

ANNOTATED AGENDA

Tuesday, May 1, 1990 - 9:30 AM
Multnomah County Courthouse, Room 602

PLANNING ITEMS

Chair Gladys McCoy convened the meeting at 9:30 a.m., with Vice-Chair Gretchen Kafoury, Commissioners Pauline Anderson, Rick Bauman and Sharron Kelley present.

5. RPD 1-90 and LD 1-90 Adoption of the Decision with findings for RPD 1-90 and LD 1-90 (continued from 4/24/90)

COUNTY COUNSEL JOHN DuBAY DISCUSSED APRIL 27, 1990 LETTER FROM APPLICANT'S ATTORNEY STEVEN JANIK REGARDING TIMING ISSUES AND PRESENTED LEGAL OPINION THAT BOARD CAN PROCEED WITH ITS DECISION TODAY PLANNER LORNA STICKEL ADVISED STAFF HAS SUBMITTED A PROPOSED ORDER. CHAIR McCOY DIRECTED THAT OTHER PLANNING ITEMS BE CONSIDERED FIRST.

Decisions of the Planning Commission of April 9, 1990:

1. CS 2-90 Approve, subject to conditions, change in zone designation from CFU-80 to CFU-80, C-S, community service, in order to develop the site with an 18-hole golf course with a clubhouse, caretaker's quarters structure and a shop building, all for property located at 21881 NW St. Helens Road.
2. CU 6-90 Approve, subject to conditions, conditional use request to develop this site with a non-resource related single family residence, for property located at 6189 NW Cornell Road
3. CU 4-90 Deny requested conditional use request to use an existing commercial building as a refrigeration equipment repair shop for property located at 35905 East Crown Point Highway.

**AT THE REQUEST OF CHAIR McCOY,
FOLLOWING DISCUSSION WITH MS. STICKEL,
AND UPON MOTION OF COMMISSIONER**

KELLEY, SECONDED BY COMMISSIONER ANDERSON, DECISIONS 1, 2 AND 3 WERE UNANIMOUSLY ACCEPTED.

5. RPD 1-90 and LD 1-90 Adoption of the Decision with findings for RPD 1-90 and LD 1-90 (continued from 4/24/90)

PLANNER MARK HESS EXPLANATION OF PROPOSED FINAL ORDER. MR. DuBAY, MS. STICKEL AND MR. HESS RESPONSE TO COMMISSIONER BAUMAN'S QUESTIONS CONCERNING TIMELINES OF PLANNING COMMISSION DECISION, FILING A NOTICE OF REVIEW, APPEAL PERIODS PRIOR TO ADOPTION OF A FINAL ORDER, AND BOARD PLANNING MEETINGS. IN RESPONSE TO COMMISSIONER BAUMAN EXPRESSING CONCERN OVER POSSIBLE CLOUD ON LAND USE DECISIONS, CHAIR McCOY DIRECTED PLANNING STAFF TO BEGIN PROCESS TO ADDRESS ORDINANCE LANGUAGE AMBIGUITIES REGARDING DATES PLANNING AND ZONING DECISIONS BECOME FINAL. AT THE REQUEST OF CHAIR McCOY, COMMISSIONER KELLEY MOVED, SECONDED BY COMMISSIONER ANDERSON, APPROVAL OF THE FINAL ORDER. STEVEN JANIK ADVISED HE REFERRED MR. DuBAY TO A COURT OF APPEALS CASE THAT SAYS THE DEFECT COMPLAINED OF IS JURISDICTIONAL, IN THAT THE BOARD FAILED TO ACT WITHIN 120 DAYS AS ESTABLISHED UNDER ITS OWN PROCEDURES AS WELL AS STATE LAW. MR. JANIK COMMENTED IN OPPOSITION TO THE PROPOSED FINDINGS, ADVISING HE BELIEVES THEY ARE NOT SUPPORTED BY SUBSTANTIAL EVIDENCE, THAT A NUMBER OF THEM ARE CONCLUSIONARY AND NOT FINDINGS OF FACT, AND THAT THEY DO NOT ADDRESS THE EVIDENCE SUBMITTED BY APPLICANT OR APPLICABLE LEGAL CRITERIA ADDRESSED BY APPLICANT. FINAL ORDER 90-66 DENYING RPD 1-90 AND LD 1-90 IN THE MATTER OF THE REVIEW OF THE PLANNING COMMISSION DECISIONS WHICH APPROVED "SKYLINE

MEADOWS", A 12-LOT RURAL PLANNED DEVELOPMENT AND LAND DIVISION UNANIMOUSLY APPROVED.

4. PD 1-90 Review the decision of the Planning Commission of February 26, 1990, denying requested change in zoning designation from LR-10, low density residential district (minimum lot size of 10,000 square feet) to LR-7, low density residential district (minimum lot size of 7,000 square feet) for the northerly portion of the subject site; thereby disallowing a planned development for the entirety of the site, which would have allowed its development with a 124-unit mobile home park, all property located at 13300 SE Holgate Blvd. This item has been appealed by the applicant. Scope of Review: On the record plus additional testimony regarding the topographic aspects of the site and flooding. Oral Argument: 20 minutes per side to present oral argument to the Board.

LORNA STICKEL EXPLAINED PLANNER BOB HALL IS UNABLE TO BE HERE TODAY. MS. STICKEL AND MARK HESS PRESENTED STAFF REPORT, DISCUSSED FILLING IN THE FLOOD FRINGE AREA, GRADING AND EROSION CONTROL STANDARDS, AND HOLGATE LAKE AND JOHNSON CREEK FLOODPLAIN ISSUES. MS. STICKEL ADVISED MR. HALL HAS BEEN IN CONTACT WITH FEDERAL EMERGENCY MANAGEMENT AGENCY AND DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT AND WAS INFORMED THE PROPERTY IS NOT WITHIN THE ACTIVE MOVING WATER AREA OF THE JOHNSON CREEK FLOODPLAIN, BUT STAFF FEELS THAT THE BOARD HAS THE LATITUDE UNDER THE DEVELOPMENT LIMITATIONS POLICY OF THE FRAMEWORK PLAN TO REQUIRE THAT ADDITIONAL ANALYSES AND ASSURANCES BE MADE TO ASSURE THAT ANY FILLING IN THE AREA WOULD NOT HAVE AN IMPACT ON ADJACENT RESIDENCES. IN RESPONSE TO QUESTIONS OF CHAIR McCOY, MS. STICKEL ADVISED MANY RESIDENCES WERE BUILT BEFORE THE 100 YEAR FLOODPLAIN MAPPING WAS DONE IN THE 1970'S, BUT SINCE ADOPTION OF THE COUNTY FLOODPLAIN ORDINANCE, NEW

DEVELOPMENTS ARE REQUIRED TO BE ELEVATED SO THE FIRST HABITABLE FLOOR OF THE STRUCTURE IS LOCATED ABOVE THE 100 YEAR FLOOD LEVEL, EITHER BY RAISING THE FOUNDATION OR WITH A FILL. MS. STICKEL SUBMITTED A COPY OF AN APRIL 27, 1990 LETTER FROM DLCD ADVISING THE PROPOSED PROPERTY IS WITHIN THE 100 YEAR FLOODPLAIN, THAT MOST OF THE LOCAL FLOODING IS NOT ASSOCIATED WITH JOHNSON CREEK, BUT WITH THE CLOSED BASIN IN WHICH NEIGHBORS RESIDE. MS. STICKEL ADVISED THAT DRAINAGE HAS NO WHERE TO GO WITHIN THE CLOSED DEPRESSION AND CANNOT PENETRATE THE IMPERMEABLE LAYER. IN RESPONSE TO QUESTIONS OF COMMISSIONER ANDERSON, MS. STICKEL EXPLAINED THE ISSUE TO BE CONSIDERED AND ADDRESSED CONCERNS THE PROPOSED SITE WHICH IS A LARGE PORTION OF THE CLOSED BASIN, AND WHETHER IF ONE AREA IS FILLED AND ANOTHER NOT FILLED, WILL IT RESULT IN ADDITIONAL WATERS BEING DIRECTED TO ANOTHER AREA AND THEREFORE PERHAPS ENLARGING THE AREA OF FLOODING. MR. HESS, APPLICANT JEFFREY PAYNE AND AREA NEIGHBOR LEO BASCH PRESENTED SLIDES OF PROPOSED SITE AND RESPONDED TO BOARD QUESTIONS. GORDON DAVIS, ATTORNEY REPRESENTING APPLICANT, TESTIFIED IN SUPPORT OF REZONING AND CONCEPT DEVELOPMENT PLAN APPROVAL. USING 1963 FLOODPLAIN AND CURRENT MAPS, MR. DAVIS SUBMITTED AND DISCUSSED AN APRIL 27, 1990 LETTER FROM JOSEPH HOWE, HYDROLOGIST WITH ODGEN BEEMAN & ASSOCIATES, ADDRESSING PROBABLE CAUSES OF FLOODING AND WHETHER ADDITIONAL FILL MAY SIGNIFICANTLY EFFECT THE FLOOD ELEVATION IN THE AREA. LEO BASCH, REPRESENTING AREA NEIGHBORS, TESTIFIED IN OPPOSITION TO THE PROPOSED DEVELOPMENT, USING AN AERIAL PHOTO DEPICTING HOLGATE LAKE AREA AND CITING

SECTIONS OF THE APRIL 27, 1990 DLCD LETTER AND A MARCH 2, 1987 DAVID DOUGLAS SCHOOL DISTRICT REAL ESTATE MEMORANDUM OF OPINION. MR. BASCH RESPONDED TO BOARD QUESTIONS, ADVISING HE FEELS THE AREA WOULD BE MORE APPROPRIATE FOR ANY LARGE DEVELOPMENT WITH OPEN SPACE AND A MINIMUM OF ASPHALT AND DRIVEWAYS IN HEARING HELD, AND THAT HE WOULD NOT OBJECT TO THE PROPOSED DEVELOPMENT OCCURING EAST OF THE AREA. MR. DAVIS REBUTTAL TESTIMONY, ADVISING THAT THE FILL WILL BE REDONE AND THAT APPLICANT PROPOSES LEAVING THE NORTHERN AREA UNDEVELOPED. MR. DAVIS RESPONDED TO BOARD QUESTIONS CONCERNING FLOODING AND FILL. COMMISSIONER KELLEY MOVED, SECONDED BY COMMISSIONER ANDERSON, TO SUPPORT THE PLANNING COMMISSION DECISION TO DENY THE REQUEST. COMMISSIONER KELLEY ADVISED SHE SUPPORTS THE MOBILE HOME DEVELOPMENT BUT IS NOT PERSUADED THAT THIS PROPOSAL WOULD NOT HARMFULLY IMPACT THE NEIGHBORS. COMMISSIONER KAFOURY ADVISED SHE FEELS APPLICANT HAS MADE SIGNIFICANT CONCESSIONS TO RESPOND TO PLANNING COMMISSION CONCERNS, AND THAT THIS BOARD COULD PUT ADDITIONAL CONDITIONS ON APPLICATION TO ASSURE FLOODING POTENTIAL IS MITIGATED AS MUCH AS POSSIBLE. COMMISSIONER BAUMAN ADVISED HE WOULD SUPPORT A MOTION TO ALLOW THE DEVELOPMENT WITH POTENTIAL CONDITIONS ADDED IN TERMS OF THE TRANSITION OF THE FILL INTO NEIGHBORING LOTS. CHAIR McCOY EXPRESSED CONCERN WITH ALLOWING DEVELOPMENT IN A FLOODPLAIN AREA. IN RESPONSE TO A QUESTION OF CHAIR McCOY, MR. HESS ADVISED THAT PLANNING STAFF COULD CRAFT CONDITIONS TO MITIGATE FLOOD HAZARDS TO NEIGHBORS AND PERSPECTIVE MOBILE HOME RESIDENTS AS PART OF DESIGN

REVIEW OF THE PROJECT, IMPOSE CONDITIONS REQUIRING THAT THE DEVELOPER PROVIDE ENGINEERING AND HYDROLOGIC ANALYSES IDENTIFYING FLOOD IMPACTS FROM THE PROPOSED FILL; CONDITIONS ASSURING THEY DO NOT INCREASE STORMWATER RUNOFF TO SURROUNDING PROPERTY OWNERS; AND CONDITIONS REQUIRING THAT ANY FILL AREAS HAVE TRANSITIONS OF AT LEAST A THREE TO ONE SLOPE, SO THE NEIGHBORS WOULD HAVE NO ABRUPT EDGES OF FILL TO LOOK AT. COMMISSIONER KELLEY ASKED IF A CONDITION COULD BE PLACED REQUIRING A PERFORMANCE BOND OR SOME OTHER KIND OF ASSURITY FROM APPLICANT AND SUGGESTED THAT STAFF LOOK AT WHETHER 117 UNITS IS THE APPROPRIATE INTENSITY FOR THE DEVELOPMENT. FOLLOWING DISCUSSION WITH CHAIR McCOY, MR. HESS AND MR. DuBAY, AND UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER ANDERSON, IT WAS UNANIMOUSLY APPROVED THAT THE DECISION IN THIS MATTER BE CONTINUED ONE WEEK, TO TUESDAY, MAY 8, 1990, IN ORDER TO ALLOW STAFF TO PREPARE THE RECOMMENDED CONDITIONS AS DISCUSSED.

There being no further business, the planning meeting was adjourned at 11:25 a.m. and the formal meeting was convened at 11:35 a.m.

Tuesday, May 1, 1990 - 10:30 AM
Multnomah County Courthouse, Room 602

FORMAL AGENDA

NON-DEPARTMENTAL

- R-1 In the Matter of Re-appointments to the Investment Advisory Board - Rebecca Marshall, George Scherzer and Richard Harris. All terms expire 1993

**UPON MOTION OF COMMISSIONER ANDERSON,
SECONDED BY COMMISSIONER KAFOURY, R-1
WAS UNANIMOUSLY APPROVED.**

R-2 Proclamation in the Matter of Proclaiming May 7, 1990 as
NATIONAL NURSES' DAY in Multnomah County

**UPON MOTION OF COMMISSIONER ANDERSON,
SECONDED BY COMMISSIONER KAFOURY,
PROCLAMATION 90-67 WAS UNANIMOUSLY
APPROVED.**

R-3 Proclamation in the Matter of Proclaiming April 21 through May 19 as
1990 PORTLAND AREA CLEANUP/BAG-A-THON MONTH in
Multnomah County

**COMMISSIONER ANDERSON MOVED,
SECONDED BY COMMISSIONER KAFOURY,
APPROVAL OF R-3. NANCY BIASI, CITY OF
PORTLAND OFFICE OF NEIGHBORHOOD
ASSOCIATIONS EXPLANATION AND
PRESENTATION OF PROJECT COORDINATORS
HANDBOOK AND T-SHIRTS TO BOARD
MEMBERS. PROCLAMATION 90-68
UNANIMOUSLY APPROVED.**

DEPARTMENT OF ENVIRONMENTAL SERVICES

R-4 Resolution in the Matter of Endorsing Ballot Measure 1

**FOLLOWING EXPLANATION, COMMISSIONER
ANDERSON MOVED, SECONDED BY
COMMISSIONER KAFOURY, APPROVAL OF R-4.
LARRY NICHOLAS AND STEVE SEGAL
EXPLANATION AND RESPONSE TO BOARD
QUESTIONS AND DISCUSSION. RESOLUTION 90-
69 UNANIMOUSLY APPROVED.**

SERVICE DISTRICTS

(Recess as the Board of County Commissioners and convene as the
Governing Body of Dunthorpe-Riverdale Service District No. 1)

- R-5 Budget Modification DES #16 Authorizing transfer of \$17,865 from Dunthorpe-Riverdale Service District No. 1 General Fund Contingency to Materials and Services for sewage treatment and system maintenance

RICHARD HOWARD EXPLANATION. UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KELLEY, R-5 WAS UNANIMOUSLY APPROVED.

(Recess as Dunthorpe-Riverdale Service District No. 1 and convene as the Governing Body of West Hills Service District)

- R-6 In the Matter of Approval of the West Hills Service District Budget to revise appropriations and unappropriated balance prior to submitting budget to Tax Supervising and Conservation Commission

RICHARD HOWARD EXPLANATION. UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KELLEY, R-6 WAS UNANIMOUSLY APPROVED.

(Recess as the Governing Body of West Hills Service District and reconvene as the Board of County Commissioners)

DEPARTMENT OF GENERAL SERVICES

- R-7 Budget Modification DGS #16 for the establishment of three new Residential Property Appraiser positions in the Division of Assessment & Taxation

JANICE DRUIAN EXPLANATION. UPON MOTION OF COMMISSIONER KAFOURY, SECONDED BY COMMISSIONER ANDERSON, R-7 WAS UNANIMOUSLY APPROVED.

- R-9 Budget Modification DGS #17 requesting approval of the transfer of \$21,000 from Personnel Services (5100) to Postage (6200) in Assessment & Taxation Appraisal

JANICE DRUIAN EXPLANATION. UPON MOTION OF COMMISSIONER KAFOURY, SECONDED BY

**COMMISSIONER KELLEY, R-9 WAS
UNANIMOUSLY APPROVED.**

- R-8 Ratification of an Intergovernmental Agreement to allow the County's contract for the purchase of Herman Miller furnishings to be used by the Unified Sewerage Agency of Washington county in accordance with Bid B43-100-3028

**FOLLOWING EXPLANATION AND UPON MOTION
OF COMMISSIONER ANDERSON, SECONDED BY
COMMISSIONER KELLEY, R-8 WAS
UNANIMOUSLY APPROVED.**

- R-10 In the Matter of Ratification of the Deputy Sheriffs Labor Agreement pursuant to the award of Arbitrator Gary Axon

**DARRELL MURRAY EXPLANATION. UPON
MOTION OF COMMISSIONER KAFOURY,
SECONDED BY COMMISSIONER KELLEY, R-10
WAS UNANIMOUSLY APPROVED.**

DEPARTMENT OF HUMAN SERVICES

- R-11 Ratification of an Intergovernmental Agreement Amendment #2 with Mt. Hood Community College and the Developmental Disabilities Program. Decreases Work Activity Center funding to Mt. Hood by (\$3,557.84) due to the transfer of slots to another provider

**FOLLOWING EXPLANATION AND UPON MOTION
OF COMMISSIONER BAUMAN, SECONDED BY
COMMISSIONER ANDERSON, R-11 WAS
UNANIMOUSLY APPROVED.**

- R-12 Budget Modification DHS #50 requests approval of several appropriation changes to the Health Division budget reflecting Revisions #3 and #4 on Intergovernmental Agreement with the Oregon State Health Division Grant (next 2 items)

- R-13 Ratification of an Intergovernmental Agreement Amendment #3 with Oregon State Health Division to provide additional funds \$127,950, for various programs funded by the State Health Division

- R-14 Ratification of an Intergovernmental Agreement Amendment #4 with Oregon State Health Division provides additional funds \$2,400, for Central Drug Purchasing. These grant revisions must be processed simultaneously with Bud Mod DHS #50

FOLLOWING EXPLANATION AND UPON MOTION OF COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER KAFOURY, ITEMS R-12, R-13 AND R-14 WERE UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

- R-15 Budget Modification MCSO #2 requests approval of reclassification of three positions in the Sheriff's Office budget, changing two existing positions to higher classifications and changing one position to a lower classification

UPON MOTION OF COMMISSIONER KAFOURY, SECONDED BY COMMISSIONER BAUMAN, R-15 WAS UNANIMOUSLY APPROVED.

- R-16 Ratification of an Intergovernmental Agreement with the US Department of Agriculture/Forest Service for Multnomah County Sheriff's Office (MSCO) to enforce Federal/State laws and regulation in the National Forest

FOLLOWING EXPLANATION, COMMISSIONER KAFOURY MOVED, SECONDED BY COMMISSIONER KELLEY, APPROVAL OF R-16. RANDY AMUNDSON EXPLANATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. R-16 UNANIMOUSLY APPPROVED.

- R-17 Request for Approval of Notice of Intent for the Sheriff's Office, Law Enforcement Division, to join the City of Gresham Fire Department in responding to the State of Oregon's request for proposals to develop a Regional Hazardous Materials Emergency Response Team - booklet on file in the Clerk's Office

COMMISSIONER KAFOURY APPROVED, SECONDED BY COMMISSIONER BAUMAN, APPROVAL OF R-17. RANDY AMUNDSON ADVISED JOE PARROTT OF GRESHAM HERE TO ANSWER QUESTIONS. PENNY MALMQUIST

**EXPLANATION.
APPROVED.**

R-17 UNANIMOUSLY

There being no further business, the formal meeting was adjourned at 12:05 p.m. and the work session was convened at 1:40 p.m.

Tuesday, May 1, 1990 - 1:30 PM
Multnomah County Courthouse, Room 602

WORK SESSION

1. Public Safety Budget Discussion to include Board of County Commissioners, Sheriff, District Attorney, and staff on full range of sanctions for offenders. Goal is to determine priorities for funding of public safety programs.

GRANT NELSON, CARY HARKAWAY, WAYNE SALVO, SHERIFF ROBERT SKIPPER, GARY WALKER, LARRY REILLY AND MICHAEL SCHRUNK PRESENTATIONS AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. WORK SESSION CONTINUED TO 9:00 AM, WEDNESDAY, MAY 9, 1990 WITH PARTICIPATION OF BOARD, SHERIFF, DA, DJS AND DHS STAFF. DJS STAFF DIRECTED TO PROVIDE BOARD WITH COPIES OF SENATE BILL 1065 AND CRIMINAL JUSTICE POLICY.

