

ANNOTATED MINUTES

Tuesday, August 25, 1992 - 9:30 AM  
Multnomah County Courthouse, Room 602

PLANNING ITEMS

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

The Following Decisions of the Planning and Zoning Hearings Officer are Reported to the Board for Review and Affirmation:

P-1 CU 10-92  
SEC 19-92 July 6, 1992 Decision APPROVING, SUBJECT TO CONDITIONS, Requested Conditional Use Approval for a Non-Farm Single Family Dwelling in the EFU Zoning District; and APPROVE Requested SEC Permit for the Design and Location of the Residence and Out-Building, Subject to Conditions, for Property Located at 33101 NE MERSHON ROAD

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, THE DECISION WAS UNANIMOUSLY AFFIRMED.

P-2 CS 11-92 August 3, 1992 Decision APPROVING, SUBJECT TO CONDITIONS, Community Service Designation for Boundary Expansion and Building Additions and Site Work, for Property Located at 11505 SW SUMMERVILLE AVENUE

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, THE DECISION WAS UNANIMOUSLY AFFIRMED.

P-3 CS 12-92 August 3, 1992 Decision APPROVING, SUBJECT TO CONDITIONS, Change in Zone Designation from LR-10, FF to LR-10, FF, C-S, Community Service, to Allow the use of the Existing Single Family Residence for a "Not for Profit" Organization (God's Kids Caring) , for Property Located at 12920 SE HOLGATE BLVD.

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, THE DECISION WAS UNANIMOUSLY AFFIRMED.

P-4 CS 13-92 August 3, 1992 Decision APPROVING, SUBJECT TO CONDITIONS, Change in Zone Designation for LR-7 to LR-7, C-S, Community Service, to Allow Expanded Facilities for the Lynch Baptist Church, for Property Located at 3130 SE 148TH AVENUE

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, THE DECISION WAS UNANIMOUSLY AFFIRMED.

P-5 CU 13-92  
SEC 20-92 August 3, 1992 Decision APPROVING, SUBJECT TO  
CONDITIONS, Conditional Use Request for Commercial Uses in  
the RC District and Requested SEC Permit for Proposed  
Commercial Uses, for Property Located at 35905-35381 EAST  
CROWN POINT HIGHWAY

UPON MOTION OF COMMISSIONER KELLEY, SECONDED  
BY COMMISSIONER HANSEN, THE DECISION WAS  
UNANIMOUSLY AFFIRMED.

P-6 CU 15-92 August 3, 1992 Decision APPROVING, SUBJECT TO  
CONDITIONS Conditional Use Request to Allow Conversion of a  
Single Family Residence to an Insurance Agent's Office in  
the MR-3 Zoning District, for Property Located at 16521 SE  
POWELL BLVD.

UPON MOTION OF COMMISSIONER KELLEY, SECONDED  
BY COMMISSIONER HANSEN, THE DECISION WAS  
UNANIMOUSLY AFFIRMED.

P-7 MC 2-92  
LD 25-92 August 3, 1992 Decision APPROVING, SUBJECT TO  
CONDITIONS a Tentative Plan for a Type I Land Division, a  
Partition Resulting in Two Lots and Use of Easements as the  
Means of Access to the New Lot Instead of Providing  
Frontage on a Dedicated Street, for Property Located at  
7025 NW SUMMITVIEW COURT

PLANNING STAFF WAS NOT PRESENT AT THIS TIME.  
THE APPLICANT ADVISED THAT HE FILED A NOTICE OF  
REVIEW. UPON MOTION OF COMMISSIONER KELLEY,  
SECONDED BY COMMISSIONER BAUMAN, IT WAS  
UNANIMOUSLY APPROVED THAT A PUBLIC HEARING, ON  
THE RECORD, WITH TESTIMONY LIMITED TO 10  
MINUTES PER SIDE, BE SCHEDULED FOR 9:30 AM,  
TUESDAY, SEPTEMBER 22, 1992.

P-8 HDP 3-92a August 3, 1992 Decision DENYING an Appeal of  
the Appellant and Upholding the Planning Director Decision,  
APPROVING HDP 3-92, SUBJECT TO CONDITIONS, a Hillside  
Development Permit for Proposed Terracing, Grading and Fill  
Work for Property Located at 12040 NW TUALATIN AVENUE

UPON MOTION OF COMMISSIONER KELLEY, SECONDED  
BY COMMISSIONER BAUMAN, THE DECISION WAS  
UNANIMOUSLY AFFIRMED.

P-9 PRE 3-92 FINAL ORDER in the Matter of the Review of the  
Hearings Officer Decision on PRE 3-92

PLANNING STAFF ARRIVED LATE AND DID NOT  
EXPLAIN THE FINAL ORDER. APPLICANT, LYNNE  
CHAUNCEY REQUESTED CLAIRIFICATION OF THE THREE  
CRITERIA INCLUDED IN THIS FINAL ORDER. STAFF  
WAS NOT ABLE TO ANSWER THESE QUESTIONS. CHAIR  
MCCOY REQUESTED PLANNING STAFF WITH COUNTY

COUNSEL TO MEET IN CONFERENCE WITH MS. CHAUNCEY FOR CLAIRIFICATION OF THIS MATTER. COUNTY COUNSEL ADVISED THAT MS. CHAUNCEY NOT BE PERMITTED TO REBUT THE FINAL ORDER ANY FURTHER DUE TO THE APPELLANT NOT BEING PRESENT. UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER HANSEN, ORDER 92-157 WAS APPROVED, WITH COMMISSIONERS ANDERSON, BAUMAN, HANSEN AND McCOY VOTING AYE AND COMMISSIONER KELLEY VOTING NO.

P-10 SEC 6-91a  
HDP 4-91a Reconsideration of Scope of Review for a Notice of Review Hearing, Scheduled for September 22, 1992

PRESENTATION AND RESPONSE TO BOARD QUESTIONS BY MARK HESS AND PETER LIVINGSTON. THEY ALSO EXPLAINED THE HISTORY OF THIS ITEM AND HOW THE CLASSIFICATION OF THE STREAM RELATES TO IT.

MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, TO EXPAND THE SCOPE OF REVIEW ON SEPTEMBER 22, 1992, FAILED WITH COMMISSIONER KELLEY VOTING AYE AND COMMISSIONERS ANDERSON, BAUMAN, HANSEN AND McCOY VOTING NO.

UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER BAUMAN, IT WAS UNANIMOUSLY APPROVED THAT A HEARING BE HELD, THIS DATE, WITH TESTIMONY LIMITED TO 5 MINUTES PER SIDE, TO DETERMINE THE SCOPE OF INFORMATION AND REVIEW TO BE ALLOWED AT THE SEPTEMBER 22, 1992 HEARING.

FOLLOWING THE HEARING, THE BOARD APPROVED A MOTION TO EXPAND THE SCOPE OF REVIEW TO INCLUDE ADDITIONAL EVIDENCE AND TESTIMONY RELATING TO THE STREAM CLASSIFICATION OF THOMPSON CREEK, AT THE SEPTEMBER 22, 1992 HEARING, WITH COMMISSIONERS ANDERSON, HANSEN AND McCOY VOTING AYE AND COMMISSIONERS BAUMAN AND KELLEY VOTING NO.

P-11 CU 11-92 HEARING, ON THE RECORD PLUS ADDITIONAL TESTIMONY, WITH ADDITIONAL TESTIMONY TO BE RESTRICTED TO THE PHYSICAL CONSTRAINTS OF THE SITE RELATIVE TO THE PLACEMENT OF THE DWELLING, 10 MINUTES PER SIDE, in the Matter of an Appeal of a July 6, 1992 Planning and Zoning Hearings Officer Decision APPROVING, SUBJECT TO CONDITIONS, Development of a Non-Resource Related Single Family Dwelling on 7.80 Acre Lot of Record in the MUF-19, Multiple Use Forest Zoning District, for Property Located at 43640 E LARCH MOUNTAIN ROAD - 20 MINUTES REQUESTED

PLANNER BOB HALL PRESENTED THE STAFF REPORT AND RESPONDED TO BOARD QUESTIONS. ATTORNEY

DALE BURKHOLDER TESTIFIED IN OPPOSITION TO THE CONDITIONS PLACED ON THE JULY 6, 1992 HEARINGS OFFICER DECISION AND RESPONDED TO BOARD QUESTIONS. DONALD HORN TESTIFIED IN SUPPORT OF THE JULY 6, 1992 HEARINGS OFFICER DECISION AND IN OPPOSITION TO APPLICANTS' TESTIMONY, AND RESPONDED TO BOARD QUESTIONS. STAFF DISCUSSION AND RESPONSE TO BOARD QUESTIONS. COMMISSIONER BAUMAN MOVED, SECONDED BY COMMISSIONER ANDERSON, TO UPHOLD THE HEARINGS OFFICER DECISION. FOLLOWING DISCUSSION, MOTION APPROVED WITH COMMISSIONERS ANDERSON, BAUMAN, HANSEN AND McCOY VOTING AYE AND COMMISSIONER KELLEY VOTING NO. CHAIR McCOY DIRECTED STAFF TO PROVIDE SLIDES FOR FUTURE LAND USE HEARINGS BEFORE THE BOARD.

P-12 Second Reading and Possible Adoption of an ORDINANCE Amending the Bikeways Plan Map of the Comprehensive Framework Plan Policy 33C (Continued from August 18, 1992)

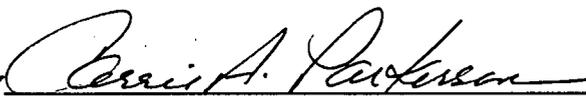
ORDINANCE READ BY TITLE ONLY. UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KELLEY, ORDINANCE NO. 730 WAS UNANIMOUSLY APPROVED.

P-13 RESOLUTION in the Matter of the Implementation of the East Multnomah County Bikeway Plan (Continued from August 18, 1992) (FOR CONSIDERATION WITH BIKEWAYS PLAN MAP ORDINANCE)

FOLLOWING BOARD DISCUSSION AND UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER BAUMAN, RESOLUTION 92-158 AS AMENDED, WAS UNANIMOUSLY APPROVED.

There being no further business, the meeting was adjourned at 11:18 a.m.

OFFICE OF THE BOARD CLERK  
for MULTNOMAH COUNTY, OREGON

BY 

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Tuesday, August 25, 1992 - 11:00 AM  
Multnomah County Courthouse, Room 602

AGENDA REVIEW

B-1 Review of Agenda for Regular Meeting of August 27, 1992

R-7 Request \*11:00 AM TIME CERTAIN for Review of this Item.

Thursday, August 27, 1992 - 9:30 AM  
Multnomah County Courthouse, Room 602

REGULAR MEETING

CONSENT CALENDAR

JUSTICE SERVICES  
SHERIFF'S OFFICE

C-1 In the Matter of a Package Store/Change of Ownership Liquor

License Application Submitted by the Sheriff's Office with Recommendation for APPROVAL, for GILL'S JACKPOT FOOD MART, Formerly Known as Mor Jackpot Food Mart, at 28210 SE ORIENT DRIVE, GRESHAM

APPROVED.

C-2 In the Matter of a Package Store/Change of Ownership Liquor License Application Submitted by the Sheriff's Office with Recommendation for APPROVAL, for The Chinook Grocery and Gift, at 2609 NE CORBETT HILL ROAD, CORBETT

APPROVED.

REGULAR AGENDA

NON-DEPARTMENTAL  
MANAGEMENT SUPPORT

R-1 Ten and Fifteen Year Multnomah County Employee Recognition Presentation (9:30 AM TIME CERTAIN - 30 MINUTES REQUESTED)

AWARDS PRESENTED.

DEPARTMENT OF ENVIRONMENTAL SERVICES

R-2 NOTICE OF INTENT Requesting Approval for Multnomah County, Parks Division to Apply for a \$25,845 Grant from the Metropolitan Service District for Wetland Enhancement at Beggars Tick Wildlife Refuge

APPROVED.

R-3 ORDER in the Matter of the Sale of Property Acquired by Multnomah County Through the Foreclosure of Liens for Delinquent Taxes

ORDER 92-159 APPROVED.

R-4 ORDER in the Matter of the Sale of County Real Property and Easement Upon County Real Property at N. Marine Drive and Force Avenue, Portland, Oregon to the Oregon Department of Transportation

PUBLIC TESTIMONY HEARD. ORDER 92-160  
APPROVED.

R-5 PUBLIC HEARING to Consider the Request by Various Public Non-Profit Agencies to Transfer the 8 Properties on the Attached Exhibit A Under the Provisions of Multnomah County Ordinance No. 672

PUBLIC TESTIMONY HEARD. ORDER 92-161 APPROVED.

R-6 Second Reading and Possible Adoption of an ORDINANCE Relating to Animal Control, Creating a Notice of Infraction Procedure, Expanded Hearing and Appeal Process, and Penalties for Violations of Animal Control Regulations and Amending Chapter 8.10 of the Multnomah County Code (Continued from Thursday, July 30, 1992)

ORDINANCE READ BY TITLE ONLY. STAFF PRESENTED AND EXPLAINED AN AMENDED ORDINANCE. AMENDED ORDINANCE WAS APPROVED. PUBLIC TESTIMONY HEARD. CONTINUED SECOND READING SCHEDULED FOR THURSDAY, SEPTEMBER 3, 1992.

NON-DEPARTMENTAL

R-7 RESOLUTION in the Matter of Developing County Integrated Community Service Districts and a Family Support System

RESOLUTION 92-162 APPROVED.

R-8 Second Reading and Possible Adoption of an ORDINANCE Relating to the Imposition of an Excise Tax on the Provision of Utility Services; Providing for Administration and Collection; Dedicating the Revenues to a Special Fund for Library Purposes; and Related Matters

ORDINANCE READ BY TITLE ONLY. MOTION TO AMEND, PAGE 2, SECTION C, 3, LINE 16, TO READ: PROCEEDS FROM TRANSMISSION OR TRANSPORTATION SERVICES; WAS APPROVED. PUBLIC TESTIMONY HEARD. ORDINANCE NO. 731 APPROVED, WITH COMMISSIONER KELLEY AND COMMISSIONER HANSEN VOTING NO.

0244C/1-6  
cap

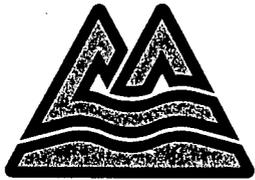
BOARD OF COUNTY COMMISSIONERS  
 FORMAL BOARD MEETING  
 RESULTS

MEETING DATE: 8-25-92 Planning

Agenda Item #	Motion	Second	APP/NOT APP
<u>P-1</u>	<u>SK</u>	<u>GH</u>	<u>App</u>
<u>P-2</u>	<u>( )</u>	<u>( )</u>	<u>( )</u>
<u>P-3</u>	<u>( )</u>	<u>( )</u>	<u>( )</u>
<u>P-4</u>	<u>( )</u>	<u>( )</u>	<u>( )</u>
<u>P-5</u>	<u>( )</u>	<u>( )</u>	<u>( )</u>
<del>* Appeal filed. Motion to set hearing on the record 10 min per side</del>			
<u>P-6</u>	<u>( )</u>	<u>( )</u>	<u>( )</u>
* Appeal filed. Motion to set hearing on the record 10 min per side			9-22-92
<u>P-7</u>	<u>SK</u>	<u>RB</u>	<u>App</u>
<u>P-8</u>	<u>SK</u>	<u>RB</u>	<u>App</u>
Motion to Allow add. testimony - 10 min. Per side			
<u>P-9</u>	<u>PA</u>	<u>GH</u>	<u>App</u>
Motion to Approve Final Order			
<u>P-10</u>	<u>PA</u>	<u>RB</u>	<u>App</u>
Motion to uphold H.O. Decision			
<u>P-11</u>	<u>RB</u>	<u>PA</u>	<u>App</u>
<u>P-12</u>	<u>PA</u>	<u>SK</u>	<u>App</u>
<u>P-13</u>	<u>SK</u>	<u>RB</u>	<u>App</u>
Amended Mot. Approved by SK			
	<u>SK</u>	<u>GH</u>	<u>App</u>

SK 3 no

SK 3 no



# MULTNOMAH COUNTY OREGON

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

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

## AGENDA

### MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

#### FOR THE WEEK OF

**August 24 - 28, 1992**

*Tuesday, August 25, 1992 - 9:30 AM - Planning Items . . . .Page 2*

*Tuesday, August 25, 1992 - 11:00 AM - Agenda Review . . . .Page 3  
(OR IMMEDIATELY FOLLOWING PLANNING)*

*Thursday, August 27, 1992 - 9:30 AM - Regular Meeting . . .Page 3*

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

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

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

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

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

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

PLANNING ITEMS

The Following Decisions of the Planning and Zoning Hearings Officer are Reported to the Board for Review and Affirmation:

- App*
- P-1 CU 10-92  
SEC 19-92 July 6, 1992 Decision APPROVING, SUBJECT TO CONDITIONS, Requested Conditional Use Approval for a Non-Farm Single Family Dwelling in the EFU Zoning District; and APPROVE Requested SEC Permit for the Design and Location of the Residence and Out-Building, Subject to Conditions, for Property Located at 33101 NE MERSHON ROAD
- P-2 CS 11-92 August 3, 1992 Decision APPROVING, SUBJECT TO CONDITIONS, Community Service Designation for Boundary Expansion and Building Additions and Site Work, for Property Located at 11505 SW SUMMERVILLE AVENUE
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- P-5 CU 13-92  
SEC 20-92 August 3, 1992 Decision APPROVING, SUBJECT TO CONDITIONS, Conditional Use Request for Commercial Uses in the RC District and Requested SEC Permit for Proposed Commercial Uses, for Property Located at 35905-35381 EAST CROWN POINT HIGHWAY
- P-6 CU 15-92 August 3, 1992 Decision APPROVING, SUBJECT TO CONDITIONS Conditional Use Request to Allow Conversion of a Single Family Residence to an Insurance Agent's Office in the MR-3 Zoning District, for Property Located at 16521 SE POWELL BLVD.
- Hearing on the Record 9-22-92 - 10 min. Per Side*
- P-7 MC 2-92  
LD 25-92 August 3, 1992 Decision APPROVING, SUBJECT TO CONDITIONS a Tentative Plan for a Type I Land Division, a Partition Resulting in Two Lots and Use of Easements as the Means of Access to the New Lot Instead of Providing Frontage on a Dedicated Street, for Property Located at 7025 NW SUMMITVIEW COURT
- P-8 HDP 3-92a August 3, 1992 Decision DENYING an Appeal of the Appellant and Upholding the Planning Director Decision, APPROVING HDP 3-92, SUBJECT TO CONDITIONS, a Hillside Development Permit for Proposed Terracing, Grading and Fill Work for Property Located at 12040 NW TUALATIN AVENUE
- App*

P-9 *App* PRE 3-92 FINAL ORDER in the Matter of the Review of the Hearings Officer Decision on PRE 3-92

P-10 SEC 6-91a  
HDP 4-91a Reconsideration of Scope of Review for a Notice of Review Hearing, Scheduled for September 22, 1992

P-11 CU 11-92 HEARING, ON THE RECORD PLUS ADDITIONAL TESTIMONY, WITH ADDITIONAL TESTIMONY TO BE RESTRICTED TO THE PHYSICAL CONSTRAINTS OF THE SITE RELATIVE TO THE PLACEMENT OF THE DWELLING, 10 MINUTES PER SIDE, in the Matter of an Appeal of a July 6, 1992 Planning and Zoning Hearings Officer Decision APPROVING, SUBJECT TO CONDITIONS, Development of a Non-Resource Related Single Family Dwelling on 7.80 Acre Lot of Record in the MUF-19, Multiple Use Forest Zoning District, for Property Located at 43640 E LARCH MOUNTAIN ROAD - 20 MINUTES REQUESTED

*App* P-12 Second Reading and Possible Adoption of an ORDINANCE Amending the Bikeways Plan Map of the Comprehensive Framework Plan Policy 33C (Continued from August 18, 1992)

*App/Amend* P-13 RESOLUTION in the Matter of the Implementation of the East Multnomah County Bikeway Plan (Continued from August 18, 1992) (FOR CONSIDERATION WITH BIKEWAYS PLAN MAP ORDINANCE)

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Tuesday, August 25, 1992 - 11:00 AM  
(\*OR IMMEDIATELY FOLLOWING PLANNING)

Multnomah County Courthouse, Room 602

AGENDA REVIEW

B-1 Review of Agenda for Regular Meeting of August 27, 1992

R-7 Request \*11:00 AM TIME CERTAIN for Review of this Item

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Thursday, August 27, 1992 - 9:30 AM

Multnomah County Courthouse, Room 602

REGULAR MEETING

CONSENT CALENDAR

JUSTICE SERVICES

SHERIFF'S OFFICE

C-1 In the Matter of a Package Store/Change of Ownership Liquor License Application Submitted by the Sheriff's Office with Recommendation for APPROVAL, for GILL'S JACKPOT FOOD MART, Formerly Known as Mor Jackpot Food Mart, at 28210 SE ORIENT DRIVE, GRESHAM

C-2 In the Matter of a Package Store/Change of Ownership Liquor License Application Submitted by the Sheriff's Office with Recommendation for APPROVAL, for The Chinook Grocery and Gift, at 2609 NE CORBETT HILL ROAD, CORBETT

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REGULAR AGENDA

NON-DEPARTMENTAL

MANAGEMENT SUPPORT

R-1 Ten and Fifteen Year Multnomah County Employee Recognition Presentation (9:30 AM TIME CERTAIN - 30 MINUTES REQUESTED)

DEPARTMENT OF ENVIRONMENTAL SERVICES

R-2 NOTICE OF INTENT Requesting Approval for Multnomah County, Parks Division to Apply for a \$25,845 Grant from the Metropolitan Service District for Wetland Enhancement at Beggars Tick Wildlife Refuge

R-3 ORDER in the Matter of the Sale of Property Acquired by Multnomah County Through the Foreclosure of Liens for Delinquent Taxes

R-4 ORDER in the Matter of the Sale of County Real Property and Easement Upon County Real Property at N. Marine Drive and Force Avenue, Portland, Oregon to the Oregon Department of Transportation

R-5 PUBLIC HEARING to Consider the Request by Various Public Non-Profit Agencies to Transfer the 8 Properties on the Attached Exhibit A Under the Provisions of Multnomah County Ordinance No. 672

R-6 Second Reading and Possible Adoption of an ORDINANCE Relating to Animal Control, Creating a Notice of Infraction Procedure, Expanded Hearing and Appeal Process, and Penalties for Violations of Animal Control Regulations and Amending Chapter 8.10 of the Multnomah County Code (Continued from Thursday, July 30, 1992)

NON-DEPARTMENTAL

R-7 RESOLUTION in the Matter of Developing County Integrated Community Service Districts and a Family Support System

R-8 Second Reading and Possible Adoption of an ORDINANCE Relating to the Imposition of an Excise Tax on the Provision of Utility Services; Providing for Administration and Collection; Dedicating the Revenues to a Special Fund for Library Purposes; and Related Matters

0202C/36-39

cap

RICK BAUMAN  
Multnomah County Commissioner  
District 3



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

August 21, 1992

TO: Clerk of the Board

FR: Commissioner Rick Bauman *R Bauman*

RE: Calendar

I would like to amend my earlier memo regarding my attendance at Board meetings in August and September.

I will attend the Board meetings the week of August 24.

I will not be able to attend Board meetings on September 1 through September 17.

BOARD OF  
COUNTY COMMISSIONERS  
1992 AUG 21 PM 2:08  
MULTNOMAH COUNTY  
OREGON

RICK BAUMAN  
Multnomah County Commissioner  
District 3



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

June 17, 1992

TO: Clerk of the Board  
FR: Commissioner Rick Bauman  
RE: Scheduled Board Absences

I will be out of town on the following dates this summer:

July 27 through August 7, and  
August 24 through September 11

and will therefore miss board meetings on July 28 and 30, August 25  
and 27 and September 1, 3, 8 and 10.

BOARD OF  
COUNTY COMMISSIONERS  
1992 JUN 23 AM 11:58  
MULTNOMAH COUNTY  
OREGON

Meeting Date: August 25, 1992

Agenda No.: P-1

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: Hearings Officer Decision of July 6, 1992

BCC Informal _____ (date)	BCC Formal <u>August 25, 1992</u> (date)
DEPARTMENT <u>DES</u>	DIVISION <u>Planning</u>
CONTACT <u>Sharon Cowley</u>	TELEPHONE <u>2610</u>
PERSON(S) MAKING PRESENTATION _____	<u>Planning Staff</u>

ACTION REQUESTED:

INFORMATIONAL ONLY       POLICY DIRECTION       APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 2 Minutes

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

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

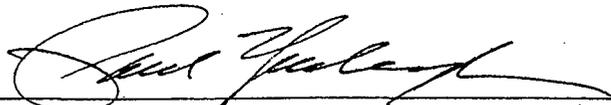
CU 10-92/SEC 19-92    Review the Decision of the Hearings Officer of July 6, 1992, approving, subject to conditions, requested Conditional Use approval for a non-farm single family dwelling in the EFU zoning district;  
Approve requested SEC permit for the design and location of the residence and out-building, subject to conditions, all for property at 33101 NE Mershon Road

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL \_\_\_\_\_

Or

DEPARTMENT MANAGER RSP 

BOARD OF  
COUNTY COMMISSIONERS  
1992 AUG 18 AM 11:29  
MULTNOMAH COUNTY  
OREGON

(All accompanying documents must have required signatures)



**IUF-19  
SEC**

(32)  
569 Ac.  
CHAMBERLAIN ROAD  
HV 22-R

**MUA-20 SEC**

'54'  
932 Ac.

**EFU SEC**  
'55'  
60.19 Ac.

LE 24-78/D

(65) 2.00 Ac.  
(77) 5.25 Ac.  
(81) 3.00 Ac.  
(87) 2.06 Ac.  
(89) 2.01 Ac.  
(90) 2.56 Ac.  
(98) 4.00 Ac.  
(99) 3.65 Ac.

**MUA-20**  
5.85 Ac.  
493.90

(71)  
10.55 Ac.

R N° 494  
MERSHON  
(KINLAID RD)

ROAD

**I-20**

(94) 6.28 Ac.  
(13) 2.89 Ac.  
'52' 8.99 Ac.  
'14' 3.77 Ac.  
(16) 2.46 Ac.  
(7) 6.14 Ac.  
(8) 9.70 Ac.

33

**EFU**

'15'  
5.00 Ac.

(116)  
17.78 Ac.

B.P.A.

**Zoning Map**  
Case #: CU 10-92, SEC 19-92  
Location: 33101 NE Mershon Road  
Scale: 1 inch to 400 feet (approximate)  
Shading indicates subject property

(24)  
17.62 Ac.

(83)

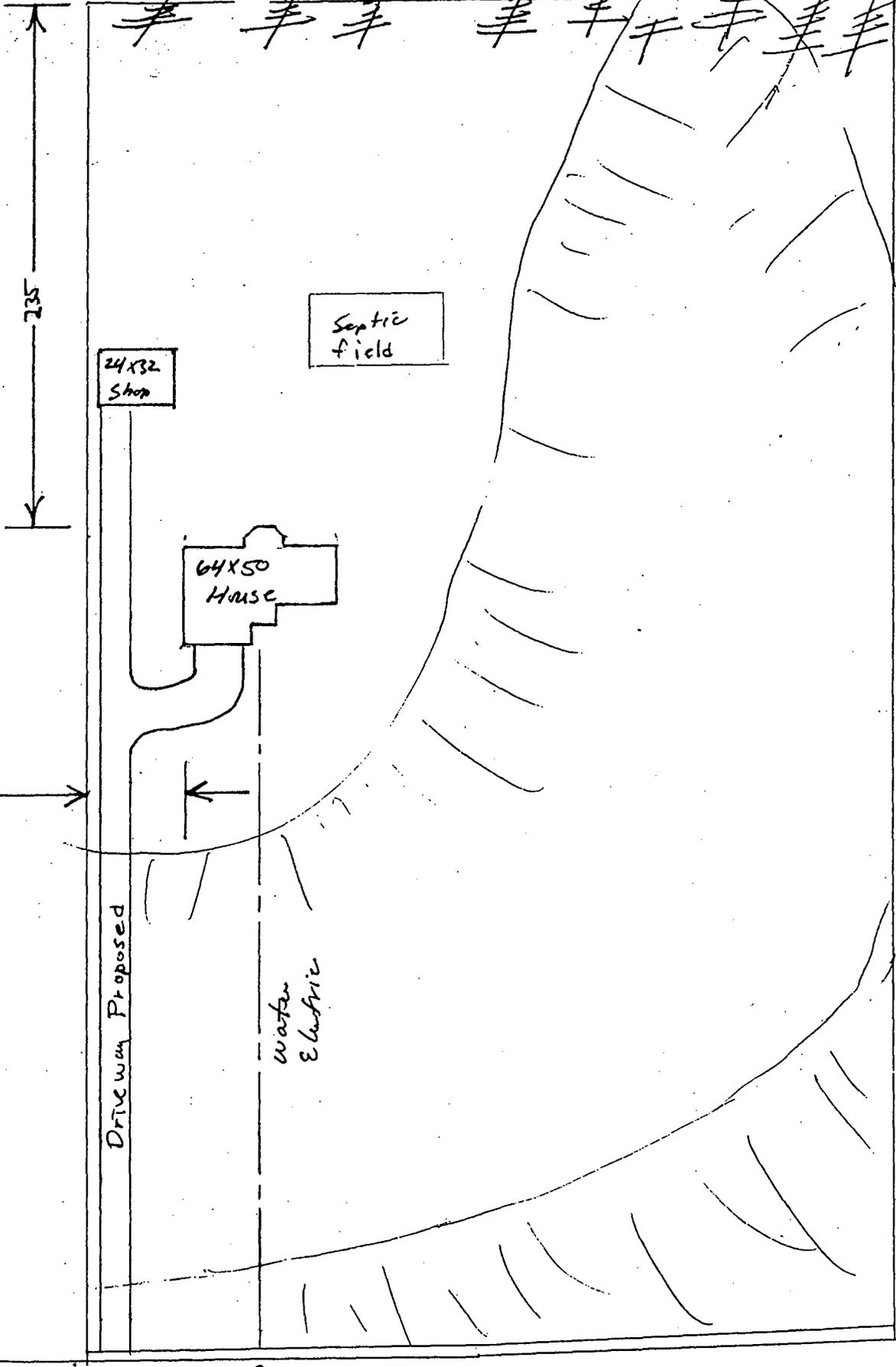
3

98)  
05 Ac.

Site Plan

April 20 1992  
A/C

360'



CU 10-92  
SEC 19-92

600'

+ - 33101 Marshon Rd

Fred & Karen Manheg (4-557-7647 4-782-7721) 100' 50' 0 8

## CONDITIONS OF APPROVAL

1. Prior to the issuance of building permits, the property owner shall provide the Planning Division with a copy of the recorded restrictions required under MCC § .2012(B)(3)(j). A prepared form is available at the Planning Office.
2. Prior to issuance of a Building Permit for the house, complete applicable requirements of the County Engineering Services regarding NE Mershon Road.
3. Obtain a *Hillside Development Permit* or a *Grading and Erosion Control Permit* if site grading or fill is subject to MCC § .6710.
4. Exterior colors on the structures – including the roof and trim – shall be earthtones which blend into and do not noticeably contrast with landscape features on the site. Color selections shall be ministerially reviewed and approved by Design Review Staff prior to installation.
5. Maintain existing evergreen and deciduous trees on the site which provide partial screening of the new structures from public views.
6. Prior to issuance of a Building Permit for the house, confirm that no special tax assessments or penalties effect the property under ORS 215.236(2).
7. Development is prohibited within 25 feet of either side at the centerline of the stream.

## FINDINGS

### 1. PROJECT DESCRIPTION AND BACKGROUND:

Applicant proposes to construct a non-farm dwelling on a 5.75 acre property located on the north side of Mershon Road, near Corbett. The proposed residence was approved by the Columbia River Gorge Commission Executive Director on April 8, 1992 (Gorge File# C92-0028-M-G-11). The CU/SEC application text (dated May 20, 1992) is incorporated into this report by reference.

### 2. PLAN AND ZONE DESIGNATIONS:

The site is designated Agriculture on the Comprehensive Plan Map. The zoning designation is EFU/SEC (Exclusive Farm Use District/Significant Environmental Concern Subdistrict).

The site is within the Columbia River Gorge National Scenic Area (NSA). The Framework Plan designates lands within the NSA as "Areas of Significant Environmental Concern" [ref. Policy 16].

### 3. ORDINANCE CONSIDERATIONS:

Conditional Uses allowed in the EFU District are specified in MCC 11.15.2012. Subsection (B)(3) specifies "*Residential use not in conjunction with farm use...*" Approval criteria are specified under MCC § .2012(B)(3)(a - k).

MCC 11.15.6404(A) requires an SEC permit for new uses proposed in areas of Significant Environmental Concern. The proposed house is located within the NSA, and therefore, an SEC Permit is required. MCC § .6420 specifies approval criteria.

The following sections present findings regarding the requested Conditional Use and SEC Permit. Applicable criteria are in *bold italics*; with applicant's responses quoted in "*italics*", followed by staff comments.

### 4. EVALUATION OF THE NON-FARM RESIDENCE REQUEST [MCC §.2012(B)(3)]

A single family dwelling not in conjunction with a farm use may be permitted in the EFU zoning district as a Conditional Use where it is demonstrated that the dwelling on the lot:

- (a) *Is compatible with farm uses described in paragraph (A) of subsection (2) of ORS 215.203 and is consistent with the intent and purposes set forth in ORS 215.243;*

#### Findings.

Adjacent land uses to the north, south and east are rural residential on parcels less than five acres in size. The subject parcel is 5.75 acres and is characterized by a deciduous woodland in the southern part of the property and a grassland in the remainder of the parcel. Adjacent land to the west is used as a rural residential site, supporting a small scale agricultural use on 10.55 acres. The proposed non-farm residence on the subject site is compatible with farm uses described in paragraph (A) of Subsection (2) of ORS 215.203 and is consistent with the intent and purpose of ORS 215.243. The subject parcel is part of an established enclave of rural residential development and is too small to be used for agricultural or forest uses. It cannot effectively be combined with the other agricultural property to the west, and development of the property for a residence will not seriously interfere with accepted farming practices on the adjacent farm to the west.

*(b) Does not interfere seriously with accepted farming practices, as defined in paragraph (c) of subsection (2) of ORS 215.203, on adjacent lands devoted to farm use;*

**Findings.** See (4) (a) above.

*(c) Does not materially alter the stability of the overall land use pattern of the area;*

**Findings.** Commercial scale farm operations are not characteristic of this area. The overall land use pattern is primarily rural residential (*i.e.*, non-farm houses on 2–10 acre sites). The nearest farm use occurs on a 60-acre parcel about 500-feet east of the subject property. The placement of a non-farm house on this 5.75 acre site reinforces the rural residential land use pattern of the immediate area. This Criteria is met.

*(d) Is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract;*

**Findings.** The size of the tract (5.75 acres) and its location adjacent to an established rural residential "enclave" renders it generally unsuitable for the production of farm crops, based upon the location and size of the tract. No information was presented at the hearing concerning soils, drainage or terrain relative to agricultural suitability. However, based upon the location and size of the parcel, it is generally unsuitable for the production of farm crops and livestock.

*(e) Complies with subparts (1), (2) and (3) of MCC .2010(A)(3) if constructed off-site;*

**Finding.** The proposed residence would not be constructed off-site. This Criteria does not apply.

*(f) Complies with such other conditions as the Hearings Officer considers necessary to satisfy the purposes of MCC .2002;*

**Findings.** Conditions of approval have been imposed in part to assure the site development remains consistent with the purposes of the EFU District.

- (g) Construction shall comply with the standards to the Building Code or as prescribed under ORS 446.002 through 446.200, relating to mobile homes;**

**Findings.** The City of Gresham administers the Building Code for this part of Multnomah County. Permits and inspections by Gresham's building office will assure compliance.

- (h) The dwelling shall be attached to a foundation for which a building permit has been obtained; and**

**Findings.** The dwelling will be attached to a concrete foundation, as approved by current Building Codes. Refer also to Finding above for 4(g) above.

- (i) The dwelling shall have a minimum floor area of 600 square feet.**

**Findings.** This proposed dwelling will be approximately 2600 square feet.

- (j) The owner shall record with the Division of Records and Elections a statement that the owner and successors in interest acknowledge the rights of nearby property owners to conduct accepted farming and forestry practices.**

**Findings.** Condition #1 requires the owner to record this statement.

- (k) The applicant shall provide evidence that all additional taxes and penalties, if any, have been paid if the property has been receiving special assessment as described in ORS 215.236(2). In the alternative, the Approval Authority may attach conditions to any approval to insure compliance with this provision.**

**Findings.** Applicant indicates that a staff member at the Multnomah County Assessor's Office (248-3326), found no special assessment taxes due on this property.. This will be confirmed through Conditon #6.

##### **5. EVALUATION OF THE SEC PERMIT REQUEST (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.**

**Findings.** A seasonally flooded stream flows through the property from the south to the north. The northern segment of the stream is identified as a wetland on the National Wetlands Inventory Map. This portion of the site (the wetland) is relatively

well defined by the topography and vegetation. The location of all structures, the access road and the drainfield, as indicated on the site plan, are well outside the stream area and its associated fringe of vegetation and stream bank. This Criteria is met.

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

Findings. Viable farm or forest lands are maintained by the proposed use. See Findings above for 4(a-c).

- (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.***

Findings. There is no timber harvest associated with this 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.***

Findings. Public views and other valued NSA resources are not adversely affected by the proposed use. Refer to Gorge Commission Decision C92-0028-M-G-11 (incorporated by reference) and findings above for 4(a-c). Conditions further address the criteria.

- (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.***

Findings. Recreational uses are not proposed or affected by placement of a non-farm house on the site. Refer to Gorge Commission Decision C92-0028-M-G-11 (incorporated by reference) and findings above for 4(a-c).

- (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.***

**Findings.** Public safety is not affected by placement of a non-farm house on the site. See Gorge Commission Decision C92-0028-M-G-11 and findings above for 4(a-c).

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

**Findings.** None of the proposed improvements will impact the habitat on the site. There is no evidence of "significant" habitat existing on the site.

**(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.**

**Findings.** As noted above, the proposed site plan protects the natural vegetative fringe along the stream and all development is well outside the stream area. Condition #7 ensures that no development will take place within 25 feet on either side of the underline of the 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.**

**Findings.** There are no inventoried or designated historic resources on the site. Refer to Gorge Commission Decision C92-0028-M-G-11. The proposed development complies with this criteria.

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

**Findings.** The site is not known to possess any archaeological resources. Refer to Gorge Commission Decision C92-0028-M-G-11. This Criteria is met.

**(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 archeological features, vegetation, erosion, stream flow, visual quality, noise, safety, and to guarantee necessary reclamation.**

**Findings.** No aggregate extraction is proposed. See Gorge Commission Decision

- (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.***

**Findings.** The stream and its associated wetland will be preserved in its natural state by the imposition of Condition #7.

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

**Findings.** There are no slope hazard areas or other areas of erosion potential identified on this site or affected by the proposal. See to Gorge Commission Decision C92-0028-M-G-11. Condition #3 requires a Grading and Erosion Control Permit if site work and grading is subject to MCC § .6710 (*i.e.*, more than 50 cubic yards of material used as cut or fill, altering a drainage course, *etc.*) The proposed development, as conditioned, complies with this criteria.

- (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.***

**Findings** The development of a single family residence on 5-acres would not significantly alter air, water, or land resources in the Gorge NSA. See Gorge Commission Decision C92-0028-M-G-11. Conditions address potential erosion and water quality effects from the site development. The proposal, as conditioned, complies with this criteria.

- (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.***

**Findings.** The application to the Gorge Commission describes two proposed buildings: a two story, five bedroom, three bath home with a triple car garage; and a shop/out building measuring 24-feet by 32-feet [ref. February 18, 1992 letter and site plan]. Applicant indicates the "...buildings' exteriors will be painted a natural color that blends with the land around them." Condition #4 assures compliance with this criteria.

- (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.*

Findings. *The applicant indicates that: "It is our desire to keep the property as natural as possible. A few small trees will need to be cut to build the driveway (mostly near the road and mostly young alder trees). The construction of the home itself will not require removal of any trees. The construction of the septic field and back yard will most likely require removal of a handful of small alder. No large fir or cedar trees will be cut."*

Conditions of Approval address tree cutting associated with the site development. There is no evidence that this site contains fragile or endangered habitat. Nonetheless, the habitat that does exist is being preserved to the maximum extent possible.

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

Findings. The following policies of the County's Comprehensive Plan are found applicable to this request: Policy 2 (Off-site Effects); Policy 9 (Agriculture Lands); and, Policy 16 (Natural Resources).

a. Policy 2 – Off-site Effects.

Findings. When approving Conditional Use, the County may apply conditions if necessary to minimize negative off-site effects to surrounding properties. Conditions of approval address a variety of potential off-site effects from the proposed use.

b. Policy 9 – Agricultural Lands

Findings. It is County policy to allow non-farm uses in Agricultural areas provided that such uses are compatible with adjacent agricultural lands. Based upon findings above, the proposal, as conditioned, is consistent with this policy.

e. Policy 16 – Natural Resources.

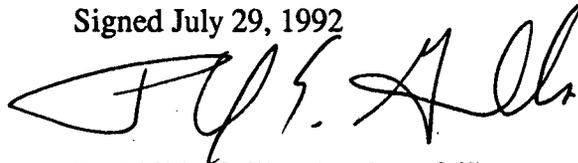
Findings. It is County Policy to protect natural resources, conserve open space, and to protect scenic and historic areas and sites. Policies specific to certain resources are addressed within Sub-policies 16-A through 16-L. Protection of the resources is implemented by requiring an SEC Permit review for new development, and assuring that such development is consistent with the SEC Approval Criteria detailed above [MCC § .6420]. Based on findings above, the proposal, as conditioned, is consistent with this policy.

## CONCLUSIONS

The application, as conditioned and supplemented herein, complies with approval criteria for a non-farm residence in the EFU District. It also complies with the approval criteria for an SEC Permit. However, Conditions of Approval are necessary to assure that the proposed development complies with applicable Zoning Code provisions and criteria, and addresses applicable policies of the Comprehensive Plan.

The Hearings Officer appreciates the extra effort made by the applicant to supply additional information requested at the hearing. Because the site contains a jurisdictional wetland and stream, it is necessary to protect these resources from future encroachment. Condition #7 has been added in this regard.

Signed July 29, 1992



By Phillip Grillo, Hearings Officer

Filed With the Clerk of the Board on July 29, 1992

### Appeal to the Board of County Commissioners

Any person who appears and testifies at the hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to the Hearings Officer decision, may file a Notice of Review with the Planning Director on or before 4:30 PM. on Monday, August 24, 1992 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

*The Decision on this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, August 25, 1992 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development Division at 248-3043.*

Meeting Date: August 26, 1992

Agenda No.: P-2

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: Review Decision of the Hearings Officer of August 3, 1992

BCC Informal _____ (date)	BCC Formal <u>August 25, 1992</u> (date)
DEPARTMENT <u>DES</u>	DIVISION <u>Planning</u>
CONTACT <u>Sharon Cowley</u>	TELEPHONE <u>2610</u>
PERSON(S) MAKING PRESENTATION _____	<u>Planning Staff</u>

ACTION REQUESTED:

INFORMATIONAL ONLY       POLICY DIRECTION       APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 2 Minutes

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

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

CS 11-92 Review the Decision of the Hearings Officer of August 3, 1992, approving, subject to conditions, Community Service designation for boundary expansion and building additions and site work for property located at 11505 SW Summerville Avenue

BOARD OF  
COUNTY COMMISSIONERS  
1992 AUG 18 AM 11:28  
MULTNOMAH COUNTY  
OREGON

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL \_\_\_\_\_

Or

DEPARTMENT MANAGER *[Signature]*

(All accompanying documents must have required signatures)



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

**DECISION**

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

AUGUST 3, 1992

CS 11-92, #184

COMMUNITY SERVICE USE EXPANSION  
(EXPAND THE BERRY BOTANIC GARDEN)

The Berry Botanic Garden requests approval to expand the Community Service (CS) boundary, and approval to construct a horticultural and greenhouse building, add onto the existing house, and remove an existing greenhouse. The proposal expands the CS designation south of the original Botanic Garden property. If the CS proposal is approved, a Variance to allow part of the proposed Horticultural Building within the 30-foot rear yard may be required.

