.180, revision of a comprehensive plan must comply with ORS 197.175(2)(a), 197.610 through 197.625, and any administrative rules adopted pursuant to those statutes. In particular, ORS 197.175(2)(a) provides in pertinent part as follows:

"Pursuant to ORS chapters 196 and 197, each . . . county . . . shall . . . revise comprehensive plans in compliance with the [statewide planning] goals"

Chapter 660, Division 16 of the Oregon Administrative Rules ("OAR") sets forth the procedures for complying with Goal 5. Once a site has been included in a comprehensive plan inventory, the local government must identify conflicting uses. OAR 660-16-005. "A conflicting use is one which, if allowed, could negatively impact a Goal 5 resource site." OAR 660-16-005.

The administrative rule continues in pertinent part as follows:

"Where conflicting uses have been identified, Goal 5 resource sites may impact those uses. These impacts must be considered in analyzing the economic, social, environmental and energy (ESEE) consequences:

"(1) Preserve the Resource Site: If there are no conflicting uses for an identified resource site, the jurisdiction must adopt policies and ordinance provisions, as appropriate, which insure preservation of the resource site.

"(2) Determine the Economic, Social, Environmental, and Energy Consequences: If conflicting uses are identified, the economic, social, environmental and energy consequences of the conflicting uses must be determined. Both the impacts on the resource site and on the conflicting uses must be considered in analyzing the ESEE consequences. The applicability and requirements of other Statewide Planning Goals must also be considered, where appropriate, at this stage of the process. A determination of the ESEE consequences of identified conflicting uses is adequate if it enables a jurisdiction to provide reasons to explain why decisions are made for specific sites."

OAR 660-16-005.

The administrative rule then continues in pertinent part as follows:

"Based on the determination of the economic, social, environmental and energy consequences, a jurisdiction must 'develop a program to achieve the Goal'. Assuming there is adequate information on the location, quality, and quantity of the resource site as well as on the nature of the conflicting use and ESEE consequences, a jurisdiction is expected to 'resolve' conflicts with specific sites in any of the following three ways listed below. Compliance with Goal 5 shall also be based on the plan's overall ability to protect and conserve each Goal 5 resource. . . .

"(1) Protect the Resource Site: Based on the analysis of the ESEE consequences, a jurisdiction may determine that the resource site is of such importance, relative to the conflicting uses, and the ESEE consequences of allowing conflicting uses are so great that the resource site should be protected and all conflicting uses prohibited on the site and possibly within the impact area identified in OAR 660-16-000(5)(c). Reasons which support this decision must be presented in the comprehensive plan, and plan and zone designations must be consistent with this decision.

"(2) Allow Conflicting Uses Fully: Based on the analysis of the ESEE consequences and other Statewide Goals, a jurisdiction may determine that the conflicting use should be allowed fully, notwithstanding the possible impacts on the resource site. This approach may be used when the conflicting use for a particular site is of sufficient importance, relative to the resource site. Reasons which support this decision must be presented in the comprehensive plan, and plan and zone designations must be consistent with this decision.

"(3) Limit Conflicting Uses: Based on the analysis of the ESEE consequences, a jurisdiction may determine that both the resource site and the conflicting use are important relative to each other, and that the ESEE consequences should be balanced so as to allow the conflicting use but in a limited way so as to protect the resource site to some desired extent. . . . Reasons which support this decision must be presented in the comprehensive plan, and plan and zone designations must be consistent with this decision."

OAR 660-16-010.

FINDINGS

THE IMPACT AREA

1. The impact area — the area where uses may occur that could adversely affect the site, or be adversely affected by use of the site — includes the site itself; property adjoining the site located west of State Highway 30; the City of Portland's Forest Park; a peninsula of land between Portland's Forest Park and the forests of Oregon's coast range, popularly known as a "wildlife corridor"; downstream areas, located east of State Highway 30, including a small wetland to the east, the 430 acre Rafton-Burlington Bottoms wetland to the northeast, and Multnomah Channel; residences adjoining the Channel and houseboats on the Channel; and Sauvie Island. This finding is based on the contents of a previous ESEE analysis prepared by Multnomah County on April 24, 1990, as well as on evidence submitted by opponents of the application ("the opponents"), described in Findings #3-11, below.

2. In view of the earlier ESEE analysis and the opponents' evidence, the Planning Commission finds unconvincing the applicant's assertion that the impact area is limited to Highway 30 on the north-east and 1,000 feet from the boundary of the property in all other directions.

CONFLICTING USES

3. The site is currently zoned Multiple Use Forest (MUF-38), which authorizes a use that would negatively impact the use of the site for mineral extraction. Until cleared of trees recently, the site was entirely forested. Letter of Oct. 16, 1992, from Sherman to Multnomah County Planning Commission, at 2 ("Sherman Letter II"). Managing the site immediately to regenerate the forest for the future production and harvest of timber — a primary use in the MUF-38 district — would necessarily preclude its use for mineral extraction.

4. Other conflicting uses occur on the site. In particular, although not included in the comprehensive plan inventory, the site is *de facto* "open space," ecologically significant as a "natural area," and "wildlife habitat," as those terms are defined in Goal 5. In particular, the site has been used for forest uses, as indicated in Finding #3. It is also part of an area of contiguous forest habitat deemed critical to the diversity and abundance of wildlife within Forest Park. Lev, *et al.*, *A Study of Forest Wildlife Habitat in the West Hills* at 25 (Mar. 1992) ("Wildlife Study II").

5. Further, if preserved and continued in its present use, the site would continue to provide habitat for a wide variety of wildlife, as a crucial part of a peninsula of land between Portland's Forest Park and the forests of Oregon's coast range, serving as a "wildlife corridor," among other things, and enhancing the unique value of Forest Park and its recreation opportunities. Wildlife Study II at 1-2, 24-26; Houle, *Wild About the City: Phase One of the West Hills Wildlife Corridor Study* at 2, 34-42 (Apr. 4, 1990) ("Wildlife Study I").

6. If preserved in its present use, the site would also continue to protect the streams found on the site from disturbance. Were mineral extraction allowed, streams flowing through the area would be disturbed. See Angell Bros. Application at 3, 11, and Exhibit C.

7. Finally, if preserved in its present use, the site would promote conservation of soils found on the site, as well as wetlands found downstream of the site — a small wetland to the east, which adjoins Multnomah Channel, and the 430 acre Rafton-Burlington Bottoms wetland to the northeast, which adjoins Multnomah Channel and is within the Willamette River Greenway. Were mineral extraction allowed, soils would erode significantly, would be discharged into both wetlands, and would accumulate there. See Declaration of Jon Rhodes, M. Sc., at 3, 4, 8-9, 12 ("Rhodes Declaration"); Significant Wetlands, Sauvie Island and Multnomah Channel (1988). (Alternatively, diverting part of Stream C's drainage to Stream A would eliminate one of the Rafton-Burlington Bottoms sources of water. Memorandum of Sep. 18, 1992, from Walker to Anderson, at 5 (mining in Staging Area IV would divert part of Stream C's drainage to Stream A); Oral Testimony of Jon Rhodes (Oct. 5, 1992) ("Rhodes Testimony"). The Rafton-Burlington Bottoms wetland represents one of the state's largest remaining wapato wetlands, and provides habitat for a number of important wildlife species, including bald eagles and many other waterfowl, shorebirds, and songbirds. Letter of Sep. 8, 1992, from Hoefflich to Multnomah County Planning Commission, at 1 ("Hoefflich Letter"); Letter of Sep. 8, 1992, from Cieko (Director, Multnomah County Park Services Division) to Multnomah County Planning Commission at 1 ("Cieko Letter"). Rafton-Burlington Bottoms is included in the comprehensive plan inventory both as a Goal 5 wetland and a Goal 5 natural area. Multnomah County Significant Wetlands, Site #3; Cieko Letter at 1.

8. Preserving and continuing the present use of the site as open space necessarily would preclude its use as a quarry. The applicant's suggestion to the contrary was untenable. Likewise, protecting the site as an ecologically significant natural area and wildlife habitat, rather than extracting minerals from it, necessarily would adversely affect its use as a quarry.

9. Adjoining land to the northwest, west, south, and southwest of the site is currently zoned Multiple Use Forest (MUF-19 or MUF-38). Both districts authorize a use that could negatively impact the use of the site for mineral extraction. Specifically, the opponents' evidence established that residential dwellings had been built or approved on adjoining land zoned MUF-19 and MUF-38. Map (Dwellings in the Forest Zone Near the Angell Bros. Quarry). Indeed, the applicant itself conceded that residential dwellings had been built or approved. The opponents' evidence and the applicant's concession lead the Planning Commission to find that more residential dwellings could be approved near the site. The inhabitants of the existing and new dwellings could interfere with mineral extraction at the site by complaining about noise, dust, and other phenomena associated with quarry operations. See Letter of Aug. 8, 1992, from Sauvie Island Conservancy to Multnomah County Planning Commission, at 2, ¶ 4 (Sauvie Island Conservancy Letter) and Letter of Sep. 18, 1992, from Linnton Neighborhood Association to Multnomah County Planning Commission ("Linnton Letter") and Letter from Jodeanne Bellant to Multnomah County Planning Commission, at 1 ("Bellant Letter") (same) and Oral Testimony of Darlene Wruble (Sep. 21, 1992) ("Wruble Testimony") (testimony from adjoining property owner that residents at her house could hear noise from the more distant, existing operation).

10. Other conflicting uses occur on lands to the north and east. Specifically, the Rafton-Burlington Bottoms wetland is located to the northeast. Another wetland is located to the east, across State Highway 30 from the existing quarry site, and empties into Multnomah Channel. Protecting the wetlands and the Channel would mean sharply curtailing mineral extraction at the site, if not prohibiting it entirely. Were mineral extraction allowed, streams draining the site would grow significantly turbid from carrying eroding soils; turbid water would be discharged into the Multnomah Channel, violating the applicant's water quality permit and reducing water quality; and sediment would be deposited in both wetlands. See Rhodes Declaration at 3, 4, 8-13. (Alternatively, diverting part of Stream C's discharge to Stream A would eliminate one of the Rafton-Burlington Bottoms sources of water. Walker Memo at 5 (mining in Staging Area IV would divert part of Stream C's drainage to Stream A); Rhodes Testimony.)

11. In addition, outstanding scenic views of the site visible from important recreational areas on Sauvie Island, if protected, would prevent use of the site for mineral extraction. Were mineral extraction allowed, these views would suffer a significant adverse impact. Letter of Aug. 7, 1992, from Percival, *et al.*, to Multnomah County Planning Commission, at 2 ("Percival Letter"); Multnomah County Goal 5 Inventory, Scenic View West Hills, at 1 (Dec. 19, 1989).

ESEE ANALYSIS: ECONOMIC CONSEQUENCES

12. The applicant asserted the overall economic consequences of allowing conflicting uses would be adverse, and would perhaps lead to the loss of an important source of aggregate material. The Planning Commission finds the applicant failed to produce the necessary evidence to support its assertions. Moreover, the Planning Commission believes substantial evidence supports a contrary finding that mineral extraction would cause adverse economic consequences.

13. First of all, the applicant's evidence that the site was a significant source of valuable aggregate material was suspect. Representations as to the quality and quantity of the site's rock supply were

"apparently based on surface observations, two shallow (84 ft.) bore holes, and the assumption that the same quality of rock exists to the base of the proposed quarry floor hundreds of feet below the surface." Declaration of Marvin Beeson at 1 ("Beeson Declaration"). That evidence was "insufficient to adequately address the questions of rock quality and quantity." Beeson Declaration at 2.

14. Moreover, the evidence indicated rock from the site is not needed. The recently added 42 acre portion of the applicant's existing quarry operation, alone, contains approximately twenty-five million cubic yards of recoverable aggregate. Sherman Letter II at 1; see Letter of Oct. 12, 1992, from Parisi to Multnomah County Planning Commission, at 1. In view of the applicant's representations that it would not increase its rock-crushing capacity, and that its current rock-crushing capacity is 810,000 tons — or 400,000 cubic yards — per year, the 42 acre portion would be a source of aggregate for another sixty years. Sherman Letter II at 1; see Angell Bros. Application at 10, 12, and Exhibit H (Air Contaminant Discharge Permit Application Review Report at 1, ¶ 4). The actual life of the existing quarry operation might even be longer, depending on the amount of recoverable aggregate left in the original 72 acre portion. The applicant produced no evidence indicating the original 72 acre portion had been depleted of recoverable aggregate.

15. At some future date, need for rock from the site might develop. Until then, the site's existing, restrictive resource zoning, as well as the non-destructive nature of existing on-site conflicting uses, should preserve the site for mineral extraction. In addition, interference from residents of existing and potential dwellings on adjoining lands should be minimal because of the buffers the applicant has indicated it would impose on itself. See Angell Bros. Application at 8, 14, 18, 36, and Exhibit C.

16. On the other hand, mineral extraction would eliminate substantial returns that would flow from managing the land for the production and harvest of timber — which would also be contrary to Statewide Planning Goal 4 (Forest Lands). Despite the applicant's evidence, the Planning Commission remains unconvinced the site could be successfully reclaimed for forestry, in view of evidence that reclamation is a complicated and difficult undertaking with uncertain prospects for success. Revised Declaration of Anthony Boutard ("Revised Boutard Declaration").

17. Clear evidence established the site currently consists mostly of soils with a highly productive Douglas fir site index of 149. *Soil Survey of Multnomah County* at 39-40, Sheet No. 6 (1983); Revised Boutard Declaration; Norse, 1990, *Ancient Forests of the Pacific Northwest* (The Wilderness Society), at 31. Over a 60 year rotation, one acre of such land would produce approximately 40.2 thousand board feet under a simple plant and harvest regime. Revised Boutard Declaration. "Based on current log markets available to private timber owners, the net value (stumpage value) of 1,000 board feet of sawlogs is approximately \$650." Declaration of Scott Ferguson. Thus, managed for the production and harvest of timber, the 283 acre site would produce a renewable resource worth well over six million dollars.

18. Other adverse economic consequences would follow from allowing mineral extraction at the site now. Allowing mineral extraction would make the combined quarry operation one of the largest in Oregon, significantly detracting from the extensive scenic and recreational resources found in the West Hills. Letter of Sep. 1, 1992, from Kafoury to Multnomah County Planning Commission at 2-3 ("Kafoury Letter"); Oral and Video Testimony of Sep. 21, 1992, from Sauvie Island Conservancy ("Sauvie Island Conservancy Testimony"); Percival Letter at 2; Multnomah County Goal 5 Inventory, Scenic View West Hills, at 1 (Dec. 19, 1989); Friends of Forest Park's Brief in Opposition to Angell Bros.'s Applications, at Exhibits 1 and 2 ("Friends' Brief"). As a result, Portland would be a far less attractive place to locate a business. Kafoury Letter at 2; Written Testimony of Sep. 21, 1992, from

Thayer, at 1-2 ("Thayer Testimony"). Furthermore, Portland and Sauvie Island would be far less attractive as places to tour and hold conferences, conventions, and convention-related activities — which could well mean the loss of substantial expenditures by visitors. Kafoury Letter at 2. Thus, allowing mineral extraction would be contrary to Statewide Planning Goal 9 (Economic Development).

ESEE ANALYSIS: SOCIAL CONSEQUENCES

19. In view of Finding #12-15, the social consequences of protecting forest, wildlife, and wetland values would be negligible. Were mineral extraction allowed, however, the converse would not be true.

20. As explained below in Findings #21 and 25, allowing the site to be used for mineral extraction would further fragment the remaining, unique peninsula of open space that connects Forest Park with the forests of the coast. As a result, one of the key features responsible for drawing many residents to the Portland area would be seriously compromised, eroding the region's identity, eliminating green spaces vital to the population's physical and psychological health, and decreasing the area's educational value. Kafoury Letter at 2; Thayer Testimony at 1-2; Wildlife Study II at 24-25; Friends' Brief at Exhibits 1 and 2; Sauvie Island Conservancy Testimony; Percival Letter at 2; Multnomah County Goal 5 Inventory, Scenic View West Hills, at 1 (Dec. 19, 1989).

21. In addition, the utility of conservation easements obtained by Friends of Forest Park from owners of adjoining land would be diminished, if not obliterated. Friends of Forest Park Position Paper (Jul. 23, 1992), at 6 ("Friends' Position Paper"). (See the discussion of environmental consequences in the next section.) The easements cover more than 450 acres of property and extend approximately one mile along the site's boundary. Friends' Position Paper at 6. Friends of Forest Park specifically acquired the easements to maintain the effectiveness of the existing peninsula of natural habitat, which the site partially comprises. Friends' Position Paper at 6; Wildlife Study II at 26; Map (Forest Resource Lands in the Wildlife Corridor).

22. Finally, the mining, crushing, and trucking associated with expanded mineral extraction would add to the noise and dust that already disturbs nearby residents. See Sauvie Island Conservancy Letter at 2, ¶ 4; Linnton Letter; Wruble Testimony; Bellant Letter at 1.

ESEE ANALYSIS: ENVIRONMENTAL CONSEQUENCES

23. The current non-destructive on-site conflicting uses would have no environmental impact on the site. The site would simply not be available for immediate exploitation. It would in fact be preserved for future use as a mineral extraction site.

24. A 3A or 3C decision, however, would have devastating environmental consequences for the site's forest habitat. Despite the applicant's evidence, the Planning Commission remains unconvinced that attempts to reclaim the site would succeed in enabling the forest habitat to function again, in view of evidence that reclamation is a complicated and difficult undertaking with uncertain prospects for success. Revised Boutard Declaration.

25. Either a 3A or a 3C decision would allow mining within an existing contiguous half-mile band of forest habitat between the existing quarry and McNamee Road. Letter of Aug. 5, 1992, from Fugate to Multnomah County Planning Commission, at 1 ("Fugate Letter"); Angell Bros. Application at Exhibit N; Map (Forest Resource Lands in the Wildlife Corridor). That contiguous half-mile band is the minimum amount necessary to prevent the isolation of Forest Park wildlife from the forests of the coast

range. Wilderness Study II at 26-27. The contiguous band should perhaps be one and a half miles wide in order to assure the long-term viability of Forest Park's large mammals. Wilderness Study II at 26; Letter of Jul. 27, 1992, from Houle to Multnomah County Planning Commission, at 1 ("Houle Letter").

26. A 3A or 3C decision would also lead to adverse effects on downstream wetlands — including the Rafton-Burlington Bottoms, located within the Willamette River Greenway. See Finding #7. Either decision would also lead to adverse effects on the Multnomah Channel, which is also located within the Willamette River Greenway. See Finding #10. Thus, either decision would harm resources protected under Goal 5 and Statewide Planning Goal 15 (Willamette River Greenway).

27. The applicant contended a 3A or 3C decision would comply with Statewide Planning Goal 6 (Air, Water, and Land Resource Quality) ("Goal 6"), because it must comply with standards established by Multnomah County, the Department of Environmental Quality ("DEQ"), and the Department of Geology and Mineral Industries ("DOGAMI"). Angell Bros. Application at 31. The Planning Commission, however, finds the applicant did not show it would be able to comply with Goal 6.

28. Similarly, the Planning Commission finds the applicant did not satisfy Statewide Planning Goal 7 (Areas Subject to Natural Disasters and Hazards) ("Goal 7"), because it did not show it would comply with standards established by DOGAMI requiring stable final contours.

29. Further, the applicant did not satisfy the policy underlying Goal 7 — namely, that known disaster and hazard areas should be mapped and avoided. The applicant maintained it satisfied that policy because no major landslide areas were identified in geologic studies. Angell Bros. Application at 31. Yet, almost the entire site has been mapped as an area of known or potential slope hazard. Letter of Sep. 1, 1992, from Foster, at 1-2 ("Foster Letter"). Moreover, the applicant's own expert stated cut slopes would be constructed that would present slope stability and erosion hazards, but then failed to recommend cut slope designs that would eliminate the hazards. Foster Letter at 2.

ESEE ANALYSIS: ENERGY CONSEQUENCES

30. If the site is not used for mineral extraction, the energy that would have been expended to mine aggregate would be saved. The evidence did not support the applicant's assertion that distant quarry operations in Clackamas and Columbia Counties would supply aggregate to the markets the applicant seeks to serve, increasing the consumption of fossil fuel.

CONCLUSIONS

1. The mineral and aggregate resource site is not so important, relative to the conflicting uses, and the ESEE consequences of allowing conflicting uses are not so great, that the resource site should be protected and all conflicting uses prohibited on the site and within the impact area.

2. The mineral and aggregate resource site and the conflicting uses are not both important relative to each other, nor should the ESEE consequences be balanced to allow the conflicting use in a limited way.

3. The conflicting uses are so important, relative to the mineral and aggregate resource site, that the conflicting uses should be allowed fully. The ESEE analysis demonstrates that the forest and wildlife values at the site, and the wetlands downstream of the site, are far more valuable than the mineral values

at the site. It also shows that the significant benefits of protecting the former values outweigh the costs of not allowing mineral extraction, while the consequences of not protecting forest, wildlife, and wetland values would be severe.

FINDINGS AND CONCLUSIONS

Proposed Conditional Use Permit CU 14-92

REQUEST

The applicant's request concerns a 283 acre site ("the site") located at 14545 N. W. St. Helens Road (Tax Lot 12, in the NW 1/4 of Section 28, T2N, R1W, Willamette Meridian; and Tax Lots 2, 6, 8, and 11 in the E 1/4 of Section 29, T2N, R1W, Willamette Meridian, 1992 Assessor's Map). The site is zoned Multiple Use Forest (MUF-38). Pursuant to MCC § 11.15.2172(B)(1), Angell Bros. asked for a conditional use permit authorizing it to mine aggregate at the site.

CRITERIA

Pursuant to MCC § 11.15.2172(B), mineral extraction may be allowed in the MUF-38 district under the provisions of MCC 11.15.7305 *et seq.* In particular, mineral extraction may be allowed provided the Planning Commission finds an application satisfies the criteria for approval set forth in MCC § 11.15.7325. In pertinent part, MCC § 11.15.7325 provides as follows:

"The approval authority shall find that:

"(A) The site is designated "2A", "3A", or "3C" through an ESEE analysis.

"(B) There is a proposed reclamation plan which will allow the property to be utilized as envisioned by the Comprehensive Plan and the underlying district.

"(C) The following general operation requirements and standards have been, or will be met:

"...

"(5) Air, water, and noise quality.

"...

"(b) Sedimentation and erosion resulting from the extraction operation shall comply with the standards established by the Department of Environmental Quality.

"...

"(6) Fish and wildlife protection.

"(a) Fish and wildlife habitat identified by the Comprehensive Plan, or recognized as significant by an ESEE analysis, or found to be significant during project review shall be protected to the maximum extent possible. Where appropriate, such habitat may be mitigated by such enhancement mea-

asures as the provision of additional feed and cover for wildlife or fish stream habitat.

“... ”

“... ”

“(8) Reclaimed Topography.

“All final reclaimed surfaces shall be stabilized by sloping, benching, or other ground control methods. Reclaimed surfaces shall blend into the natural land-forms of the immediately surrounding terrain.

“... ”

“(12) Reclamation Schedule.

“The reclamation plan shall include a timetable for continually reclaiming the land. ... ”

“(D) The proposed operations will not result in the creation of a geologic hazard to surrounding properties, such as through slumping, sliding, or drainage modifications, and have been certified by a registered soils or mining engineer, or engineering geologist as meeting this requirement.

FINDINGS

1. The Planning Commission does not find compliance with all approval criteria.
2. The site is not designated 2A, 3A, or 3C.
3. The applicant has not produced a proposed reclamation plan that will allow the property to be used as envisioned by the comprehensive plan and the underlying district. First, the applicant submitted no proposed reclamation plan during the course of the proceedings on the application. Second, although the applicant submitted materials to DOGAMI on September 27, 1991, those materials did not constitute a proposed reclamation plan because they were incomplete. Letter of Dec. 13, 1991, from Schnitzer to Angell Brothers, Inc. at 1-2 (“DOGAMI Letter”) (“the submitted reclamation plan and maps cannot be considered complete”). Third, even were the September 27, 1991, submission to DOGAMI deemed a proposed reclamation plan, the applicant did not show that the “plan” will allow the property to be used as envisioned by the underlying district. The underlying district is MUF-38, which envisions “[f]orest practices associated with the production, management and harvesting of timber” as the land’s primary use. Despite the applicant’s evidence, the Planning Commission remains unconvinced the site could be successfully reclaimed for forestry, in view of evidence that reclamation is a complicated and difficult undertaking with uncertain prospects for success. Revised Boutard Declaration.
4. The applicant did not show that sedimentation and erosion will comply with DEQ’s standards. Specifically, the applicant introduced no proof that it will comply with those standards. All the

applicant did establish that it has a DEQ general waste water permit and that it must obtain a storm water permit.

5. In fact, the Planning Commission finds the applicant will not meet the standards established in its existing waste water permit. Rather, the discharges of turbid water into Multnomah Channel, which already occur commonly, are likely to increase in frequency and magnitude, worsening existing violations of the applicant's waste water permit. Rhodes Declaration at 3, 4, 10-13.
6. The applicant did not show that wildlife habitat identified as significant by the comprehensive plan, recognized as significant by an ESEE analysis, or found to be significant during project review will be protected to the maximum extent possible.
 - a. The site contains significant wildlife habitat, as recognized in the foregoing ESEE analysis. The area between the existing quarry operation and McNamee Road is part of the last remaining unfragmented forest habitat between Forest Park and the forests of the coast range. Fugate Letter at 1. That habitat constitutes high quality wildlife habitat, considering its history of disturbance. Wildlife Study II at 24. Furthermore, "[t]he ecological integrity of Forest Park is dependent upon the maintenance of [that] forest habitat." Wildlife Study II at 25. Given the unique nature of Forest Park, and the importance of perpetuating the diversity and abundance of its wildlife, Wildlife Study II at 24, the site's wildlife habitat must be considered highly significant.
 - b. Staff recommended preservation of a 625 foot buffer along the southerly portion of the site to protect wildlife habitat. Staff Report at 18. The recommendation of the staff was based on a recommendation from Esther Lev, one of the authors of Wildlife Study II. *See* Angell Bros. Application, at Exhibit N. Ms. Lev's recommendation might protect significant wildlife habitat, but only to the "minimum" extent possible. Fugate Letter at 2. In addition, Ms. Lev's recommendation would protect wildlife habitat only so long as the surrounding area undergoes no further development that impinges on the 625 foot buffer, which is unlikely. Fugate Letter at 2; Houle Letter at 1-2. In fact, the building envelope on property owned by Patricia and Ray Adams extends about as close as 300 feet to the boundary of the proposed expansion site. Dwelling Site Plan For Lot 3 of LD 6-90; Letter of Sep. 21, 1992, from Sherman to Multnomah County Planning Commission, at 1 ("Sherman Letter I").
 - c. Moreover, Ms. Lev earlier recommended a half-mile minimum band of contiguous forest habitat from the boundary of the existing quarry operation west to McNamee Road to protect significant wildlife habitat. Wildlife Study II at 26; Fugate Letter at 2. Some highly-qualified experts have even recommended a mile and a half band of contiguous forest habitat, starting from the same boundary. Clearly, then, the Planning Commission cannot find that the site's significant wildlife habitat will be protected to the maximum extent possible.
 - d. The Rafton-Burlington Bottoms wetland was identified as significant wildlife habitat by the comprehensive plan by virtue of its inclusion in the comprehensive plan inventory as a Goal 5 natural area. *See* Finding 7. The wetland was also recognized as significant wildlife habitat by the foregoing ESEE analysis. Hoeflich Letter at 1; Cieko Letter at 1. Yet, the applicant produced no evidence showing that the wetland will be protected to the maximum extent possible.
7. The applicant did not show that reclaimed surfaces will blend into the natural landforms of the immediately surrounding terrain. The applicant produced no evidence that benches of the type the

applicant proposed to establish are found in the West Hills. Rather, the West Hills are characterized by rolling hills and broad ravines. Friends' Brief at Exhibit 2; Sauvie Island Conservancy Testimony.