There being no further business, the work session was adjourned at 3:15 p.m.

OFFICE OF THE BOARD CLERK
FOR MULTNOMAH COUNTY, OREGON

Deborah L. Bogstad

Deborah L. Bogstad



MULTNOMAH COUNTY OREGON

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

GLADYS McCOY • CHAIR • 248-3308
PAULINE ANDERSON • DISTRICT 1 • 248-5220
GRETCHEN KAFOURY • DISTRICT 2 • 248-5219
RICK BAUMAN • DISTRICT 3 • 248-5217
SHARRON KELLEY • DISTRICT 4 • 248-5213
JANE McGARVIN • Clerk • 248-3277

AGENDA

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

April 30 - May 4, 1990

Tuesday, May 1, 1990 - 9:30 AM - Planning Items . . . Page 2

Tuesday, May 1, 1990 - 10:30 AM - Formal Page 3

Tuesday, May 1, 1990 - 1:30 PM - Work Session Page 5

Thursday, May 3, 1990 - NO MEETING - FORMAL ON TUESDAY,
MAY 1, 1990

PLEASE NOTE CHANGE IN FORMAL MEETING DATE

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

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

Friday, 6:00 PM, Channel 27 for Paragon Cable (Multnomah East) subscribers

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

Tuesday, May 1, 1990 - 9:30 AM

Multnomah County Courthouse, Room 602

PLANNING AGENDA

Decisions of the Planning Commission of April 9, 1990

1. CS 2-90

Approve, subject to conditions, change in zone designation from CFU-80 to CFU-80, C-S, community service, in order to develop the site with an 18-hole golf course with a clubhouse, caretaker's quarters structure and a shop building, all for property located at 21881 NW St. Helens Road.

2. CU 6-90

Approve, subject to conditions, conditional use request to develop this site with a non-resource related single family residence, for property located at 6189 NW Cornell Road

3. CU 4-90

Deny requested conditional use request to use an existing commercial building as a refrigeration equipment repair shop for property located at 35905 East Crown Point Highway.

4. PD 1-90

Public Hearing-On the Record Plus Additional Testimony

Review the decision of the Planning Commission of February 26, 1990, denying requested change in zoning designation from LR-10, low density residential district (minimum lot size of 10,000 square feet) to LR-7, low density residential district (minimum lot size of 7,000 square feet) for the northerly portion of the subject site; thereby disallowing a planned development for the entirety of the site, which would have allowed its development with a 124-unit mobile home park, all property located at 13300 SE Holgate Blvd.

This item has been appealed by the applicant

Scope of Review: On the record plus additional testimony regarding the topographic aspects of the site and flooding.

Oral Argument: 20 minutes per side to present oral argument to the Board.

5. RPD 1-90 and LD 1-90

Adoption of the Decision with findings for RPD 1-90 and LD 1-90 (continued from 4/24/90)

Tuesday, May 1, 1990, 10:30 AM

Multnomah County Courthouse, Room 602

Formal Agenda

REGULAR AGENDA

NONDEPARTMENTAL

- R-1 In the Matter of Re-appointments to the Investment Advisory Board - Rebecca Marshall, George Scherzer and Richard Harris. All terms expire 1993
- R-2 Proclamation in the Matter of Proclaiming May 7, 1990 as NATIONAL NURSES' DAY in Multnomah County
- R-3 Proclamation in the Matter of Proclaiming April 21 through May 19 as 1990 PORTLAND AREA CLEANUP/BAG-A-THON MONTH in Multnomah County

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-4 Resolution in the Matter of Endorsing Ballot Measure 1

SERVICE DISTRICTS

(Recess as the Board of County Commissioners and convene as the Governing Body of the Service District

- R-5 Budget Modification DES #16 Authorizing transfer of \$17,865 from Dunthorpe-Riverdale Service District No. 1 General Fund Contingency to Materials and Services for sewage treatment and system maintenance
- R-6 In the Matter of Approval of the West Hills Service District Budget to revise appropriations and unappropriated balance prior to submitting budget to Tax Supervising and Conservation Commission

(Recess as the Governing Body of the and reconvene as the Board of County Commissioners)

DEPARTMENT OF GENERAL SERVICES

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- R-8 Ratification of an Intergovernmental Agreement to allow the County's contract for the purchase of Herman Miller furnishings to be used by the Unified Sewerage Agency of Washington county in accordance with Bid# B43-100-3028
- R-9 Budget Modification DGS #17 requesting approval of the transfer of \$21,000 from Personnel Services (5100) to Postage (6200) in Assessment & Taxation Appraisal
- R-10 In the Matter of Ratification of the Deputy Sheriffs Labor Agreement pursuant to the award of Arbitrator Gary Axon

CONTRACT AVAILABLE IN THE CLERK'S OFFICE

DEPARTMENT OF HUMAN SERVICES

- R-11 Ratification of an Intergovernmental Agreement Amendment #2 with Mt. Hood Community College and the Developmental Disabilities Program. Decreases Work Activity Center funding to Mt. Hood by (\$3,557.84) due to the transfer of slots to another provider
- R-12 Budget Modification DHS #50 requests approval of several appropriation changes to the Health Division budget reflecting Revisions #3 and #4 on Intergovernmental Agreement with the Oregon State Health Division Grant (next 2 items)
- R-13 Ratification of an Intergovernmental Agreement Amendment #3 with Oregon State Health Division to provide additional funds \$127,950, for various programs funded by the State Health Division. These grant revisions must be processed simultaneously with Bud Mod DHS #50
- R-14 Ratification of an Intergovernmental Agreement Amendment #4 with Oregon State Health Division provides additional funds \$2,400, for Central Drug Purchasing. These grant revisions must be processed simultaneously with Bud Mod DHS #50

NONDEPARTMENTAL

- R-15 Budget Modification MCSO #2 requests approval of reclassification of three positions in the Sheriff's Office budget, changing two existing positions to higher classifications and changing one position to a lower classification

R-16 Ratification of an Intergovernmental Agreement with the U.S. Department of Agriculture/Forest Service for Multnomah County Sheriff's Office (MSCO) to enforce Federal/State laws and regulation in the National Forest

R-17 Request for Approval of Notice of Intent for the Sheriff's Office, Law Enforcement Division, to join the City of Gresham Fire Department in responding to the State of Oregon's request for proposals to develop a Regional Hazardous Materials Emergency Response Team - booklet on file in the Clerk's Office

Tuesday, May 1, 1990 - 1:30 PM

Multnomah County Courthouse, Room 602

WORK SESSION

1. Public Safety Budget Discussion to include Board of County Commissioners, Sheriff, District Attorney, and staff on full range of sanctions for offenders. Goal is to determine priorities for funding of public safety programs

TIME CERTAIN 1:30 PM

PUBLIC TESTIMONY WILL NOT BE TAKEN AT INFORMAL MEETINGS

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MULTNOMAH COUNTY OREGON

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

GLADYS McCOY • CHAIR • 248-3308
PAULINE ANDERSON • DISTRICT 1 • 248-5220
GRETCHEN KAFOURY • DISTRICT 2 • 248-5219
RICK BAUMAN • DISTRICT 3 • 248-5217
SHARRON KELLEY • DISTRICT 4 • 248-5213
JANE McGARVIN • Clerk • 248-3277

BOARD OF COUNTY COMMISSIONERS

Tuesday, May 1, 1989

9:30 a.m., Room 602

A G E N D A

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

- CS 2-90** **Approve, subject to conditions, change in zone designation from CFU-80 to CFU-80, C-S, community service, in order to develop the site with an 18-hole golf course with a clubhouse, caretaker's quarters structure and a shop building, all for property located at 21881 NW St. Helens Road**
- CU 6-90** **Approve, subject to conditions, conditional use request to develop this site with a non-resource related single family residence, for property located at 6189 NW Cornell Road**
- CU 4-90** **Deny requested conditional use request to use an existing commercial building as as refrigeration equipment repair shop for property located at 35905 East Crown Point Highway**

Continued

PD 1-90
ZC 1-90

Public Hearing - On The Record Plus Additional Testimony

Review the decision of the Planning Commission of February 26, 1990, **denying** requested change in zone designation from LR-10, low density residential district (minimum lot size of 10,000 square feet) to LR-7, low density residential district (minimum lot size of 7,000 square feet) for the northerly portion of the subject site; thereby **disallowing** a planned-development for the entirety of the site, which would have allowed its development with a 124-unit mobile home park, all for property located at **13300 SE Holgate Blvd.**

This item has been appealed by the applicant

Scope of Review

On The Record plus Additional Testimony regarding the topographic aspects of the site and flooding.

Oral Argument.

20 minutes per side to present oral argument to the Board



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

Decision

This Report consists of Conditions, Findings of Fact and Conclusions

April 9, 1990

CS 2-90, #19 and 27 Community Service Classification (18-hole Golf Course).

Applicant requests change in zone designation from CFU to CFU, CS, Community Service in order to develop the subject site with an 18-hole golf course with a club house, a caretaker's quarters structure and a shop building.

Location: 21881 N.W. St. Helens Road

Legal: All of Tax Lot '1' and Portions of Tax Lots '17' and '3'
Sections 1 and 12, 2N-2W
Described by the Attached Metes and Bounds Descriptions)

Site Size: 122.35 Acres

Size Requested: Same

Property Owners: Shriners Hospitals For Crippled Children (119.67 Acres)
2900 Rocky Point Drive, Tampa, Florida 33607

Longview Fibre Company (2.68 Acres)

Applicant: William and Kay D. O'Meara
1300 N.W. 334th Ave., Hillsboro, OR 97124

Comprehensive Plan: Commercial Forest Use

Present Zoning: CFU-80, Commercial Forest Use

Sponsor's Proposal: CFU-80, CS, Commercial Forest Use,
Community Service District

PLANNING COMMISSION

DECISION: Approve, with conditions, a change in zone designation from CFU-80 to CFU-80/CS for the property identified by the attached metes and bounds description, based on the following Findings and Conclusions.

Order No. 107628 M
Legal Description

Exhibit "A"

Parts of Sections 1 and 12, Township 2 North, Range 2 West of the Willamette Meridian, in the County of Multnomah and State of Oregon, described as follows:

Beginning at the Northwest corner of the Southeast quarter of the Southwest quarter of said Section 1; running thence East along the 16th Section line a distance of 2220 feet, more or less, to the Westerly line of the lower Columbia River Highway; thence Southerly along said Westerly line to the North corner of that property appropriated by Decree entered June 25, 1971 in Condemnation Suit No. 365260, State of Oregon vs. Carter, et al.; thence Southerly along the Westerly boundaries of said State land, to the most Northerly corner of that property conveyed to Clarence Koennecke by deed recorded December 12, 1979 in Book 1405, Page 1447, Deed Records; thence South 74° West along the most Northerly line of said Koennecke tract, a distance of 277 feet, more or less, to an exterior angle point therein; thence South along the boundary of said Koennecke tract 900 feet, more or less, to an interior angle point therein; thence West along the most Southerly North line of said Koennecke tract 1950 feet, more or less, to the most Westerly Northwest corner thereof being on the West line of the East half of the Northwest quarter of said Section 12; thence North along the 1/16th Section line 1320 feet, more or less, to the Southwest corner of the Southeast quarter of the Southwest quarter of said Section 1; thence continuing North along the 1/16th Section line 1320 feet, more or less, to the point of beginning.

C. J. Martin Surveying
113 North 11th Ave.
Cornelius, Oregon 97113
Ph. (503) 357-4944

0.318 acre parcel

Beginning at a point which is South 00° 10' 29" East, 971.51 feet, from the Northwest corner of the E.½ N.W.¼, Section 12, Township 2 North, Range 2 West, Willamette Meridian, Multnomah County, Oregon, and based on County Survey Number 38316, Multnomah County Records, said point being on the West line of said E.½ N.W.¼, thence South 73° 58' 36" West, 89.28 feet, thence South 05° 47' 16" East, 153.16 feet, thence South 70° 57' 52" East, 75.09 feet, to the West line of said E.½ N.W.¼, thence North 00° 10' 29" West, 201.51 feet, to the point of beginning and containing 0.318 acres more or less.

2.363 acre parcel

Beginning at the Northeast corner of the Southwest Quarter of the Southwest Quarter, Section 1, Township 2 North, Range 2 West, Willamette Meridian, Multnomah County, Oregon, and based on County Survey Number 38316 of Multnomah County Records, thence South 71° 36' 12" West, 235.19 feet, thence South 13° 56' 36" East, 693.45 feet, thence North 82° 18' 31" East, 59.03 feet, to the East line of said Southwest Quarter of Southwest Quarter, thence North 00° 11' 15" West, 739.35 feet, to the point of beginning and containing 2.363 acres, more or less.

CJM
3/20/90



Case #: CS 2-90
Location: 21881 NW St. Helens Road
Scale: 1 inch to 1,000 feet
Shading indicates subject property

CFU -80

CFU -80

2.36 Ac.

0.32 Ac.

80 Ac.

CFU -80

CFU-80 C S

78.15 Ac.

MUF-19

9.91 Ac.

6.39 Ac.

39.55 Ac.

5.00 Ac.

MUF-19² C S

RIVER ROAD

RR

MUA-20

WRG

FF

RR

RR

MUF-19

FW

MULTNOMAH CHANNEL

SAUVIE ISLAND

FW

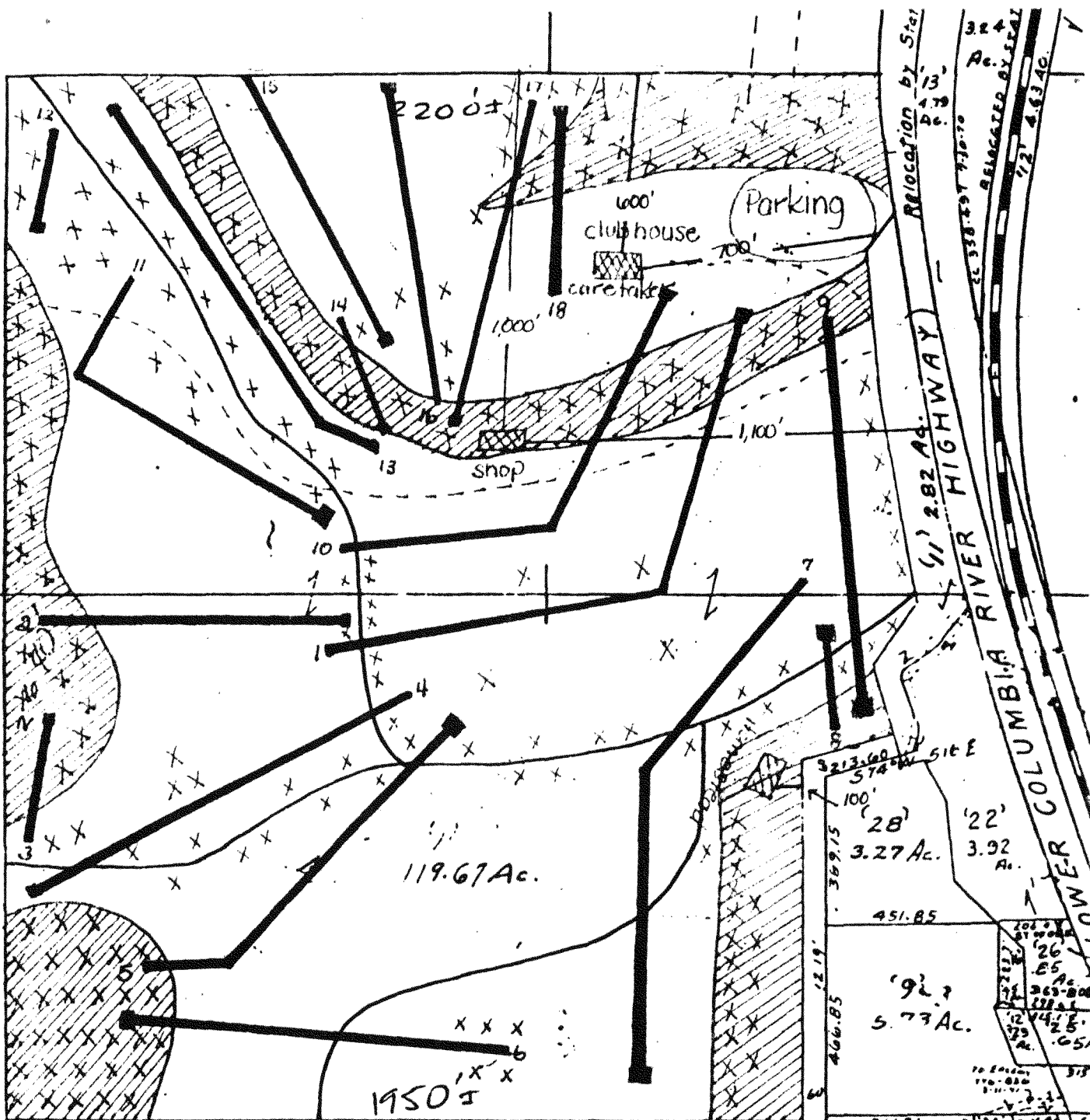
MUA-20

WRG

FF

SAUVIE ISLAND

1989 BASE MAP
(Reduced 600 #2)



water
 road
 Tee box
 Fairways
 Trees
 Slope

1 inch equals 400 ft. approx.

clubhouse: 3 Care taker 60' x 30'
 2 story elevation 125'
 Shop 20' x 30'
 elevation 55'
 Homestead 60' x 30'
 evaluation 110'
 C5.2-90

Conditions of Approval:

1. Obtain Design Review approval of all proposed site improvements including, but not limited to, grading, clearing, landscaping, fencing and exterior building designs. Site work shall not proceed until required Design Review approvals are obtained or as determined by the Director. Specific design features represented in the CS application shall be reflected in plans submitted for Design Review.
2. Prior to occupancy or final approval of the golf course improvements, consolidate the subject properties into a single parcel pursuant to County land division procedures.
3. This approval applies to the proposed golf course with the specific structures and accessory uses identified in the application. Any future accessory uses not detailed herein shall require Planning Commission approval at a subsequent public hearing.
4. Prior to site development, grading plans shall be reviewed by the U.S. Army Corps of Engineers and the Division of State Lands to determine if site work proposed is subject to their regulatory or permit programs. Required permits from the above agencies shall be obtained or assured prior to development on the site, as determined by the Director.
5. If archeological resources are discovered during site development, all work shall cease and the County Planning Division and the State Historic Preservation Office shall be notified. Resumption of work shall be subject to approval of the above cited agencies.
6. Prior to issuance of building permits, document that the water system will provide adequate pressure and flow for fire fighting purposes.
7. Prior to issuance of building permits, obtain necessary approvals from the Portland Metropolitan Area Boundary Commission for the proposed water system to serve the site.
8. Within one year of completion of the course, the operator shall institute a management program detailing herbicide, pesticide and fertilizer use on the site. The program shall include specific provisions to minimize water quality impacts. The program shall be approved by the Director in consultation with County Vector Control, and State Departments of Fish and Wildlife and Environmental Quality. This condition in no way obligates or assigns implementation of the program to the above agencies.

Findings of Fact.

1. Project Description:

Applicant describes the project as follows:

"The subject property consisting of approximately 120 acres on NW St. Helens Road is the site of the former Wildwood Golf Course. The property has not been used for any productive purpose for many years and had become largely over grown except for an area used on an informal basis for dirt bike riders. There are no existing structures.

The applicant proposes to construct a new 18 -hole golf course on the property serviced by a clubhouse and caretaker's quarters structure and a shop building. The property has direct access off of N.W. St. Helens Road. The golf course will be open to public play.

The clubhouse will be a two story daylight basement structure of approximately 1800 square feet on each floor. The clubhouse facility will be on the upper level. There will be no kitchen but beverages and snacks will be offered. The lower level will accommodate a small caretaker's apartment and the balance will be storage area. Ample public parking space is available. Thirty-eight spaces are proposed based on two for each golf hole and two for employees. In addition, there will be 20 x 30 foot shop structure. The structure locations and setbacks are shown on the site plan included with the application."

2. Site and Vicinity Information:

The 122.35-acre site is located on NW St. Helens Road (U.S. Highway 30) approximately 5 miles north of the Portland city limits, 4^{1/2} miles north of the Sauvie Island Bridge, and 3 miles south of the Columbia County line. The site (together with 78 additional acres to the south) was previously developed as the "Wildwood Golf Course". It operated from 1929 until the early 1970's. Since that time, the site has not been actively managed for farm or forest uses. The site was included in a proposed landfill in 1981-82; the landfill use was not approved (Reference Staff Report for CS 18-81, pg.27).

The site contains a small fan-shaped valley surrounded by wooded hillsides. Elevations range from 40 feet along U.S. 30, to 350 feet near the north property line. Sloped areas are generally forested with a mix of deciduous and coniferous trees. The flatter bottom land is mainly in grasses. Streams from the north, west and south flow through the site and continue east under Highway 30 and eventually empty into Multnomah Channel. These streams support wooded riparian strips through the otherwise open valley floor.

3. Ordinance Considerations:

Conditional uses allowed in the Commercial Forest Use District are specified in MCC 11.15.2052. Subsection (A) specifies "***Community Service Uses pursuant to the provisions of MCC .7005 through .7041.***" MCC .7020(A)(10) identifies a golf course as a CS Use; approval criteria are specified in MCC .7015.

The following section presents findings regarding the proposed Community Service Use. The applicable criteria is in ***bold italics***; applicant's responses are presented first in "*italics*", followed by staff comments.