**Location:** 11505 SW Summerville Avenue

**Legal:** Tax Lot '38' of Lot 43, Plus Tax Lot '44' of Lot 42; Abernathy Heights  
1991 Assessor's Map

**Site Size:** 6.25 Acres                      Size Requested: Same

**Property Owners:** The Berry Botanic Garden  
11505 SW Summerville Avenue 97219

**Applicant:** Same

**Comprehensive Plan:** Single Family Residential

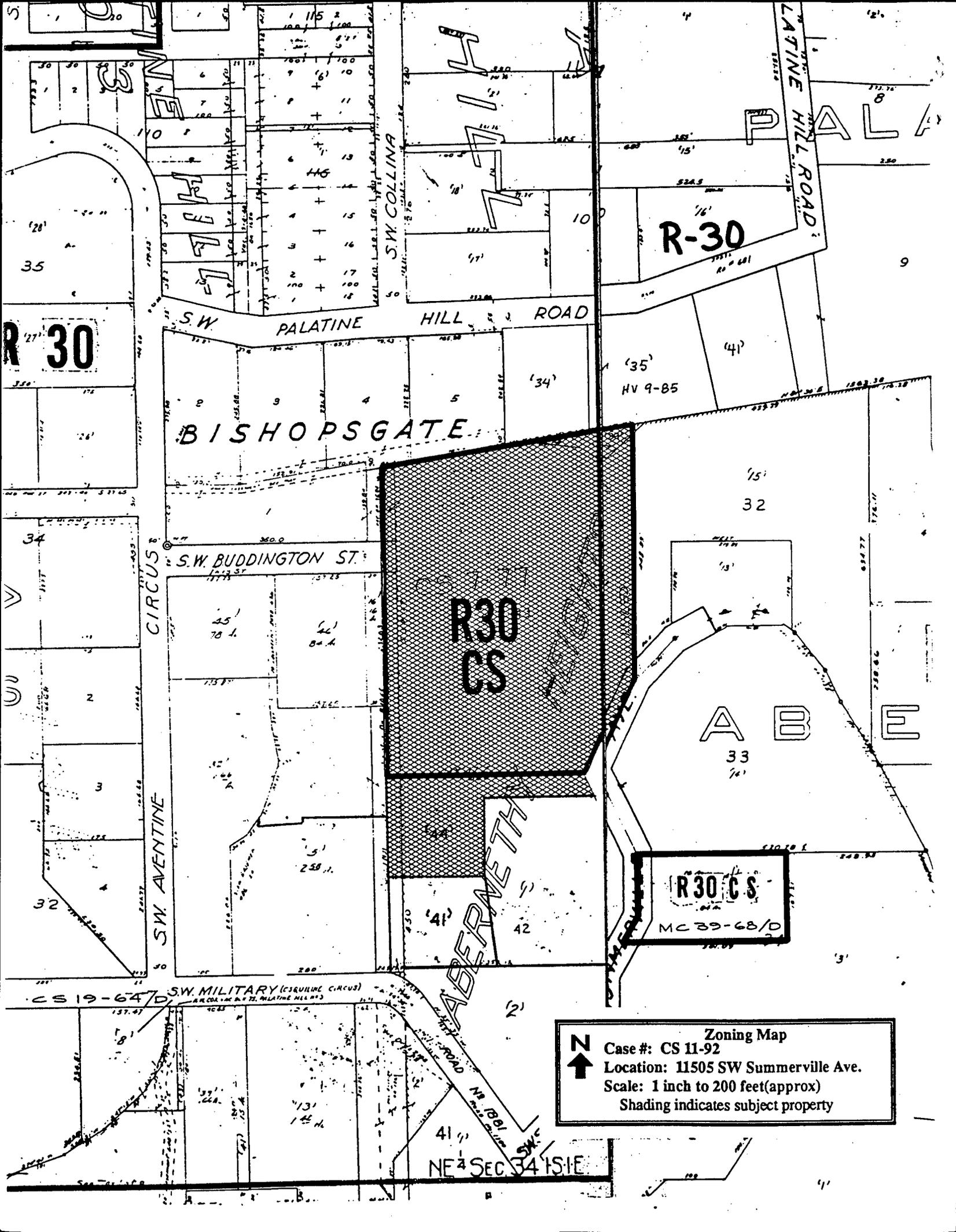
**Present Zoning:** R-30; Single Family Residential District (south parcel);  
R-30/CS; Single Family Residential District/Community Service Use  
subdistrict (north parcel)

**Proposal:** R-30/ CS, Single Family Residential District/Community Service Use  
subdistrict (both parcels) — A Community Service designation shall be  
for the specific uses approved, subject to limits or conditions imposed  
by the approval authority.

**HEARINGS OFFICER**

**DECISIONS:**

**APPROVE, SUBJECT TO CONDITIONS,** the requested CS Use boundary expansion and building additions and site work for The Berry Botanic Garden; based on the following Findings and Conclusions.



R-30

R 30

R30  
CS

R30 CS

MC 39-68/D

**Zoning Map**  
 Case #: CS 11-92  
 Location: 11505 SW Summerville Ave.  
 Scale: 1 inch to 200 feet(approx)  
 Shading indicates subject property

BISHOPSGATE

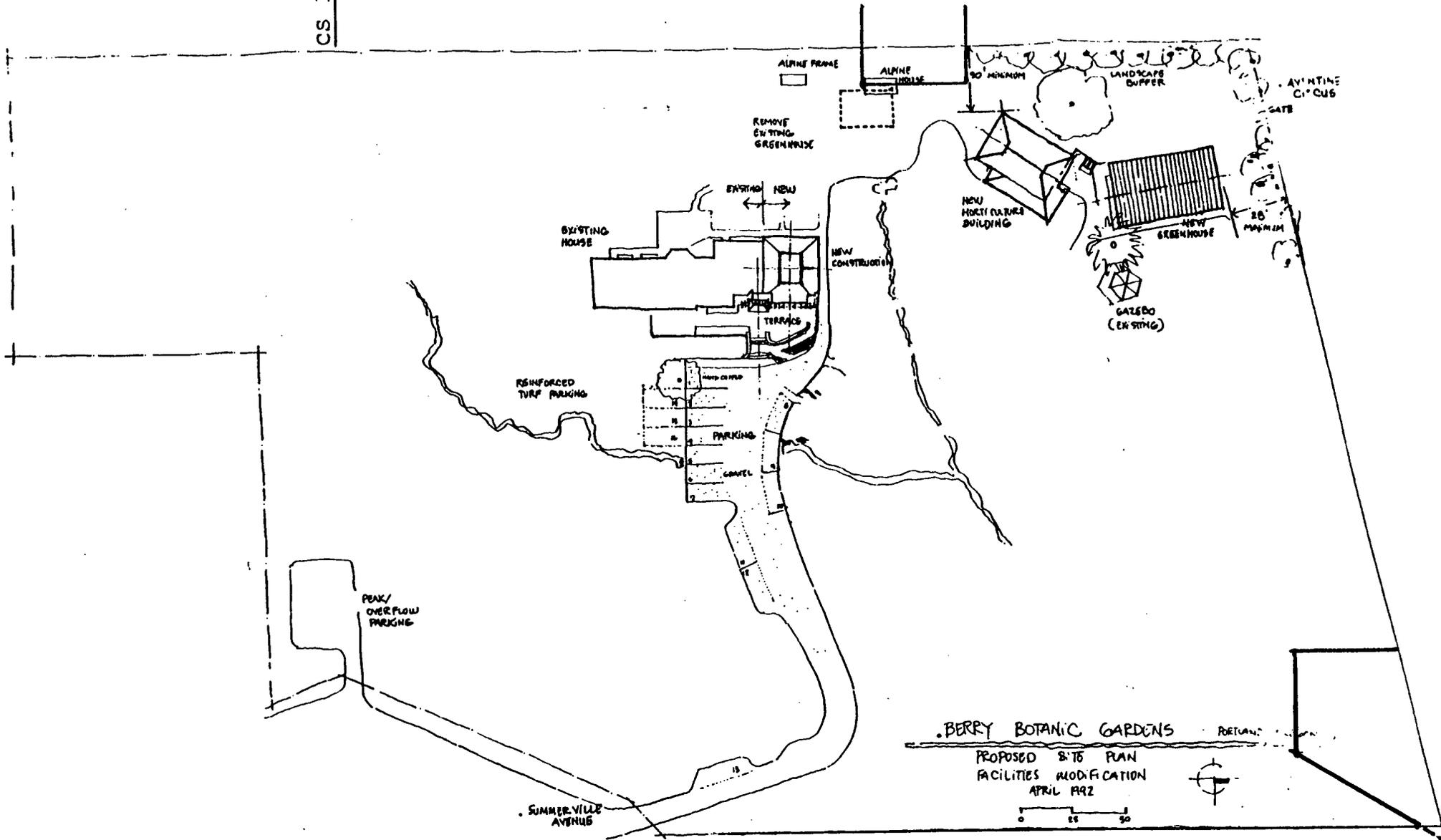
S.W. BUDDINGTON ST.

SW AVENTINE

SW MILITARY (CIRCULE CIRCUS)

NE 4 SEC 34 1S 1E

CS 11-97



BERRY BOTANIC GARDENS

PROPOSED 8'10" PLAN  
FACILITIES MODIFICATION  
APRIL 1992

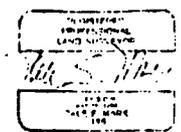


MICHAEL McCULLOUGH - ARCHITECTS P.A.  
 1100 SW 10th Street Portland Oregon 97205  
 503/227-9979

TOWNSHIP 3 SOUTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN,  
CITY OF PORTLAND, COUNTY OF MULTNOMAH, STATE OF OREGON

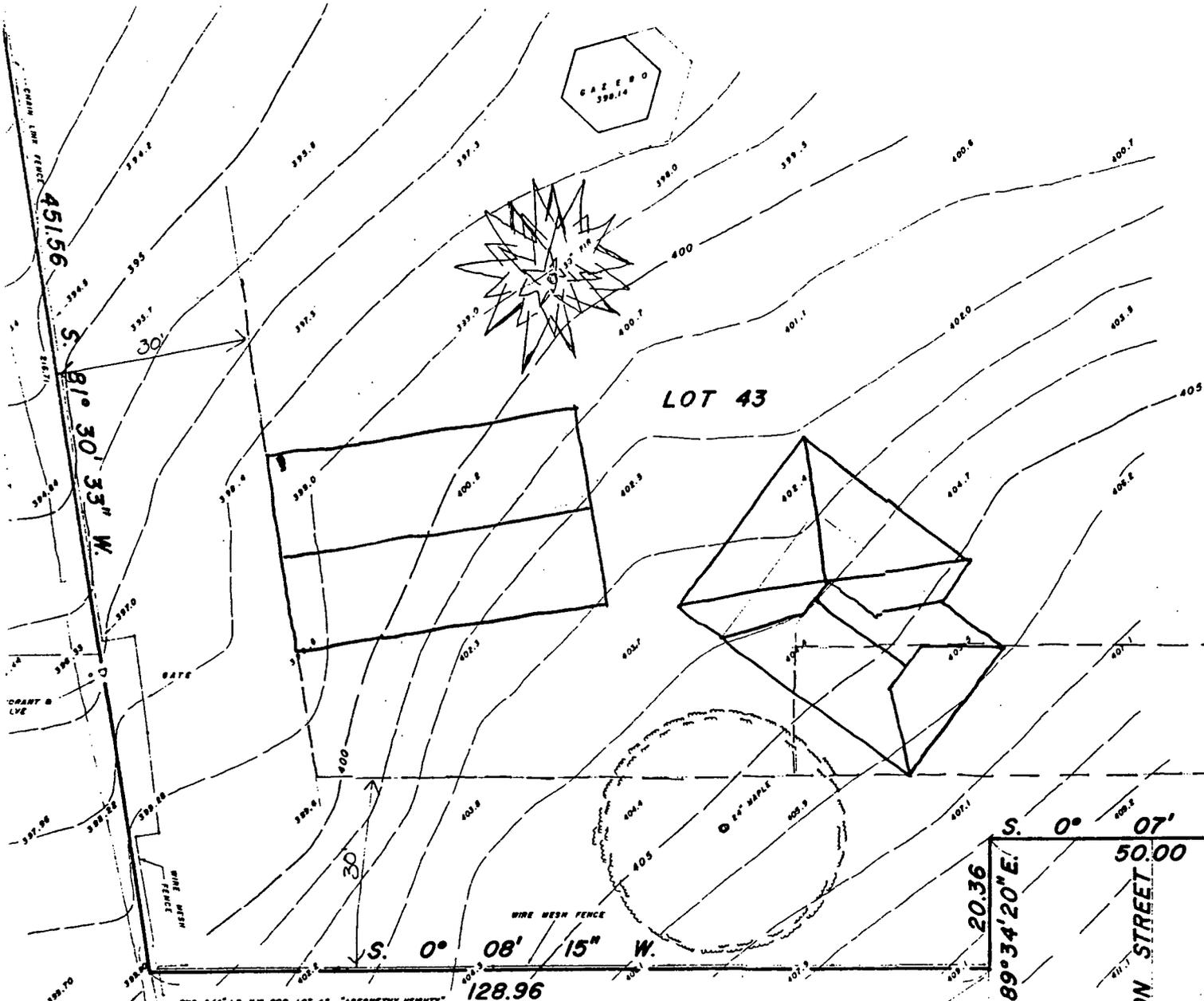
SURVEYED: JUNE 8, 1992  
 MAPPED BY: D.E.M.  
 REVIEWED BY: D.E.M.  
 JOB NO.: 92-004

PREPARED BY: [Signature]



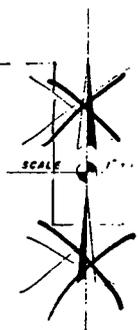
GENERAL NOTES

- 1.) VERTICAL DATUM: ASSUMED ELEVATION AT TOP OF TYPICAL [unclear] THE NORTHWEST CORNER OF LOT 43. "ABERNETHY HEIGHTS" [unclear]
- 2.) CONTOUR INTERVAL IS 1.00 FOOT.
- 3.) ELEVATIONS SHOWN WERE TAKEN AT THE DECIMAL POINTS OF THE [unclear] UNLESS OTHERWISE SHOWN.
- 4.) LOCAL PLANTING MARKS ARE SCATTERED THROUGHOUT THE PROPERTY ARE NOT REPRESENTED ON THIS MAP.

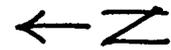


PRD. 3/4" I.P. N.W. COR. LOT 43, "ABERNETHY HEIGHTS"  
 T.B.M. TOP+400.00

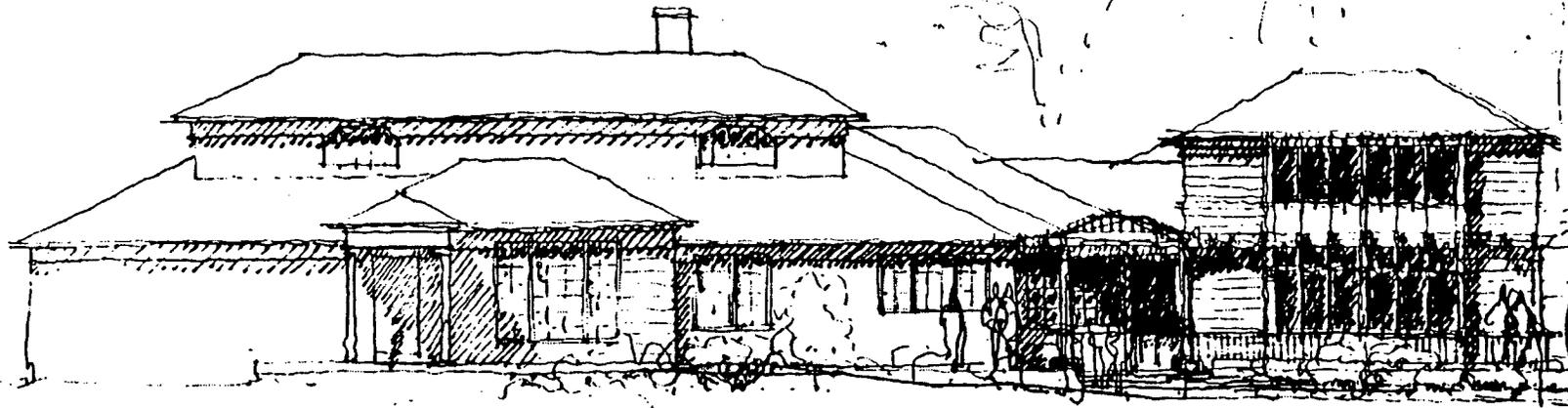
IND. 8/8" I.R.  
 TOP+409.60



CS 11-92



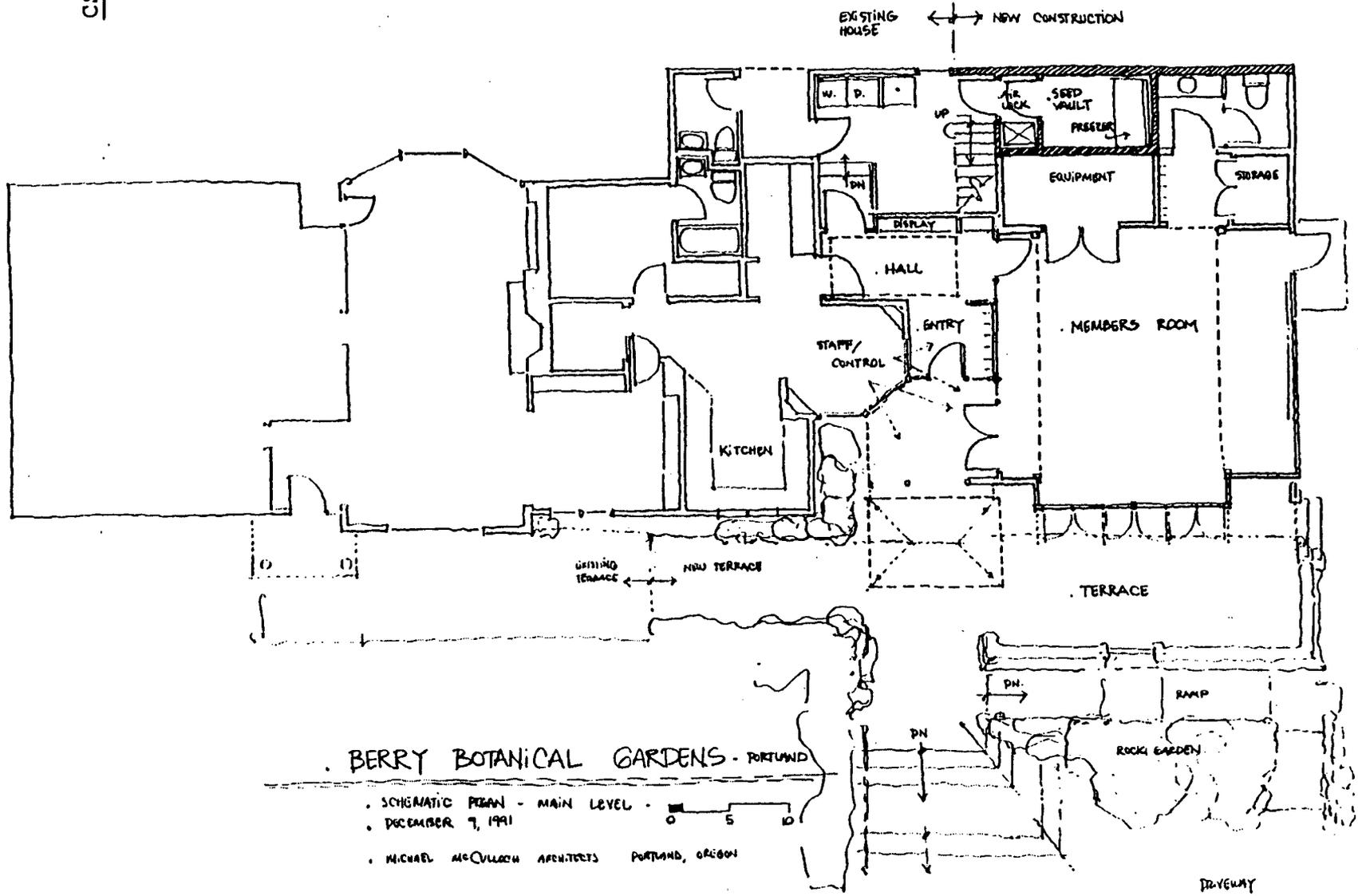
CS 11-92



• BERRY BOTANICAL GARDENS • PORTLAND, OREGON

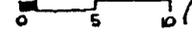
• PRELIMINARY SKETCH • EAST ELEVATION  
• McClellan Architects • PORTLAND, OREGON • 11.5.91



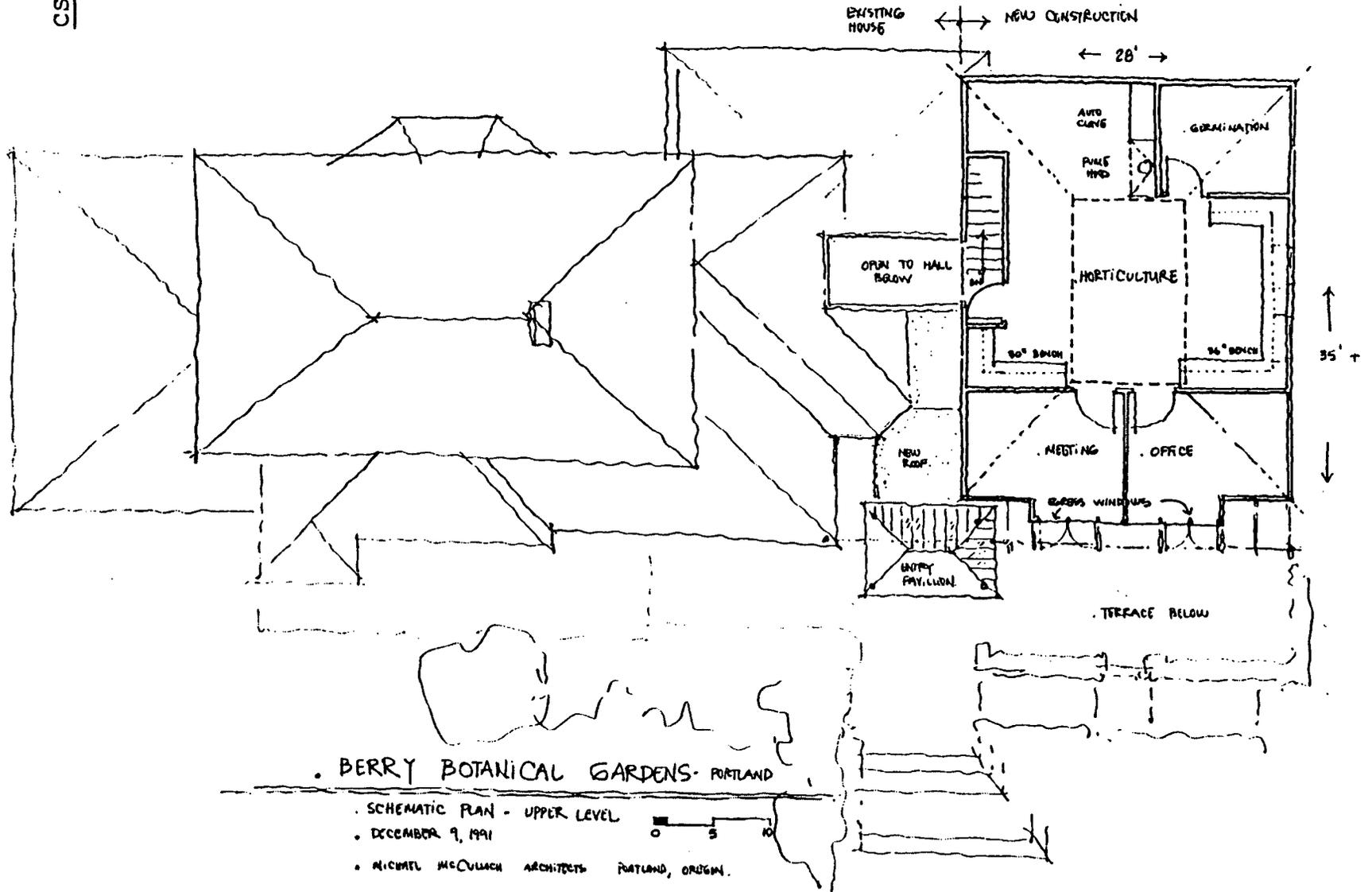


BERRY BOTANICAL GARDENS - PORTLAND

- SCHEMATIC PLAN - MAIN LEVEL -
- DECEMBER 7, 1991
- MICHAEL McCULLOUGH ARCHITECTS PORTLAND, OREGON

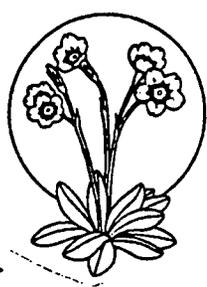


CS 11-92





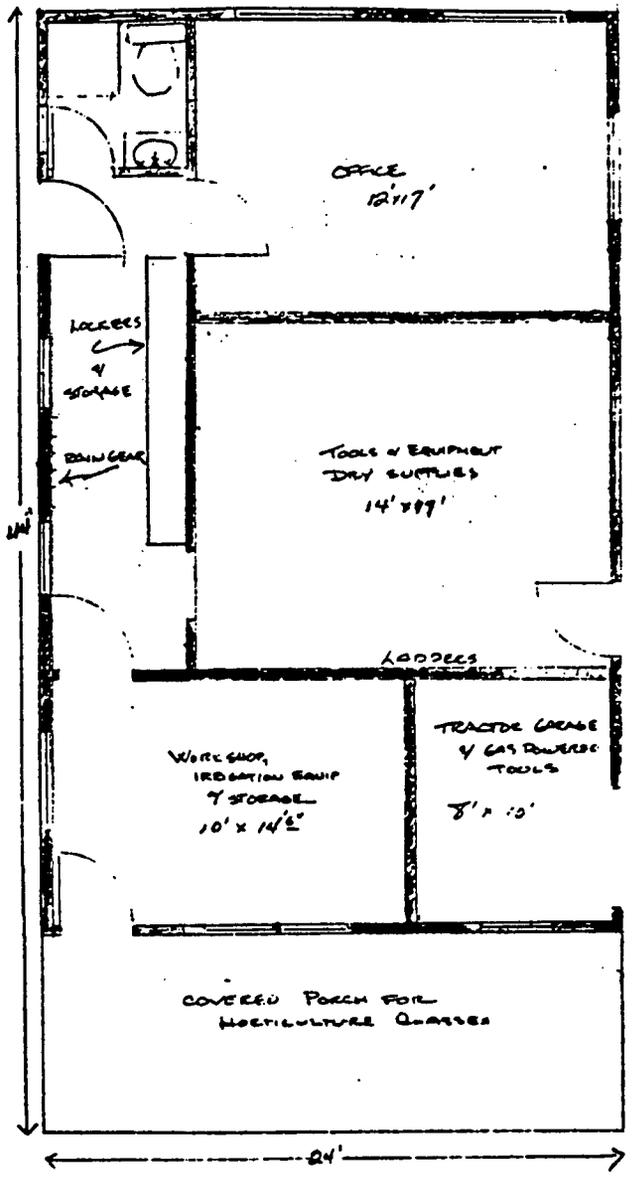
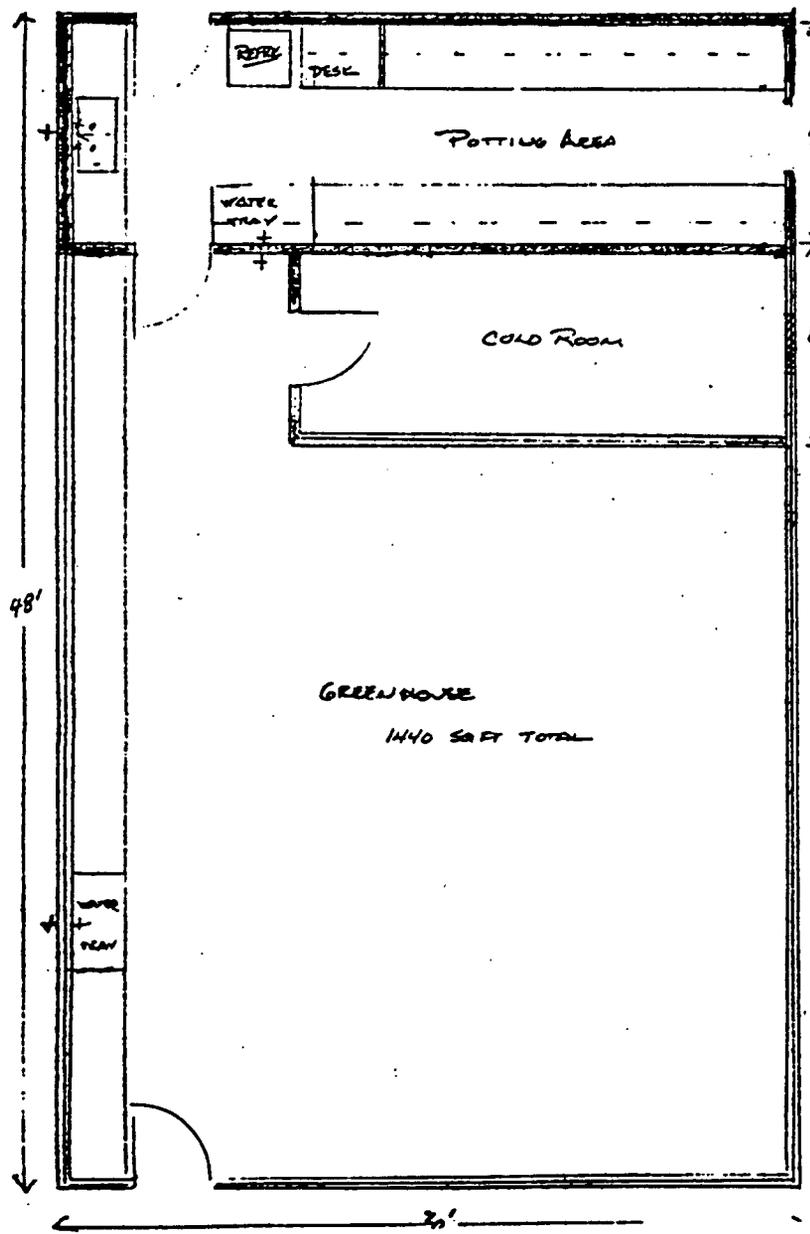
SCALE: 1/4" = 1'0"



WORK SHOP  
TRACTOR & TOOL STORAGE

PROPOSED HORTICULTURE CENTER  
BERRY BOTANIC GARDEN  
PORTLAND, OR -  
HARRY NIEROWICZ - DEC 3, 1951

EXACT LOCATION  
SPACE BETWEEN  
TO BE  
DETERMINED



## CONDITIONS OF APPROVAL

1. Obtain Design Review approval of proposed site improvements or alterations. Site preparation or Building Permits shall not proceed before approval of the Final Design Review Plan [ref. MCC § .7845]. Specific site improvements represented in the CS application may be developed in separate phases. Minor changes to the site plans depicted in the CS decision may be authorized through Design Review to address applicable zoning or design standards. Design Review may require: additional landscaping; parking area design changes or improvements; exterior lighting specifications; minor changes to building locations, restrict exterior materials or colors; require screening of outdoor storage; and, regulate signs found consistent with MCC § .7942. Except as noted above, the Final Design Review Plan shall comply with MCC § .8240(E).
2. As a part of Design Review, obtain a Grading and Erosion Control Permit as specified in MCC § .6710(B) for any excavation, fill, or drainage alterations.
3. As a part of Design Review, obtain a Variance as specified in MCC § .8505(A) for the reduced rear yard dimension west of the proposed Horticultural Building (illustrated on the CS-plan). This condition does not apply if an approved Final Design Plan indicates a 30-foot rear setback, or if the easternmost 20.36-feet of the SW Buddington Street Right-of-Way is vacated by the County and included in the subject property.
4. Prior to issuance of Building Permits, complete Property Line Adjustment procedures for the amended boundary near the northeast corner of the site and combine the entire Botanic Garden properties into a single Tax Account (unless prevented by contract sales or mortgage terms). Contact the County Land Division section at 248-3043 for assistance.
5. Prior to issuance of Building Permits for any building or addition, and prior to use of the "peak/overflow parking" area illustrated on the CS-plan, complete Transportation Division requirements (or provide a bond or other assurance) for improvements or access to SW Summerville Avenue Right-of-Way.
6. Except as modified by conditions of approval, uses authorized shall be limited to the uses and scales described in the application. Specific limits include, but are not limited to, the following:
  - no outside groups or events on-site unless directly related to the garden's stated purposes;
  - open for group or individual tours by appointment only, and only during daylight hours; and
  - no more than three (3) "open houses" for the general public may be held during any calendar year, with each 2-weeks or less in duration (*i.e.*, 6-weeks maximum/year).
7. This CS approval supercedes and modifies the CS 7-77 decision dated June 21, 1977. However, the Botanic Garden use and operations shall remain subject to and consistent with conditions: #3, #4, #6, #7, #8, and #9 of the CS 7-77 decision. Prior conditions #1, #2, #5, #10, and #11 are supplanted or rescinded by conditions 1-6 above.
8. The applicant shall modify the final site plan so that no vehicular access occurs through Aventine Circus without the express written authorization of all property owners who are parties to the Aventine Circus access easement.

## FINDINGS

### 1. SITE AND PROJECT DESCRIPTION:

Applicant requests approval to expand the boundary and renovate and add facilities at "The Berry Botanic Garden", a CS use originally approved in 1977. The proposal would expand the CS boundary to the south, adding Tax Lot '44' of Lot 42, Abernathy Heights, and authorize construction of two new structures (a horticultural building and a greenhouse), and an addition to an existing house on the site. Plans include removal of an existing smaller greenhouse near the west property line. Applicant's "Detailed Description of Proposal" is presented on page two of the application text [dated May 15, 1992 (revised June 23, 1992)]; the description is incorporated by reference.

### 2. PLAN AND ZONE DESIGNATIONS:

The 6.25-acre site is designated Single Family Residential on the Comprehensive Plan Map. The zoning designation is R-30 (Single Family Residential District). Most of the site (5.75-acres) was designated for CS-use in 1977 to establish "The Berry Botanic Garden" [ref. CS 7-77 decision dated June 21, 1977].

### 3. ORDINANCE CONSIDERATIONS:

Conditional uses allowed in the R-30 District are specified in MCC § .2842. Subsection (D) specifies "...*special uses, such as parks, ... community centers, ... and uses of similar nature, as provided in MCC .7005 through .7041...*" MCC § .7020(A)(10) identifies a park as a Community Service (CS) use; MCC .7020(A)(11) identifies philanthropic institutions as a CS use; and MCC .7020(A)(23) provides for accessory uses to a CS use. In addition, the CS 7-77 decision established that the botanic garden is a CS use. Approval criteria for a new or expanded CS use are specified in MCC .7015.

The following section presents findings regarding the proposal. Each approval criteria is presented first in *bold italics*, followed by a reference to applicant's response (by Application page #) or excerpts in *italics*. Findings for each criteria supplement or modify findings in the application.

### 4. EVALUATION OF THE COMMUNITY SERVICE USE REQUEST (MCC .7015)

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

*"...[W]e propose to use residential-style construction for all exterior surfaces ... [P]lantings...will be residential in style... and other plantings are being designed to screen any utility functions form existing neighbors..."*

(Application, pg. 3)

**Findings:** The Berry Botanic Garden is an approved CS use operating on the site since 1977. The grounds have several acres of dense forest areas, with native

forest floor vegetation and mature landscaping. There are established garden areas, a small stream and swale, a house and out buildings. The Botanic Garden, as operated for the past 14-years, in part defines the low density, wooded character of the area, with residences on large sites.

The proposed site design and building additions are sensitive to the area character in terms of the scale of the buildings and the retention of most existing natural features and mature trees and specimen landscaping which characterises the site and area. Staff concurs that the proposal, as conditioned, meets this approval criteria.

**(B) Will not adversely affect natural resources;**

*"...Conserving the land as a botanic garden provides over six acres of open space ... About four acres are under a forest canopy of native second-growth Douglas Fir and big-leaf maple. Two acres is a native plant trail left substantially natural ...*

*Several springs arise on the property, running into a creek... These are maintained as part of the natural system. The botanic garden uses only a minimal amount of pesticides and herbicides...*

*The new buildings would not destroy any existing wild vegetation or any significant plant collections of the Garden. No sizable trees would be removed..."* (Application, pg. 4)

**Findings:** In addition to the findings above, recommended conditions further protect natural resource values on the site. Condition #1 requires Design Review of the site development. Design Review criteria stipulate that designs shall preserve natural landscape features and existing grades to the maximum practical degree [MCC § .7850(A)(4)]. The site is generally wooded, with extensive garden and landscaped areas. Condition # 2 requires a Grading and Erosion Control Permit if proposed site work is subject to MCC § .6710(B). Given the conditions of approval, the application adequately demonstrates that the expanded use of the site will not adversely effect natural resources.

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

*"There is no conflict with farm or forest uses in the area ... [A]bout half the land was logged around 1900, there has been no recent forestry activity."*  
(Application, pg. 4)

**Findings:** There are no farm nor forest designated districts near the site. Moreover, the nearest commercial farm or forest uses are several miles from the site. The proposal satisfies this criteria.

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

*"Sewer and water will be needed for the horticultural buildings, but can be constructed as extensions of existing service. Electrical and gas service would be extended from the existing office building..."* (Application, pg. 4)

**Findings:** Staff generally concurs with applicant's findings; however, Transportation Division Staff have not commented on the street access or improvement requirements (if any) to SW Summerville Avenue. Condition #5 requires completion of street improvements (or sufficient assurance) and access permits prior to issuance of building permits for proposed buildings, additions, or use of the overflow parking area.

Existing water supplies are adequate for the project (ref. 5/13/92 Certification of Water Service form completed by Palatine Hill Water District). Connections to the existing public sewer, and electric and communication systems are required prior to occupancy of final inspection approvals of the new buildings or addition. Design Review, Grading, and Plumbing permit reviews further assure that adequate sewage and storm drainage facilities are provided.

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

(Application, pg. 4)

**Findings:** The site is not identified as a big game habitat area in the Comprehensive Plan or by the Oregon Department of Fish and Wildlife. Staff concurs that the proposal meets this approval criteria.

**(F) Will not create hazardous conditions;**

*"The proposed changes would generate no new traffic except that of construction vehicles. Deliveries of ... garden materials...three to four times yearly, would be shifted to Aventine Circus."* (Application, pg. 5)

**Findings:** Staff generally concurs with the above finding; however, hazardous driving conditions could develop on SW Summerville Avenue if the expanded CS use generates more traffic to the site. Summerville Avenue is a narrow paved road extending about 1000-feet north from its intersection with SW Military Road to the Botanic Garden entrance. The pavement width varies from about 18-feet at the south end, narrowing to about 10-feet wide north of the Palatine Hill Water District site (a CS property about 100-feet southeast of the Botanic Garden). North of the water tank site, the road width generally restricts access to one vehicle, except for a few shoulder pull-outs and driveway approaches.

Summerville Avenue has no outlet to the north. The 10-foot to 18-foot wide road winds through a forested residential area. The road is bordered and confined at points by dense shrubs and native plants up to 15-feet tall. The northern terminus is a "forked" intersection of two driveways, each paved about 10-feet wide. The left "fork" leads into The Berry Botanic Garden. Seven (7) single family houses and the Palatine Hill Water District facility share access to the privately maintained Right-of-Way.

Any increase in traffic volumes would create hazardous or congested driving conditions due to the narrow pavement width, restricted sight distances, and lack of two-way access on some sections. Several conditions are recommended to prevent any increase in traffic (*i.e.*, limited scale of buildings, no sales allowed, restricted events of peak site use, and limited public access). Similar concerns were addressed in the CS 7-77 decision and conditions of approval. Staff concludes that the proposal, as conditioned, meets this approval criteria.

**(G) 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 13 (Air, Water and Noise Quality); Policy 16 (Natural Resources); Policy 31 (Community Facilities and Uses); Policy 37 (Utilities); Policy 38 (Facilities).

**a. Policy 2 – Off-site Effects.**

**Findings:** When approving a new or expanded CS use, the County may impose conditions to prevent or minimize adverse off-site effects to neighboring properties or uses. Recommended conditions of approval for the Botanic Garden expansion address a variety of potential off-site effects. The application text also evaluates the historic and proposed site use against each condition imposed under CS 7-77 (Application, pgs. 5-6). These findings are incorporated by reference. Recommended condition #7 would specifically incorporate several conditions from the 1977 decision to continue limits on the scale and intensity of site use, and to minimize off-site impacts.

**b. Policy 13 – Air, Water, and Noise Quality.**

**Findings:** Proposed facilities should not significantly effect air, water or noise quality in the area. Potential water quality effects would be addressed through application of Grading and Erosion Control provisions under Condition #2. Noise associated with the site use are in part mitigated by the wooded character of the site, as well as the size and topography which generally screens and buffers the use from surrounding residences. The proposal will not significantly alter the intensity of use. It would not increase the number of employees, the number or frequency of visitor use, and there would be no site use by other organizations or groups. Conditions are imposed to assure these limits are maintained.

**c. Policy 16 – Natural Resources.**

**Findings:** 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 [ref. § .7850(A)(4)]. Condition # 2 requires a **Grading and Erosion Control Permit** since the proposed development is located within the Balch Creek watershed [ref. MCC § .6710(B)].

The proposed site design responds to concerns for natural features and preservation of natural qualities of the site. The placement of proposed parking and buildings avoids removal of most large trees from the development area, and the building placements effectively avoids streams and established garden areas on the site.

The proposal, together with the above noted conditions, adequately addresses the County's Natural Resources policies.

**d. Policy 31 – Community Facilities and Uses**

[Paraphrased & Edited]

**THE COUNTY'S POLICY IS TO SUPPORT COMMUNITY FACILITIES, SCALED TO MEET PUBLIC NEEDS AND REINFORCE COMMUNITY IDENTITY. ENCOURAGE EXPANSION AT LOCATIONS REINFORCING ORDERLY DEVELOPMENT. SUPPORT EFFICIENT USE OF EXISTING COMMUNITY FACILITIES. LOCATE FACILITIES ON SITES WITH PHYSICAL FEATURES, ACCESS, SIZE AND SHAPE WHICH ACCOMMODATE THE SCALE AND IMPACTS OF THE USE AND MINIMIZE ADVERSE OFF-SITE EFFECTS.**

**Findings:** The proposed expansion of the CS Use approved in 1977 is generally consistent with this policy. Philanthropic or eleemosynary institutions are listed as a type of CS-Use in MCC 11.15.7020; however, they are not a listed facility in Policy 31, subsection E. The proposed use appears similar in scale to facilities listed as "MINOR COMMUNITY" scale (*i.e.*, parks, churches, neighborhood recreation center). The Botanic Garden was authorized in 1977, before Policy 31 was adopted (circa 1979).

Subsection G prescribes access standards when siting CS uses, depending upon the scale. "MINOR COMMUNITY" scaled uses should be have "...DIRECT ACCESS TO A COLLECTOR STREET AND NO ROUTING THROUGH LOCAL NEIGHBORHOOD STREETS..."

However, Policy 31 access standards are not mandatory to approve a new or expanded CS use. The Plan establishes Land Use Location Policies for various uses (Policies 24–31). The Plan states that "...It is intended that these locational criteria be construed in a flexible manner, in the interest of accommodating proposals which, though not strictly in conformance with the applicable criteria, are ... capable of harmonious integration into the community. The burden of proving conformance...to the Plan should vary

with the degree of change...: the more drastic the change... the more strictly the criteria should be construed."

[ref. Framework Plan, Volume 2: Policies, page 93]

Although the site does not have direct access to a collector street, the change in site use is not drastic and off-site impacts would not significantly change. The proposal would not increase traffic above the current use, and it does not change or increase the number of employees, hours open to visitors, or the groups using the site. The project would primarily renovate and enhance horticultural facilities authorized under CS 7-77.

Based on the above, and limits imposed by conditions of approval, the proposal adequately addresses Policy 31. The scale of the current use was found appropriate for the location in 1977. Conditions specifically limit the proposed use and scale to further address Policy 31.

**e. Policy 37 - Utilities**

**Findings:** County policy requires that adequate utilities are available or can be provided before approving a new or expanded land use. Land uses approved must verify adequate: water supply, sewage disposal facilities sufficient to serve the use; adequate storm drainage; electric power; and access to communication facilities. Conditions may be imposed to assure adequate utilities for a proposed use. All above noted utilities are currently available on the site. Refer to 4(D) above. The proposed CS expansion, as conditioned, adequately addresses the Utilities policy.

**f. Policy 38 - Facilities**

**Findings:** Refer to findings for 4(D) above. County policy requires that public facilities be available before approving a new or expanded land use. Approval decisions must verify that police service, fire protection, and school facilities are adequate to serve a proposed use. The expanded use will not generate additional police service demands, nor would it effect school service demands, since no additional residences, employees or visitor use is proposed.