8. The applicant did not show that its reclamation plan includes a timetable for continually reclaiming the land. First, the applicant submitted no reclamation plan. Second, the applicant claimed it was impossible to develop such a timetable. The code does not excuse compliance with this requirement, however.
9. The applicant did not show that the proposed operation will not result in the creation of a geologic hazard to surrounding properties, and have been certified by a registered soils or mining engineer, or engineering geologist as meeting this requirement. Although the applicant's expert concluded mining was unlikely to initiate a large landslide, he did not expressly address hazards to surrounding properties. In addition, the conclusion the expert drew was suspect for three reasons. First, the conclusion seemed not to take into account the fourteen degree dip in the basalt flow at the site. Beeson Declaration at 2. Second, the conclusion was not based on any bore holes drilled deep enough to characterize the nature of the contacts between flows, and hence stability. Beeson Declaration at 2. Third, the conclusion seemed not to take into account the stability of the massive cuts in the soils atop the basalt, some as high as seventy feet. Foster Letter at 2.

CONCLUSION

The applicant failed to satisfy the criteria for approval of the requested conditional use.

Filed with Clerk of the Board on November 25, 1992

Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 4:30 p.m. Monday, December 7, 1992 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision in this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, December 8, 1992 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development at 248-3043.

1 **BEFORE THE BOARD OF COUNTY COMMISSIONERS**
2 **FOR MULTNOMAH COUNTY**
3
4

5 In the Matter of a Goal 5 ESEE Analysis)

6 for a 283 acre site located at)

7 14545 N. W. St. Helens Road)

FINAL ORDER

PR 7-92

8
9
10 Angell Bros. submitted material to assist the county in the completion of its
11 Goal 5 mineral and aggregate review process for a 283 acre site zoned Multiple
12 Use Forest. The site adjoins an existing mineral extraction operation, and is
13 located at 14545 N. W. St. Helens Road (Tax Lot 12, in the NW 1/4 of Section 28,
14 T2N, R1W, Willamette Meridian; and Tax Lots 2, 6, 8, and 11 in the E 1/4 of Sec-
15 tion 29, T2N, R1W, Willamette Meridian, 1992 Assessor's Map).
16

17 After notice, public hearings on the ESEE analysis were held before the Plan-
18 ning Commission on September 8, 1992, September 21, 1992, October 5, 1992,
19 and October 19, 1992. During the first three hearings, written and oral testimo-
20 ny pertaining to the Plan amendment was taken and heard. Following the hear-
21 ing on October 5, 1992, the record was left open for the submission of additional
22 written testimony until October 12, 1992, and for the submission of written
23 rebuttal testimony until October 16, 1992.
24

25 Based upon the record, which includes the application and the exhibits append-
26 ed to the application, as well as the testimony taken and received during and

1 after the public hearings, the Board amends the Comprehensive Framework
2 Plan by designating the site "3B" pursuant to Oregon Administrative Rule 660-
3 16-010 (2) based upon the following ESEE analysis.

4 5 **I. APPLICABLE REVIEW STANDARDS**

6
7 Pursuant to Multnomah County Code ("MCC") § 11.05.180, revision of a compre-
8 hensive plan must comply with ORS 197.175(2)(a), 197.610 through 197.625,
9 and any administrative rules adopted pursuant to those statutes. In particular,
10 ORS 197.175(2)(a) provides in pertinent part as follows:

11
12 "Pursuant to ORS chapters 196 and 197, each . . . county . . . shall . . . revise
13 comprehensive plans in compliance with the [statewide planning] goals"

14
15 Chapter 660, Division 16 of the Oregon Administrative Rules ("OAR") sets forth
16 the procedures for complying with Goal 5. Once a site has been included in a
17 comprehensive plan inventory, the local government must identify conflicting
18 uses. OAR 660-16-005. "A conflicting use is one which, if allowed, could nega-
19 tively impact a Goal 5 resource site." OAR 660-16-005.

20
21 The administrative rule continues in pertinent part as follows:

22
23 "Where conflicting uses have been identified, Goal 5 resource sites may impact
24 those uses. These impacts must be considered in analyzing the economic, social,
25 environmental and energy (ESEE) consequences:

1 “(1) Preserve the Resource Site: If there are no conflicting uses for an identified
2 resource site, the jurisdiction must adopt policies and ordinance provisions, as
3 appropriate, which insure preservation of the resource site.

4
5 “(2) Determine the Economic, Social, Environmental, and Energy Consequences:
6 If conflicting uses are identified, the economic, social, environmental and energy
7 consequences of the conflicting uses must be determined. Both the impacts on
8 the resource site and on the conflicting uses must be considered in analyzing the
9 ESEE consequences. The applicability and requirements of other Statewide
10 Planning Goals must also be considered, where appropriate, at this stage of the
11 process. A determination of the ESEE consequences of identified conflicting
12 uses is adequate if it enables a jurisdiction to provide reasons to explain why
13 decisions are made for specific sites.”

14
15 OAR 660-16-005.

16 The administrative rule then continues in pertinent part as follows:

17
18 “Based on the determination of the economic, social, environmental and energy
19 consequences, a jurisdiction must ‘develop a program to achieve the Goal’.
20 Assuming there is adequate information on the location, quality, and quantity of
21 the resource site as well as on the nature of the conflicting use and ESEE conse-
22 quences, a jurisdiction is expected to ‘resolve’ conflicts with specific sites in any
23 of the following three ways listed below. Compliance with Goal 5 shall also be
24 based on the plan’s overall ability to protect and conserve each Goal 5 resource.

25 ...

1 “(1) Protect the Resource Site: Based on the analysis of the ESEE consequences,
2 a jurisdiction may determine that the resource site is of such importance, rela-
3 tive to the conflicting uses, and the ESEE consequences of allowing conflicting
4 uses are so great that the resource site should be protected and all conflicting
5 uses prohibited on the site and possibly within the impact area identified in
6 OAR 660-16-000(5)(c). Reasons which support this decision must be presented
7 in the comprehensive plan, and plan and zone designations must be consistent
8 with this decision.

9
10 “(2) Allow Conflicting Uses Fully: Based on the analysis of the ESEE conse-
11 quences and other Statewide Goals, a jurisdiction may determine that the con-
12 flicting use should be allowed fully, notwithstanding the possible impacts on the
13 resource site. This approach may be used when the conflicting use for a particu-
14 lar site is of sufficient importance, relative to the resource site. Reasons which
15 support this decision must be presented in the comprehensive plan, and plan
16 and zone designations must be consistent with this decision.

17
18 “(3) Limit Conflicting Uses: Based on the analysis of the ESEE consequences, a
19 jurisdiction may determine that both the resource site and the conflicting use
20 are important relative to each other, and that the ESEE consequences should be
21 balanced so as to allow the conflicting use but in a limited way so as to protect
22 the resource site to some desired extent. . . . Reasons which support this deci-
23 sion must be presented in the comprehensive plan, and plan and zone designa-
24 tions must be consistent with this decision.”

25
26 OAR 660-16-010.

II. FINDINGS OF THE ESEE ANALYSIS

THE IMPACT AREA

1. The impact area — the area where uses may occur that could adversely affect the site, or be adversely affected by use of the site — includes the site itself; property adjoining the site located west of State Highway 30; the City of Portland's Forest Park; a peninsula of land between Portland's Forest Park and the forests of Oregon's coast range, popularly known as a "wildlife corridor"; downstream areas, located east of State Highway 30, including a small wetland to the east, the 430 acre Rafton-Burlington Bottoms wetland to the northeast, and Multnomah Channel; residences adjoining the Channel and houseboats on the Channel; and Sauvie Island. This finding is based on the contents of a previous ESEE analysis prepared by Multnomah County on April 24, 1990, as well as on evidence submitted by opponents of the application ("the opponents"), described in Findings #3-11, below.

2. In view of the earlier ESEE analysis and the opponents' evidence, the Planning Commission finds unconvincing the applicant's assertion that the impact area is limited to Highway 30 on the northeast and 1,000 feet from the boundary of the property in all other directions.

CONFLICTING USES

3. The site is currently zoned Multiple Use Forest (MUF-38), which authorizes a use that would negatively impact the use of the site for mineral extraction. Until cleared of trees recently, the site was entirely forested. Letter of Oct.

1 16, 1992, from Sherman to Multnomah County Planning Commission, at 2
2 ("Sherman Letter II"). Managing the site immediately to regenerate the forest
3 for the future production and harvest of timber — a primary use in the MUF-38
4 district — would necessarily preclude its use for mineral extraction.
5

6 4. Other conflicting uses occur on the site. In particular, although not
7 included in the comprehensive plan inventory, the site is *de facto* "open space,"
8 ecologically significant as a "natural area," and "wildlife habitat," as those terms
9 are defined in Goal 5. In particular, the site has been used for forest uses, as
10 indicated in Finding #3. It is also part of an area of contiguous forest habitat
11 deemed critical to the diversity and abundance of wildlife within Forest Park.
12 Lev, *et al.*, *A Study of Forest Wildlife Habitat in the West Hills* at 25 (Mar. 1992)
13 ("Wildlife Study II").
14

15 5. Further, if preserved and continued in its present use, the site would con-
16 tinue to provide habitat for a wide variety of wildlife, as a crucial part of a
17 peninsula of land between Portland's Forest Park and the forests of Oregon's
18 coast range, serving as a "wildlife corridor," among other things, and enhancing
19 the unique value of Forest Park and its recreation opportunities. Wildlife Study
20 II at 1-2, 24-26; Houle, *Wild About the City: Phase One of the West Hills Wildlife*
21 *Corridor Study* at 2, 34-42 (Apr. 4, 1990) ("Wildlife Study I").
22

23 6. If preserved in its present use, the site would also continue to protect the
24 streams found on the site from disturbance. Were mineral extraction allowed,
25 streams flowing through the area would be disturbed. See Angell Bros. Applica-
26 tion at 3, 11, and Exhibit C.

1 7. Finally, if preserved in its present use, the site would promote conserva-
2 tion of soils found on the site, as well as wetlands found downstream of the site
3 — a small wetland to the east, which adjoins Multnomah Channel, and the 430
4 acre Rafton-Burlington Bottoms wetland to the northeast, which adjoins Mult-
5 nomah Channel and is within the Willamette River Greenway. Were mineral
6 extraction allowed, soils would erode significantly, would be discharged into both
7 wetlands, and would accumulate there. See Declaration of Jon Rhodes, M. Sc.,
8 at 3, 4, 8-9, 12 (“Rhodes Declaration”); Significant Wetlands, Sauvie Island and
9 Multnomah Channel (1988). (Alternatively, diverting part of Stream C’s
10 drainage to Stream A would eliminate one of the Rafton–Burlington Bottoms
11 sources of water. Memorandum of Sep. 18, 1992, from Walker to Anderson, at 5
12 (mining in Staging Area IV would divert part of Stream C’s drainage to Stream
13 A); Oral Testimony of Jon Rhodes (Oct. 5, 1992) (“Rhodes Testimony”). The
14 Rafton-Burlington Bottoms wetland represents one of the state’s largest remain-
15 ing wapato wetlands, and provides habitat for a number of important wildlife
16 species, including bald eagles and many other waterfowl, shorebirds, and song-
17 birds. Letter of Sep. 8, 1992, from Hoeflich to Multnomah County Planning
18 Commission, at 1 (“Hoeflich Letter”); Letter of Sep. 8, 1992, from Cieko (Direc-
19 tor, Multnomah County Park Services Division) to Multnomah County Planning
20 Commission at 1 (“Cieko Letter”). Rafton-Burlington Bottoms is included in the
21 comprehensive plan inventory both as a Goal 5 wetland and a Goal 5 natural
22 area. Multnomah County Significant Wetlands, Site #3; Cieko Letter at 1.

23
24 8. Preserving and continuing the **present** use of the site as open space nec-
25 essarily would preclude its use as a quarry. The applicant’s suggestion to the
26 contrary was untenable. Likewise, protecting the site as an ecologically signifi-

1 cant natural area and wildlife habitat, rather than extracting minerals from it,
2 necessarily would adversely affect its use as a quarry.

3
4 9. Adjoining land to the northwest, west, south, and southwest of the site is
5 currently zoned Multiple Use Forest (MUF-19 or MUF-38). Both districts
6 authorize a use that could negatively impact the use of the site for mineral
7 extraction. Specifically, the opponents' evidence established that residential
8 dwellings had been built or approved on adjoining land zoned MUF-19 and
9 MUF-38. Map (Dwellings in the Forest Zone Near the Angell Bros. Quarry).
10 Indeed, the applicant itself conceded that residential dwellings had been built or
11 approved. The opponents' evidence and the applicant's concession lead the Plan-
12 ning Commission to find that more residential dwellings could be approved near
13 the site. The inhabitants of the existing and new dwellings could interfere with
14 mineral extraction at the site by complaining about noise, dust, and other phe-
15 nomena associated with quarry operations. See Letter of Aug. 8, 1992, from
16 Sauvie Island Conservancy to Multnomah County Planning Commission, at 2, ¶
17 4 (Sauvie Island Conservancy Letter) and Letter of Sep. 18, 1992, from Linnton
18 Neighborhood Association to Multnomah County Planning Commission ("Lin-
19 nton Letter") and Letter from Jodeanne Bellant to Multnomah County Planning
20 Commission, at 1 ("Bellant Letter") (same) and Oral Testimony of Darlene Wru-
21 ble (Sep. 21, 1992) ("Wruble Testimony") (testimony from adjoining property
22 owner that residents at her house could hear noise from the more distant, exist-
23 ing operation).

24
25 10. Other conflicting uses occur on lands to the north and east. Specifically,
26 the Rafton-Burlington Bottoms wetland is located to the northeast. Another

1 wetland is located to the east, across State Highway 30 from the existing quarry
2 site, and empties into Multnomah Channel. Protecting the wetlands and the
3 Channel would mean sharply curtailing mineral extraction at the site, if not pro-
4 hibiting it entirely. Were mineral extraction allowed, streams draining the site
5 would grow significantly turbid from carrying eroding soils; turbid water would
6 be discharged into the Multnomah Channel, violating the applicant's water
7 quality permit and reducing water quality; and sediment would be deposited in
8 both wetlands. See Rhodes Declaration at 3, 4, 8-13. (Alternatively, diverting
9 part of Stream C's discharge to Stream A would eliminate one of the
10 Rafton-Burlington Bottoms sources of water. Walker Memo at 5 (mining in
11 Staging Area IV would divert part of Stream C's drainage to Stream A); Rhodes
12 Testimony.)

13
14 11. In addition, outstanding scenic views of the site visible from important
15 recreational areas on Sauvie Island, if protected, would prevent use of the site
16 for mineral extraction. Were mineral extraction allowed, these views would suf-
17 fer a significant adverse impact. Letter of Aug. 7, 1992, from Percival, *et al.*, to
18 Multnomah County Planning Commission, at 2 ("Percival Letter"); Multnomah
19 County Goal 5 Inventory, Scenic View West Hills, at 1 (Dec. 19, 1989).

20
21 ESEE ANALYSIS: ECONOMIC CONSEQUENCES
22

23 12. The applicant asserted the overall economic consequences of allowing con-
24 flicting uses would be adverse, and would perhaps lead to the loss of an impor-
25 tant source of aggregate material. The Planning Commission finds the appli-
26 cant failed to produce the necessary evidence to support its assertions. More-

1 over, the Planning Commission believes substantial evidence supports a con-
2 trary finding that mineral extraction would cause adverse economic conse-
3 quences.

4
5 13. First of all, the applicant's evidence that the site was a significant source
6 of valuable aggregate material was suspect. Representations as to the quality
7 and quantity of the site's rock supply were "apparently based on surface obser-
8 vations, two shallow (84 ft.) bore holes, and the assumption that the same quali-
9 ty of rock exists to the base of the proposed quarry floor hundreds of feet below
10 the surface." Declaration of Marvin Beeson at 1 ("Beeson Declaration"). That
11 evidence was "insufficient to adequately address the questions of rock quality
12 and quantity." Beeson Declaration at 2.

13
14 14. Moreover, the evidence indicated rock from the site is not needed. The
15 recently added 42 acre portion of the applicant's existing quarry operation,
16 alone, contains approximately twenty-five million cubic yards of recoverable
17 aggregate. Sherman Letter II at 1; see Letter of Oct. 12, 1992, from Parisi to
18 Multnomah County Planning Commission, at 1. In view of the applicant's repre-
19 sentations that it would not increase its rock-crushing capacity, and that its cur-
20 rent rock-crushing capacity is 810,000 tons — or 400,000 cubic yards — per year,
21 the 42 acre portion would be a source of aggregate for another sixty years. Sher-
22 man Letter II at 1; see Angell Bros. Application at 10, 12, and Exhibit H (Air
23 Contaminant Discharge Permit Application Review Report at 1, ¶ 4). The actual
24 life of the existing quarry operation might even be longer, depending on the
25 amount of recoverable aggregate left in the original 72 acre portion. The appli-
26 cant produced no evidence indicating the original 72 acre portion had been

1 depleted of recoverable aggregate.

2
3 15. At some future date, need for rock from the site might develop. Until
4 then, the site's existing, restrictive resource zoning, as well as the non-destructive
5 nature of existing on-site conflicting uses, should preserve the site for mineral
6 extraction. In addition, interference from residents of existing and potential
7 dwellings on adjoining lands should be minimal because of the buffers the
8 applicant has indicated it would impose on itself. See Angell Bros. Application
9 at 8, 14, 18, 36, and Exhibit C.

10
11 16. On the other hand, mineral extraction would eliminate substantial
12 returns that would flow from managing the land for the production and harvest
13 of timber — which would also be contrary to Statewide Planning Goal 4 (Forest
14 Lands). Despite the applicant's evidence, the Planning Commission remains
15 unconvinced the site could be successfully reclaimed for forestry, in view of evidence
16 that reclamation is a complicated and difficult undertaking with uncertain
17 prospects for success. Revised Declaration of Anthony Boutard ("Revised
18 Boutard Declaration").

19
20 17. Clear evidence established the site currently consists mostly of soils with
21 a highly productive Douglas fir site index of 149. *Soil Survey of Multnomah*
22 *County* at 39-40, Sheet No. 6 (1983); Revised Boutard Declaration; Norse, 1990,
23 *Ancient Forests of the Pacific Northwest* (The Wilderness Society), at 31. Over a
24 60 year rotation, one acre of such land would produce approximately 40.2 thousand
25 board feet under a simple plant and harvest regime. Revised Boutard Declaration.
26 "Based on current log markets available to private timber owners, the

1 net value (stumpage value) of 1,000 board feet of sawlogs is approximately
2 \$650." Declaration of Scott Ferguson. Thus, managed for the production and
3 harvest of timber, the 283 acre site would produce a renewable resource worth
4 well over six million dollars.

5
6 18. Other adverse economic consequences would follow from allowing mineral
7 extraction at the site now. Allowing mineral extraction would make the com-
8 bined quarry operation one of the largest in Oregon, significantly detracting
9 from the extensive scenic and recreational resources found in the West Hills.
10 Letter of Sep. 1, 1992, from Kafoury to Multnomah County Planning Commis-
11 sion at 2-3 ("Kafoury Letter"); Oral and Video Testimony of Sep. 21, 1992, from
12 Sauvie Island Conservancy ("Sauvie Island Conservancy Testimony"); Percival
13 Letter at 2; Multnomah County Goal 5 Inventory, Scenic View West Hills, at 1
14 (Dec. 19, 1989); Friends of Forest Park's Brief in Opposition to Angell Bros.'s
15 Applications, at Exhibits 1 and 2 ("Friends' Brief"). As a result, Portland would
16 be a far less attractive place to locate a business. Kafoury Letter at 2; Written
17 Testimony of Sep. 21, 1992, from Thayer, at 1-2 ("Thayer Testimony"). Further-
18 more, Portland and Sauvie Island would be far less attractive as places to tour
19 and hold conferences, conventions, and convention-related activities — which
20 could well mean the loss of substantial expenditures by visitors. Kafoury Letter
21 at 2. Thus, allowing mineral extraction would be contrary to Statewide Plan-
22 ning Goal 9 (Economic Development).

23
24 ESEE ANALYSIS: SOCIAL CONSEQUENCES

25
26 19. In view of Finding #12-15, the social consequences of protecting forest,

1 wildlife, and wetland values would be negligible. Were mineral extraction
2 allowed, however, the converse would not be true.

3
4 20. As explained below in Findings #21 and 25, allowing the site to be used
5 for mineral extraction would further fragment the remaining, unique peninsula
6 of open space that connects Forest Park with the forests of the coast. As a
7 result, one of the key features responsible for drawing many residents to the
8 Portland area would be seriously compromised, eroding the region's identity,
9 eliminating green spaces vital to the population's physical and psychological
10 health, and decreasing the area's educational value. Kafoury Letter at 2; Thay-
11 er Testimony at 1-2; Wildlife Study II at 24-25; Friends' Brief at Exhibits 1 and
12 2; Sauvie Island Conservancy Testimony; Percival Letter at 2; Multnomah Coun-
13 ty Goal 5 Inventory, Scenic View West Hills, at 1 (Dec. 19, 1989).

14
15 21. In addition, the utility of conservation easements obtained by Friends of
16 Forest Park from owners of adjoining land would be diminished, if not obliterated.
17 Friends of Forest Park Position Paper (Jul. 23, 1992), at 6 ("Friends' Posi-
18 tion Paper"). (See the discussion of environmental consequences in the next sec-
19 tion.) The easements cover more than 450 acres of property and extend approxi-
20 mately one mile along the site's boundary. Friends' Position Paper at 6. Friends
21 of Forest Park specifically acquired the easements to maintain the effectiveness
22 of the existing peninsula of natural habitat, which the site partially comprises.
23 Friends' Position Paper at 6; Wildlife Study II at 26; Map (Forest Resource
24 Lands in the Wildlife Corridor).

25
26 22. Finally, the mining, crushing, and trucking associated with expanded

1 mineral extraction would add to the noise and dust that already disturbs nearby
2 residents. See Sauvie Island Conservancy Letter at 2, ¶ 4; Linnton Letter; Wru-
3 ble Testimony; Bellant Letter at 1.

4
5 ESEE ANALYSIS: ENVIRONMENTAL CONSEQUENCES
6

7 23. The current non-destructive on-site conflicting uses would have no envi-
8 ronmental impact on the site. The site would simply not be available for imme-
9 diate exploitation. It would in fact be preserved for future use as a mineral
10 extraction site.

11
12 24. A 3A or 3C decision, however, would have devastating environmental con-
13 sequences for the site's forest habitat. Despite the applicant's evidence, the
14 Planning Commission remains unconvinced that attempts to reclaim the site
15 would succeed in enabling the forest habitat to function again, in view of evi-
16 dence that reclamation is a complicated and difficult undertaking with uncer-
17 tain prospects for success. Revised Boutard Declaration.

18
19 25. Either a 3A or a 3C decision would allow mining within an existing con-
20 tiguous half-mile band of forest habitat between the existing quarry and
21 McNamee Road. Letter of Aug. 5, 1992, from Fugate to Multnomah County
22 Planning Commission, at 1 ("Fugate Letter"); Angell Bros. Application at Exhib-
23 it N; Map (Forest Resource Lands in the Wildlife Corridor). That contiguous
24 half-mile band is the minimum amount necessary to prevent the isolation of
25 Forest Park wildlife from the forests of the coast range. Wilderness Study II at
26 26-27. The contiguous band should perhaps be one and a half miles wide in

1 order to assure the long-term viability of Forest Park's large mammals. Wilder-
2 ness Study II at 26; Letter of Jul. 27, 1992, from Houle to Multnomah County
3 Planning Commission, at 1 ("Houle Letter").
4

5 26. A 3A or 3C decision would also lead to adverse effects on downstream
6 wetlands — including the Rafton-Burlington Bottoms, located within the
7 Willamette River Greenway See Finding #7. Either decision would also lead to
8 adverse effects on the Multnomah Channel, which is also located within the
9 Willamette River Greenway. See Finding #10. Thus, either decision would
10 harm resources protected under Goal 5 and Statewide Planning Goal 15
11 (Willamette River Greenway).
12

13 27. The applicant contended a 3A or 3C decision would comply with
14 Statewide Planning Goal 6 (Air, Water, and Land Resource Quality) ("Goal 6"),
15 because it must comply with standards established by Multnomah County, the
16 Department of Environmental Quality ("DEQ"), and the Department of Geology
17 and Mineral Industries ("DOGAMI"). Angell Bros. Application at 31. The Plan-
18 ning Commission, however, finds the applicant did not show it would be able to
19 comply with Goal 6.
20

21 28. Similarly, the Planning Commission finds the applicant did not satisfy
22 Statewide Planning Goal 7 (Areas Subject to Natural Disasters and Hazards)
23 ("Goal 7"), because it did not show it would comply with standards established by
24 DOGAMI requiring stable final contours.
25

26 29. Further, the applicant did not satisfy the policy underlying Goal 7 —

1 namely, that known disaster and hazard areas should be mapped and avoided.
2 The applicant maintained it satisfied that policy because no major landslide
3 areas were identified in geologic studies. Angell Bros. Application at 31. Yet,
4 almost the entire site has been mapped as an area of known or potential slope
5 hazard. Letter of Sep. 1, 1992, from Foster, at 1-2 ("Foster Letter"). Moreover,
6 the applicant's own expert stated cut slopes would be constructed that would
7 present slope stability and erosion hazards, but then failed to recommend cut
8 slope designs that would eliminate the hazards. Foster Letter at 2.