3. A. Community Service Use Criteria (MCC .7015)

The proposal:

A(1) Is consistent with the character of the area;

"(A) The golf course use is consistent with the character of the area. The area is characterized by a mixture of uses. In the immediate area to the north, south and southeast are residential uses on relatively small parcels. Across the highway to the east are farm and boat moorage uses and a State Department of Transportation truck weigh station. To the north and west of the property is commercial timber land which has recently been clear cut.

The hilly portions of the subject property will remain largely in their natural forested state. The only structures anticipated for the site will be the clubhouse, the shop building and the owner's home. The density of structures and residences will be significantly lower than much of the immediately surrounding area. The proposed golf course is consistent with and supportive of the existing character of the area."

Staff Comment: The "lay-of-the-land" on this site helps minimize the presence of the proposed use on surrounding rural residential and forest resource uses. The course will largely be developed within a small fan-shaped valley almost completely surrounded by wooded hillsides on the north, west and south. The highway – which is built up 15 to 20 feet above the valley floor – shields and encloses the site on the east boundary. The proposed clubhouse and parking locations are on higher ground in the northeast section of the site. The topography and existing wooded areas will screen these uses from the highway and nearby residences. Condition #1 requires review of building and parking designs, as well as grading and clearing to insure that site development, the club house and parking lot do not alter the area character.

A(2) *Will not adversely affect natural resources;*

"The golf course will not adversely affect natural resources. A golf course is an established vehicle for the maintenance of open space resources. Open space is one of the resources intended to be preserved by the underlying Commercial Forest Use District. Consequently, the proposed use will not only not adversely affect natural resources, but will have a significant positive effect in the form of preservation of open space."

Staff Comment: Condition #1 requires Design Review of the site development. Design Review criteria stipulate that the design shall preserve natural landscape features and existing grades to the maximum practical degree [11.15.7850(A)(4)].

The main channel of Crabapple Creek contributes approximately 1-CFS to Multnomah Channel under low flow conditions. Multnomah Channel (east of the site) and Crabapple and Patterson creeks (on the site) are designated Class I streams by the Oregon Department of Fish and Wildlife. This designation indicates the streams support a fishery or are migratory routes for anadromous fish. Condition #4 requires review by the Corps of Engineers and the Division of State Lands to determine (and minimize) impacts to the streams, wetlands, and associated riparian corridors on the site and on land downstream. Condition #8 also addresses potential adverse effects on water quality; see discussion below under Policy-16.

The County Planning Division is nearing completion of Phase I of the *West Hills Wildlife Study*. The study will examine the concept that a "wildlife corridor" functions between Forest Park in Portland, the West Hills, and the Coast Range. The concept suggests that the largely forested, "natural" character of the West Hills provides a migration route linking animal populations in the Coast Range with Forest Park. The corridor study area is approximately 4 miles wide at the proposed golf course location; Highway 30 is the east boundary of the "corridor". The golf course site extends into the study area approximately 2,000 feet. The proposed use will retain a mix of grassy and partially wooded areas on the site, and conditions of approval will minimize any removal or degradation of riparian corridors. Based on these facts, the use - as conditioned - would not effect the integrity or functioning of a West Hills wildlife corridor (if it is found to exist).

A(3) *Will not conflict with farm or forest uses in the area;*

"The golf course will not conflict with farm or forest uses in the area. Farm use in the form of grazing occurs to the east across the State highway right-of-way. The golf course will have no negative effect on the grazing farm use. In addition, the property to the east is well separated by the wide and built-up

highway right-of-way. Commercial forest use adjoins the property to the west and north. The only structures proposed for the property are located in the central and eastern portions well away from the forest land. Existing vegetation will be largely maintained adjacent to the forest land, which itself has recently been clear cut."

Staff Comment: Multiple Use Agricultural (MUA) land east of the site – between the highway and Multnomah Channel – should not experience conflicts with the proposed golf course use. The nearest agricultural use is directly across the highway from the golf course site; the 150-acre site is mainly in pasture (for cattle). The topography on the golf course site, and Highway 30 itself, separates and screens the proposed recreation use from the nearest agricultural operation.

The site has direct access to Highway 30, a four-lane road with a center lane for left turn movements. Traffic generated by the use will not travel through or near commercial forest lands to the west and north. The 120-acres proposed for the golf course occupies the southeast corner of a large block of CFU lands (approximately 6000-acres) in the extreme northwest corner of the county. The proposed size and location of this recreational use does not significantly intrude on or compromise the integrity of the Northwest Hills commercial forest lands.

Condition #1 requires design review approval of the site improvements. This further insures the recreation use will be buffered from surrounding farm and forest uses through landscaping and site design.

A(4) Will not require public services other than those existing or programmed for the area;

"The golf course will not require public services other than those existing or programmed for the area. Existing public roads provide adequate access to the property. Electricity and telephone service is available to the site. Water will be provided from wells on site and sewage will be disposed of onsite through subsurface systems. The minimal improvements proposed for the nearly 120 acre site will create no burden on the land for either water or sewage disposal. The golf course will make minimal demand on public services. Those few services required are presently adequate."

Staff Comments: Applicant's findings are supplemented as follows:

The proposed septic system is subject to review and approval by the County's Environmental Soils Specialist.

The proposed water system (wells) must be approved by the Portland Metropolitan Area Boundary Commission. ORS 199.464 requires Boundary Commission approval of "community water systems". Subsection 7(c) defines a community water system and includes water sources for recreation facilities and for places where the water will be available for public consumption. Boundary Commission staff indicate a water system for a golf course falls within this definition. Condition #7 requires Boundary Commission approval of the proposed water system.

A(5) Will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable;

"The property is located outside a big game winter habitat area."

Staff Comment: The site is not identified as a big game habitat area in the Comprehensive Plan or by the Oregon Department of Fish and Wildlife.

A(6) Will not create hazardous conditions;

"The golf course will not create hazardous conditions. The only potential hazard from the proposed development is fire. By developing water sources on the property, it will be better protected from fire hazard that it is in its present state."

Staff Comment: Highway 30 provides a safe and convenient access to the site. The 4-lane road has a center lane for left turns into the access drive. Sight distances at the highway access point are more than a 1000-foot looking to the north or south. County Staff will coordinate with the State Highway Division as part of Design Review of the project to the highway access design addresses safety considerations.

The site and surrounding residences are not served by a designated fire protection district. The Insurance Services Office, an independent organization sponsored and funded by insurance companies, designates this area as Class 10 on its fire protection rating schedule; with 1 being the best class and 10 the worst. Fire insurance rates are based on this classification.

Multnomah County Fire District No. 20 (volunteer) is the nearest fire district. Its station is located at 8031 NW Skyline Boulevard. The City of Scappoose Fire District (volunteer) has responded to fires in Multnomah County, however its service boundary is approximately three miles north of the proposed golf course site. The State Department of Forestry (Hillsboro office) is responsible for fighting forest fires in this area.

Staff consulted with a Fire Code inspector (Mr. Dean Dow) regarding the

project. He recommended that the clubhouse include a "sprinkler" system for fire protection; however, the Building Code would not require sprinklers in a building with less than 4000 square feet (the proposed clubhouse is 3600-sq.ft.).

Staff recommends Condition #6 be imposed to assure the proposed water system will have adequate pressure and flows for fire protection purposes.

A(7) Will satisfy the applicable policies of the Comprehensive Plan.

The following policies of the County's Comprehensive Plan are found applicable to this request: Policy 2 (Off-site Effects); Policy 3 (Citizen Involvement); Policy 11 (Commercial Forest Land); Policy 13 (Air, Water and Noise Quality); Policy 14 (Development Limitations); Policy 16 (Natural Resources); Policy 37 (Utilities); Policy 38 (Facilities).

a. Policy 2 – Off-site Effects.

Staff Comment: When approving new land uses, the County may apply conditions if necessary to minimize negative off-site effects to surrounding properties. Conditions 1, 4, 6, and 8 address a variety of potential off-site effects from the proposed golf course use.

b. Policy 3 – Citizen Involvement.

"As a community service use, the golf course proposal will be reviewed in a public hearing following notification to surrounding property owners. This is one of the means recognized by the policy to assure citizen involvement in land use matters."

Staff Comment: Staff concurs.

b. Policy 11 – Commercial Forest Land Area.

"This policy requires that the zoning code provide for compatible community service uses within the zoning district. The policy has been implemented by the Commercial Forest Use District which recognizes as one of its purposes the orderly and planned development of public and private recreational uses which are compatible with forest use. Golf courses are a use which is compatible with forest use."

Staff Comments: To clarify applicant's finding above, staff suggests that a golf course use *may* be compatible with forest lands in certain locations and under certain conditions. We concur that a golf course on this site could be consistent with Policy 11. The policy states that the County should "...

maintain as commercial forest land, areas which are: ...cohesive forest areas with large parcels; or ... other areas which are ...necessary for ... potential recreation areas ...". The 120-acre site is at the edge (rather than the interior) of a 6000-plus acre "cohesive forest" area. The proposed recreation use of the site offers a compatible buffer and transition between commercial timber lands (to the north and west) and rural residential and agricultural uses (to the south and east). The use does not commit a significant amount of forest land to recreation use, and – as the history of use on this site attests – a golf course can be converted back to resource (forest) uses.

c. Policy 13 – Air, Water, and Noise Quality.

"The golf course use is neither a noise generator nor is it located in a noise sensitive area. Air quality will be maintained by the preservation of the large expanse of vegetated open space. Approved subsurface sewage disposal systems on a small portion of the property will assure that water quality is not degraded."

Staff Comment: Condition #4 requires review by the Corps of Engineers and the Division of State Lands. These agencies strictly control alterations to streams and wetlands. Their involvement in the design of the course should minimize adverse water quality effects.

d. Policy 14 – Development Limitations.

"With the possible exception of slopes exceeding 20%, the property is not subject to development limitations as specified in the policy. No structural development is proposed on the steeper slopes."

Staff Comment: Condition #1 requires Design Review of all proposed grading, clearing, or fill associated with the project. This review incorporates and implements the County's development limitations policy.

f. Policy 16 – Natural Resources.

"Neither the subject property nor the surrounding area west of the state highway is a natural resource area within the meaning of Policy 16. However, the policy recognizes that green spaces and vegetation significantly affect such factors as air flow, temperature, oxygenation, travel patterns and pollution. Maintenance of the property in its vegetated open space condition as a golf course will contribute to these beneficial effects. Property to the east of the highway is within the Willamette River Greenway along the Multnomah Channel. The separation provided by the wide, raised highway right-of-way assures that no activity on the golf course will impact the

Greenway. There is nothing in the nature of the golf course recreational use that would have an adverse impact on the Greenway use."

Staff Comment: The proposal's effects on wildlife habitat areas is discussed above in staff comments on the "West Hills Wildlife Study" [section A(2)].

Staff questions whether herbicides, pesticides, and fertilizers typically applied on fairways and greens will degrade water quality in the streams flowing through the site. These streams flow into wetland areas east of Highway 30 before joining Multnomah Channel. Condition #8 requires that the operator develop a management program detailing the use of herbicides, pesticides and fertilizers on the course. The program must specify provisions to minimize water quality impacts to the streams.

Policy 37 - Utilities

"With respect to the water and disposal system, the golf course use will rely upon an adequate private water system on site and will obtain all necessary DEQ approvals for subsurface sewage disposal systems. With respect to drainage, the storm water system is a natural system of existing creeks which are adequate to handle the run-off from the property. Because an unmeasurably small portion of the property will be developed with structures, there should be no increased run-off based upon the golf course use. The run-off that does occur will not change in volume or location or quality and therefore will not have any effect on adjoining waters and lands. The energy and communications requirements for the facility are minimal and will be adequately supplied by existing facilities."

Staff Comment: The proposed water system is subject to Boundary Commission approval; reference staff comments in A(4) above.

Policy 38 Facilities -

"The proposed golf course use will not create any additional demands on school, fire protection and police protection facilities. Through the public review and hearing process, the providers of these services will be contacted and provided an opportunity to comment."

Staff Comment: The issue of fire protection is discussed above; reference staff comments in criteria A(4) and Condition #6.

Conclusions.

1. Based on the findings above, the proposal – as conditioned – satisfies approval criteria for a Community Service Use.
2. Conditions of approval are necessary to minimize potential adverse impacts from the use and assure compatibility with surrounding land uses.

Signed April 9, 1990


By Richard Leonard, Chairman

Filed With the Clerk of the Board on April 19, 1990

Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before **4:30 PM. on Monday, April 30, 1990** on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision on this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, May 1, 1990 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development Division at 248-3043.



DEPARTMENT OF ENVIRONMENTAL SERVICES
Division of Planning and Development
2115 S.E. Morrison Street
Portland, Oregon 97214 (503) 248-3043

Decision

This Staff Report consists of Conditions, Findings of Fact and Conclusions

April 9, 1990

CU 6-90, #125

Conditional Use Request

Non-Resource Related Single Family Residence

Applicant requests conditional use approval of a non-resource related single family residence on a 4.85 acre Lot of Record in the MUF-19 zoning district

Location: 6189 NW Cornell Road

Legal: Tax Lot '6', Addition No. 1, Mountain View Park, Lots 29 & 31

Site Size: 4.85 acres

Size Requested: Same

Property Owner: PB and Mary Steacy
16935 NW Joscelyn Street, Beaverton 97006

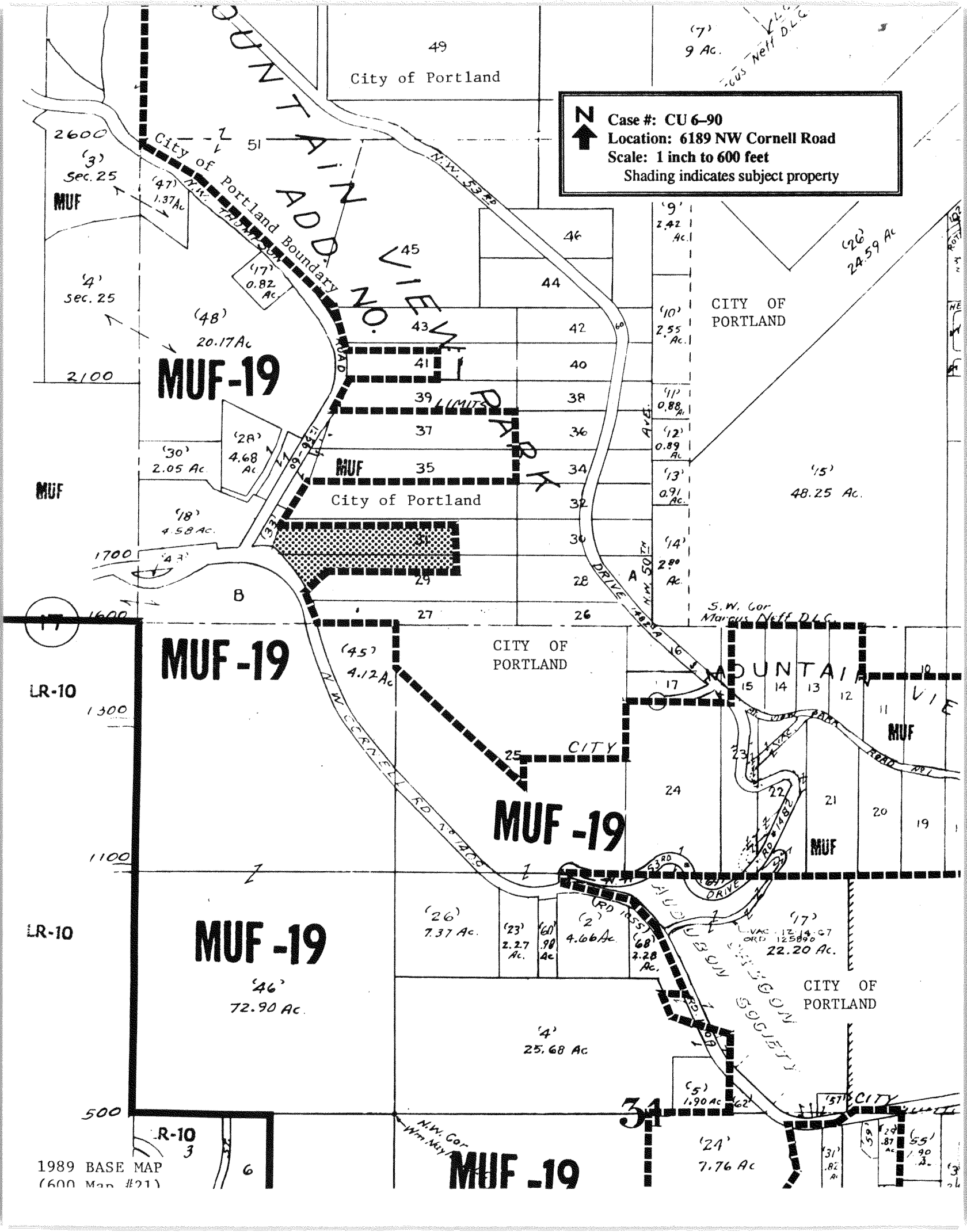
Applicant: Same

Comprehensive Plan: Multiple Use Forest

Present Zoning: MUF-19

Planning Commission Decision:

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



Case #: CU 6-90

Location: 6189 NW Cornell Road

Scale: 1 inch to 600 feet

Shading indicates subject property

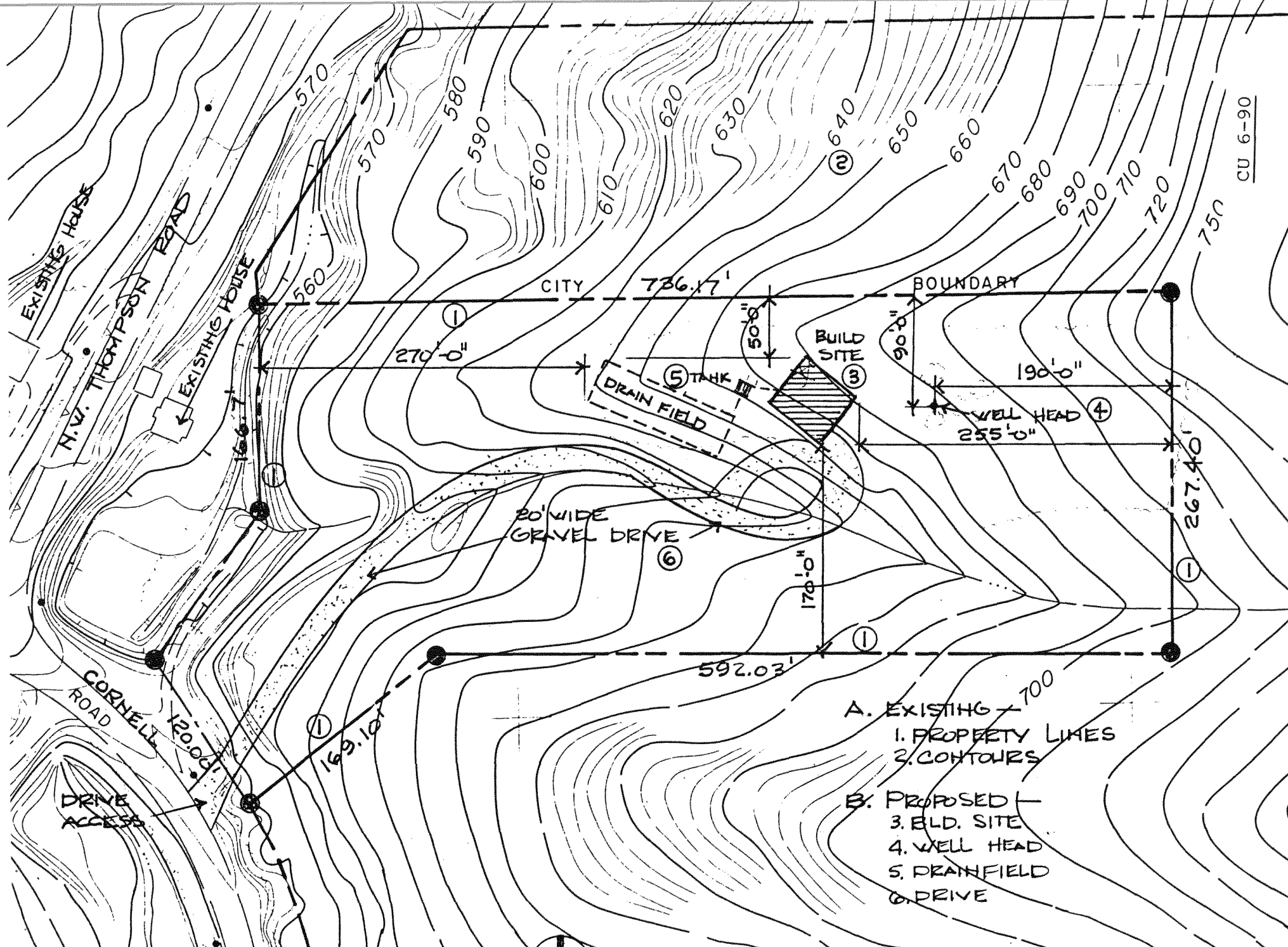
MUF-19

MUF-19

MUF-19

MUF-19

MUF-19



- A. EXISTING —
- 1. PROPERTY LINES
 - 2. CONTOURS
- B. PROPOSED —
- 3. BLD. SITE
 - 4. WELL HEAD
 - 5. DRAINFIELD
 - 6. DRIVE

NORTH

1" = 100'-0"

SEE ATTACHED LEGAL

427,000

CONDITIONS OF APPROVAL.