However, State Fire Code standards for emergency vehicle access to the proposed structures may require off-site improvements to Summerville Avenue (e.g., a wider pavement section, or vehicle pull-outs), or a second site access from the Aventine Circus easement road on the north boundary of the site. Fire Code issues and plan changes (if any) would be addressed as part of the Design Review procedure and the Building Permit reviews. The proposed CS expansion, as conditioned, adequately addresses the Facilities policy.

**(H) Will satisfy such other applicable criteria as are stated in this section**

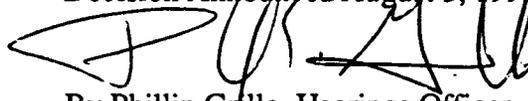
There are no additional criteria specified in the CS section for the proposed use [MCC § .7020-.7072]. However, other Zoning Code sections contain dimensional and other standards which effect the proposal. For example, MCC § .2178(C) specifies a 30-foot minimum rear yard in the R-30 District. The proposed horticultural building would be developed within the 30-foot yard area (ref. site plans). The project requires variance from the dimensional standard; and is classified as a "Major" Variance. MCC 11.15.8515(A) defines "...A Major Variance is one that is in excess of 25 percent of an applicable dimensional requirement." [emphasis added] Applicant indicates an administrative Variance request will be filed to address the rear setback proposed on the CS plan [ref. pg. 5 of the application]. Condition #4 provides three options to address the substandard rear setback illustrated on the CS plans.

Recommended conditions address several Zoning Code sections, including: Hillside Development and Erosion Control [MCC § .6710]; Signs [MCC § .6942]; Property Line Adjustments [MCC § .2844]; and, Design Review [MCC .7820].

### CONCLUSIONS

1. Findings above sufficiently demonstrate that the proposal, as conditioned, satisfies approval criteria for an expanded Community Service Use.
2. Conditions of approval are necessary to minimize potential adverse impacts from the use and assure compatibility with surrounding land uses and consistency with applicable Zoning Code provisions and Plan Policies.

Decision Announced August 3, 1992



By Phillip Grillo, Hearings Officer

Filed With the Clerk of the Board on August 13, 1992

### Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to the Hearings Officer decision, may file a Notice of Review with the Planning Director on or before 4:30 PM. on Monday, August 24, 1992 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

*The Decision on this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, August 25, 1992 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development Division at 248-3043.*

Meeting Date: August 25, 1992

Agenda No.: 0-3

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: Review Decision of Hearings Officer of August 3, 1992

BCC Informal \_\_\_\_\_ (date) BCC Formal August 25, 1992 (date)

DEPARTMENT DES DIVISION Planning

CONTACT Sharon Cowley TELEPHONE 2610

PERSON(S) MAKING PRESENTATION Planning Staff

ACTION REQUESTED:

INFORMATIONAL ONLY  POLICY DIRECTION  APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 2 Minutes

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

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

CS 12-92 Review the Decision of the Hearings Officer of Augsut 3, 1992, approving, subject to conditions, change in zone designation from LR-10, FF to LR-10, FF, C-S, community service, to allow the use of the existing single family residence for a 'not for profit' organization (God's Kids Caring) for property located at 12920 SE Holgate Blvd.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL \_\_\_\_\_

Or

DEPARTMENT MANAGER <sup>RSP</sup> 

(All accompanying documents must have required signatures)

RECEIVED BY  
COUNTY COMMISSIONER  
1992 AUG 18 AM 11:28  
MULTNOMAH COUNTY  
OREGON



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

**Decision**

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

**August 3, 1992**

**CS 12-92, #420**

**Community Service Designation  
(Philanthropic Organization)**

Applicant requests change in zone designation from LR-10, FF, single family residential, flood fringe district, to LR -10, FF, C-S, community service district, to allow the use of an existing single family residence for a 'not-for-profit' organization (God's Kids Caring), which involves itself in special events.

**Location:** 12920 SE Holgate Blvd.

**Legal:** Lot 9, Wiley Acres Tract, 1991 Assessor's Map

**Site Size:** 177' x 215.4'

**Size Requested:** Same

**Property Owner:** Kenneth Smith  
PO Box 25160, Honolulu, HI 96025

**Applicant:** God's Kids Caring  
PO Box 16296, Portland, 97216

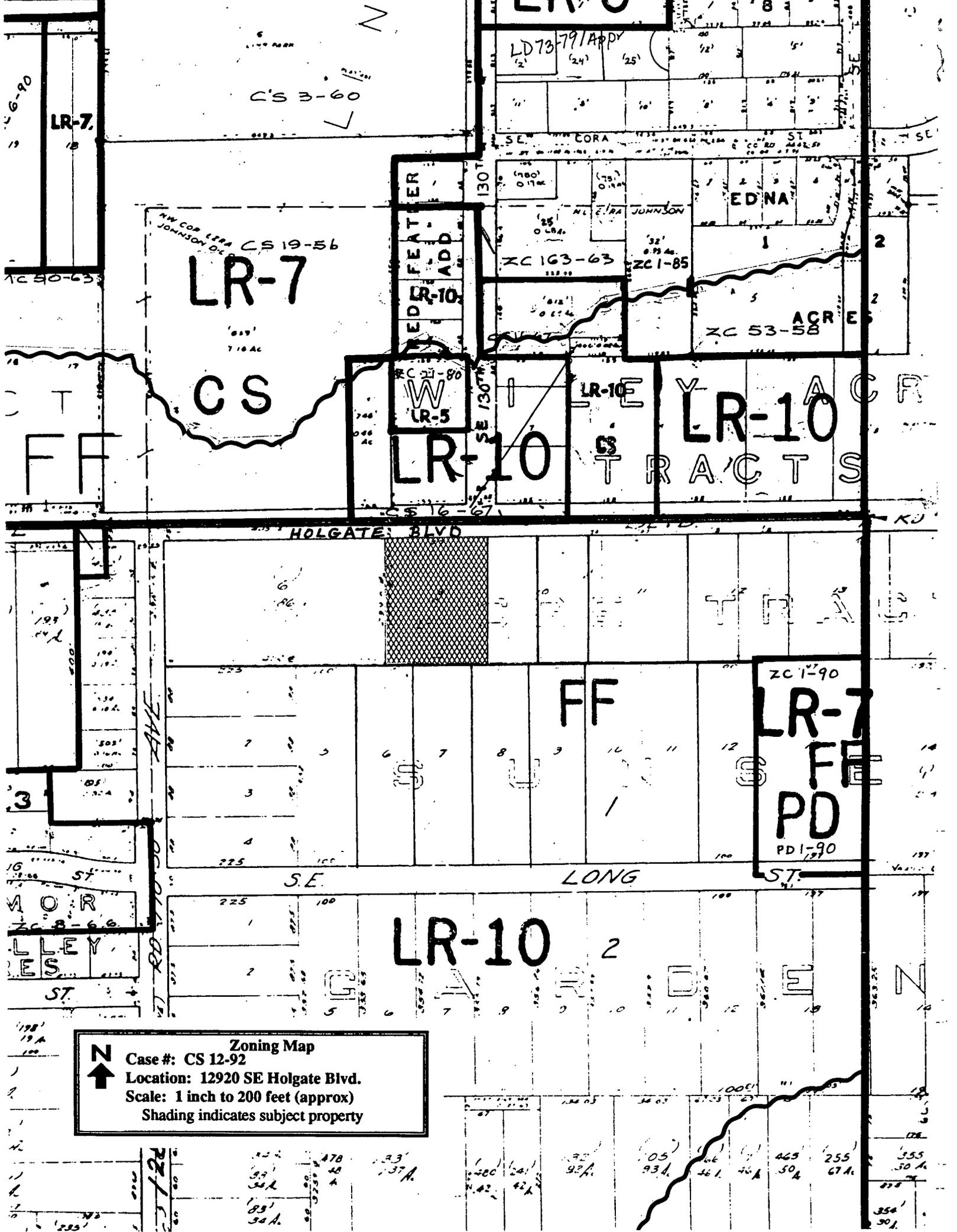
**Comprehensive Plan:** Low Density Residential

**Present Zoning:** LR-10, FF, Urban Low Density Residential, Flood Fringe District

**Sponsor's Proposal:** LR-10, FF, C-S, Urban Low Density Residential, Flood Fringe  
C-S, Community Service District

**Hearings Officer Decision:** **Approve, subject to conditions, change in zone designation from LR-10, FF to LR-10, FF, C-S, community service to allow the use of an existing single family residence for a 'not for profit' organization (God's Caring Kids), based on the following Findings and Conclusions.**

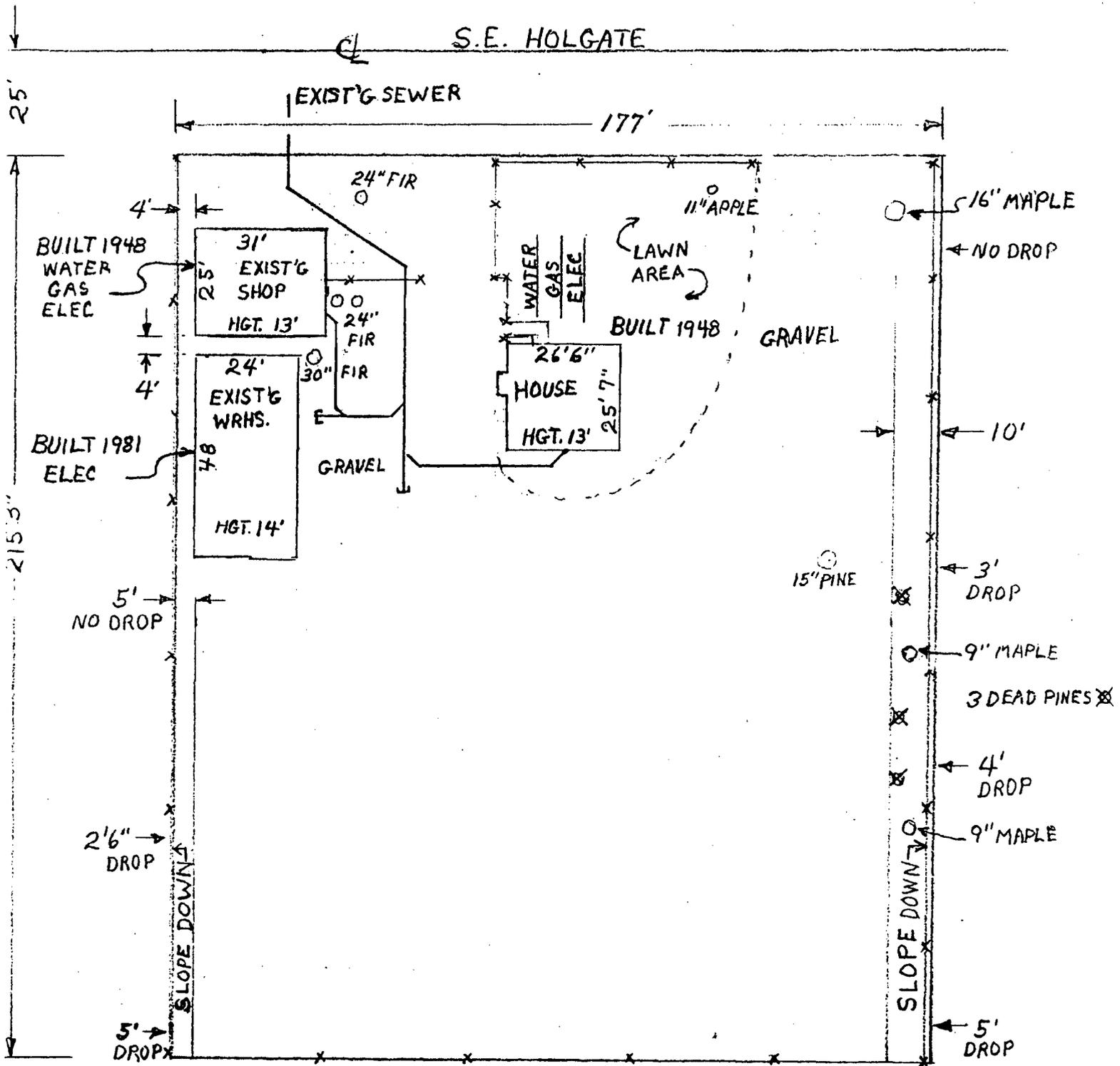
**CS 12-92**



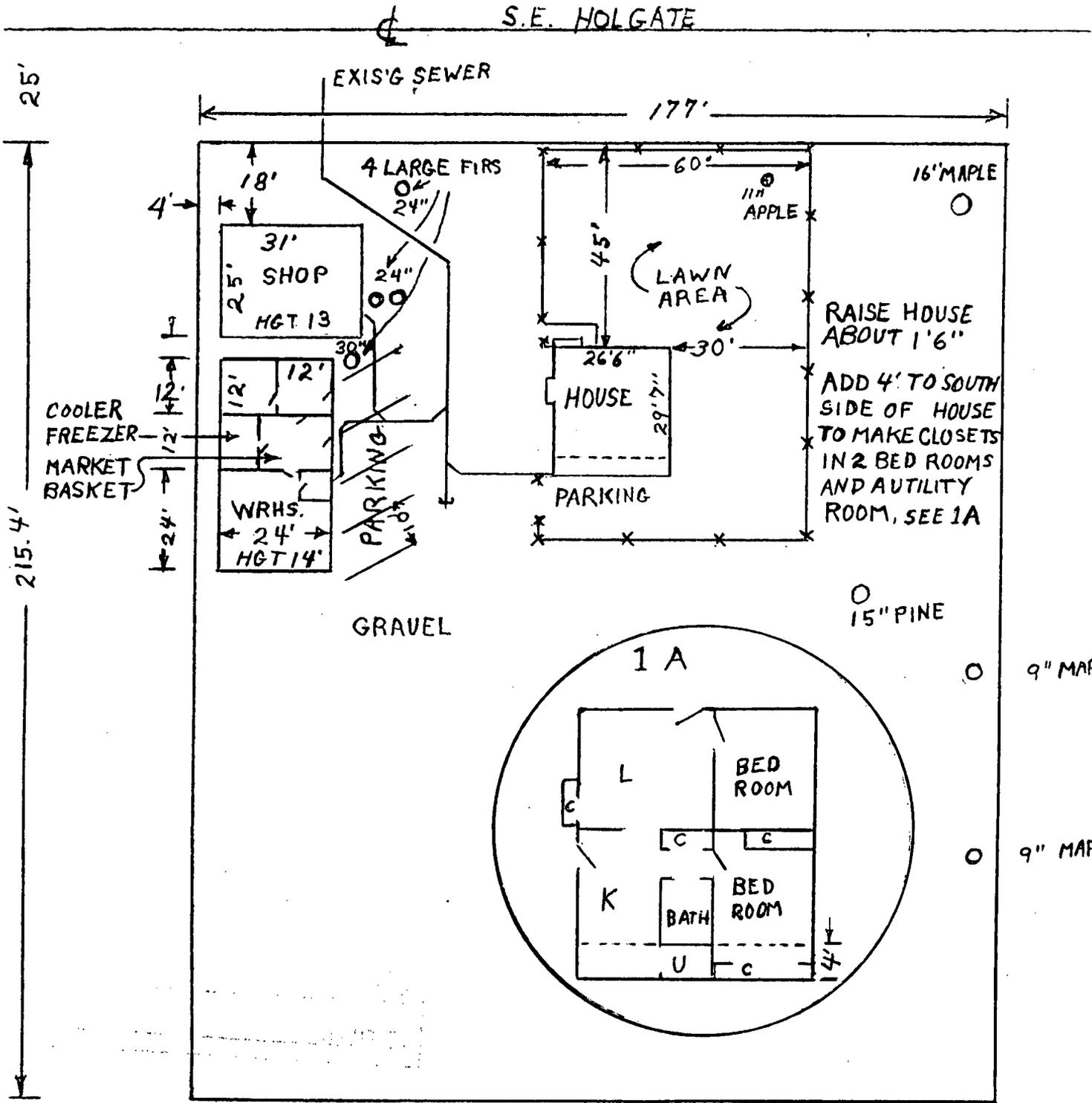
**Zoning Map**  
 Case #: CS 12-92  
 Location: 12920 SE Holgate Blvd.  
 Scale: 1 inch to 200 feet (approx)  
 Shading indicates subject property

# Plot Plan

12920 S E HOLGATE



# FIRST PHASE



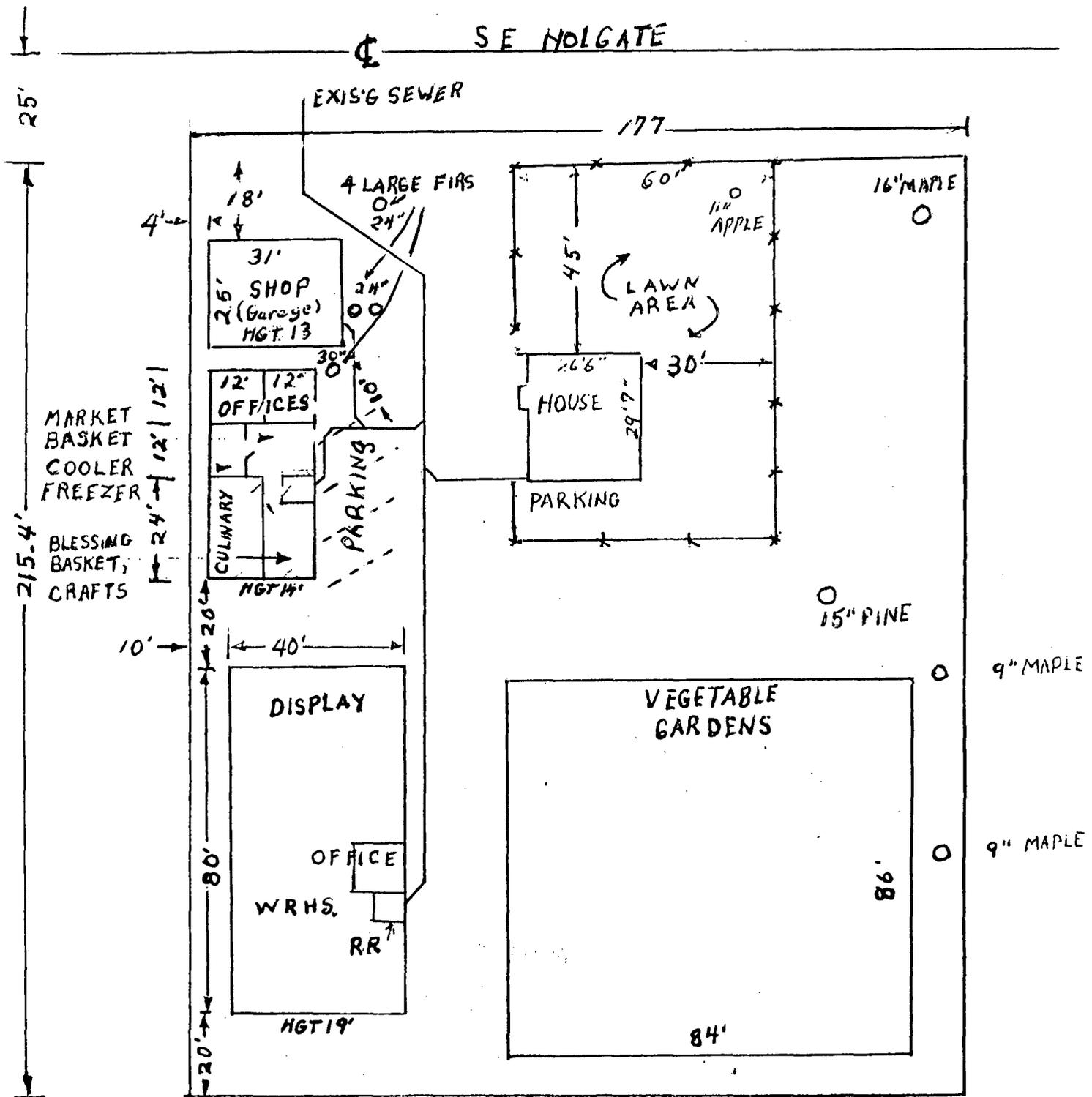
CS 12-92

SCALE  $\frac{1}{32} = 1'$

# SECOND PHASE



SE HOLGATE



CS 12-92

SCALE  $\frac{1}{32} = 1'$

## **CONDITIONS OF APPROVAL:**

1. Prior to performing site work or issuance of building permits, obtain design review approval of all proposed site improvements including, but not limited to, trash removal, grating, parking, landscaping, lighting and exterior building designs.
2. Any sign shall be in accordance with MCC 11.15.7902 through .7982.
3. Prior to occupancy, all structures shall meet building and fire codes for the intended uses, including any review required for any fill materials which may have been placed on the property in the past.
4. Off-street parking and loading shall be provided in accordance with MCC 11.15.6100 through .6148.
5. All repair of automobiles, small motors, machinery, and bicycles shall be conducted within a fully enclosed building and shall be on a non-commercial basis. All operations must comply with all applicable noise ordinances. No more than one vehicle per week may be brought to the site for repair, and all other repair operations shall be limited to two additional projects per week.
6. There shall be no outside storage of any food, non-operating vehicles, or any other items.
7. Commercial sales shall be limited to one nine-day period per year, and Christmas tree sales as described in Condition No. 8.
8. Christmas tree sales shall be conducted with concern for surrounding residential area, including lighting that will not disturb neighboring properties, provision for adequate on-site parking and operating no later than 9:00 p.m.
9. Any development occurring in a flood hazard area shall meet the requirements of MCC 11.15.6301 through .6323, including any requirements applicable to fill placed on the property in the past, if any.
10. This Community Service use approval includes use of the site for the office/headquarters of God's Kids Caring, vocational training, storage and assembly of food baskets and blessing baskets, storage of household items, limited repair of automobiles, bicycles and machinery, and annual yard and Christmas tree sales, under the conditions listed herein. Any change in activity, any additional activities or increase in scale shall be subject to approval authority review after a public hearing.
11. If the use is not established on the site within two years, this approval shall expire, except as specified in MCC 11.15.7110(C).

12. Street improvements, including widening, curbs and sidewalks, shall be completed as required by the Department of Transportation, prior to occupancy.
13. All training/education shall be on a one-to-one basis, with one trainer and one trainee.
14. The applicant s shall provide each resident within 150 feet of this site, and each person who testified at the public hearing on August 3, 1992, with the name, address and telephone number of a contact person who can be reached with questions or complaints regarding this property.
15. The total number of vehicles coming to the site are limited to no more than 17 per week, except for vehicle traffic related to the commercial sales and Christmas tree sales described in Paragraphs 7 and 8. Any increase above 17 vehicle trips per week will require a new application and public hearing review.

## **FINDINGS:**

### **1. Proposal:**

This request is for conditional use approval of a community service use for a philanthropic or eleemosynary organization (God's Kids Caring). The proposal involves using the existing garage for small motor repair, bicycle repair, and automotive servicing, and using the existing pole building for an office, storage and dispersal of household goods and clothing, and area for storage of food and preparation of food baskets. In addition, the organization plans to hold an annual garage sale and Christmas tree sales at the site. Plans also include future modification of the pole building to add a bathroom, addition of another warehouse to be used for various classes such as food preparation and sewing, and modifications to the existing dwelling. The applicant's complete description of the organization and proposed uses of the subject property is attached.

### **2. Site and Vicinity Characteristics:**

The subject property is on the south side of SE Holgate at SE 130th. It is a fairly level lot with a small dwelling and garage fronting on SE Holgate, and with a pole type building behind the garage. The parcel is surrounded by residences on fairly large lots. Directly northwest of the parcel is the Gilbert Heights Elementary School.

### **3. Ordinance Considerations:**

**NOTE:** The Ordinance criteria appear in **bold**, followed by the applicant's responses in *italics*, followed by staff comments.

- A. **MCC 11.15.2570 (A)** states that Community Service uses may be permitted as a conditional use in the LR - 10 district under the provisions of **MCC 11.15.7005 through .7041**
- B. **MCC 11.15.7020.** "Except as otherwise provided in **MCC .2012**, the following Community Service Uses and those of a similar nature, may be permitted in any district when approved at a public hearing by the approval authority.

**(11) Philanthropic or eleemosynary institution.**

*Applicant's Response: God's Kid's Caring has 501(c)(3) status with the state and federal governments. This status does not allow them to be a commercially profitable organization...The overall purpose of the organization is to invest in people's lives, so that they will become responsible, productive people in the community.*

Staff Comment: God's Kids Caring is a non-profit organization whose stated purpose is to provide various services (education, counseling, food and household goods) to its clients. As such, it meets the definition of a philanthropic institution. In addition, private, parochial or public schools or educational institutions also may be permitted as a Community Service use (subsection (20)). The proposed educational aspects of this application thus are uses which may be permitted.

- C. **MCC 11.15.7015.** "In approving a Community Service use, the approval authority shall find that the proposal meets the following approval criteria...

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

*Applicant's Response: God's Kids Caring's use of this piece of property would be consistent with the general usage of properties in the area. It may encourage some of the neighboring properties to be more wisely utilized. There are several property units in the general location that have community service approval.*

Staff Comment: The surrounding area is predominately residential, with a grade school just to the northwest and two nursing homes in the vicinity. The educational and vocational training aspects of the proposal would be compatible with these surrounding land uses. However, there are concerns that the automotive and equipment repair and the food and household good donation services may be inconsistent with the character of the neighborhood because of appearance, noise, and increased traffic these activities could generate. Consequently, conditions of approval to maintain the character of the area have been suggested, including no outside storage of any item or non-operating vehicle, all repair of automobiles and machinery to take place within fully enclosed buildings which comply with

building and fire codes for those uses, and required Design Review approval for all proposed site improvements.

**(B) Will not adversely affect natural resources;**

*No Applicant's Response*

Staff Comment: The Comprehensive Plan inventory shows no significant natural resources in the area.

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

*Applicant's Response: The property use would not be in conflict with farm or forest uses in the area. The area, basically is small plots of land, where there may be some farming and some farm animals. It would be God's Kids Caring's plan that the greater share of this plot of land would be used for gardening...*

Staff Comment: The area is zoned for residential use, and parcel sizes average less than one acre. There are no farm or forest activities in the area.

**(D) Will not require public services other than those existing or programmed for the area**

*Applicant's Response: Market Basket - ...The vehicle impact would be a few cars on Wednesday afternoon and evening. There would be two or three cars belonging to those who come and prepare the fruits and vegetables on Wednesday...Special Events - ...The yard sale...would have traffic impact for a long weekend (Friday-Sunday) or longer...God's Kids Caring's tree lot would not increase traffic any more than any other neighborhood tree lot.*

*In the first phase after occupying the property, it would be God's Kids Caring's plan to put a bathroom in the warehouse...It is our understanding that the sewer has been dug onto the property and a trunk line directed toward this warehouse where it would be readily available to connect.*

Staff Response: At the public hearing, Planning Staff indicated that recent responses from service bureaus indicate that all required public services are presently available, or can be made available through improvements to be required of the applicant as conditions of approval. In particular, street improvements, including widening, curbs and sidewalks will need to be completed as required by the Division of Transportation. All other public services are currently available.

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

*Applicant's Response: The use of the property by God's Kids Caring would not have any impact on large game summer or winter feeding grounds. There are deer on the hill that lies about 1/2 mile east of this property, but they are not seen in this area. There are no elk or other large game located on or near this property.*

**Staff Response:** The site is not a sensitive big game habitat area according to the Comprehensive Plan inventory.

**(F) Will not create hazardous conditions; and**

*Applicant's Response: There would not be any unnatural hazardous conditions excepting those connected with the bike and small motor shop. The hazardous liquids that we would have in either one of those shops would be stored in steel containers in a fireproof location. Liquids that would be disposable, such as old oil and used solvents would be recycled in the recycling system of the community so that they would be handled in an environmentally compatible way.*

**Staff Response:** All buildings and items stored therein will be required to meet fire and building codes. No items should be permitted to be stored outside the buildings. All parking and loading should occur off-street to prevent hazardous conditions on Holgate. Conditions to this effect may be found at the beginning of this report.

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

*No Applicant's Response*

**Staff Response:** Policy 13, Air Water and Noise Quality: The proposed small machinery repair (lawn mowers, chain saws, etc.) could produce noise levels that are a nuisance to the surrounding residences and school. Consequently a condition of approval requiring such activities to take place within an enclosed building is appropriate. Policy 19, Community Design: The proposed scale of the facility is small enough to be compatible with the surrounding land use pattern. Approval conditions including Design Review will aid in making the facility compatible. Policy 29, Office Location: The organization's office would be classified as "isolated", and it meets requirements for transportation access and siting.

(H) Will satisfy such other applicable approval criteria as are stated in this Section."

*No Applicant's Response*

Staff Response: There are no other approval criteria related to this Community Service use.

**D. MCC 11.15.7010 (C). The approval of a Community Service Use shall expire two years from the date of issuance of the Board Order in the matter, or two years from the date of final resolution of subsequent appeals, unless:**

**(2) The approval Authority establishes an expiration date in excess of the two year period**

*Applicant's Response: .Due to the income being dependent upon donations, we would ask for a consideration for five years to completion...We project the second phase of the development into the future years due to the fact that finances would have to be developed before we could go ahead and build another building to house those pre-vocational areas that we would like to add. The Board of Directors has made the decision that God's Kids Caring would not go into debt for any one thing, therefore finances would have to be procured before the decision would be made for the construction of the building*

Staff Response: A five year expiration date has been suggested as a condition of approval.

**CONCLUSIONS:**

1. This is an application for conditional use approval of a Community Service use in the LR-10 district for a philanthropic organization
2. The Hearings Officer adopts the Staff's comments and finds that the applicable approval criteria are met, provided the approval is conditioned as set out herein.

Signed August 3, 1992

By   
Paul Norr, Hearings Officer

Filed With the Clerk of the Board on August 13, 1992

**Appeal to the Board of County Commissioners**

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 4:30 PM. on Monday, August 24, 1992 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

*The Decision on this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday , August 25, 1992 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development Division at 248-3043.*

Meeting Date: August 25, 1992

Agenda No.: P-4

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: Review Decision of Hearings Officer of August 3, 1992

BCC Informal _____ (date)	BCC Formal <u>August 25, 1992</u> (date)
DEPARTMENT <u>DES</u>	DIVISION <u>Planning</u>
CONTACT <u>Sharon Cowley</u>	TELEPHONE <u>2610</u>
PERSON(S) MAKING PRESENTATION _____	<u>Planning Staff</u>

ACTION REQUESTED:

INFORMATIONAL ONLY       POLICY DIRECTION       APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 2 Minutes

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

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

CS 13-92 Review the Decision of the Hearings Officer of August 3, 1992, approving, subject to conditions, change in zone designation from LR-7 to LR-7, C-S, community service, to allow expanded facilities for the Lynch Baptist Church, for property located at 3130 SE 148th Avenue

BOARD OF  
COUNTY COMMISSIONERS  
1992 AUG 18 AM 11:28  
MULTNOMAH COUNTY  
OREGON

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL \_\_\_\_\_

Or

DEPARTMENT MANAGER RSP 

(All accompanying documents must have required signatures)



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

**Decision**

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

**August 3, 1992**

**CS 13-92, #408**

**Community Service Expansion  
(Church and Parking Expansion)**

Applicant requests change and expansion of the C-S, community service classification of the subject site, to allow expansion of an existing church to include a new wing consisting of a one-story building of 5,530 square feet. An existing self-standing building will be removed. Proposed parking will be expanded to meet Code requirements.

**Location:** 3130 SE 148th Avenue

**Legal:** Lots 67 and 76, Section 12, 1S-2E, 1991 Assessor's Map.

**Site Size:** 3.56 Acres

**Size Requested:** Same

**Property Owner:** Lynch Baptist Church  
3130 SE 148th Avenue, 97236

**Applicant:** Same

**Comprehensive Plan:** Single Family Residential

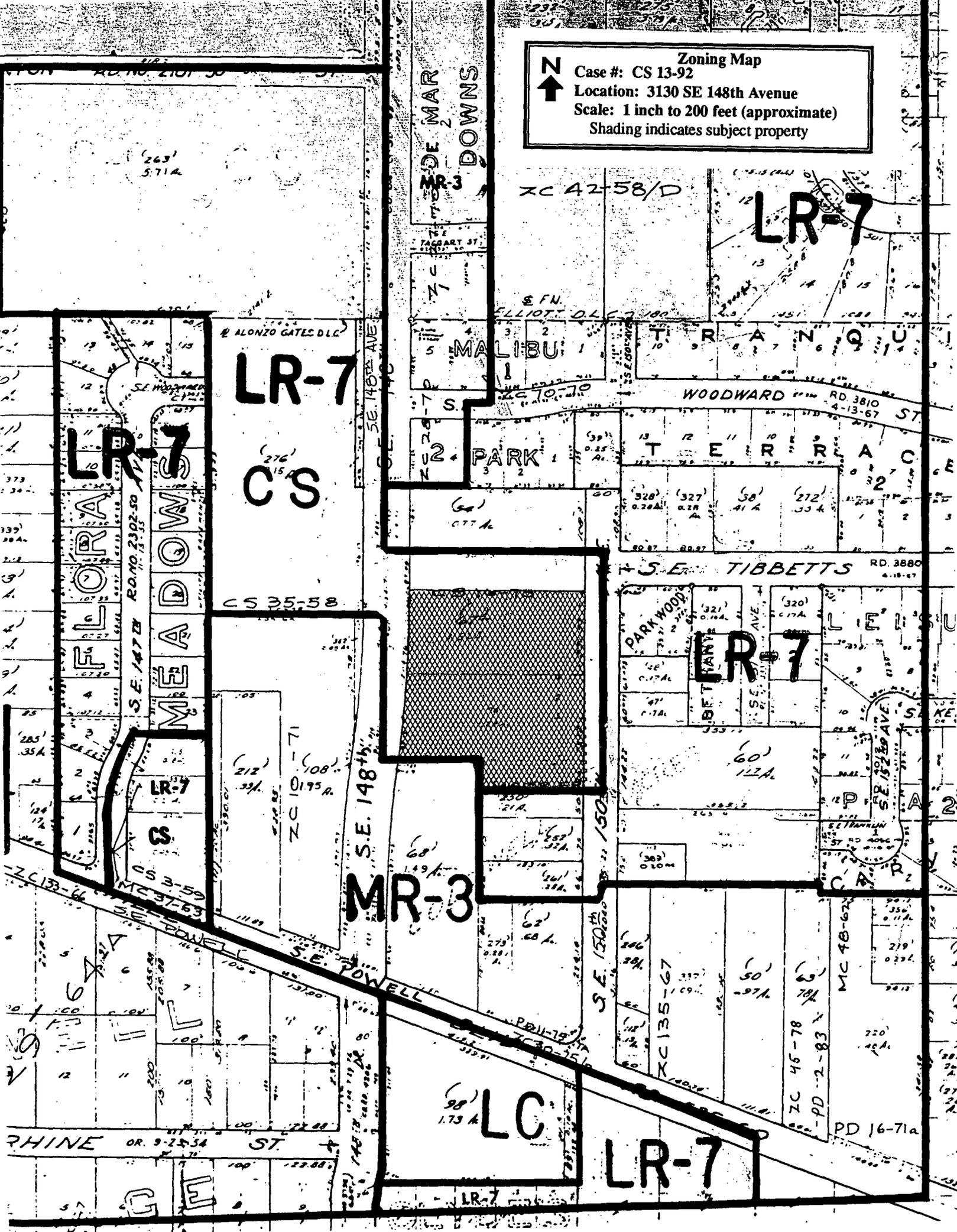
**Present Zoning:** LR-7, C-S, Urban Low Density Single Family Residential  
Community Service District

**Sponsor's Proposal:** LR-7, C-S, Urban Low Density Residential, Community Service  
Community Service designation shall be for the specific use or uses approved together with the  
limitations or conditions as determined by the approval authority

**Hearings Officer  
Decision:** **Approve, subject to conditions,** requested Community Service  
change in zone designation, from LR-7 to LR-7, C-S, to allow  
expanded facilities for the Lynch Baptist Church, based on the fol-  
lowing Findings and Conclusions.

**CS 13-92**

**Zoning Map**  
 Case #: CS 13-92  
 Location: 3130 SE 148th Avenue  
 Scale: 1 inch to 200 feet (approximate)  
 Shading indicates subject property



LR-7

LR-7

CS

LR-7

MR-3

LC

LR-7

LR-7

ZC 42-58/D

DE MAR  
DOWNS

FLORADOWN

LR-7

CS

RHINE ST

GE

TACART ST

MALIBU

TRANQUIL

PARK

TERRACE

SE TIBBETTS RD

PARKWOOD

SE 152nd Ave

SE 148th Ave

SE 150th Ave

ZC 135-67

ZC 45-78

PD 2-83

PD 16-71a

ZC 133-66

CS 3-59

MC 31-63

CS 35-58

ZC 101-71

ZC 150-71

ZC 135-67

ZC 45-78

PD 2-83

PD 16-71a

RHINE ST

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ZC 45-78

PD 2-83

PD 16-71a

ZC 133-66

CS 3-59

MC 31-63

CS 35-58

ZC 101-71

ZC 150-71

ZC 135-67

ZC 45-78

PD 2-83

PD 16-71a

RHINE ST

GE



## 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. Specific site improvements represented in the CS application may be developed in separate phases.
2. Prior to occupancy or final approvals for the additions, complete County Engineering Services requirements for Right-of Way improvements or dedications.
3. The land use approval shall be for the specific uses and scale specified in the application.

## FINDINGS

### 1. Project Description:

Applicant describes the request as follows:

*"Expansion of existing church to include a new wing consisting of a one story bldg of 5530 st. An existing self-standing bldg. will be removed. Parking will be expanded to meet requirements"*

### 2. Site and Vicinity Information:

The site is located within the Centennial Community on the east side of S E 148th Avenue, north of its intersection with S E Powell Boulevard. S E 148th Avenue is classed as a major arterial and has been improved to County standards (ie: two lanes each direction with left turn "hideout" plus curbside parking one each side. The land is generally flat-lying.

### 3. Ordinance Considerations

LR-7, Urban Low Density Residential, MCC 11.15.2602 thru .2618:

2610, "Conditional Uses;"

Subsection "(A)" specifies "Community Service Uses under the provisions of MCC .7005 through .7041;"

Community Service, MCC 11.15.7005 thru .7072:

.7020, "Uses"

Subsection "(A)" lists a Church as a Community Service Use under Item "(4)".

.7015, Approval Criteria

Eight criteria are listed which have to be met before a C-S Use can be approved.

NOTE: The following portion of this report presents the findings with respect to the proposed expansion of the existing community service use (ie: Lynch Baptist Church).

The applicable "Approval Criteria" (per MCC 11.15.7015) will be shown in **bold italics**.

The applicant's responses will be shown in *italics*.

Staff Comments will be shown in ordinary type style.

#### 4. Community Service Use Criteria

"In approving a Community Service use, the approval authority shall find that the proposal meets the following approval criteria;"

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

*"The architecture of the new wing will be consistent to the existing building and does fit the character of the area."*

Staff Comment: The existing church grounds and facilities are compatible with the established character of the area. Fully utilizing the existing site will not alter the character of the area.

(B), ***Will not adversely affect natural resources;***

*"Their will be no affect on natural resources, and their are currently no farm or forest uses on the existing property." (Applicable portion of statement underlined.)*

Staff Comment: Under "Conditions of Approval", Item 1 requires Design Review of the site development. Design Review criteria stipulate that the design shall preserve natural landscape features, etc to the maximum degree possible [per MCC 11.15.7850 (A) (4)]

**(C). Will not conflict with farm or forest uses in the area;**

*"Their will be no affect on natural resources, and their are currently no farm or forest uses on the existing property." (Applicable portion of statement underlined.)*

Staff Comment: The expanded development proposed is not in a rural area. The church property is located inside the Urban Growth Boundary and is in an area zoned for low density residential development. The property has a zoning "overlay" designation for CS, "Community Service".

**(D). Will not require public services other than those existing or programmed for the area;**

*"The public need for this expansion is demonstrated by the current need to provide more classrooms to accommodate those already attending the church. This is the only church of that denomination serving the immediate area. The expansion will take place on property already owned by the church, and will have no effect on other public services provided or planned for the area."*

Staff Comment: The impact of the church expansion would be considered negligible on public services. Public transit (ie: Tri-Met), electricity (ie: Portland General Electric), gas (ie: Northwest Natural Gas), telephone (ie: U S West Communication), etc are generally considered to be adequate to accommodate the church expansion.

A public sewer will be available to serve the site in 1997 according to the City of Portland.

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

*"Their are no game winter habitat areas on the property, or any hazardous conditions that we have any reason to believe might exist on the property." (Applicable portion of statement underlined.)*

Staff Comment: The church site is located within the urban area of Multnomah County. There are no known big game winter habitats situated within the Urban Growth Boundary.

**(F). Will not create hazardous conditions; and**

*"Their are no game winter habitat areas on the property or any hazardous conditions that we have any reason to believe might exist on the property." (Applicable portion of statement underlined.)*

Staff Comment: Within the church property there is sufficient land to expand the parking area to accommodate the increased usage of the church facilities. This would minimize the need to utilize on-street parking which could contribute to hazardous traffic conditions.

**(G). 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 13, Air, Water, and Noise Quality  
Policy 14, Development Limitations  
Policy 19, Community Design  
Policy 31, Community Facilities and Uses

**5. Applicable Comprehensive Plan Policies:**

**Policy 2 - Off-Site Effects**

*"The church is located on the east side of 148th, a few hundred feet north of Powell Blvd. 148th has been recently improved, and is now four lanes wide with a left turning lane. It handles the traffic with no difficulty, and any south bound traffic desiring to turn east to Powell, does not interfere with driveway approaches used by the church. No additional curb cuts are requested for this project. In addition to these observations, most traffic generated by the church occurs on Sunday morning, when general traffic on the streets are light. Conversations with members of the church have indicated no problems with traffic conditions. This addition does not affect the size or capacity of the existing sanctuary, thus the absolute capacity of the total attendance is not increased."*

Staff Comment: When approving new or expanded land uses, the approval authority may apply conditions to the approval to minimize any anticipated negative side effects to surrounding properties.

For this proposal, design review is being required to reduce or eliminate any potential negative off-site effects.

### **Policy 13 - Air, Water, and Noise Quality.**

**Staff Comment:**

**Air -**

The expansion of the church facilities within the site should not affect the air quality to any appreciable degree. No significant additional emissions are anticipated.

**Water -**

Effects of the church expansion on water quality should also be minimal. Grading and erosion controls will be in effect during construction. Subsurface sewage disposal system will be enlarged in accordance with the County's Sanitarian's rules.

**Noise -**

No increased noise levels are expected. The applicant states that the seating capacity of the sanctuary will not be increased (only new classrooms are planned in the new addition).

### **Policy 14 - Development Limitations**

**Staff Comments:**

The Conditions of Approval requires Design Review with respect to proposed grading, filling, or clearing of the site. Such review incorporates the County's Development Limitations Policy.

The site does not have steep slopes nor is the property shown as being hazardous on the County's Slope Hazard Maps.

### **Policy 19 - Community Design**

**Staff Comment:**

**Use -**

No change in the use of the site is proposed. It will continue to be used for church purposes.

**Landscaping -**

Design Review will assure that landscaping and buffering will be used to maintain the privacy of adjacent neighbors.

Traffic and Parking Lot Lighting -  
Design Review will assure that the on-site parking and traffic circulation patterns will be in accordance with County Zoning Standards as required under MCC 11.15.6100 thru .6148 (of the Off Street Parking section).

### **Policy 31 - Community Facilities and Uses**

**Staff Comment:** The present use of the site for church purposes is considered to be a Community Facility. The proposed expansion will not change the use. The site will be more fully utilized. Churches are listed as a "Minor Community" under Policy 31

Subsection "G" prescribes different access standards for CS uses, depending upon the scale of the facility.

"Minor Community" scaled uses should meet the following criteria:

- A. Be located on transportation systems with volume capacities appropriate to serve present and future needs of operation.
- B. Have direct access on to a collector street.
- C. Have no routing through local neighborhood streets.

### **CONCLUSIONS**

1. Based upon the Findings, the proposal (subject to the Conditions of Approval), satisfies the criteria for approval of a Community Service Use.
2. Conditions of approval are necessary to assure the following:
  - A. That the proposed development complies with the applicable provisions of Chapter 11.15 of the Multnomah County Code (AKA: The "Zoning Ordinance"),
  - B. That applicable policies of the Comprehensive Plan are addressed,

- C. That potential adverse impacts of the expanded CS use are minimized, and
- D. To assure that there will be compatibility with surrounding land uses.

Signed August 3, 1992

By   
Paul Norr, Hearings Officer

Filed with the Clerk of the Board on August 13 1992.