9
10 ESEE ANALYSIS: ENERGY CONSEQUENCES
11

12 30. If the site is not used for mineral extraction, the energy that would have
13 been expended to mine aggregate would be saved. The evidence did not support
14 the applicant's assertion that distant quarry operations in Clackamas and
15 Columbia Counties would supply aggregate to the markets the applicant seeks
16 to serve, increasing the consumption of fossil fuel.

17
18 **III. CONCLUSIONS**
19

20 1. The mineral and aggregate resource site is not so important, relative to
21 the conflicting uses, and the ESEE consequences of allowing conflicting uses are
22 not so great, that the resource site should be protected and all conflicting uses
23 prohibited on the site and within the impact area.

24
25 2. The mineral and aggregate resource site and the conflicting uses are not
26 both important relative to each other, nor should the ESEE consequences be bal-

anced to allow the conflicting use in a limited way.

3. The conflicting uses are so important, relative to the mineral and aggregate resource site, that the conflicting uses should be allowed fully. The ESEE analysis demonstrates that the forest and wildlife values at the site, and the wetlands downstream of the site, are far more valuable than the mineral values at the site. It also shows that the significant benefits of protecting the former values outweigh the costs of not allowing mineral extraction, while the consequences of not protecting forest, wildlife, and wetland values would be severe.

DATED this 8th day of December, 1992

(SEAL)

Gladys McCoy, Multnomah County Chair

REVIEWED AS TO FORM:

LAURENCE KRESSEL, COUNTY COUNSEL

FOR MULTNOMAH COUNTY, OREGON

By: _____

John DuBay, Chief Deputy County Counsel

1 **BEFORE THE BOARD OF COUNTY COMMISSIONERS**
2 **FOR MULTNOMAH COUNTY**
3
4

5 In the Matter of a Goal 5 ESEE Analysis)

6 for a 283 acre site located at)

FINAL ORDER

7 14545 N. W. St. Helens Road)

PR 7-92

8
9
10 Angell Bros. submitted material to assist the county in the completion of its
11 Goal 5 mineral and aggregate review process for a 283 acre site zoned Multiple
12 Use Forest. The site adjoins an existing mineral extraction operation, and is
13 located at 14545 N. W. St. Helens Road (Tax Lot 12, in the NW 1/4 of Section 28,
14 T2N, R1W, Willamette Meridian; and Tax Lots 2, 6, 8, and 11 in the E 1/4 of Sec-
15 tion 29, T2N, R1W, Willamette Meridian, 1992 Assessor's Map).
16

17 After notice, public hearings on the ESEE analysis were held before the Plan-
18 ning Commission on September 8, 1992, September 21, 1992, October 5, 1992,
19 and October 19, 1992. During the first three hearings, written and oral testimo-
20 ny pertaining to the Plan amendment was taken and heard. Following the hear-
21 ing on October 5, 1992, the record was left open for the submission of additional
22 written testimony until October 12, 1992, and for the submission of written
23 rebuttal testimony until October 16, 1992.
24

25 Based upon the record, which includes the application and the exhibits append-
26 ed to the application, as well as the testimony taken and received during and

1 after the public hearings, the Board amends the Comprehensive Framework
2 Plan by designating the site "3B" pursuant to Oregon Administrative Rule 660-
3 16-010 (2) based upon the following ESEE analysis.

4 5 **I. APPLICABLE REVIEW STANDARDS**

6
7 Pursuant to Multnomah County Code ("MCC") § 11.05.180, revision of a compre-
8 hensive plan must comply with ORS 197.175(2)(a), 197.610 through 197.625,
9 and any administrative rules adopted pursuant to those statutes. In particular,
10 ORS 197.175(2)(a) provides in pertinent part as follows:

11
12 "Pursuant to ORS chapters 196 and 197, each . . . county . . . shall . . . revise
13 comprehensive plans in compliance with the [statewide planning] goals"

14
15 Chapter 660, Division 16 of the Oregon Administrative Rules ("OAR") sets forth
16 the procedures for complying with Goal 5. Once a site has been included in a
17 comprehensive plan inventory, the local government must identify conflicting
18 uses. OAR 660-16-005. "A conflicting use is one which, if allowed, could nega-
19 tively impact a Goal 5 resource site." OAR 660-16-005.

20
21 The administrative rule continues in pertinent part as follows:

22
23 "Where conflicting uses have been identified, Goal 5 resource sites may impact
24 those uses. These impacts must be considered in analyzing the economic, social,
25 environmental and energy (ESEE) consequences:

1 “(1) Preserve the Resource Site: If there are no conflicting uses for an identified
2 resource site, the jurisdiction must adopt policies and ordinance provisions, as
3 appropriate, which insure preservation of the resource site.
4

5 “(2) Determine the Economic, Social, Environmental, and Energy Consequences:
6 If conflicting uses are identified, the economic, social, environmental and energy
7 consequences of the conflicting uses must be determined. Both the impacts on
8 the resource site and on the conflicting uses must be considered in analyzing the
9 ESEE consequences. The applicability and requirements of other Statewide
10 Planning Goals must also be considered, where appropriate, at this stage of the
11 process. A determination of the ESEE consequences of identified conflicting
12 uses is adequate if it enables a jurisdiction to provide reasons to explain why
13 decisions are made for specific sites.”
14

15 OAR 660-16-005.

16 The administrative rule then continues in pertinent part as follows:
17

18 “Based on the determination of the economic, social, environmental and energy
19 consequences, a jurisdiction must ‘develop a program to achieve the Goal’.
20 Assuming there is adequate information on the location, quality, and quantity of
21 the resource site as well as on the nature of the conflicting use and ESEE conse-
22 quences, a jurisdiction is expected to ‘resolve’ conflicts with specific sites in any
23 of the following three ways listed below. Compliance with Goal 5 shall also be
24 based on the plan’s overall ability to protect and conserve each Goal 5 resource.
25 ...
26

1 “(1) Protect the Resource Site: Based on the analysis of the ESEE consequences,
2 a jurisdiction may determine that the resource site is of such importance, rela-
3 tive to the conflicting uses, and the ESEE consequences of allowing conflicting
4 uses are so great that the resource site should be protected and all conflicting
5 uses prohibited on the site and possibly within the impact area identified in
6 OAR 660-16-000(5)(c). Reasons which support this decision must be presented
7 in the comprehensive plan, and plan and zone designations must be consistent
8 with this decision.

9
10 “(2) Allow Conflicting Uses Fully: Based on the analysis of the ESEE conse-
11 quences and other Statewide Goals, a jurisdiction may determine that the con-
12 flicting use should be allowed fully, notwithstanding the possible impacts on the
13 resource site. This approach may be used when the conflicting use for a particu-
14 lar site is of sufficient importance, relative to the resource site. Reasons which
15 support this decision must be presented in the comprehensive plan, and plan
16 and zone designations must be consistent with this decision.

17
18 “(3) Limit Conflicting Uses: Based on the analysis of the ESEE consequences, a
19 jurisdiction may determine that both the resource site and the conflicting use
20 are important relative to each other, and that the ESEE consequences should be
21 balanced so as to allow the conflicting use but in a limited way so as to protect
22 the resource site to some desired extent. . . . Reasons which support this deci-
23 sion must be presented in the comprehensive plan, and plan and zone designa-
24 tions must be consistent with this decision.”

25
26 OAR 660-16-010.

II. FINDINGS OF THE ESEE ANALYSIS

THE IMPACT AREA

1. The impact area — the area where uses may occur that could adversely affect the site, or be adversely affected by use of the site — includes the site itself; property adjoining the site located west of State Highway 30; the City of Portland's Forest Park; a peninsula of land between Portland's Forest Park and the forests of Oregon's coast range, popularly known as a "wildlife corridor"; downstream areas, located east of State Highway 30, including a small wetland to the east, the 430 acre Rafton-Burlington Bottoms wetland to the northeast, and Multnomah Channel; residences adjoining the Channel and houseboats on the Channel; and Sauvie Island. This finding is based on the contents of a previous ESEE analysis prepared by Multnomah County on April 24, 1990, as well as on evidence submitted by opponents of the application ("the opponents"), described in Findings #3-11, below.

2. In view of the earlier ESEE analysis and the opponents' evidence, the Planning Commission finds unconvincing the applicant's assertion that the impact area is limited to Highway 30 on the northeast and 1,000 feet from the boundary of the property in all other directions.

CONFLICTING USES

3. The site is currently zoned Multiple Use Forest (MUF-38), which authorizes a use that would negatively impact the use of the site for mineral extraction. Until cleared of trees recently, the site was entirely forested. Letter of Oct.

1 16, 1992, from Sherman to Multnomah County Planning Commission, at 2
2 (“Sherman Letter II”). Managing the site immediately to regenerate the forest
3 for the future production and harvest of timber — a primary use in the MUF-38
4 district — would necessarily preclude its use for mineral extraction.
5

6 4. Other conflicting uses occur on the site. In particular, although not
7 included in the comprehensive plan inventory, the site is *de facto* “open space,”
8 ecologically significant as a “natural area,” and “wildlife habitat,” as those terms
9 are defined in Goal 5. In particular, the site has been used for forest uses, as
10 indicated in Finding #3. It is also part of an area of contiguous forest habitat
11 deemed critical to the diversity and abundance of wildlife within Forest Park.
12 Lev, *et al.*, *A Study of Forest Wildlife Habitat in the West Hills* at 25 (Mar. 1992)
13 (“Wildlife Study II”).
14

15 5. Further, if preserved and continued in its present use, the site would con-
16 tinue to provide habitat for a wide variety of wildlife, as a crucial part of a
17 peninsula of land between Portland’s Forest Park and the forests of Oregon’s
18 coast range, serving as a “wildlife corridor,” among other things, and enhancing
19 the unique value of Forest Park and its recreation opportunities. Wildlife Study
20 II at 1-2, 24-26; Houle, *Wild About the City: Phase One of the West Hills Wildlife*
21 *Corridor Study* at 2, 34-42 (Apr. 4, 1990) (“Wildlife Study I”).
22

23 6. If preserved in its present use, the site would also continue to protect the
24 streams found on the site from disturbance. Were mineral extraction allowed,
25 streams flowing through the area would be disturbed. See Angell Bros. Applica-
26 tion at 3, 11, and Exhibit C.

1 7. Finally, if preserved in its present use, the site would promote conserva-
2 tion of soils found on the site, as well as wetlands found downstream of the site
3 — a small wetland to the east, which adjoins Multnomah Channel, and the 430
4 acre Rafton-Burlington Bottoms wetland to the northeast, which adjoins Mult-
5 nomah Channel and is within the Willamette River Greenway. Were mineral
6 extraction allowed, soils would erode significantly, would be discharged into both
7 wetlands, and would accumulate there. See Declaration of Jon Rhodes, M. Sc.,
8 at 3, 4, 8-9, 12 (“Rhodes Declaration”); Significant Wetlands, Sauvie Island and
9 Multnomah Channel (1988). (Alternatively, diverting part of Stream C’s
10 drainage to Stream A would eliminate one of the Rafton–Burlington Bottoms
11 sources of water. Memorandum of Sep. 18, 1992, from Walker to Anderson, at 5
12 (mining in Staging Area IV would divert part of Stream C’s drainage to Stream
13 A); Oral Testimony of Jon Rhodes (Oct. 5, 1992) (“Rhodes Testimony”). The
14 Rafton-Burlington Bottoms wetland represents one of the state’s largest remain-
15 ing wapato wetlands, and provides habitat for a number of important wildlife
16 species, including bald eagles and many other waterfowl, shorebirds, and song-
17 birds. Letter of Sep. 8, 1992, from Hoefflich to Multnomah County Planning
18 Commission, at 1 (“Hoefflich Letter”); Letter of Sep. 8, 1992, from Cieko (Direc-
19 tor, Multnomah County Park Services Division) to Multnomah County Planning
20 Commission at 1 (“Cieko Letter”). Rafton-Burlington Bottoms is included in the
21 comprehensive plan inventory both as a Goal 5 wetland and a Goal 5 natural
22 area. Multnomah County Significant Wetlands, Site #3; Cieko Letter at 1.

23
24 8. Preserving and continuing the **present** use of the site as open space nec-
25 essarily would preclude its use as a quarry. The applicant’s suggestion to the
26 contrary was untenable. Likewise, protecting the site as an ecologically signifi-

1 cant natural area and wildlife habitat, rather than extracting minerals from it,
2 necessarily would adversely affect its use as a quarry.

3
4 9. Adjoining land to the northwest, west, south, and southwest of the site is
5 currently zoned Multiple Use Forest (MUF-19 or MUF-38). Both districts
6 authorize a use that could negatively impact the use of the site for mineral
7 extraction. Specifically, the opponents' evidence established that residential
8 dwellings had been built or approved on adjoining land zoned MUF-19 and
9 MUF-38. Map (Dwellings in the Forest Zone Near the Angell Bros. Quarry).
10 Indeed, the applicant itself conceded that residential dwellings had been built or
11 approved. The opponents' evidence and the applicant's concession lead the Plan-
12 ning Commission to find that more residential dwellings could be approved near
13 the site. The inhabitants of the existing and new dwellings could interfere with
14 mineral extraction at the site by complaining about noise, dust, and other phe-
15 nomena associated with quarry operations. See Letter of Aug. 8, 1992, from
16 Sauvie Island Conservancy to Multnomah County Planning Commission, at 2, ¶
17 4 (Sauvie Island Conservancy Letter) and Letter of Sep. 18, 1992, from Linnton
18 Neighborhood Association to Multnomah County Planning Commission ("Lin-
19 nton Letter") and Letter from Jodeanne Bellant to Multnomah County Planning
20 Commission, at 1 ("Bellant Letter") (same) and Oral Testimony of Darlene Wru-
21 ble (Sep. 21, 1992) ("Wruble Testimony") (testimony from adjoining property
22 owner that residents at her house could hear noise from the more distant, exist-
23 ing operation).

24
25 10. Other conflicting uses occur on lands to the north and east. Specifically,
26 the Rafton-Burlington Bottoms wetland is located to the northeast. Another

1 wetland is located to the east, across State Highway 30 from the existing quarry
2 site, and empties into Multnomah Channel. Protecting the wetlands and the
3 Channel would mean sharply curtailing mineral extraction at the site, if not pro-
4 hibiting it entirely. Were mineral extraction allowed, streams draining the site
5 would grow significantly turbid from carrying eroding soils; turbid water would
6 be discharged into the Multnomah Channel, violating the applicant's water
7 quality permit and reducing water quality; and sediment would be deposited in
8 both wetlands. See Rhodes Declaration at 3, 4, 8-13. (Alternatively, diverting
9 part of Stream C's discharge to Stream A would eliminate one of the
10 Rafton-Burlington Bottoms sources of water. Walker Memo at 5 (mining in
11 Staging Area IV would divert part of Stream C's drainage to Stream A); Rhodes
12 Testimony.)

13
14 11. In addition, outstanding scenic views of the site visible from important
15 recreational areas on Sauvie Island, if protected, would prevent use of the site
16 for mineral extraction. Were mineral extraction allowed, these views would suf-
17 fer a significant adverse impact. Letter of Aug. 7, 1992, from Percival, *et al.*, to
18 Multnomah County Planning Commission, at 2 ("Percival Letter"); Multnomah
19 County Goal 5 Inventory, Scenic View West Hills, at 1 (Dec. 19, 1989).

20
21 ESEE ANALYSIS: ECONOMIC CONSEQUENCES
22

23 12. The applicant asserted the overall economic consequences of allowing con-
24 flicting uses would be adverse, and would perhaps lead to the loss of an impor-
25 tant source of aggregate material. The Planning Commission finds the appli-
26 cant failed to produce the necessary evidence to support its assertions. More-

1 over, the Planning Commission believes substantial evidence supports a con-
2 trary finding that mineral extraction would cause adverse economic conse-
3 quences.

4
5 13. First of all, the applicant's evidence that the site was a significant source
6 of valuable aggregate material was suspect. Representations as to the quality
7 and quantity of the site's rock supply were "apparently based on surface obser-
8 vations, two shallow (84 ft.) bore holes, and the assumption that the same quali-
9 ty of rock exists to the base of the proposed quarry floor hundreds of feet below
10 the surface." Declaration of Marvin Beeson at 1 ("Beeson Declaration"). That
11 evidence was "insufficient to adequately address the questions of rock quality
12 and quantity." Beeson Declaration at 2.

13
14 14. Moreover, the evidence indicated rock from the site is not needed. The
15 recently added 42 acre portion of the applicant's existing quarry operation,
16 alone, contains approximately twenty-five million cubic yards of recoverable
17 aggregate. Sherman Letter II at 1; see Letter of Oct. 12, 1992, from Parisi to
18 Multnomah County Planning Commission, at 1. In view of the applicant's repre-
19 sentations that it would not increase its rock-crushing capacity, and that its cur-
20 rent rock-crushing capacity is 810,000 tons — or 400,000 cubic yards — per year,
21 the 42 acre portion would be a source of aggregate for another sixty years. Sher-
22 man Letter II at 1; see Angell Bros. Application at 10, 12, and Exhibit H (Air
23 Contaminant Discharge Permit Application Review Report at 1, ¶ 4). The actual
24 life of the existing quarry operation might even be longer, depending on the
25 amount of recoverable aggregate left in the original 72 acre portion. The appli-
26 cant produced no evidence indicating the original 72 acre portion had been

1 depleted of recoverable aggregate.

2
3 15. At some future date, need for rock from the site might develop. Until
4 then, the site's existing, restrictive resource zoning, as well as the non-destructive
5 nature of existing on-site conflicting uses, should preserve the site for mineral
6 extraction. In addition, interference from residents of existing and potential
7 dwellings on adjoining lands should be minimal because of the buffers the
8 applicant has indicated it would impose on itself. See Angell Bros. Application
9 at 8, 14, 18, 36, and Exhibit C.

10
11 16. On the other hand, mineral extraction would eliminate substantial
12 returns that would flow from managing the land for the production and harvest
13 of timber — which would also be contrary to Statewide Planning Goal 4 (Forest
14 Lands). Despite the applicant's evidence, the Planning Commission remains
15 unconvinced the site could be successfully reclaimed for forestry, in view of evidence
16 that reclamation is a complicated and difficult undertaking with uncertain
17 prospects for success. Revised Declaration of Anthony Boutard ("Revised
18 Boutard Declaration").

19
20 17. Clear evidence established the site currently consists mostly of soils with
21 a highly productive Douglas fir site index of 149. *Soil Survey of Multnomah*
22 *County* at 39-40, Sheet No. 6 (1983); Revised Boutard Declaration; Norse, 1990,
23 *Ancient Forests of the Pacific Northwest* (The Wilderness Society), at 31. Over a
24 60 year rotation, one acre of such land would produce approximately 40.2 thousand
25 board feet under a simple plant and harvest regime. Revised Boutard Declaration.
26 "Based on current log markets available to private timber owners, the

1 net value (stumpage value) of 1,000 board feet of sawlogs is approximately
2 \$650." Declaration of Scott Ferguson. Thus, managed for the production and
3 harvest of timber, the 283 acre site would produce a renewable resource worth
4 well over six million dollars.

5
6 18. Other adverse economic consequences would follow from allowing mineral
7 extraction at the site now. Allowing mineral extraction would make the com-
8 bined quarry operation one of the largest in Oregon, significantly detracting
9 from the extensive scenic and recreational resources found in the West Hills.
10 Letter of Sep. 1, 1992, from Kafoury to Multnomah County Planning Commis-
11 sion at 2-3 ("Kafoury Letter"); Oral and Video Testimony of Sep. 21, 1992, from
12 Sauvie Island Conservancy ("Sauvie Island Conservancy Testimony"); Percival
13 Letter at 2; Multnomah County Goal 5 Inventory, Scenic View West Hills, at 1
14 (Dec. 19, 1989); Friends of Forest Park's Brief in Opposition to Angell Bros.'s
15 Applications, at Exhibits 1 and 2 ("Friends' Brief"). As a result, Portland would
16 be a far less attractive place to locate a business. Kafoury Letter at 2; Written
17 Testimony of Sep. 21, 1992, from Thayer, at 1-2 ("Thayer Testimony"). Further-
18 more, Portland and Sauvie Island would be far less attractive as places to tour
19 and hold conferences, conventions, and convention-related activities — which
20 could well mean the loss of substantial expenditures by visitors. Kafoury Letter
21 at 2. Thus, allowing mineral extraction would be contrary to Statewide Plan-
22 ning Goal 9 (Economic Development).

23
24 ESEE ANALYSIS: SOCIAL CONSEQUENCES

25
26 19. In view of Finding #12-15, the social consequences of protecting forest,

1 wildlife, and wetland values would be negligible. Were mineral extraction
2 allowed, however, the converse would not be true.

3
4 20. As explained below in Findings #21 and 25, allowing the site to be used
5 for mineral extraction would further fragment the remaining, unique peninsula
6 of open space that connects Forest Park with the forests of the coast. As a
7 result, one of the key features responsible for drawing many residents to the
8 Portland area would be seriously compromised, eroding the region's identity,
9 eliminating green spaces vital to the population's physical and psychological
10 health, and decreasing the area's educational value. Kafoury Letter at 2; Thay-
11 er Testimony at 1-2; Wildlife Study II at 24-25; Friends' Brief at Exhibits 1 and
12 2; Sauvie Island Conservancy Testimony; Percival Letter at 2; Multnomah Coun-
13 ty Goal 5 Inventory, Scenic View West Hills, at 1 (Dec. 19, 1989).

14
15 21. In addition, the utility of conservation easements obtained by Friends of
16 Forest Park from owners of adjoining land would be diminished, if not obliterated.
17 Friends of Forest Park Position Paper (Jul. 23, 1992), at 6 ("Friends' Posi-
18 tion Paper"). (See the discussion of environmental consequences in the next sec-
19 tion.) The easements cover more than 450 acres of property and extend approxi-
20 mately one mile along the site's boundary. Friends' Position Paper at 6. Friends
21 of Forest Park specifically acquired the easements to maintain the effectiveness
22 of the existing peninsula of natural habitat, which the site partially comprises.
23 Friends' Position Paper at 6; Wildlife Study II at 26; Map (Forest Resource
24 Lands in the Wildlife Corridor).

25
26 22. Finally, the mining, crushing, and trucking associated with expanded

1 mineral extraction would add to the noise and dust that already disturbs nearby
2 residents. *See* Sauvie Island Conservancy Letter at 2, ¶ 4; Linnton Letter; Wru-
3 ble Testimony; Bellant Letter at 1.

4
5 ESEE ANALYSIS: ENVIRONMENTAL CONSEQUENCES
6

7 23. The current non-destructive on-site conflicting uses would have no envi-
8 ronmental impact on the site. The site would simply not be available for imme-
9 diate exploitation. It would in fact be preserved for future use as a mineral
10 extraction site.

11
12 24. A 3A or 3C decision, however, would have devastating environmental con-
13 sequences for the site's forest habitat. Despite the applicant's evidence, the
14 Planning Commission remains unconvinced that attempts to reclaim the site
15 would succeed in enabling the forest habitat to function again, in view of evi-
16 dence that reclamation is a complicated and difficult undertaking with uncer-
17 tain prospects for success. Revised Boutard Declaration.

18
19 25. Either a 3A or a 3C decision would allow mining within an existing con-
20 tiguous half-mile band of forest habitat between the existing quarry and
21 McNamee Road. Letter of Aug. 5, 1992, from Fugate to Multnomah County
22 Planning Commission, at 1 ("Fugate Letter"); Angell Bros. Application at Exhib-
23 it N; Map (Forest Resource Lands in the Wildlife Corridor). That contiguous
24 half-mile band is the minimum amount necessary to prevent the isolation of
25 Forest Park wildlife from the forests of the coast range. Wilderness Study II at
26 26-27. The contiguous band should perhaps be one and a half miles wide in

1 order to assure the long-term viability of Forest Park's large mammals. Wilder-
2 ness Study II at 26; Letter of Jul. 27, 1992, from Houle to Multnomah County
3 Planning Commission, at 1 ("Houle Letter").

4
5 26. A 3A or 3C decision would also lead to adverse effects on downstream
6 wetlands — including the Rafton-Burlington Bottoms, located within the
7 Willamette River Greenway. See Finding #7. Either decision would also lead to
8 adverse effects on the Multnomah Channel, which is also located within the
9 Willamette River Greenway. See Finding #10. Thus, either decision would
10 harm resources protected under Goal 5 and Statewide Planning Goal 15
11 (Willamette River Greenway).

12
13 27. The applicant contended a 3A or 3C decision would comply with
14 Statewide Planning Goal 6 (Air, Water, and Land Resource Quality) ("Goal 6"),
15 because it must comply with standards established by Multnomah County, the
16 Department of Environmental Quality ("DEQ"), and the Department of Geology
17 and Mineral Industries ("DOGAMI"). Angell Bros. Application at 31. The Plan-
18 ning Commission, however, finds the applicant did not show it would be able to
19 comply with Goal 6.

20
21 28. Similarly, the Planning Commission finds the applicant did not satisfy
22 Statewide Planning Goal 7 (Areas Subject to Natural Disasters and Hazards)
23 ("Goal 7"), because it did not show it would comply with standards established by
24 DOGAMI requiring stable final contours.

25
26 29. Further, the applicant did not satisfy the policy underlying Goal 7 —

1 namely, that known disaster and hazard areas should be mapped and avoided.
2 The applicant maintained it satisfied that policy because no major landslide
3 areas were identified in geologic studies. Angell Bros. Application at 31. Yet,
4 almost the entire site has been mapped as an area of known or potential slope
5 hazard. Letter of Sep. 1, 1992, from Foster, at 1-2 ("Foster Letter"). Moreover,
6 the applicant's own expert stated cut slopes would be constructed that would
7 present slope stability and erosion hazards, but then failed to recommend cut
8 slope designs that would eliminate the hazards. Foster Letter at 2.

9
10 ESEE ANALYSIS: ENERGY CONSEQUENCES
11

12 30. If the site is not used for mineral extraction, the energy that would have
13 been expended to mine aggregate would be saved. The evidence did not support
14 the applicant's assertion that distant quarry operations in Clackamas and
15 Columbia Counties would supply aggregate to the markets the applicant seeks
16 to serve, increasing the consumption of fossil fuel.