1. Prior to the issuance of building permits, the property owner shall provide the Land Development Section with a copy of the recorded restrictions required under MCC 11.15.2172(A)(5). A prepared blank copy of this deed restriction is available at the Land Development Offices.
2. Satisfy the requirements of Engineering Services regarding any further improvements of NW Cornell Road.
3. Prior to any site clearing or grading, obtain a *Hillside Development and Erosion Control Permit* pursuant to MCC .6700-6730. Contact Mark Hess at 248-3043 for application materials.

FINDINGS OF FACT.

1. Applicant's Proposal:

The applicant requests Planning Commission approval to develop the above described 4.85 acre Lot of Record with a non-resource related single family dwelling.

2. Ordinance Considerations:

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

- (1) The lot size shall meet the standard of MCC 11.15.2178(A) or .2182(A) to (C).
- (2) The land is incapable of sustaining a farm or forest use, based upon one of the following:
 - a) A Soil Conservation Service Agriculture Capability Class of IV or greater for at least 75% of the lot area, and physical conditions insufficient to produce 50 cubic feet/acre/year or any commercial trees species for at least 75% of the area;
 - b) Certification by the Oregon State University Extension Service, the Oregon Department of Forestry, or a person or group having similar agricultural and forestry expertise, that the land is inadequate for farm and forest uses and stating the basis for the conclusions; or
 - c) The lot is a Lot of Record under MCC 11.15.2192(A) through (C) and is ten acres or less in size.
- (3) A dwelling, as proposed, is compatible with the primary uses as listed in MCC 11.15.2168 on nearby property and will not interfere with the resources or the resource management practices or materially alter the stability of the overall land use pattern of the area.

- (4) The dwelling will not require public services beyond those existing or programmed for the area.
 - (5) The owner shall record with the Division of Records and Elections a statement that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct accepted forestry or farming practices.
 - (6) The dwelling will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife, or that agency has certified that the impacts are acceptable.
- B. A residential use located in the MUF district after August 14, 1980 shall comply with the following:
- (1) The fire safety measures outlined in the "Fire Safety Considerations for Development in Forested Areas", published by the Northwest Inter-Agency Fire Prevention Group, including at least the following:
 - a) Fire lanes at least 30 feet wide shall be maintained between a residential structure and an adjacent forested area;
 - (2) An access drive at least 16 feet wide shall be maintained from the property access road to any perennial water source on the lot or an adjacent lot;
 - (3) The dwelling shall be located in as close proximity to a publicly maintained street as possible, considering the requirements of MCC 11.15.2058(B). The physical limitations of the site which require a driveway in excess of 500 feet shall be stated in writing as part of the application for approval;
 - (4) The dwelling shall be located on that portion of the lot having the lowest productivity characteristics for the proposed primary use, subject to the limitations of subpart #3 above;
 - (5) Building setbacks of at least 200 feet shall be maintained from all property lines, wherever possible, except:
 - a) a setback of 30 feet or more may be provided for a public road, or
 - b) the location of dwelling(s) of adjacent lots at a lesser distance which allows for clustering of dwellings or sharing of access;
 - (6) The dwelling shall comply with the standards of the Uniform Building Code or as prescribed in ORS 446.002 through 446.200, relating to mobile homes;
 - (7) The dwelling shall be attached to a foundation for which a building permit has been obtained;

- (8) The dwelling shall have a minimum floor area of 600 square feet; and
- (9) The dwelling will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable.

3. Site and Vicinity Characteristics:

The subject property is a Lot of Record of 4.85 acres located on the northeast corner of the intersection of NW Cornell and Thompson Roads. It is vegetated with a mixture of conifer and deciduous trees. The property is not within a designated big game winter habitat area.

Properties in the surrounding area range in size from two acres to over 40 acres in size. Many of the smaller lots are developed with rural residences, while most of the larger parcels are undeveloped.

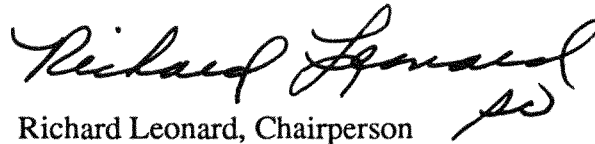
The applicant proposes to locate the residence on the property in compliance with the Residential Location Standards of the MUF zone. Water will be provided by the City of Portland and the property has been determined suitable for subsurface sewage disposal. Telephone and power facilities are available along the Cornell Road frontage.

CONCLUSIONS.

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

In the Matter of CU 6-90

Signed April 9, 1990


Richard Leonard, Chairperson

Filed with Clerk of the Board on April 19, 1990

Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 4:30 p.m. on Monday, April 30, 1990 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

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DEPARTMENT OF ENVIRONMENTAL SERVICES
Division of Planning and Development
2115 S.E. Morrison Street
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Decision

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Size Requested: Same

Property Owner: PB and Mary Steacy
16935 NW Joscelyn Street, Beaverton 97006

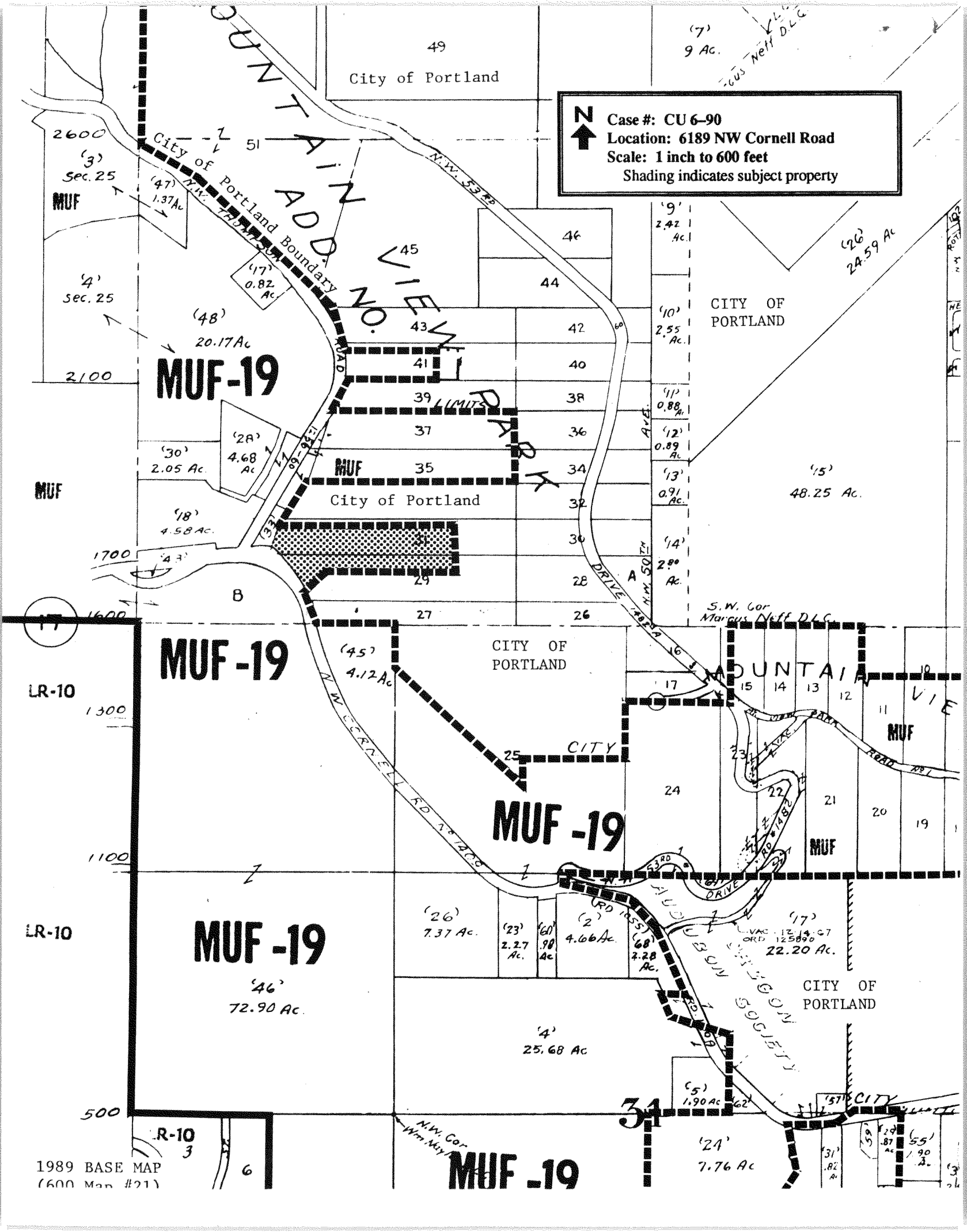
Applicant: Same

Comprehensive Plan: Multiple Use Forest

Present Zoning: MUF-19

Planning Commission Decision:

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



Case #: CU 6-90

Location: 6189 NW Cornell Road

Scale: 1 inch to 600 feet

Shading indicates subject property

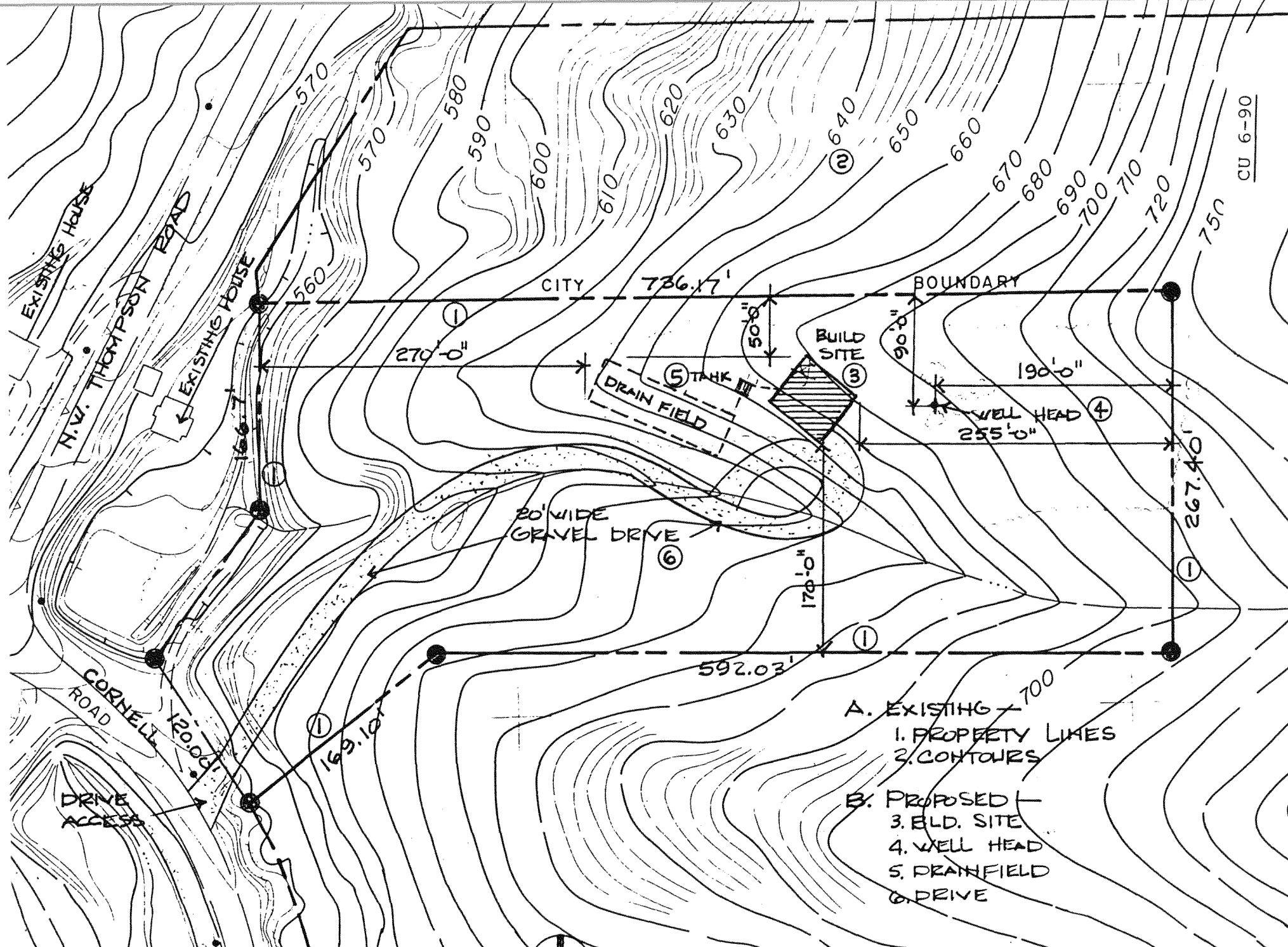
MUF-19

MUF-19

MUF-19

MUF-19

MUF-19



NORTH
 1" = 100'-0"
 SEE ATTACHED LEGAL

CU 6-90

427,000

CONDITIONS OF APPROVAL.

1. Prior to the issuance of building permits, the property owner shall provide the Land Development Section with a copy of the recorded restrictions required under MCC 11.15.2172(A)(5). A prepared blank copy of this deed restriction is available at the Land Development Offices.
2. Satisfy the requirements of Engineering Services regarding any further improvements of NW Cornell Road.
3. Prior to any site clearing or grading, obtain a *Hillside Development and Erosion Control Permit* pursuant to MCC .6700-6730. Contact Mark Hess at 248-3043 for application materials.

FINDINGS OF FACT.

1. Applicant's Proposal:

The applicant requests Planning Commission approval to develop the above described 4.85 acre Lot of Record with a non-resource related single family dwelling.

2. Ordinance Considerations:

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

- (1) The lot size shall meet the standard of MCC 11.15.2178(A) or .2182(A) to (C).
- (2) The land is incapable of sustaining a farm or forest use, based upon one of the following:
 - a) A Soil Conservation Service Agriculture Capability Class of IV or greater for at least 75% of the lot area, and physical conditions insufficient to produce 50 cubic feet/acre/year or any commercial trees species for at least 75% of the area;
 - b) Certification by the Oregon State University Extension Service, the Oregon Department of Forestry, or a person or group having similar agricultural and forestry expertise, that the land is inadequate for farm and forest uses and stating the basis for the conclusions; or
 - c) The lot is a Lot of Record under MCC 11.15.2192(A) through (C) and is ten acres or less in size.
- (3) A dwelling, as proposed, is compatible with the primary uses as listed in MCC 11.15.2168 on nearby property and will not interfere with the resources or the resource management practices or materially alter the stability of the overall land use pattern of the area.

- (4) The dwelling will not require public services beyond those existing or programmed for the area.
- (5) The owner shall record with the Division of Records and Elections a statement that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct accepted forestry or farming practices.
- (6) The dwelling will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife, or that agency has certified that the impacts are acceptable.

B. A residential use located in the MUF district after August 14, 1980 shall comply with the following:

- (1) The fire safety measures outlined in the "Fire Safety Considerations for Development in Forested Areas", published by the Northwest Inter-Agency Fire Prevention Group, including at least the following:
 - a) Fire lanes at least 30 feet wide shall be maintained between a residential structure and an adjacent forested area;
- (2) An access drive at least 16 feet wide shall be maintained from the property access road to any perennial water source on the lot or an adjacent lot;
- (3) The dwelling shall be located in as close proximity to a publicly maintained street as possible, considering the requirements of MCC 11.15.2058(B). The physical limitations of the site which require a driveway in excess of 500 feet shall be stated in writing as part of the application for approval;
- (4) The dwelling shall be located on that portion of the lot having the lowest productivity characteristics for the proposed primary use, subject to the limitations of subpart #3 above;
- (5) Building setbacks of at least 200 feet shall be maintained from all property lines, wherever possible, except:
 - a) a setback of 30 feet or more may be provided for a public road, or
 - b) the location of dwelling(s) of adjacent lots at a lesser distance which allows for clustering of dwellings or sharing of access;
- (6) The dwelling shall comply with the standards of the Uniform Building Code or as prescribed in ORS 446.002 through 446.200, relating to mobile homes;
- (7) The dwelling shall be attached to a foundation for which a building permit has been obtained;

- (8) The dwelling shall have a minimum floor area of 600 square feet; and
- (9) The dwelling will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable.

3. Site and Vicinity Characteristics:

The subject property is a Lot of Record of 4.85 acres located on the northeast corner of the intersection of NW Cornell and Thompson Roads. It is vegetated with a mixture of conifer and deciduous trees. The property is not within a designated big game winter habitat area.

Properties in the surrounding area range in size from two acres to over 40 acres in size. Many of the smaller lots are developed with rural residences, while most of the larger parcels are undeveloped.

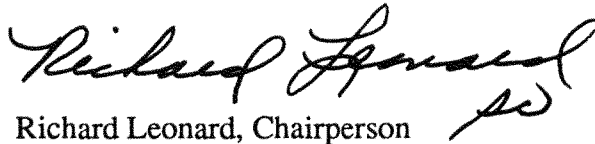
The applicant proposes to locate the residence on the property in compliance with the Residential Location Standards of the MUF zone. Water will be provided by the City of Portland and the property has been determined suitable for subsurface sewage disposal. Telephone and power facilities are available along the Cornell Road frontage.

CONCLUSIONS.

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

In the Matter of CU 6-90

Signed April 9, 1990

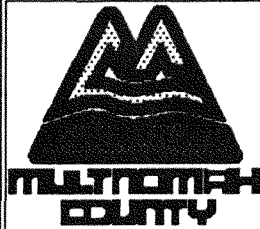

Richard Leonard, Chairperson

Filed with Clerk of the Board on April 19, 1990

Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 4:30 p.m. on Monday, April 30, 1990 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, May 1, 1990 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development at 248-3043.



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

Decision

This Report consists of Findings of Fact and Conclusions

April 9, 1990

CU 4-90, #659 Conditional Use and SEC Permit Requests
SEC 3-90/#659 (Refrigeration Equipment Repair Shop in the Columbia River Gorge)

Applicant requests approval of a Conditional Use and SEC Permit to use an existing commercial building as a refrigeration equipment repair shop. The proposed use requires an SEC (Significant Environmental Concern) Permit because the site is within the Columbia River Gorge Scenic Area

Location: 35905 East Crown Point Highway
Legal: Tax Lot '28', Section 34, 1N-4E 1989 Assessor's Map
Site Size: 100' x 200' (.43 acres)
Size Requested: Same
Property Owner: Robert Lindell/John and Janice Boothe
Applicant: Robert Lindell
**Comprehensive
Plan:** Rural Center/Significant Environmental Concern
Present Zoning: RC, Rural Center District; Minimum lot size of 1 acre;
 SEC, Area of Significant Environmental Concern

PLANNING COMMISSION

DECISION: Deny requested Conditional Use and SEC Permit based on
 the following Findings and Conclusions.