### **APPEAL TO THE BOARD OF COUNTY COMMISSIONERS**

Any person who appears and testifies at the public hearing hearing on Monday, 03 August 1992, or who submits written testimony in accord with the requirements on the prior Notice, and objects to the Hearings Officer's Decision, may file a Notice of Review with the Planning Director on or before 4:30 PM on Monday, August 24th, 1992 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 S E Morrison Street.

The Decision on this item will be reported to the Board of County Commissioners for review at 9:30 A M on Tuesday, August 25, 1992 in Room 602 of the Multnomah County Courthouse (1021 S W 4th Avenue). For further information 'phone the Multnomah County Planning and Development Office at 248-3043.

Meeting Date: August 25, 1992

Agenda No.: P-5

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: Decision of Hearings Officer of August 3, 1992

BCC Informal _____	(date)	BCC Formal _____	August 25, 1992
			(date)
DEPARTMENT _____	DES	DIVISION _____	Planning
CONTACT _____	Sharon Cowley	TELEPHONE _____	2610
PERSON(S) MAKING PRESENTATION _____		Planning Staff	

ACTION REQUESTED:

INFORMATIONAL ONLY       POLICY DIRECTION       APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 2 Minutes

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

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

CU 13-92/SEC 20-92 Review the Decision of the Hearings Officer of August 3, 1992, approving, subject to conditions requested conditional use request for commercial uses in the RC district and requested SEC Permit for proposed commercial uses, all for property located at 35905-35381 East Crown Point Highway

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL \_\_\_\_\_

Or

DEPARTMENT MANAGER RSP 

BOARD OF  
COUNTY COMMISSIONERS  
1992 AUG 18 AM 11:29  
MULTNOMAH COUNTY  
OREGON

(All accompanying documents must have required signatures)

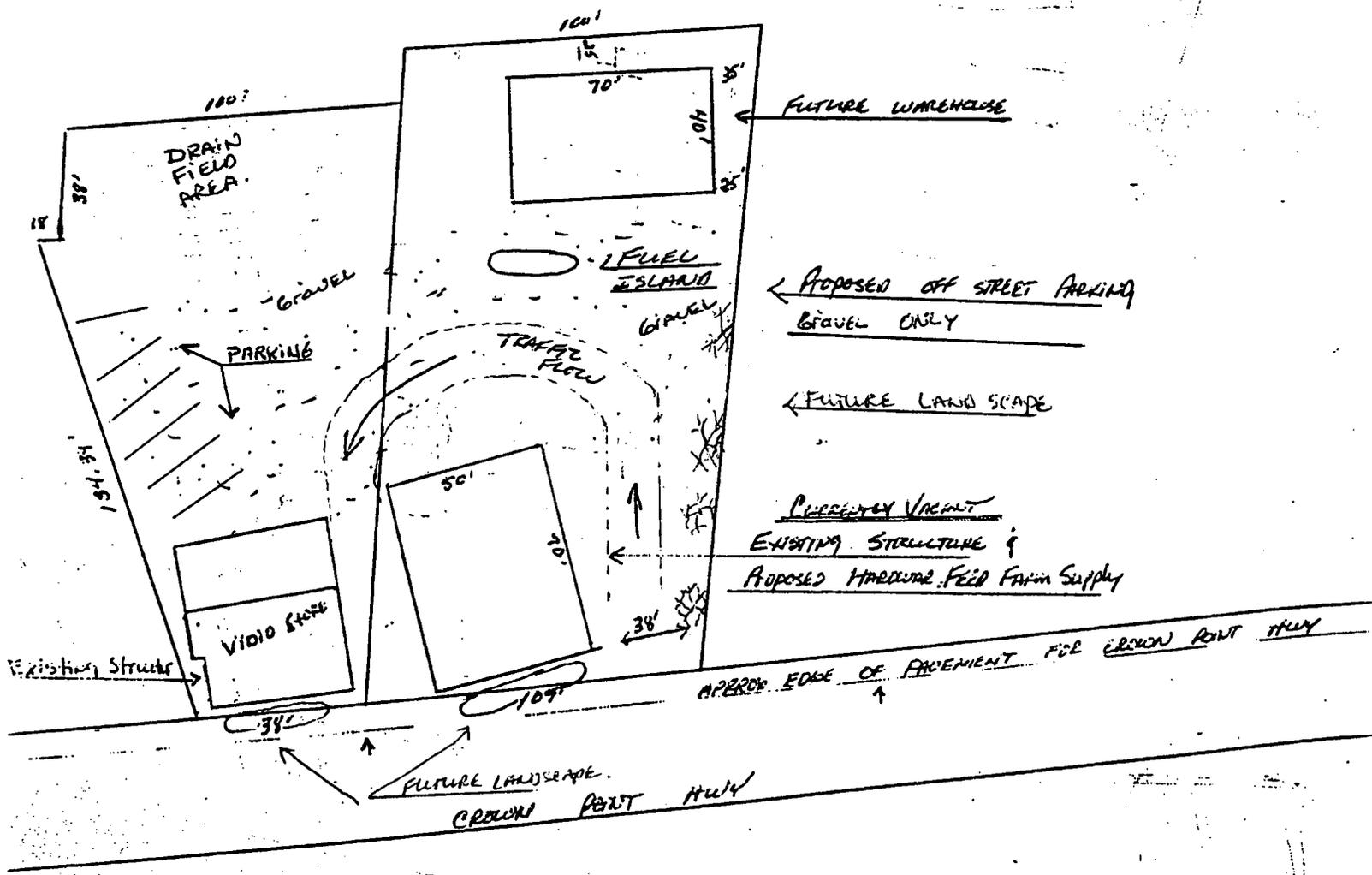


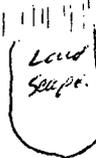
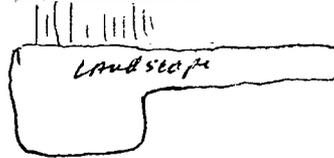
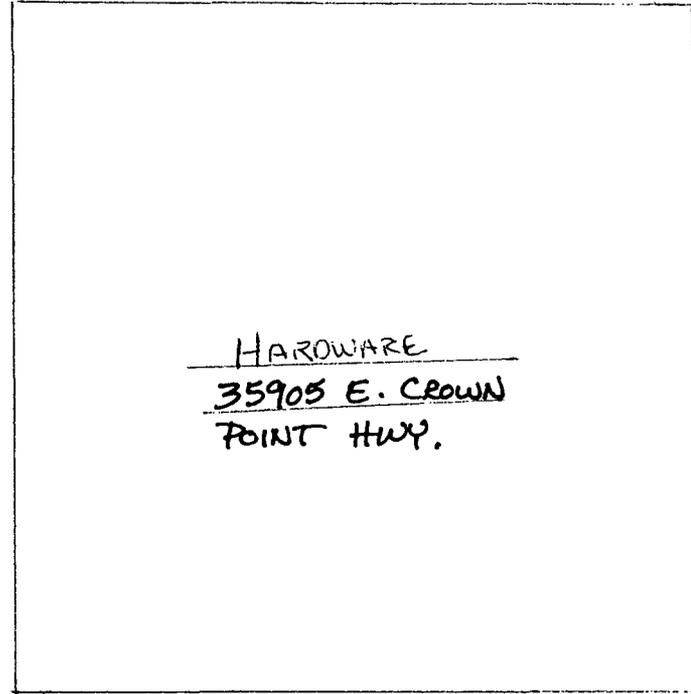
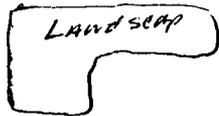
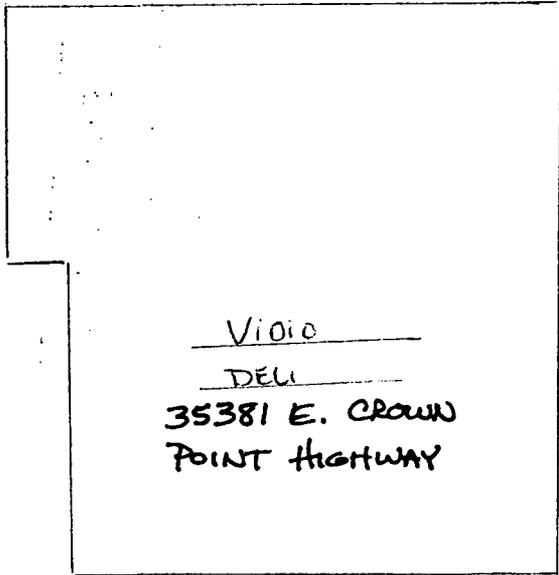






CU 13-92  
SEC 20-92





Crown Point Hwy

CU 13-92  
SEC 20-92

NOT TO SCALE

## CONDITIONS OF APPROVAL

1. Obtain Design Review approval of all proposed exterior 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. Specific site improvements represented in the application may be developed in separate phases.
2. Exterior colors on the structures – including the roof and trim – shall be non-reflective, and compatible with landscape features and buildings in the Corbett Rural Center. Color selections and exterior design alterations to the site and structures must be found in compliance with Design Review criteria in MCC § .6855 prior to installation or construction.
3. Prior to occupancy permits for the remodeled buildings, complete applicable requirements of the Oregon Department of Transportation regarding the Historic Highway.
4. The land use approval shall be for the specific uses and scale specified herein.
5. Maintain existing trees and plant and maintain additional trees on the site (as approved under Conditions #1 and #2 above) to screen, define, and separate parking and maneuvering areas, and business related storage from public views and Right-of-Ways, and provide privacy and screening for nearby residences.
6. Prior to issuance of any Building Permits on the site, confirm that the Columbia River Gorge Commission has approved the project(s).

## FINDINGS

### 1. PROJECT DESCRIPTION AND BACKGROUND:

Applicant proposes to operate a commercial business at the site. The application requests approval “...to take an existing building and remodel it for the purpose of operating a Hardware Feed and Farm supply store. Also to construct a future warehouse to the north end of tax # 28, and approval for the future installation of a fuel island to be located at an approved location with this request. The fuel island would not be fronting Crown Point Hwy, but would be considered to be placed north of the existing building and south of the future warehouse to be constructed...”

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 land in the Columbia River Gorge National Scenic Area (NSA).

## 2. SITE AND AREA DESCRIPTION:

The site is within the unincorporated community of Corbett, directly north of the Corbett High School. The property fronts on the Historic Columbia River Highway. The Corbett Hardware Store formerly operated on the westerly property (Tax Lot '52'). The store shifted to video rentals and a delicatessen about 2-years ago; there is no record of a zoning approval for this shift in retail use. The subject request includes the delicatessen and video rental uses in the former hardware store building.

A vacant commercial structure occupies the south portion of Tax Lot '28', and contains approximately 2800 square feet of space. 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 was involved in zoning enforcement proceedings on the site in 1988-90 because a former owner established a manufacturing and repair service use on the property without County land use approvals.

## 3. PLAN AND ZONE 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 the 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 sections present 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.

## 5. EVALUATION OF THE CONDITIONAL USE REQUEST [MCC §.2252(B)(1)]

A commercial use such as a local store may be approved in the RC District as a Conditional Use where it is demonstrated that the proposed use:

**(a) Is consistent with the character of the area;**

*"The above request for such services, at one time were prior existing uses at this site, but due to mainly social and economic reasons, ceased to remain operating. We feel these services are now needed in the Corbett area. The closest area to supply such needs are in Gresham which is approximately 6-8 miles west. The future warehouse would be needed and used for the purpose of storage of bulk items such as feed and farm supplies (sic) as well as building materials"*

**Staff Comment:** Commercial uses in the Corbett rural center are generally small in scale and limited in their service area.. The area surrounding the subject site is described above under Finding #2. The proposed site use could be developed consistent with the area character if adequate landscaping, screening and attention to the building's designs and deferred maintenance. Recommended onditions require landscaping to screen refuse and parking areas on the site, and to minimize adverse visual impacts to residential and Community Service uses on nearby properties.

The use may create negative visual impacts to the Historic Columbia River Highway, and potential impacts cannot likely be resolved by landscaping alone. The two buildings sit close to the highway frontage, and an informal-widened shoulder parking pattern has evolved. Vehicle parking and loading activities have historically been conducted in this highway shoulder-paved area in front of the buildings.

The proposal includes site design changes and exterior remodeling of the buildings to resolve or improve the appearance and function of the site, and address the area character. Final Design Review Plans approved pursuant to Condition #1 should address these issues in further detail, to include at least the following: relocated parking and loading areas to the rear of the buildings; removal of or clearly defined parking spaces on the highway frontage (with landscaping and curbs or other barriers); privacy fencing or evergreen plantings along side and rear property lines; no outdoor storage or display of merchandise; and screening of refuse storage.

**(b) Will not adversely affect natural resources;**

*"The natural resources would not be disturbed nor would we conflict with farm or forest uses in the area."*

**Staff Comment:** There are no significant natural resources identified on this or adjoining sites. Staff concurs with applicant's finding.

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

*"The natural resources would not be disturbed nor would we conflict with farm or forest uses in the area."*

**Staff Comment:** The nearest agricultural crop land is over 1/2 mile west (i.e., Schwartz Berry stand on Crown Pt. Hwy.). Commercial forest areas are concentrated several miles to the west and south. Staff concurs that the proposal's effects on farm or forest uses in the area are negligible.

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

*"The subject properties are connected to the Corbett water system and are connected to an on site septic system. The septic systems are old and require repair. We are working with the county sanitarians to remedy (sic) this in our plan. Public services will not be required other than those existing."*

**Staff Comment:** The proposed uses could not be established without Design Review and Building Permit approvals (ref. Conditions). These reviews would insure that the on-site sewage disposal system is adequate for the proposed uses.

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

*"The area is not a big game 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.

**(f) Will not create hazardous conditions;**

*"The proposal will not create any hazardous condithions (sic) as equipment and material shall be secured in either the existing structure or warehouse facilities."*

**Staff Comment:** The outdoor storage of equipment and materials may cause hazards to area children or others who have access to the site. Conditions requiring Design Review would address this potential.

The parking and loading activity in front of the building requires backing maneuvers into the highway, creating a potential traffic hazard. Design Review and the ODOT review would address this potential traffic hazard.

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

The following policies of the County's Comprehensive Plan are apply to this request: Policy 2 (Off-site Effects), Policy 7 (Rural Centers ), Policy 13 (Air, Water and Noise Quality), Policy 14 (Development Limitations), Policy 16 (Natural Resources).

**a. Policy 2 – Off-site Effects.**

**Staff Comment:** When approving a Conditional Use, the County may impose conditions if necessary to prevent or minimize negative off-site effects to surrounding properties. Recommended conditions of approval address a variety of potential off-site effects from the proposed use.

**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 appears generally appropriate to the rural scale and character of Corbett. It provides for re-use and investment in existing commercial buildings. The design and execution of proposed remodeling of the building exteriors, signs, and landscaping extent and quality will have a significant visual impact on the Corbett Rural Center and the Historic Highway. Conditions of approval are recommended to address this potential visual and scenic effects of the project and assure consistency with the rural center context.

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

*"Air water and noise qualities would not be effected other than what is typically associated with motorized vehicles."*

**Staff Comment:** Staff concurs with applicant's finding. The proposal, as conditioned, is consistent with this policy.

**d. Policy 14 – Development Limitations.**

*"The above site is not in any known flood hazard zone."*

**Staff Comment:** Staff concurs with applicant's finding. In addition, the site is free of other development constraints governed by Policy 14. The site does not contain steep slopes or slope hazard areas. The site and area is generally flat, with average slopes of 5% or less. There are no streams or surface

drainage channels on the site, and the area does not have a history of slumping, sliding or severe erosion potential. The proposal, as conditioned, is consistent with this policy.

e. Policy 16 – Natural Resources.

*"There are no known geological formations (sic) or natural resources (sic) or historical/archaeological features on this site."*

**Staff Comment:** It is County Policy to protect natural resources, conserve open space, and to protect scenic and historic areas and sites. Policies specific to certain resources are addressed within Sub-policies 16-A through 16-L. Protection of the resources is implemented by requiring an SEC Permit review for new development, and assuring that such development is consistent with the SEC Approval Criteria detailed above [MCC § .6420]. Based on findings item 6. below, the proposal, as conditioned, is consistent with this policy.

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.

6. EVALUATION OF THE SEC PERMIT REQUEST (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.*

*"...the property is not located near any shoreline and would not effect any vegetation (sic)."*

**Staff Comment:** There are no rivers, streams or other water features on the site or affected by the proposed remodeling or new out-building. 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:** Farm or forest lands are not adversely affected by the proposed use. Farm or forest lands are not located near the site. Refer to findings under 5(C) above.

- (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 this 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.*

*"The proposed site will not obstruct any scenic view."*

**Staff Comment:** Public views and other valued NSA resources may be adversely affected by the proposed use. Conditions address the potential.

The siting of the structures on the site occurred before this standard was imposed, 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.

- (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.*

*"It would be an asset to the recreational needs for bickers (sic) and campers for goods and services for the area would be met."*

**Staff Comment:** Recreational uses are not proposed. Staff concurs with applicant's findings above.

- (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:** Public safety may be affected by the proposed use. As noted above under the *Hazards* discussion, the existing parking configuration along the Historic Highway may cause traffic hazards. Conditions address this potential.

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

*"The topography is flat and ...adjacent to existing commercial uses and would have no apparent effect on open spaces or fish and wildlife habitat."*

**Staff Comment:** There are no rivers, streams or other water features on the site or affected by the proposed commercial use. Staff concludes that the proposal, as conditioned, will not adversely effect significant fish and wildlife habitat.

**(h) The natural vegetation along rivers, lakes, and streams shall be enhanced and protected to the maximum extent practicable to assure scenic quality and protection from erosion, and continuous riparian corridors**

**Staff Comment:** There are no rivers, streams or other water features on or near the site. Staff concludes that the proposal, as conditioned, complies with this criteria.

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

*"The site historically has been used for the retail of hardware, farm, grocery, and fuel supplies since the early 1900's. This would be consistent with its historical use."*

*"There are no known archaeological features ... on the proposed site."*

**Staff Comment:** There are no inventoried or designated historic resources on the site. The existing structures, although relatively old compared to others in the area, are not identified in the County's Historic Resource inventory. Original architectural details on both buildings have been significantly altered and neither retains the "craftsman bungalow" style ornamentation which was likely original to both. We conclude the site has little historic value meriting restoration or protection. The site is not known to possess any archaeological resources. Staff concludes the proposed development complies with this criteria.

**(j) 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 archeological features, vegetation, erosion, stream flow, visual quality, noise, safety, and to guarantee necessary reclamation.**

**Staff Comment:** No aggregate extraction is proposed. Staff concludes that the project complies with this criteria.

- (k) *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:** There are no rivers, streams or other water features on the site or affected by the proposal. The site does not contain identified wetlands and it is not in a flood hazard area. Staff concludes that the project complies with this criteria.

- (l) *Significant wetlands shall be protected as provided in MCC .6422.***

**Staff Comment:** There are no rivers, streams or other wetland features on or near the site. Staff concludes that the proposal, as conditioned, will not adversely effect significant wetlands.

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

**Staff Comment:** There are no slope hazard areas or areas with erosion potential identified on this site or affected by the proposal. Staff concludes that the proposed development, as conditioned, complies with this criteria.

- (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:** The conditions address potential erosion and water quality effects from the site development. Staff concludes that the proposal, as conditioned, complies with this criteria.

- (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:** Conditions require Design Review of the new storage building and for exterior changes to the design, color and materials of existing buildings. This will assure compatibility with the character and visual qualities valued in the Columbia River Gorge Scenic Area. Staff concludes that the proposal, as conditioned, complies with this criteria.

*(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. Conditions address tree cutting associated with the site development. Staff concludes that the proposal, as conditioned, complies with this criteria.

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

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

## CONCLUSIONS

The application, as conditioned and supplemented herein, complies with approval criteria for a commercial use in the RC District.

The proposal, as conditioned and supplemented herein, complies with approval criteria for an SEC Permit.

Conditions of approval are necessary to assure proposed development complies with applicable Zoning Code provisions and criteria, and that site design and development addresses applicable policies of the Comprehensive Plan.

Signed August 3, 1992



By Paul Norr, Hearings Officer

Filed With the Clerk of the Board on August 13, 1992

### Appeal to the Board of County Commissioners

Any person who appears and testifies at the hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to the Hearings Officer decision, may file a Notice of Review with the Planning Director on or before 4:30 PM. on Monday, August 24, 1992 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

*The Decision on this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, August 25, 1992 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development Division at 248-3043.*

Meeting Date: August 25, 1992

Agenda No.: P-6

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: Review Decision of Hearings Officer of August 3, 1992

BCC Informal \_\_\_\_\_ BCC Formal August 25, 1992  
(date) (date)

DEPARTMENT DES DIVISION Planning

CONTACT Sharon Cowley TELEPHONE 2610

PERSON(S) MAKING PRESENTATION Planning Staff

ACTION REQUESTED:

INFORMATIONAL ONLY  POLICY DIRECTION  APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 2 Minutes

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

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

CU 15-92 Review the Decision of the Hearings Officer of August 3, 1992, approving, subject to conditions, conditional use request to allow conversion of a single family residence to an insurance agent's office in the MR-3 zoning district, for property located at 16521 SE Powell Blvd.

BOARD OF  
COUNTY COMMISSIONERS  
1992 AUG 18 AM 11:29  
MULTNOMAH COUNTY  
OREGON

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL \_\_\_\_\_

OR

DEPARTMENT MANAGER <sup>RSP</sup> 

(All accompanying documents must have required signatures)



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

**Decision**

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

**August 3, 1992**

**CU 15-92, #516**

**Conditional Use Request  
(Conversion of Residence to Insurance Office Use)**

Applicant requests conditional use approval to allow conversion of a single family residence to an insurance agent's office in this residential zoning district. This change would include a sign in the front yard, parking area in the back, remodeling of the interior of the structure and painting the exterior of the structure. The large fir trees would remain.

**Location:** 16521 SE Powell Blvd.

**Legal:** Tax Lot '52', Section 7, 1S-3E, 1991 Assessor's Map

**Site Size:** .26 Acre

**Size Requested:** Same

**Property Owner:** Everett and Doris Wilson  
16521 SE Powell Blvd., 97236

**Applicant:** Julia M. Bodine  
2400 Red Sunset, #249, Gresham, 97030

**Comprehensive Plan:** Medium Density Residential

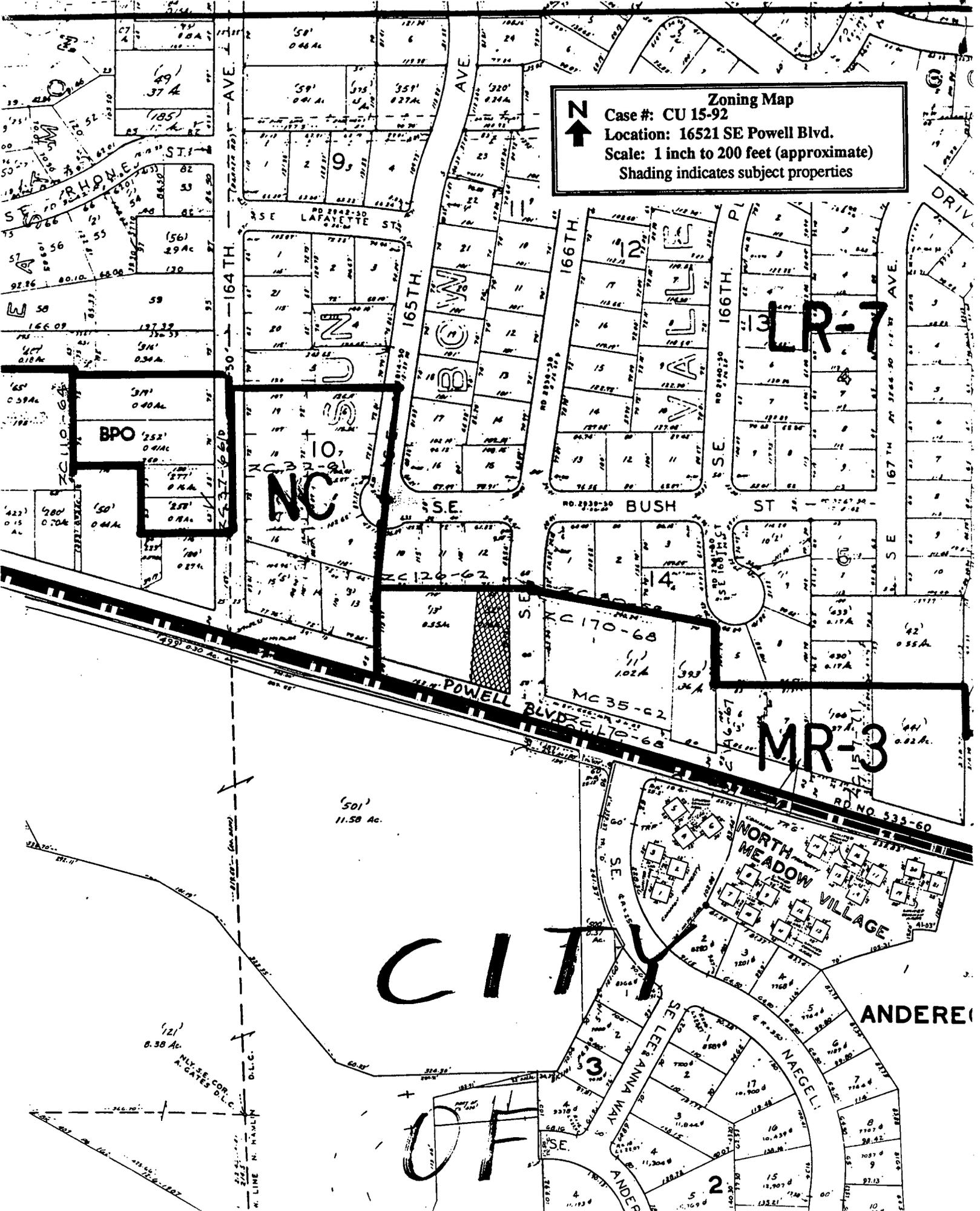
**Zoning:** MR-3, Urban Medium Density Residential District

**Hearings Officer**

**Decision:** **APPROVE, subject to conditions, this conditional use request to allow conversion of a single family residence to an insurance agent's office in an MR-3 zoning district, based on the following Findings and Conclusions.**

**CU 15-92**

**Zoning Map**  
Case #: CU 15-92  
Location: 16521 SE Powell Blvd.  
Scale: 1 inch to 200 feet (approximate)  
Shading indicates subject properties



BPO

NC

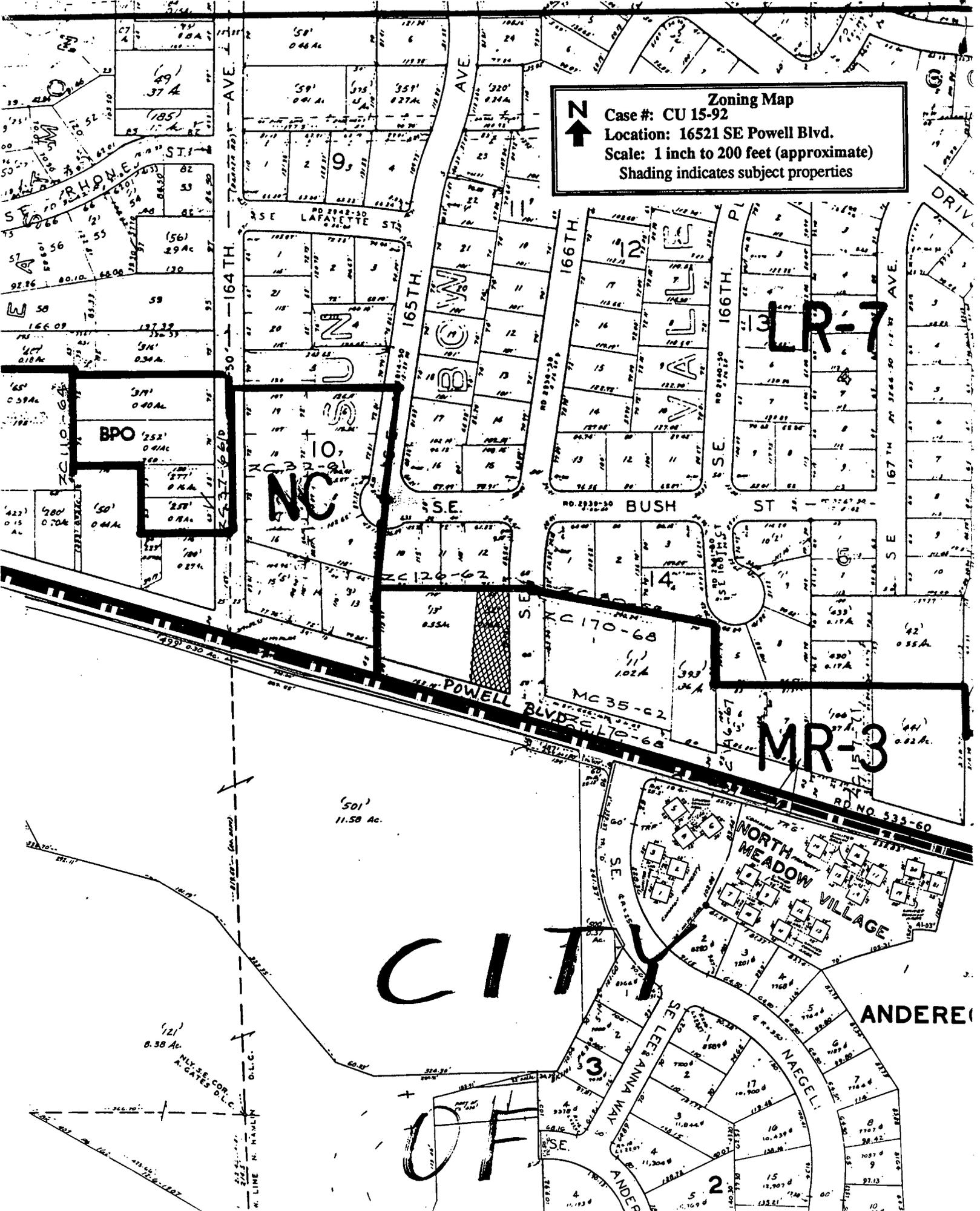
LR-7

MR-3

CITY

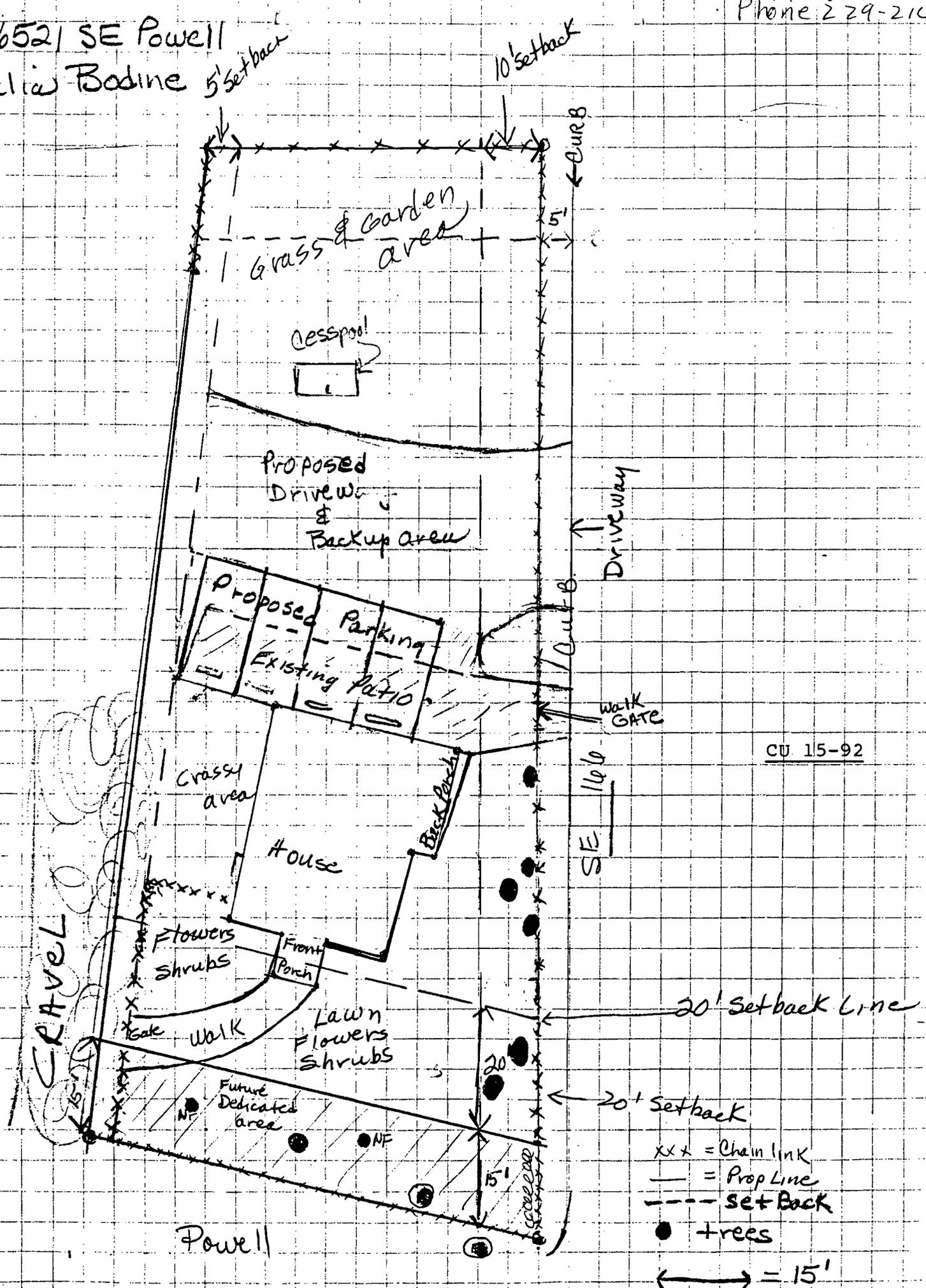
ANDERSON

OFF



16521 SE Powell  
Julia Bodine 5' setback

Phone 229-2106



## **CONDITIONS OF APPROVAL:**

1. Prior to performing site work or issuance of building permits, obtain Design Review approval of all proposed site improvements including, but not limited to, grading, parking, landscaping, lighting, and exterior building designs. Site development plans shall minimize adverse effects to existing mature trees near the south and east property lines.
2. Any sign shall be in accordance with MCC 11.15.7902 through .7982.
3. The land use approval shall be for the specific uses and scale specified in the application. Any change in use or scale will require additional application and approval.
4. If the use is not established on the site within two years, this approval shall expire, except as specified in MCC 11.15.7110(C).

## **FINDINGS:**

### **1. Applicant's Proposal:**

This Conditional Use request is to convert a single family residence in an Urban Medium Density Residential District to an office to be used primarily by an insurance agent, with possible rental of space to a CPA or attorney or similar user. The conversion would include a sign in the front yard, development of parking in the back, and remodeling the interior of the structure.

### **2. Ordinance Considerations:**

- A. MCC 11.15.2750. "The following uses may be permitted when found by the approval authority to satisfy the applicable Ordinance standards:...
  - (D) A business or professional office or clinic under the procedural provisions of MCC.7105 through .7640, the approval criteria of MCC .2710, and the development standards of MCC .2712."
- B. MCC 11.15.2710. "In approving a business or professional office as a conditional use the approval authority shall find that the proposal:
  - (A) Will satisfy the applicable elements of Comprehensive Plan Policies:
    - (1)No. 5, Economic Development,
    - (2)No. 19, Community Design,

(3)No. 20, Arrangement of Land Uses,

(4)No. 22, Energy Conservation, and

(5)No.,29, Office Location (Isolated);

(B) Will satisfy the development standards listed in MCC .2712;

(C) Will have minimal adverse impact, taking into account location, size, design and operating characteristics on the:

(1)Livability,

(2)Value, and

(3)Development of abutting properties and the surrounding area; and

(D) Will satisfy the applicable dimensional and other requirements of the district."

C. MCC 11.15.2712. "A business or professional office or clinic located as a transitional use or as a conditional use under the provisions of this Chapter shall comply with the other applicable requirements of this Chapter and the following:

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

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

### 3. Site and Vicinity Characteristics:

The subject property lies at the northwest corner of SE Powell Blvd. and SE 166th Street. It is generally flat, with several large fir trees along the south and east property lines. A 1 1/2 story single family residence is located on the property. Across Powell Blvd. to the south is a large field and several former dairy buildings. Across SE 166th Street to the east is an apartment complex. The remainder of the surrounding area is mostly residential, including single family residences directly west and north.

### 4. Compliance With Ordinance Considerations:

NOTE: The applicant's responses to criteria are in *italics*, followed by staff comments where appropriate.

A. MCC 11.15.2710 (A), Applicable Comprehensive Plan Policies.

(1) No. 5, Economic Development

**Applicant's Response:** *I will be hiring 2-3 employees and renting 1-2 office spaces to a CPA or an attorney.*

(2) No. 19, Community Design

**Applicant's Response to Policies 19 and 29:** *I want to establish a State Farm Insurance office...The building is currently residential, a 1 1/2 story home, built in the 1920's. The impact of change to the site would be minimal. I want to maintain the home-like appearance. I would make only the following changes:*

1. *sign in front*
2. *parking area in back (not over the sewer)*
3. *remodeling inside the building*
4. *painting exterior*
5. *hiring professional landscaper to enhance the beauty of the home and location; the large fir trees would remain as they are*

*There are two other insurance offices on Powell which are similar in design to what I have in mind--homes converted into offices. The agent has conserved the homey appearance.*

*To the west of my proposed office site is a little house which was formerly used as an insurance office and also a small quick-stop store. To the east is an apartment complex. The area to the north is residential. To the south is a nonfunctional dairy. Further east are two shopping centers.*

*Parking access would be off of a secondary side street (166th) which is consistent with county transportation policy.*

*State Farm publishes excellent NEIGHBORHOOD WATCH materials and I plan on establishing a NEIGHBORHOOD WATCH program in the neighborhood.*

(3) No. 20, Arrangement of Land Uses

**Applicant's Response:***I've been planning this career change for the past five years. One of the reasons I chose to be a State Farm agent is that I don't want to move any more and I want to become a significant contributor to the community. I have a lot to offer and I want to contribute to the benefit of our county and state.*

*I belong to the Northeast Portland Rotary and I plan on joining other organizations in the community.*

(4) No. 22, Energy Conservation

**Applicant's Response:** *The house is well insulated. I plan on installing storm windows and doors in the next five years. I also want to bring the entire house up to code and conform to the county's policy on energy conservation.*

(5) No.,29, Office Location (Isolated);

**Applicant's Response:** See Policy No. 19 above.

**Staff Comment:** The applicant's proposal has taken into consideration and is in conformance with the applicable Comprehensive Plan policies. The proposed office will be complementary with the surrounding land use pattern due to its residential appearance and limited customer traffic. The required Design Review will assure that parking, lighting, signs, and other design features of the proposed use will be compatible with the surrounding environment.

B. Will satisfy the development standards in MCC .2712

**Applicant's Response:** *Any substandard use is being created by the county's requirements and not any building which we're doing. There will be a 2-foot encroachment on the porch of the house after the 15-foot dedication. The encroachment is being created by the public's need for road access.*

**Staff Comment:** The use will be located in a detached single family residence similar in size and character with the residential nature of the surrounding area. The proposed access and parking areas do not conflict with other uses on the property or the neighborhood.

C. Will have minimal adverse impact on the livability, value, and development of abutting properties and the surrounding area

**Applicant's Response:** *Livability - My office will be open Monday through Friday from 9:00 am to 5:30 pm. Occasional clients will be coming to the office throughout the day. I don't anticipate any additional noise to the area, except for clients coming and going.*

*Value - The value of the home will be maintained. The structure will be adapted for continued use as an insurance office.*

**Staff Comment:** The nature of the proposed office use and daytime hours of operation would not have a detrimental effect on the livability of the surrounding area. Since the proposal is for conversion of an existing structure, there will be no effect on the value or the ability to develop adjacent properties.

D. Will satisfy applicable dimensional and other requirements of the district

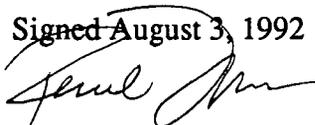
**Applicant's Response:** *Dimensional Requirements - The site plan indicates that the applicable dimensional requirements will be met,*

**Staff Response:** The existing structure meets the dimensional requirements of the MR-3 district. MCC 11.15.6142 (C) indicates that one parking space would be required for each 300 square feet of floor area. Although the application does not indicate the exact square footage of the structure, there appears to be adequate area behind the structure to meet the parking requirement without infringing on the required rear yard setback. This will be ascertained in the required Design Review.

## CONCLUSIONS:

1. Based on the findings above, this proposal to convert an existing residence into an office can - as conditioned - meet the criteria for approval of a conditional use in the MR-3 District.
2. Conditions of approval are necessary to insure compliance with all Code provisions.

Signed August 3, 1992



By Paul Norr  
Hearings Officer

Filed With the Clerk of the Board on August 13, 1992

## Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or **before 4:30 PM. on Monday, August 24, 1992** on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

*The Decision on this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, August 25, 1992 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development Division at 248-3043.*

**PLEASE PRINT LEGIBLY!**

**MEETING DATE** 6/25/92

**NAME** Arnold Rochlin

**ADDRESS** P.O. Box 83645

**STREET**  
Portland

**CITY** 97283

**ZIP CODE**

**I WISH TO SPEAK ON AGENDA ITEM #** P-7

**SUPPORT** \_\_\_\_\_ **OPPOSE** \_\_\_\_\_

**SUBMIT TO BOARD CLERK**

Meeting Date: August 25, 1992

Agenda No.: P-7

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: Review Decision of Hearings Officer of August 3, 1992

BCC Informal \_\_\_\_\_ BCC Formal August 25, 1992  
(date) (date)

DEPARTMENT DES DIVISION Planning

CONTACT Sharon Cowley TELEPHONE 2610

PERSON(S) MAKING PRESENTATION Planning Staff

ACTION REQUESTED:

INFORMATIONAL ONLY  POLICY DIRECTION  APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 2 Minutes

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

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

MC 2-92/LD 25-92 Review the Decision of the Hearings Officer of August 3, 1992 approving, subject to conditions, a tentative plan for a Type I land division, a partition resulting in two lots and use of easements as the means of access to the new lot instead of providing frontage on a dedicated street, all for property located at 7025 NW Summitview Court

BOARD OF  
COUNTY COMMISSIONERS  
1992 AUG 18 AM 11:29  
MULTNOMAH COUNTY  
OREGON

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL \_\_\_\_\_

Or

DEPARTMENT MANAGER <sup>RSP</sup> [Signature]

(All accompanying documents must have required signatures)

*Appeal Filed - Hearing 9-22-92, 9:30 Am.*



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

## **Decision**

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

**August 3, 1992**

**MC 2-92, #124  
LD 25-92, #124**

**Access by Easement  
Type 1 Land Division**

Applicant requests approval of a two-parcel Type 1 land division plus approval of an access by easement for each parcel.