17
18 **III. CONCLUSIONS**
19

20 1. The mineral and aggregate resource site is not so important, relative to
21 the conflicting uses, and the ESEE consequences of allowing conflicting uses are
22 not so great, that the resource site should be protected and all conflicting uses
23 prohibited on the site and within the impact area.

24
25 2. The mineral and aggregate resource site and the conflicting uses are not
26 both important relative to each other, nor should the ESEE consequences be bal-

anced to allow the conflicting use in a limited way.

3. The conflicting uses are so important, relative to the mineral and aggregate resource site, that the conflicting uses should be allowed fully. The ESEE analysis demonstrates that the forest and wildlife values at the site, and the wetlands downstream of the site, are far more valuable than the mineral values at the site. It also shows that the significant benefits of protecting the former values outweigh the costs of not allowing mineral extraction, while the consequences of not protecting forest, wildlife, and wetland values would be severe.

DATED this 8th day of December, 1992

(SEAL)

Gladys McCoy, Multnomah County Chair

REVIEWED AS TO FORM:

LAURENCE KRESSEL, COUNTY COUNSEL

FOR MULTNOMAH COUNTY, OREGON

By: Peter Lurayson

John DuBay, Chief Deputy County Counsel



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

RECEIVED

DEC - 7 1992

NOTICE OF REVIEW

Multnomah County
Zoning Division

1. Name: The Trust for Public Land
2. Address: 1211 S.W. Sixth Avenue, Portland, OR 97204
3. Telephone: (503) 228 - 6620

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

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

Planning Commission Decision, C9-92, adding Bridal Veil to the inventory of significant historic resources.

6. The decision was announced by the Planning Commission on Nov. 25, 1992

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

The Trust for Public Land is the owner of the site at issue in the above referenced land use decision. It appeared before the Planning Commission and presented evidence as to the lack of the historical significance of the structures located at the site. It is aggrieved by the decision and has interests adversely affected by the decision.

Please return this original form

C.9-92
Planning
See
\$800.00
to file
notice of
Review
12/7/92
4:30 pm
JC

Planning
12-8-92
10-4

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

1. The Planning Commission decision violates provisions of the Columbia River Gorge National Scenic Area Act.
2. The Planning Commission decision is unsupported by substantial evidence demonstrating that the resources at the site are significant.

9. Scope of Review (Check One):

(a) ☐ On the Record

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

(c) ☐ De Novo (i.e., Full Rehearing)

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

It is not expected that any additional evidence will be presented, however, the Trust's presentation will include presentations from speakers that did not appear before the Planning Commission. The testimony will be relevant to the record and issues and will not be prejudicial to other parties.

Signed: _____

Attorney for The Trust for Public Land

Date: _____

12-7-92

For Staff Use Only

Fee: _____

Notice of Review = \$300.00

Transcription Fee:

Length of Hearing 240 min x \$3.50/minute = \$ 840

Total Fee = \$ 1140

Received by: _____

Date: _____

Case No. _____

C-9-92

Executive Session
12-8-92
Handout #1
Bob Obust

WALNUT PARK BUILDING
STATUS - DECEMBER 4, 1992

<u>INCOME</u>	<u>SQ FT</u>	<u>%</u>	<u>EXPIRATION</u>	<u>ANNUAL INCOME</u>
MC Clinic	18,600	25.6	6-30-95	\$ 201,986
ASD	15,700	21.7	4-17-96	149,063
Conquest	4,725	6.5	6-30-95	39,288
Check Mart	650	0.9	6-30-97	6,600
Mid-K	<u>5,636</u>	<u>7.8</u>	<u>4-30-96</u>	<u>36,000</u>
	45,311			\$ 432,937
Vacant:				
Second	0	0		0
Mezz	5,800	8.0		0
First	4,570	6.3		0
Lower	16,800	23.2		0
Total	<u>72,481</u>	<u>100.</u>		<u>\$ 432,937</u>

WALNUT PARK BUILDING
REVENUE AND EXPENSE PROJECTION

Revenue (in 1992 \$1,000's)

<u>Existing</u> <u>Leases</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>
DOH	202	202			
ASD	149	149	149		
CCMH	39	39	39		
Mid-K	40	43	43		
A.Anderson	7	7	7	7	
 <u>Projected</u> <u>Leases</u>					
DOH (+ 3,000sf)			237	237	237
ASD				149	149
CCMH (+ 1,000sf)	17	17	17	56	56
Mid-K				43	43
A.Anderson					7
MC Records (4,000sf)		20	20	20	20
Urban League (+ 500sf)	5	5	5	5	5
Pacific Univ (2,500 sf)	15	15	15	15	15
 TOTAL	 474	 497	 532	 532	 532

Expense (in 1992 dollars)

<u>Item</u>	<u>Expense</u>
Janitorial (@ 0.05/sf/mo 60,000sf)	\$ 36,000
Property Taxes	6,450
Insurance	2,000
Utilities	
Gas	16,500
Electric	70,000
Water	7,500
Garbage	4,600
Telephone	500
Elevator	4,000
Maint & Repl (@ 1.5033/sf 72,500sf)	109,000
 Total	 \$ 256,550

WALNUT PARK BUILDING
PROJECTED OCCUPANCY IN SQUARE FEET

	<u>Present</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>
<u>Lower Level</u> <u>(16,800)</u>						
MC Records	0	4,000	4,000	4,000	4,000	4,000
Pacific U	0	2,500	2,500	2,500	2,500	2,500
Vacant	16,800	10,300	10,300	10,300	10,300	10,300
<u>First Floor</u> <u>(31,281)</u>						
ASD	15,700	15,700	15,700	15,700	15,700	15,700
DOH	0	0	3,000	3,000	3,000	3,000
CCMH	4,725	5,725	5,725	5,725	5,725	5,725
Mid-K	5,636	5,636	5,636	5,636	5,636	5,636
A.Anderson	650	650	650	650	650	650
Urban League	0	500	500	500	500	500
Vacant	4,570	3,070	70	70	70	70
<u>Mezz (5,800)</u>						
Vacant	5,800	5,800	5,800	5,800	5,800	5,800
<u>Second Floor</u> <u>(18,600) *</u>						
Clinic	18,600	18,600	18,600	18,600	18,600	18,600
Vacant	0	0	0	0	0	0

* Additional area of about 10,000 sf on second floor is walled and roofed but has not been finished for use. Could be completed if future demand exists.

A 22% vacancy rate is assumed. Facilities and Property Management believes that this could readily be reduced to 10% through either leasing to non-County tenants or use of more space by County occupants.

MEMORANDUM

To: Craig Calkins

From: Jon Schrotzberger

Date: December 7, 1992

Re: WALNUT PARK CAPITAL FUNDING NEEDS

I understand that the COP method of funding this purchase will include funding for the identified improvements that we see as being needed in the first 3 years. We have asked for a capital fund of \$450,000. for use in the first 3 years to bring the building systems up to maintainable condition. The following list identifies the systems that need attention and a budget estimate for each.

Survey/study for Asbestos.....	\$6,500.
" " " UST's.....	\$500.
" " " Water Quality.....	\$2,000.
Electrical panel and motor upgrades.....	\$60,000.
Lighting upgrades.....	\$10,000.
HVAC/mechanical upgrades.....	\$165,000.
Asbestos removal.....	\$40,000.
Roof replacement, phase 1.....	\$166,000.
<u>TOTAL</u>	<u>\$450,000.</u>

For the purposes of on-going CIP type funding we will need \$150,000./year to be set aside for systems not addressed in tenant improvements during the first 3 years. This funding should be considered to be mandatory for years 4 & 5. The items that should be addressed are to include, but not be limited to

Parking lot repaving.....	\$65,000.
Exterior waterproofing and painting.....	\$85,000.
Specialty exhaust.....	\$10,000.
Sprinkler system upgrades.....	\$40,000.
Roof replacement, phase 2.....	\$80,000.
HVAC system balancing.....	\$10,000.
Contingency.....	\$10,000.
<u>TOTAL</u>	<u>\$300,000.</u>

Not included in this estimation are the O & M costs which will be addressed separately.



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
RECORDS SECTION
2505 S.E. 11TH AVENUE
PORTLAND, OR 97202-1006
(503) 248-3741

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY • CHAIR OF THE BOARD
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
RICK BAUMAN • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

MEMORANDUM

TO: Tom Guiney
F.R.E.D.S Manager

FROM: Dwight Wallis *DW*
Records Administrator

DATE: November 13, 1992

RE: Records Space Needs

The Records Center has been experiencing an increase in the number of boxes being accessioned on an annual basis over the last few years. This is primarily been due to office moves and new users. Currently, we are 90% full, however the last four years have seen regular fluctuations between 90% - 97% capacity. So far, we have been able to make room for new boxes coming in by reducing retention periods, and scheduling previously non-scheduled records. As time goes on, however, our ability to free up space in this manner is going to be less effective.

It is possible that Measure 5 could also impact our available storage space. So far, the effects of Measure 5 have been relatively minor. However, if Measure 5 impacts begin resulting in agency closures to a greater degree, the impact on the Records Center operation could be severe, as the records will come to us for storage once agencies close. In addition, these records will be difficult to deal with, as they will likely arrive in an unorganized fashion. This is exactly what happened with CETA records in the county. It took about 10 years from the time those records were accessioned before we were actually able to destroy them.

Currently, we are taking in an average of 2,850 boxes per year for storage. Based on current trends, by FY 95-96, we will accession 3,400 boxes more than we will destroy. If current trends continue to FY 97-98, this number increases to 5,600 boxes. Note that these numbers are based on current trends. They do not take into account Measure 5 impacts, or the addition of new users such as Probation and Parole. The Records Center currently has an available capacity of approximately 1,000 c.f.

On July 22, 1992 I sent a memo to Craig Calkins regarding space needs. In that memo I gave Craig estimated square footages for 3,600 additional cubic feet of storage. Taking into account aisle space, space to move pallets, and shelving space, I determined that we could store this amount of records in a 50' X 46'

Page 2
Wallis to Guiney
November 13, 1992

square space (2,300 sq. ft.), or in a 90' X 28' oblong space (2,520 sq. ft.). The 3,600 c.f. estimate was based on current trends. As noted above, Measure 5 impacts, and even greater use by new users will make this number inadequate.

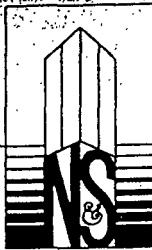
Craig has mentioned office space that might be available across the hallway in the old Dental Health office. He has also mentioned the possibility of moving into the space currently occupied by the State Courts. The Dental Health space appears readily available, however I am not sure it is of adequate size to meet the kind of expansion needs outlined above. My concern with the State Court space is that it may take negotiations over an extended period of time before this space becomes available. As noted above, it's highly possible that we may run out of space within one year. In regards to either locations, I don't have enough information to determine if either space can meet the needs cited above.

Tom, so far my efforts to address this issue have been relatively informal. It seems as though we should start looking at this in a more concerted fashion, as time is running out. As you know, I consider the availability of records center space to be our single most important service. It is this service which leads to the greatest cost benefits for the county as a whole, and it's also this service which encourages participation in such needed services as retention scheduling. Having worked in two records programs which had to close their doors for extended periods of time because of lack of space, I know the negative effect closing the records center can have on our users, and our effectiveness.

Consequently, it would be nice to address this issue before it becomes a problem, not after.

**Norris &
Stevens**

REALTORS



610 S.W. Broadway
Portland, OR 97205
503/223-3171
503/228-2136 FAX

Commercial Leasing,
Sales and Property
Management

July 9, 1992

Bob Oberst
Property Manager
Multnomah County
2505 S.E. 11th. Ave.
Portland, OR 97202

RE: WALNUT PARK BUILDING

Dear Bob:

I thought I would bring you up to date with the expansion requests of two of the existing tenants.

The Urban League wants to expand by 550 sq. ft. into a space adjacent to an existing activity room they use. The estimated cost of doing the improvements to space is \$2,970.00. We quoted a rental rate of \$458.00 per month on a full service basis.

The other tenant is Conquest which wants to expand by approximately 1105 sq. ft. into the space north and adjacent to their existing space. This vacant space is what Duane Prather has had his eye on for future clinic expansion. The tenant improvement cost has been estimated at \$15,860. We quoted a monthly rent of \$1,386.55 with a lease expiration of 6/30/95 coinciding with their current lease.

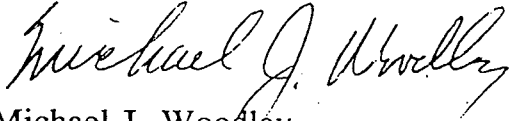
Barbara Cotton at the Urban League is aware of the county's interest in the building and understands why the owner has postponed his decision on spending the money for the improvement.

Andre Stewart of Conquest has been told that the owner is negotiating with a purchaser of the building but not who the buyer's identity is and therefore a delay in going forward with their expansion.

Bob Oberst
July 9, 1992
Page Two

We could go forward with these two expansions if you want prior to the sale but we would need the county's agreement to reimburse the owner for his costs at the closing of the sale. Let me know if you want us to go forward or wait.

Respectfully,

A handwritten signature in cursive script, reading "Michael J. Woodley". The signature is written in dark ink and is positioned above the printed name.

Michael J. Woodley

5311 WALNUT PARK
Existing Operating Statement

TENANT	SQ.FT.	%	LEASE EXPIRATION	ANNUAL INCOME
--------	--------	---	---------------------	------------------

INCOME:

Health Clinic	18,600	25.6	06/30/95	\$174,780
Aging Services	15,700	21.7	04/17/96	170,664
Conquest	4,725	6.5	06/30/95	39,288
Check Mart	650	0.9	06/30/92	6,600
Mid-K Beauty	<u>5,636</u>	<u>7.8</u>	04/30/96	<u>36,000</u>
TOTAL:	45,311			\$427,332
Vacant Mezzanine \$7.00	5,800	8.0		
Vacant Ground Floor \$9.00	4,570	6.3		
Vacant Lower Level \$6.00	<u>16,800</u>	<u>23.2</u>		\$ -0-
TOTAL:	72,481	100.0		\$427,332

EXPENSES:

Security Fire	\$ 948	
Janitorial	42,134	
Heating & Cooling	3,365	
Elevator	2,558	
Electrical	3,523	
Locks	435	
Pest	610	
<u>Utilities</u>		
Gas	14,986	
Electricity	58,711	
Water/Sewer	6,313	
Garbage	4,529	
Telephone	430	
Building Superintendent	23,314	
Property Taxes	34,107	
Insurance	6,385	
Supplies	11,076	
Management	18,963	
Miscellaneous	1,200	
Window Wash	1,878	
Fire Protection	322	
Plumbing	180	
Roof & Gutter	105	
Parking	<u>3,273</u>	<u>239,345</u>

NET OPERATING INCOME: \$187,987

Mortis & Stevens Inc.

THE WALNUT PARK BUILDING

Property Management

Cash Statement
12 Months Ended 08/31/91

	----- CURRENT MONTH -----				----- YEAR TO DATE -----			
	ACTUAL	BUDGET	VARIANCE	%	ACTUAL	BUDGET	VARIANCE	%
GROSS INCOME								
Rents	43,606.06	20,799.00	22,807.06	109.7	428,605.52	293,971.00	134,634.52	45.8
Other	0.00	0.00	0.00	0.0	3,600.00	0.00	3,600.00	0.0
Total:	43,606.06	20,799.00	22,807.06	109.7	432,205.52	293,971.00	138,234.52	47.0
OPERATING EXPENSES								
Repairs & Maint	8,728.85	8,110.00	618.85	7.6	134,581.21	61,689.00	72,892.21	118.2
Utilities	11,383.88	5,609.00	5,774.88	103.0	77,099.41	54,317.00	22,782.41	41.9
Property Taxes	82.43	0.00	82.43	0.0	29,242.92	22,618.00	6,624.92	29.3
Insurance	0.00	0.00	0.00	0.0	6,385.00	0.00	6,385.00	0.0
Advertising	0.00	0.00	0.00	0.0	61.59	0.00	61.59	0.0
Supplies	1,103.66	1,096.00	85.66	7.8	10,922.69	7,810.00	3,112.69	39.9
Administration	1,836.29	685.00	1,151.29	168.1	88,328.91	10,750.00	77,578.91	721.7
Total:	23,215.11	15,502.00	7,713.11	49.8	346,621.73	157,184.00	189,437.73	120.5
NET OPERATING INCOME	20,390.95	5,297.00	15,093.95	285.0	65,583.79	136,787.00	-51,203.21	-37.4
NON-OPERATING INCOME								
Expense Reimbursement	613.00	614.00	-0.20	0.0	13,264.65	5,290.00	7,974.65	150.7
Cam Reimbursement	0.00	0.00	0.00	0.0	0.00	0.00	0.00	0.0
Owner Advance	0.00	0.00	0.00	0.0	248,000.00	0.00	248,000.00	0.0
Investment Acct Transfer	0.00	0.00	0.00	0.0	0.00	0.00	0.00	0.0
Total:	613.00	614.00	-0.20	0.0	261,264.65	5,290.00	255,974.65	0.0
NON-OPERATING EXPENSE								
Debt Service	0.00	0.00	0.00	0.0	0.00	0.00	0.00	0.0
Tax & Insurance Reserves	0.00	0.00	0.00	0.0	0.00	0.00	0.00	0.0
Security Deposits Held	0.00	0.00	0.00	0.0	0.00	0.00	0.00	0.0
Owner Remittance	10,000.00	0.00	10,000.00	0.0	160,000.00	0.00	160,000.00	0.0
Replacement-Major Repair	0.00	0.00	0.00	0.0	183,590.66	2,235.00	187,355.66	0.0
Reimbursable Expense	0.00	0.00	0.00	0.0	8,361.09	0.00	8,361.09	0.0
Cam Expenses	0.00	0.00	0.00	0.0	1,885.19	0.00	1,885.19	0.0
Investment Acct Transfer	0.00	0.00	0.00	0.0	0.00	0.00	0.00	0.0
Total:	10,000.00	0.00	10,000.00	0.0	359,636.94	2,235.00	357,601.94	0.0
NET CASH FLOW	11,004.75	5,911.00	5,093.75	86.2	-12,988.50	139,842.00	-152,830.50	-109.3
BEGINNING CASH BALANCE	6,785.00				8,765.00			
ENDING CASH BALANCE	19,790.55				19,790.55			
Investment Acct -Beg	0.00							
Transfers In	0.00							
Transfers Out	0.00							
Interest	0.00							
Investment Acct -End	0.00							

Executive Session
12-8-92
Handout #2
David Boyer

Multnomah County, Oregon
Certificates of Participation, 1993
40% Tax Exempt/60% Taxable
(\$2.85 Million for Walnut Park)

Sources and Uses

Sources:

Par Amount of Tax-Exempt Bonds	\$1,305,000.00
Par Amount of Taxable Bonds	1,960,000.00
Total	\$3,265,000.00

Uses:

Project Costs:	
Purchase of Land	\$1,400,000.00
Remodeling	1,000,000.00
Boilers	450,000.00
Debt Service Reserve	314,537.50
Costs of Issuance	3.000% 97,950.00
Contingency	2,512.50
Total	\$3,265,000.00

WALNUT PARK BUILDING
MULTNOMAH COUNTY, OREGON

	1993	1994	1995	1996	1997
REVENUES:					
Health	202,000	202,000	237,000	237,000	237,000
Aging	149,000	149,000	149,000	149,000	149,000
Records		20,000	20,000	20,000	20,000
Conquest/Ckmart	56,000	56,000	56,000	56,000	56,000
Mid-K	40,000	43,000	43,000	43,000	43,000
Anderson	7,000	7,000	7,000	7,000	7,000
Urban League	5,000	5,000	5,000	5,000	5,000
Pacific Univ.	15,000	15,000	15,000	15,000	15,000
Interest	15,727	15,727	15,727	15,727	15,727
Total	489,727	512,727	547,727	547,727	547,727
EXPENSES:					
Operation&Maint	256,550	256,550	256,550	256,550	256,550
Lease pmt	314,538	314,538	314,538	314,538	314,538
Cap reserve	0	0	0	0	0
Total	571,088	571,088	571,088	571,088	571,088
Net income(loss)	(81,361)	(58,361)	(23,361)	(23,361)	(23,361)

Prepared by Finance Division
08-Dec-92

Multnomah County, Oregon
Certificates of Participation, 1993
40% Tax Exempt/60% Taxable
(\$2.35 Million for Walnut Park)

Sources and Uses

Sources:

Par Amount of Tax-Exempt Bonds	\$1,080,000.00
Par Amount of Taxable Bonds	1,615,000.00
Total	\$2,695,000.00

Uses:

Project Costs	\$2,350,000.00
Debt Service Reserve	260,305.00
Costs of Issuance	3.000% 80,850.00
Contingency	3,845.00
Total	\$2,695,000.00

WALNUT PARK BUILDING
MULTNOMAH COUNTY, OREGON

	1993	1994	1995	1996	1997
REVENUES:					
Health	202,000	202,000	237,000	237,000	237,000
Aging	149,000	149,000	149,000	149,000	149,000
Records		20,000	20,000	20,000	20,000
Conquest/Ckmart	56,000	56,000	56,000	56,000	56,000
Mid-K	40,000	43,000	43,000	43,000	43,000
Anderson	7,000	7,000	7,000	7,000	7,000
Urban League	5,000	5,000	5,000	5,000	5,000
Pacific Univ.	15,000	15,000	15,000	15,000	15,000
Interest	13,015	13,015	13,015	13,015	13,015
Total	487,015	510,015	545,015	545,015	545,015
EXPENSES:					
Operation&Maint	256,550	256,550	256,550	256,550	256,550
Lease pmt	260,305	260,305	260,305	260,305	260,305
Cap reserve	30,000	30,000	30,000	30,000	30,000
Total	546,855	546,855	546,855	546,855	546,855
Net income(loss)	(59,840)	(36,840)	(1,840)	(1,840)	(1,840)

Prepared by Finance Division
08-Dec-92

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

An Ordinance amending sections of MCC 11.15 to ensure that future land divisions and land uses in forest areas are compatible with forest practices as part of the amendments needed to bring Multnomah County's land use planning program into compliance with Oregon Administrative Rule 660, Division 6.

(Underlined sections are new or replacements; [~~bracketed~~] sections are deleted.)

(Language in bold type with shaded line numbers has been added after the first reading of this Ordinance to include a few minor amendments to the OAR adopted by LCDC on 12/3/92.)

Multnomah County Ordains as follows:

Section I. Findings.

(A) On January 25, 1990 the State of Oregon Land Conservation and Development Commission (LCDC) adopted significant amendments to the Statewide Planning Goal 4, Forest Lands and the related Oregon Administrative Rule (OAR Chapter 660, Division 6). The amendments stated that by February 5, 1993 Multnomah County must implement those rules into the comprehensive plan text, plan map, zoning code, and zoning map.

(B) The Land Conservation and Development Commission stated four primary reasons for the amendments: "The Commission has found it necessary to amend Goal 4 and OAR 660, Division 6, for several reasons. In 1986, the Oregon Supreme Court in 1000 Friends of Oregon v. LCDC and Lane County interpreted Goal 4 contrary to Commission interpretations contained in acknowledged comprehensive plans. Second, the Oregon Legislature passed HB 3396 which limited the authority of counties to regulate forest practices. Third, the commercial forest land base continues to shrink while the state's timber supply diminishes thereby affecting the state's economy. Fourth, recent forest fire seasons have been extremely costly, and have illustrated the difficulties in suppressing wildfires in forest areas where dwellings are present."

12/8/92

1 (C) On December 3, 1992 the Land Conservation and Development Commission adopted
2 minor amendments to OAR 660, Division 6, Forest Lands at the same time that extensive amend-
3 ments were made to OAR 660, Division 33, Agricultural and Small-Scale Resource Land. The 1992
4 amendments to the Forest Lands Rule were so few and of such minor impact that the Board of
5 County Commissioners has chosen to incorporate them into the second reading of this Ordinance.

6 (D) This Ordinance amends the Commercial Forest Use (CFU) Zoning District (MCC 11.15.2042
7 — .2074) to conform with and carry out the purposes of the Oregon Administrative Rule 660, Division 6.
8 The CFU zone will thereafter be the sole district utilized by Multnomah County in protecting and regulat-
9 ing land uses on lands defined as forest by the Statewide Planning Goal 4 and related OAR's.

10 (E) A 46 page findings document examining the impacts of the State Rule changes and the reasons
11 for the course of action taken is on file with the Multnomah County Department of Environmental
12 Services, Division of Planning and Development. The findings have the title "C 4-92, Exhibit A, Findings
13 Associated with Bringing the Multnomah County Zoning Code into Compliance with the Oregon
14 Administrative Rule on Forest Lands." They are attached hereto, are incorporated by reference, and are
15 adopted.

16 (F) On May 4, 1992, June 1, 1992, and July 8, 1992 the Planning Commission held open work-
17 shops for drafting of the forest amendments. On August 17 and 18, 1992 County staff conducted public
18 information meetings to explain the State requirements and the proposed County ordinances to meet those
19 requirements. The Planning Commission then held public hearings on September 8, 1992, September 21,
20 1992 and October 5, 1992. Hearings before the Board of County Commissioners followed on November
21 24, 1992 and December 8, 1992. At each of the hearings all interested persons were given an opportunity
22 to appear and be heard.

23

24 Section II. Amendments.

25 Multnomah County Code Chapter 11.15 is amended to read as follows:

26

1 11.15.2042 Purposes

2 The purposes of the Commercial Forest Use District are to conserve and protect designated lands for
3 continued commercial growing and harvesting of timber and the production of wood fiber and other
4 forest uses; to conserve and protect watersheds, wildlife habitats and other forest associated uses; to
5 protect scenic values; to provide for agricultural uses; to ~~assure the orderly and planned development~~
6 ~~of public and private~~ provide for recreational opportunities and other uses which are compatible with
7 forest use and to minimize potential hazards or damage from fire, pollution, erosion or urban develop-
8 ment.

9 11.15.2044 Area Affected

10 MCC .2042 through .2074 shall apply to those lands designated CFU on the Multnomah County
11 Zoning Map.

12 11.15.2045 Definitions

13 As used in MCC .2042 through .2074, unless otherwise noted, the following words and their deriva-
14 tions shall have the following meanings:

15 (A) Accessory to – As applied to forest management dwellings, a dwelling that is incidental and subor-
16 dinate to the main forest use.

17 (B) Auxiliary – For the purposes of MCC .2048(A)(2) to (3), the use or alteration of a structure or land
18 which provides temporary help, or is directly associated with the conduct of a particular forest
19 practice. An auxiliary structure shall be located on site, be temporary in nature, and be designed
20 not to remain for the entire growth cycle of the forest from planting to harvesting. An auxiliary use
21 shall be removed when the particular forest practice for which it was approved is concluded.