CU 4-90/SEC 3-90



Case #: CU 4-90 & SEC 3-90
Location: 3509 E Crown Point Highway
Scale: 1 inch to 200 feet
Shading indicates subject property

RC SEC CS / MUF-19 SEC

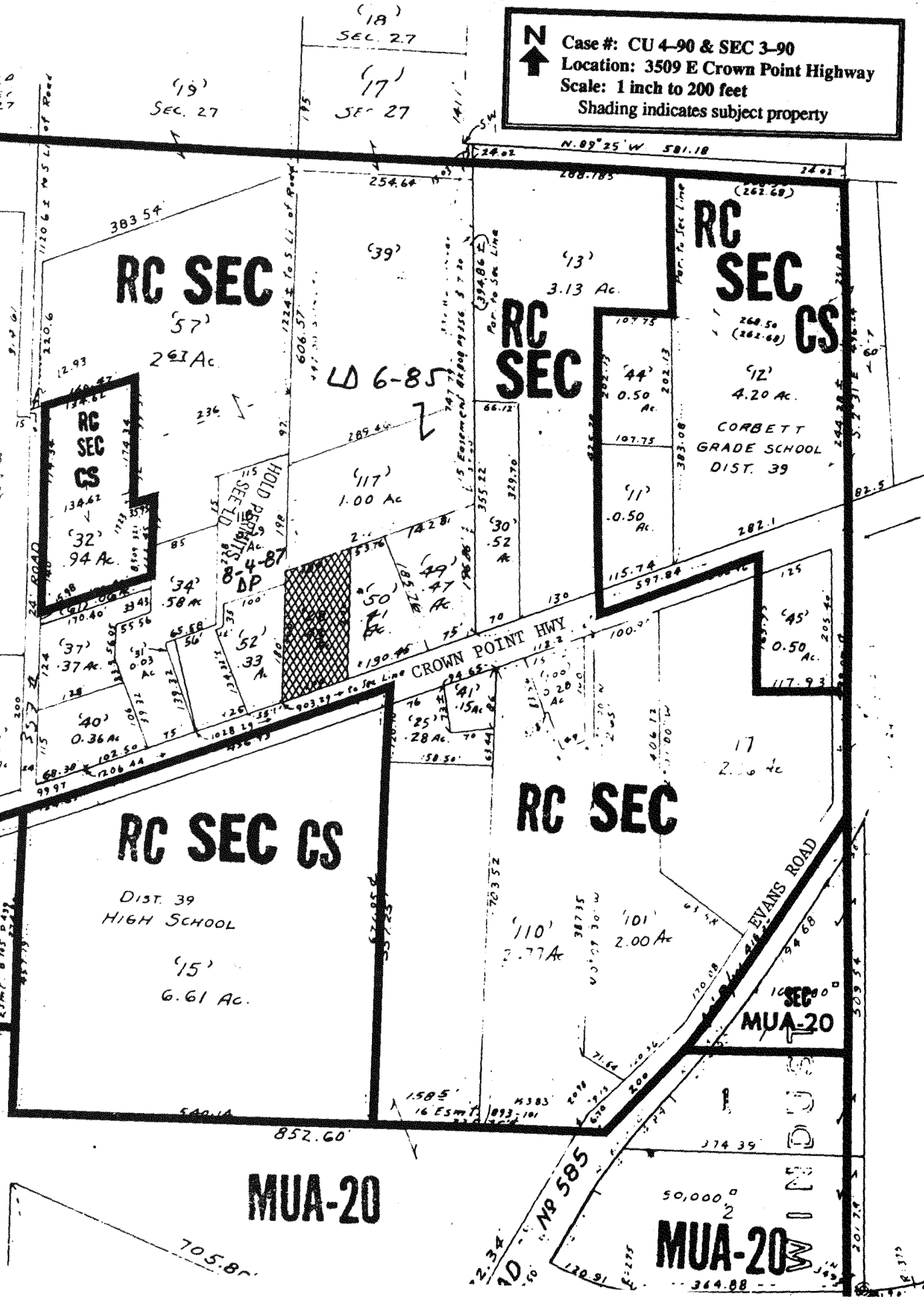
MUA-20 SEC

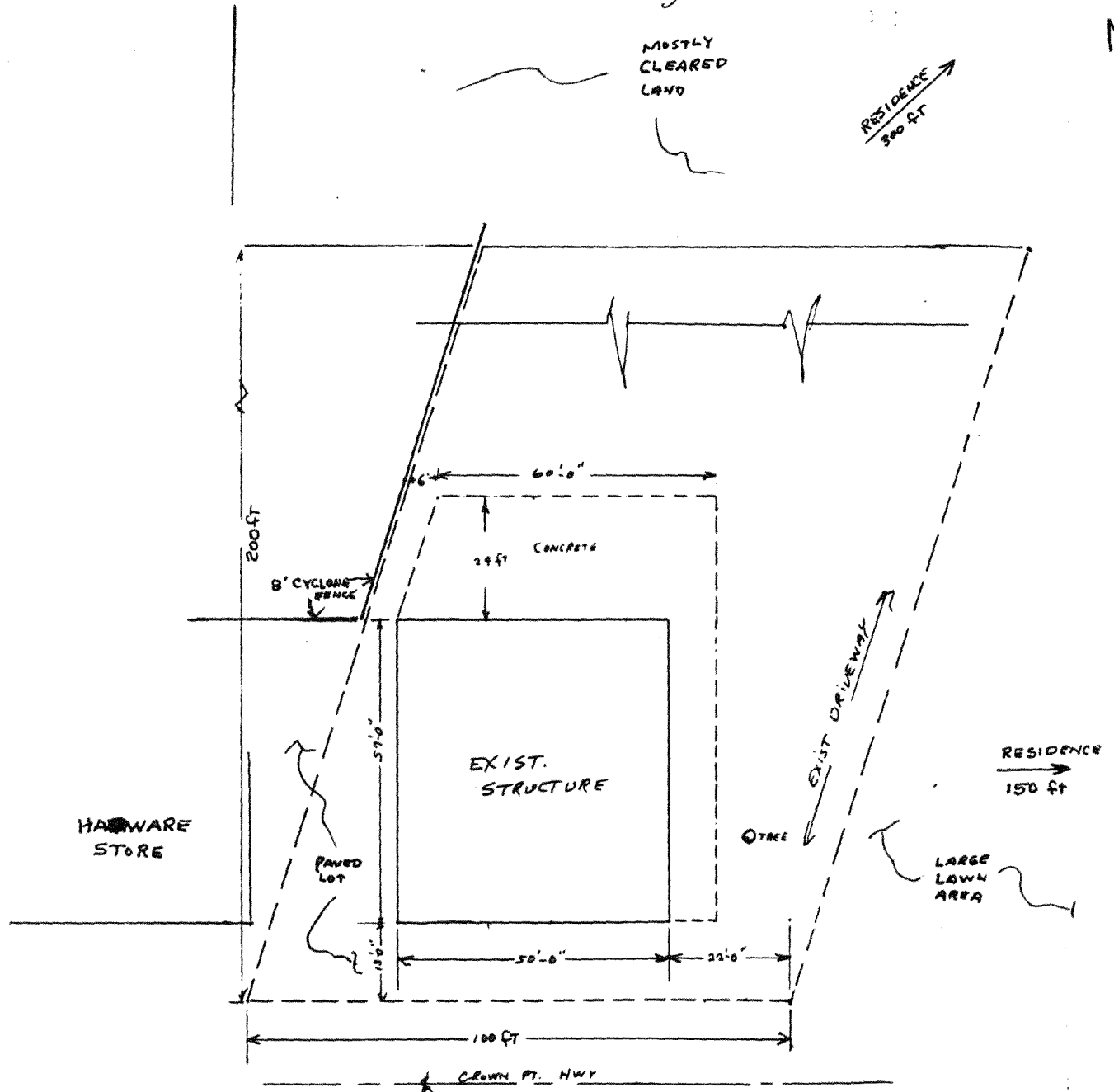
MUA-20

Ac.

MUA-20

MUA-20





TL28
SEC 34 1N4E
SCALE $\frac{1}{16}'' = 1'-0''$

SCHOOL FENCE - CYCLONE

CORBETT HIGH SCHOOL
PROPERTY

CU 4-90/SEC 3-90

Findings of Fact.

1. Summary of the Proposal:

The applicant requests retro-active recognition and permission to continue operating a commercial service and repair business at this site. The applicant states that *"...We repair and service many types of commercial refrigeration equipment and special purpose equipment for research, medicine and commerce. Examples include blood storage environmental control enclosures for American Red Cross and area hospitals; plant growth research chambers for U.S. Dept. of Agriculture, University research and commercial nurseries."*

The application includes an SEC Permit request. The site is within an area designated Significant Environmental Concern; the overlay is designed to protect scenic and other resources associated with the Columbia River Gorge.

2. Site and Vicinity Information:

The 0.43 acre site is within the unincorporated community of Corbett, directly across from the Corbett High School. The property fronts onto the Historic Columbia River Highway. The Corbett Hardware Store stands immediately to the west. Surrounding land uses are mixed; residences dominate to the north and east and further west. Coyote Archery — a light manufacturing firm — occupies a converted church building about 1/4 mile to the east. The Corbett Grade School is east of Coyote Archery. The Corbett Post Office is across the Highway from these uses.

The structure on the subject site contains 2800 square feet. It is a wood frame building constructed in 1924 (according to County Tax Assessor's records). The building's architecture suggests it was originally constructed as a residence and later added onto and converted for commercial use. Multnomah County permit records indicate a "grocery store" was operating on the site in 1977. Subsequent building permits (for alterations) issued in 1982 and 1983 indicate the land use on the site was a grocery (reference permit numbers 771333, 821037, 830303 and 832060). The County has been involved in zoning enforcement proceedings with the applicant since 1988 because the applicant's firm — Enercon Technology — established a manufacturing and repair service use on the property without County land use approvals.

3. Zoning and Comprehensive Plan Designations.

The plan designation of the parcel is Rural Center/Significant Environmental Concern. The parcel is zoned RC, (Rural Center) with an SEC (Area of Significant Environmental Concern) overlay.

4. Ordinance Considerations:

Conditional uses allowed in rural centers are specified in MCC 11.15.2252. Subsection (B)(1) specifies "...***Limited rural service commercial uses such as local stores, shops, offices, repair shops, and similar uses.***" Such uses may be permitted when found to satisfy *Conditional Use Approval Criteria* in MCC .7105 – .7640. New uses proposed within an Area of Significant Environmental Concern must meet approval criteria specified in MCC .6420.

The following section presents findings regarding the proposed Conditional Use and SEC Permit; the applicable standard is in ***bold italics***, applicant's responses are presented first in *italics*, followed by staff comments.

A. Conditional Use Criteria (MCC .7120)

A(1) ***Is consistent with the character of the area;***

"The nature of a small repair and service facility is in character with the surrounding businesses which include Corbett Electronics, Coyote Archery, Real Estate offices, Mechanics and Towing Shops and other small commercial establishments and light manufacturing."

Staff Comment: Commercial uses in the Corbett rural center are small in scale and limited in their service area.. The area surrounding the subject site is described above under Finding #2. The use of the site by Enercon Technology has been inconsistent with the area character since it was improperly established on the site in the mid-1980's. Since that time, the site has been continuously cluttered with equipment, machinery, vehicles —some functional, some not —spare parts and other materials presumably associated either the repair or manufacture of commercial refrigeration units and other special purpose equipment with which the firm deals.

The applicant proposes planting a hedge around the site; a hedge to screen the materials openly stored on the site would — in five to ten years — mitigate some of the visual inconsistencies with the low density residential and small scale commercial uses on nearby properties. Negative visual impacts to the Historic Columbia River Highway, however, would not likely be resolved by a hedge planting. Since the building sits close to the highway frontage, an informal-widened shoulder parking pattern has evolved. Vehicle parking and equipment on and off-loading is typically conducted in this highway shoulder-paved area in front of the building.

Staff considered whether conditions of approval could resolve these design and other inconsistencies with the area character. While it may be possible to craft conditions which improve the situation, significant and costly improvements would be required. The list would include such things as: relocating parking and loading activities to the rear of the building; removing parking

along the highway frontage and landscaping in front of the building; installing a privacy fence along the sides and rear of the property to screen the outdoor storage during the years needed for a hedge planting to achieve a screening effect.

County Planning Staff have been attempting to resolve the zoning violation which Enercon Technology represents since our first correspondence with Mr. Lindell in September, 1988. The Circuit Court ordered the removal of the materials and equipment stored on the site on November 20, 1989 — it required removal of the items within 30 days. Slides taken for this staff report on March 1, 1990 clearly show the outdoor storage of equipment remains.

The Columbia River Gorge Commission too has found Mr. Lindell's use of the property in violation of the National Scenic Area Act; they levied the maximum fine possible in September, 1989 — and still the use remains a visual eyesore on the Corbett community.

Based on the long history of non-compliance and the significant investments which staff believes are needed, we doubt that conditions of approval to achieve consistency with the area character could be effectively applied in this situation. In addition, this is not a limited, rural oriented commercial use. Therefore the proposal does not satisfy this approval criteria.

A(2) Will not adversely affect natural resources;

"There would be no effect on natural resources due to the presence of Enercon Technology, Inc."

Staff Comment: Staff concurs with applicant's finding.

A(3) Will not conflict with farm or forest uses in the area;

"There will be no conflict with farm or forest uses of the area since the lot's highest and best use is commercial and has consistently been so since 1923. The nearest Agricultural crop land is over 1/2 mile away at Schwartz Berry stand west on Crown Pt. Highway. Forested areas are concentrated miles to the west and south."

Staff Comment: While the record of commercial use on the site is scanty, staff concurs that the proposal's effects on farm or forest uses in the area are negligible.

A(4) Will not require public services other than those existing or programmed for the area;

Staff Comments:

a. Water Supply.

The Corbett Water District supplies water service to the site; no changes are contemplated for the repair shop use.

b. Sewage Disposal.

Sewage is disposed through an on-site septic system. The site may not have sufficient area to accomodate on-site parking and loading areas behind the building without encroaching on the drainfield. There is insufficient information to determine if this criteria can be met.

A(5) *Will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable;*

"There is no affect on big game winter habitat."

Staff Comment: The site is not identified as a big game habitat area in the Comprehensive Plan or by the Oregon Department of Fish and Wildlife.

A(6) *Will not create hazardous conditions;*

"There are no hazardous supplies used at the company or emmissions of any kind from the business."

Staff Comment: The unsecured outdoor storage of equipment and materials may cause hazards to area children or others who have access to the site. The Corbett School District raises this issue in a letter to the Gorge Commission dated February 26, 1990.

The parking and loading activity in front of the building requires backing maneuvers into the highway, creating a traffic hazard

A(7) *Will satisfy the applicable policies of the Comprehensive Plan.*

The following policies of the County's Comprehensive Plan are applicable to this request: Policy 3 (Citizen Involvement), Policy 7 (Rural Centers), Policy 13 (Air, Water and Noise Quality), Policy 14 (Development Limitations), Policy 15 (Areas of Significant Environmental Concern), Policy 16 (Natural Resources).

a. Policy 3 – Citizen Involvement.

Staff Comment: The public will be informed of the proposed development

through the County's notification procedures and given an opportunity to comment at the Planning Commission public hearing.

b. Policy 7 – Rural Centers.

Staff Comments: The Framework Plan states that "...[T]he County's policy is to establish and maintain rural centers which are intended primarily for commercial and community services needed by the residents of the rural areas of the county, and to provide some tourist services." The intensity and type of use proposed is not appropriate to the rural scale and character of Corbett. The visual impacts diminish Corbett's appeal to the substantial number of tourists using the Historic Highway.

c. Policy 13 – Air, Water, and Noise Quality.

"There is no noise from the business other than occassional operating of power tools. This noise level is no more than would be expected from a residence and additionally would be expected to occur only during business hours of 7:30 A.M. to 5:00 P.M. We have double insulated the building for energy saving which also reduces noise from operating tools. We also plan to plant an hedge around the property which will further buffer noise as it is our desire to reduce noise from road traffic. There are no air or water polluting emmissions of any kind from the business."

Staff Comment: Staff concurs with applicant's finding.

d. Policy 14 – Development Limitations.

"In regard to policy 14, the property is located on flat land with no water table surfacing at any time of the year. No accumulation of run-off water has ever occurred."

Staff Comment: Staff concurs.

e. Policy 15 – Areas of Significant Environmental Concern

"In reagrd to Policy 15 the site has no economic value as a tourest or recreation value because the river is over 2 miles away and no lakes or wetlands are near to the site. The scenic value is likewise nil in terms of natural surrounding since the property and all of the surrounding properties have been developed for their present commercial uses since approximately 1923. Likewise there is no apparent environmental fragility or specific natural features that will be sacrificed, jeopardized or changed due to the continuence of the usage at the site."

Staff Comment: The property is highly visible from the Historic Columbia River Highway. The Corbett community is a gateway into the Columbia River Gorge National Scenic Area. It provides many visitors their first impressions of the Gorge as they travel up the old highway on their way to Women's Forum State Park, Vista House and attractions further east. The County's policy in areas of significant environmental concern is to review development allowed by the base zone to ensure minimum impact to areas valued for their scenic qualities and as tourist attractions. The proposal conflicts with these environmental values identified in the Policy 15 of the Framework Plan.

f. Policy 16 – Natural Resources.

"Regarding Policy 16 concerns, there are no known mineral sources, energy resources, domestic water supply watersheds, wildlife habitats or ecologically significant areas on the property or on the surrounding properties. No changes are contemplated in the present vegetative cover except for the additional planting of hedges and landscaping plants."

Staff Comment: Staff Concurs.

B. SEC Approval Criteria (MCC .6420)

(a) The maximum possible landscaped area, scenic and aesthetic enhancement, open space or vegetation shall be provided between any use and a river, stream, lake, or floodwater storage area.

Staff Comment: The site does not affect any water body or flood storage area.

(b) Agricultural land and forest land shall be preserved and maintained for farm and forest use.

Staff Comment: No farm or forest lands are near the site; they would not be affected by the proposed use

(c) The harvesting of timber on lands designated SEC shall be conducted in a manner which shall insure that the natural, scenic, and watershed qualities will be maintained to the greatest extent practicable or will be restored within a brief period of time.

Staff Comment: There is no timber harvest associated with the request.

(d) A building, structure, or use shall be located on a lot in a manner which

will balance functional considerations and costs with the need to preserve and protect areas of environmental significance.

Staff Comment: The siting of the structure on the site occurred long before this standard was written, however, the accessory uses associated with this business (i.e. outdoor storage of equipment, vehicle parking and truck on and off-loading) diminish scenic visual qualities in the gorge and detract from the area's value as a tourist attraction. These accessory uses must be sited according to the standard noted above; applicant's historic use of the site and the site plan offered do not address the visual and other impacts to the Corbett community nor the scenic area generally.

(e) Recreational needs shall be satisfied by public and private means in a manner consistent with the carrying capacity of the land and with minimum conflicts with areas of environmental significance.

Staff Comment: No recreational use is proposed.

(f) The protection of the public safety and protection of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.

Staff Comment: As noted above under the *Hazards* discussion, the site is not secured, and the outdoor storage may pose hazards to area children and create an attractive nuisance for the community.

(g) Significant fish and wildlife habitats shall be protected.

Staff Comment: The site is not in areas containing significant fish or wildlife habitat.

(h) The natural vegetative fringe along rivers, lakes, and streams shall be enhanced and protected to the maximum extent practicable to assure scenic quality, protection from erosion.

Staff Comment: The site is not located near any river, lake or stream.

(i) Buildings, structures and sites of historic significance shall be preserved, protected, enhanced, restored, and maintained in proportion to their importance to the County's history.

Staff Comment: The structure, although relatively old compared to others in the area, is not identified in the County's Historic Resource inventory. Its original architectural details have been significantly altered and later additions to

the structure do not retain the original "craftsman bungalow" style. We conclude it has little historic value meriting restoration or protection.

(j) Archaeological areas shall be preserved for their historic, scientific, and cultural value and protected from vandalism or unauthorized entry.

Staff Comment: The site is not known to possess any archaeological resources. The proposed use would not require excavation unless the parking and loading area were relocated to the rear of the building.

(k) Extraction of aggregates and minerals, the depositing of dredge spoils, and similar activities permitted pursuant to the provisions of MCC .7105 through .7640, shall be conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, historical or archaeological features, vegetation, erosion, stream flow, visual quality, noise, safety, and to guarantee necessary reclamation.

Staff Comment: No aggregate extraction is proposed.

(l) Areas of annual flooding, flood plains, water areas and wetlands shall be retained in their natural state to the maximum possible extent to preserve water quality and protect water retention, overflow and natural functions.

Staff Comment: The site is not in an identified flood plain and there are no wetlands on the property.

(m) Areas of erosion or potential erosion shall be protected from loss by appropriate means which are compatible with the environmental character.

Staff Comment: The site is generally flat; no erosion impacts should result from the use.

(n) The quality of the air, water and land resources and ambient noise levels in areas classified SEC shall be preserved in the development and use of such areas.

Staff Comment: Reference findings above under Policy 13.

(o) The design, bulk, construction materials, color and lighting of buildings, structures and signs shall be compatible with the character and visual quality of the areas of significant environmental concern.

Staff Comment: The design, color and materials of the exterior of the building are not compatible with the character and visual qualities valued in the

Columbia River Gorge Scenic Area. No changes to the building design are proposed. A flat roofed carport addition was added to the east side of the structure without land use or building permits in 1988.

(p) An area generally recognized as fragile or endangered plant habitat or which is valued for specific vegetative features, or which has an identified need for protection of the natural vegetation, shall be retained in a natural state to the maximum extent possible.

Staff Comment: No such areas exist on the subject property.

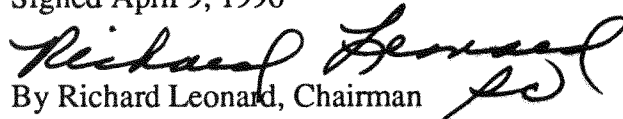
(q) The applicable policies of the Comprehensive Plan shall be satisfied.

Staff Comment: Reference findings above under the *Conditional Use* criteria.

Conclusions.

1. The proposal does not satisfy Conditional Use approval criteria due its inconsistency with the area character, the extensive (rather than limited) service area of the proposed business, the hazardous conditions which the use causes and conflicts with Comprehensive Plan Policies No.7 (Rural Centers) and 15 (Areas of Significant Environmental Concern).
2. The proposal does not satisfy SEC approval criteria (d), (f), (o) and (q) as detailed in the findings section above.

Signed April 9, 1990


By Richard Leonard, Chairman

Filed With the Clerk of the Board on April 19, 1990

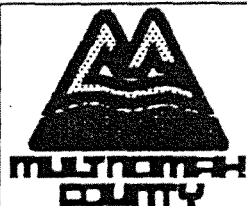
Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 4:30 PM. on Monday, April 30 1990 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision on this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, May 1, 1990 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development Division at 248-3043.

Decision
April 9, 1990

MAY 08 1990



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

Decision

This Decision consists of Findings of Fact and Conclusions.
February 26, 1990

PD 1-90, #421
ZC 1-90, #421

Planned Development
Zone Change Request
(LR-10 to LR-7)

RECEIVED
PLANNING DIVISION
MAY 08 1990
10:30 AM - 3 PM 3:31
MULTNOMAH COUNTY
OREGON

Applicant requests amendment of Sectional Zoning Map #421, changing a portion of the described property from LR-10, FF, low density residential, flood fringe district (minimum lot size of 10,000 square feet) to LR-7, FF, low density residential, flood fringe district (minimum lot size of 7,000 square feet) and approval of a Planned-Development for the entirety of the property to allow its development with a 124-unit mobile home park.

Location: 13300 SE Holgate Blvd.