**Location:** 7025 NW Summitview Court  
**Legal:** Tax Lots '9', '10' and '11', Section 25, 1N-1W, 1991 Assessor's Map  
**Site Size:** Approximately 54 Acres'  
**Size Requested:** same  
**Property Owner:** Tom Riley / Julie Pinette  
104 SE 30th Place, 97214  
**Applicant:** Same  
**Comprehensive Plan:** Multiple Use Forest  
**Present Zoning:** MUF-19, Multiple Use Forest District  
Minimum lot size of 19 acres

### **HEARINGS OFFICER**

**DECISION #1:  
(LD 25-92)**

**Approve, subject to conditions, the Tentative Plan for the Type I Land Division requested, a partition resulting in two lots in accordance with the provisions of MCC 11.45.080(D), all based on the following findings and conclusions:**

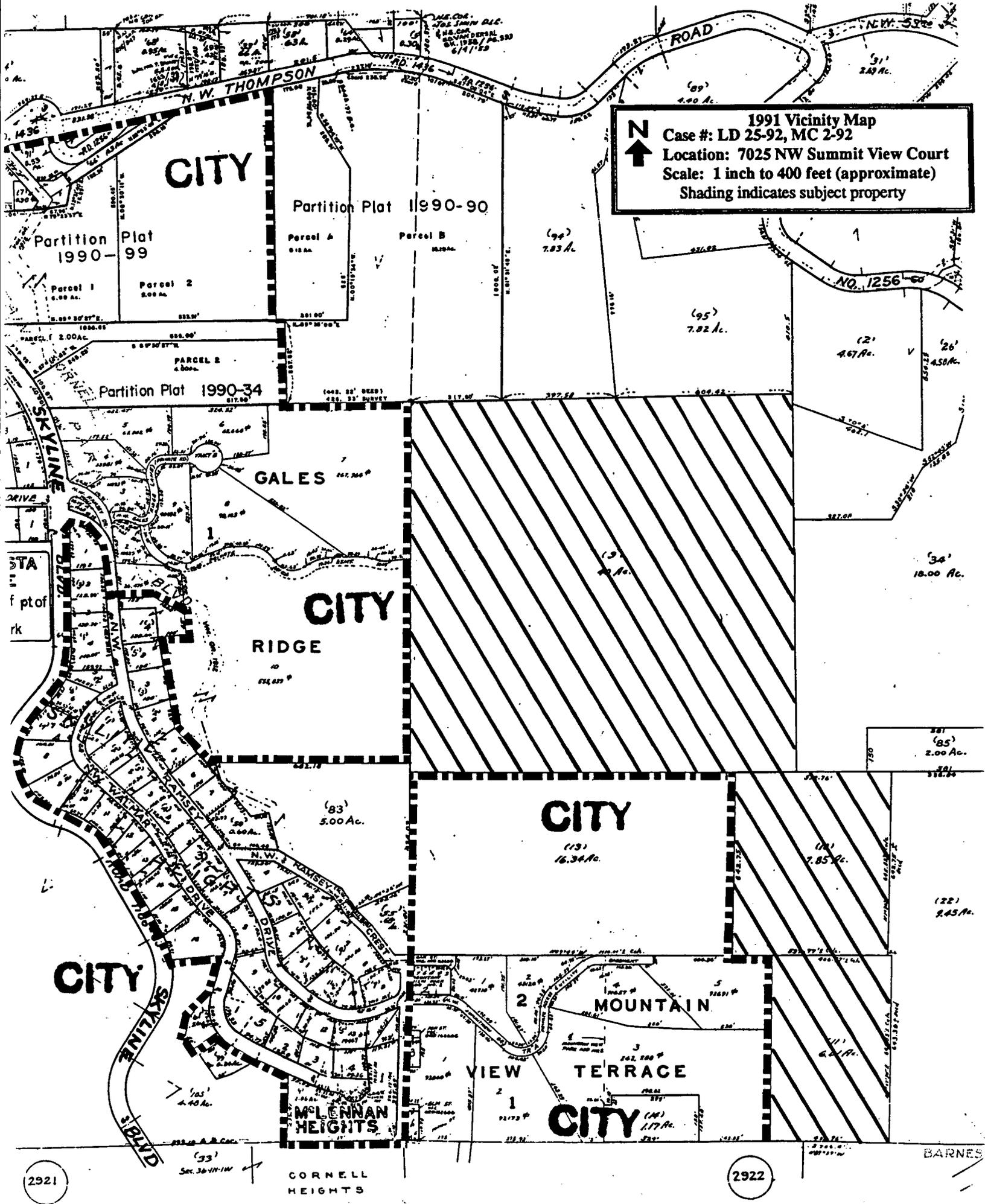
**DECISION #2:  
(MC 2-92)**

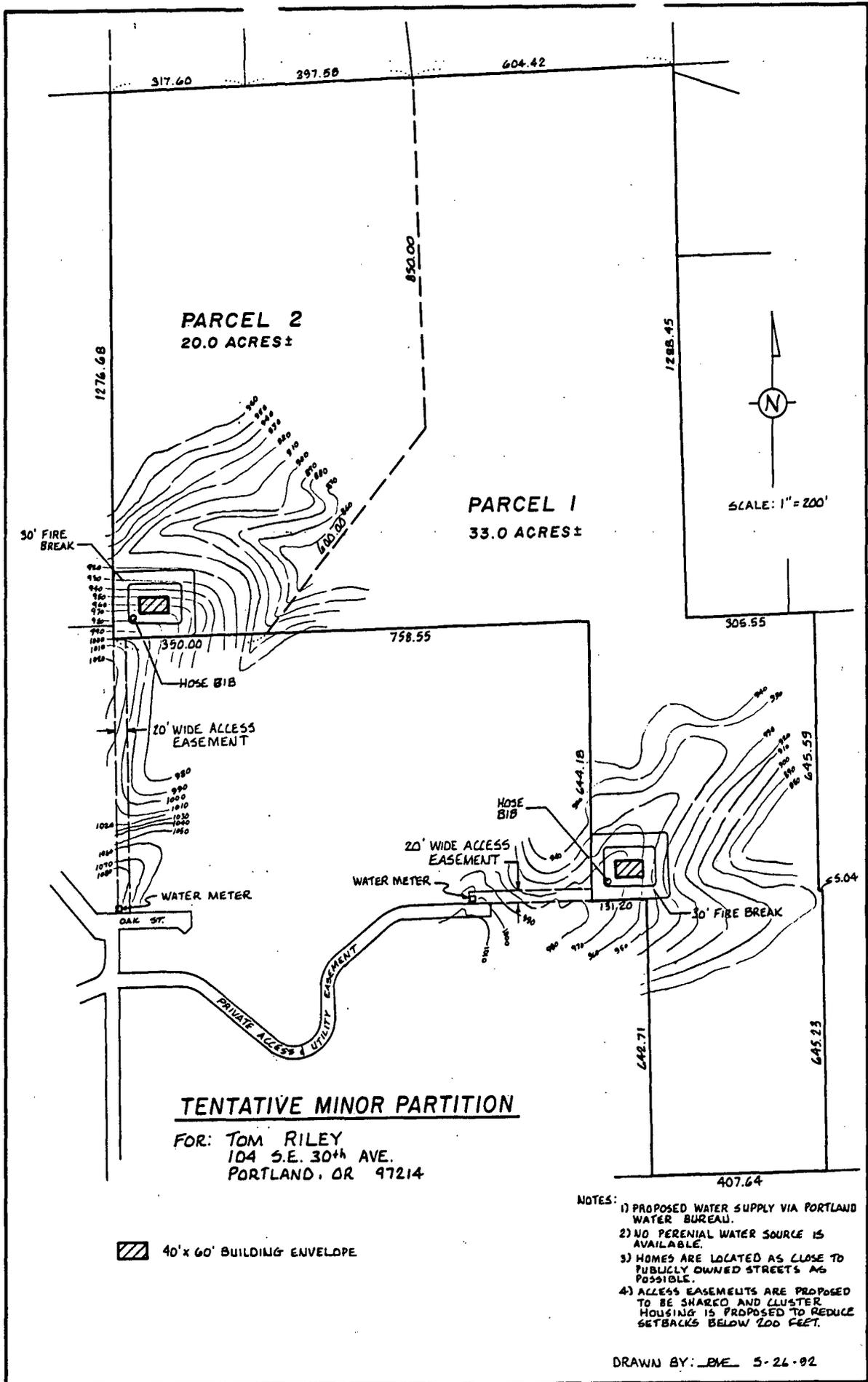
**Approve, subject to conditions, request to use easements as the means of access to the new lot instead of providing frontage on a dedicated street as required in the MUF-19, Multiple Use Forest district per MCC 11.15.2188, all based on the following findings and conclusions:**

**MC 2-92 / LD 25-92**



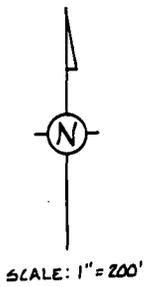
**1991 Vicinity Map**  
 Case #: LD 25-92, MC 2-92  
 Location: 7025 NW Summit View Court  
 Scale: 1 inch to 400 feet (approximate)  
 Shading indicates subject property





**PARCEL 2**  
20.0 ACRES ±

**PARCEL 1**  
33.0 ACRES ±



**TENTATIVE MINOR PARTITION**

FOR: TOM RILEY  
104 S.E. 30<sup>th</sup> AVE.  
PORTLAND, OR 97214

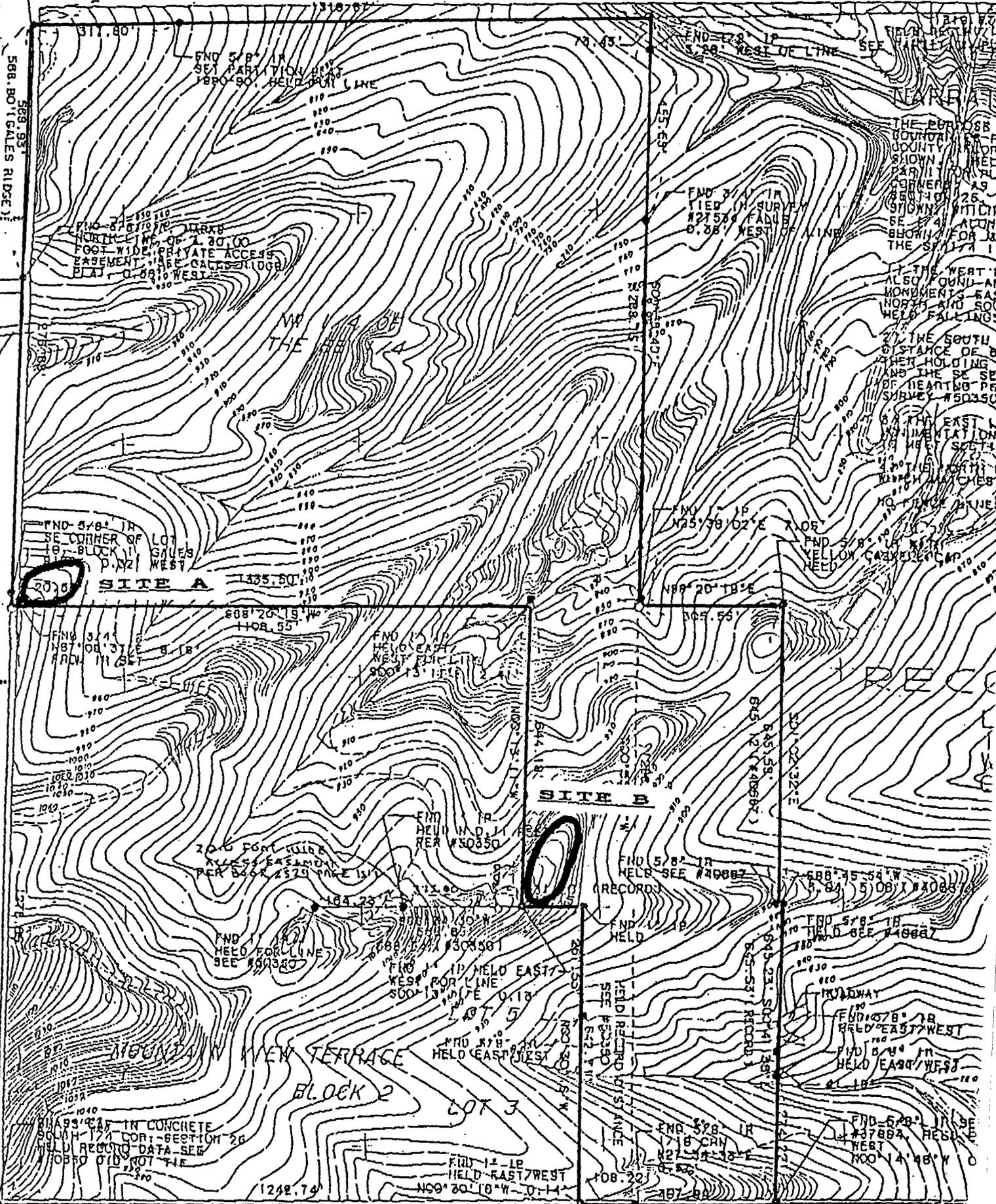
40' x 60' BUILDING ENVELOPE

- NOTES:
- 1) PROPOSED WATER SUPPLY VIA PORTLAND WATER BUREAU.
  - 2) NO PERENIAL WATER SOURCE IS AVAILABLE.
  - 3) HOMES ARE LOCATED AS CLOSE TO PUBLICLY OWNED STREETS AS POSSIBLE.
  - 4) ACCESS EASEMENTS ARE PROPOSED TO BE SHARED AND CLUSTER HOUSING IS PROPOSED TO REDUCE SETBACKS BELOW 100 FEET.

DRAWN BY: BVE 5-26-92

CENTER OF SECTION  
FND 2 1/2" BRASS DISC  
UP 0.5' HELD, C-395

N87°48'38"E



FND 5/8" IR  
SET PARTITION  
1990 90' HELD FOR LINE

FND 5/8" IR  
NORTH 1/2" OF A 20'00'  
FOOT WIDE PRIVATE ACCESS  
EASEMENT, SEE GALE'S RIDGE  
PLAT, 0.0810 WEST

FND 3/4" IR  
TIED IN SURVEY  
#21588 / FADU B  
0.08' WEST OF LINE

THE PURPOSE OF  
BOUNDARY  
COUNTY MONUMENTS  
SHOWN ON PLAT  
GENERAL AS SH  
SHOWN WITH E  
SE 1/4 ALONG  
SHOWN FOR IN  
THE SURVEY

THE WEST 1/4  
ALSO FOUND AND  
MONUMENTS EAST  
NORTH AND SOUTH  
HELD FALLING

THE SOUTH L.  
DISTANCE OF B.  
OTHER HOLDING  
AND THE SE SEC  
OF HEATING PER  
SURVEY #50350

THE EAST LI  
IN IMAGINATION  
HELD SECTION  
NORTH  
MATCHES  
NO TRACE BY NE

FND 5/8" IR  
SE CORNER OF LOT  
19 BLOCK 11 GALES  
RIDGE P.021 WEST

**SITE A** 1335.50'

FND 5/8" IR  
N25°38'02"E 7.00'

FND 5/8" IR  
HELD SEE YELLOW  
CANYON

FND 5/8" IR  
N87°08'37"E 8.18'

FND 1" IR  
HELD EAST  
WEST FOR LINE  
500' 15" HELD

**SITE B**

20'00' FOOT WIDE  
ACCESS EASEMENT  
PER BACK 2379 PAGE 131

FND 1" IR  
HELD N.O. 11  
REA #50350

FND 5/8" IR  
HELD SEE #40887  
(RECORD)

FND 5/8" IR  
HELD SEE #40887  
5.84' (5) 08'1" #40887

FND HELD FOR LINE  
SEE #50350

FND 1" IR HELD EAST  
WEST FOR LINE  
500' 13" HELD 0.18'

FND 1" IR  
HELD

FND 5/8" IR  
HELD SEE #40887

MOUNTAIN VIEW TERRACE  
BLOCK 2 LOT 3

FND 1" IR HELD EAST  
WEST FOR LINE  
500' 13" HELD 0.18'

FND HELD FOR LINE  
SEE #50350

FND 5/8" IR  
HELD EAST WEST

BRASS CAP IN CONCRETE  
SOUTH 1/4 CORNER SECTION 26  
HELD RECORD DATA SEE  
RECORD DID NOT FILE

FND 1" IR  
HELD EAST WEST  
N69°30'10"W 0-14'

FND 5/8" IR  
HELD FOR LINE  
N21°34'32"E

FND 5/8" IR  
HELD SEE #43789A  
HELD  
N00°14'48"W 0

N88°50'18"E

1351  
HELD RECOI

**Conditions of Approval: (LD 25-92)**

1. Within one year of the date of this decision, deliver the partition plat and other required attachments to the Planning and Development Division of the Department of Environmental Services in accordance with MCC 11.145.710. **Obtain applicant's and surveyor's *Instructions for Finishing a Type III Land Division.***
2. In accordance with Decision #2 (MC 2-92) access to Parcel 2 shall be by way of the 30-foot easement that runs from a point about 500 feet south of the northwest corner of Parcel 2 in a westerly direction through the Gales Ridge Subdivision. Prior to final plat approval, the applicant shall obtain all necessary permits for access via this easement from the City of Portland.
3. Prior to signing of the partition plat by the Multnomah County Planning Division, apply for and obtain a Land Feasibility Study confirming the ability to use on-site sewage disposal system on Parcel 2.
4. Prior to signing of the partition plat by the Multnomah County Planning Division, *either* provide written confirmation from the Portland Water Bureau of commitment by the property owner to connect Parcel 2 to the existing water system, *or* drill a well on Parcel 2 and provide written confirmation from an appropriate lending institution the the well produces water in adequate quantities for domestic use.
5. Prior to issuance of a building permit for a house on Parcel 2 obtain county approval of a resource management program for at least 75 percent of the productive land on Parcel 2 pursuant to the "Use Under Prescribed Conditions" provisions of MCC 11.15.2170(A). ***As part of said application, the applicant shall provide written and/or mapped evidence demonstrating that siting of the any dwelling on Parcel 2 complies with the Residential Use Development Standards of MCC 11.15.2194***
6. Prior to signing of the partition plat by the Multnomah County Planning Division, provide written evidence of an agreement with the Ramsey-Walmar Road District for participation in maintenance said roads.
7. Prior to doing any road building or site clearing or preparation (including tree removal) obtain a Hillside Development Permit for any area that is identified on the "Slope Hazard Map" or that has slope exceeding 25 percent in accordance with MCC 11.15.6710.
8. Prior to signing of the partition plat by the Multnomah County Planning Division, obtain county approval of a resource management program for at least 75 percent of the productive land on Parcel 1 pursuant to the "Use Under Prescribed Conditions" provisions of MCC 11.15.2170(A)...***As part of said application, the applicant shall provide written and/or mapped evidence demonstrating that siting of the any dwelling on Parcel 2 complies with the Residential Use Development Standards of MCC 11.15.2194***
9. Approval of this land division neither guarantees the ability to build a dwelling on Parcel 2 nor constitutes approval to build a dwelling on Parcel 2.

## Findings Of Fact (LD 25-92)

1. **Applicant's Proposal:** Applicant proposes to divide a tract of about 54 acres into two parcels. Parcel 1 would contain about 34 acres and Parcel 2 would contain about 20 acres. Before the filing of this land division application, a building permit application was filed for a residence on what is now proposed as Parcel 1. As of the writing of the Staff Report in this case, the building permit for that house had not been issued. Construction of a residence is planned for Parcel 2.
2. **Site and Vicinity Information:** The site lies generally south of NW Thompson Road, east of NW Skyline Boulevard and north of NW Cornell Road. The Portland city limits adjoin all the west edge of the site and part of the south edge and access to the site will be through easements located in the City of Portland. Two Portland subdivisions, Mountain View Terrace and Gales Ridge, adjoin Parcels 1 and 2, respectively. Pursuant to MCC 11.15.2182(A)(3), the site is a single Lot of Record even though it currently consists of three tax lots under common ownership.
3. **Land Division Ordinance Approval Criteria (MCC 11.45)**
  - A. The proposed land division is classified as a Type I because it is “[A]. . . *partition associated with an application affecting the same property for any action proceeding requiring a public hearing . . .*” [MCC 11.45.080(D)]. The proposed land division is associated with an application to use an easement as a means of access to a proposed lot that will not have any frontage on a dedicated public road.
  - B. MCC 11.45.230 lists the approval criteria for a Type I Land Division. The approval authority must find that:
    - (1) *The Tentative Plan is in accordance with:*
      - a) *the applicable elements of the Comprehensive Plan;*
      - b) *the applicable Statewide Planning Goals adopted by the Land Conservation and Development Commission, until the Comprehensive Plan is acknowledged to be in compliance with said Goals under ORS Chapter 197; and*
      - c) *the applicable elements of the Regional Plan adopted under ORS Chapter 197. [MCC 11.45.230(A)]*
    - (2) *Approval will permit development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this and other applicable ordinances; [MCC 11.45.230(B)]*

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

#### 4. Findings for Type I Land Division

##### A. Applicable Elements of the Comprehensive Plan

- (1) **Statewide Goals and Regional Plan; Findings.** For the reasons stated below, the proposal satisfies the applicable policies of the Comprehensive Plan. The Multnomah County Comprehensive Plan has been found to be in compliance with Statewide Goals and the Regional Plan by the State Land Conservation and Development Commission. Therefore, Findings with regard to the Statewide Goals and the Regional Plan are not required.
- (2) **Applicable Comprehensive Plan Policies:** The following Comprehensive Plan Policies are applicable to the proposed land division. The proposal satisfies those policies for the following reasons:
  - (a) **No. 12 - Multiple Use Forest Lands**

**Findings.** The intent of Policy 12 is to encourage small woodlot management, forestry, reforestation and agriculture. Approval of a resource management program for at least 75 percent of the productive land on Parcel 2 will be required before a house can be built on that parcel. Approval of a resource management program for at least 75 percent of the productive land on Parcel 1 will be required before signing of the partition plat by the County Planning Division. Subject to those conditions, the proposed land division complies with Policy 12.

- (b) **No. 13 - Air and Water Quality and Noise Levels** This policy seeks to maintain and improve air and water quality and reduce noise pollution in the county

**Findings.** No significant impact on air pollution will result from the additional residence made possible by the proposed land division. Because of the size and location of these parcels relative to surrounding residences, noise will not be a factor. Therefore, the proposal satisfies Policy 13.

- (c) **No. 14 - Development Limitations**

**Findings.** This policy is concerned with mitigating or limiting the impacts of developing areas that have any of the following characteristics: slopes exceeding 20%; severe soil erosion potential; land within the 100 year floodplain; a high seasonal water table within 0-24 inches of the surface for 3 or more weeks of the year; a fragipan less than 30 inches from the surface; and land subject to slumping, earthslides or movement. Topographic information presented by the applicant indicate that portions of the site contain slopes exceeding 25 percent. Portions of both proposed parcels are identified on the County Slope Hazard Map as being in hazard areas. Compliance with the Hillside Development and Erosion Control Ordinance pursuant to MCC 11.15.6700—.6735 in such areas will be a condition of approval. Subject to that condition requiring a Hillside Development Permit, the proposal can satisfy Policy 14 because development will be directed away from areas having identified development limitations and mitigation will be controlled by the provisions of MCC 11.15.6700-.6735.

- (e) **Policy 37 - Utilities** This policy requires adequate utilities to serve the site.

**Findings.** The Portland Water Bureau has estimated the cost of connecting Parcel 2 the city water system at about \$40,000, and has advised the applicant to install a well instead. Written evidence of either commitment to connect to the City water system or adequate

domestic water flow from a well installed on Parcel 2 is a condition to be met prior to final plat approval. Obtaining a Land Feasibility Study from the County Sanitarian regarding on-site sewage disposal for Parcel 2 is a condition to be met prior to final plat approval. Subject to those conditions, the proposed land division can satisfy Policy 37.

(f) **Policy 38 - Facilities**

**Findings.** The property is located in the Portland School District, which can accommodate student enrollment from houses located on the site. The City of Portland provides fire protection, and the Multnomah County Sheriff's Office provides police protection. The Portland Water Bureau has indicated that it can serve the site. If a well is constructed, the applicant shall demonstrate to the Planning Department and the Fire District that adequate water pressure and flow is available for fire fighting purposes. Such authorization shall be obtained prior to the final plat approval. For these reasons, the proposed land division satisfies Policy 38.

**B. Development of Property [MCC 11.45.230(B)]:**

**Findings.** Approval of the request will not affect one way or the other the ability to develop, use or provide access to adjacent properties. Adjacent land inside the city limits is subject to City development regulations. Parcel sizes on adjacent unincorporated land outside the city limits are too small for further division. For these reasons for those stated by the applicant, the proposed land division satisfies MCC 11.45.230(B).

**C. Purposes and Intent of Land Division Ordinance [MCC**

- (1) MCC 11.45.015 states that the Land Division Ordinance. . .*"is adopted for the purposes of protecting property values, furthering the health, safety and general welfare of the people of Multnomah County, implementing the Statewide Planning Goals and the Comprehensive Plan adopted under Oregon Revised Statutes, Chapters 197 and 215, and providing classifications and uniform standards for the division of land and the installation of related improvements in the unincorporated area of Multnomah County."* The proposed land division satisfies the purpose of the Land Division Ordinance for the following reasons:

- (a) The size and shape of the proposed lots will accommodate proposed uses that are allowed by the Zoning Ordinance. There will be no overcrowding.
- (b) The findings for Policies 37 and 38 address water and sewage disposal, education, fire protection and police protection.

- (c) The proposed land division complies with the applicable elements of the Comprehensive Plan. The State Land Conservation and Development Commission has found the Comprehensive Plan to be in compliance with Statewide Planning Goals.
  - (d) The proposal meets the purpose of *"providing classifications and uniform standards for the division of land and the installation of related improvements"* because the proposal is classified as a Type I Land Division and meets the approval criteria for Type I Land Divisions for the reasons stated in these findings. The conditions of approval assure the installation of appropriate improvements in conjunction with the proposed land division.
- (2) MCC 11.45.020 states that the intent of the Land Division Ordinance is to . . . *"minimize street congestion, secure safety from fire, flood, geologic hazards, pollution and other dangers, provide for adequate light and air, prevent the overcrowding of land and facilitate adequate provisions for transportation, water supply, sewage disposal, drainage, education, recreation and other public services and facilities."* The proposal complies with the intent of the Land Division Ordinance for the following reasons:
- (a) The proposal minimizes street congestion by providing access to Parcel 1 from NW Summit View Drive by way of a private access road as shown on the Tentative Plan Map. Use of an existing easement over Gales Ridge for access to Parcel 2 is a condition of approval.
  - (b) The access to Parcel 2 will use a easement that for the most part already contains a roadway grade. In the areas where the easement and the established road grade diverge, the City of Portland has the regulatory authority and jurisdiction to review grading and other permits that may be required in order for this route to receive final approval from the City of Portland.
  - (c) Fire protection will continue to be available to the property. The property is not located within the 100 year floodplain. Obtaining a Hillside Development Permit as required by the Zoning Ordinance is a condition of approval. For these reasons, the proposal secures safety from fire, flood, geologic hazard, and pollution.
  - (d) The proposal meets the area and dimensional standards of the MUF-19 zoning district as explained in Finding 4.D and thereby prevents the overcrowding of land.

D. **Zoning Ordinance Considerations [MCC11.45.390]:** The applicable Zoning Ordinance criteria are as follows:

- (1) The site is zoned MUF-19, Multiple Use Forest, District.
- (2) The following minimum area and dimensional standards apply per MCC 11.15.2178:
  - (a) The minimum lot size shall be 19 acres. As shown on the Tentative Plan Map, both parcels exceed this requirement
  - (b) The minimum yard setbacks are 30 feet front, 10 feet side, and 30 feet rear. There is adequate area on each parcel for any structures to meet all yard requirements.
  - (c) **Residential Use Development Standards:** MCC 11.15.2194 states that *A residential use located in the MUF district after August 14, 1980, shall comply with the following:*
    - (A) *The fire safety measure outlined in the Fire Safety Considerations for Development in Forested Areas, published by the Northwest Interagency Fire Prevention Group, including at least the following:*
      - (1) *Fire lanes at least 30 feet wide shall be maintained between a residential structure and an adjacent forested area; and*
      - (2) *Maintenance of a water supply and of fire fighting equipment sufficient to prevent fire from spreading from the dwelling to adjacent forested areas;*

**Findings.** The information on the site plan submitted with the application does not indicate 30-foot fire lanes between the proposed residence and adjacent forested areas. Although fire protection for the site is available through the City of Portland, the site plan and other information submitted with the application do not indicate plans for maintaining an on-site water supply and fire-fighting equipment sufficient to prevent the spread of a fire from the residence to adjacent forested lands. Approval Condition #5 requires demonstration of compliance before approval of a Use Under Prescribed Conditions prior building a dwelling on Parcel 2.

- (B) ***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. [MCC 11.15.2194(B)]***

**Findings.** The information on the site plan submitted with the application does not indicate whether there are any perennial water sources on the site or on adjacent land. Approval Condition #5 requires demonstration of compliance before approval of a Use Under Prescribed Conditions prior building a dwelling on Parcel 2.

- (C) ***The dwelling shall be located in as close proximity to a publicly maintained street as possible, considering the requirements of MCC .2178(B). [MCC 11.15.2194(C)]***

**Findings.** Skyline Boulevard appears to be the closest publicly mainland road. Approval Condition #2 requires that access to Parcel 2 be by way of an easement that runs from from the west line of Parcel 2 through the adjacent Gales Ridge Subdivision to Gales Ridge Lane. Gales Ridge Lane intersects with Ramsey Drive which in turn intersects with Skyline. Siting a dwelling on Parcel 2 in close proximity to the Gales Ridge easement would appear to comply with this standard more closely than would the location shown on the Tentative Plan Map. Not only is total distance between the alternative site and the publicly maintained road shorter, but also there would be no need to construct nearly 650 feet of new private roadway over steep terrain, as there would be for the Parcel 2 site shown on the applicant's Tentative Plan Map. With the modified access, this Criteria is met

- (D) ***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. [MCC 11.15.2194(D)]***

**Findings.** The applicant has applied for a building permit for a house on Parcel 1. The location of that house is less than 500 feet from the property line where the easement road enters the property.

- (E) ***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 subsection (C), above. [MCC 11.15.2194(E)]***

**Findings.** The information on the site plan submitted with the application does not indicate the relative productivity of the proposed building site. Approval Condition #5 requires demonstration of compliance before approval of a Use Under Prescribed Conditions prior building a dwelling on Parcel 2.

(F) ***Building setbacks of at least 200 feet shall be maintained from all property lines, wherever possible, except: [MCC 11.15.2194(F)]***

(1) ***A setback of 30 feet or more may be provided from a public road, or***

(2) ***The location of dwelling(s) on adjacent lot(s) at a lesser distance will allow for the clustering of dwellings or the sharing of access.***

**Findings.** Approval Condition #5 requires demonstration of compliance before approval of a Use Under Prescribed Conditions prior building a dwelling on Parcel 2.

(G) ***Construction shall comply with the standards of the building code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes. [MCC 11.15.2194(G)]***

**Findings.** A mobile home is not proposed; this Criteria is not applicable.

(H) ***The dwelling shall be attached to a foundation for which a building permit has been obtained. [MCC 11.15.2194(H)]***

**Findings.** A mobile home is not proposed, this Criteria is not applicable.

(I) ***The dwelling shall have a minimum floor area of 600 square feet. [MCC 11.15.2194(I)]***

**Findings.** A mobile home is not proposed, this Criteria is not applicable.

(J) ***The dwelling shall be located outside a big game habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable. [MCC 11.15.2194(J)]***

**Findings.** The site is not in an area so designated; this Criteria does not apply.

- (c) **Access:** MCC 11.15.2188 states that all parcels in the MUF, Multiple Use Forest District shall abut a street or have other access determined be *“safe and convenient for pedestrians and passenger and emergency vehicles.”*

**Findings.** Subject to Decision #2 (MC 2-92) the proposed land division meets this standard.

- (c) **Management Plan:** MCC 11.15.2170(A) requires that a resource management plan be prepared and submitted for approval prior to issuance of a building permit on an MUF-zoned lot containing more than 10 but less than 39 acres.

**Findings.** No resource management plan was required for the house on what is now proposed as Parcel 1 when building plans were submitted because the building site consisted of the entire 54 acres. Approval of the proposed land division would create parcels containing about 34 and 20 acres for Parcels 1 and 2, respectively. Management plan approval will be required for Parcel 1 prior to signing of the partition plat. Management plan approval will be required for Parcel 2 prior to building permit issuance. Subject to those conditions, the proposed land division satisfies MCC 11.15.2170(A)

**E. Subdivision Name [MCC 11.45.230(E)]:**

**Findings.** Since the proposed land division is not a subdivision, MCC 11.45.230(E) is not applicable.

**F. Street Layout [MCC 11.45.230(F)]:**

**Findings.** The proposed land division does not include any new public streets or extensions of existing streets. therefore, MCC 11.45.230(F) is not applicable.

**G. Private Streets [MCC 11.45.230(G)]:**

**Findings.** The proposed land division does not include any private streets. Therefore, MCC 11.45.230(G) is not applicable.

## **Conclusions (LD 25-92)**

1. The proposed land division satisfies the applicable elements of the Comprehensive Plan, including Policy 37 relating to utilities..
2. The proposed land division satisfies the approval criteria for Type I land divisions.
3. Subject to Decision #2 (MC 2-92) the proposed land division complies with the zoning ordinance.

## **Conditions of Approval (MC 2-92)**

1. When recording the partition plat, record an instrument that demonstrates the legal right of the owners of Parcels 1 and 2 to use the easements for access to Parcels 1 and 2.
2. When recording the partition plat, record deed restrictions regarding the easements which:
  - A. Reference the Planning Commission decision approving access by easement (MC 2-92) and the land division for the property (LD 25-92); and
  - B. Specify maintenance responsibilities for owners of Parcels 1 and 2.
3. When submitting the partition plat to the Planning and Development Division, include a copy of the documents referred to in Conditions 1 and 2 above
4. Access to Parcel 2 shall be by way of the 30-foot easement that runs from a point about 500 feet south of the northeast corner of Parcel 2 in a westerly direction through the Gales Ridge Subdivision.
5. Prior to signing of the partition plat by the County Planning Division, provide written evidence that the City of Portland has reviewed and approved all easement proposals for Parcels 1 and 2 with respect to use of roads inside the City limits.
6. Prior to signing of the partition plat, furnish the Planning and Development Division with plans for a private access road designed and stamped by an engineer licensed by the State of Oregon. The design of the road shall be:
  - A. with grades not exceeding an average of 10 percent with a maximum of 12 percent on short pitches, up to 15 percent with the approval of the Planning Director;
  - B. with a 20-foot wide all-weather road (gravel is permissible) with not less than a 45-foot radius at the dead end of the roadway;

- C. such that the road will be able to support a minimum wheel load of 12,500 pounds per square foot and a gross vehicle weight of 45,000 pounds; and
7. Prior to signing of the partition plat by the Planning and Development Division, provide written confirmation from the Portland Fire Bureau that the proposed easement roadways will be safe and convenient for emergency vehicle use. The report from the Fire Bureau shall address:
- A. Width of traveled surface;
  - B. Type of surfacing, including width, type and thickness of base rock;
  - C. Slope of roadway;
  - D. Adequate turning areas for fire-fighting apparatus;
  - E. Specifications for turn-outs at appropriate intervals along the private easement road to allow room for two-way vehicle traffic;
  - F. Specifications for keeping brush back from the traveled surface of the easement roadways;

**Findings of Fact (MC 2-92)**

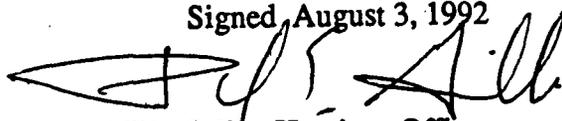
- 1. **Zoning Ordinance Considerations (MCC 11.15):** MCC 11.15.2188 states that all parcels in the MUF, Multiple Use Forest District shall abut a street or have other access determined be *“safe and convenient for pedestrians and passenger and emergency vehicles.”*
- 2. **Response To Approval Criteria**
  - A. The site is landlocked because it does not abut any public roads. Utilization of the easement road running from NW Summit View to Parcel 1 will provide adequate access to Parcel 1. However, approval from the City of Portland is required in order for owners of the new parcels to use roads inside the city limits to reach the new parcels.
  - B. The easement roads, as modified, would result in a more efficient use of the land than would occur if creation of a public road were attempted.
  - C. A condition of approval requires written confirmation from the Portland Fire Bureau that the road can handle fire-fighting apparatus with respect to width, type of base, top fill, surfacing, slope, turn-around areas, passing turn-outs and brush clearance. Subject to that condition, the request for access by easement satisfies MCC 11.15.2188.

- D. The applicant proposes access to Parcel 2 by way of an easement road running from a vacated section of NW Oak Street north along the west line of Tax Lot 13 a distance of about 640 feet to the southeast corner of Parcel 2. Parts of the easement are extremely steep, with a grade difference of as much as 100 feet in a distance of 100 feet in one area shown on the tentative plan map.
- E. A safer, more convenient and less expensive alternative for access to Parcel 2 is to utilize the existing easement running from the west line of Parcel 2 across Gales Ridge subdivision to Skyline Boulevard via Gales Ridge Lane. The easement was established through a condition imposed by the City of Portland for on the Gales Ridge development in 1989. Any necessary land use approvals must be obtained by the applicant from the City of Portland, prior to recording the final plat.

**3. Conclusions (MC 2-92)**

- A. The criteria for approval of an alternate means of access as required by MCC 11.15.2188 have been met subject to the stated approval conditions.
- B. Approval of an easement for access instead of requiring frontage on a public road is appropriate because the landlocked nature of the site makes creation of a lots fronting on a public road impossible.

Signed August 3, 1992



By Phillip Grillo, Hearings Officer

**Filed with Clerk of the Board on August 13, 1992**

**Appeal to the Board of County Commissioners**

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 4:30 p.m. Monday, August 24, 1992 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

*The Decision in this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, August 25, 1992 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development at 248-3043.*

Meeting Date: August 25, 1992

Agenda No.: P-8

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: Review Decision of Hearings Officer of August 3, 1992

BCC Informal \_\_\_\_\_ BCC Formal August 25, 1992  
(date) (date)

DEPARTMENT DES DIVISION Planning

CONTACT Sharon Cowley TELEPHONE 2610

PERSON(S) MAKING PRESENTATION Planning Staff

ACTION REQUESTED:

INFORMATIONAL ONLY  POLICY DIRECTION  APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 2 Minutes

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

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

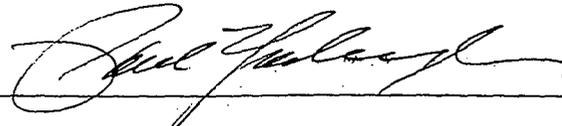
HDP 3-92a Review the Decision of the Hearings Officer of August 3, 1992, denying appeal of appellant and upholding the Planning Director Decision, approving HDP 3-92, which approves, subject to conditions, a Hillside Development Permit for proposed terracing, grading and fill work for property located at 12040 NW Tualatin Avenue

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL \_\_\_\_\_

Or

DEPARTMENT MANAGER PSA  \_\_\_\_\_

(All accompanying documents must have required signatures)

BOARD OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
1992 AUG 18 AM 11:29



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

HEARINGS OFFICER DECISION  
AUGUST 3, 1992

HDP 3-92a                      **Appeal of a Hillside Development Permit**  
**(Terracing and Associated Grading and Fill Work)**

Appellant challenges a *Hillside Development Permit* granted for terracing, grading and fill associated with retaining structures to support existing cut-faces north of a house under construction. The site is located in the RR, rural residential zoning district.

**Location:**                      12040 NW Tualatin Avenue  
**Legal:**                              Lot 10, Tulamette Acres  
**Site Size:**                        4.5 Acres  
**Property Owner:**              Benell and Ilene Tindall  
    1415 North Baldwin, Street, 97217  
**Appellant:**                        Nancy M. Fick  
    PO Box 6842, Portland, OR 97228  
**Comprehensive Plan:** Rural Residential  
**Present Zoning:**                RR, Rural Residential District

HEARINGS OFFICER  
DECISION:

Based on the evidence in the whole record and the testimony received at the hearing, the Hearings Officer hereby DENIES THE APPEAL of Nancy Fick, appellant, and upholds the Planning Director Decision approving HDP 3-92, which approves, subject to conditions, a Hillside Development Permit for proposed terracing, grading and fill work on Lot 10, Tulamette Acres.

FINDINGS AND CONCLUSIONS

In support of this decision, the Hearings Officer hereby adopts the Planning Director Decision of June 5, 1992 in its entirety. The Planning Director decision is attached and incorporated by reference herein.

In addition, the Hearings Officer responds to the specific arguments of the appellant as follows:

In essence, the central theme of Ms. Fick's appeal is that over time, persons have allegedly made adjustments to various boundary lines that have resulted in the loss of substantial portions of the appellant's property, to the benefit of the Tindalls. Despite the previous admonitions of the County, the appellant continues to attempt to prove her boundary dispute case within the context of quasi-judicial land use proceedings involving the application of a Hillside Development Permit.

None of the appellant's arguments have any relationship to the relevant approval criteria in this case. The only possible connection between Ms. Fick's arguments and the approval criteria relates to who can initiate a land use application. MCC 11.15.8210(A), in relevant part, provides that an action may only be initiated by:

- 1) an Order of the Board of Commissioners;
- 2) a majority of the entire Planning Commission; or,
- 3) by application of the record owner of the property which is the subject of the action, or the authorized agent of the record owner.

There is substantial evidence in the record that the applicants are the "record owners" of the property (See, for example, David Evans & Associates Survey of April 6, 1990). The appellant has assembled a multitude of separate documents which, in her opinion, demonstrates that the David Evans & Associates survey is wrong. However, the appellant provides no expert testimony on her behalf to challenge the survey supplied by the applicant.

In the final analysis, there is substantial evidence in the record indicating that Ilene and Benell Tindall are the "record owners" of Lot 10, Tulamette Acres. If the appellant wishes to bring legal challenge to the boundary lines of record, she must pursue that remedy outside the venue of this land use proceeding, and she should seek legal counsel that may enable her to do so.