22 (C) Campground – An area devoted to overnight temporary use for vacation, recreational or emergency
23 purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer
24 or recreational vehicle. A campground shall not include intensively developed recreational uses
25 such as swimming pools, tennis courts, retail stores or gas stations.

26

(D) Necessary for – As applied to forest management dwellings, the principal purpose for locating the dwelling is to enable the resident(s) to contribute substantially to the effective and efficient management of the forest land. A resident contributes substantially when the resident spends an extensive amount of time performing forest management activities which increase timber yields, quality or productivity, and which are recognized by the Forest Practices Act. Necessary for precludes a dwelling which simply "enhances" forest management. Necessary for also does not demand that a dwelling be absolutely required for forest management or that the production of trees is physically possible only with a dwelling.

11.15.2046 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC .2048 through .2056.

11.15.2048 [Primary] Uses Permitted Outright

(A) ~~[Forest uses associated with the production, management and harvesting of timber;]~~ The following uses pursuant to the Forest Practices Act and Statewide Planning Goal 4:

(1) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash;

(2) Temporary on site structures which are auxiliary to and used during the term of a particular forest operation; or

(3) Physical alterations to the land auxiliary to forest practices including, but not limited to, those for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities;

(B) ~~[Wood processing operations, such as]~~ A temporary portable facility for the primary processing of forest products. [±]

~~[(1) Pole and piling preparation;~~

~~(2) Portable sawmill for lumber cutting only;~~

~~(3) Wood chipping;~~

~~(4) Manufacture of fence posts; and~~

~~(5) Cutting firewood and similar miscellaneous products.]~~

(C) Farm use, as defined in ORS 215.203, ~~[(2)(a) for the following purposes only:~~

~~(1) Raising and harvesting of crops;~~

~~(2) Raising of livestock or honeybees; or~~

~~(3) Any other agricultural or horticultural purpose or animal husbandry purpose or combination thereof, except as provided in MCC .2052(B).]~~

(D) ~~[Public and private conservation areas and structures other than dwellings for the protection of water, soil, open space, forest and wildlife resources; and]~~ Maintenance, repair, or expansion of an existing single family dwelling;

(E) ~~[Residential use consisting of a single family dwelling on a lot of 80 acres or more, subject to the residential use development standards of MCC .2074.]~~ Replacement of an existing dwelling on the same lot, subject to the following:

(1) The replacement dwelling will be located within 200 feet of the existing dwelling; and

(2) The existing dwelling shall be habitable, served by a reliable sanitary supply of running water for domestic use, and contain a cooking/eating area, a sleeping area, and bathroom facilities connected to a sewage disposal system;

(F) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources, including a public or private wildlife and fisheries resources conservation area;

(G) An uninhabitable structure accessory to fish and wildlife enhancement;

(H) A caretaker residence for a public park or a fish hatchery;

(I) Local distribution lines (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups;

(J) Climbing and passing lanes within the right of way existing as of July 1, 1987;

(K) Reconstruction or modification of public roads and highways, not including the addition of vehicular travel lanes, where no removal or displacement of buildings will occur, or no new land parcels result;

(L) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed;

(M) Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations and rest areas, within a right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways;

(N) A lookout tower for forest fire protection;

(O) A water intake facility, canal and distribution lines for farm irrigation and ponds;

(P) A temporary forest labor camp;

(Q) Exploration for mineral and aggregate resources as defined in ORS Chapter 517;

(R) Exploration for geothermal resources;

(S) A site for the disposal of solid waste that has been ordered to be established by the Environmental Quality Commission under ORS 459.049, together with equipment, facilities or buildings necessary for its operation.

11.15.20 [50] 49 Uses Permitted Under Prescribed Conditions

~~[(A) Residential use in conjunction with a primary use listed in MCC .2048 including a mobile or modular home, subject to the following:~~

~~(1) The lot size shall meet the standards of MCC .2058(A), or MCC .2062(A) and (B), but shall not be less than ten acres;~~

~~(2) A resource management program for at least 75% of the productive land of the lot, as described in subsection MCC .2052(C)(2)(a), consisting of:~~

~~(a) A forest management plan certified by the Oregon State Department of Forestry, the Oregon State University Extension Service, or by a person or group having similar~~

1 forestry expertise, that the lot and the plan are physically and economically suited to the
2 primary forest or wood processing use;

3 ~~(b) A farm management plan certified by the Oregon State University Extension Service, or~~
4 ~~by a person or group having similar agricultural expertise, that the lot and the plan are~~
5 ~~physically and economically suited to the primary purpose of obtaining a profit in money,~~
6 ~~considering accepted farming practice;~~

7 ~~(c) A resource management plan for a primary use listed in MCC .2048, based upon income,~~
8 ~~investment or similar records of the management of that resource on that property as a~~
9 ~~separate management unit for at least two of the preceding three years;~~

10 ~~(d) A fish, wildlife or other natural resource conservation management plan, certified by the~~
11 ~~Oregon State Fish and Wildlife Department or by a person or group having similar~~
12 ~~resource conservation expertise, to be suited to the lot and to nearby uses;~~

13 ~~(e) A small tract timber option under ORS Chapter 321.705, a Western Oregon Forest Land~~
14 ~~designation under ORS 321.257, or participation in a current forestry improvement pro-~~
15 ~~gram of the U.S. Agricultural Stabilization and Conservation Service; or~~

16 ~~(f) A cooperative or lease agreement with a commercial timber company or other person or~~
17 ~~group engaged in commercial timber operations, for the timber management of at least~~
18 ~~75% of the productive timberland of the property. Productive timberland is that portion~~
19 ~~of the property capable of growing 50 cubic feet/acre/year.~~

20 ~~(3) The dwelling will not require public services beyond those existing or programmed for the~~
21 ~~area;~~

22 ~~(4) The owner shall record with the Division of Records and Elections a statement that the owner~~
23 ~~and the successors in interest acknowledge the rights of owners of nearby property to conduct~~
24 ~~accepted forestry or farming practices;~~

25 ~~(5) The residential use development standards of MCC .2074.~~

26 ~~(B) Wholesale or retail sales of farm or forest products raised or grown on the premises or in the vicin-~~

ity, subject to the following condition:

~~The location and design of any building, stand or sign in conjunction with wholesale and retail sales shall be subject to approval of the Planning Director on a finding that the location and design are compatible with the character of the area, provided that the decision of the Director may be appealed to the approval authority pursuant to MCC .8290 and .8295.]~~

(A) Replacement of an existing dwelling on the same lot more than 200 feet from the existing dwelling, subject to the following:

(1) The existing dwelling is habitable, is served by a reliable sanitary supply of running water for domestic use, and contains a cooking/eating area, a sleeping area, and bathroom facilities connected to a sewage disposal system; and

(2) The replacement dwelling location meets the development standards of MCC .2074.

(B) Restoration or replacement of a dwelling on the same lot when the restoration or replacement is made necessary by fire, other casualty or natural disaster, subject to the following:

(1) Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster; and

(2) A replacement dwelling located more than 200 feet from the prior dwelling location shall be subject to the development standards of MCC .2074.

11.15.205 [2] Q Conditional Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

(A) A Forest Management Dwelling pursuant to the provisions of MCC .2051 and .2074.

(B) A dwelling not related to forest management pursuant to the provisions of MCC .2052 and .2074.

([A] C) The following Community Service Uses pursuant to the provisions of MCC .2053, .2074, .7005 through .7015, and .7035 through .[7041] .7072.

(1) Campground.

(2) Cemetery.

- 1 (3) Fire station for rural and forest fire protection.
- 2 (4) Aid to navigation and aviation.
- 3 (5) Water intake facility, related treatment facility, pumping station, and distribution line.
- 4 (6) Reservoir and water impoundment.
- 5 (7) New distribution line (e.g., gas, oil, geothermal) with a right-of-way 50 feet or less in width
6 or new electric transmission line with a right-of way width of up to 100 feet as specified
7 in ORS 772.210.
- 8 (8) Forest management research and experimentation facility as defined by ORS 526.215.
- 9 (9) Park, including a public or private wildlife and fisheries resources conservation area with
10 accessory structures for educational or instructional use.
- 11 (10) Utility facility for the purpose of generating power provided the facility not preclude more
12 than 10 acres from use as a commercial forest operation unless an exception is taken
13 pursuant to OAR 660, Division 4.
- 14 (11) Radio, microwave, and television transmission towers subject to the definitions, restrictions
15 and standards in MCC .7020(15) and .7035 through .7041.
- 16 (12) Refuse dump or sanitary landfill for which the Department of Environmental Quality has
17 granted a permit under ORS 459.245, together with equipment, facilities or buildings neces-
18 sary for its operation.
- 19 (13) Regional Sanitary Landfill for which the Department of Environmental Quality has granted a
20 permit under ORS 459.245, together with equipment, facilities or buildings necessary for its
21 operation subject to the definitions, restrictions and standards in MCC .7045 through .7072.
- 22 (14) Private hunting and fishing operation without any lodging accommodations.
- 23 (15) Private seasonal accommodations for a fee hunting operation or fishing, provided:
24 (a) Accommodations are limited to no more than 15 guest rooms as that term is defined in the
25 Oregon Structural Speciality Code;
26 (b) Only minor incidental and accessory retail sales are permitted;

(c) Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons or fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and

(d) Accommodations for fishing must be located within 1/4 mile of fish bearing Class I waters.

(16) Mining, processing and production of geothermal resources.

([B] D) The following [~~Conditional U~~] uses pursuant to the provisions of MCC .2053, .2074, .7105 through .7120, .7125 through .7135, 7305 through .7335, and .7605 through .7640.

(1) [~~Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005 or exploration, m~~] Mining and processing of aggregate and other mineral or subsurface resources as defined in ORS Chapter 517;

(2) [~~Wood processing operations other than those specified in MCC .2048(B)~~] Permanent facility for the primary processing of forest products;

(3) [~~Raising any type of fowl, or processing the by products thereof, for sale at wholesale or retail~~] Permanent logging equipment repair and storage;

(4) [~~Feed lots~~] Log scaling and weigh stations;

(5) [~~Raising of four or more swine over four months of age~~] Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels;

(6) [~~Raising of fur bearing animals for sale at wholesale or retail~~] Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels;

(7) [~~Commercial dog kennels~~] Improvement of public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels; and

(8) Expansion of [A] aircraft landing areas [in conjunction with] auxiliary to forestry practices,

notwithstanding the provisions of MCC .6050 through .6058.

~~[(C) Residential use, not in conjunction with a primary use listed in MCC .2048 consisting of a single family dwelling, including a mobile or modular home, subject to the following findings:~~

~~(1) The minimum lot size shall be 80 acres or the size of the Lot of Record;~~

~~(2) The land is incapable of sustaining a farm or forest use, based upon the following: (a) A Soil Conservation Service Agricultural Capability Class of IV or greater for at least 75% of the lot area and physical conditions insufficient to produce 50 cubic feet/acre/year of any commercial tree species for at least 75% of the lot area, or~~

~~(b) Certification from an agency, person or group described in MCC .2050(A)(2)(a) or (b) that the land is inadequate for farm or forest use and stating the basis for the conclusion, or~~

~~(c) For a lot greater than ten acres but less than 20 acres, a written description, filed by the owner, of the physical characteristics of the lot including size, location, hazards, topography, drainage, soil types, prior use or other factors which will support the required finding of forest or farm use unsuitability, or~~

~~(d) The lot is a Lot of Record under MCC .2062(A) and (B) and is ten acres or less in size;~~

~~(3) A dwelling as proposed is compatible with primary uses as listed in MCC .2048 on nearby property and will not interfere with the resources or the resource management practices or materially alter the stability of the overall land use pattern of the area.~~

~~(4) The dwelling will not require public service beyond those existing or programmed for the area;~~

~~(5) The owner shall record with the Division of Records and Elections a statement that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct accepted forestry or farming practices; and~~

~~(6) The residential use development standards of MCC .2074 will be met.~~

~~(D) Mortgage Lot: Residential use consisting of a single family dwelling in conjunction with a prima-~~

ry use listed in MCC .2048, located on a mortgage lot created after August 14, 1980, subject to the following:

(1) ~~The minimum lot size for the mortgage lot shall be two acres;~~

(2) ~~Except as may otherwise be provided by law, a mortgage lot shall not be conveyed as a zoning lot separate from the tract out of which it was created or such portion of the tract as conforms with the dimensional requirements of the zoning ordinance then in effect. The purchaser of a mortgage lot shall record a statement referring to this limitation in the Deed Records pertaining to said lot;~~

(3) ~~No permit shall be issued for improvement of a mortgage lot unless the contract seller of the tract out of which the mortgage lot is to be created and the mortgagee of said mortgage lot have agreed in writing to the creation of the mortgage lot.]~~

11.15.2051 Forest Management Dwelling

A forest management dwelling may be allowed when:

(A) The lot size meets the standards of MCC .2058(A) with a minimum area requirement of 80 acres or meets the lot of record standards of MCC .2062(A) and (B), but shall not be less than 10 acres;

(B) The dwelling is necessary for and accessory to forest operations [including cultured Christmas trees as defined in ORS 215.203(3)]. Such determination shall be based at a minimum on the following information provided by the applicant:

(1) Completed forms available from the Division of Planning and Development or its equivalent regarding the condition and productivity of the lands to be managed;

(2) A plan for management of the land, including a chronological description of commercial forest management activities to be undertaken by the residents, or under contract and estimates of yield, labor and expenses;

(3) Maps, showing the site for the proposed dwelling and a description of related fire safety measures;

(4) The information must be sufficient to enable the Oregon Department of Forestry within 45

1 days to determine that:

2 (a) The information describing the productivity and current condition of the forest land to be
3 managed is complete and accurate;

4 (b) Fulfillment of the forest management plan will result in use of the parcel for the required
5 management purpose in terms of stocking, stand density, and harvest; and

6 (c) The siting and safety standards in MCC .2074, derived from OAR 660-06-029 and OAR
7 660-06-035, have been satisfied;

8 (5) Christmas trees and other types of agricultural production may be a part of the management
9 plan. However, such uses shall not be the predominant use on the property nor the basis for
10 determining that the dwelling is necessary.

11 (C) There are no other dwellings on the property which are vacant or currently occupied by persons not
12 engaged in forestry, which could be used as the principal forest dwelling for the forest operation;

13 (D) The property qualifies for and is enrolled in one of the State of Oregon forest tax programs;

14 (E) The dwelling will not significantly interfere with, significantly increase the costs of, or impede
15 accepted forestry or farming practices on surrounding forest or agricultural lands;

16 (F) The dwelling will be located outside a big game winter habitat area as defined by the Oregon
17 Department of Fish and Wildlife, or that agency has certified that the impacts of the additional
18 dwelling, considered with approvals of other dwellings in the area since acknowledgment of the
19 Comprehensive Plan in 1980, will be acceptable.

20 (G) A statement has been recorded with the Division of Records that the owner and the successors in
21 interest acknowledge the rights of owners of nearby property to conduct forest operations consis-
22 tent with the Forest Practices Act and Rules, and to conduct accepted farming practices;

23 (H) Proof of a long-term road access use permit or agreement shall be provided if road access to the
24 dwelling is by a road owned and maintained by a private party or by the Oregon Department of
25 Forestry, the Bureau of Land Management, or the United States Forest Service. The road use per-
26 mit may require the applicant to agree to accept responsibility for road maintenance;

(I) The forest lands to be managed by the resident of the proposed dwelling meet the stocking and survival requirements of the Forest Practices Rules for the Northwest Region (as specified in OAR 629-24-502) at the time the permanent dwelling is requested;

(J) A temporary forest management dwelling may be approved if the lands to be managed meet all of the requirements for approval of a forest management dwelling except for the stocking and survival requirements of the Forest Practices Rules of OAR 629-24-502, subject to the following:

(1) The temporary dwelling shall be a manufactured or mobile home;

(2) A written agreement has been recorded with the Division of Records which states the temporary dwelling and any accessory structures will be removed by the applicant within 60 days of the determination by the Planning Director that the property has not met the stocking and survival requirements of OAR 629-24-502 within 5 years of the dwelling approval date, or within 7 years of that date if an extension is approved pursuant to MCC .2051(J)(4); and

(3) A commitment to pay all costs associated with the removal of the dwelling and any accessory structures in the form of either a cash deposit, irrevocable letter of credit, or other form of financial security determined acceptable by County Counsel in an amount sufficient to pay for all removal costs in the event the property has not met the stocking and survival requirements of OAR 629-24-502 within 5 years of the dwelling approval date, or within 7 years of that date if an extension is approved pursuant to MCC .2051(J)(4).

(4) The Planning Director may grant an extension of not more than 2 years upon a finding that the applicant has submitted, before expiration of the 5 year time limit, substantial evidence demonstrating that completion of the requirements of OAR 629-24-502 was not possible due to natural disaster or illness.

(5) Within 5 years of the dwelling approval date, the applicant shall either provide evidence that the stocking and survival requirements of OAR 629-24-502 have been met, or provide evidence required for an extension pursuant to MCC .2051(J)(4).

(6) Within 60 days of the expiration of the 5 year stocking time period, the Planning Director

1 shall make a determination whether the prospective resident has complied with the require-
2 ments of MCC .2051(J), or whether the resident has provided sufficient support for an exten-
3 sion.

4 (7) The Planning Director shall enforce the terms of the agreements specified in MCC
5 .2051(J)(2)and (3) if the prospective resident fails to meet the stocking and survival require-
6 ments within 5 years, unless the temporary dwelling and accessory structures already have
7 been removed or unless an extension has been granted.

8 (8) Upon determination by the Planning Director that all requirements of MCC .2051(I) have
9 been met, the temporary forest dwelling may be replaced by a permanently constructed
10 dwelling, or a permanent placement permit may be issued for the manufactured or mobile
11 home already in place.

12 (K) An application for a forest management dwelling is not complete for the purpose of requiring the
13 County to take final action on the permit within 120 days, as required by ORS 215.428, until all
14 the required information, including the review and evaluation by the Oregon Department of
15 Forestry required by OAR 660-06-027(1), is submitted to the Division of Planning and
16 Development.

17 **11.15.2052 Dwelling Not Related to Forest Management**

18 (A) A dwelling not related to forest management may be allowed subject to the following:

19 (1) The lot shall meet the lot of record standards of MCC .2062(A) and (B) and have been lawful-
20 ly created prior to January 25, 1990;

21 (2) The lot shall be of sufficient size to accommodate siting the dwelling in accordance with
22 MCC .2074 with minimum yards of 60 feet to the centerline of any adjacent County
23 Maintained road and 200 feet to all other property lines. Variances to this standard shall be
24 pursuant to MCC .8505 through .8525, as applicable;

1 (3) The lot shall meet the following standards:

2 (a) The lot shall be composed primarily of soils which are capable of producing 0 to 49 cubic
3 feet of Douglas Fir timber per acre per year (cf/ac/yr); and

4 (i) The lot, and at least all or part of 3 other lots exist within a 160-acre square when cen-
5 tered on the center of the subject lot parallel and perpendicular to section lines; and

6 (ii) One dwelling exists within the 160-acre square, or

7 (b) The lot shall be composed primarily of soils which are capable of producing 50 to 85
8 cf/ac/yr of Douglas Fir timber; and

9 (i) The lot, and at least all or part of 7 other lots exist within a 160-acre square when cen-
10 tered on the center of the subject lot parallel and perpendicular to section lines; and

11 (ii) Three dwellings exist within the 160-acre square, or

12 (c) The lot shall be composed primarily of soils which are capable of producing above 85
13 cf/ac/yr of Douglas Fir timber; and

14 (i) The lot and at least all or part of 11 other lots exist within a 160-acre square when
15 centered on the center of the subject lot parallel and perpendicular to section lines;
16 and

17 (ii) Five dwellings exist within the 160-acre square.

18 (d) Lots and dwellings within urban growth boundaries shall not be counted to satisfy (a)
19 through (c) above.

20 (e) The lot is not capable of producing 5,000 cubic feet of wood fiber per year from com-
21 mercial tree species recognized by the Forest Practices Rules.

22 (4) The dwelling will not force a significant change in, significantly increase the costs of, or
23 impede accepted forestry or farming practices on surrounding forest or agricultural lands;

24 (5) The dwelling will be located outside a big game winter habitat area as defined by the Oregon
25 Department of Fish and Wildlife, or that agency has certified that the impacts of the addition-
26 al dwelling, considered with approvals of other dwellings in the area since acknowledgment

of the Comprehensive Plan in 1980, will be acceptable.

(6) The proposed dwelling will be located on a lot within a rural fire protection district, or the proposed resident has contracted for residential fire protection;

(7) Proof of a long-term road access use permit or agreement shall be provided if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the Bureau of Land Management, or the United States Forest Service. The road use permit may require the applicant to agree to accept responsibility for road maintenance;

(8) The parcel on which the dwelling will be located has been disqualified from receiving a farm or forest tax deferral;

(9) The dwelling meets the applicable development standards of MCC .2074;

(10) A statement has been recorded with the Division of Records that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct forest operations consistent with the Forest Practices Act and Rules, and to conduct accepted farming practices;

(B) Dwellings not related to forest management shall not be allowed upon the effective date of a small scale resource land program adopted pursuant to the requirements of OAR 660, Divisions 6 and 33.

11.15.2053 Use Compatibility Standards

Specified uses of MCC .2050(C) and (D) and .2056 may be allowed upon a finding that:

(A) The use will:

(1) Not force a significant change in, or significantly increase the cost of, accepted forestry or farming practices on surrounding forest or agricultural lands;

(2) Not significantly increase fire hazard, or significantly increase fire suppression costs, or significantly increase risks to fire suppression personnel; and

(B) A statement has been recorded with the Division of Records that the owner and the successors in

interest acknowledge the rights of owners of nearby property to conduct forest operations consistent with the Forest Practices Act and Rules, and to conduct accepted farming practices.

11.15.2054 Accessory Uses

The following structures or uses may be authorized in this district provided they are customarily accessory or incidental to a permitted use:

(A) Signs, pursuant to the provisions of MCC 11.15.7902-.7982[-] ;

(B) Off-street parking and loading as required by MCC .6100 through .6148;

(C) Home occupations pursuant to the definition and restrictions of MCC .0010. Home occupations as defined by MCC .0010 do not allow the level of activity defined in ORS 215.448; and

(D) Other structures or uses determined by the Planning Director to be customarily accessory or incidental to any use permitted or approved in this district.

11.15.2056 Temporary Uses

(A) A mobile home, in conjunction with an existing dwelling, upon obtaining an annual Temporary Health Hardship Permit pursuant to MCC .2053 and .8710.

(B) An asphalt and concrete batch plant accessory to a specific highway project pursuant to MCC .2053.

~~[When approved pursuant to MCC .8705 and .8710.]~~

11.15.2058 Dimensional Requirements

(A) Except as provided in MCC .2060, .2061, .2062, and .2064, the minimum lot size shall be 80 acres.

(B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the size of such lot.

(C) Minimum Yard Dimensions - Feet;

<u>Front</u>	<u>Side</u>	<u>Street-Side</u>	<u>Rear</u>			
<u>30</u>	<u>40</u>	<u>30</u>	<u>30</u>			
<u>Frontage on County Maintained Road</u>			<u>Other Front</u>	<u>Side</u>	<u>Rear</u>	
<u>60 from centerline</u>			<u>200</u>	<u>200</u>	<u>200</u>	

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet.

These yard dimensions and height limits shall not be applied to the extent they would have the effect of prohibiting a use permitted outright. Variances to dimensional standards shall be pursuant to MCC .8505 through .8525, as applicable.

(D) To allow for clustering of dwellings and potential sharing of access, a minimum yard requirement may be decreased to 30 feet if there is a dwelling on an adjacent lot within a distance of 100 feet of the new dwelling;

~~(D)~~E) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by ordinance.

~~(E)~~F) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirements ~~[if located at least 30 feet from any property line]~~.

(G) The minimum yard or setback shall be 200 feet from the property line of a lot or parcel on which there is an existing or approved mineral and/or aggregate extraction use listed in MCC .7320, or on which there is a mineral and/or aggregate resource that is designated “2A,” “3A,” or “3C” in the ESEE analysis made part of the supporting documentation of the comprehensive plan.

11.15.2060 Lots of Exception

The Planning Director may grant ~~[a Lot of Exception based on a finding that the permitted number of dwellings will not thereby be increased above that otherwise allowed in this district, provided that the decision of the Planning Director may be appealed to the approval authority pursuant to MCC .8290 and .8295]~~ an exception to permit the creation of a lot of less than the minimum specified in MCC .2058(A) subject to the following:

(A) The Lot of Record to be divided exceeds the 80 acre area requirement of MCC .2058(A);

(B) The Lot of Exception will contain a dwelling which existed prior to January 25, 1990;

(C) The Lot of Exception will be no larger than 5 acres;

(D) The division will create no more than one lot which is less than the minimum 80 acre area required in MCC .2058(A); and

(E) The division complies with the dimensional requirements of MCC .2058 (C) through (G).

11.15.2061 Lot Line Adjustment

(A) The Planning Director may approve an adjustment of the common lot line between contiguous Lots of Record based on a finding that:

(1) The permitted number of dwellings will not thereby be increased above that otherwise allowed in this district;

(2) The resulting lot configuration is at least as appropriate for the continuation of the existing commercial forest practices in the area as the lot configuration prior to adjustment;

(3) The new lot line is in compliance with the dimensional requirements of MCC .2058 (C) through (G); and

(4) Neither of the properties is developed with a dwelling approved under the provisions for a mobile home on a Health Hardship, or a dwelling for the housing of help required to carry out a farm or forest use.

11.15.2062 Lot of Record

(A) For the purposes of this district, a Lot of Record is:

(1) A parcel of land:

(a) For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to August 14, 1980;

(b) Which satisfied all applicable laws when the parcel was created; and

(c) Which satisfies the minimum lot size requirements of MCC .2058, or

(2) A parcel of land:

(a) For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to February 20, 1990;

(b) Which satisfied all applicable laws when the parcel was created;

(c) Does not meet the minimum lot size requirements of MCC .2058; and

(d) Which is not contiguous to another substandard parcel or parcels under the same ownership, or

(3) A group of contiguous parcels of land:

(a) For which deeds or other instruments creating the parcels were recorded with the Department of General Services, or were in recordable form prior to February 20, 1990;

(b) Which satisfied all applicable laws when the parcels were created;

(c) Which individually do not meet the minimum lot size requirements of MCC .2058, but, when considered in combination, comply as nearly as possible with a minimum lot size of nineteen acres, without creating any new lot line; and

(d) Which are held under the same ownership.