Legal: Lots 14 and 15, Wiley Acre Tracts; Lots 13-15, Blk. 1 & Lots 14 & 15, Blk. 2, Sunset Gardens; Tax Lot '6' of Lot 1, Lamargent Park, plus Tax Lots '501', '442', and '497', Section 14, 1N-2E, 1988 Assessor's Map

Site Size: 25.22 Acres (1,098,583 Square Feet)

Size Requested: Same

Property Owner: David Douglas Public School District #40, 1500 SE 130th Ave., 97233

Applicant: Jeffrey L. Payne
PO Box 69253, 97201

Comprehensive Plan: Low Density Residential

Present Zoning: LR-7 and LR-10, FF, Urban Low Density Residential
Flood Fringe District Minimum lot size of 7,000 and 10,000 square feet

Sponsor's Proposal: LR-7, FF, P-D, Urban Low Density Residential, Flood Fringe,
Planned-Development District Minimum lot size of 7,000 square feet

PD 1-90 & ZC 1-90

ACRE
ZC 53-58

ZC 53-58

SE MALL

WILEY
TRACTS

JANAY
SE 135TH AVE



Zoning Map
Case #: ZC 1-90 & PD 1-90
Location: 13300 SE Holgate Blvd.
Scale: 1 inch to 600 feet
Shading indicates subject property

LD 26-81

FF

LR-10

3543

RD 10 2.129 S.E. RAYMOND ST.

LR-7

VERDANT

21-64
SLOPE

RIDGECREST

S.E. STEELE ST.

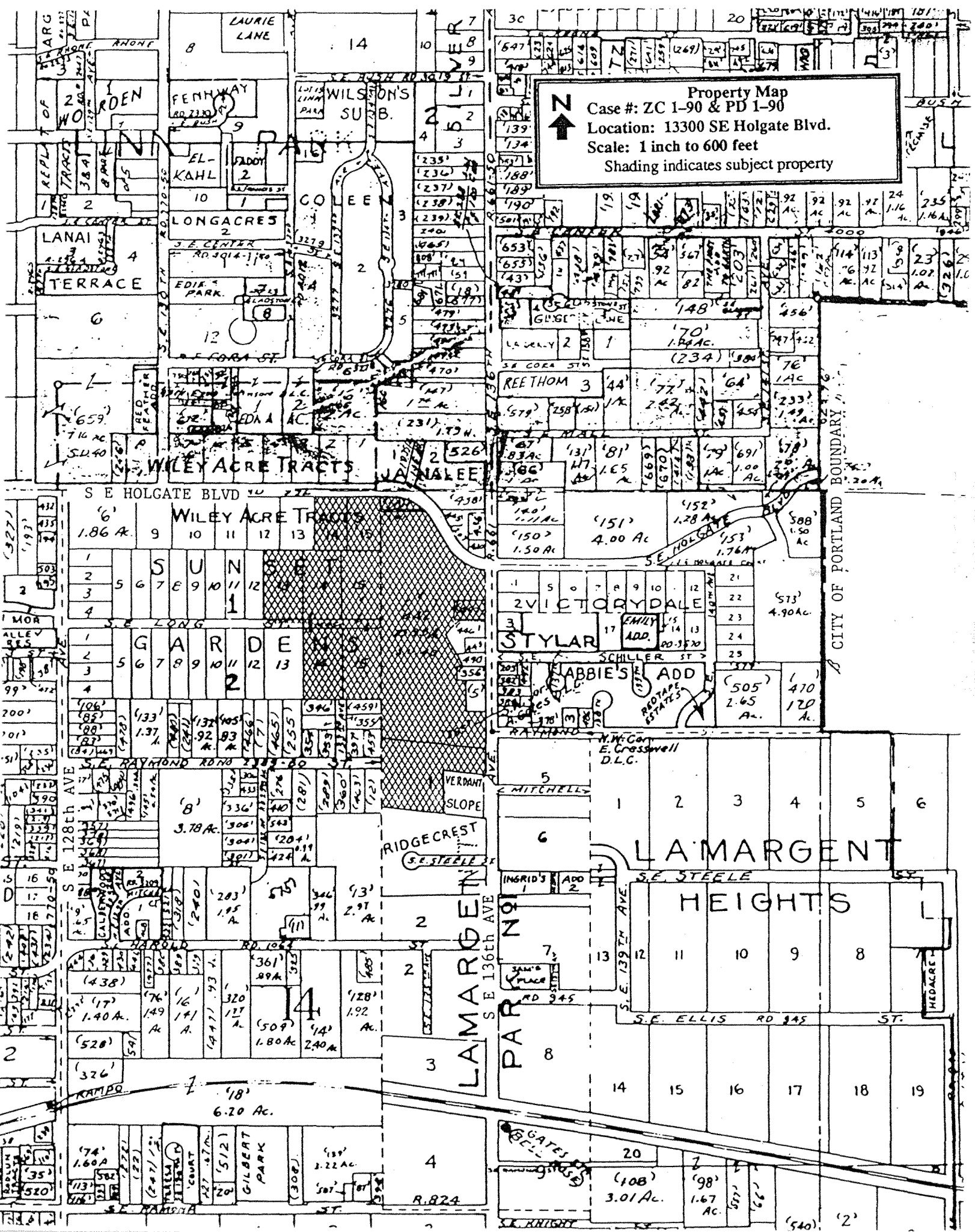
SE 4113 MITCHELL ST.

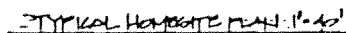
LD 74-81

R

R-10

Property Map
Case #: ZC 1-90 & PD 1-90
Location: 13300 SE Holgate Blvd.
Scale: 1 inch to 600 feet
Shading indicates subject property





PD 1-90/ZC 1-90

Planning Commission Decision: DENY a change in the zone designation of the northerly portion of this property from LR-10 to LR-7; thereby disallowing a planned development for the entirety of the site which would have allowed its development with a 124-unit mobile home park, based upon the following Findings and Conclusions.

Findings of Fact:

1. Applicant's Proposal:

The applicant requests Planning Commission approval of a zone change from LR-10 to LR-7 for the northerly portion of this property and approval of a 124-unit mobile home park on the entirety of the site as a Planned Development.

2. Ordinance Considerations:

- A. The burden is on the applicant for a zone change to persuade the Planning Commission that:
 - (a) Granting the request is in the public interest;
 - (b) There is a public need for the requested change and that need will be best served by changing the classification of the property in question as compared with other available property;
 - (c) The proposed action fully accords with the applicable elements of the Comprehensive Plan.
- B. Planning Commission action on the Preliminary Development Plan and Program shall be based on findings that the following are satisfied:
 - (a) The proposed action fully accords with the applicable elements of the Comprehensive Plan;
 - (b) The applicable provisions of MCC 11.45 the Land Division Chapter;
 - (c) That any exceptions from the standards or requirements of the underlying district are warranted by the design and amenities incorporated in the Development Plan and Program, as related to the purposes of the Planned Development subdistrict which are:

To provide a means of creating planned environments through the application of flexible and diversified land development standards; to encourage the application of new techniques and new technology to community development which will result in superior living or development arrangements; to use land efficiently and thereby reduce the costs of housing, maintenance, street systems and utility networks; to promote energy conservation and crime prevention; to relate developments to the natural environment and to inhabitants, employers, employees, cus-

tomers, and other users in harmonious ways.

(d) That the system of ownership and the means of developing, preserving and maintaining open space is suitable to the purposes of the proposal.

(e) The following environmental standards:

(1) The Development Plan and Program shall indicate how the proposal will be compatible with the natural environment.

(2) The elements of the Development Plan and Program shall promote the conservation of energy, and may include such factors as the location and extent of site improvements, the orientation of buildings and usable open spaces with regard to solar exposure and climatic conditions, the types of buildings and the selection of building materials in regard to the efficient use of energy and the degree of site modification required in the proposal.

(3) The Development Plan and Program shall be designed to provide freedom from hazards and to offer appropriate opportunities for residential privacy and for transition from public to private spaces.

(4) The location and number of points of access to the site, the interior circulation patterns, the separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings, structures and uses shall be designed to maximize safety and convenience and be compatible with neighboring road systems, buildings, structures and uses.

(f) That the proposed development can be substantially completed within four years of the approval or according to development stages proposed as follows:

(1) The applicant may elect to develop the site in successive stages in a manner indicated in the Development Plan and Program. Each such stage shall satisfy the requirements of this Chapter.

(2) In acting to approve the Preliminary Development Plan and Program, the Planning Commission may require that development be completed in specific stages if public facilities are not otherwise adequate to service the entire development.

(g) The following Development Standards:

(1) A Planned Development District shall be established only on a parcel of land found by the Planning Commission to be suitable for the proposed development and of sufficient size to be planned and developed in a manner consistent with the purposes stated in MCC .6200.

(2) Open space in a Planned Development District means the land area used for

scenic, landscaping or open recreational purposes within the development.

- (a) Open space shall not include street rights-of-way, driveways or open parking areas.
 - (b) Locations, shapes and sizes of open space shall be consistent with the proposed uses and purposes of the Planned Development.
 - (c) Open spaces shall be suitably improved for intended use. Open spaces containing natural features worthy of preservation may be left unimproved or may be improved to assure protection of the features.
 - (d) The development schedule shall provide for coordination of the improvement of open spaces with the construction of other site improvements proposed in the Development Plan and Program.
 - (e) Assurance of the permanence of open spaces may be required in the form of deeds, covenants or the dedication of development rights to Multnomah County or other approved entity.
 - (f) The Planning Commission may require that instruments of conveyance provide that in the event an open space is permitted to deteriorate or is not maintained in a condition consistent with the approved plan and program, the County may at its option cause such maintenance to be done and assess the costs to the affected property owners. Any instruments guaranteeing the maintenance of open spaces shall be reviewed as to form by the County Counsel.
- (3) In order to preserve the integrity of the Comprehensive Plan and relate to a residential Planned Development to it, the number of dwelling units permitted shall be determined as follows:
- (a) Divide the total site area by the minimum lot area per dwelling unit required by the underlying district or districts in which the Planned Development is located.
 - (b) Optional Density Standards. The following standards for the calculation of residential density may be used singularly or in combination, when approved by the Planning Commission:
 - (i) The permitted number of dwelling units determined under subsection (A) above may be increased up to 25 percent upon a finding by the Planning Commission that such increased density will contribute to:
 - Satisfaction of the need for additional urban area housing of the type proposed;
 - The location of housing which is convenient to commercial, employ-

ment and community services and opportunities;

- The creation of a land use pattern which is complementary to the community and its identity, and to the community design process;
- The conservation of energy;
- The efficient use of transportation facilities; and
- The effective use of land and of available utilities and facilities.

(ii) The permitted number of dwelling units may be increased over those computed above upon a finding by the Planning Commission that:

- The total number of persons occupying the site will not exceed the total otherwise permitted or authorized in the district, based upon the difference between the average family size occupying permitted units in the vicinity and the family size limited by the proposed number of bedrooms, the proposed number of kitchens, the age composition of prospective residents, or other similar occupancy limitations; and
- The criteria of (i) above are satisfied.

(h) The purposes of the Planned Development subdistrict; and

(i) That modifications or conditions of approval are necessary to satisfy the purposes of the Planned Development subdistrict.

3. Site and Vicinity Characteristics:

This property is located at the southwest corner of the intersection of SE 136th Avenue and SE Holgate Street. The site is undeveloped and the majority has been in the ownership of David Douglas School District since 1965. The site slopes downward from south to north, with the northerly portion being a portion of an area which experiences occasional flooding and is known as Holgate Lake. That area, however, has undergone extensive filling and the area which would be subject to flooding is greatly reduced, if not eliminated. Properties on all sides of the site are developed for residential purposes.

4. Development Proposal:

The applicant plans to develop the property with a 124-unit mobile home park at a density of approximately one unit per 8,860 square feet. While individual lot sizes will be less than that allowed by the present LR-10 and LR-7, the resulting site density is not significantly different than what would be realized by a subdivision development of the entire site under the provisions of the existing zoning. The difference results from the proposed provision of open space, common areas and a water feature.

The proposed development includes the completion of the public street system for the

Decision

February 26, 1990

surrounding area. Engineering Services is requiring that SE 133rd Avenue be improved by the applicant and connected with SE 136th Avenue. SE Raymond Street will be connected with the interior streets of the development, and SE Long Street will be *cul-de saced* at the westerly boundary of the project. The main access to the development will be from SE Holgate Blvd.

Interior development is proposed to be comparable to that of the Meadowland mobile home development at 160th and SE Powell Blvd. The perimeter will be fenced from adjoining properties, areas around individual sites will be landscaped, a common storage area will be provided, and an office/clubhouse is proposed. Each site will be provided a garage or carport area and all units must be of a minimum size of 950 square feet.

5. Compliance with Ordinance Criteria:

This proposal satisfies the criteria for a zone change and planned development as follows:

- A. *Public Interest:* It is in the public interest to provide communities with a range of affordable housing types. The LR-7 zoning district recognizes this fact by allowing mobile home parks as a Conditional Use.
- B. *Public Need:* There is a public need for providing additional areas within the County where manufactured homes may be located. As the cost of site built homes increases to an average of nearly \$65 per square foot, fewer residents are able to afford them. Manufactured units, then, which average around \$25 per square foot become an attractive option, and one which more of the population is turning as witnessed by the low vacancy rates in existing developments.
- C. *Compliance with Applicable Comprehensive Plan Policies:* This proposal satisfies the following policies of the Comprehensive Framework and Powellhurst Community plans:
 - (a) No. 13—Air, Water and Noise Quality: No adverse impacts with respect to air, water and noise quality have been identified which would result from this development.
 - (b) No. 14—Development Limitations: The northern portion of this site is within a designated flood hazard area. However, a large portion of that area has been filled with earthen material over the years. The flood elevation of this area is identified by FEMA as being 210 feet above MSL. A 1963 topographic map indicates that the lowest elevation of the site was 190.1 feet. Staff inspection of the property concluded that it is possible that the depth of fill material for a significant portion of the flood hazard area may have raised the ground elevation above the 210 foot elevation.

The Planning Commission determines that the volume and depth of fill required to elevate the entire area planned for development would not be in keeping the the character of the surrounding area and could possibly increase the potential for flooding in that surrounding area; therefore, find that there is not compliance with this Plan policy.

- (c) No. 16—Natural Resources: With the exception of the flood hazard area identified in

- (b) above, there are no natural resources that have been identified which would be impacted as a result of the proposed zone change and planned development.
- (d) No. 21—Housing Choice: This proposal provides for the location of housing units at a cost well below that of site built residences.
- (e) No. 22—Energy Conservation: This proposal would allow the optimum use of solar access for its residents. North-south street and east-west site layout results maximum solar potential for the units.
- (f) No. 24—Housing Location: This proposal allows the infill of vacant urban land with a housing type that is currently in great demand.
- (g) No. 25—Mobile Homes: Development of this property with a mobile home complex under the provisions of the Planned Development subdistrict satisfies this policy.
- (h) No. 36—Transportation System Development Requirements: Engineering Services is requiring the following improvements:
- Dedicate and improve cul-de-sacs at east end of SE Long Street and either SE Raymond Street or north end of SE 133rd Avenue. (Approval to extend SE Raymond Street directly east is not safe).
 - Relocate proposed main entrance west as far as practical to maximize sight distance on SE Holgate Blvd.
 - Create new access point approximately 200 ft. south of SE Holgate Blvd. on SE 136th Avenue. This should be a public street curving southwesterly through the site to connect to either SE 133rd Avenue or SE Raymond Street, having 50 ft. of right-of-way and be improvement to county standards with curbs, sidewalks, street lighting, etc. This access provides an alternative access necessitated by periodic inundation of the principal access point on SE Holgate Blvd.
 - Dedications and improvements to county standards (60 ft. of right-of-way with a 44 ft. pavement section, curb and sidewalks for SE 136th Avenue, and 80 ft. right-of-way with a 66 ft. pavement section for SE Holgate Blvd.), will be required.
 - If the internal street connects to SE 133rd Avenue, it must be improved to its intersection with SE Raymond Street
 - The improvements of the private streets are not subject to our standards for public streets.
- (i) No. 37—Utilities: Water is provided by Gilbert Water District who indicates they are capable of serving the project with water at 50 pounds pressure. Sewage disposal will be via public sewer which is available at SE 136th and Holgate. Drainage is handled on-site by means of dry wells. All necessary power and communication

facilities are available along both street frontages.

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

C. Additional Planned Development Considerations: A number of the Planned Development approval criteria are discussed in (C) above and a number of others are not applicable to this proposal since they involve the processing of special requests which are not being made by this applicant (*e.g.*, land division, density increase, *etc.*). Those that remain are satisfied as follows:

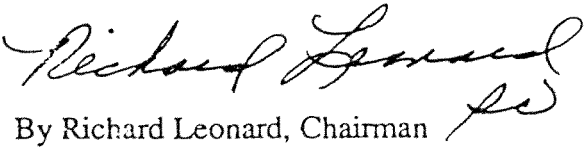
- (a) *System of Ownership* — It is proposed that this project remain under single ownership. That has been found to be the best method of insuring that open space is adequately preserved and maintained.
- (b) *Size* — This parcel is of sufficient size (25.22 acres) to be suitable to accommodate the development as proposed. It allows a system of mainly private streets, sizable areas of open space, and energy efficient dwelling location.
- (c) *Development and Placement of Open Space* — This is an item that is best controlled through the Design Review Process. The approval is conditioned to insure that these items will be provided.
- (d) *Density* — The proposed density is less than that which could be achieved through a subdivision of the land, a far less than that possible through the planned development process.
- (e) *Satisfaction of Planned Development Purpose* — This proposal is an efficient use of undeveloped urban land. It employs development techniques different than that of a conventional subdivision by creating a circulation pattern that is mainly in private ownership; consequently not a maintenance burden of the public. It allows for energy efficient orientation of units and provides amenities in the form of useable open space and a central recreation area. All necessary public support services and facilities are directly available to the site and no additional public funds are necessary to achieve program implementation.
- (f) *Development Timetable* — The development is proposed to be completed within four years without phasing.

Conclusions:

1. The applicant has not carried the burden necessary for the granting of the requested zone change and planned development based on Finding No. 5 above.

In the Matter of PD 1-90 & ZC 1-90

Signed February 26, 1990

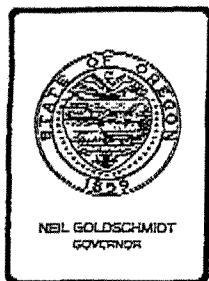

By Richard Leonard, Chairman

Filed With the Clerk of the Board on March 8, 1990

Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 4:30 p.m. on Monday, March 19, 1990 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision on this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, March 20, 1990 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development Division at 248-3043.



RE: PD 1-90

5/1/90

Department of Land Conservation and Development

1175 COURT STREET NE, SALEM, OREGON 97310-0590 PHONE (503) 373-0050 FAX 362-6705

April 27, 1990

Donna Urquhart
5216 S.E. 132nd
Portland, Oregon 97236

Dear Ms. Urquhart:

Please forgive my delay in responding to your April 10th letter. I have been involved in several things that have strict time lines and am behind in my correspondence.

I spoke with Bob Hall, Senior Planner with Multnomah County, shortly after your first telephone call and also today. Mr. Hall is familiar with the proposed project near 13300 S.E. Holgate and described the setting which you captured in photographs. He established that the proposed project is indeed within the 100-year floodplain (Reference: Flood Insurance Rate Map, Panel 382, 3/18/86). I can understand why you and your neighbors are concerned about the impact of fill on local flooding and am sure that Multnomah County shares your concerns.

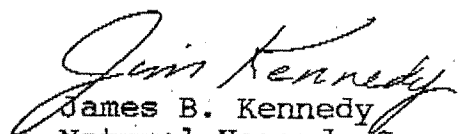
Multnomah County has adopted a floodplain ordinance which was approved by the Federal Emergency Management Agency (FEMA). Section 11.15.6307 (Permits) of that ordinance states that no filling shall occur on lands within the 100-year flood boundary unless a Floodplain Development Permit specifically authorizing the proposal has been obtained from Multnomah County. I assume that such permits have been or will be issued prior to any filling in that area.

I contacted George Currin, FEMA Region X in Bothell, Washington, about the proposed project. He substantiated what Mr. Hall had told me earlier -- that most of the local flooding is not associated with Johnson Creek. This is an important point. Although Johnson Creek may contribute to flood conditions during a 100-year event, most of the flooding you and your neighbors have witnessed is associated with the closed basin in which you reside.

Mr. Currin bases much of his information on Corps of Engineers data. Filling in a closed basin presents a special set of problems that should be addressed prior to any permit being issued. I believe that Mr. Currin has discussed this with Mr.

Hall. You may reach Mr. Currin in Bothell at (206) 487-4679.
Please contact me if you have additional questions.

Sincerely,



James B. Kennedy
Natural Hazards Coordinator

cc:

Bob Hall, Multnomah Co. (FAX)
Lorna Stickel, Multnomah Co.
George Currin, FEMA
Jim Sitzman, DLCD

April 27, 1990

GORDON E. DAVIS

1020 Taylor Building, Suite 555
Post Office Box 8774
Portland, OR 97207

ATTN: Gordon Davis

At your request, we have reviewed geographic and hydrologic information regarding your client's property located generally at the intersection of S.E. Holgate Blvd and 136th Avenue. The purpose of our review was to ascertain the probable causes of flooding on the property and in the area and whether or not the additional filling that may be required by your client's project is likely to significantly effect the flood elevation in the area.

In addition to reviewing readily available information on the area and the property, we have had discussions with Multnomah County Engineer Dick Howard and Lawrence Basich of the Federal Emergency Management Agency (FEMA) in Bothell, Washington. Our findings are based on the information and professional judgement of these individuals as well as our own conclusions derived from this information.