Decision Announced August 3, 1992



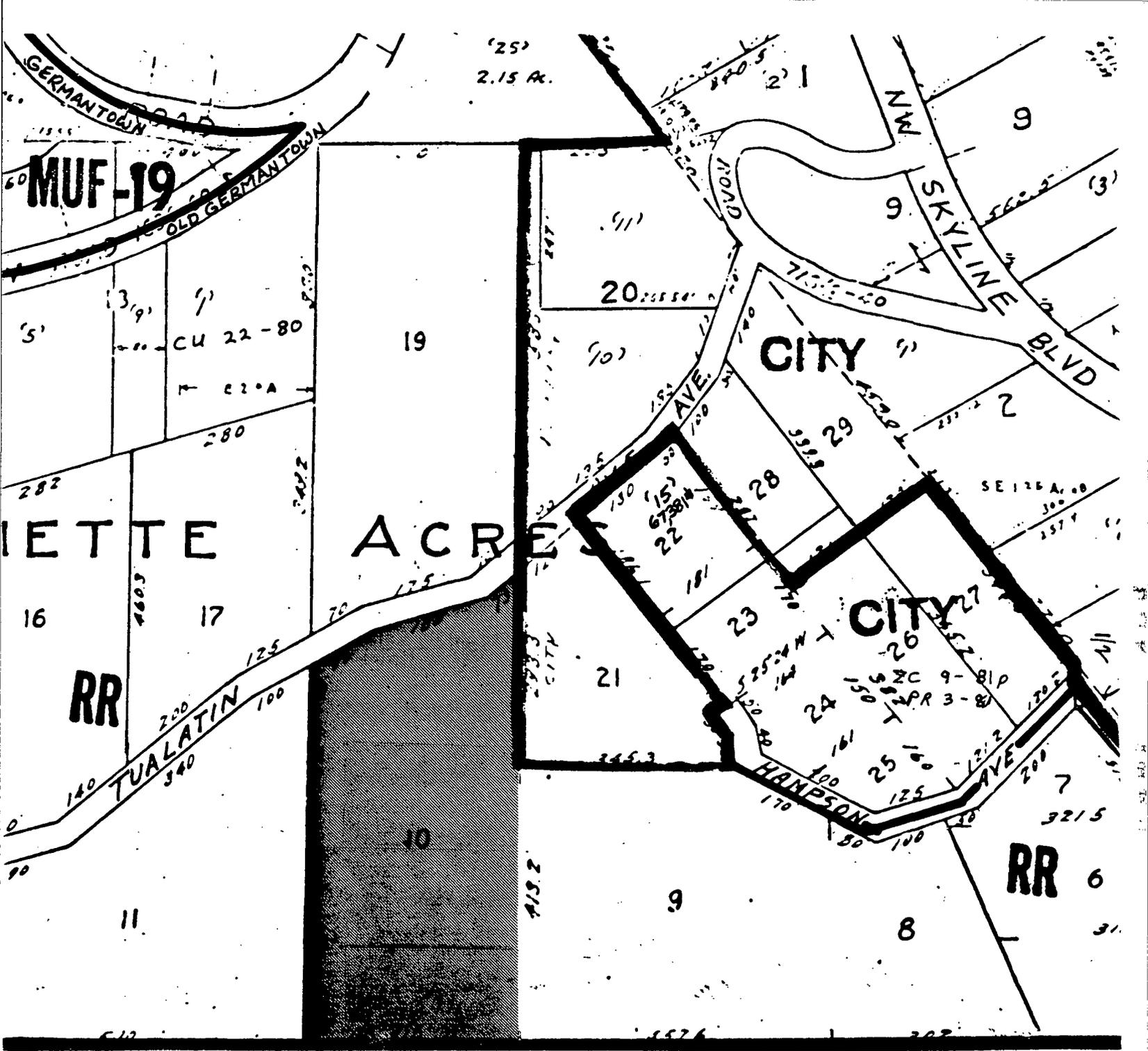
By Phillip Grillo, Hearings Officer

Filed With the Clerk of the Board on August 13, 1992

### **Appeal to the Board of County Commissioners**

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to the Hearings Officer decision, may file a Notice of Review with the Planning Director on or before 4:30 PM. on Monday, August 24, 1992 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

*The Decision on this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, August 25, 1992 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development Division at 248-3043.*



# MUF -19

**Zoning Map**

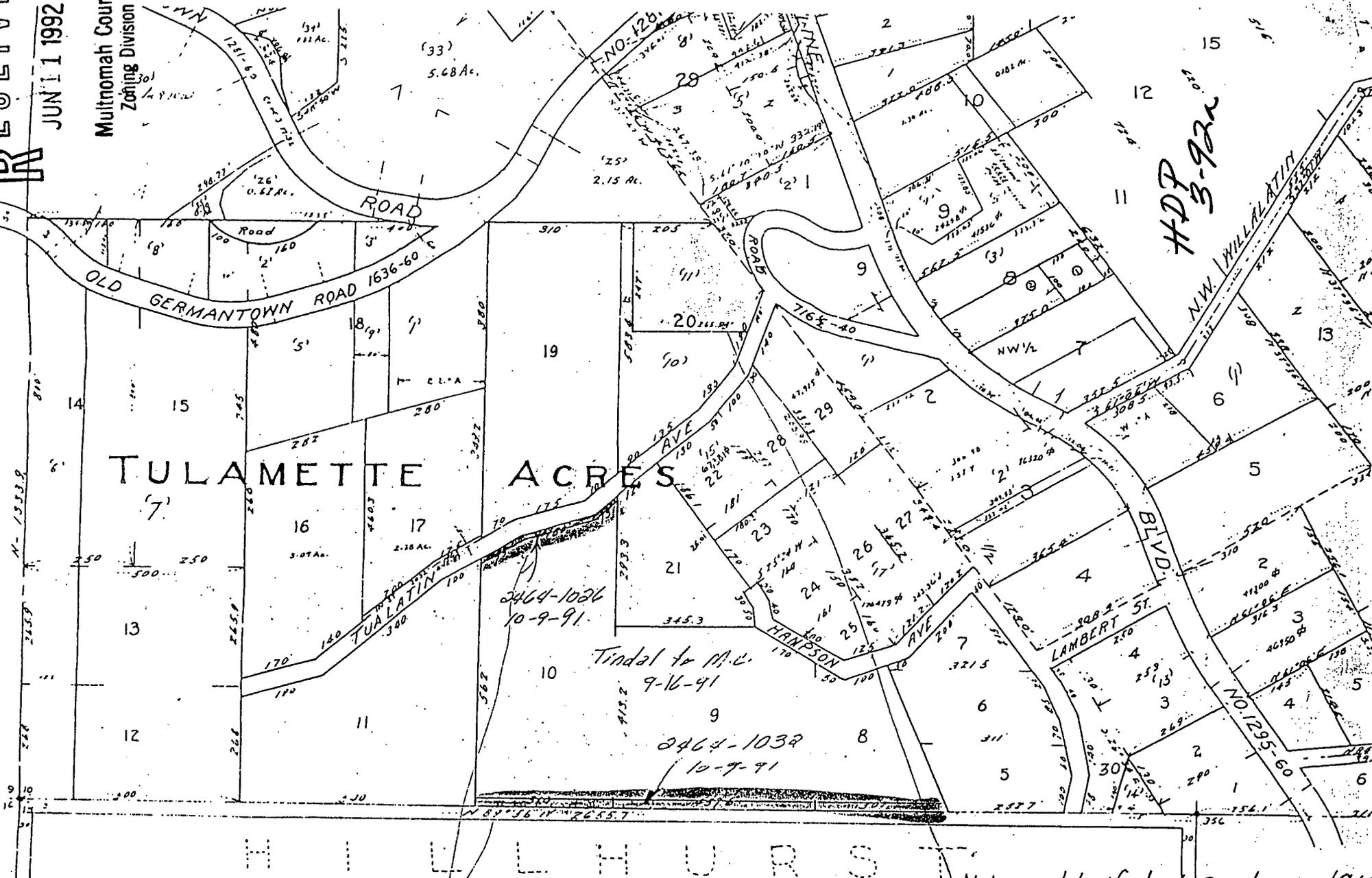
Case #: HDP 3-92a  
 Location: 12040 NW Tualatin Avenue  
 Scale: 1 inch to 200 feet (approximate)  
 Shading indicates subject property



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JUN 11 1992

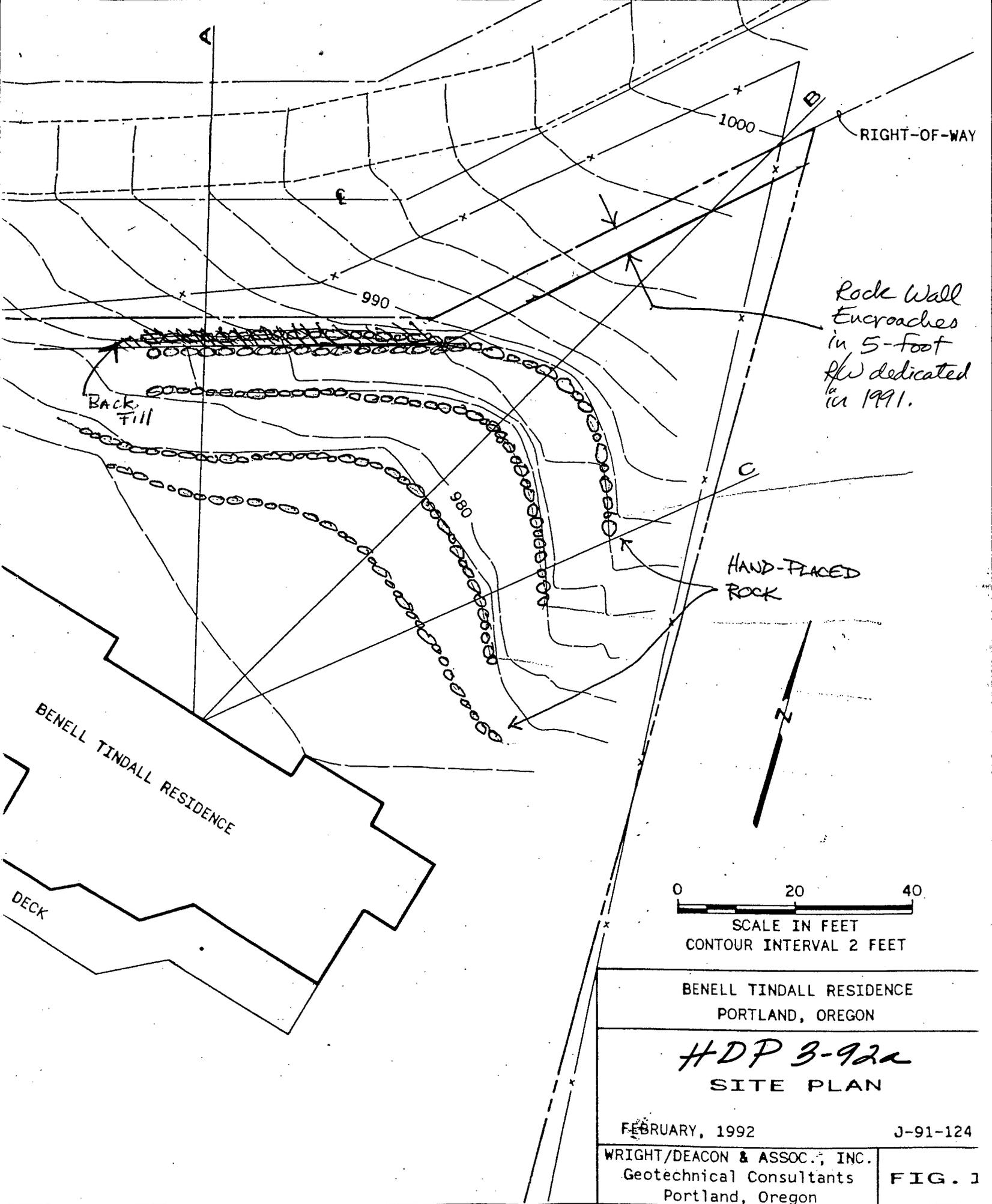
Multnomah County  
Zoning Division



All of this donated to  
try & compensate for  
the excavation of  
Tulalatin Ave. on lot 10  
in 1969 1991

Note donations to  
Multnomah County by Tindalls  
(in red) Lots 8, 9, & 10 are now  
one big tax lot

Note split of Lot 20 done in 1960s  
(into tax lots 10 & 11)  
DEA in 1990's still thought  
it one big Lot.





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

ADMINISTRATIVE DECISION  
JUNE 5, 1992

HDP 3-92

**Hillside Development Permit**  
**(Terracing and Associated Grading and Fill Work)**

Applicant requests a *Hillside Development Permit* for terracing, grading and fill associated with retaining structures to support existing cut-faces north of a house under construction. The site is located in the RR, rural residential zoning district.

**Location:** 12040 NW Tualatin Avenue  
**Legal:** Lot 10, Tulamette Acres  
**Site Size:** 4.5 Acres  
**Property Owner:** Benell and Ilene Tindall  
1415 North Baldwin, Street, 97217

**Comprehensive Plan:** Rural Residential

**Present Zoning:** RR, Rural Residential District

**Planning Director**

**Decision:** APPROVE, SUBJECT TO CONDITIONS, a *Hillside Development Permit* for the proposed terracing, grading and fill work, all based on the following Findings and Conclusions.

CONDITIONS OF APPROVAL

1. Implement temporary erosion control on-site during the construction of the house, according to specifications in the *Erosion Control Technical Guidance Handbook* (January 1991). At a minimum, maintain a "sediment fence or barrier" at the toe of all disturbed areas; and re-establish vegetation and landscape materials prior to removal of erosion control measures. The sediment fence or barrier shall be installed prior to initiating grading on the site. Any stockpiled soil or other debris shall be stored and covered (if necessary) to avoid any discharges off-site.
2. Cuts shall not encroach onto neighboring properties or adjoining right-of-ways unless slope easements or Right-of-Way encroachment permits authorize the work. Exposed soils shall be seeded, mulched or covered to avoid erosion or drainage

effects onto neighboring sites or into any streams or drainage facilities adjoining the site. All cut and fill slopes shall be revegetated as soon as practicable and not later than October 15, 1992.

3. Any pollution associated with the project such as pesticides, fertilizers, petrochemicals, solid wastes, or wastewaters shall be prevented from leaving the project site through proper handling, disposal, and clean-up activities.
4. All cut faces shall be retained as recommended on page 2 of the site grading report prepared by Wright/Deacon & Assoc. Inc. (dated February 25, 1992).
5. The erosion control and slope stability techniques required herein may be supplemented if slope failure, slumping, or down-slope erosion impacts result from the grading work on this site. The West Multnomah County Soil Conservation District, the U.S. Soil Conservation Service, and the Portland Building Bureau Special Inspections offices may be consulted for further advise on methods to control or minimize erosion effects from the project.

#### B A C K G R O U N D:

- A. August, 1991 — Mike DeCorte initiated the Building Permit process to construct a single family house on the subject property for Benell and Ilene Tindall. The Planning Division reviewed and approved a plot plan for the house on August 19, 1991.
- B. September 26, 1991 — The Portland Building Bureau issued Permit # 91-105322. A note on the permit indicated "Erosion Control Required".
- C. October 22, 1991 — DeCorte Construction applied to the County Planning Division for a permit to "...*move dirt from water line ditch to another location on the property... Total amount of dirt to be moved is approx. 110 cubic feet...*". In November, the applicant modified the estimate to approximately 275 cubic yards of fill.
- D. December 20, 1991 — The Planning Director approved a *Hillside Development Permit* for the described excavation and fill work. Notice of the decision was mailed to owners of property within 250-feet of the subject site pursuant to ORS 215.416(11) and MCC 11.15.8220(C)(2)(b).
- E. December 30, 1991 — An appeal of the Director's Decision was filed by Nancy M. Fick, a neighboring property owner. Ms. Fick owns the parcel of property to the north of the subject site.

- F. The Commission concluded that the waterline trenching and associated fill around the base of the house should not endanger or disturb adjoining property. The Commission was not persuaded that appellant had credible evidence to refute or challenge the survey of record relied upon for the HDP 17-91 permit. The applicant was instructed to apply for a separate Grading Permit for the terracing and associated grading not authorized by the HDP 17-91 decision.

#### FINDINGS

1. HDP 3-92 was filed on March 4, 1992. The application requests approval of the terracing, grading and fill work associated with construction of retaining structures to support existing cut faces north of the house site (see site plan).
2. The proposed work is described as retaining structures for the terrace cut faces, consisting of 6-inch to 12-inch quarry rock (from Angel Bros. or other local supplier). Rocks will be hand placed to inhibit slumping or slope failure. Shrubs and groundcover plants will be planted on the flat terrace sections, and above the cut areas (in the Tualatin Avenue Right-of-Way). The northeast corner of the site, above the upper terrace rock wall, will be planted in native plants (*e.g.*, salal, vine maple, *etc.*)
3. The zoning classification of the described property is **RR (Rural Residential)**.
4. The site is located within the Tualatin River Watershed. The proposed development requires a **Hillside Development Permit** as specified in MCC 11.15.6710(A).
5. MCC 11.15.6730 specifies *Grading and Erosion Control Standards*". HDP Permit approvals shall be based on findings that the proposal adequately addresses the grading standards. Conditions of approval may be imposed to assure the standards are met. The section below presents each standard in *bold italics* followed by findings specific to this request:

**(1) GRADING STANDARDS**

- (a) *Fill materials, compaction methods and density specifications shall be indicated. Fill areas intended to support structures shall be identified on the plan. The Director or delegate may require additional studies or information or work regarding fill materials and compaction;*
- (b) *Cut and fill slopes shall not be steeper than 3:1 unless a geological and/or engineering analysis certifies that steep slopes are safe and erosion control measures are specified;*
- (c) *Cuts and fills shall not endanger or disturb adjoining property;*

- (d) *The proposed drainage system shall have adequate capacity to bypass through the development the existing upstream flow from a storm of 10-year design frequency;*
- (e) *Fills shall not encroach on natural watercourses or constructed channels unless measures are approved which will adequately handle the displaced streamflow for a storm of 10-year design frequency;*

(2) *Erosion Control Standards*

- (a) *On sites within the Tualatin River Drainage Basin, erosion and stormwater control plans shall satisfy the requirements of OAR 340. Erosion and stormwater control plans shall be designed to perform as prescribed by the "Erosion Control Plans Technical Guidance Handbook" and the "Surface Water Quality Facilities Technical Guidance Handbook". Land-disturbing activities within the Tualatin Basin shall provide a 100-foot undisturbed buffer from the top of the bank of a stream, or the ordinary high watermark (line of vegetation) of a water body, or within 100-feet of a wetland; unless a mitigation plan consistent with OAR 340 is approved for alterations within the buffer area. [Amended 1991, Ord. 677] [Amended 1991, Ord. 705]*
- (b) *Stripping of vegetation, grading, or other soil disturbance shall be done in a manner which will minimize soil erosion, stabilize the soil as quickly as practicable, and expose the smallest practical area at any one time during construction;*
- (c) *Development Plans shall minimize cut or fill operations and ensure conformity with topography so as to create the least erosion potential and adequately accommodate the volume and velocity of surface runoff;*
- (d) *Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development;*
- (e) *Whenever feasible, natural vegetation shall be retained, protected, and supplemented;*
- (f) *Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical;*
- (g) *Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development. The rate of surface water runoff shall be structurally retarded where necessary;*
- (h) *Sediment in the runoff water shall be trapped by use of debris basins, silt traps, or other measures until the disturbed area is stabilized;*
- (i) *Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills by installation of temporary or permanent drainage across or above such areas, or by other suitable stabilization measures such as mulching or seeding;*

- (j) *All drainage provisions shall be designed to adequately carry existing and potential surface runoff to suitable drainageways such as storm drains, natural watercourses, drainage swales, or an approved drywell system;*
- (k) *Where drainage swales are used to divert surface waters, they shall be vegetated or protected as required to minimize potential erosion;*
- (l) *Erosion and sediment control devices shall be required where necessary to prevent polluting discharges from occurring. Control devices and measures which may be required include, but are not limited to:*
  - (i) *Energy absorbing devices to reduce runoff water velocity;*
  - (ii) *Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule;*
  - (iii) *Dispersal of water runoff from developed areas over large undisturbed areas.*
- (m) *Disposed spoil material or stockpiled topsoil shall be prevented from eroding into streams or drainageways by applying mulch or other protective covering; or by location at a sufficient distance from streams or drainageways; or by other sediment reduction measures;*
- (n) *Such non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through proper handling, disposal, continuous site monitoring and clean-up activities.*
- (o) *On sites within the Balch Creek Drainage Basin, erosion and stormwater control features shall be designed to perform as effectively as those prescribed in the Erosion Control Plans Technical Guidance Handbook (January, 1991). All land disturbing activities within the basin shall be confined to the period between May first and October first of any year. All permanent vegetation or a winter cover crop shall be seeded or planted by October first the same year the development was begun; all soil not covered by buildings or other impervious surfaces must be completely vegetated by December first the same year the development was begun.*

Comments: Applicant's site plan, application, Site Grading report, and Geotechnical Reconnaissance and Stability Questionnaire are incorporated by reference. The HDP 17-91 Findings and Conclusions are incorporated by reference.

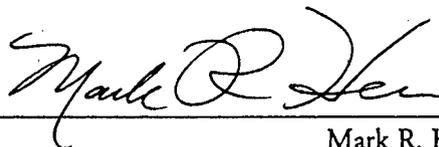
No on-site spoils storage or stockpiling is indicated; Conditions address on-site spoils storage. Conditions address the erosion control standards for the Tualatin Basin noted above.

## CONCLUSIONS

1. The criteria for approval of a Hillside Development Permit are satisfied with conditions.
2. The reasons for the conditions of approval are:
  - a) To insure that site work and grading activity is conducted as represented in the application, and to minimize erosion and other hazards from exposed or disturbed soils on the site.
  - b) To protect adjoining properties, right-of-ways, and streams near the site from turbidity and other erosion caused discharges from the proposed grading work on this site.
  - c) To protect some of the trees on the property which assist in stabilizing the slope and mitigate for erosion potential caused by the site development.
3. The application and findings above provide substantial and credible evidence which persuades that the grading work proposed will not endanger or disturb adjoining properties.

MULTNOMAH COUNTY, OREGON  
DIVISION OF PLANNING AND DEVELOPMENT

By: \_\_\_\_\_



Mark R. Hess  
Title: Planner

For, Director, Planning and Development  
Date: June 5, 1992

**NOTICE:** *This decision may be appealed within ten days from the above date, pursuant to the provisions of MCC 11.15.8290. An appeal requires a \$300.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Division of Planning and Development, 2115 S.E. Morrison Street / 248-3043.*

**PLEASE PRINT LEGIBLY!**

**MEETING DATE**

8/25/92

**NAME**

Lynne D. Chauncey

**ADDRESS**

9825 N.W. Kaiser Road

**STREET**

Portland, Oregon

**CITY**

97231

**ZIP CODE**

**I WISH TO SPEAK ON AGENDA ITEM #**

PRE 3-92

P-9

**SUPPORT**

**OPPOSE**

**SUBMIT TO BOARD CLERK**

Meeting Date: August 25, 1992

Agenda No.: P-9

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: PRE 3-92 Final Order

BCC Informal \_\_\_\_\_ BCC Formal August 25, 1992  
(date) (date)

DEPARTMENT DES DIVISION Planning

CONTACT Sharon Cowley TELEPHONE 2610

PERSON(S) MAKING PRESENTATION Bob Hall

ACTION REQUESTED:

INFORMATIONAL ONLY  POLICY DIRECTION  APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 5 Minutes

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

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

PRE 3-92 The Board to Adopt the Final Order, supporting the Decision of the Board, made on August 11, 1992, denying request for a single family residence in conjunction with an existing farm use for property located at 9825 NW Kaiser Road

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL \_\_\_\_\_

Or

DEPARTMENT MANAGER PSF \_\_\_\_\_

(All accompanying documents must have required signatures)

*Sent copy of Order 92-157 to Sharon Cowley & Peter Livingston on ~~8-28-92~~ 9-2-92.*

BOARD OF COUNTY COMMISSIONERS  
1992 AUG 18 AM 11:29  
MULTNOMAH COUNTY OREGON

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

In the Matter of the Review of the	)	<b>FINAL ORDER</b>
Hearings Officer Decision on PRE 3-92	)	<b>Denying PRE 3-92</b>
		92-157

**I. INTRODUCTION**

This matter came before the Board of County Commissioners (Board) for a hearing on August 11, 1992. The appellants requested denial of the application of Bowlus and Lynne Chauncey (Applicants) for approval of a second farm dwelling to be occupied by a relative.

The appellants, David and Michele Roy, Bobbi and Kert Lorence, Dennis and Linda Perkins, Mel Hering, Nicholas and Margaret Mecklam, Joe Anderson, and Sam and Phillis Pintarich were represented by Kent B. Thurber. Applicants were represented by Peggy Hennessy.

The Board reviewed the record, including the earlier record for PRE 50-81, and heard additional testimony from the applicant's attorney and the appellants' representative.

**II. BACKGROUND**

Applicants filed their application on January 2, 1992. It was approved by the planning director on March 30, 1992, subject to certain conditions. An appeal was filed April 8, 1992. On June 8, 1992, after a public hearing, the county hearings officer

affirmed the planning director's decision, adding additional conditions. The opponents filed an appeal to the Board on June 22, 1992.

The subject property was also the subject of several earlier cases: PRE 50-81; ZC 14-81p; CU 19-90; and ZVII-90.

### **III. REVIEW STANDARDS**

The Multnomah County Zoning Code ("MCC") 11.15.2010 includes the following as a "Use Permitted Under Prescribed Conditions":

- (C) A single family dwelling on a Lot of Record used for farm use if the dwelling is:
  - (1) Located on the same Lot of Record as the dwelling of the farm operator; and
  - (2) Occupied by a relative, which means grandparent, grandchild, parent, child, brother or sister of the farm operator or the farm operator's spouse, whose assistance in the management of the farm is or will be required by the farm operator.

MCC 11.15.2008(A) adopts the definition of farm use found in ORS 215.203(a):

As used in this section, "farm use" means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animal or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof.

A farm use can include the "propagation or harvesting of forest products." MCC 11.15.2008.

#### **IV. FINDINGS OF FACT**

The subject property consists of 33.18 acres in an Exclusive Farm Use (EFU) zone, where the minimum lot size is 38 acres. It comprises two lots of record; one is 7.48 acres, the other is 25.70 acres. There are presently two residences on the larger lot of record. The county assessor's 1992 records show the larger residence, occupied by Applicants, contains 4996 square feet of finished space plus 3756 square feet of unfinished space. The smaller residence, occupied by Lynne Chauncey's father, contains 3142 square feet of finished space. A third structure contains 570 square feet of finished space, including a bathroom, a living room, and a third room. It has separate electrical service and a heat pump. The proposed single family residence would be occupied by one son and his family.

In 1981 Lynne Chauncey successfully applied for a farm help residence pursuant to provisions in Ordinance No. 148. This was case number PRE 50-81. The newly-constructed residence was occupied by Lynne Chauncey's father, who now suffers from lung cancer and Alzheimer's disease. Because of the lung cancer, he is unable to be physically involved with the farm operation and because of the Alzheimer's disease, he has limited mental involvement.

The farm operation has several components. Twenty acres are planted with cover crops by a neighbor, who is described as a "sharecropper." Applicants retain ultimate control over what crops are planted, while relying on the neighbor's expertise in making decisions. The neighbor performs the physical activities on this portion of the property.

Five acres are devoted to timber production. Applicants have recently thinned the older timber and cleaned out dead wood in preparation for the planting of seedlings.

Approximately seven acres are occupied by seven Arabian horses, including two mares and three young horses, called "babies." Applicants breed, raise, train, and market the Arabian horses. In addition, there is a small-scale dog breeding operation.

Applicants and their adult children are involved to some degree in the various activities on the property. Responsibilities are divided. For example, Lynne Chauncey, two sons, a daughter, and a daughter-in-law share responsibility for the horses. Bowlus Chauncey and two sons determine how to make the best use of each portion of the land. Everyone operates the farm equipment. The adult children all have extensive training in the horse industry.

It is unclear whether Applicants' grown children, their spouses, and Applicants' grandchildren presently share Applicants' house with them. Some testimony suggests that apart from time spent in college, Applicants' children have remained with their parents.

The record lacks documentary financial evidence to establish the intensity of farm use on the subject property. No evidence shows Applicants have realized a net profit from the farm operation at any time. In the past, Applicants have both held outside jobs. Lynne Chauncey attributes the delay in implementing some farm objectives to the requirement that she work elsewhere for three years.

## V. EVALUATION OF THE APPLICATION

The Board finds the MCC does not permit more than one secondary dwelling for a relative on each lot of record. Even if it did, Applicants would not be successful, because they have failed to provide substantial evidence, adequate to meet the requirements of the MCC, that the property is in farm use, as defined by MCC 11.15.2006; and that an additional dwelling for required assistance is justified.

### A. Only One Secondary Farm Dwelling for a Relative Permitted.

MCC 11.15.2010(C) allows "a single family dwelling" to be used as a secondary dwelling and occupied by a relative. The Board construes this to mean "one single family dwelling." The MCC provision was derived directly from ORS 215.283(1)(e). In the ORS, the provision is one of many, most of which are in the plural. For example, ORS 215.283(1)(b) permits "[c]hurches and cemeteries in conjunction with churches," not "a church and a cemetery [etc.]." The authors of the statute were clearly making a distinction between the singular and the plural, and the Board finds the MCC makes the same distinction.

Permitting only one secondary dwelling for a relative is consistent with MCC 11.15.2002, which establishes the county's policy of preserving and maintaining agricultural lands for farm use. Additional dwellings on the subject property would create an undesirable housing density on a property which is already smaller than the zoning would normally allow. Given the disproportionate capital investment in the property, the existence of these additional dwellings would increase pressure in the

future for subdivision, by making it economically illogical, if not unfeasible, to keep the property in farm use when and if Applicants no longer reside there.

B. Evidence in the Record Fails to Justify a Finding the Subject Property Is in Farm Use.

The record does not contain substantial evidence to justify a finding that the subject property is being used for "the primary purpose of obtaining a profit in money," as required by MCC 11.15.2008(A). Despite occasional references to "marketing" in the testimony, Applicants have not provided sufficient documentation of their return on investment to demonstrate their primary purpose. All other factors being held equal, an additional residence would render the property less profitable.

C. An Additional Secondary Dwelling Is Not Necessary.

In addition to Applicants' large residence, there is already a house for a farm manager on the subject property. A farm manager, either a relative or someone else, in good health and fully committed to managing and aiding the farm use would be more than adequate to perform the necessary tasks, so long as the "farm operators," one or both of Applicants, retained significant involvement with the operation.

The record contains several letters, some submitted in connection with PRE 50-81, which arguably support having more than one farm manager in addition to the farm operator. However, the Board finds the most credible evidence to be a letter dated July 20, 1981, from the Oregon State University Extension Agent, which states that a single resident manager should be able to handle the duties related to general care of the

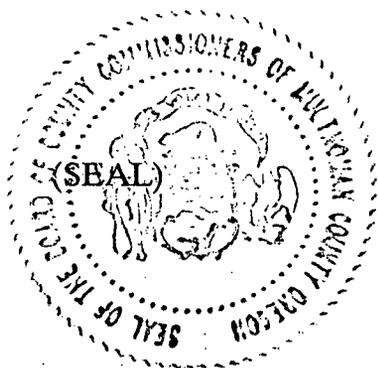
Arabian horses and that other persons who might be used in the operation could be resident at another location. This evidence is supported by contemporary testimony from neighbors who are performing the same or comparable tasks as Applicants, on property of equal or greater size, without even one secondary farm dwelling.

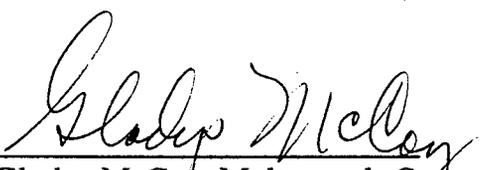
The Board finds that Applicants can reallocate responsibilities among family members in such a way that the necessary tasks can be performed on the subject property without constructing an additional dwelling. The proposed additional secondary dwelling is not justified, even if the assistance of the son who would occupy the dwelling is "required," as the term is used in MCC 11.15.2010(C)(2), since the requirement exists only because the occupant of the existing secondary dwelling is ill. The disability of Lynne Chauncey's father, which renders his presence on the property less helpful to the farm operation, cannot be used to rationalize siting another single family dwelling for a more able relative. Nor can the preference of Applicants to share the work more or less evenly among family members.

## VI. DECISION

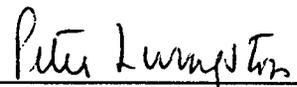
Based on the above findings and discussion, the Board concludes that Applicants have not satisfied the standards for a single-family secondary farm dwelling for a relative. The decision of the hearings officer is reversed, and the application is denied.

DATED this 25th day of August, 1992



  
Gladys McCoy, Multnomah County Chair

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

By:   
Peter Livingston, Assistant County Counsel

Bcc ✓

August 28, 1992

Board of County Commissioners  
Suite 1410, Portland Building  
1120 S. W. 5th Avenue  
Portland, Oregon 97204

BOARD OF  
COUNTY COMMISSIONERS  
1992 SEP - 2 AM 11: 22  
MULTNOMAH COUNTY  
OREGON

Re: PRE 3-92

To whom it may concern:

Per Multnomah County Actions Proceedings Code 11.15.8285, I prayerfully, and respectfully request a motion for rehearing on the above referenced case, on the grounds that the findings fail to conclusively support the decision as it pertains to current zoning codes regarding "Uses Under Prescribed Conditions".

We have met all criteria as cited in the standards under MCC11.15.2010, sub section (C)(1)&(2). Nowhere in the findings is there any denial of this.

A rehearing would serve to clarify this matter for all parties concerned, as well as for the board. And, since we are no longer able to retain the services of an attorney, it would afford the board an opportunity to hear testimony from, and ask questions of the applicants directly, thereby resulting in a more just and equitable decision based on more intelligently informed findings of fact.

In addition, during the Multnomah County Board of Commissioners regular session on Planning matters held on Tuesday, August 25, 1992, Chair McCoy stated assuringly that applicant would indeed be afforded an opportunity to again address the board, an opportunity that never materialized.

Throughout our dealings with the County, we have experienced denial of access to public records. We have watched our paperwork logged in at the County Planning office only to be told later that it was never received, had been lost, or occasionally, 'Sorry, it must have been put in the wrong file'. All of which resulted in missing deadlines or opportunities all together, and denial of due process. We have on one occasion been dealing exclusively with one County staff member, been guaranteed before our attorney that everything required of us was in complete order, then, at the last minute, that staff member was mysteriously called out of the office and failed to show for our final meeting, while the person replacing him at this meeting tells us he doesn't care what we were previously instructed, he wants everything redone with the addition of extensive expert testimony, and, all this is required within the next 24 hours.

Hearings have been scheduled and held without our knowledge, notification, or our presence. Hearings from which reviewed tapes

have disclosed the testimony of our appellants. Strangely enough, when we recently appeared at a regular board meeting that had our case on the agenda, the board was advised by County Counsel that it would be inappropriate to entertain our questions regarding clarification without the presence of all concerned parties.

Lastly, in an effort to more intelligently combat the far-reaching influence of the appellants, we were forced to engage an attorney and to spend upwards of \$35,000.00.

Before our family is required to lose all that we have worked for these last 25 years, we are requesting that you give us a fair chance and deal with only the criteria involved and not the personalities or educational advantages of either parties.

Thanking you in advance for your most careful and just consideration of this matter, I remain,

Respectfully,

*Lynne D. Chauncey*

Lynne D. Chauncey  
9825 N.W. Kaiser Road  
Portland, Oregon 97231  
(503) 645-2812

LDC:

Copies to: Multnomah County Planning Director, Scott Pemble  
Director of Environmental Services, Paul Yarborough  
Multnomah County Staff member, Bob Hall  
Multnomah County Planning Clerk, Sharon Cowley  
Multnomah County Chair, Gladys McCoy  
Multnomah County Comm., Pauline Anderson  
Multnomah County Comm., Gary Hansen  
Multnomah County Comm., Rick Bauman  
Multnomah County Comm., Sharron Kelley  
Multnomah County Counsel, John DuBay  
Multnomah County Clerk of the Board, Carrie Parkerson

✓  
**PLEASE PRINT LEGIBLY!**

**MEETING DATE** 8.25.92

**NAME** MICHAEL ROBINSON

**ADDRESS** 1727 NW HOYT

**STREET**

PORTLAND OR

**CITY**

97029

**ZIP CODE**

**I WISH TO SPEAK ON AGENDA ITEM #** P-10

**SUPPORT**



**OPPOSE**

**SUBMIT TO BOARD CLERK**

2/1

**PLEASE PRINT LEGIBLY!**

**MEETING DATE** 8-25-92

**NAME** Edward J. Sullivan

**ADDRESS** 111 NW 5<sup>th</sup> #3200

**STREET**

**CITY** Portland, Or. 97204

**ZIP CODE**

**I WISH TO SPEAK ON AGENDA ITEM #** ~~(1)~~ P-10

**SUPPORT** \_\_\_\_\_ **OPPOSE**

**SUBMIT TO BOARD CLERK**

Meeting Date: August 25, 1992

Agenda No.: P-10

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: SEC 6-91a / HDP 4-91a

BCC Informal _____ (date)	BCC Formal <u>August 25, 1992</u> (date)
DEPARTMENT <u>DES</u>	DIVISION <u>Planning</u>
CONTACT <u>Sharon Cowley</u>	TELEPHONE <u>2610</u>
PERSON(S) MAKING PRESENTATION _____	<u>Planning Staff</u>

ACTION REQUESTED:

INFORMATIONAL ONLY       POLICY DIRECTION       APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 10 Minutes

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

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

SEC 6-91a/HDP 4-91a A hearing before the Board to reconsider the Scope of Review for Notice of Review Hearings scheduled for September 22, 1992.

Staff will recommend changing the Scope of Review from On the Record to On the Record Plus Additional Testimony, in order to consider new evidence pertaining to the stream classification.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL \_\_\_\_\_

Or

DEPARTMENT MANAGER RSP \_\_\_\_\_



(All accompanying documents must have required signatures)

BOARD OF  
 COUNTY COMMISSIONERS  
 MULTNOMAH COUNTY  
 OREGON  
 1992 AUG 18 AM 11:29



# MULTNOMAH COUNTY OREGON

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

BOARD OF COUNTY COMMISSIONERS  
GLADYS McCOY • CHAIR OF THE BOARD  
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER  
GARY HANSEN • DISTRICT 2 COMMISSIONER  
RICK BAUMAN • DISTRICT 3 COMMISSIONER  
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

Date: 08/25/92 Time: 9:30 a.m. Place: Room 602, Multnomah County Courthouse

**SEC 6 -91a Reconsideration of Scope of Review**  
**HDP 4-91a**

A hearing before the Board of County Commissioners to reconsider the Scope of Review for a Notice of Review hearing, scheduled for September 22, 1992.

Staff will recommend changing the Scope of Review from **On the Record** to **On the Record Plus Additional Testimony**, in order to consider new evidence pertaining to the stream classification, as defined by the Oregon Forest Practices Rules.

August 13, 1992

Mark Hess, Planner  
Multnomah Co. Planning  
2115 SE Morrison  
Portland, OR 97214

RECEIVED

AUG 14 1992

Multnomah County  
Zoning Division

DEPARTMENT OF  
FORESTRY

FOREST GROVE DISTRICT



"STEWARDSHIP IN  
FORESTRY"

Mark,

I am writing you to confirm our phone conversation this afternoon, regarding our Department's stream classification in Multnomah County.

Today you received one of ODF Forest Grove District maps which have our updated Class I streams locations highlighted in blue.

I asked Kevin McKenzie to hand carry this map and a copy of our District's 7.5 minute quadrangle maps showing the Balch Canyon area. Our Forest Practices Class I stream designation is for the lower stretch of the stream below the fork where NW Thompson Rd. and NW Cornell Rd. meet. Up stream from this point both forks of the stream are Class II.

It appears that the east fork that flows close to NW Thompson Rd. is an Influential Class II stream for 1500 feet upstream from its confluence with the Class I stream.

I am including some handouts on Stream Protection afforded Class II Influential streams, and a copy of our latest updated Forest Practices rules, dated October 29, 1991.

If you have any further questions, feel free to contact this office.

Sincerely,

Thomas M Savage  
Forest Practices Forester



801 Gales Creek Road  
Forest Grove, OR 97116  
(503) 357-2191  
FAX (503) 357-4548

RECEIVED

AUG 14 1992

Multnomah County  
Zoning Division



# FPA Rule Changes Update

September 29, 1991

Published by the Forest Practices Section  
Oregon Department of Forestry  
2600 State Street • Salem, Oregon • 97310

## Stream Protection

### ***Current Stream Protection Rules***

Class 1 streams generally support fish populations or provide domestic water. Other streams that have a definite stream channel or bed are called Class 2 streams.

#### ***Class 1 Stream Protection***

If a forest operation is proposed near a Class 1 stream, the operator must submit a written plan to the state forester. The plan must describe the riparian management area (RMA), and outline how the operation will be conducted to protect the Class 1 stream. The Class 1 stream protection requirements are described in *Forest Practices Note #9*.

#### ***Class 2 Stream Protection***

Class 2 streams, stream beds and banks are protected during forest operations using general forest practice rules. A written plan is not required when operating near a Class 2 stream.

### ***Additional Stream Protection Rules***

Class 2 streams that have a direct influence on a Class 1 stream now receive additional protection. These "influential" Class 2 streams are streams that are important to threatened, endangered, sensitive, or game fish. They are also important for water quality because they flow into a Class 1 stream.

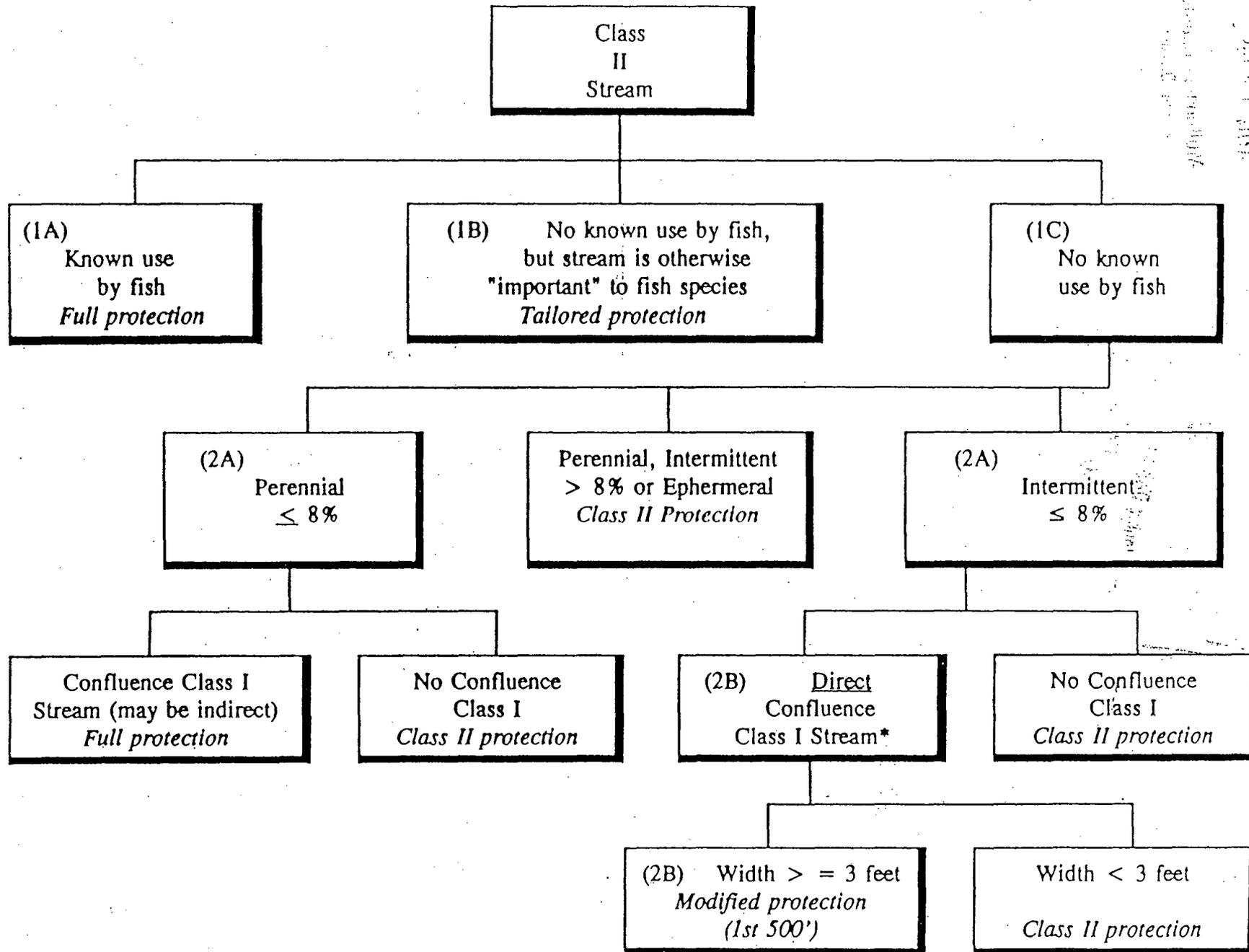
Influential Class 2 streams receive this additional protection until the Board of Forestry adopts new stream classes and protection rules in September 1992.

#### ***Additional protection includes:***

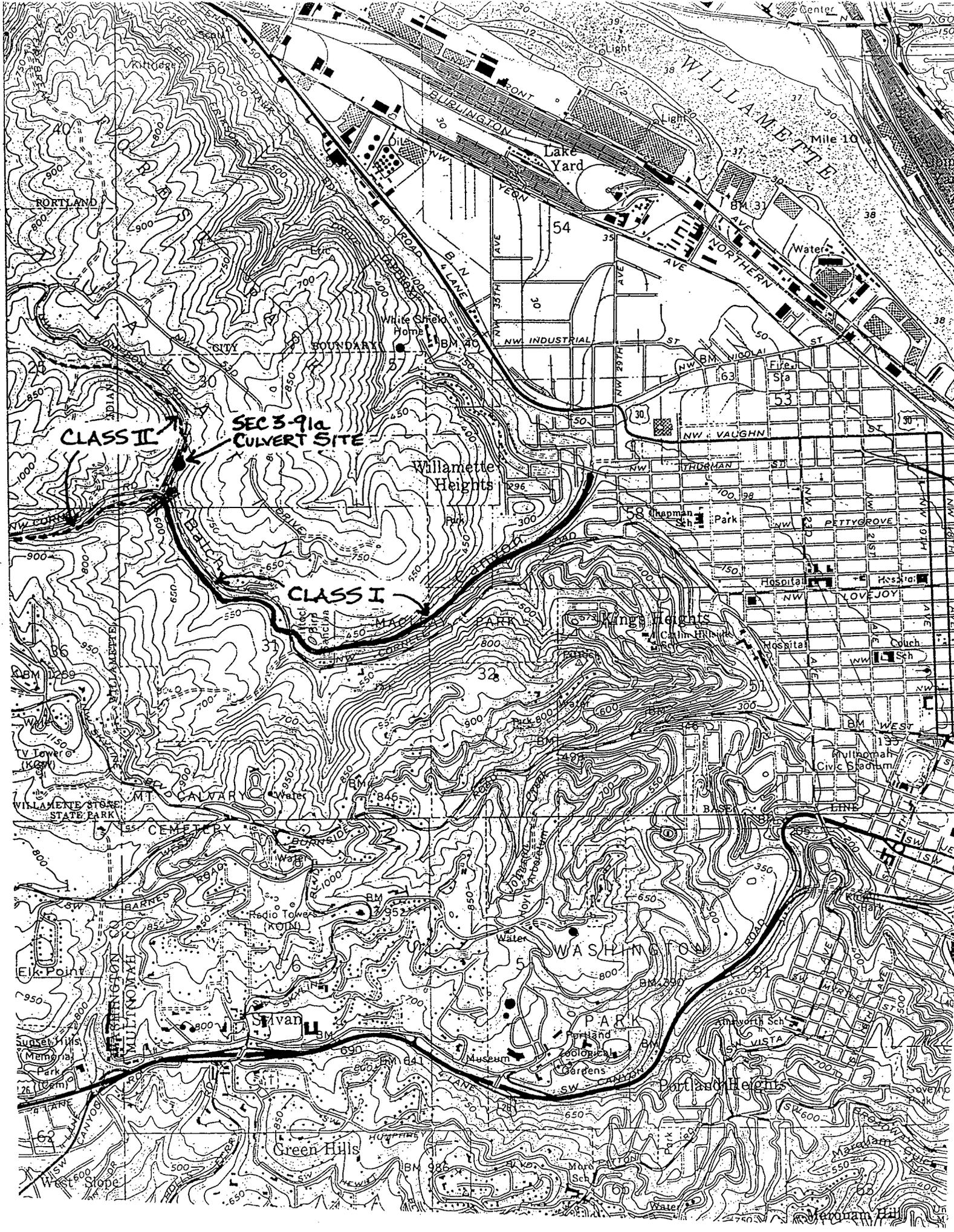
- Leaving trees for shade and stream structure.
- Leaving vegetation for water quality.
- Suspending logs when yarding across the stream.
- Prior approval required to cross the stream.
- Prior approval required to remove merchantable trees.