(B) For the purposes of this subsection:

(1) *Contiguous* refers to parcels of land which have any common boundary, excepting a single point, and shall include, but not be limited to, parcels separated only by an alley, street or other right-of-way;

(2) *Substandard Parcel* refers to a parcel which does not satisfy the minimum lot size requirements of MCC .2058; and

(3) *Same Ownership* refers to parcels in which greater than possessory interests are held by the same person or persons, spouse, minor age child, single partnership or business entity, separately or in tenancy in common.

(C) A Lot of Record which has less than the front lot line minimums required may be occupied by any permitted or approved use when in compliance with the other requirements of this district.

(D) A Lot of Record may be comprised of a separate parcel, containing an area less than that required by MCC .2058(A), created solely for the purposes of financing a dwelling. Such a parcel shall be considered a Mortgage Lot, subject to the following:

(1) A Mortgage Lot may be created without review providing the remainder of the Lot of Record is not developed with a residence.

(2) The remainder of the Lot of Record shall be ineligible for a permit for a dwelling.

(3) A Mortgage Lot shall not be conveyed as a lot separate from the tract out of which it was created.

(4) The tax roll accounts of the Mortgage Lot and parent lot shall be consolidated into one account when title to both parcels is secured.

11.15.2064 Lot Size for Conditional Uses

~~[The minimum lot size for a Conditional Use permitted pursuant to MCC .2052(A) or (B), shall be based upon]~~ Lots less than the minimum specified in MCC .2058(A) may be created for the uses listed in MCC .2048(S) and .2050(C)(1) through (6), (9) through (13), and (16) and (D)(1) through (4), after approval is obtained pursuant to MCC .2053 and based upon:

(A) Site size needs of the proposed use;

(B) The nature of the proposed use in relation to its impact on nearby properties; and

(C) Consideration of the purposes of this district.

11.15.2066 Off-Street Parking and Loading

Off-street parking and loading permitted as an accessory use shall be provided as required by MCC .6100 through .6148.

11.15.2068 Access

Any lot in this district shall abut a street, or shall have other access deemed by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles.

11.15.2070 Exemptions From Non-Conforming Use Provisions

(A) Conditional Uses listed in MCC .205 [2] Q, legally established prior to October 6, 1977, shall be deemed conforming and not subject to the provisions of MCC .8805, provided, however, that any change of use shall be subject to approval pursuant to the provisions of MCC .205 [2] Q.

(B) The term "change of use", as used in this section, means the change from one Conditional Use list-

ed in MCC .205 [2] Q to another such Conditional Use.

11.15.2072 Right to Complete Single-Family Dwelling

~~A single family dwelling, uncompleted prior to the effective date of Ordinance No. 236 but which meets the tests stated in this subsection, may be completed under a although not listed as a Primary Use in this district.~~

~~[(A) Actual construction shall have commenced prior to August 14, 1980 under a valid sanitation, building or other development permit applicable to the lot. "Actual construction" means:~~

~~(1) Placement of construction materials in a permanent position;~~

~~(2) Site excavation or grading;~~

~~(3) Demolition or removal of an existing structure;~~

~~(4) The value of purchased building materials; or~~

~~(5) Installation of water, sanitation or power systems.~~

~~[(B) Actual construction shall not include:~~

~~(1) The cost of plan preparation; or~~

~~(2) The value of the land.~~

~~[(C) The value of actual construction commenced prior to August 14, 1980, shall be \$1,000 or more for each \$20,000 of the total estimated value of the proposed improvements as calculated under the Uniform Building Code.]~~

(A) A single family dwelling may be completed under the provisions of a building permit issued prior to (the effective date of this Ordinance).

(1) The building permit shall be subject only to the regulations in effect prior to (the effective date of this Ordinance)

(2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.

(B) A building permit for a new single family dwelling may be issued up to 180 days after (the effective date of this Ordinance) if approval from the Planning Director was obtained on a building per-

mit application prior to (the effective date of this Ordinance).

(1) The building permit shall be subject only to the regulations in effect prior to (the effective date of this Ordinance).

(2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.

(C) A building permit for a new single family dwelling may be issued up to two years after (the effective date of this Ordinance) if approval from the Planning Director was given in an administrative proceeding for a "residential use, in conjunction with a primary use" pursuant to the applicable Use Under Prescribed Conditions provisions of MCC .2050(A) or MCC .2170(A) in effect prior to (the effective date of this Ordinance).

(1) The building permit shall be subject only to the regulations in effect prior to (the effective date of this Ordinance).

(2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.

(3) Pursuant to the provisions and requirements of ORS 215.428, application for a "residential use, in conjunction with a primary use" referenced above will be accepted until (the effective date of this Ordinance).

(D) A building permit for a new single family dwelling may be issued after (the effective date of this Ordinance) for a dwelling approved as a "residential use, not in conjunction with a primary use" by a Hearing Authority in an action proceeding pursuant to the applicable Conditional Use provisions of MCC .2052(C) or MCC .2172(C) in effect prior to (the effective date of this Ordinance) if the approval has not expired pursuant to MCC .7110(C).

(1) The building permit shall be subject only to the regulations in effect prior to (the effective date of this Ordinance).

(2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.

(3) Pursuant to the provisions and requirements of ORS 215.428, application for a "residential use, not in conjunction with a primary use" referenced above will be accepted until (the effective date of this Ordinance).

11.15.2074 ~~[Residential Use]~~ Development Standards for Dwellings and Structures

Except as provided for the replacement or restoration of dwellings under MCC .2048(E) and .2049 (B), all dwellings and structures ~~[A residential use]~~ located in the CFU district after ~~[August 14, 1980]~~ (the effective date of this Ordinance) shall comply with the following:

~~[(A) The fire safety measures outlined in the "Fire Safety Considerations for Development in Forested Areas", published by the Northwest Interagency Fire Prevention Group, including at least the following:~~

~~(1) Fire lanes at least 30 feet wide shall be maintained between a residential structure and an adjacent forested area; and~~

~~(2) Maintenance of a water supply and of fire fighting equipment sufficient to prevent fire from spreading from the dwelling to adjacent forested areas;~~

~~(B) Access for a fire truck to within 16 feet of any perennial water source on the lot;~~

~~(C) The dwelling shall be located in as close proximity to a publicly maintained street as possible, considering the requirements of MCC .2058(C) to (E). The physical limitations of the site which require a driveway in excess of 500 feet in length shall be stated in writing as a part of the application for approval;~~

~~(D) The dwelling shall be located on that portion of the lot having the lowest productivity characteristics for the proposed primary use, subject to the limitations of subpart (C), above;~~

~~(E) Building setbacks of at least 200 feet shall be maintained from all property lines, wherever possible, except:~~

~~(1) A setback of 30 feet or more may be provided from a public road, or~~

~~(2) The location of dwelling(s) on adjacent lot(s) at a lesser distance which allows for the clustering of dwellings or the sharing of access;]~~

1 (A) The dwelling or structure shall be located such that:

2 (1) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the min-
3 imum yard and setback requirements of .2058(C) through (G);

4 (2) Forest operations and accepted farming practices will not be curtailed or impeded;

5 (3) The amount of forest land used to site the dwelling or other structure, access road, and service
6 corridor is minimized;

7 (4) Any access road or service corridor in excess of 500 feet in length is demonstrated by the
8 applicant to be necessary due to physical limitations unique to the property and is the mini-
9 mum length required; and

10 (5) The risks associated with wildfire are minimized. Provisions for reducing such risk shall
11 include:

12 (a) Access for a pumping fire truck to within 15 feet of any perennial water source on the
13 lot. The access shall meet the driveway standards of MCC .2074(D) with permanent
14 signs posted along the access route to indicate the location of the emergency water
15 source;

16 (b) Maintenance of a primary and a secondary fire safety zone.

17 (i) A primary fire safety zone is a fire break extending a minimum of 30 feet in all direc-
18 tions around a dwelling or structure. Trees within this safety zone shall be spaced
19 with greater than 15 feet between the crowns. The trees shall also be pruned to
20 remove low branches within 8 feet of the ground as the maturity of the tree and
21 accepted silviculture practices may allow. All other vegetation should be kept less
22 than 2 feet in height.

23 (ii) On lands with 10 percent or greater slope the primary fire safety zone shall be
24 extended down the slope from a dwelling or structure as follows:

25

26

<u>Percent Slope</u>	<u>Distance In Feet</u>
<u>Less than 10</u>	<u>Not required</u>
<u>Less than 20</u>	<u>50</u>
<u>Less than 25</u>	<u>75</u>
<u>Less than 40</u>	<u>100</u>

(iii) A secondary fire safety zone is a fire break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of this safety zone is to reduce fuels so that the overall intensity of any wildfire is lessened. Vegetation should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent the spread of fire up into the crowns of the larger trees. Assistance with planning forestry practices which meet these objectives may be obtained from the State of Oregon Department of Forestry or the local Rural Fire Protection District.

(iv) No requirement in (i), (ii), or (iii) above may restrict or contradict a forest management plan approved by the State of Oregon Department of Forestry pursuant to the State Forest Practice Rules; and

(c) The building site must have a slope less than 40 percent.

(B) The dwelling shall:

(1) [(F) Construction shall e] Comply with the standards of the Uniform Building Code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes;

(2) [(G) The dwelling shall b] Be attached to a foundation for which a building permit has been obtained; and

(3) [(H) The dwelling shall h] Have a minimum floor area of 600 square feet[\pm] . [and]

[(I) The dwelling shall be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable.]

(C) The applicant shall provide evidence that the domestic water supply is from a source authorized in

1 accordance with the Department of Water Resources Oregon Administrative Rules for the appro-
2 priation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not
3 from a Class II stream as defined in the Forest Practices Rules. If the water supply is unavailable
4 from public sources, or sources located entirely on the property, the applicant shall provide evi-
5 dence that a legal easement has been obtained permitting domestic water lines to cross the proper-
6 ties of affected owners.

7 (D) A private road (including approved easements) accessing two or more dwellings, or a driveway
8 accessing a single dwelling, shall be designed, built, and maintained to:

9 (1) Support a minimum gross vehicle weight (GVW) of 52,000 lbs. Written verification of com-
10 pliance with the 52,000 lb. GVW standard from an Oregon Professional Engineer shall be
11 provided for all bridges or culverts;

12 (2) Provide an all-weather surface of at least 20 feet in width for a private road and 12 feet in
13 width for a driveway;

14 (3) Provide minimum curve radii of 48 feet or greater;

15 (4) Provide an unobstructed vertical clearance of at least 13 feet 6 inches;

16 (5) Provide grades not exceeding 8 percent, with a maximum of 12 percent on short segments,
17 except as provided below:

18 (a) Rural Fire Protection District No. 14 requires approval from the Fire Chief for grades
19 exceeding 6 percent;

20 (b) The maximum grade may be exceeded upon written approval from the fire protection
21 service provider having responsibility;

22 (6) Provide a turnaround with a radius of 48 feet or greater at the end of any access exceeding 150
23 feet in length;

1 (7) Provide for the safe and convenient passage of vehicles by the placement of:

2 (a) Additional turnarounds at a maximum spacing of 500 feet along a private road; or

3 (b) Turnouts measuring 20 feet by 40 feet along a driveway in excess of 200 feet in length
4 at a maximum spacing of 1/2 the driveway length or 400 feet whichever is less.

5
6
7
8
9 ADOPTED THIS 8th day of December, 1992, being the date of its second reading before the
10 Board of County Commissioners of Multnomah County.

11
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13
14 (SEAL)

15
16
17
18 By _____
19 Gladys McCoy, County Chair
20 MULTNOMAH COUNTY, OREGON

21 REVIEWED:

22
23
24 _____
25 John DuBay, Deputy County Counsel
26 of Multnomah County, Oregon



HAMPTON LUMBER SALES COMPANY

9400 S.W. Barnes Road • Suite 400 • Portland, OR 97225-6698

Perpetuating America's Forests for Products and the Environment.

Board of County Commissioners
Multnomah County Courthouse
Portland, Oregon

*Planning
12-8-92
Handout #3
P-1*

SUBJECT: Multnomah County's Forest Zoning Code

HEARING DATE: December 8, 1992

In 1974 we purchased 23 acres of farm/forest land. We did this for two reasons: (1) to enjoy the vigorous rural lifestyle and (2) to actively manage and restore the lands for natural resource production and conservation. We now own contiguous properties totaling 54 acres and are a registered tree farm. We also raise sheep and specialty hardwoods.

We have thought carefully about the rights others think we might lose if this commercial forest zoning passes. We have also thought about the loss of highly productive forest lands. We have thought about the highly unstable, and speculative real estate market in the West Hills area.

When logged over lands continuously are marketed for fabulously inflated prices such as occurring in the West Hills, logging operations can no longer continue. Loggers come in and, ironically, harvest the lands for the last time; then, their agent prepares to market and subdivide for an eager and uninformed urban market. The *laisai faire* nature of this market will if uncontrolled raise our land values and taxes to a critical point. Our family considers this to be a threat.

We have also thought about our two sons and what they might have hoped for. We and they know that these lands cannot support continuous family generations, who would continue to (hypothetically) build family related house sites on these resource lands. We recognize the treasure of our lands and take our responsibilities seriously. If wish to do this, they ought to be able to articulate their natural resource plan.

Having homesteaded on one of our parcels and having say on who enters and who does not, we must note that in spite of a myriad of government regulations, we are the ones that benefit from these lands and also the markets to which we sell. I must say that the public who has increased environmental regulation benefits only in the most indirect way.

Our family supports the proposed regulations and urge speedy approval.

We are concerned about the provisions for allowing up to 15 hunting lodges on CFU lands. I'd like to know the names of the parties that are the proponent of this provision for outright approval. It looks like a major loophole. Is this a hunting resort or primitive cabins. It would take just a few days for hunters to deplete deer resources on forty acres. Serious hunting is done on much larger parcels or of course out of a camper.

Brian & Christine Lightcap
13342 NW Newberry Rd.
Portland, OR 97231

AGENCY CREEK MANAGEMENT CO.

Planning
12-8-92
Handout #4
p-1

Phone (503) 297-7691

Fax (503) 297-3188

Telex 990-848

9400 S.W. BARNES RD. • PORTLAND, OR. 97225-6698

400 SUNSET BUSINESS PARK

December 8, 1992

Board of County Commissioners
Multnomah County Courthouse
Portland, Oregon

Re: **Proposed Ordinance to Amend Sections of MCC 11.15**

Dear Commissioners:

On behalf of our company, we object strenuously to the change of MUF-38 and MUF-19 zoning under the proposed ordinance amending section MCC 11.15. We purchased approximately 240 acres in North Multnomah County in 1990 zoned MUF-38 and MUF-19, which zoning was considered in our original investment in the property.

It is clear that the zoning change under the proposed ordinance precluding any development of that area for perspective homesites deprives us of a future value in the property without just compensation.

The 240 acres presently have a road system which we believe meets county standards and was constructed to meet future development for homesites under the MUF-38 and MUF-19 zoning.

We feel that the proposed change will preclude people who work in Portland from the benefit of exceptional homesites that are only a 20-minute commute. With the lack of future homesites in the Portland metropolitan area, we believe this should be a basis for the retention of MUF-38 and MUF-19 zoning in the area. We believe it is inappropriate to penalize our property for the aforesaid reasons.

Sincerely,

AGENCY CREEK MANAGEMENT CO.

Tom Schmit

TOM SCHMIT
Vice President
Finance & Administration

TS:vls



A HAMPTON AFFILIATE

Meeting Date: December 8, 1992

Agenda No.: P-5

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Planning Commission November 16, 1992 Decision

BCC Informal (date) BCC Formal December 8, 1992 (date)

DEPARTMENT DES DIVISION Planning

CONTACT Sharon Cowley TELEPHONE 2610

PERSON(S) MAKING PRESENTATION Planning Staff

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 15 Minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: xx

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

PR 7-92/CU 14-92 Review the Decision of the Planning Commission of November 16, 1992, denying requested plan revision for a 3-C designation and recommending a 3-B designation and denying requested conditional use approval for a 10-year permit to mine, all for property at 14545 NW St. Helens Road

(If space is inadequate, please use other side)

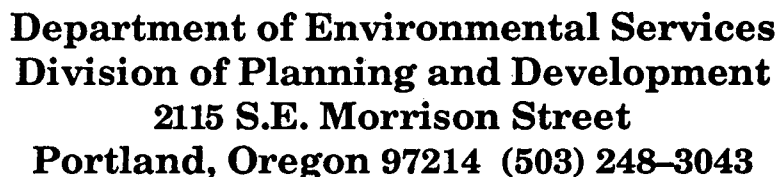
SIGNATURES:

ELECTED OFFICIAL

Or

DEPARTMENT MANAGER

(All accompanying documents must have required signatures)



This Decision consists of Findings of Fact and Conclusions

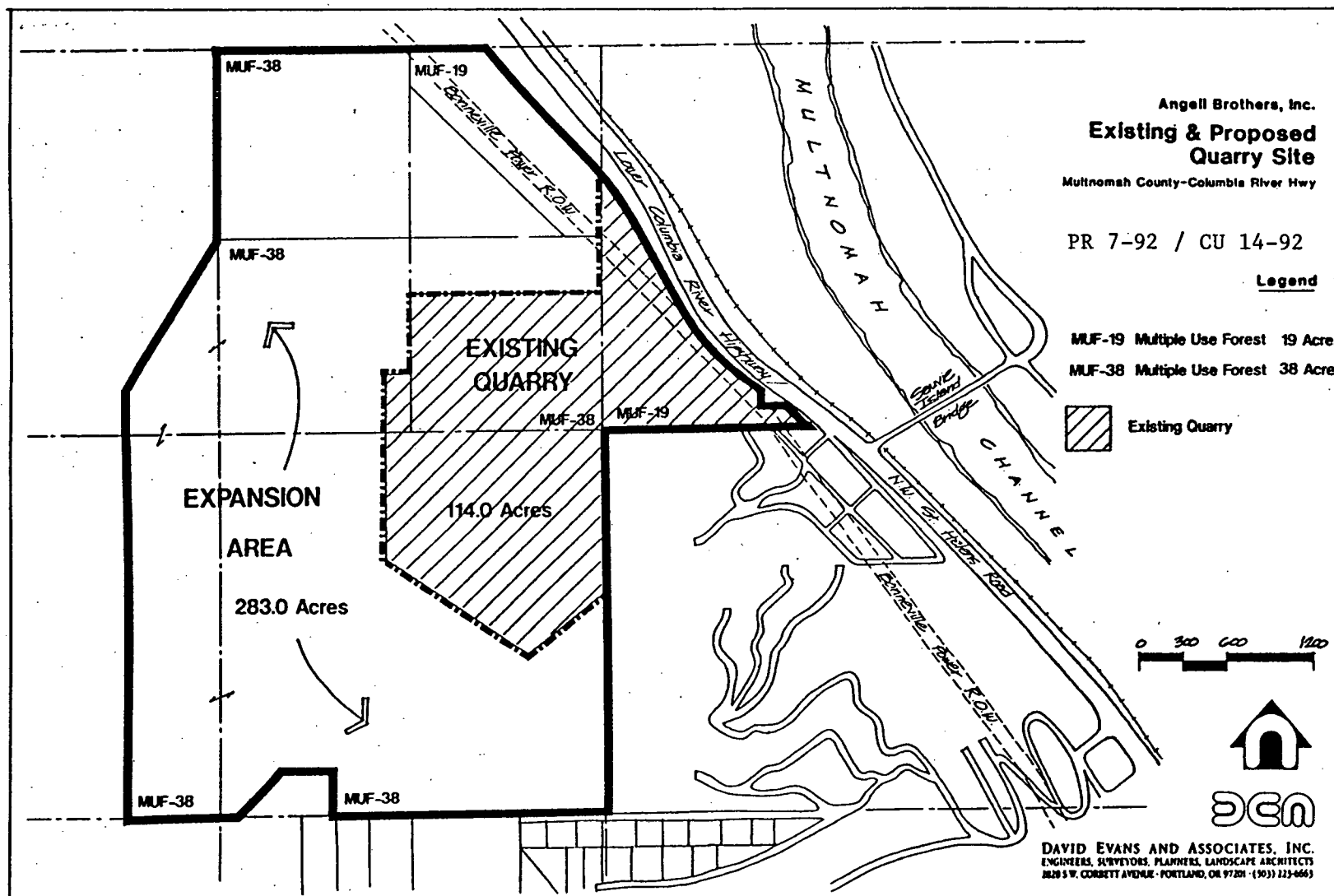
PR 7-92, #66
CU 14-92, #66

**(Goal 5 ESEE and Program Amendment to the Comprehensive Plan plus
Aggregate Surface Mining as a Conditional Use)**

Location:	14545 NW St. Helens Road
Legal:	Tax Lot 12, in the NW 1/4 of Section 28, T2N, R1W, Willamette Meridian; and Tax Lots 2, 6, 8 and 11 in the E 1/2 of Section 29, T2N, R1W, Willamette Meridian, 1992 Assessor's Map
Site Size:	283 acres
Size Requested:	Same
Property Owner:	Linnton Rock Corp. P.O. Box 2183 Grand Junction, CO 81503
Applicant:	Angell Bros. PO Box 03449 Portland 97203
Comprehensive Plan:	Multiple Use Forest
Present Zoning:	MUF-38, Multiple Use Forest Use Allows aggregate surface mining as a Conditional Use

Decision #1: DENY requested plan revision for a 3-C designation, and recommend a 3-B designation, based on the following Findings and Conclusions.

Decision #2: DENY conditional use request (for a 10-year permit to mine) based on the fact that the request does not meet 3-C ESEE criteria, based on the following Findings and Conclusions.



DECISION
BY THE MULTNOMAH COUNTY PLANNING COMMISSION

In the Matter of a Goal 5 ESEE Analysis and)
Program and an Application for a Conditional)
Use Permit by Angell Brothers)

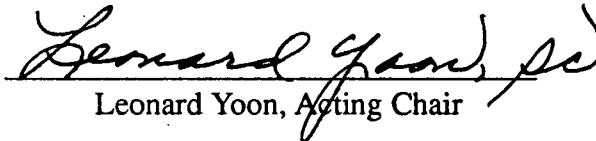
PR 7-92, & CU 14-92

Angell Bros. submitted material to assist the county in the completion of its Goal 5 mineral and aggregate review process and a request for a conditional use permit to authorize mineral extraction from a 283 acre site zoned Multiple Use Forest. The site adjoins an existing mineral extraction operation, and is located at 14545 N. W. St. Helens Road (Tax Lot 12, in the NW 1/4 of Section 28, T2N, R1W, Willamette Meridian; and Tax Lots 2, 6, 8, and 11 in the E 1/4 of Section 29, T2N, R1W, Willamette Meridian, 1992 Assessor's Map).

After notice, public hearings on the were held before the Planning Commission on September 8, 1992, September 21, 1992, October 5, 1992, and October 19, 1992. During the first three hearings, written and oral testimony pertaining to the Plan amendment and permit request was taken and heard. Following the hearing on October 5, 1992, the record was left open for the submission of additional written testimony until October 12, 1992, and for the submission of written rebuttal testimony until October 16, 1992.

Based upon the record, which includes the application and the exhibits appended to the application, as well as the testimony taken and received during and after the public hearings, the Planning Commission adopts the attached findings and conclusions, recommends denial of the requested comprehensive plan amendment, and denies the requested conditional use permit, pursuant to Multnomah County Code §§ 11.05.300 and 11.15.8240. In addition, the Planning Commission recommends a comprehensive plan amendment designating the site "3B" pursuant to Oregon Administrative Rule 660-16-010 (2).

Adopted the 16th day of November, 1992.


Leonard Yoon, Acting Chair

FINDINGS AND CONCLUSIONS

Proposed Comprehensive Plan Amendment PR 7-92

REQUEST

The applicant's request concerns a 283 acre site ("the site") located at 14545 N. W. St. Helens Road (Tax Lot 12, in the NW 1/4 of Section 28, T2N, R1W, Willamette Meridian; and Tax Lots 2, 6, 8, and 11 in the E 1/4 of Section 29, T2N, R1W, Willamette Meridian, 1992 Assessor's Map). In 1990, Multnomah County added the site to its comprehensive plan inventory of Statewide Planning Goal 5 ("Goal 5") mineral and aggregate resource sites as a part of Periodic Review, but did not proceed through the remainder of the Goal 5 process. Angell Bros. asked that the comprehensive plan be revised by completing the Goal 5 process and making mineral extraction the sole use at the site (a "3A" decision) or one of a mix of uses allowed at the site (a "3C" decision).

CRITERIA

Pursuant to Multnomah County Code ("MCC") § 11.05.180, revision of a comprehensive plan must comply with ORS 197.175(2)(a), 197.610 through 197.625, and any administrative rules adopted pursuant to those statutes. In particular, ORS 197.175(2)(a) provides in pertinent part as follows:

"Pursuant to ORS chapters 196 and 197, each . . . county . . . shall . . . revise comprehensive plans in compliance with the [statewide planning] goals . . ."

Chapter 660, Division 16 of the Oregon Administrative Rules ("OAR") sets forth the procedures for complying with Goal 5. Once a site has been included in a comprehensive plan inventory, the local government must identify conflicting uses. OAR 660-16-005. "A conflicting use is one which, if allowed, could negatively impact a Goal 5 resource site." OAR 660-16-005.

The administrative rule continues in pertinent part as follows:

"Where conflicting uses have been identified, Goal 5 resource sites may impact those uses. These impacts must be considered in analyzing the economic, social, environmental and energy (ESEE) consequences:

"(1) Preserve the Resource Site: If there are no conflicting uses for an identified resource site, the jurisdiction must adopt policies and ordinance provisions, as appropriate, which insure preservation of the resource site.

"(2) Determine the Economic, Social, Environmental, and Energy Consequences: If conflicting uses are identified, the economic, social, environmental and energy consequences of the conflicting uses must be determined. Both the impacts on the resource site and on the conflicting uses must be considered in analyzing the ESEE consequences. The applicability and requirements of other Statewide Planning Goals must also be considered, where appropriate, at this stage of the process. A determination of the ESEE consequences of identified conflicting uses is adequate if it enables a jurisdiction to provide reasons to explain why decisions are made for specific sites."

OAR 660-16-005.

The administrative rule then continues in pertinent part as follows:

"Based on the determination of the economic, social, environmental and energy consequences, a jurisdiction must 'develop a program to achieve the Goal'. Assuming there is adequate information on the location, quality, and quantity of the resource site as well as on the nature of the conflicting use and ESEE consequences, a jurisdiction is expected to 'resolve' conflicts with specific sites in any of the following three ways listed below. Compliance with Goal 5 shall also be based on the plan's overall ability to protect and conserve each Goal 5 resource. . . .