Summary of Findings

Flooding that periodically occurs within this area of Multnomah County has three possible sources.

1. **Overland Runoff.** Overland runoff during storms is one possible cause of periodic flooding in the area. However, neither Mr. Howard nor Mr. Basich identified this factor as a source for the flooding. Additional analysis could determine the extent to which overland runoff contributes to the flooding in this area. Mr. Howard indicates that because of the high permeability of the soils in this area, runoff is not likely to be a significant contributing factor to the flooding.
2. **Backwater from Johnson Creek.** According to the current FEMA Flood Insurance Study for Multnomah County, a portion of this area is a flood storage area during the 100-year flood. This was confirmed by Mr. Basich, who pointed out that the 100-year flow on Johnson Creek flows over S.E. Foster Road in the vicinity of 111th Avenue and floods the low lying areas to the north and north-east. The area, however, is not a primary flood conveyance channel, merely a backwater storage area and neither FEMA nor Multnomah County guidelines prohibit filling or development in this area. The flooding associated with this large-scale flood overflow from Johnson Creek is not the type which occurs frequently in the area and which has given rise to the name Holgate Lake, according to Mr. Howard.
3. **Groundwater.** Mr. Howard indicated that the source of water causing the formation of Holgate Lake, as it is sometimes called, is rising groundwater. As groundwater rises during the wet season, it naturally reaches the ground surface in the lowest areas first. Mr. Howard stated that as this happens in this vicinity, Holgate Lake is formed; similarly, as the water table retreats, so would Holgate Lake.

Gordon Davis
April 27, 1990
page 2

The area represented by your client's proposed project is small in comparison to the approximately 360-acre area of land flooded by backwater from Johnson Creek during the 100-year flood. Therefore, any filling on your client's land would not be expected to have significant impact on the flood elevation in the area resulting from backwater flooding from Johnson Creek.

For groundwater, the elevation of the water table is determined by regional hydrologic and hydraulic forces within the soil structure of the area, and therefore is independent of the elevation of the ground surface in the area. The groundwater level generally would reach the same elevation with or without the proposed fill. Therefore, one possible solution to the periodic flooding in the area that is caused by rising groundwater could be filling in of the depressed areas to levels above the water table.

We hope this information will be of value to you and your client. It has been a pleasure to help with this project, and we look forward to helping you on future projects. If you have any questions or comments, please call.

Very truly yours,

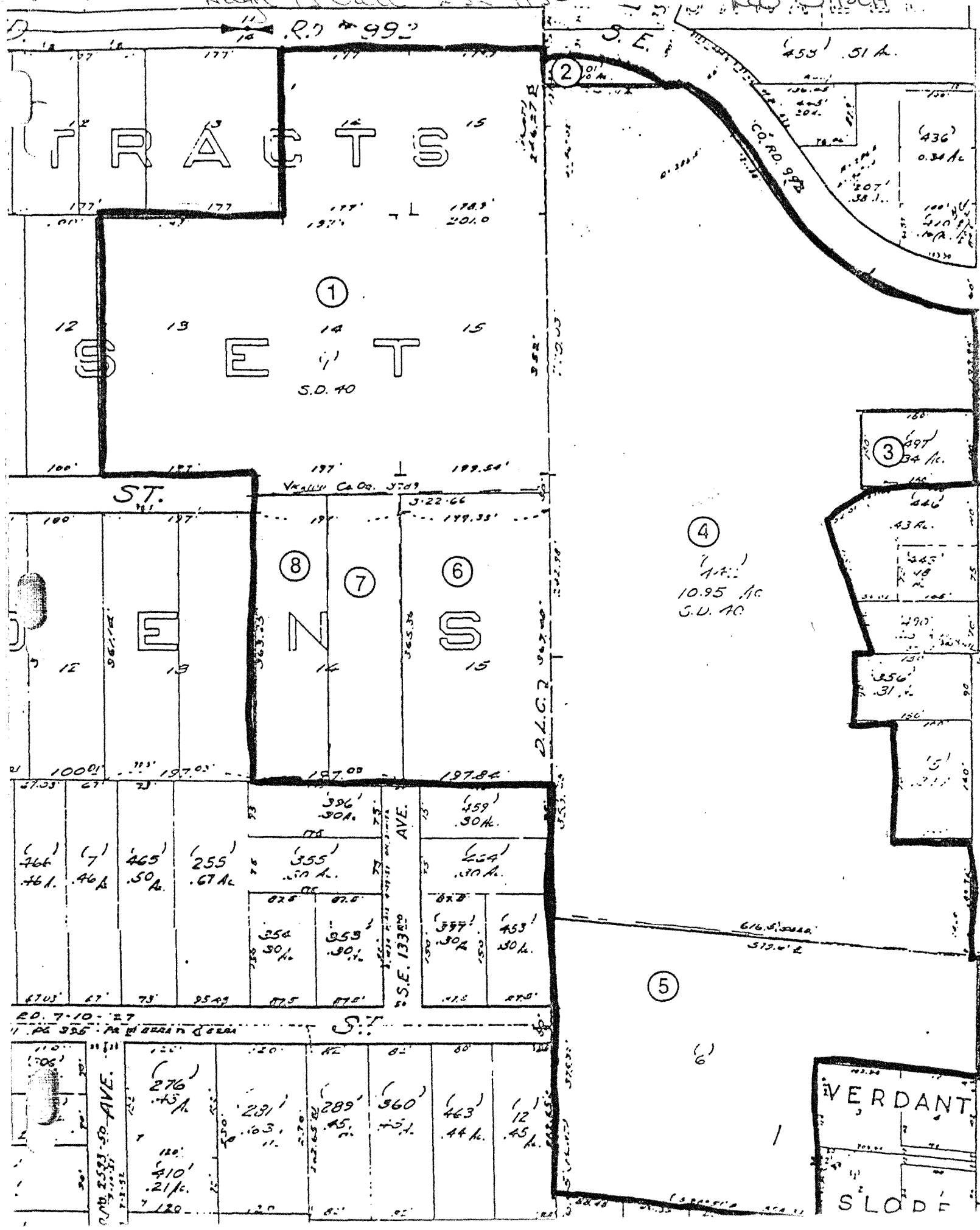
A handwritten signature in cursive script, reading "Joseph C. Howe".

Joseph C. Howe
OGDEN BEEMAN & ASSOCIATES, INC.

cc: Dick Howard, P.E., Multnomah County

Nash & Ball 252-1150

Submitted by
LEO CASCH



MEMORANDUM OF OPINION

TO: Gary Haase
Business Manager
David Douglas School District
2900 S. E. 122nd Avenue
Portland, Oregon 97036

FROM: V. Hugh Le Gall, SREA
Suite 102
9955 S. E. Washington Street
Portland, Oregon 97216

PROPERTY: Several contiguous parcels of land in the southwest quadrant of S. E. Holgate Boulevard and S. E. 136th Avenue.

LAND AREA: (See Facing Map)

Parcel 1	6.76 Acres
2	0.10 "
3	0.34 "
4	10.95 "
5	4.07 "
6-7-8	<u>3.31</u> "
	<u>25.53</u> Acres

ZONING: Tax Lot #6 is zoned LR-7. All of the remaining area is zoned LR-10. Both zoning designations are classified as Urban Low Density Residential. Various Community Service uses may be approved for these zones.

OBJECTIVES: To provide an estimate of fair market value.

EFFECTIVE DATE
OF ESTIMATE: March 2, 1987

VALUE
ESTIMATE: \$275,000

V. HUGH LE GALL, SREA 9955 S.E. WASHINGTON STREET • PORTLAND, OR 97216

IDENTIFICATION OF THE PROPERTYADDRESS:

Two parcels have addresses, 4825 S. E. 133rd Avenue is a small residence situated on the east one half of Lot 14, Block 2, Sunset Gardens. 4635 S. E. 135th Avenue was the address of a residence that burned and does not now exist (Tax Lot #497). The remaining property is vacant land.

LEGAL DESC:

Lots 14 and 15, Wiley Acre Tracts; Assessors Tax Lots #1, #501, #492, #6, #497, and Lots 14 and 15, Block 2, Sunset Gardens, all in the north one half of Section 14, 1S-2E, Multnomah County, Oregon.

LOCATION:

West of S.E. 136th Avenue, and south of S.E. Holgate Boulevard.

LAND AREA:

25.53 acres more or less.

OWNER OF
RECORD:

School District #40 of Multnomah County.

TAX DATA:

1986-87 Assessed Value:

<u>Parcel</u>	<u>Land</u>	<u>Improvements</u>	<u>Total</u>
1	46,000	0	\$ 46,000
2	4,500	0	4,500
3	16,500	12,700	29,200
4	180,000	0	180,000
5	72,500	0	72,500
6	26,000	0	26,000
7	16,500	12,300	28,800
8	16,500	0	16,500
			403,500

THE APPRAISAL PROBLEM

The subject property comprises 25.53 acres more or less, and has one small dwelling. It is basically a land assemblage. The bulk of the property is low, and has flooded at times in years past. There has been some filling of the low area, and the property has not flooded during wet weather this winter.

The general character of the neighborhood is low value, predominately one family residence. There is no sanitary sewer at this time, but a sewer in 128th Avenue, west of the property is scheduled for completion in 1989. There will be a sewer line in Holgate Boulevard bordering the property on the north, but that will not be available because it is a pressure line. The zoning is low density residential, but there has been little demand recently for sub-division land in this vicinity, and the character of the land and its neighborhood does not appear likely to generate demand until most other subdivision opportunities have been exhausted. A public service use is possible as a conditional use. It appears the most probable use of this property in the near future will be by some community service entity that requires a relatively large assemblage of land in this urbanized area. The market for land suitable for subdivision into residential lots has been almost non-existent for several years. The activity has been limited to a few comparatively high growth locations; notably the Clackamas Town Center area, and specific areas in Beaverton.

The characteristics of the subject property are such that few, if any, vacant parcels of similar size are directly comparable to it. This makes the Direct Sales Comparison Approach difficult at best. However, it should be possible to estimate the time when the property will be capable of development, i.e., the date sewer is available. The value of the property as if available and ready for development today is estimated. The time when the property can be developed is estimated. Today's estimated value at that date is discounted to present worth. The cost necessary to bring in the sewer, and make the property ready is estimated and discounted to present worth. That figure is then subtracted to give an estimate of the probable price a buyer would be willing to pay for the site as a future subdivision.

HIGHEST AND BEST USE

PRINCIPLE OF HIGHEST AND BEST USE:

"That reasonable and probable use that will support the highest present value as defined as of the effective date of the appraisal. Alternatively, that use, from among reasonably probable and legal alternative uses, found to be physically possible, appropriately supported, financially feasible and which results in highest land value.

Implied within these definitions is recognition of the contribution of the specific use to community environment or community development goals in addition to wealth maximization of individual property owners. Also implied is that the determination of highest and best use results from the appraiser's judgment and analytical skill, i.e., that the use determined from analysis represents an opinion, not a fact to be found."

Highest and Best Use must be:

Legal

Physically possible

Appropriate

Economically Feasible

HIGHEST AND BEST USE ANALYSIS

Legal Factors:

The property is outside the corporate boundary of the City of Portland, and is subject to Multnomah County zoning and building regulations. The existing zoning is low density residential (R-7 and R-10). Primary use under these classifications is "Single Family Detached Dwelling".

There are various conditional uses that may be possible, and these include Community service uses described under MCC .7015 through .7041.

Physical Factors:

This tract lies in a natural depression. At its lowest point it is several feet lower than the surrounding land. Over the years it has from time to time experienced flooding when a wet weather lake has developed as water has surfaced from underneath. No sub-surface soil test is available to the appraiser; however, it has been suggested that a hard pan or impervious layer underlies the property. One of the obvious physical problems is the disposal of surface drainage and storm water.

A sewer pumping station for sanitary sewer will be located just east of 136th Avenue, and north of Holgate Boulevard with completion scheduled for mid 1989. Collector lines in 136th Avenue, and in Holgate Blvd. are scheduled for 1992-1993 completion. At any time after completion of the pump station and pressure line it would be possible to sewer the subject by a line to the pump station. There is no storm sewer near, and it would be necessary to pump to any that would be available. Dry wells or sumps are a questionable solution. Some filling has been done, and the ground level of the property has been lifted in that area which was once at the lowest elevation.

Appropriate:

Although the property is zoned for detached dwellings, and it is in an area where the surrounding land use is predominately one family residence, a residential subdivision is a use that results in a rapid run off of storm water. It is difficult to see how that is an appropriate use until a storm sewer is available. At the present time, and into the foreseeable future, the most appropriate use would be a development requiring a relatively large site, and which did not create a significant increase in run off of storm water. It is also noted that the neighborhood is characterized by numerous low value or poor quality residential properties. It lacks a developed appeal as a residential location.

Economic Factors:

It appears that residential use is highly speculative when consideration is given to the relatively slow absorption of residential lots in east Multnomah County, the loss of tax incentives for real estate development, the lack of neighborhood reputation, and the uncertainty about the timing when storm sewer will be available. It is not an unreasonable expectation that a single user may be found which needs a relatively large site, but does not have, or does not create a significant problem with storm water.

It is possible that such an entity can be found in the community service sector, and would be able to qualify for a conditional use. The fact that such users are probably relatively few in number would appear to limit the competitive demand until it is considered that the supply of large sites this close in is even more limited.

Conclusion:

Given the facts and apparent conditions as noted in the foregoing discussion, the most probable use that can be anticipated at this time is a single use that would qualify as a conditional use; probably a Community Service. It is likely that such would result in the highest present value, and answers the requirements of the "Principle of Highest and Best Use".

VALUATION ANALYSIS

The subject property is zoned for single detached dwellings. That is not an appropriate use at the present time because of the limitations described under Highest and Best Use. I did, nevertheless, investigate the market for subdivision land. That market is strong in the Sunnyside area, but very inactive in east Multnomah County and Gresham. Some sales considered are listed at the end of this memorandum. I considered a single use that would utilize all or most of the property and fall under the community service classification to be :Highest and Best Use . An investigation of that part of the real estate market found two recent sales for school sites. One of these acquired by Reynolds School District is an arms length transaction. The site across Stark Street from Mount Hood Medical Center contained 15.6 acres, has sewer and all utilities available to it, and is considered much superior to the subject. The price translates to \$15,000 an acre.

Sale No. 2 to Gresham School district is a site on Salquist Road east of Gresham. It totals 12.37 acres and the price at \$20,678 an acre appears to be above market value.

Community service entities in search of real estate are relatively few, however, those requiring large areas (15 to 20 acres) can find few available sites in the urbanized area. The bulk of the land available in tracts this large is zoned for industrial use. That zoned for exclusive farm use is generally outside the urbanized area. The limited supply of large vacant tracts relatively close in balances the limited demand. Storm drainage would likely require a detention pond. That together with the shape of the property would reduce the usable land area. I believe an effective land use area of 20 acres is a reasonable assumption.

Analysis of the market data available indicates a range of \$12,500 to \$15,000 an acre for the usable area; or \$250,000 to \$300,000.

It is my opinion that the most probable selling price as of March 2, 1987 is:

Two Hundred Seventy Five Thousand Dollars

\$275,000

NOTE: Under the highest and best use assumptions, the small dwelling at 4825 S. E. 133rd Avenue does ^{not} influence the value of the total property.

Sale #1 Community Service Use:

Location: N/S.E. Stark St. west of S. W. Kane Road.
 Legal: Sec. 35 1N 3E
 Grantor: Paul, Frances, Virgil, Evelyn, Paul S., and R. Frances Montecucco.
 Grantee: Reynolds School District #7.
 Date: December 29, 1986
 Price: \$234,000 \$15,000/acre
 Land Area: 15.6 acres
 Confirmed: Ward Moyer 661-7200
 Intended Use: Site for a Middle School.
 Sewer available.

Sale #2 Community Service Use:

Location: N/S Salquist Road, West of 282nd Avenue, Gresham.
 Legal: Sec. 13 1S 3E, TL 237
 Grantor: Elan Development Corporation
 Grantee: Gresham School District #4
 Date: December 1986
 Price: \$255,789 \$20,678/acre
 Land Area: 12.37 acres
 Confirmed: Dick Close 252-0061

ND
OC

{ Comment: Trade involved - indication that Elan Development acquired the property for \$127,894.50 (10,339/acre) 10 days prior to transfer to Gresham School District.

Subdivision Land:

Location: E/S of S.E. 122nd Avenue, approximately 430 feet north of Sunnyside Road.

Legal: TL 2500 2 2E 2BB

Grantor: Raymond E. Lester and Arlene D. Lester

Grantee: P.B.H., Inc. (1888 S. W. Madison St., 97205)

Date: October 24, 1986

Price: \$340,000 \$26,154/acre

Land Area: 13 acres

Subdivision Land:

Location: 835 N. E. Halsey St., Fairview.

Legal: TL 96 28 1N 3E

Grantor: Bessie M. Poynor

Grantee: Linda B. Hamilton and Ken Hamilton

Date: September 1985

Price: \$42,000 \$15,272/acre

Land Area: 2.75 acres

Zoning: R.75

Comment: This property has been developed. It is a small subdivision totaling seven lots. Good location, has 230 feet on Halsey Street. Good topography, some trees. All utilities.

Subdivision Land:

Location: South side of N.E. Glisan Street, East of 223rd Avenue, across from the Kennel Club.

Legal: TL #6 Section 34 1N 3E

Grantor: William Mann Parkhurst trustee

Grantee: Peter K. McGill

Date: May 1983

Price: \$300,000 \$15,000/acre

Land Area: 19.96 acres

Zoning: SR

Subdivision Land:

Location: East side of S. W. Towle, and west side of Wallula, Gresham.

Legal: TL 88 16 1S 3E

Grantor: Michael Palmer Dunlap

Grantee: Sussman, Wapnick, Caplan, & Stiles a Partnership

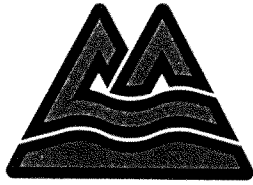
Date: August 1986

Price: \$30,000 \$11,673/acre

Land Area: 2.57 acres

Zoning; L D R

Comment: An excellent location adjacent to good modern subdivision. All utilities available. A long, narrow tract with 100 feet of frontage on Towle St. and 209 feet on Wallula St. Wooded and much of it lies in a steep ravine.



MULTNOMAH COUNTY OREGON

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PORTLAND, OREGON 97207-0849
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✓ GLADYS McCOY
MULTNOMAH COUNTY CHAIR
1021 S.W. 4th, ROOM 134
PORTLAND, OREGON 97204
4/27/90
cc: Clerk

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY, CHAIR
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RICK BAUMAN
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COUNTY COUNSEL
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GERALD H. ITKIN
H. H. LAZENBY, JR.
PAUL G. MACKEY
MATTHEW O. RYAN
MARK B. WILLIAMS

M E M O R A N D U M

TO: Board of County Commissioners
Gladys McCoy, Chair
Pauline Anderson
Rick Bauman
Gretchen Kafoury
Sharron Kelley

FROM: John L. DuBay
Chief Assistant
County Counsel

SUBJECT: Procedures at Board meetings

DATE: April 26, 1990

1990 MAY - 1 AM 10:54
MULTNOMAH COUNTY
OREGON
CLERK OF COUNTY COMMISSIONERS

At the land use hearing on Tuesday, a motion was made to "reconsider at the next meeting." This was followed by a "notice of possible reconsideration." The motion did not receive a second. It is my opinion neither the unseconded motion nor the notice was valid to bring the matter back to the Board or to suspend any action on the main motion adopted by the Board.

I understand the land use decision will be placed on the agenda for next Tuesday. I bring this matter to your attention now to advise you of county code provisions for rehearing and as a guide for future board meetings.

According to Robert's Rules of Order, a motion for reconsideration always requires a second. Once seconded the matter may be brought up for debate, at the time or later, by the chair or any member. The motion may be made only by one who voted on the prevailing side. It must be made on

Board of Commissioners
April 26, 1990
Page 2

the same day as the vote on the main motion. The motion requires a majority vote. If the motion is to reconsider and enter on the minutes, the motion cannot be brought up for debate until the next day or a later meeting.

A notice of possible reconsideration is not mentioned in Robert's Rules. The rules do provide for "previous notice" in some circumstances. When notice is given that a member proposes to introduce a motion at a later meeting, announcement that the motion will be made must be included in the call of the meeting. This notice provision isn't applicable to motions to reconsider because they cannot be made at a later meeting.

The county code and the Board's rules of procedure have no provisions for motions for reconsideration. The zoning code does have provisions for rehearings which serves to revisit decisions after they are made. A Commissioner may move for a rehearing within ten days after the Findings of Fact, Conclusions of Law and the Decision have been signed and filed with the Clerk of the Board. MCC 11.15.2825(A). The motion may also be made within 10 days after the action takes effect. MCC 11.15.2825(B). If the motion is adopted, a rehearing must be held within 21 days. It shall be held as a new review.

If you have any questions, please let me know.

CC: Larry Kressel
Lorna Stickel

1 **BEFORE THE BOARD OF COUNTY COMMISSIONERS**
2 **FOR MULTNOMAH COUNTY**

3 In the Matter of the Review of)
4 the Planning Commission Decisions)
5 which approved "Skyline Meadows",)
6 a 12-lot Rural Planned Development)
 and Land Division.)

FINAL ORDER
 Denying RPD and LD
 RPD 1-90/LD 1-90

90-66

7 This matter came before the Board of Commissioners (Board) for a hear-
8 ing on April 24, 1990. The Board hereby reverses the decisions of the Planning
9 Commission regarding this application based on the findings and conclusions
10 contained herein.