(A summary of the protection requirements and specific criteria to identify influential Class 2 streams are provided on the back of this page)

## Influential Class II Streams



\* If the Class I stream is designated for domestic water use only, then Class II protection is provided.





# MULTNOMAH COUNTY OREGON

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

BOARD OF COUNTY COMMISSIONERS  
GLADYS McCOY • CHAIR OF THE BOARD  
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER  
GARY HANSEN • DISTRICT 2 COMMISSIONER  
RICK BAUMAN • DISTRICT 3 COMMISSIONER  
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

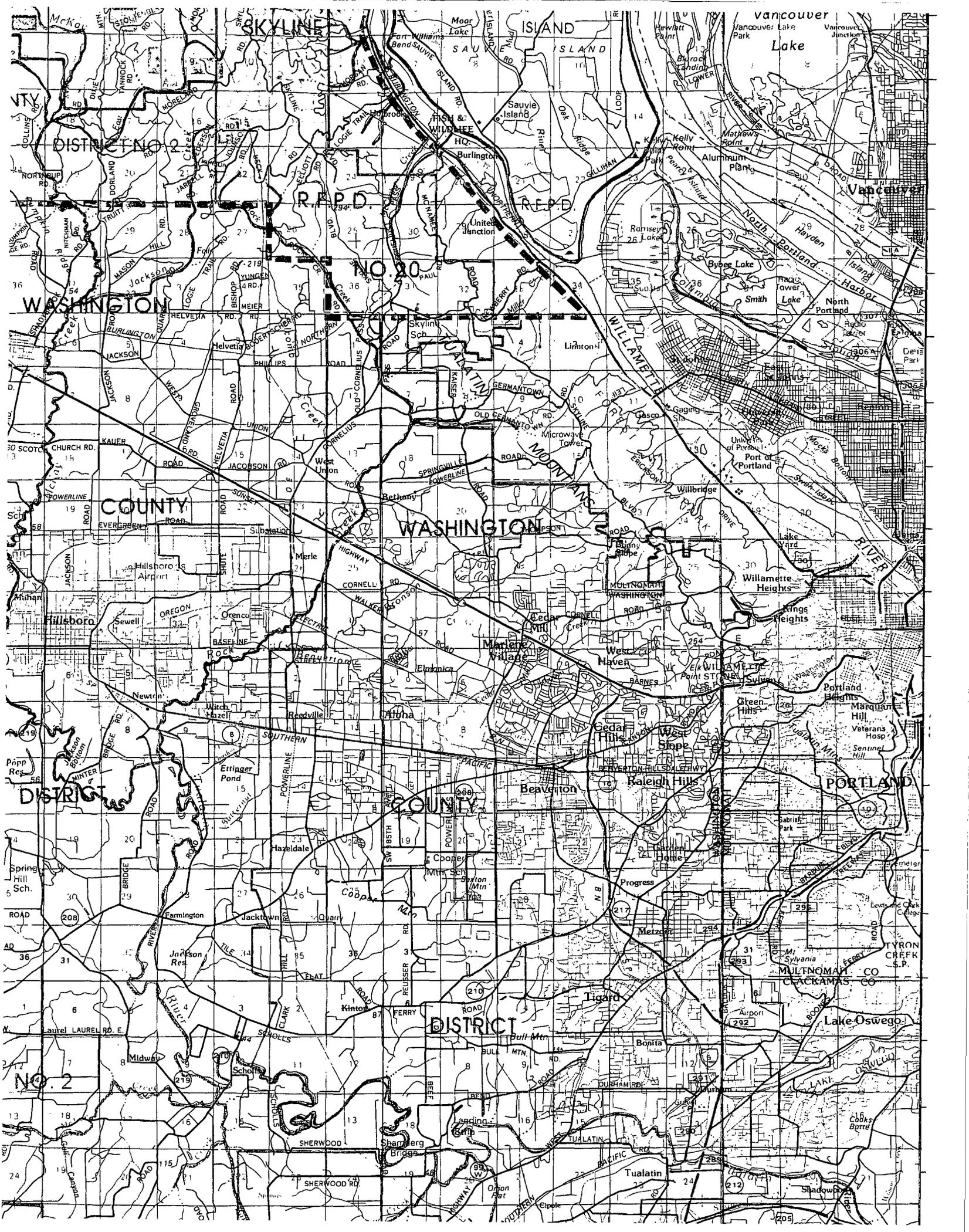
## MEMORANDUM

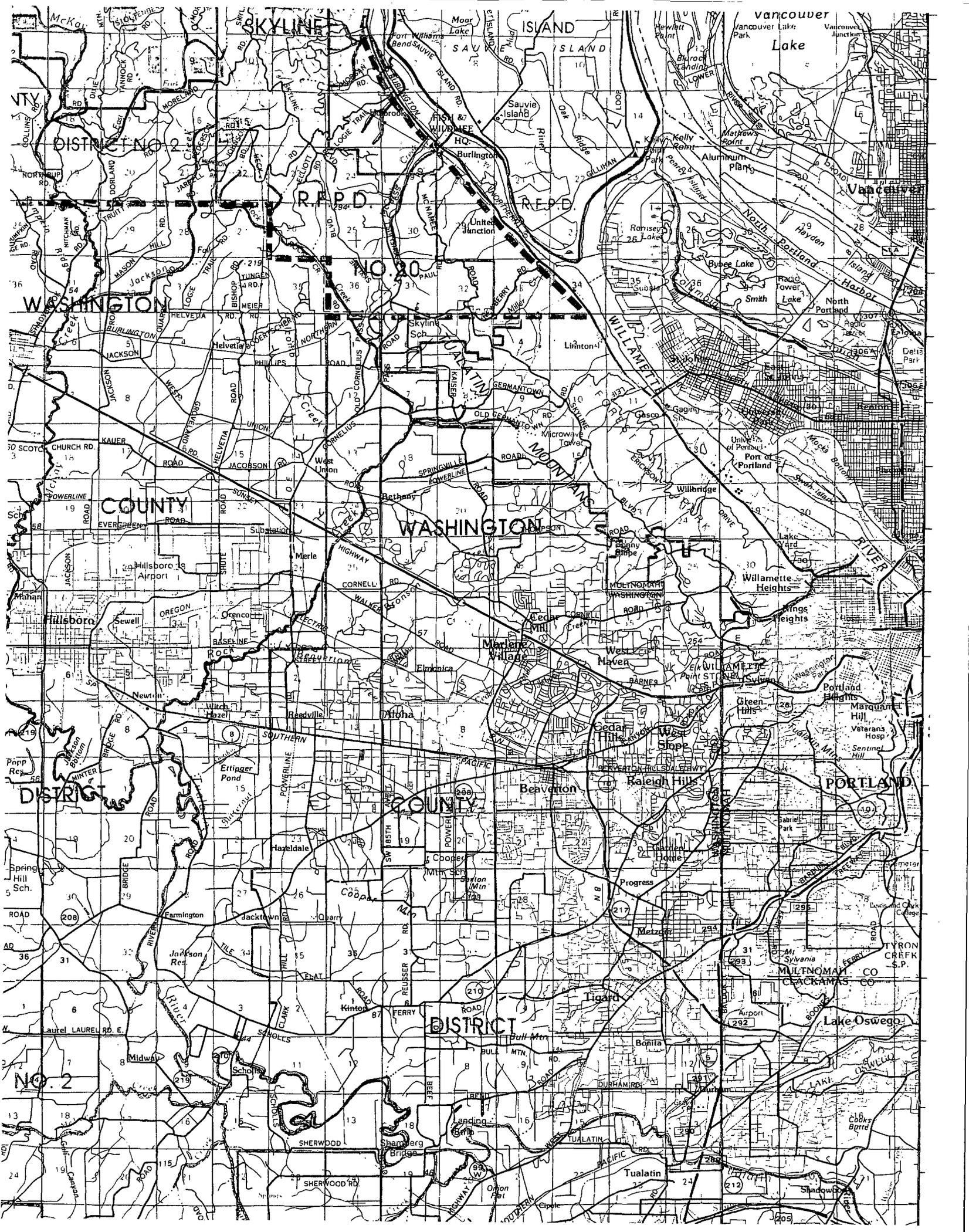
**To:** Board of County Commissioners  
**From:** R. Scott Pemble, Planning Director  
**Date:** August 17, 1992  
**Subject:** Scope of Review for Appeal Hearings  
McKenzie Culvert Application  
(SEC 6-91a and HDP 4-91a)

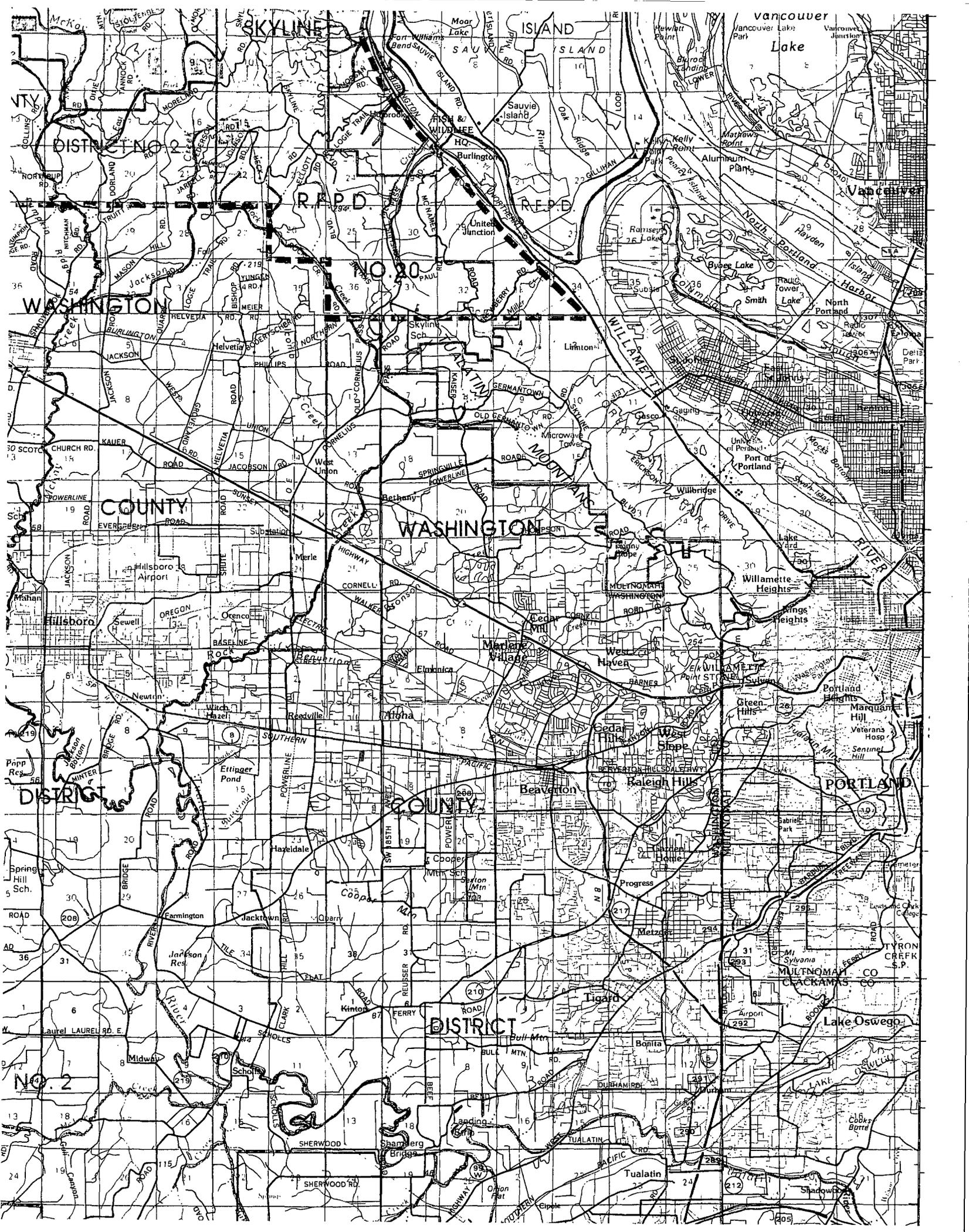
BOARD OF  
COUNTY COMMISSIONERS  
1992 AUG 20 PM 4: 04  
MULTNOMAH COUNTY  
OREGON

The Planning Division recently received new information which directly effects the above cited case. Staff recommends the Board change the Scope of Review to admit relevant evidence on the Department of Forestry classification of the Thompson Fork of Balch Creek. The Oregon Department of Forestry has recently submitted evidence which indicates the Thompson Fork of Balch Creek is not a Class I stream. This determination precludes the applicant's need to acquire an SEC approval for the development of his property.

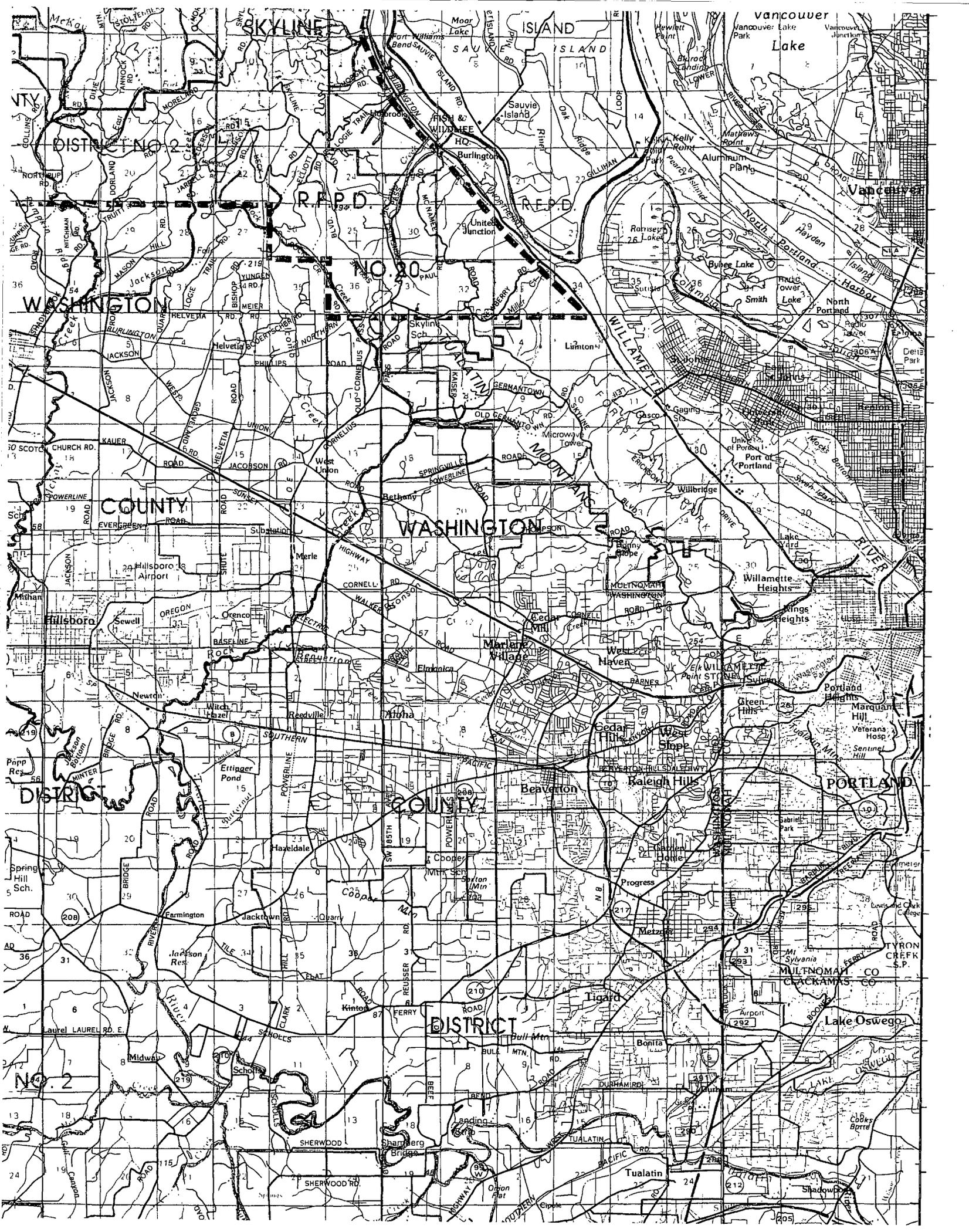
The Board has scheduled a September 22, 1992 public hearing to consider a Notice of Review (appeal) of the Hearings Officer Decision on the applicant's SEC 6-91a permit. The Board set the Scope of Review to "On The Record". The Planning Staff is recommending the Board hold a hearing on August 25, 1992 to consider changing Scope of Review of the September 22nd hearing to "On The Record Plus Additional Testimony and Evidence". The Board should allow discussion at the September 22, 1992 hearing concerning the stream classification. At the August 25, 1992 hearing, all parties to the Hearings Officer hearing should be allowed to debate the proposed change to the Scope of Review.











OWNERSHIP MAP

*Planning*  
*8-25-92*  
*P-10*  
*Handout #1*



August 10, 1992

Dan McKenzie  
c/o Torrington Company  
1 Bellevue Building, Suite 205  
Bellevue, WA 98005

Dear Dan:

Subject:

On August 4, 1992, a fish habitat survey was conducted on the reach of Thompson Creek (tributary to Bulch Creek in Portland) that runs through your property to determine if it contains significant fish habitat. This section of the creek is approximately 60 feet in length with an average width of 2 feet and a gradient of about one percent. The depth of the water averaged less than 0.5 inch. The banks, soil covered with grasses, horsetails, and morning glories are not very stable. There is no instream cover and very little bank cover (some overhanging grasses and one undercut bank).

Within the study reach are two small pools, one directly below your culvert and another 15 feet further downstream. Their dimensions are 10 feet by 3 feet by 9 inches deep and 3 feet by 2 feet by 6 inches deep, respectively. The substrate in these pools consisted primarily of mud and sand (>75%) with some gravel and cobble. The remainder of this section consisted of riffles and glides. The substrate in these areas was gravel and small cobble imbedded in mud and sand. The two small pools were sampled for fish but none were observed or captured. Crayfish, dragonfly and mayfly larvae, and a few midges were identified in the pools. The riffle and glide areas were not sampled for fish because, with water depths of 1/2 inch or less, it was obvious that they could not survive there.

With the permission of your neighbors, a larger stretch of Thompson Creek was surveyed to get a better overall impression of the fish habitat available. Just downstream from your property there is a culvert with an outfall drop of 4 feet into a pool only 16 inches deep. This is an impassable barrier to fish. Mrs. Miller, a resident of the area for the past 35 years, said she has never seen any fish in Thompson Creek. Likewise, your upstream neighbor, a local resident for the past 15 years, has also never seen any fish in

Dan McKenzie  
Page 2  
August 10, 1992

the creek.

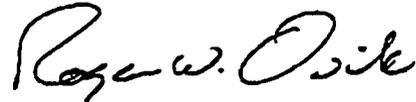
Enclosed are some photographs taken of Thompson Creek to illustrate the available aquatic habitat on your property. To support resident fish, a stream should include habitat for spawning, egg incubation, juveniles rearing, and adult holding. Observations of the study area indicate that it does not contain any of these habitat attributes, even during high winter flows. It is highly improbable that any native fish use this section of Thompson Creek. It is our professional opinion that the section of Thompson Creek that flows through your property contains no significant fish habitat.

Sincerely,

CH2M HILL



Karen Janssen  
Environmental Scientist



Roger W. Ovink  
Fisheries Biologist

1/1

**PLEASE PRINT LEGIBLY!**

MEETING DATE 8-25-92

NAME DALE BURKHOLDER

ADDRESS P.O. Box 23

STREET Corbett Oregon

CITY 97019 ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # P-11

SUPPORT \_\_\_\_\_ OPPOSE \_\_\_\_\_

**SUBMIT TO BOARD CLERK**

*Represents Applicant*



Meeting Date: August 25, 1992

Agenda No.: P-11

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: CU 11-92 - Public Hearing

BCC Informal \_\_\_\_\_ (date) BCC Formal August 25, 1992 (date)

DEPARTMENT DES DIVISION Planning

CONTACT Sharon Cowley TELEPHONE 2610

PERSON(S) MAKING PRESENTATION Bob Hall

ACTION REQUESTED:

INFORMATIONAL ONLY  POLICY DIRECTION  APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 30 Minutes

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

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

CU 11-92 Review the Decision of the Hearings Officer of July 6, 1992, approving, subject to conditions, development of this 7.80-acre Lot of Record with a non-resource related single family dwelling, for property located at 43640 East Larch Mountain Road.

This Decision has been appealed by the applicant

The Board has set the public hearing On The Record Plus Additional Testimony, with additional testimony to be restricted to the physical constraints of the site relative to the placement of the dwelling, 10 Minutes (If space is inadequate, please use other side) per side

SIGNATURES:

ELECTED OFFICIAL \_\_\_\_\_

Or

DEPARTMENT MANAGER *[Signature]*

(All accompanying documents must have required signature)

BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY OREGON  
1992 AUG 18 AM 11:29



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

## **Decision**

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

**July 6, 1992**

**CU 11-92, #792**

### **Conditional Use Request (Non-Resource Related Single Family Dwelling)**

Applicant requests Conditional Use approval for a non-resource related single family dwelling on this 7.80 acre Lot of Record in the MUF-19 zoning district..

**Location:** 43640 E. Larch Mountain Road

**Legal:** Tax Lot '24', Section 5, 1S-5E, 1991 Assessor's Map

**Site Size:** 7.80 Acres

**Size Requested:** Same

**Property Owner:** David A. Grey/Jeffrey L. Smith  
P.O. Box 210, Corbett 97019

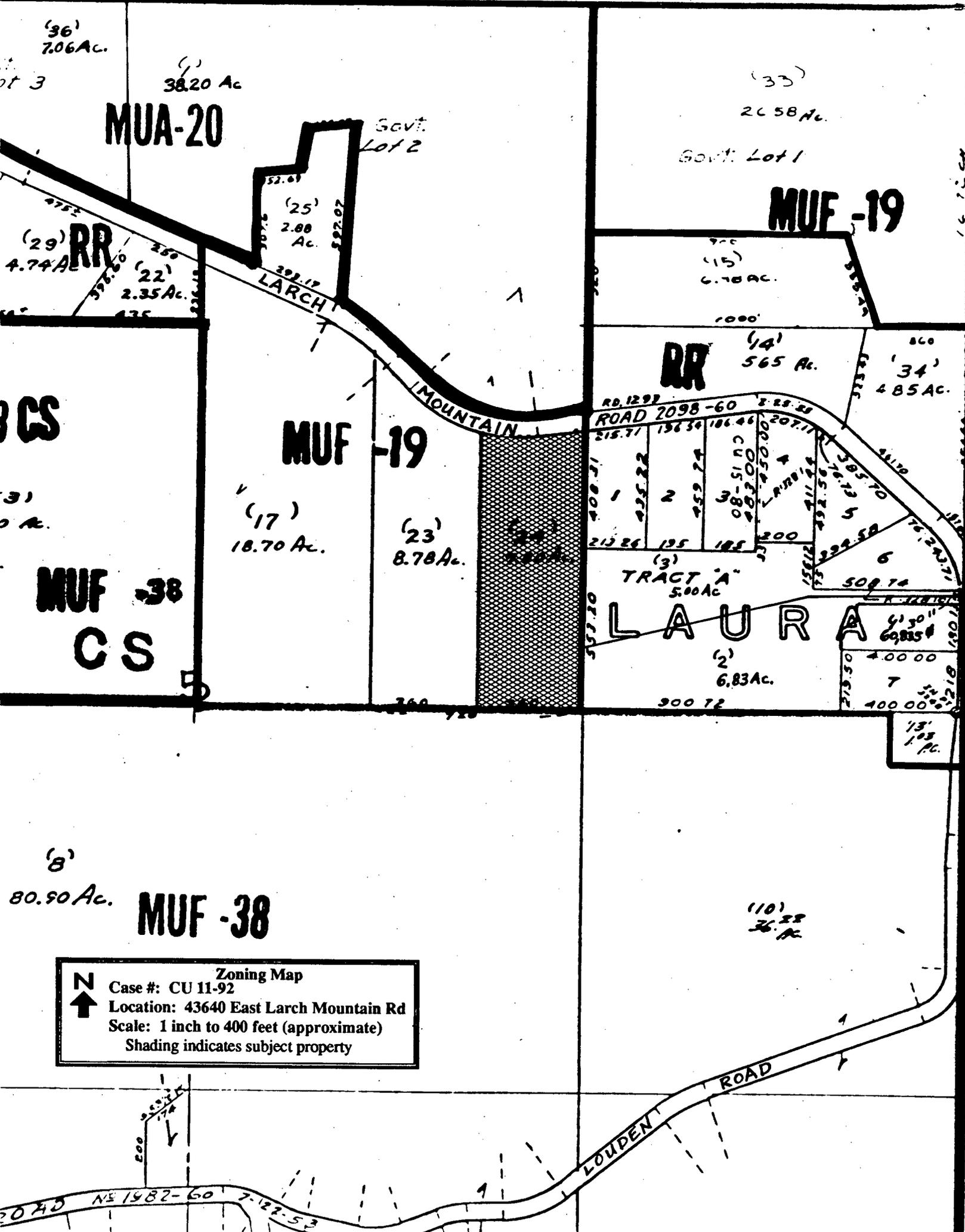
**Applicant:** Same

**Comprehensive Plan:** Multiple Use Forest

**Present Zoning:** MUF-19

**Hearings Officer**

**Decision:** Approve, subject to conditions, development of this 7.80 acre Lot of Record with a non-resource related single family dwelling, based on the following Findings and Conclusion.



**Zoning Map**  
 Case #: CU 11-92  
 Location: 43640 East Larch Mountain Rd  
 Scale: 1 inch to 400 feet (approximate)  
 Shading indicates subject property

(36)  
7.06 Ac.

(1)  
38.20 Ac

**MUA-20**

Govt  
Lot 2

(33)  
26.58 Ac.

Govt Lot 1

**MUF-19**

(29) RR  
4.74 Ac

(22)  
2.35 Ac.

(25)  
2.88 Ac.

LARCH

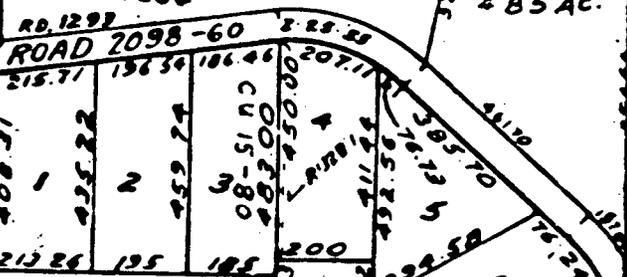
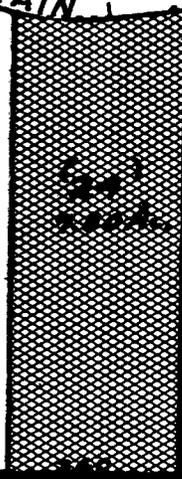
RR  
565 Ac.

(34)  
4.85 Ac.

**MUF-19**

(17)  
18.70 Ac.

(23)  
8.78 Ac.



**MUF-38**  
**CS**

(8)  
80.90 Ac.

**MUF-38**

(10)  
36.22 Ac.

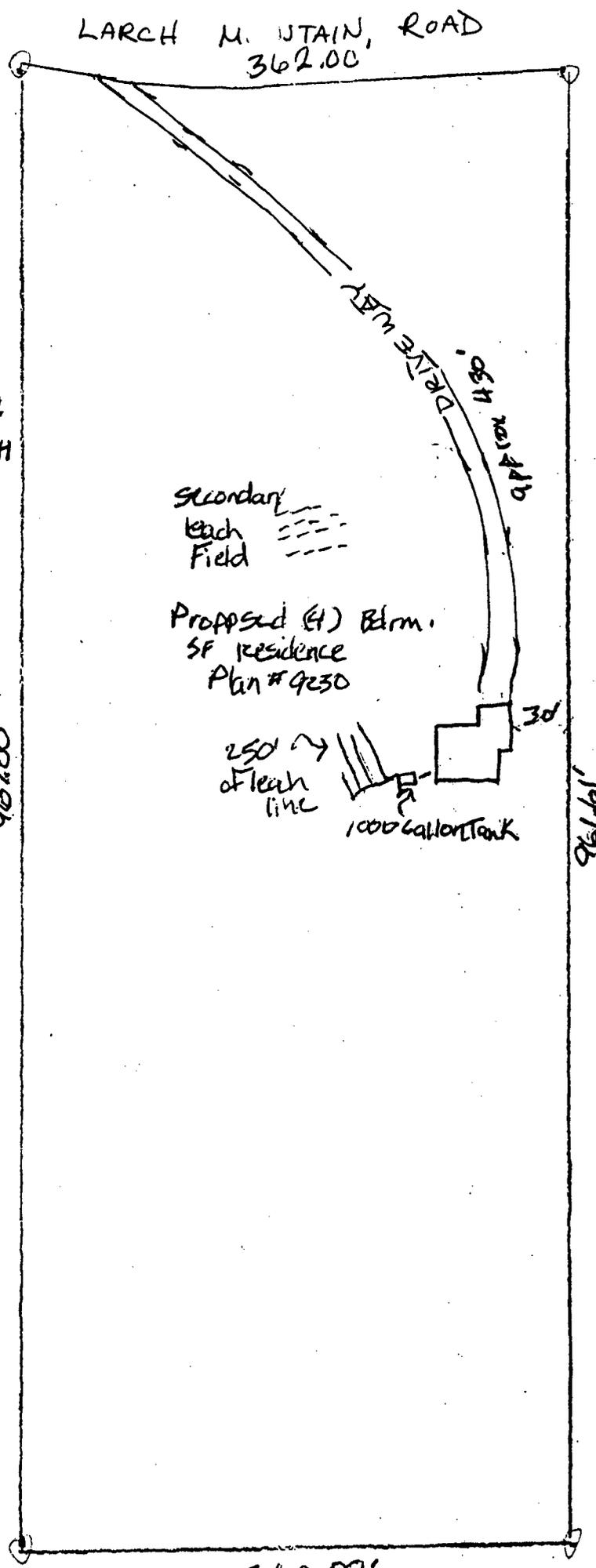
LOUDEN ROAD

ROAD NE 1482-60 7-127-53

# Plot Plan

SCALE 1" = 100'

FUTURE RESIDENCE FOR:  
DEAN AND CLAUDIA AUFMUTH  
TAX LOT 24 S.5, T.15, R.5E  
R 99505-0240  
MULTNOMAH COUNTY,  
OREGON



## 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(C)(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 Larch Mountain Road.
3. Prior to any site clearing or grading, obtain a *Hillside Development and Erosion Control Permit* pursuant to MCC .6700-6730, if applicable. Contact Mark Hess at 248-3043 for application materials.
4. The final site plan shall demonstrate compliance with the Residential Use Development Standards of MCC .2194.
5. The front of the dwelling shall be located no farther than 50 feet from the Larch Mt. Road right-of-way.
6. The building shall be set back at least 100 feet from both the east and west property lines.

## FINDINGS OF FACT:

### 1. Applicant's Proposal:

The applicant requests Hearings Officer approval to develop the above described 7.80 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 [MCC .2172(C)] 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 7.80 acres located on the south side of E. Larch Mountain Road one-quarter of a mile westerly of its intersection with Louden Road. The property 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 nearly two acres to over 80 acres in size. Most of the lots along Larch Mountain Road are developed with rural residences. The property is bordered on the east by a subdivided area zoned Rural Residential, and another Rural Residential area is located two lots removed to the west. Those two intervening properties are undersized lots designated MUF-19 and each developed with a single family residence.

The tentative site plan indicates compliance with the Residential Location Standards of the MUF zone. Condition #4 insures that all standards will be met before any development permits are issued on the property. Water will be provided by Corbett Water District, and the property has been tested for subsurface sewage disposal. Telephone and power facilities are available along the Larch Mountain Road frontage.

### **4. Compliance With Ordinance Considerations:**

#### **The Hearings Officer makes the following Findings regarding the Ordinance Approval Criteria of MCC 11.15.2172(C):**

1. The lot size requirement of .2182(A)(2) is met with this 7.80-acre parcel.
2. The land is incapable of sustaining a farm or forest use, in spite of the fact that the property has recently been logged for commercial purposes, because Section (c) by definition establishes a Lot of Record of ten acres or less in size as incapable of sustaining farm or forest use.
3. A dwelling on this site is compatible with the primary uses listed in MCC .2168 on nearby properties because the nearby properties located in the MUF-19 and RR districts are either already occupied by single family residences or are eligible for single family development with-

out further zoning approvals, and with the signing and recording of the acknowledgement required by MCC .2172(C)(5), the single family dwelling will not interfere with the resources or resource management practices or materially alter the stability of the overall land use pattern in the area.

The concern expressed by Sid Kennedy, and Donald and Karen Horn, adjoining property owners, regarding clear cutting in the area appear to be well founded. There do not, however, appear to be any restrictions in the County Zoning Ordinance which would prevent clear cutting. Since the Ordinance defines a Lot of Record of less than ten acres in size as "incapable of sustaining a farm or forest use", there is the inconsistency of on the one hand recognizing the commercial value of the timber and at the same time defining the Lot of Record as nonproductive. This inconsistency, however, does not prevent a dwelling from being established on a qualifying Lot of Record.

The Ordinance prohibits destabilizing the overall land use pattern of the area. Locating a dwelling on an existing Lot of Record does not destabilize the zoning pattern in the area.

Applicable requirements of the Oregon Forest Practices Act (ORS 527.610 et seq), if any, are administered by the State Forester in the Oregon Department of Forestry, not by Multnomah County.

4. The dwelling will not require public services beyond those existing or programmed for the area because adequate services are available in the Larch Mt. Road right-of-way or can be provided on-site.

5. The owner will be required to record the acknowledgement regarding the rights of owners of nearby property to conduct acceptable forestry or farming practices.

6. The residential use development standards of MCC .2194 can be met, as discussed below, provided the approval is properly conditioned.

**The Hearings Officer makes the following Findings regarding the Ordinance Approval Criteria of MCC 11.15.2194:**

- A. The fire safety requirements can be met since the property is large enough to provide the required 30-foot buffer, and water supply is available in the Larch Mt. Road right-of-way.
- B. The applicant proposes a 16-foot wide access drive in compliance with the access requirement.
- C. MCC .2194(C) states:

"The dwelling shall be located in as close proximity to a publicly maintained street as possible, considering the requirements of MCC .2178(B)".

MCC .2178(B) states:

"That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot".

The applicant proposes to locate the house approximately 430 feet from Larch Mt. Road, however, offers no explanation as to why a location in closer proximity to Larch Mt. Road is not possible.

The reason offered by the applicant for the proposed location is only that the proposed location affords the best view. Therefore, the proposed location 430 feet from Larch Mt. Road does not satisfy Subsection (C). If the approval is properly conditioned to require the dwelling to be located closer to the street, this requirement will be met.

- D. The applicant does not claim that physical limitations require a driveway in excess of 500 feet.
- E. Since the Lot of Record of less than ten acres by definition is not capable of sustaining farm and forest practices, the requirement of locating the dwelling on the portion of the lot having the lowest productivity characteristics is satisfied.
- F. Subsection (F) of MCC .2194 requires a setback of at least 200 feet from all property lines whenever possible, except (1) the setback may be reduced to 30 feet for the front yard setback along a public road or (2) the 200-foot setback may be reduced if dwellings located on adjacent lots are at a lesser distance and reducing the setback for the subject site will allow clustering of the dwellings or shared access.

The applicant proposes to locate the dwelling 30 feet from the east property line. No information has been provided by the applicant to indicate that a greater setback cannot be accommodated, although since the lot width is approximately 360 feet, it is obvious that the house cannot be located 200 feet from both the east and the west property lines.

The applicant is not requesting shared access that would require the house to be located closer to a neighboring property line.

Also, the testimony at the public hearing indicates that while there is a home on the neighboring Tax Lot '3' of Tract A, the neighboring Tax Lot '2' of Tract A and the neighboring Lot 1 of the Laura Subdivision are vacant.

There is no information in the record to indicate how far from the property line the house on Tax Lot '3' of Tract A is located. Therefore, since there is only one neighboring house and it is not evident how far from the property line that house is located, the information available in the record does not support a conclusion that the clustering of dwellings would justify a reduction in the 200-foot setback requirement.

The intent of Subsection (F) of MCC .2194 is apparently to provide an adequate buffer of hopefully at least 200 feet whenever a new home is constructed in the MUF district. This requirement recognizes the expectation that residences in this rural zone can generally be separated from the property line to this extent, and consequently from one another. The proposed location 30 feet from the east property line, does not satisfy the intent of Subsection (F).

As indicated above, however, the 200-foot setback requirement applies "wherever possible". In this case, a 200-foot setback from both the east and the west property lines is not possible. The proposed single family use can satisfy the intent of Subsection (F) if the approval is properly conditioned so that the house is located farther from the property line. In this case, it is reasonable to require that the house be set back at least 100 feet from both the east and west property lines, leaving approximately 160 feet within which to locate the house.

If the applicant is correct and the proposed location afford the best view, then this may be an example of where compliance with the Zoning Ordinance requires locating the structure somewhere on the site other than the applicant's most preferred location.

- G. The applicant proposes to comply with the applicable Building Code standards in compliance with Subsection (G).
- H. The dwelling is proposed to be attached to a foundation for which a building permit will be obtained.
- I. The applicant proposes a dwelling of approximately 1,800 square feet, in compliance with the minimum requirement of 600 square feet
- J. The property is located outside of a big game habitat area.

In summary, the proposal as submitted, complies with all of the applicable requirements of MCC .2172, and all of the requirements of MCC .2194, except for Subsections (C) and (F) of .2194. The approval as conditioned herein, however, does satisfy the requirements of Subsections (C) and (F).

#### **5. Hearings Officer's Authority to Attach Conditions.**

MCC 11.15.7115 provides that the approval authority (Hearings Officer) may attach conditions and restrictions to any conditional use approved, including any reasonable conditions, restrictions, or safeguards that would uphold the purpose and intent of the Zoning Ordinance or which would mitigate any adverse effect upon the adjoining properties which may result by reason of the conditional use approved.

#### **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-I9 zoning District.

**IN THE MATTER OF CU 11-92:**

July 6, 1992



By Paul Norr, Hearings Officer

Filed with Clerk of the Board on July 16, 1992

**Appeal to the Board of County Commissioners**

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 4:30 p.m. Monday, July 27, 1992 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

*The Decision in this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, July 28, 1992 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 S.E. Morrison Street  
Portland, Oregon 97214 (503) 248-3043**

**Decision**

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

**July 6, 1992**

**CU 11-92, #792**

**Conditional Use Request  
(Non-Resource Related Single Family Dwelling)**

Applicant requests Conditional Use approval for a non-resource related single family dwelling on this 7.80 acre Lot of Record in the MUF-19 zoning district..

**Location:** 43640 E. Larch Mountain Road

**Legal:** Tax Lot '24', Section 5, 1S-5E, 1991 Assessor's Map

**Site Size:** 7.80 Acres

**Size Requested:** Same

**Property Owner:** David A. Grey/Jeffrey L. Smith  
P.O. Box 210, Corbett 97019

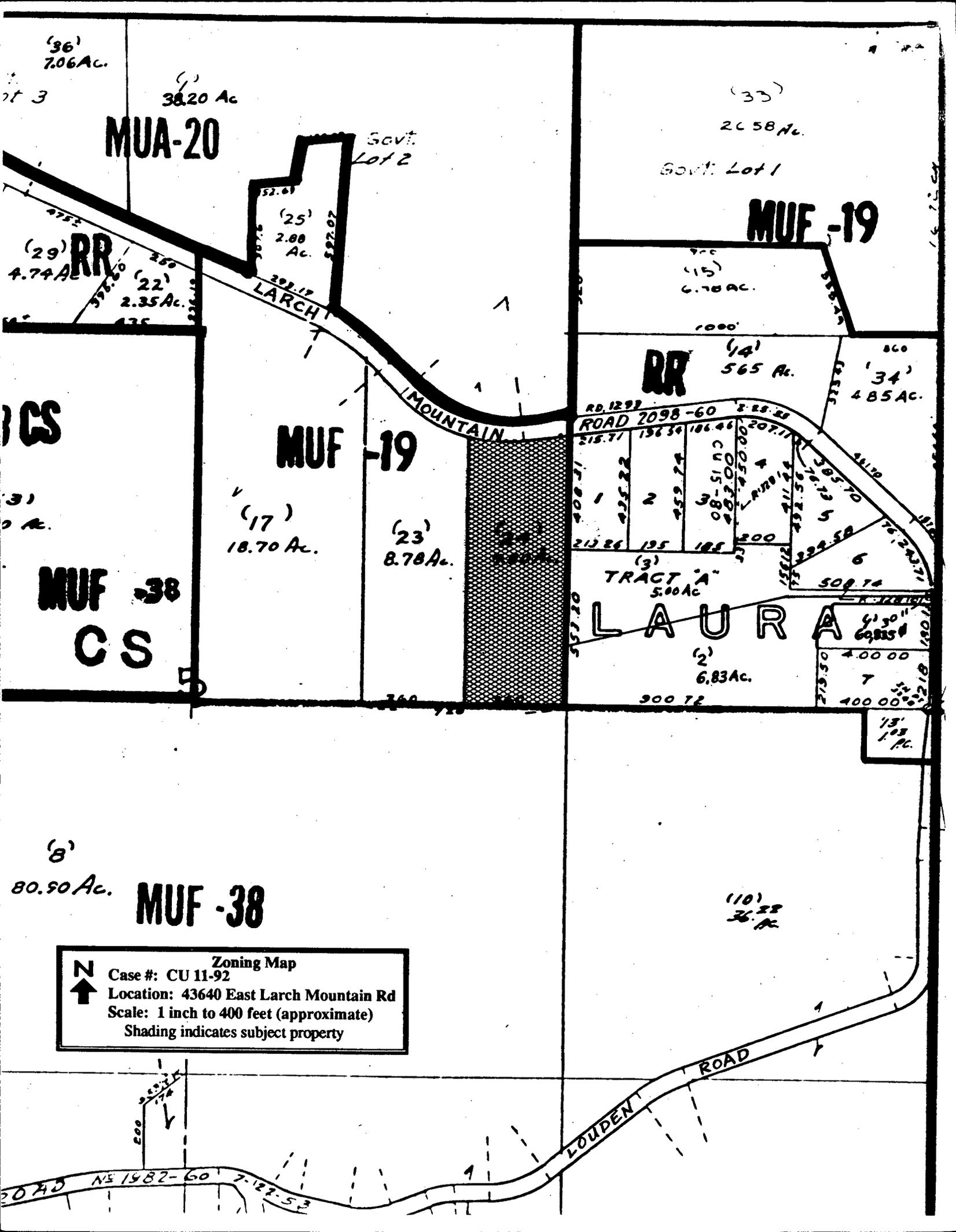
**Applicant:** Same

**Comprehensive Plan:** Multiple Use Forest

**Present Zoning:** MUF-19

**Hearings Officer**

**Decision:** Approve, subject to conditions, development of this 7.80 acre Lot of Record with a non-resource related single family dwelling, based on the following Findings and Conclusion.