"(1) Protect the Resource Site: Based on the analysis of the ESEE consequences, a jurisdiction may determine that the resource site is of such importance, relative to the conflicting uses, and the ESEE consequences of allowing conflicting uses are so great that the resource site should be protected and all conflicting uses prohibited on the site and possibly within the impact area identified in OAR 660-16-000(5)(c). Reasons which support this decision must be presented in the comprehensive plan, and plan and zone designations must be consistent with this decision.

"(2) Allow Conflicting Uses Fully: Based on the analysis of the ESEE consequences and other Statewide Goals, a jurisdiction may determine that the conflicting use should be allowed fully, notwithstanding the possible impacts on the resource site. This approach may be used when the conflicting use for a particular site is of sufficient importance, relative to the resource site. Reasons which support this decision must be presented in the comprehensive plan, and plan and zone designations must be consistent with this decision.

"(3) Limit Conflicting Uses: Based on the analysis of the ESEE consequences, a jurisdiction may determine that both the resource site and the conflicting use are important relative to each other, and that the ESEE consequences should be balanced so as to allow the conflicting use but in a limited way so as to protect the resource site to some desired extent. . . . Reasons which support this decision must be presented in the comprehensive plan, and plan and zone designations must be consistent with this decision."

OAR 660-16-010.

FINDINGS

THE IMPACT AREA

1. The impact area — the area where uses may occur that could adversely affect the site, or be adversely affected by use of the site — includes the site itself; property adjoining the site located west of State Highway 30; the City of Portland's Forest Park; a peninsula of land between Portland's Forest Park and the forests of Oregon's coast range, popularly known as a "wildlife corridor"; downstream areas, located east of State Highway 30, including a small wetland to the east, the 430 acre Rafton-Burlington Bottoms wetland to the northeast, and Multnomah Channel; residences adjoining the Channel and houseboats on the Channel; and Sauvie Island. This finding is based on the contents of a previous ESEE analysis prepared by Multnomah County on April 24, 1990, as well as on evidence submitted by opponents of the application ("the opponents"), described in Findings #3-11, below.

2. In view of the earlier ESEE analysis and the opponents' evidence, the Planning Commission finds unconvincing the applicant's assertion that the impact area is limited to Highway 30 on the north-east and 1,000 feet from the boundary of the property in all other directions.

CONFLICTING USES

3. The site is currently zoned Multiple Use Forest (MUF-38), which authorizes a use that would negatively impact the use of the site for mineral extraction. Until cleared of trees recently, the site was entirely forested. Letter of Oct. 16, 1992, from Sherman to Multnomah County Planning Commission, at 2 ("Sherman Letter II"). Managing the site immediately to regenerate the forest for the future production and harvest of timber — a primary use in the MUF-38 district — would necessarily preclude its use for mineral extraction.

4. Other conflicting uses occur on the site. In particular, although not included in the comprehensive plan inventory, the site is *de facto* "open space," ecologically significant as a "natural area," and "wildlife habitat," as those terms are defined in Goal 5. In particular, the site has been used for forest uses, as indicated in Finding #3. It is also part of an area of contiguous forest habitat deemed critical to the diversity and abundance of wildlife within Forest Park. Lev, *et al.*, *A Study of Forest Wildlife Habitat in the West Hills* at 25 (Mar. 1992) ("Wildlife Study II").

5. Further, if preserved and continued in its present use, the site would continue to provide habitat for a wide variety of wildlife, as a crucial part of a peninsula of land between Portland's Forest Park and the forests of Oregon's coast range, serving as a "wildlife corridor," among other things, and enhancing the unique value of Forest Park and its recreation opportunities. Wildlife Study II at 1-2, 24-26; Houle, *Wild About the City: Phase One of the West Hills Wildlife Corridor Study* at 2, 34-42 (Apr. 4, 1990) ("Wildlife Study I").

6. If preserved in its present use, the site would also continue to protect the streams found on the site from disturbance. Were mineral extraction allowed, streams flowing through the area would be disturbed. See Angell Bros. Application at 3, 11, and Exhibit C.

7. Finally, if preserved in its present use, the site would promote conservation of soils found on the site, as well as wetlands found downstream of the site — a small wetland to the east, which adjoins Multnomah Channel, and the 430 acre Rafton-Burlington Bottoms wetland to the northeast, which adjoins Multnomah Channel and is within the Willamette River Greenway. Were mineral extraction allowed, soils would erode significantly, would be discharged into both wetlands, and would accumulate there. See Declaration of Jon Rhodes, M. Sc., at 3, 4, 8-9, 12 ("Rhodes Declaration"); Significant Wetlands, Sauvie Island and Multnomah Channel (1988). (Alternatively, diverting part of Stream C's drainage to Stream A would eliminate one of the Rafton-Burlington Bottoms sources of water. Memorandum of Sep. 18, 1992, from Walker to Anderson, at 5 (mining in Staging Area IV would divert part of Stream C's drainage to Stream A); Oral Testimony of Jon Rhodes (Oct. 5, 1992) ("Rhodes Testimony"). The Rafton-Burlington Bottoms wetland represents one of the state's largest remaining wapato wetlands, and provides habitat for a number of important wildlife species, including bald eagles and many other waterfowl, shorebirds, and songbirds. Letter of Sep. 8, 1992, from Hoefflich to Multnomah County Planning Commission, at 1 ("Hoefflich Letter"); Letter of Sep. 8, 1992, from Ciekko (Director, Multnomah County Park Services Division) to Multnomah County Planning Commission at 1 ("Ciekko Letter"). Rafton-Burlington Bottoms is included in the comprehensive plan inventory both as a Goal 5 wetland and a Goal 5 natural area. Multnomah County Significant Wetlands, Site #3; Ciekko Letter at 1.

8. Preserving and continuing the present use of the site as open space necessarily would preclude its use as a quarry. The applicant's suggestion to the contrary was untenable. Likewise, protecting the site as an ecologically significant natural area and wildlife habitat, rather than extracting minerals from it, necessarily would adversely affect its use as a quarry.

9. Adjoining land to the northwest, west, south, and southwest of the site is currently zoned Multiple Use Forest (MUF-19 or MUF-38). Both districts authorize a use that could negatively impact the use of the site for mineral extraction. Specifically, the opponents' evidence established that residential dwellings had been built or approved on adjoining land zoned MUF-19 and MUF-38. Map (Dwellings in the Forest Zone Near the Angell Bros. Quarry). Indeed, the applicant itself conceded that residential dwellings had been built or approved. The opponents' evidence and the applicant's concession lead the Planning Commission to find that more residential dwellings could be approved near the site. The inhabitants of the existing and new dwellings could interfere with mineral extraction at the site by complaining about noise, dust, and other phenomena associated with quarry operations. See Letter of Aug. 8, 1992, from Sauvie Island Conservancy to Multnomah County Planning Commission, at 2, ¶ 4 (Sauvie Island Conservancy Letter) and Letter of Sep. 18, 1992, from Linnton Neighborhood Association to Multnomah County Planning Commission ("Linnton Letter") and Letter from Jodeanne Bellant to Multnomah County Planning Commission, at 1 ("Bellant Letter") (same) and Oral Testimony of Darlene Wruble (Sep. 21, 1992) ("Wruble Testimony") (testimony from adjoining property owner that residents at her house could hear noise from the more distant, existing operation).

10. Other conflicting uses occur on lands to the north and east. Specifically, the Rafton-Burlington Bottoms wetland is located to the northeast. Another wetland is located to the east, across State Highway 30 from the existing quarry site, and empties into Multnomah Channel. Protecting the wetlands and the Channel would mean sharply curtailing mineral extraction at the site, if not prohibiting it entirely. Were mineral extraction allowed, streams draining the site would grow significantly turbid from carrying eroding soils; turbid water would be discharged into the Multnomah Channel, violating the applicant's water quality permit and reducing water quality; and sediment would be deposited in both wetlands. See Rhodes Declaration at 3, 4, 8-13. (Alternatively, diverting part of Stream C's discharge to Stream A would eliminate one of the Rafton-Burlington Bottoms sources of water. Walker Memo at 5 (mining in Staging Area IV would divert part of Stream C's drainage to Stream A); Rhodes Testimony.)

11. In addition, outstanding scenic views of the site visible from important recreational areas on Sauvie Island, if protected, would prevent use of the site for mineral extraction. Were mineral extraction allowed, these views would suffer a significant adverse impact. Letter of Aug. 7, 1992, from Percival, *et al.*, to Multnomah County Planning Commission, at 2 ("Percival Letter"); Multnomah County Goal 5 Inventory, Scenic View West Hills, at 1 (Dec. 19, 1989).

ESEE ANALYSIS: ECONOMIC CONSEQUENCES

12. The applicant asserted the overall economic consequences of allowing conflicting uses would be adverse, and would perhaps lead to the loss of an important source of aggregate material. The Planning Commission finds the applicant failed to produce the necessary evidence to support its assertions. Moreover, the Planning Commission believes substantial evidence supports a contrary finding that mineral extraction would cause adverse economic consequences.

13. First of all, the applicant's evidence that the site was a significant source of valuable aggregate material was suspect. Representations as to the quality and quantity of the site's rock supply were

"apparently based on surface observations, two shallow (84 ft.) bore holes, and the assumption that the same quality of rock exists to the base of the proposed quarry floor hundreds of feet below the surface." Declaration of Marvin Beeson at 1 ("Beeson Declaration"). That evidence was "insufficient to adequately address the questions of rock quality and quantity." Beeson Declaration at 2.

14. Moreover, the evidence indicated rock from the site is not needed. The recently added 42 acre portion of the applicant's existing quarry operation, alone, contains approximately twenty-five million cubic yards of recoverable aggregate. Sherman Letter II at 1; *see* Letter of Oct. 12, 1992, from Parisi to Multnomah County Planning Commission, at 1. In view of the applicant's representations that it would not increase its rock-crushing capacity, and that its current rock-crushing capacity is 810,000 tons — or 400,000 cubic yards — per year, the 42 acre portion would be a source of aggregate for another sixty years. Sherman Letter II at 1; *see* Angell Bros. Application at 10, 12, and Exhibit H (Air Contaminant Discharge Permit Application Review Report at 1, ¶ 4). The actual life of the existing quarry operation might even be longer, depending on the amount of recoverable aggregate left in the original 72 acre portion. The applicant produced no evidence indicating the original 72 acre portion had been depleted of recoverable aggregate.

15. At some future date, need for rock from the site might develop. Until then, the site's existing, restrictive resource zoning, as well as the non-destructive nature of existing on-site conflicting uses, should preserve the site for mineral extraction. In addition, interference from residents of existing and potential dwellings on adjoining lands should be minimal because of the buffers the applicant has indicated it would impose on itself. *See* Angell Bros. Application at 8, 14, 18, 36, and Exhibit C.

16. On the other hand, mineral extraction would eliminate substantial returns that would flow from managing the land for the production and harvest of timber — which would also be contrary to Statewide Planning Goal 4 (Forest Lands). Despite the applicant's evidence, the Planning Commission remains unconvinced the site could be successfully reclaimed for forestry, in view of evidence that reclamation is a complicated and difficult undertaking with uncertain prospects for success. Revised Declaration of Anthony Boutard ("Revised Boutard Declaration").

17. Clear evidence established the site currently consists mostly of soils with a highly productive Douglas fir site index of 149. *Soil Survey of Multnomah County* at 39-40, Sheet No. 6 (1983); Revised Boutard Declaration; Norse, 1990, *Ancient Forests of the Pacific Northwest* (The Wilderness Society), at 31. Over a 60 year rotation, one acre of such land would produce approximately 40.2 thousand board feet under a simple plant and harvest regime. Revised Boutard Declaration. "Based on current log markets available to private timber owners, the net value (stumpage value) of 1,000 board feet of sawlogs is approximately \$650." Declaration of Scott Ferguson. Thus, managed for the production and harvest of timber, the 283 acre site would produce a renewable resource worth well over six million dollars.

18. Other adverse economic consequences would follow from allowing mineral extraction at the site now. Allowing mineral extraction would make the combined quarry operation one of the largest in Oregon, significantly detracting from the extensive scenic and recreational resources found in the West Hills. Letter of Sep. 1, 1992, from Kafoury to Multnomah County Planning Commission at 2-3 ("Kafoury Letter"); Oral and Video Testimony of Sep. 21, 1992, from Sauvie Island Conservancy ("Sauvie Island Conservancy Testimony"); Percival Letter at 2; Multnomah County Goal 5 Inventory, Scenic View West Hills, at 1 (Dec. 19, 1989); Friends of Forest Park's Brief in Opposition to Angell Bros.'s Applications, at Exhibits 1 and 2 ("Friends' Brief"). As a result, Portland would be a far less attractive place to locate a business. Kafoury Letter at 2; Written Testimony of Sep. 21, 1992, from

Thayer, at 1-2 ("Thayer Testimony"). Furthermore, Portland and Sauvie Island would be far less attractive as places to tour and hold conferences, conventions, and convention-related activities — which could well mean the loss of substantial expenditures by visitors. Kafoury Letter at 2. Thus, allowing mineral extraction would be contrary to Statewide Planning Goal 9 (Economic Development).

ESEE ANALYSIS: SOCIAL CONSEQUENCES

19. In view of Finding #12-15, the social consequences of protecting forest, wildlife, and wetland values would be negligible. Were mineral extraction allowed, however, the converse would not be true.

20. As explained below in Findings #21 and 25, allowing the site to be used for mineral extraction would further fragment the remaining, unique peninsula of open space that connects Forest Park with the forests of the coast. As a result, one of the key features responsible for drawing many residents to the Portland area would be seriously compromised, eroding the region's identity, eliminating green spaces vital to the population's physical and psychological health, and decreasing the area's educational value. Kafoury Letter at 2; Thayer Testimony at 1-2; Wildlife Study II at 24-25; Friends' Brief at Exhibits 1 and 2; Sauvie Island Conservancy Testimony; Percival Letter at 2; Multnomah County Goal 5 Inventory, Scenic View West Hills, at 1 (Dec. 19, 1989).

21. In addition, the utility of conservation easements obtained by Friends of Forest Park from owners of adjoining land would be diminished, if not obliterated. Friends of Forest Park Position Paper (Jul. 23, 1992), at 6 ("Friends' Position Paper"). (See the discussion of environmental consequences in the next section.) The easements cover more than 450 acres of property and extend approximately one mile along the site's boundary. Friends' Position Paper at 6. Friends of Forest Park specifically acquired the easements to maintain the effectiveness of the existing peninsula of natural habitat, which the site partially comprises. Friends' Position Paper at 6; Wildlife Study II at 26; Map (Forest Resource Lands in the Wildlife Corridor).

22. Finally, the mining, crushing, and trucking associated with expanded mineral extraction would add to the noise and dust that already disturbs nearby residents. See Sauvie Island Conservancy Letter at 2, ¶ 4; Linnton Letter; Wruble Testimony; Bellant Letter at 1.

ESEE ANALYSIS: ENVIRONMENTAL CONSEQUENCES

23. The current non-destructive on-site conflicting uses would have no environmental impact on the site. The site would simply not be available for immediate exploitation. It would in fact be preserved for future use as a mineral extraction site.

24. A 3A or 3C decision, however, would have devastating environmental consequences for the site's forest habitat. Despite the applicant's evidence, the Planning Commission remains unconvinced that attempts to reclaim the site would succeed in enabling the forest habitat to function again, in view of evidence that reclamation is a complicated and difficult undertaking with uncertain prospects for success. Revised Boutard Declaration.

25. Either a 3A or a 3C decision would allow mining within an existing contiguous half-mile band of forest habitat between the existing quarry and McNamee Road. Letter of Aug. 5, 1992, from Fugate to Multnomah County Planning Commission, at 1 ("Fugate Letter"); Angell Bros. Application at Exhibit N; Map (Forest Resource Lands in the Wildlife Corridor). That contiguous half-mile band is the minimum amount necessary to prevent the isolation of Forest Park wildlife from the forests of the coast

range. Wilderness Study II at 26-27. The contiguous band should perhaps be one and a half miles wide in order to assure the long-term viability of Forest Park's large mammals. Wilderness Study II at 26; Letter of Jul. 27, 1992, from Houle to Multnomah County Planning Commission, at 1 ("Houle Letter").

26. A 3A or 3C decision would also lead to adverse effects on downstream wetlands — including the Rafton-Burlington Bottoms, located within the Willamette River Greenway See Finding #7. Either decision would also lead to adverse effects on the Multnomah Channel, which is also located within the Willamette River Greenway. See Finding #10. Thus, either decision would harm resources protected under Goal 5 and Statewide Planning Goal 15 (Willamette River Greenway).

27. The applicant contended a 3A or 3C decision would comply with Statewide Planning Goal 6 (Air, Water, and Land Resource Quality) ("Goal 6"), because it must comply with standards established by Multnomah County, the Department of Environmental Quality ("DEQ"), and the Department of Geology and Mineral Industries ("DOGAMI"). Angell Bros. Application at 31. The Planning Commission, however, finds the applicant did not show it would be able to comply with Goal 6.

28. Similarly, the Planning Commission finds the applicant did not satisfy Statewide Planning Goal 7 (Areas Subject to Natural Disasters and Hazards) ("Goal 7"), because it did not show it would comply with standards established by DOGAMI requiring stable final contours.

29. Further, the applicant did not satisfy the policy underlying Goal 7 — namely, that known disaster and hazard areas should be mapped and avoided. The applicant maintained it satisfied that policy because no major landslide areas were identified in geologic studies. Angell Bros. Application at 31. Yet, almost the entire site has been mapped as an area of known or potential slope hazard. Letter of Sep. 1, 1992, from Foster, at 1-2 ("Foster Letter"). Moreover, the applicant's own expert stated cut slopes would be constructed that would present slope stability and erosion hazards, but then failed to recommend cut slope designs that would eliminate the hazards. Foster Letter at 2.

ESEE ANALYSIS: ENERGY CONSEQUENCES

30. If the site is not used for mineral extraction, the energy that would have been expended to mine aggregate would be saved. The evidence did not support the applicant's assertion that distant quarry operations in Clackamas and Columbia Counties would supply aggregate to the markets the applicant seeks to serve, increasing the consumption of fossil fuel.

CONCLUSIONS

1. The mineral and aggregate resource site is not so important, relative to the conflicting uses, and the ESEE consequences of allowing conflicting uses are not so great, that the resource site should be protected and all conflicting uses prohibited on the site and within the impact area.

2. The mineral and aggregate resource site and the conflicting uses are not both important relative to each other, nor should the ESEE consequences be balanced to allow the conflicting use in a limited way.

3. The conflicting uses are so important, relative to the mineral and aggregate resource site, that the conflicting uses should be allowed fully. The ESEE analysis demonstrates that the forest and wildlife values at the site, and the wetlands downstream of the site, are far more valuable than the mineral values

at the site. It also shows that the significant benefits of protecting the former values outweigh the costs of not allowing mineral extraction, while the consequences of not protecting forest, wildlife, and wet-land values would be severe.

FINDINGS AND CONCLUSIONS

Proposed Conditional Use Permit CU 14-92

REQUEST

The applicant's request concerns a 283 acre site ("the site") located at 14545 N. W. St. Helens Road (Tax Lot 12, in the NW 1/4 of Section 28, T2N, R1W, Willamette Meridian; and Tax Lots 2, 6, 8, and 11 in the E 1/4 of Section 29, T2N, R1W, Willamette Meridian, 1992 Assessor's Map). The site is zoned Multiple Use Forest (MUF-38). Pursuant to MCC § 11.15.2172(B)(1), Angell Bros. asked for a conditional use permit authorizing it to mine aggregate at the site.

CRITERIA

Pursuant to MCC § 11.15.2172(B), mineral extraction may be allowed in the MUF-38 district under the provisions of MCC 11.15.7305 *et seq.* In particular, mineral extraction may be allowed provided the Planning Commission finds an application satisfies the criteria for approval set forth in MCC § 11.15.7325. In pertinent part, MCC § 11.15.7325 provides as follows:

"The approval authority shall find that:

"(A) The site is designated "2A", "3A", or "3C" through an ESEE analysis.

"(B) There is a proposed reclamation plan which will allow the property to be utilized as envisioned by the Comprehensive Plan and the underlying district.

"(C) The following general operation requirements and standards have been, or will be met:

"...

"(5) Air, water, and noise quality.

"...

"(b) Sedimentation and erosion resulting from the extraction operation shall comply with the standards established by the Department of Environmental Quality.

"...

"(6) Fish and wildlife protection.

"(a) Fish and wildlife habitat identified by the Comprehensive Plan, or recognized as significant by an ESEE analysis, or found to be significant during project review shall be protected to the maximum extent possible. Where appropriate, such habitat may be mitigated by such enhancement mea-

asures as the provision of additional feed and cover for wildlife or fish stream habitat.

"...

"...

"(8) Reclaimed Topography.

"All final reclaimed surfaces shall be stabilized by sloping, benching, or other ground control methods. Reclaimed surfaces shall blend into the natural landforms of the immediately surrounding terrain.

"...

"(12) Reclamation Schedule.

"The reclamation plan shall include a timetable for continually reclaiming the land. ...

"(D) The proposed operations will not result in the creation of a geologic hazard to surrounding properties, such as through slumping, sliding, or drainage modifications, and have been certified by a registered soils or mining engineer, or engineering geologist as meeting this requirement.

FINDINGS

1. The Planning Commission does not find compliance with all approval criteria.
2. The site is not designated 2A, 3A, or 3C.
3. The applicant has not produced a proposed reclamation plan that will allow the property to be used as envisioned by the comprehensive plan and the underlying district. First, the applicant submitted no proposed reclamation plan during the course of the proceedings on the application. Second, although the applicant submitted materials to DOGAMI on September 27, 1991, those materials did not constitute a proposed reclamation plan because they were incomplete. Letter of Dec. 13, 1991, from Schnitzer to Angell Brothers, Inc. at 1-2 ("DOGAMI Letter") ("the submitted reclamation plan and maps cannot be considered complete"). Third, even were the September 27, 1991, submission to DOGAMI deemed a proposed reclamation plan, the applicant did not show that the "plan" will allow the property to be used as envisioned by the underlying district. The underlying district is MUF-38, which envisions "[f]orest practices associated with the production, management and harvesting of timber" as the land's primary use. Despite the applicant's evidence, the Planning Commission remains unconvinced the site could be successfully reclaimed for forestry, in view of evidence that reclamation is a complicated and difficult undertaking with uncertain prospects for success. Revised Boutard Declaration.
4. The applicant did not show that sedimentation and erosion will comply with DEQ's standards. Specifically, the applicant introduced no proof that it will comply with those standards. All the

applicant did establish that it has a DEQ general waste water permit and that it must obtain a storm water permit.

5. In fact, the Planning Commission finds the applicant will not meet the standards established in its existing waste water permit. Rather, the discharges of turbid water into Multnomah Channel, which already occur commonly, are likely to increase in frequency and magnitude, worsening existing violations of the applicant's waste water permit. Rhodes Declaration at 3, 4, 10-13.
6. The applicant did not show that wildlife habitat identified as significant by the comprehensive plan, recognized as significant by an ESEE analysis, or found to be significant during project review will be protected to the maximum extent possible.
 - a. The site contains significant wildlife habitat, as recognized in the foregoing ESEE analysis. The area between the existing quarry operation and McNamee Road is part of the last remaining unfragmented forest habitat between Forest Park and the forests of the coast range. Fugate Letter at 1. That habitat constitutes high quality wildlife habitat, considering its history of disturbance. Wildlife Study II at 24. Furthermore, "[t]he ecological integrity of Forest Park is dependent upon the maintenance of [that] forest habitat." Wildlife Study II at 25. Given the unique nature of Forest Park, and the importance of perpetuating the diversity and abundance of its wildlife, Wildlife Study II at 24, the site's wildlife habitat must be considered highly significant.
 - b. Staff recommended preservation of a 625 foot buffer along the southerly portion of the site to protect wildlife habitat. Staff Report at 18. The recommendation of the staff was based on a recommendation from Esther Lev, one of the authors of Wildlife Study II. *See* Angell Bros. Application, at Exhibit N. Ms. Lev's recommendation might protect significant wildlife habitat, but only to the "minimum" extent possible. Fugate Letter at 2. In addition, Ms. Lev's recommendation would protect wildlife habitat only so long as the surrounding area undergoes no further development that impinges on the 625 foot buffer, which is unlikely. Fugate Letter at 2; Houle Letter at 1-2. In fact, the building envelope on property owned by Patricia and Ray Adams extends about as close as 300 feet to the boundary of the proposed expansion site. Dwelling Site Plan For Lot 3 of LD 6-90; Letter of Sep. 21, 1992, from Sherman to Multnomah County Planning Commission, at 1 ("Sherman Letter I").
 - c. Moreover, Ms. Lev earlier recommended a half-mile minimum band of contiguous forest habitat from the boundary of the existing quarry operation west to McNamee Road to protect significant wildlife habitat. Wildlife Study II at 26; Fugate Letter at 2. Some highly-qualified experts have even recommended a mile and a half band of contiguous forest habitat, starting from the same boundary. Clearly, then, the Planning Commission cannot find that the site's significant wildlife habitat will be protected to the maximum extent possible.
 - d. The Rafton-Burlington Bottoms wetland was identified as significant wildlife habitat by the comprehensive plan by virtue of its inclusion in the comprehensive plan inventory as a Goal 5 natural area. *See* Finding 7. The wetland was also recognized as significant wildlife habitat by the foregoing ESEE analysis. Hoefflich Letter at 1; Cieko Letter at 1. Yet, the applicant produced no evidence showing that the wetland will be protected to the maximum extent possible.
7. The applicant did not show that reclaimed surfaces will blend into the natural landforms of the immediately surrounding terrain. The applicant produced no evidence that benches of the type the

applicant proposed to establish are found in the West Hills. Rather, the West Hills are characterized by rolling hills and broad ravines. Friends' Brief at Exhibit 2; Sauvie Island Conservancy Testimony.

8. The applicant did not show that its reclamation plan includes a timetable for continually reclaiming the land. First, the applicant submitted no reclamation plan. Second, the applicant claimed it was impossible to develop such a timetable. The code does not excuse compliance with this requirement, however.
9. The applicant did not show that the proposed operation will not result in the creation of a geologic hazard to surrounding properties, and have been certified by a registered soils or mining engineer, or engineering geologist as meeting this requirement. Although the applicant's expert concluded mining was unlikely to initiate a large landslide, he did not expressly address hazards to surrounding properties. In addition, the conclusion the expert drew was suspect for three reasons. First, the conclusion seemed not to take into account the fourteen degree dip in the basalt flow at the site. Beeson Declaration at 2. Second, the conclusion was not based on any bore holes drilled deep enough to characterize the nature of the contacts between flows, and hence stability. Beeson Declaration at 2. Third, the conclusion seemed not to take into account the stability of the massive cuts in the soils atop the basalt, some as high as seventy feet. Foster Letter at 2.