11
12 The Planning Commission (Commission) held a public hearing on the
13 RPD request on January 22, 1990. After receiving testimony, the Commission
14 approved the RPD in a 3-2 split vote. The Commission adopted Findings sup-
15 porting the approval decision on February 26, 1990. The Commission heard and
16 approved the LD on February 26, 1990; they adopted Findings the same date.
17 On March 20, 1990, the Board, by its own motion, scheduled a "De Novo" hear-
18 ing to review the Planning Commission's approval of the RPD and LD. The
19 Board conducted a de novo review on April 24, 1990. After considering evidence,
20 staff recommendations, arguments from the applicant, and other testimony, the
21 Board reversed the Planning Commission's decisions and denied the RPD and
22 LD requests.

23
24 The Board called the review as provided by MCC 11.15.8260(A)(2) and
25 MCC 11.15.8265. The Board may affirm, reverse, or modify a decision of the
26 Planning Commission as specified under MCC 11.15.8280.

1 **I. APPLICABLE REVIEW STANDARDS**

2 There are three areas in the Zoning Ordinance which specify criteria for
3 RPD applications in the MUF district. The first group are within the MUF Sec-
4 tion of the Ordinance, [MCC 11.15.2172(C)(1-3a)]. The section cross references
5 *Conditional Use Approval Criteria* in MCC .7105 – .7640 and required *Findings*
6 for approval of an RPD in MCC .7705 – .7760.

7
8 The proposal must meet the following requirements:

9
10 A. Under MCC .7120, the Conditional Use must be one that:

- 11 (1) Is consistent with the character of the area;
12 (2) Will not adversely affect natural resources;
13 (3) Will not conflict with farm or forest uses in the area;
14 (4) Will not require public services other than those existing or pro-
15 grammed for the area;
16 (5) Will be located outside a big game winter habitat area as defined
17 by the Oregon Department of Fish and Wildlife or that agency has
18 certified that the impacts will be acceptable;
19 (6) Will not create hazardous conditions; and
20 (7) Will satisfy the applicable policies of the Comprehensive Plan.

21
22 B. Under MCC .2171[C][3], the RPD (Conditional Use) must meet the follow-
23 ing standards:

- 24 (1) The capability of the land for resource production is maintained;
25 (2) The use will neither create nor be affected by any hazards; and
26 (3) Access for fire protection of timber is assured;

1 C. Rural Planned Developments for single family residences shall satisfy
2 provisions of MCC .7705 through .7760:

- 3 (1) Substantially maintain or support the character and the stability of
4 the overall land use pattern of the area;
- 5 (2) Utilize as gross site acreage, land generally unsuited for agricultur-
6 al or forest uses, considering the terrain, adverse soil conditions,
7 drainage or flooding, vegetation or the location or size of the tract;
- 8 (3) Be compatible with accepted farming or forestry practices on adja-
9 cent lands;
- 10 (4) Be consistent with the Comprehensive Plan and the purposes
11 described in MCC.7705.
- 12 (5) Satisfy applicable standards of water supply, sewage disposal, and
13 minimum access; and
- 14 (6) Not require public services beyond those existing or programmed
15 for the area.
- 16

17 D. Under MCC 11.45.230, the approval authority must find the Land Divi-
18 sion Tentative Plan is in accordance with:

- 19 (1) the applicable elements of the Comprehensive Plan;
- 20 (2) Approval will permit development of the remainder of the property
21 under the same ownership, if any, or of adjoining land or of access
22 thereto, in accordance with this and other applicable ordinances;
23 [MCC 11.45.230(B)]
- 24 (3) The Tentative Plan or Future Street Plan complies with the appli-
25 cable provisions, including the purposes and intent of this Chapter;
26 [MCC 11.45.230(C)]

- 1 (4) The Tentative Plan or Future Street Plan complies with the Zoning
2 Ordinance or a proposed change thereto associated with the Tenta-
3 tive Plan proposal; [MCC 11.45.230(D)]
- 4 (5) The proposed subdivision name has been approved by the Division
5 of Assessment and Taxation and does not use a word which is the
6 same as, similar to or pronounced the same as a word in the name
7 of any other subdivision in Multnomah County, except for the
8 words "Town", "City", "Place", "Court", "Addition" or similar words,
9 unless the land platted is contiguous to and platted by the same
10 applicant that platted the subdivision bearing that name and the
11 block numbers continue those of the plat of the same name last
12 filed; [MCC 11 11.45.230(E)]
- 13 (6) The streets are laid out so as to conform, within the limits of the
14 Street Standards Ordinance, to the plats of subdivisions and maps
15 of major partitions already approved for adjoining property unless
16 the approval authority determines it is in the public interest to
17 modify the street pattern; [MCC 11.45.230(F)] and
- 18 (7) Streets held for private use are clearly indicated on the Tentative
19 Plan and all reservations or restrictions relating to such private
20 streets are set forth thereon. [MCC 11.45.230(G)]
- 21

22 **II. FINDINGS OF FACT**

23 Applicant, Forest Park Estate Joint Venture, requests County approval of
24 (1) "Skyline Meadows", a Rural Planned Development (RPD), and (2) a 12-lot
25 Land Division (LD) on a 120-acre site. The 120-acre site is located approxi-
26 mately 1/4 mile west of the intersection of NW Saltzman Road and NW Skyline

1 Boulevard, immediately to the north of the Bonny Slope Subdivision. The site is
2 outside the Urban Growth Boundary (UGB) and zoned MUF-19 (Multiple Use
3 Forest, 19-acre minimum lot size). The UGB borders the site on the east and
4 north, and is in close proximity to the site on the south and west. The eastern
5 and northern boundaries of the site are adjacent to the Portland City Limits.
6 The entire site is identified as Tax Lot 4, Section 22, 1N-1W. Approval of the
7 requests would amend Sectional Zoning Map #109, changing the described prop-
8 erty from MUF-19 to MUF-19/RPD and allow a twelve-lot land division. Each
9 lot could be developed with a single family residence.

10
11 The 120-acre site is described (by the applicant) as three subareas that
12 have distinct characteristics. The first subarea consists of 60 acres in the north
13 one-half of the property. This subarea is characterized by a steep ravine, with
14 slopes ranging from 30 to 70 percent, leading to an intermittent stream running
15 from east to west. The primary vegetative cover is hardwood trees with a few
16 scattered conifers. The second subarea is 21 acres of relatively flat open mead-
17 ows along the ridge top in the center of the property. This includes the proposed
18 right-of-way extensions and home sites for the RPD. This area is not forested
19 and affords views of the Tualatin Valley. The third subarea is the southern 40
20 acres of the site. It consists of moderate slope ranging to 30 percent. The vege-
21 tative cover is a mixture of heavy brush, grass, and hardwoods.

22
23 The site is completely undeveloped. A 20-foot wide utility easement for a
24 high-pressure petroleum products pipe line crosses the site from the northeast
25 to the southwest.

III. EVALUATION OF THE APPLICATION

After hearing testimony, arguments and weighing the evidence, the Board finds the proposal does not satisfy the approval criteria and review standards set forth below. These are grouped into four subject areas.

1. Suitability for Forest Use

- The RPD does not utilize as gross site acreage, land generally unsuited for agricultural or forest uses, considering the terrain, adverse soil conditions, drainage or flooding, vegetation or the location or size of the tract;

2. Character of the Area

- The RPD is not consistent with the character of the area;
- The RPD will not substantially maintain or support the character and the stability of the overall land use pattern of the area;

3. Comprehensive Plan Considerations

- The RPD will not satisfy the applicable policies of the Comprehensive Plan.
- The RPD is not consistent with the Comprehensive Plan and the purposes described in MCC.7705.

4. Land Division Criteria

- Approval of the land division cannot occur without approval of the RPD.

1. Suitability for Forest Use

To approve an RPD, the County must find the gross site acreage ***is generally unsuited for forest use*** (Reference Staff Rept.:pg.8-9, and 18-26). Appli-

1 cant presents two basic arguments on site suitability: 1) economic and, 2) envi-
2 ronmental.

3
4 **Economic Suitability** — The Commission and Board reviewed extensive evi-
5 dence (pro and con) analyzing the economic suitability of the site for forest use.
6 The Board notes that despite evidence on both sides of this question, RPD
7 approval criteria do not require a finding of economic viability, nor do they speci-
8 fy a profit threshold or minimum rate of return to determine a site *generally*
9 suited or unsuited for forest use. Applicant's claim of unsuitability for forest
10 use in large part relies on an economic analysis (see Staff Rept.pgs. 21-24). The
11 fact that projected economic returns from forest use of the site are lower than
12 the applicant's expectations or desires does not render the site unsuitable for
13 forest use. State Goals and County policies protecting forest lands do not
14 require an economic viability test to determine which lands are suitable for for-
15 est use.

16
17 We note that the Soil Conservation District and SCS and the Office of the
18 State Forester did not agree with applicant's conclusions regarding economic
19 viability of the site for forest use. The State Forester provided written com-
20 ments to County Planning Staff which stated in part that "...[t]he analysis actu-
21 ally tells the reader that quite simply, the potential investor will just not receive
22 as much as he had wished to receive, but the returns will be positive." The State
23 Forester further wrote that "...the analysis did not determine the schedule of
24 practices and harvests which maximizes the rate of return or present net value
25 for the parcel. It is possible that higher stocking levels and intermediate com-
26 mercial harvests could have produced different (and better) results. It is also

1 possible that exotic or more inventive management can produce intermediate
2 income that makes the land a better investment.” The Board is persuaded by
3 these comments. Based on testimony heard, evidence in the record and points
4 raised in the Forestry Department response, the Board finds that economic con-
5 straints do not, by themselves or in combination with other factors, render the
6 site *generally unsuitable* for forest uses.

7
8 **Environmental Suitability** — The Board heard testimony and received evi-
9 dence that the soils and slopes on this site are typical of productive forest
10 resource lands throughout northwest Multnomah County. The Geotechnical
11 Report (Appendix E) provides a preliminary reconnaissance of soil and slope
12 conditions on the site. The State Forest Practices Act provides rules and mini-
13 mum standards to enhance the growing and harvesting of trees and protect
14 other environmental resources (air, water, soil, and wildlife) through regulation
15 of slash removal, road construction, chemical applications, and impacts to
16 streams. *1000 Friends of Oregon* states in a January 4, 1990 letter to the Com-
17 mission that “... the Cascade soils ...[have]... only slight to moderate forest man-
18 agement concerns for equipment use, seedling mortality, windthrow hazard, and
19 plant competition.” Anthony Boutard, a forester representing *1000 Friends of*
20 *Oregon*, testified before the Board that the physical character of the site is well
21 suited to forest practices common to northwest Oregon; he presented evidence
22 regarding the site’s suitability for forest use in a January 4, 1990 letter to the
23 Planning Commission. The West Multnomah Soil and Water Conservation Dis-
24 trict and USDA Soil Conservation Service responded in a memorandum Decem-
25 ber 27, 1989. They state in part that “...[t]he Cascade soil is one of the more
26 productive forest soils in Multnomah County. Site Index is a measure of the pro-

1 ductive potential of a soil for tree growth. For the Cascade soil, the Multnomah
2 County Soil Survey interpretive record ... lists a Site Index of 115 for Douglas
3 Fir. Trees planted on these soils could be expected to be 110 feet high at 50
4 years of age. Site indices are grouped into site classes for forestry purposes.
5 Site Class I has the highest potential, site class V the lowest. Cascade soils are
6 generally rated a low site class II or a high site class III in this area.” The
7 Board finds the site is predominately composed of soils having a Class II or III
8 site rating and, therefore, suitable for production of forest crops.

9
10 We do not agree that proximity to rural residential land and land inside
11 the UGB necessarily renders the site unsuitable for forest use. Evidence indi-
12 cates the management of forest land for timber production is protected under
13 State Law. Surrounding non-forest uses cannot restrict common forest practices
14 on the site (Reference 1000 Friends letter). Further, we find that low residential
15 densities allowed in the area, coupled with the large size of the subject site (120-
16 acres), provides opportunities to buffer future residences from potential forest
17 management activities on the site.

18
19 The Board concludes that testimony and substantial evidence in the
20 record regarding the terrain, soils, drainage, vegetation, location and size of the
21 tract, support a finding that this site is suitable for forest uses. The RPD
22 request does not meet the *generally unsuitable for forest uses* standard.

23 2. Character of the Area

24 The 120-acre site is located in unincorporated Multnomah County, is
25 undeveloped and surrounded by a mix of resource and rural residential land
26 uses. The site is bordered on its eastern and part of its northern sides by both

1 the UGB and the Portland city limits. The western boundary of the site is
2 approximately one quarter mile from Washington County and the UGB. Part of
3 the southern boundary is adjacent to a 40-acre undeveloped parcel, zoned MUF-
4 19. The remainder adjoins the Bonny Slope Subdivision, zoned Rural Residen-
5 tial (RR), with a five-acre minimum lot size. The UGB is located approximately
6 one-half mile from the southern boundary. The Bonny Slope subdivision (the
7 southern boundary) includes 57 lots, and has an average lot size of 5.18 acres.
8 This area is characterized by several vacant sites (primarily wooded) and rural
9 residences.

10
11 Forested lands encompass a large proportion of the surrounding lands
12 uses. Much of these lands are within the City of Portland and the UGB. These
13 areas (inside the city) are zoned Farm and Forest (FF), with a two acre mini-
14 mum lot size. Land uses to the east of the site, along Skyline Boulevard, include
15 a number of small lots that comprise less than one acre of land and are devel-
16 oped with single family residences. Those parcels within the UGB are pro-
17 grammed for non-resource dwellings. Forest designated lands near the site in
18 unincorporated Multnomah County are generally west and north. There are
19 also agricultural resource lands to the north and northwest. The diverse mix of
20 existing and planned land uses in the area — with both resource (farm or forest)
21 and non-resource (urban and rural residential) uses — pose challenges when
22 assessing the RPD's effects on, and consistency with, the area character.

23 Testimony and evidence suggests that based on existing land use pat-
24 terns, logical public service extensions, and the location of the UGB in relation
25 to the site, the area around the site is expected to become increasingly more
26 urban in the coming years. Applicant and others note that in time, the UGB

1 may be shifted outward, to include areas surrounding the site. If the overall
2 land use pattern is in transition from rural to urban, division of 120 acres into
3 twelve lots rather than the six lots now permitted would not substantially main-
4 tain or support the current forest and farm resource character of lands to the
5 southwest, north and northwest. Neither would the division support the expand-
6 ing urban land use pattern characteristic of properties to the east, and further to
7 the south and west. Testimony indicates the long term availability of the land
8 for conversion to urban use is greatly diminished by the proposal and it would
9 also destabilize the resource designated lands west and north of the site by com-
10 mitting a 120-acre tract to rural residential use.

11
12 The above Findings are based on testimony from representatives from the
13 Metropolitan Service District, the City of Portland and Staff. We find the RPD
14 would not support the character and stability of the overall land use pattern of
15 the area.

16 17 *3. Comprehensive Plan Considerations* 18

19 The RPD promotes a sprawled residential development pattern. It com-
20 mits the 120 acres to low density, rural non-resource use immediately adjacent
21 to the UGB. This pattern does not support compact urban growth form and is
22 therefore contrary to the Energy Conservation policy (#22).

23 The Board heard testimony that in roughly 25 to 50 years, this property
24 may be suitable for much more intense development than the proposed 12 hous-
25 es on the 120 acres. When there is a demonstrated need for additional residen-
26 tial land within the UGB, the boundary may shift outward to include this and

1 nearby properties. Division of the property as proposed is both inefficient and
2 short sighted. It would create lot sizes and configurations which preclude the
3 future land base needs of the adjacent urban area.

4
5 This illustrates a unique problem; we have found the density – as pro-
6 posed – inconsistent with the density of the MUF zone, while at the same time
7 the proposed density is also inconsistent with future urbanization. This pre-
8 sents a unique situation in that the proposal does not provide for orderly growth
9 for either resource or urban land uses.

10
11 The subject property is in the path of urban development approaching
12 from the east, south and west. The Board heard testimony that retention of
13 larger land holdings near the urban growth boundary will assure that these
14 lands can contribute substantively to the urban land base when needed and pro-
15 mote compact urban growth. Comprehensive Plan Policy #6 and Statewide
16 Planning Goal 14 address urban land area and urbanization respectively. Both
17 encourage orderly and efficient extension of urban services and efficient conver-
18 sion of land from rural to urban. Policy #6 states in part “ **Provide for order-**
19 **ly growth ... (and) [d]irect growth into relatively compact ... communi-**
20 **ties**”. The Board heard testimony that this RPD will allow the division of the
21 property into much smaller parcels than could economically and efficiently
22 urbanize when the need arises. This argument is supported by the Portland
23 Bureau of Planning in a letter dated December 28, 1989 which states in part “...
24 [t]he Northwest Hills study of 1985 reaffirmed that there is sufficient land avail-
25 able for residential development within the Urban Growth Boundary. Metro
26 projects a demand for approximately 2,200 new housing units in the Northwest

1 Hills study area over the next 20 years. Development potential already inside
2 the Urban Growth Boundary exceeds twice that amount, and the Forest Heights
3 project alone will provide nearly that many units.
4

5 If the Urban Growth Boundary is expanded in the future based on the
6 need for more residential land, land must be available for an urban level of
7 development. The proposed development would preclude the ability to efficient-
8 ly provide urban services to that level of development by creating lots that are
9 not suitable for further division.” The Commission and Board also received com-
10 ments from the Planning Director for the Metropolitan Service District (Metro)
11 urging the County to consider the implications for effective urban growth man-
12 agement if the land is divided as proposed. Policy #4 (Intergovernmental
13 Coordination) calls for coordination with Metro and others in maintaining the
14 UGB and addressing future urban service issues. An RPD approval would allow
15 division of this site into 12 parcels (some as small as 3-acres); without an RPD,
16 only 6 parcels could be created (none less than 19-acres). The critical issue
17 effecting urbanization potential is the multiple ownerships (12 proposed) and lot
18 size pattern which the RPD would allow.
19

20 The Board finds that those portions of the site with development limita-
21 tions and steep sloped areas can contribute to future urban land base needs if
22 included in the UGB in the future. Within a short distance of this site (in Port-
23 land’s West Hills, Sylvan area, *etc.*) we observe numerous examples of dense
24 urban scale development on slopes equal or similar to those on this site — and
25 with similar soil and erosion conditions to contend with. We acknowledge that
26 development limitations constrain large portions of the site, but similar limita-

1 tions on other nearby urban land have not prevented urban densities from being
2 realized. These more difficult development sites do get developed for urban use
3 in many instances, especially when the real estate market and buyer demand
4 defrays the additional expenses needed to develop steeper land. In situations
5 where development limitations cannot be resolved, urban zoning provisions
6 allow clustering of the houses on less constrained portions of the site, and there-
7 by maintain urban residential density goals. These observations were confirmed
8 in testimony from County Staff and Bob Clay, from Portland's Planning Bureau.
9 In conclusion, the above findings regarding urbanization supports a determina-
10 tion that the proposed division of the site — double the number of lots allowed
11 by the base zone — immediately adjacent to the UGB is not consistent with
12 Framework Plan policies regarding Intergovernmental Coordination (Policy 4),
13 Growth Management (Policies 6, 8, and 12) and Arrangement of Land Uses (Pol-
14 icy 20).

15
16 One purpose of the RPD section is to allow “... **orderly development of**
17 **rural land demonstrated as not suitable for . . . forest use, but adequate**
18 **for rural residential purposes.**” (MCC .7705). Aside from the *suitability for*
19 *forest use* question (discussed above), we find this land not *adequate for rural*
20 *residential purposes* because it is located so close to the UGB. Division of the
21 site into 12 lots (as proposed) doubles the number allowed by the current zoning.
22 Allowing an increase in the number of lots, just beyond the UGB, limits the pub-
23 lic's ability to plan and manage growth for the adjacent urban area.

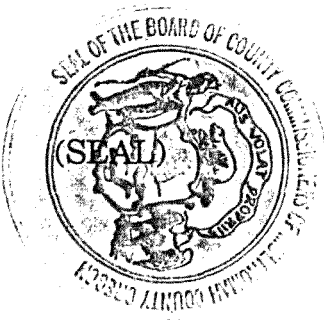
24 25 4. Land Division Criteria

26 The proposed land division would create lots with sizes ranging between

1 2.9 and 20 acres. Since several lots would be less than the 19-acre minimum
2 required in the underlying MUF-19 zone, approval of the land division is depen-
3 dent on approval of the related RPD request. As explained in the findings
4 above, the proposed RPD does not meet the applicable approval criteria. As a
5 result, the lots as proposed do not meet the minimum MUF-19 area standards.
6

7 IV. CONCLUSIONS AND DECISION

8
9 Based on the above findings and evaluation, the Board of Commissioners con-
10 cludes that the proposed RPD and LD does not comply with applicable stan-
11 dards of the Multnomah County Code. Therefore, the Board of Commissioners
12 hereby reverses the Planning Commission decisions in this matter and denies
13 the Rural Planned Development and Land Division requested in RPD 1-90/ LD
14 1-90.



DATED this 1st day of May, 1989

20
21
22
23
24
25
26

Gladys McCoy
Gladys McCoy, Multnomah County Chair

REVIEWED AS TO FORM:
LAURENCE KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By: *John DuBay*
John DuBay, Chief Deputy County Counsel