CONCLUSION

The applicant failed to satisfy the criteria for approval of the requested conditional use.

Filed with Clerk of the Board on November 25, 1992

Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 4:30 p.m. Monday, December 7, 1992 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision in this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, December 8, 1992 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development at 248-3043.

1 **BEFORE THE BOARD OF COUNTY COMMISSIONERS**
2 **FOR MULTNOMAH COUNTY**
3
4

5 In the Matter of a Goal 5 ESEE Analysis)

6 for a 283 acre site located at)

7 14545 N. W. St. Helens Road)

FINAL ORDER

PR 7-92

8
9
10 Angell Bros. submitted material to assist the county in the completion of its
11 Goal 5 mineral and aggregate review process for a 283 acre site zoned Multiple
12 Use Forest. The site adjoins an existing mineral extraction operation, and is
13 located at 14545 N. W. St. Helens Road (Tax Lot 12, in the NW 1/4 of Section 28,
14 T2N, R1W, Willamette Meridian; and Tax Lots 2, 6, 8, and 11 in the E 1/4 of Sec-
15 tion 29, T2N, R1W, Willamette Meridian, 1992 Assessor's Map).
16

17 After notice, public hearings on the ESEE analysis were held before the Plan-
18 ning Commission on September 8, 1992, September 21, 1992, October 5, 1992,
19 and October 19, 1992. During the first three hearings, written and oral testimo-
20 ny pertaining to the Plan amendment was taken and heard. Following the hear-
21 ing on October 5, 1992, the record was left open for the submission of additional
22 written testimony until October 12, 1992, and for the submission of written
23 rebuttal testimony until October 16, 1992.
24

25 Based upon the record, which includes the application and the exhibits append-
26 ed to the application, as well as the testimony taken and received during and

1 after the public hearings, the Board amends the Comprehensive Framework
2 Plan by designating the site "3B" pursuant to Oregon Administrative Rule 660-
3 16-010 (2) based upon the following ESEE analysis.

4 5 **I. APPLICABLE REVIEW STANDARDS**

6
7 Pursuant to Multnomah County Code ("MCC") § 11.05.180, revision of a compre-
8 hensive plan must comply with ORS 197.175(2)(a), 197.610 through 197.625,
9 and any administrative rules adopted pursuant to those statutes. In particular,
10 ORS 197.175(2)(a) provides in pertinent part as follows:

11
12 "Pursuant to ORS chapters 196 and 197, each . . . county . . . shall . . . revise
13 comprehensive plans in compliance with the [statewide planning] goals . . ."

14
15 Chapter 660, Division 16 of the Oregon Administrative Rules ("OAR") sets forth
16 the procedures for complying with Goal 5. Once a site has been included in a
17 comprehensive plan inventory, the local government must identify conflicting
18 uses. OAR 660-16-005. "A conflicting use is one which, if allowed, could nega-
19 tively impact a Goal 5 resource site." OAR 660-16-005.

20
21 The administrative rule continues in pertinent part as follows:

22
23 "Where conflicting uses have been identified, Goal 5 resource sites may impact
24 those uses. These impacts must be considered in analyzing the economic, social,
25 environmental and energy (ESEE) consequences:

1 “(1) Preserve the Resource Site: If there are no conflicting uses for an identified
2 resource site, the jurisdiction must adopt policies and ordinance provisions, as
3 appropriate, which insure preservation of the resource site.

4
5 “(2) Determine the Economic, Social, Environmental, and Energy Consequences:
6 If conflicting uses are identified, the economic, social, environmental and energy
7 consequences of the conflicting uses must be determined. Both the impacts on
8 the resource site and on the conflicting uses must be considered in analyzing the
9 ESEE consequences. The applicability and requirements of other Statewide
10 Planning Goals must also be considered, where appropriate, at this stage of the
11 process. A determination of the ESEE consequences of identified conflicting
12 uses is adequate if it enables a jurisdiction to provide reasons to explain why
13 decisions are made for specific sites.”

14
15 OAR 660-16-005.

16 The administrative rule then continues in pertinent part as follows:

17
18 “Based on the determination of the economic, social, environmental and energy
19 consequences, a jurisdiction must ‘develop a program to achieve the Goal’.

20 Assuming there is adequate information on the location, quality, and quantity of
21 the resource site as well as on the nature of the conflicting use and ESEE conse-
22 quences, a jurisdiction is expected to ‘resolve’ conflicts with specific sites in any
23 of the following three ways listed below. Compliance with Goal 5 shall also be
24 based on the plan’s overall ability to protect and conserve each Goal 5 resource.

25 ...
26

1 “(1) Protect the Resource Site: Based on the analysis of the ESEE consequences,
2 a jurisdiction may determine that the resource site is of such importance, rela-
3 tive to the conflicting uses, and the ESEE consequences of allowing conflicting
4 uses are so great that the resource site should be protected and all conflicting
5 uses prohibited on the site and possibly within the impact area identified in
6 OAR 660-16-000(5)(c). Reasons which support this decision must be presented
7 in the comprehensive plan, and plan and zone designations must be consistent
8 with this decision.

9
10 “(2) Allow Conflicting Uses Fully: Based on the analysis of the ESEE conse-
11 quences and other Statewide Goals, a jurisdiction may determine that the con-
12 flicting use should be allowed fully, notwithstanding the possible impacts on the
13 resource site. This approach may be used when the conflicting use for a particu-
14 lar site is of sufficient importance, relative to the resource site. Reasons which
15 support this decision must be presented in the comprehensive plan, and plan
16 and zone designations must be consistent with this decision.

17
18 “(3) Limit Conflicting Uses: Based on the analysis of the ESEE consequences, a
19 jurisdiction may determine that both the resource site and the conflicting use
20 are important relative to each other, and that the ESEE consequences should be
21 balanced so as to allow the conflicting use but in a limited way so as to protect
22 the resource site to some desired extent. . . . Reasons which support this deci-
23 sion must be presented in the comprehensive plan, and plan and zone designa-
24 tions must be consistent with this decision.”

25
26 OAR 660-16-010.

II. FINDINGS OF THE ESEE ANALYSIS

THE IMPACT AREA

1. The impact area — the area where uses may occur that could adversely affect the site, or be adversely affected by use of the site — includes the site itself; property adjoining the site located west of State Highway 30; the City of Portland's Forest Park; a peninsula of land between Portland's Forest Park and the forests of Oregon's coast range, popularly known as a "wildlife corridor"; downstream areas, located east of State Highway 30, including a small wetland to the east, the 430 acre Rafton-Burlington Bottoms wetland to the northeast, and Multnomah Channel; residences adjoining the Channel and houseboats on the Channel; and Sauvie Island. This finding is based on the contents of a previous ESEE analysis prepared by Multnomah County on April 24, 1990, as well as on evidence submitted by opponents of the application ("the opponents"), described in Findings #3-11, below.

2. In view of the earlier ESEE analysis and the opponents' evidence, the Planning Commission finds unconvincing the applicant's assertion that the impact area is limited to Highway 30 on the northeast and 1,000 feet from the boundary of the property in all other directions.

CONFLICTING USES

3. The site is currently zoned Multiple Use Forest (MUF-38), which authorizes a use that would negatively impact the use of the site for mineral extraction. Until cleared of trees recently, the site was entirely forested. Letter of Oct.

1 16, 1992, from Sherman to Multnomah County Planning Commission, at 2
2 ("Sherman Letter II"). Managing the site immediately to regenerate the forest
3 for the future production and harvest of timber — a primary use in the MUF-38
4 district — would necessarily preclude its use for mineral extraction.

5
6 4. Other conflicting uses occur on the site. In particular, although not
7 included in the comprehensive plan inventory, the site is *de facto* "open space,"
8 ecologically significant as a "natural area," and "wildlife habitat," as those terms
9 are defined in Goal 5. In particular, the site has been used for forest uses, as
10 indicated in Finding #3. It is also part of an area of contiguous forest habitat
11 deemed critical to the diversity and abundance of wildlife within Forest Park.
12 Lev, *et al.*, *A Study of Forest Wildlife Habitat in the West Hills* at 25 (Mar. 1992)
13 ("Wildlife Study II").

14
15 5. Further, if preserved and continued in its present use, the site would con-
16 tinue to provide habitat for a wide variety of wildlife, as a crucial part of a
17 peninsula of land between Portland's Forest Park and the forests of Oregon's
18 coast range, serving as a "wildlife corridor," among other things, and enhancing
19 the unique value of Forest Park and its recreation opportunities. Wildlife Study
20 II at 1-2, 24-26; Houle, *Wild About the City: Phase One of the West Hills Wildlife*
21 *Corridor Study* at 2, 34-42 (Apr. 4, 1990) ("Wildlife Study I").

22
23 6. If preserved in its present use, the site would also continue to protect the
24 streams found on the site from disturbance. Were mineral extraction allowed,
25 streams flowing through the area would be disturbed. See Angell Bros. Applica-
26 tion at 3, 11, and Exhibit C.

1 7. Finally, if preserved in its present use, the site would promote conserva-
2 tion of soils found on the site, as well as wetlands found downstream of the site
3 — a small wetland to the east, which adjoins Multnomah Channel, and the 430
4 acre Rafton-Burlington Bottoms wetland to the northeast, which adjoins Mult-
5 nomah Channel and is within the Willamette River Greenway. Were mineral
6 extraction allowed, soils would erode significantly, would be discharged into both
7 wetlands, and would accumulate there. See Declaration of Jon Rhodes, M. Sc.,
8 at 3, 4, 8-9, 12 ("Rhodes Declaration"); Significant Wetlands, Sauvie Island and
9 Multnomah Channel (1988). (Alternatively, diverting part of Stream C's
10 drainage to Stream A would eliminate one of the Rafton-Burlington Bottoms
11 sources of water. Memorandum of Sep. 18, 1992, from Walker to Anderson, at 5
12 (mining in Staging Area IV would divert part of Stream C's drainage to Stream
13 A); Oral Testimony of Jon Rhodes (Oct. 5, 1992) ("Rhodes Testimony"). The
14 Rafton-Burlington Bottoms wetland represents one of the state's largest remain-
15 ing wapato wetlands, and provides habitat for a number of important wildlife
16 species, including bald eagles and many other waterfowl, shorebirds, and song-
17 birds. Letter of Sep. 8, 1992, from Hoeflich to Multnomah County Planning
18 Commission, at 1 ("Hoeflich Letter"); Letter of Sep. 8, 1992, from Cieko (Direc-
19 tor, Multnomah County Park Services Division) to Multnomah County Planning
20 Commission at 1 ("Cieko Letter"). Rafton-Burlington Bottoms is included in the
21 comprehensive plan inventory both as a Goal 5 wetland and a Goal 5 natural
22 area. Multnomah County Significant Wetlands, Site #3; Cieko Letter at 1.

23
24 8. Preserving and continuing the **present** use of the site as open space nec-
25 essarily would preclude its use as a quarry. The applicant's suggestion to the
26 contrary was untenable. Likewise, protecting the site as an ecologically signifi-

1 cant natural area and wildlife habitat, rather than extracting minerals from it,
2 necessarily would adversely affect its use as a quarry.

3
4 9. Adjoining land to the northwest, west, south, and southwest of the site is
5 currently zoned Multiple Use Forest (MUF-19 or MUF-38). Both districts
6 authorize a use that could negatively impact the use of the site for mineral
7 extraction. Specifically, the opponents' evidence established that residential
8 dwellings had been built or approved on adjoining land zoned MUF-19 and
9 MUF-38. Map (Dwellings in the Forest Zone Near the Angell Bros. Quarry).
10 Indeed, the applicant itself conceded that residential dwellings had been built or
11 approved. The opponents' evidence and the applicant's concession lead the Plan-
12 ning Commission to find that more residential dwellings could be approved near
13 the site. The inhabitants of the existing and new dwellings could interfere with
14 mineral extraction at the site by complaining about noise, dust, and other phe-
15 nomena associated with quarry operations. See Letter of Aug. 8, 1992, from
16 Sauvie Island Conservancy to Multnomah County Planning Commission, at 2, ¶
17 4 (Sauvie Island Conservancy Letter) and Letter of Sep. 18, 1992, from Linnton
18 Neighborhood Association to Multnomah County Planning Commission ("Lin-
19 nton Letter") and Letter from Jodeanne Bellant to Multnomah County Planning
20 Commission, at 1 ("Bellant Letter") (same) and Oral Testimony of Darlene Wru-
21 ble (Sep. 21, 1992) ("Wruble Testimony") (testimony from adjoining property
22 owner that residents at her house could hear noise from the more distant, exist-
23 ing operation).

24
25 10. Other conflicting uses occur on lands to the north and east. Specifically,
26 the Rafton-Burlington Bottoms wetland is located to the northeast. Another

1 wetland is located to the east, across State Highway 30 from the existing quarry
2 site, and empties into Multnomah Channel. Protecting the wetlands and the
3 Channel would mean sharply curtailing mineral extraction at the site, if not pro-
4 hibiting it entirely. Were mineral extraction allowed, streams draining the site
5 would grow significantly turbid from carrying eroding soils; turbid water would
6 be discharged into the Multnomah Channel, violating the applicant's water
7 quality permit and reducing water quality; and sediment would be deposited in
8 both wetlands. See Rhodes Declaration at 3, 4, 8-13. (Alternatively, diverting
9 part of Stream C's discharge to Stream A would eliminate one of the
10 Rafton-Burlington Bottoms sources of water. Walker Memo at 5 (mining in
11 Staging Area IV would divert part of Stream C's drainage to Stream A); Rhodes
12 Testimony.)

13
14 11. In addition, outstanding scenic views of the site visible from important
15 recreational areas on Sauvie Island, if protected, would prevent use of the site
16 for mineral extraction. Were mineral extraction allowed, these views would suf-
17 fer a significant adverse impact. Letter of Aug. 7, 1992, from Percival, *et al.*, to
18 Multnomah County Planning Commission, at 2 ("Percival Letter"); Multnomah
19 County Goal 5 Inventory, Scenic View West Hills, at 1 (Dec. 19, 1989).

20
21 ESEE ANALYSIS: ECONOMIC CONSEQUENCES
22

23 12. The applicant asserted the overall economic consequences of allowing con-
24 flicting uses would be adverse, and would perhaps lead to the loss of an impor-
25 tant source of aggregate material. The Planning Commission finds the appli-
26 cant failed to produce the necessary evidence to support its assertions. More-

1 over, the Planning Commission believes substantial evidence supports a con-
2 trary finding that mineral extraction would cause adverse economic conse-
3 quences.

4
5 13. First of all, the applicant's evidence that the site was a significant source
6 of valuable aggregate material was suspect. Representations as to the quality
7 and quantity of the site's rock supply were "apparently based on surface obser-
8 vations, two shallow (84 ft.) bore holes, and the assumption that the same quali-
9 ty of rock exists to the base of the proposed quarry floor hundreds of feet below
10 the surface." Declaration of Marvin Beeson at 1 ("Beeson Declaration"). That
11 evidence was "insufficient to adequately address the questions of rock quality
12 and quantity." Beeson Declaration at 2.

13
14 14. Moreover, the evidence indicated rock from the site is not needed. The
15 recently added 42 acre portion of the applicant's existing quarry operation,
16 alone, contains approximately twenty-five million cubic yards of recoverable
17 aggregate. Sherman Letter II at 1; see Letter of Oct. 12, 1992, from Parisi to
18 Multnomah County Planning Commission, at 1. In view of the applicant's repre-
19 sentations that it would not increase its rock-crushing capacity, and that its cur-
20 rent rock-crushing capacity is 810,000 tons — or 400,000 cubic yards — per year,
21 the 42 acre portion would be a source of aggregate for another sixty years. Sher-
22 man Letter II at 1; see Angell Bros. Application at 10, 12, and Exhibit H (Air
23 Contaminant Discharge Permit Application Review Report at 1, ¶ 4). The actual
24 life of the existing quarry operation might even be longer, depending on the
25 amount of recoverable aggregate left in the original 72 acre portion. The appli-
26 cant produced no evidence indicating the original 72 acre portion had been

1 depleted of recoverable aggregate.

2
3 15. At some future date, need for rock from the site might develop. Until
4 then, the site's existing, restrictive resource zoning, as well as the non-destructive
5 nature of existing on-site conflicting uses, should preserve the site for mineral
6 extraction. In addition, interference from residents of existing and potential
7 dwellings on adjoining lands should be minimal because of the buffers the
8 applicant has indicated it would impose on itself. See Angell Bros. Application
9 at 8, 14, 18, 36, and Exhibit C.

10
11 16. On the other hand, mineral extraction would eliminate substantial
12 returns that would flow from managing the land for the production and harvest
13 of timber — which would also be contrary to Statewide Planning Goal 4 (Forest
14 Lands). Despite the applicant's evidence, the Planning Commission remains
15 unconvinced the site could be successfully reclaimed for forestry, in view of evidence
16 that reclamation is a complicated and difficult undertaking with uncertain
17 prospects for success. Revised Declaration of Anthony Boutard ("Revised
18 Boutard Declaration").

19
20 17. Clear evidence established the site currently consists mostly of soils with
21 a highly productive Douglas fir site index of 149. *Soil Survey of Multnomah*
22 *County* at 39-40, Sheet No. 6 (1983); Revised Boutard Declaration; Norse, 1990,
23 *Ancient Forests of the Pacific Northwest* (The Wilderness Society), at 31. Over a
24 60 year rotation, one acre of such land would produce approximately 40.2 thousand
25 board feet under a simple plant and harvest regime. Revised Boutard Declaration.
26 "Based on current log markets available to private timber owners, the

1 net value (stumpage value) of 1,000 board feet of sawlogs is approximately
2 \$650." Declaration of Scott Ferguson. Thus, managed for the production and
3 harvest of timber, the 283 acre site would produce a renewable resource worth
4 well over six million dollars.

5
6 18. Other adverse economic consequences would follow from allowing mineral
7 extraction at the site now. Allowing mineral extraction would make the com-
8 bined quarry operation one of the largest in Oregon, significantly detracting
9 from the extensive scenic and recreational resources found in the West Hills.
10 Letter of Sep. 1, 1992, from Kafoury to Multnomah County Planning Commis-
11 sion at 2-3 ("Kafoury Letter"); Oral and Video Testimony of Sep. 21, 1992, from
12 Sauvie Island Conservancy ("Sauvie Island Conservancy Testimony"); Percival
13 Letter at 2; Multnomah County Goal 5 Inventory, Scenic View West Hills, at 1
14 (Dec. 19, 1989); Friends of Forest Park's Brief in Opposition to Angell Bros.'s
15 Applications, at Exhibits 1 and 2 ("Friends' Brief"). As a result, Portland would
16 be a far less attractive place to locate a business. Kafoury Letter at 2; Written
17 Testimony of Sep. 21, 1992, from Thayer, at 1-2 ("Thayer Testimony"). Further-
18 more, Portland and Sauvie Island would be far less attractive as places to tour
19 and hold conferences, conventions, and convention-related activities — which
20 could well mean the loss of substantial expenditures by visitors. Kafoury Letter
21 at 2. Thus, allowing mineral extraction would be contrary to Statewide Plan-
22 ning Goal 9 (Economic Development).

23
24 ESEE ANALYSIS: SOCIAL CONSEQUENCES
25

26 19. In view of Finding #12-15, the social consequences of protecting forest,

1 wildlife, and wetland values would be negligible. Were mineral extraction
2 allowed, however, the converse would not be true.

3
4 20. As explained below in Findings #21 and 25, allowing the site to be used
5 for mineral extraction would further fragment the remaining, unique peninsula
6 of open space that connects Forest Park with the forests of the coast. As a
7 result, one of the key features responsible for drawing many residents to the
8 Portland area would be seriously compromised, eroding the region's identity,
9 eliminating green spaces vital to the population's physical and psychological
10 health, and decreasing the area's educational value. Kafoury Letter at 2; Thay-
11 er Testimony at 1-2; Wildlife Study II at 24-25; Friends' Brief at Exhibits 1 and
12 2; Sauvie Island Conservancy Testimony; Percival Letter at 2; Multnomah Coun-
13 ty Goal 5 Inventory, Scenic View West Hills, at 1 (Dec. 19, 1989).

14
15 21. In addition, the utility of conservation easements obtained by Friends of
16 Forest Park from owners of adjoining land would be diminished, if not obliterated.
17 Friends of Forest Park Position Paper (Jul. 23, 1992), at 6 ("Friends' Posi-
18 tion Paper"). (See the discussion of environmental consequences in the next sec-
19 tion.) The easements cover more than 450 acres of property and extend approxi-
20 mately one mile along the site's boundary. Friends' Position Paper at 6. Friends
21 of Forest Park specifically acquired the easements to maintain the effectiveness
22 of the existing peninsula of natural habitat, which the site partially comprises.
23 Friends' Position Paper at 6; Wildlife Study II at 26; Map (Forest Resource
24 Lands in the Wildlife Corridor).

25
26 22. Finally, the mining, crushing, and trucking associated with expanded

1 mineral extraction would add to the noise and dust that already disturbs nearby
2 residents. See Sauvie Island Conservancy Letter at 2, ¶ 4; Linnton Letter; Wru-
3 ble Testimony; Bellant Letter at 1.

4
5 ESEE ANALYSIS: ENVIRONMENTAL CONSEQUENCES
6

7 23. The current non-destructive on-site conflicting uses would have no envi-
8 ronmental impact on the site. The site would simply not be available for imme-
9 diate exploitation. It would in fact be preserved for future use as a mineral
10 extraction site.
11

12 24. A 3A or 3C decision, however, would have devastating environmental con-
13 sequences for the site's forest habitat. Despite the applicant's evidence, the
14 Planning Commission remains unconvinced that attempts to reclaim the site
15 would succeed in enabling the forest habitat to function again, in view of evi-
16 dence that reclamation is a complicated and difficult undertaking with uncer-
17 tain prospects for success. Revised Boutard Declaration.
18

19 25. Either a 3A or a 3C decision would allow mining within an existing con-
20 tiguous half-mile band of forest habitat between the existing quarry and
21 McNamee Road. Letter of Aug. 5, 1992, from Fugate to Multnomah County
22 Planning Commission, at 1 ("Fugate Letter"); Angell Bros. Application at Exhib-
23 it N; Map (Forest Resource Lands in the Wildlife Corridor). That contiguous
24 half-mile band is the minimum amount necessary to prevent the isolation of
25 Forest Park wildlife from the forests of the coast range. Wilderness Study II at
26 26-27. The contiguous band should perhaps be one and a half miles wide in

1 order to assure the long-term viability of Forest Park's large mammals. Wilder-
2 ness Study II at 26; Letter of Jul. 27, 1992, from Houle to Multnomah County
3 Planning Commission, at 1 ("Houle Letter").

4
5 26. A 3A or 3C decision would also lead to adverse effects on downstream
6 wetlands — including the Rafton-Burlington Bottoms, located within the
7 Willamette River Greenway See Finding #7. Either decision would also lead to
8 adverse effects on the Multnomah Channel, which is also located within the
9 Willamette River Greenway. See Finding #10. Thus, either decision would
10 harm resources protected under Goal 5 and Statewide Planning Goal 15
11 (Willamette River Greenway).

12
13 27. The applicant contended a 3A or 3C decision would comply with
14 Statewide Planning Goal 6 (Air, Water, and Land Resource Quality) ("Goal 6"),
15 because it must comply with standards established by Multnomah County, the
16 Department of Environmental Quality ("DEQ"), and the Department of Geology
17 and Mineral Industries ("DOGAMI"). Angell Bros. Application at 31. The Plan-
18 ning Commission, however, finds the applicant did not show it would be able to
19 comply with Goal 6.

20
21 28. Similarly, the Planning Commission finds the applicant did not satisfy
22 Statewide Planning Goal 7 (Areas Subject to Natural Disasters and Hazards)
23 ("Goal 7), because it did not show it would comply with standards established by
24 DOGAMI requiring stable final contours.

25
26 29. Further, the applicant did not satisfy the policy underlying Goal 7 —

1 namely, that known disaster and hazard areas should be mapped and avoided.
2 The applicant maintained it satisfied that policy because no major landslide
3 areas were identified in geologic studies. Angell Bros. Application at 31. Yet,
4 almost the entire site has been mapped as an area of known or potential slope
5 hazard. Letter of Sep. 1, 1992, from Foster, at 1-2 ("Foster Letter"). Moreover,
6 the applicant's own expert stated cut slopes would be constructed that would
7 present slope stability and erosion hazards, but then failed to recommend cut
8 slope designs that would eliminate the hazards. Foster Letter at 2.

9
10 ESEE ANALYSIS: ENERGY CONSEQUENCES
11

12 30. If the site is not used for mineral extraction, the energy that would have
13 been expended to mine aggregate would be saved. The evidence did not support
14 the applicant's assertion that distant quarry operations in Clackamas and
15 Columbia Counties would supply aggregate to the markets the applicant seeks
16 to serve, increasing the consumption of fossil fuel.

17
18 **III. CONCLUSIONS**
19

20 1. The mineral and aggregate resource site is not so important, relative to
21 the conflicting uses, and the ESEE consequences of allowing conflicting uses are
22 not so great, that the resource site should be protected and all conflicting uses
23 prohibited on the site and within the impact area.

24
25 2. The mineral and aggregate resource site and the conflicting uses are not
26 both important relative to each other, nor should the ESEE consequences be bal-

1 anced to allow the conflicting use in a limited way.

2
3 3. The conflicting uses are so important, relative to the mineral and aggre-
4 gate resource site, that the conflicting uses should be allowed fully. The ESEE
5 analysis demonstrates that the forest and wildlife values at the site, and the
6 wetlands downstream of the site, are far more valuable than the mineral values
7 at the site. It also shows that the significant benefits of protecting the former
8 values outweigh the costs of not allowing mineral extraction, while the conse-
9 quences of not protecting forest, wildlife, and wetland values would be severe.

10
11 DATED this 8th day of December, 1992

12
13 (SEAL)

14
15 _____
16 Gladys McCoy, Multnomah County Chair

17
18
19 REVIEWED AS TO FORM:

20 LAURENCE KRESSEL, COUNTY COUNSEL

21 FOR MULTNOMAH COUNTY, OREGON

22
23
24 By: _____

25 John DuBay, Chief Deputy County Counsel