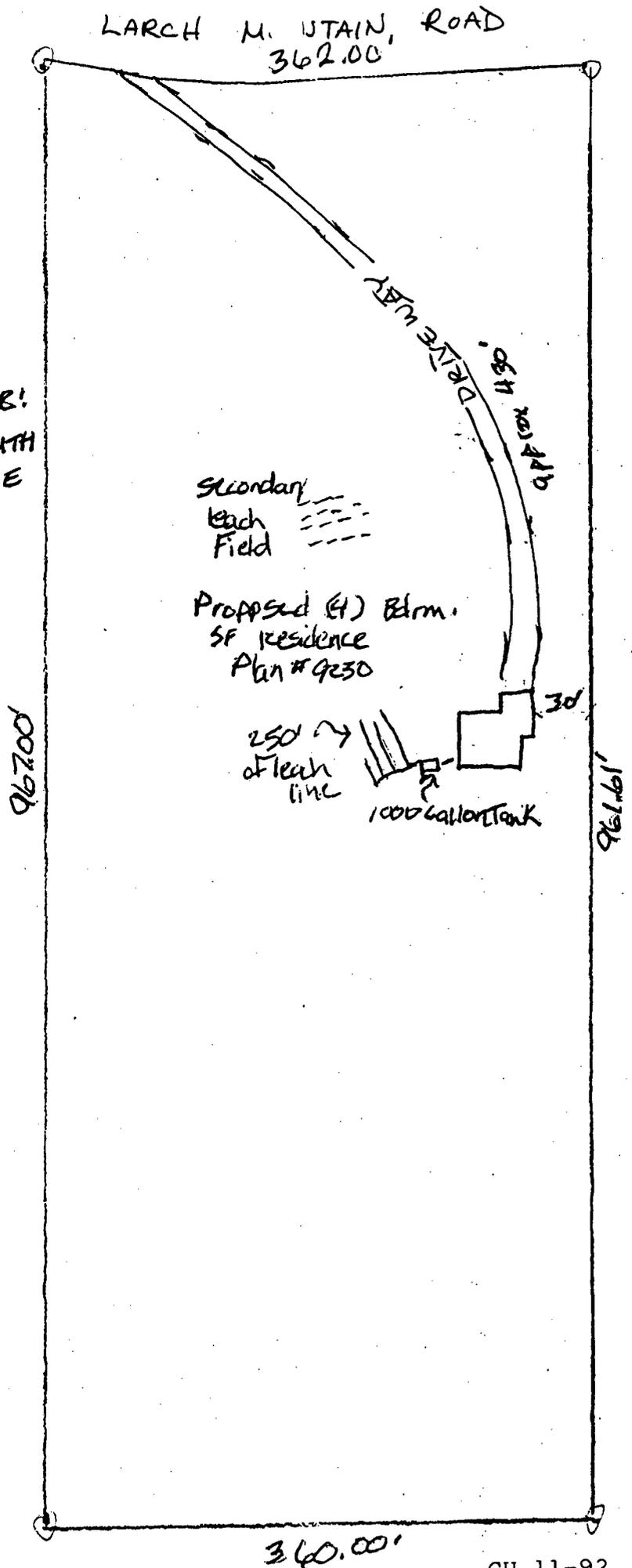
**Zoning Map**  
 Case #: CU 11-92  
 Location: 43640 East Larch Mountain Rd  
 Scale: 1 inch to 400 feet (approximate)  
 Shading indicates subject property



# Plot Plan

SCALE 1" = 100'

FUTURE RESIDENCE FOR:  
DEAN AND CLAUDIA AUFMUTH  
TAX LOT 24 S.5, T.1S, R.5E  
R 99505-0240  
MULTNOMAH COUNTY,  
OREGON



## 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(C)(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 Larch Mountain Road.
3. Prior to any site clearing or grading, obtain a *Hillside Development and Erosion Control Permit* pursuant to MCC .6700-6730, if applicable. Contact Mark Hess at 248-3043 for application materials.
4. The final site plan shall demonstrate compliance with the Residential Use Development Standards of MCC .2194.
5. The front of the dwelling shall be located no farther than 50 feet from the Larch Mt. Road right-of-way.
6. The building shall be set back at least 100 feet from both the east and west property lines.

## FINDINGS OF FACT:

### 1. Applicant's Proposal:

The applicant requests Hearings Officer approval to develop the above described 7.80 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 [MCC .2172(C)] 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 7.80 acres located on the south side of E. Larch Mountain Road one-quarter of a mile westerly of its intersection with Louden Road. The property 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 nearly two acres to over 80 acres in size. Most of the lots along Larch Mountain Road are developed with rural residences. The property is bordered on the east by a subdivided area zoned Rural Residential, and another Rural Residential area is located two lots removed to the west. Those two intervening properties are undersized lots designated MUF-19 and each developed with a single family residence.

The tentative site plan indicates compliance with the Residential Location Standards of the MUF zone. Condition #4 insures that all standards will be met before any development permits are issued on the property. Water will be provided by Corbett Water District, and the property has been tested for subsurface sewage disposal. Telephone and power facilities are available along the Larch Mountain Road frontage.

### **4. Compliance With Ordinance Considerations:**

#### **The Hearings Officer makes the following Findings regarding the Ordinance Approval Criteria of MCC 11.15.2172(C):**

1. The lot size requirement of .2182(A)(2) is met with this 7.80-acre parcel.
2. The land is incapable of sustaining a farm or forest use, in spite of the fact that the property has recently been logged for commercial purposes, because Section (c) by definition establishes a Lot of Record of ten acres or less in size as incapable of sustaining farm or forest use.
3. A dwelling on this site is compatible with the primary uses listed in MCC .2168 on nearby properties because the nearby properties located in the MUF-19 and RR districts are either already occupied by single family residences or are eligible for single family development with-

out further zoning approvals, and with the signing and recording of the acknowledgement required by MCC .2172(C)(5), the single family dwelling will not interfere with the resources or resource management practices or materially alter the stability of the overall land use pattern in the area.

The concern expressed by Sid Kennedy, and Donald and Karen Horn, adjoining property owners, regarding clear cutting in the area appear to be well founded. There do not, however, appear to be any restrictions in the County Zoning Ordinance which would prevent clear cutting. Since the Ordinance defines a Lot of Record of less than ten acres in size as "incapable of sustaining a farm or forest use", there is the inconsistency of on the one hand recognizing the commercial value of the timber and at the same time defining the Lot of Record as nonproductive. This inconsistency, however, does not prevent a dwelling from being established on a qualifying Lot of Record.

The Ordinance prohibits destabilizing the overall land use pattern of the area. Locating a dwelling on an existing Lot of Record does not destabilize the zoning pattern in the area.

Applicable requirements of the Oregon Forest Practices Act (ORS 527.610 et seq), if any, are administered by the State Forester in the Oregon Department of Forestry, not by Multnomah County.

4. The dwelling will not require public services beyond those existing or programmed for the area because adequate services are available in the Larch Mt. Road right-of-way or can be provided on-site.

5. The owner will be required to record the acknowledgement regarding the rights of owners of nearby property to conduct acceptable forestry or farming practices.

6. The residential use development standards of MCC .2194 can be met, as discussed below, provided the approval is properly conditioned.

**The Hearings Officer makes the following Findings regarding the Ordinance Approval Criteria of MCC 11.15.2194:**

- A. The fire safety requirements can be met since the property is large enough to provide the required 30-foot buffer, and water supply is available in the Larch Mt. Road right-of-way.
- B. The applicant proposes a 16-foot wide access drive in compliance with the access requirement.
- C. MCC .2194(C) states:

"The dwelling shall be located in as close proximity to a publicly maintained street as possible, considering the requirements of MCC .2178(B)".

MCC .2178(B) states:

"That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot".

The applicant proposes to locate the house approximately 430 feet from Larch Mt. Road, however, offers no explanation as to why a location in closer proximity to Larch Mt. Road is not possible.

The reason offered by the applicant for the proposed location is only that the proposed location affords the best view., Therefore, the proposed location 430 feet from Larch Mt. Road does not satisfy Subsection (C). If the approval is properly conditioned to require the dwelling to be located closer to the street, this requirement will be met.

- D. The applicant does not claim that physical limitations require a driveway in excess of 500 feet.
- E. Since the Lot of Record of less than ten acres by definition is not capable of sustaining farm and forest practices, the requirement of locating the dwelling on the portion of the lot having the lowest productivity characteristics is satisfied.
- F. Subsection (F) of MCC .2194 requires a setback of at least 200 feet from all property lines whenever possible, except (1) the setback may be reduced to 30 feet for the front yard setback along a public road or (2) the 200-foot setback may be reduced if dwellings located on adjacent lots are at a lesser distance and reducing the setback for the subject site will allow clustering of the dwellings or shared access.

The applicant proposes to locate the dwelling 30 feet from the east property line. No information has been provided by the applicant to indicate that a greater setback cannot be accommodated, although since the lot width is approximately 360 feet, it is obvious that the house cannot be located 200 feet from both the east and the west property lines.

The applicant is not requesting shared access that would require the house to be located closer to a neighboring property line,.

Also, the testimony at the public hearing indicates that while there is a home on the neighboring Tax Lot '3' of Tract A, the neighboring Tax Lot '2' of Tract A and the neighboring Lot 1 of the Laura Subdivision are vacant.

There is no information in the record to indicate how far from the property line the house on Tax Lot '3' of Tract A is located. Therefore, since there is only one neighboring house and it is not evident how far from the property line that house is located, the information available in the record does not support a conclusion that the clustering of dwellings would justify a reduction in the 200-foot setback requirement.

The intent of Subsection (F) of MCC .2194 is apparently to provide an adequate buffer of hopefully at least 200 feet whenever a new home is constructed in the MUF district. This requirement recognizes the expectation that residences in this rural zone can generally be separated from the property line to this extent, and consequently from one another. The proposed location 30 feet from the east property line, does not satisfy the intent of Subsection (F).

As indicated above, however, the 200-foot setback requirement applies "wherever possible". In this case, a 200-foot setback from both the east and the west property lines is not possible. The proposed single family use can satisfy the intent of Subsection (F) if the approval is properly conditioned so that the house is located farther from the property line. In this case, it is reasonable to require that the house be set back at least 100 feet from both the east and west property lines, leaving approximately 160 feet within which to locate the house.

If the applicant is correct and the proposed location afford the best view, then this may be an example of where compliance with the Zoning Ordinance requires locating the structure somewhere on the site other than the applicant's most preferred location.

- G. The applicant proposes to comply with the applicable Building Code standards in compliance with Subsection (G).
- H. The dwelling is proposed to be attached to a foundation for which a building permit will be obtained.
- I. The applicant proposes a dwelling of approximately 1,800 square feet, in compliance with the minimum requirement of 600 square feet
- J. The property is located outside of a big game habitat area.

In summary, the proposal as submitted, complies with all of the applicable requirements of MCC .2172, and all of the requirements of MCC .2194, except for Subsections (C) and (F) of .2194. The approval as conditioned herein, however, does satisfy the requirements of Subsections (C) and (F).

#### **5. Hearings Officer's Authority to Attach Conditions.**

MCC 11.15.7115 provides that the approval authority (Hearings Officer) may attach conditions and restrictions to any conditional use approved, including any reasonable conditions, restrictions, or safeguards that would uphold the purpose and intent of the Zoning Ordinance or which would mitigate any adverse effect upon the adjoining properties which may result by reason of the conditional use approved.

#### **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-I9 zoning District.

**IN THE MATTER OF CU 11-92:**

July 6, 1992



By Paul Norr, Hearings Officer

Filed with Clerk of the Board on July 16, 1992

**Appeal to the Board of County Commissioners**

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 4:30 p.m. Monday, July 27, 1992 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

*The Decision in this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, July 28, 1992 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development at 248-3043.*



# MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
ROOM 606, COUNTY COURTHOUSE  
1021 S.W. FOURTH AVENUE  
PORTLAND, OREGON 97204

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

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Date: 8/25/92      Time: 9:30 a.m.      Place: Room 602, Multnomah County Courthouse,

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## CU 11-92 Public Hearing - On the Record Plus Additional Evidence

Review the Decision of the Hearings Officer of July 6, 1992, approving, subject to conditions, a conditional use to allow for a non-resource related single family dwelling on a 7.80 acre Lot of Record in the MUF zoning district located at 43640 East Larch Mountain Road. The applicant desires to change certain conditions made part of the Hearings Officer decision which pertain to the placement of the non-resource dwelling.

**Scope of Review :** On the Record plus Additional Evidence. The existing record includes all facts, evidence, and arguments introduced at the July 7, 1992 hearing and included in the decision. Persons desiring to add new evidence to the record shall do so by submitting written documents to the Multnomah County Planning Division (2115 S.E. Morrison Street, Portland, Oregon 97214) by the close of business (4:30 p.m.) on August 7, 1992. New evidence shall be limited to those facts pertaining to physical constraints that will restrict the placement of a non-resource dwelling on the subject lot. Moreover, persons desiring to rebut new evidence may do so by submitting written argument(s) to the Multnomah County Planning Division (2115 S.E. Morrison Street, Portland, Oregon 97214) by the close of business (4:30 p.m.) on August 14, 1992. No new evidence, however, will be accepted after 4:30 p.m., August 7, 1992.

**Oral Argument:** At the Hearing, each side (proponents and opponents) will be allocated ten minutes per side to present oral argument(s) to the Board. All oral argument(s) will be restricted to the record compiled as of 4:30 p.m., August 14, 1992 as described in the above instructions.

Att: Mark Hess  
Multnomah County  
Division of Planning

August 7, 1992

RE: Property located at 43678 E Larch Mt. Rd.  
Approved for a conditional use but the building sight  
relocated to an unbuildable location.

Dear sirs,

Please consider the following proposal for location of the single family residence built at 43678 SE larch Mt road. According to the conditional use permit the house should have a fifty foot setback from the road. In addition it should have 100 foot setbacks from each of the east west lot lines. These conditions were stipulated due to opposing testimony during the hearing. Due to the nature of the lot Smith and Grey Homes must appeal this decision in order to build a hose on this lot.

According to the conditional Use permit, Smith and Grey must build the house in compliance with the building code. The building code states that the house cannot be located within 100 feet of a class one stream. In addition the septic system cannot be installed on a 30% grade. Almost all of the lot is a 30-50% grade.

The land lays at the end of Howard Canyon so all of its sides are a steep hill. At the original proposed sight there is an outcropping that has enough flat land to build a home and its supporting septic system. This is the only place that can be built on that is large and flat enough. Granted it may be a good view, however, the house cannot be seen from any other home or the road. This should be considered a good location for maintaining the surrounding environment. To move the house to the location prescribed by the conditional use permit would set the house within 100 feet of a class one stream.

In choosing the location for the house Smith and Grey first considered the building codes, then the muf19 setback requirements. They found the two to be in conflict so they sought a conditional use permit to render the situation of the lot usable. They found what is to be the only buildable sight on the lot. Please find in favor of reestablishing the original building sight as proposed by Smith and Grey.

Received  
8/9/92  
M. Hess

44136 E. Larch Mtn. Rd.  
Corbett, OR 97019  
August 13, 1992

Multnomah County Planning Division  
2115 S.E. Morrison St.  
Portland, OR 97214

RE: Appeal of Hearings Officer decision dated July 6, 1992, by Paul Norr in the matter of CU 11-92 #792

We are writing in support of the Hearings Officer Paul Norr's findings of July 6, 1992, and in opposition to Smith and Grey Homes' appeal of that decision. We are Donald and Karen Horn and reside at 44136 E. Larch Mtn. Rd. (Tract A, Lot 3 of Laura on your zoning map). The west side of our property shares a common boundary with the lot under discussion. We have previously submitted evidence regarding this matter in a letter dated June 27, 1992, to the Division of Planning and Development.

We are opposed to the building of a residential structure at the site requested by Smith and Grey Homes. For a house to be built there would be in clear violation of the rules governing residential structures built within MUF-19 zoning districts. The specifics of which are delineated in our previous letter and affirmed in Hearings Officer Norr's decision. In summary, these have to do with the rules locating the residence as near as possible to a publicly maintained street and appropriate set backs from adjacent properties.

Smith and Grey Homes' approach to requesting approval of this building site appears backward to us. In their initial application they clearly operated from the premise that there was no reason why not to build a home at their proposed location. They failed to present any evidence to the Hearings Officer why a building site could not be located within the parameters established for MUF-19 residential dwellings. In their appeal Smith and Grey Homes now appears to be attempting to make the facts fit their desire to locate the proposed structure in the most ideal building site. What they fail to do is produce any substantive evidence corroborating the facts they believe to be true. It is our understanding that the responsibility is theirs to produce appropriate testimony from appropriate sources that what they believe to be true is in fact accurate. Below let us delineate what we believe to be a misrepresentation or purely conjecture on their part.

1. In their initial written application they identify the building of a driveway some 430 feet in length. (This conveniently fits in the under 500 foot length requirement not requiring them to produce additional evidence of why a drive in excess of 500 feet would be necessary.) The fact is that the driveway and utilities that are already installed run more like 650 feet in length. Specifically, the house site is located 85 feet further south from the northwest corner of Laura Tract A, parcel 3. This corner is 408 feet from Larch Mtn. Road. These two dimensions alone reach nearly to 500 feet, yet their drive as sketched on their plot plan runs west to east roughly paralleling Larch Mtn. Road before turning south. This adds an estimated 150 additional feet to its length. Making a large issue out of this does not necessarily seem appropriate to us other than to offer potential insight into the manner in which Smith and Grey Homes has approached their request for being granted a conditional use approval.

2. In their original application they also suggest that their proposed building site would allow for the desired "clustering effect". The facts are that their proposed location accomplishes just the opposite, locating the home as far from other homes as is possible. The nearest presently existing home to this lot lies adjacent to Larch Mtn. Road (some 100 feet off the road) in Lot #23 immediately to the west of the lot in question. Therefore, locating a home within the proposed confines of

Hearings Officer Norr's decision much better accomplishes the desired goal of clustering. In speaking with the State Forester and a representative of the Department of Fish and Wildlife, they indicate that it is their understanding that the rationale for clustering is to minimize the impact on wildlife and flora when structures are built in predominantly rural and forested areas. The proposed site clearly thwarts this goal and is in fact located on what was previously a deer trail prior to the area being logged last year. Additionally, clustering assists in fire protection in forested areas where the homes can be most closely located to public roads rather than deep in woods where they both are more difficult to protect and offer a greater opportunity for forest fires to begin there.

3. In Smith and Grey Homes' letter of appeal dated August 7, 1992, they indicate that Mr. Norr's prescribed building site is not possible because it "would set the house within 100 feet of a Class 1 Stream". We find this to be a misrepresentation of the facts as we know them. There is a spring located approximately 200 feet from the road and 150 feet from the eastern boundary. There appear to us multiple potential locations for a house site a satisfactory distance from this spring. Most importantly, however, is the question of whether this spring constitutes a "Class 1 Stream". Smith and Grey Homes offers absolutely no evidence to their contention that it is. Attached you will find a copy of the definition of a Class 1 Stream as defined by the State Forester which is the definition used by the County Planning Division. According to this definition. "Class 1 waters means any portions of streams, lakes or other waters of the state which are significant for: a) domestic use..., b) angling, c) water dependent recreation, d) spawning, rearing or migration of anadromous or game fish." Our knowledge of this spring is that it creates an approximately 1 foot wide, 1 inch deep riverlet of outflow that has no fish population whatsoever and is clearly not appropriate for angling, recreation or domestic use. It is further questionable whether this spring even qualifies for Influential Class 2 waters "which have a significant summer time cooling influence on downstream Class 1 waters". What is significant here is not our layman's understanding of this spring's status within Oregon's stream classification system, but that Smith and Grey Homes has presented no evidence whatsoever that in fact this water is deemed a Class 1 stream.

4. Smith and Grey Homes in their appeal letter further states that "almost all of the land is a 30 to 50 percent grade". We strongly disagree with this characterization of the property. Granted it is hilly and there is at least one grade that may approach 50 percent at the far southern boundary of this parcel. There are many large areas that have a grade significantly less than 30 percent, and, in fact, one virtually flat area approximately 100 to 200 feet in dimension located much closer to Larch Mtn. Road than the proposed building site. We previously identified this as a possible building site in our prior letter. Whether septic system installation would propose a problem is unclear. Hearings Officer Norr's proposed building site area is clearly on a hillside sloping away from Larch Mtn. Road. To locate a house there would require some excavation work or a choice of daylighting the house out on the downhill side. Though not as simple as building a house on a level piece of property, it is clearly doable and is in fact what has occurred with other houses built immediately to the west along Larch Mtn. Road. Smith and Grey Homes implies that this slope is greater than 30 percent, and, therefore, prohibits the installation of a septic system. Again, where is their evidence that this in fact is the case? Where are the topographic maps? The land survey? Or a statement by the County Sanitarian stating that this is not a possible building site? Again, the burden of proof is on them to show why the house cannot be constructed within the confines of MUF zoning restrictions and Mr. Norr's findings.

5. Lastly, Smith and Grey Homes indicates that their proposed building site is desirable because "the house cannot be seen from any other home or the road". This in fact is the case. And it makes it very desirable for those who might live in this home. However, it is based upon the false assumption that the property owners located to the east who have chosen to maintain the natural wooded condition of the area do not use those woods as a place of personal enjoyment in which to appreciate the natural surroundings. The fact is, we do use our woods specifically for this purpose. To have an 1800 square foot house located 30 feet from the back edge of these woods greatly impacts upon our ability to enjoy our property. Perhaps most ironic of all is the fact that what makes Smith

and Grey's proposed building site so attractive has been the fact that their neighbors have chosen not to clear cut their woods as has been done on this parcel. The irony is then that they benefit by our choices and we suffer the consequences of theirs. We hope you will not allow this to occur.

If you choose to grant their appeal, we ask at a minimum that Smith and Grey Homes be required to relocate the building site some 75-100 feet from the eastern property line. We believe there to be more than 250 feet of gently westerly sloping land there in which to locate this home and attached septic system. This would allow a greater buffer between our forested property boundary and their home which would not only be less visually offensive to us, but would further protect our woods and, for that matter, their home from potential fire damage.

In summary, we believe Hearings Officer Norr's decision reflects appropriate application of MUF zoning standards. We further contend that the burden of proof lies upon the appellants to provide substantive evidence why an exception should be made to these standards. We contend they have failed to do so. The Commission cannot rely solely on information provided by the appellants when they so clearly stand to gain from a potential misrepresentation of the facts. Therefore, it is incumbent upon them and should be the expectation of the Commission that whatever evidence they present should be backed by expert testimony and factual documentation removed from any potential conflict of interest. We believe they have failed to do so. We ask then that you deny Smith and Grey's appeal.

Respectfully,



Donald Horn



Karen Horn

SEE ATTACHMENT

RECEIVED

AUG 14 1992

Multnomah County  
Zoning Division



# FPA Rule Changes Update

September 29, 1991

Published by the Forest Practices Section  
Oregon Department of Forestry  
2600 State Street • Salem, Oregon • 97310

# Stream Protection

## ***Current Stream Protection Rules***

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Class 1 streams generally support fish populations or provide domestic water. Other streams that have a definite stream channel or bed are called Class 2 streams.

### ***Class 1 Stream Protection***

If a forest operation is proposed near a Class 1 stream, the operator must submit a written plan to the state forester. The plan must describe the riparian management area (RMA), and outline how the operation will be conducted to protect the Class 1 stream. The Class 1 stream protection requirements are described in *Forest Practices Note #9*.

### ***Class 2 Stream Protection***

Class 2 streams, stream beds and banks are protected during forest operations using general forest practice rules. A written plan is not required when operating near a Class 2 stream.

## ***Additional Stream Protection Rules***

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Class 2 streams that have a direct influence on a Class 1 stream now receive additional protection. These "influential" Class 2 streams are streams that are important to threatened, endangered, sensitive, or game fish. They are also important for water quality because they flow into a Class 1 stream.

Influential Class 2 streams receive this additional protection until the Board of Forestry adopts new stream classes and protection rules in September 1992.

### ***Additional protection includes:***

- Leaving trees for shade and stream structure.
- Leaving vegetation for water quality.
- Suspending logs when yarding across the stream.
- Prior approval required to cross the stream.
- Prior approval required to remove merchantable trees.

(A summary of the protection requirements and specific criteria to identify influential Class 2 streams are provided on the back of this page)

**CRITERIA FOR INFLUENTIAL CLASS II STREAMS**

MEETING ANY ONE OF THE FOLLOWING QUALIFIES AS INFLUENTIAL CLASS II.

1. THREATENED, ENDANGERED, SENSITIVE OR GAME FISH ARE PRESENT AT ANY TIME OF THE YEAR, AND THE STREAM REACH IS NOT CLASS I.
2. EAST OF THE SUMMIT OF THE CASCADES.
  - a) THE STREAM IS PERENNIAL,
  - or
  - b) THE STREAM REACH IS INTERMITTENT, AND IT HAS A DIRECT CONFLUENCE WITH A CLASS I STREAM. THESE REACHES SHALL BE DESIGNATED AS INFLUENTIAL CLASS II FOR A DISTANCE OF 500 FEET UPSTREAM FROM THE CONFLUENCE WITH THE CLASS I.
3. WEST OF THE SUMMIT OF THE CASCADES.
  - a) THE STREAM REACH IS PERENNIAL AND HAS A GRADIENT LESS THAN OR EQUAL TO EIGHT PERCENT (8%).
  - or
  - b) THE STREAM REACH IS PERENNIAL, WITH A GRADIENT OF MORE THAN EIGHT PERCENT (8%) OR INTERMITTENT WITH ANY GRADIENT, AND IT HAS A DIRECT CONFLUENCE WITH A CLASS I STREAM. THESE REACHES SHALL BE DESIGNATED AS INFLUENTIAL CLASS II FOR A DISTANCE OF 500 FEET UPSTREAM FROM THE CONFLUENCE WITH THE CLASS I.

**INFLUENTIAL CLASS II STREAM PROTECTION CRITERIA**

	(a) Buffer (3X stream width, or 25 ft., whichever is greater)	(b) Understory Vegetation Retention	(c) Ground Equipment P.A.	(d) Full Log Suspension over Stream	(e) Stream Crossing P.A.	(f) Tree Removal P.A.
<b>Criteria 1</b>	•75% shade •LCR •Snags (D&D)	✓	✓	✓	✓	✓
<u>Eastside</u> <b>Criteria 2a</b>	•75% shade •LCR •Snags (D&D)	✓	✓	✓	✓	✓
<b>Criteria 2b</b>	•LCR •Snags (D&D)	✓	✓	✓	✓	✓
<u>Westside</u> <b>Criteria 3a</b>	•75% shade •LCR •Snags (D&D)	✓	✓	✓	✓	✓
<b>Criteria 3b</b>	•LCR •Snags (D&D)	✓	✓	✓	✓	✓

P.A. Prior approval required before conducting this activity within the buffer.

LCR Live Conifer Retention: Two live conifers at least 12" DBH per 100' of lineal stream distance must be retained within the buffer on either side of the stream.

D&D All dead trees (snags) and down trees must be left within the buffer.

July 6, 1992

Hall: This is a request for non-resource related residence on a 7.8 acre lot of record in the Multiple Use Forest district, located at 43640 East Larch Mountain Road. Excuse me. The ordinance considerations for such a request are rather straight forward. First of all it must be found that the lot size satisfies the requirements of the MUF district. This property does in that it is a 7.8 acre lot of record. The land must also be found to be incapable of sustaining farm or forest uses. The ordinance definition, since it is a lot of record of less than ten acres it is considered to be incapable of sustaining such uses. It must also be found that the dwelling is compatible with uses in the surrounding area. If you will refer to the map on page two of the staff report the .....

Voice: There are copies of the staff report on the table.  
(Paul Norr) If you don't have a copy there should be in the  
(Hearings Officer) file in the middle. At the top it should say CU-1192. I am sorry Bob.

Hall: The property is the shaded area that you see there on the south side of Larch Mountain Road. The properties immediately to the east of that are the subdivision by the name of Laura consisting of approximately 10 parcels. They are zoned rural residential. Each of those individual parcels by ordinance definition can be allowed to be developed with a single family residence and many of them within that subdivision already are - also on the north side of Larch Mountain Road are some additional properties zoned rural residential and they have developed in such uses. A short distance to the west of the property is another rural residential area that has the same potential and characteristics of the Laura and the property immediately north of Larch Mountain is multiple use agriculture which allows any lot of record to be developed as single family residence. In addition, the two properties to the west on the south side of Larch Mountain Road according to our division's assessment taxation were also developed with single family residences even though they're less than 38 acres required by zone to allow such a residence. So the staff feels that considering the character of that surrounding area that a residence on this 7.8 acre site would be compatible with surrounding uses. Further, it must be found that there are no additional public services that will be demanded by such a request. All necessary services are available on Larch Mountain Road ----- with

the exception of sewer and that will be provided on-site. The applicant must agree to record with the Division of Assessment Taxation, acknowledgement that they will not .... remonstrate against surrounding properties performing normal forest or agricultural practices and lastly it must be found that the residential use development standards of the multiple use forest districts are satisfied. The applicant has submitted responses to those various development standards which the staff feels demonstrates compliance with them. We have also conditioned our recommended approval that the total site plan must in fact satisfy each and all of the standards. In addition we are recommending three other conditions - one being that the recorded copy of the deed restriction be recorded prior to the issuance of any development permits that the owner agree to satisfy any requirement engineering services might have regarding any future improvements on Larch Mountain Road and that if applicable, the Hillside Development and Erosion Control Permit be applied for and approved prior to any development of the property. So, with that the staff is recommending approval subject to the four conditions noted.

Other Voice: Okay can we have the applicant or the applicant's representative have a seat right here and if you would please, give us your name and spell your last name and your address.

Grey: My name is Dean Grey. Grey. Mailing address PO Box 210 Corbett, Oregon 97019.

Other Voice: Okay, this is an opportunity for you to make any comments you want, in particular I would appreciate knowing if you had a chance to read the staff report and have any objections or corrections.

Grey: I have read it and as far as I can see there are no objections and no major comments except as pointed out it is surrounded by developed lots and rural residential and I think that having a home site on that location would comply with the necessities of that area.

Other Voice: Are there any mistakes in the staff report that you have been able to see?

Grey: Not that I am aware of. I haven't located anything.

Other Voice: This is your opportunity to make any other comments

or presentation that you want. If there is anything else that you want to say, you are welcome to.

Grey: Well, I think I concur with the staff, what they say about that it is a good site to have a home. I don't think there is anything more to be said at this point.

Other Voice: Okay, have had a chance to look at the conditions on page four. Do you understand them--?

Grey: Yes.

Other Voice: Alright. If you don't have anything further, then lets see if any of the neighbors have any comments or any questions.

If anyone wants a chance to say anything or ask any questions, now is your opportunity. Yes sir. Just have a seat and make yourself comfortable. The first thing I would like to do is get your name and address.

Kennedy: Sid Kennedy. My mailing address is 11431 NE Klickitak Portland, Oregon 97220. I own the properties 1 and 2 in Laura district which borders the gentleman's property for 43700 is the address. I am not an objectable person but I, the minimum requirement is a two acre lot isn't it for a residence here? I just simply want to find out, now if he builds this house does that eliminate the other 5 acres from being in the -----?

Other Voice: Bob, do you want to respond to that?

Hall: This would allow one residence on the entire 7.8 acres.

Kennedy: He wouldn't have to replant the trees that were logged off it?

Hall: No, this is considered to be a non-resource land. It doesn't prevent him from doing so....

Kennedy: I see. But, he is not required by law to do that.

Hall: That is correct. He is not.

Kennedy: That is my objection, the fact that putting a single house on 7 acres there and he has logged off all 7 acres. Right?

And it just seems to me that that should be, unless

there are gonna be a house every 2 acres, that should be put back into street.

Hall: That is something that we have no ability to require.

Kennedy: Once the zoning goes into effect that supercedes the forest service plan to reseed, replant.

Hall: That property was logged under a permit approved by the Oregon Western Small Timber Forest Act that well could have been a requirement of that permit. Again, as I said, it is nothing that we have the ability to require.

Kennedy: In other words, he can build a house there on the other 5 acres which was timber at one time can just remained slashed-- like it is.

Hall: Well I assume that would grow off into brush or something if left unattended but I guess in answer to your question, yes.

Other Voice: Unless the state required -----.

Other Voice: Not at our level, no.

Hall: Okay, does that answer your question?

Kennedy: Yea, I mean there is no law that requires that he put back the trees that -----?

Hall: No law that nowhere in Multnomah County has as far as I am aware of. If there was a requirement by the state to replant...

Kennedy: I thought there is a federal law that if you blocked off some land, you had to replant within a certain number of years.

Hall: Well, I know there is for certain types of logging. I don't know if that would apply to this tract or not.

Kennedy: What is the difference between logging 1 acre and 50 acres.

Hall: Well, I am not here to try and give advice on what the federal law might be. We are here to consider Multnomah County's consideration. It may be right that there may be requirements that they have to replant and I do know that certain reimbursement programs require replanting within a certain period of time but I can't tell you what the federal

requirements are.

Kennedy: You are telling me that he doesn't have to do that.

Hall: Multnomah County can't force him to replant. What the state can do or what the federal government can do, I----- could look into those if you want.

Other Voice: Maybe I could add, our zoning requirements contain no provisions to require that however, if it is not restored to forest land within and I can't quote the length of time, the property would no longer qualify for forest deferral through assessment taxation. So,....

Kennedy: It doesn't have enough acreage to fall under that provision does it?

Other Voice: I would have to check with an assessor.

Kennedy: I think that 10 acres has to be the minimum for that.

Other Voice: It may well be.

Kennedy: So, he is free to build a house now.

Hall: If approved.

Kennedy: And leave the other 5 acres as they are.

Hall: We cannot require anything through our zoning ordinance with respect to replanting.

Mr. Kennedy was there anything else you wanted to ask?

Kennedy: Well, apparently you can't answer the questions I want to know.

Other Voice: Well, I am sorry I can't answer any questions about what the federal requirements might be. All I can do is attempt to answer your questions about the county requirements in terms of this application for a single family dwelling. I encourage you though to consult with someone who might be able to answer those questions for you within the federal government or a private attorney.

Is there anyone else present who has any questions or comments. Come up and give me your name and address.

Horn: My name is Donald Horn. Myself and my wife Karen live at 44136 East Larch Mountain Road. The west boundary of our property shares common boundary with -----.

Hall?: Okay, I wanna make sure where you are. Are you Tract A?

Horn: We are track A, right there. Yes.

?: 3 of track A.

Horn: If the 3 above track A indicates that, that is correct. Right, that is correct.

?: Approximately 5 acres?

Horn: Exactly 5 acres. First, I would like to ask yourself if you received the letter that my wife and I have sent?

?: I don't believe so.

Horn: I mailed it a week ago.

?: I don't see it.

Horn: Here is a copy of it. Is it addressed correctly?

Silence.....

Other Voice: Do you want to take a minute to summarize your major concerns?

Horn: I guess I will speak in general first and then specifics. Mr. Kennedy has alluded to the concerns about the land particularly in terms that it has been logged and apparently there are not provisions, at least in Multnomah County. Sphere of influence to the fact that land is replanted. I am concerned in a broader sense about the pattern development that I see occurring ----- . And I think that what we are observing, believed to be truth and we may not have all our facts straight on -----at this time. But it appears that this piece of property was held by some owner for a number of years. It was purchased a year or two ago by a fellow by the name of Dan ----- . I believe in turn he sold it you is that correct sir?

Other Voice: It is difficult to pick up on the tape comments of the public floor.

Horn:

That gentleman purchased that property within a short period of time he had logged the entire 7 acres. Then, that property was put up for sale. I called and asked the price. It stayed on the market I believe for better than a year at which time I presume the applicant then made arrangements to purchase the property. He has since requested a permit to build a house on his property in which in turn he would be selling to the eventual owners of this land. I think that pattern of development is what I am concerned about. It appears to me that it is a pattern which was previously heavily wooded, forest with many Douglas Fir, 50 years or older in age, clear cut, clearly for reasons of profit making then in turn the property sold to another person and the developer who is building a house in turn is going to sell that to someone who would eventually live there. I am concerned that the neighborhood that I live in that individual piece by individual piece being developed in this manner first, because people need a place to live but also clearly because people want to make money. The people that I know that live in our area, a rural subdivision on Larch Mountain Road moved to that area simply because they don't want to live in heavily developed suburban area. Our area is quickly changing to this character and that pattern of development is occurring. I don't understand the rationale of why there would be a change in the zoning to ----- build this house, other than I presume because in the staff report, there are other properties immediate areas that have previously been developed like that. If you take a look at where this piece of property is located, it is at the far east end of the powered canyon. Powered canyon is a densley is about 3 miles on the road. It is an area which there are big game, there are small game and wildlife as well. It is picturesque. It is clearly, no matter what the official designation is, it is clearly commercially valuable. There have been a number of lots that have been logged there. That is how it is zoned as I understand your----- reasons for zoning and know you are saying let us change the conditions and use it for something else.

Other Voice:

Well, maybe I can ask you a couple of questions. First maybe by way of explanation. The request isn't to change the zoning. What I am required to do is determine whether the proposal complies with the existing zoning requirements. There are certain requirements that can be met and if you can you are allowed to build a single house on this type of property.

Horn: With that present zoning....

Other Voice: That is what I am trying to do is determine whether the existing requirements ...okay. One is particular lot size requirements and the staff summarized that this is a 7.8 lot of record which ----- ownership ----- . They meet that requirement. One of the requirements is that the the dwelling be compatible with the primary uses in the area. The applicant's -----  
-----.

Horn: Certainly Laura is developed. I would not argue that. It is my understanding because it was zoned rural residential that development is complete. I would assume that's the end of it and I assume -----  
----- is in a different category.

Other Voice: Okay. Let me ask you a few more questions so you can give me some more information. On the other side, we are talking about now tax lot 24..

Horn: Right.

Other Voice: On the other side of that you have tax lot 23, showing 8.78 acres. Do you know what the status of that ----- is?

Horn: That is heavily wooded as well.

Other Voice: Is there a house on it?

Horn: There are a number of houses located along (TAPE ENDS)

Other Voice: That was my next question. ----- also has a house on it, is that correct?

Horn: I don't know the specific boundary lines. I know as you drive up Larch Mountain Rd. you will see a sequence of houses along the road there. That is correct.

Other Voice: What about this shown as 80 acre almost 81 acre parcel behind it, on tax lot 8.

Horn: I suspect that that is what was clear cut and replanted by Longview Fiber, 3 or 4 years ago. I, again don't know the exact boundaries. This piece of property is still wooded somewhat and has been clear cut in the last couple years.

Other Voice: Okay, so that the one that you are pointing is -----

----- shown as tax lot 10, 36.22 acres and that still...

Horn: Primary forest.

Very unclear

Horn: There is not. There is a house across the street from.....

Other Voice: As far as you understand she lives -----

Horn: Yes.

Other Voice: Okay. When I drove by it looked that there was a house across the street.

Okay. As I consider this, is there any particular provisions that the county ordinance that you think .....

Horn: Yes. First I feel it would raise a question and it is I guess an issue of interpretation. In the staff report I understood it is the designated as incapable forest use. Is that actually a designation where someone goes down and takes a look at that property?

Other Voice: It is by ordinance standard. There are a number of standards that would indicate a property to be unsuitable and one of them is it is a lot of record of less than 10 acres.

Other Voice: It is simply by its size. So, even if you could commercially produce on 9 acres, my understanding if you are less than 10 acres and ---- lot of record that by definition.

Other Voice: I accept the definition. I would say that it is simply nonsensical in terms of clearly taking money by --- these properties. The other thing I understood from the report that you gave today was that apparently two properties further to the west, I guess we are talking about the houses here that your were indicating on the map, were developed but not within the requirements of the zoning, did I misunderstand you?

Other Voice: No, what I was saying is that the lots are less than 38 acres required to allow a single family residence outright without any special approval.

Horn: Okay, so they fell in the same kind of category as

this property we discussed.

Other Voice: The one immediately to the west is the, the next one to the west could be developed as what is called a management plan, but since the house is already there it is immaterial.

Horn: So, those things happen prior to?

Other Voice: Prior to what?

Horn: They could be developed with the management plan but since the house

Other Voice: Were not to be currently developed

Horn: That's my next question.

Other Voice: I don't know the specific boundary line. I know as you drive up Larch Mountain you will see a sequence of houses along the road.

Horn: What about this ??? acre house behind you.

Other Voice: I suspect that that was what what was clear cut and replanted by Longview Fibre three or four years ago. I can't identify the exact boundaries. His piece of property is still ??, some of it has been clear cut in the last couple of years.

Horn: The one that you were pointing to is the ???...is your neighbor and 36.22 acres and that is primarily .....Yes.

Other Voice: There is a house across the street, across Laurie ....

Horn: There was a car parked over by the ... across the street... house there.

Other Voice: As I consider this, are there any particular provision that become the ordinance...?

Horn: There is nothing...?

Other Voice: Yes.

Horn: Personally, I would raise a question of whether on it's visual interpretation. ...staff..I understood it has been designated and been capable for it's use. Is that it's actually a designation or someone who goes out and takes a look at the property?

HALL: It is by Ordinance standard. There are a number of standards that would indicate a property as being unsuitable, and one of them is its a Lot of Record of less than 10 acres.

HORN: Simply by its size? Even though you could commercially produce on 9 acres, its my understanding of the Ordinance is that it makes the provision that if you're less than 10 acres and you \_\_\_\_\_ you are considered a Lot of Record. That's my definition.

MAN: Exactly.

HORN: I accept the definition, I'm just saying its nonsensical in terms of if I could clearly make it by farming this property.

The other thing I understood from the report you gave today is that apparently two other properties further to the west were, I guess I'll remark about the houses that we are indicating here on your map, were developed but within the requirements of the zoning. Did I misunderstand you?

HALL: No. What I was saying, is that those lots are less than the 38 acres required to allow a single family residence outright, without any special approval.

HORN: Okay. So they fell under the same kind of category as this property we're discussing?

HALL: The one immediately to the east, west, excuse me, the next one to the west could be developed with what's called a "Management Plan" but since the house is already there that's immaterial.

HORN: So, those things happen prior to ....?

HALL: Prior to what?

HORN: You say it could be developed with a management plan but since the house is there....

HALL: Were it not to be currently developed it could be, yes.

HORN: If the property were vacant now someone could come in and with a Forest Management Plan show how they could commercially operate \_\_\_\_\_ house so that the reason why a house is required to be there is that with the management plan it could qualify for the house. That's because its a large enough in size but one that's less than 10 acres today, by definition the county says its not capable of being a commercially managed so you don't have to... you can't prove that it is \_\_\_\_\_?

MAN: Yes. I made a point of that.

The main question then is whether there are other requirements also.

HORN: Then let me speak to those things I question whether they are meeting the intent as I understand it of some of your rules.

Specifially 6.(C), it reads "Dwelling located close to a publicly maintained street and driveway". From viewing from our property to the proposed location of the house, which I would concur, its a beautiful location for a house to be built, certainly not as close to the street as \_\_\_\_\_. Most of the houses are very close to the street; probably half way between the proposed house site and the street is another location that this house could be built on a level lower piece of land than that's proposed. So, I surely

think it could be built closer to the street and that's what I'm understanding \_\_\_\_\_.

INAUDIBLE. Six B says "physical limitations of the site which require a driveway in excess of 500 feet shall be stated in writing...". I don't think this plot plan accurately represents where that house is planned to be located. Having viewed the proposed site from our property boundary its clear that his proposal situates the house location virtually in the middle of our property. If you add up these numbers, you're over 500 feet.

INAUDIBLE.

I Can see, as I walk through the middle of our property I see the house located, the plans located here, and if you add up where you've got 406 feet, our property is what, 350-some feet, half of that, you're over 500.

NORR: Is their site cleared already?

HORN: Yes. The area has been logged; there's been \_\_\_\_\_; the utility ditch is dug and the water line is in, all indicating to me that that's where they're intending to build the house.

NORR: Okay. What I want to try and do is STATIC you're property runs from \_\_\_\_\_

HORN: Yes.

NORR: Here to here we're looking at Tract A in Laura, Tax Lot '3', and then about the middle of the property \_\_\_\_\_

HORN: Exactly.

NORR: So that's about, I'd say, about two-thirds of the way from Larch Mountain Road. Is that about what you're estimating?

HORN: That would be about my estimate. Which is what, 600 feet?

NORR: We can ask the applicant about that.

HORN: Six B, "the dwelling shall be located on that portion of the lot having the lowest productivity characteristics for the proposed primary use...". Again, I guess it gets it back in the definition of what's productive forest land. That's where some of the big firs were logged off; that property right where that house presently is going to be. So, it clearly was productive land by my language definition.

Six (F), "building setbacks of at least 200 feet shall be maintained from all property lines wherever possible...etc." The proposed plot plan the developer suggested is 30 feet from my common boundary. Again, its a picturesque and attractive place to locate a home, yet whether it meets the requirements you folks have written is my question. I specifically am concerned in that, as I understand 6(A)(1), is a 30-foot fire lane contain forested property and a dwelling? I guess you've got that 30-foot fire lane if you were to go in and \_\_\_\_\_ the limbs off of my property so that they would'nt be overhanging the roof line of his house. Obviously I prefer that doesn't happen but I suppose he may have the right to do that. Either that or I suggest the house be a little bit further than the minimum 30-foot that \_\_\_\_\_.

Lastly I guess I would say that if the house could be built here, if the Commission decides that it would be appropriate to be built here, that it at least be painted or designed in such a way that it blend in with the natural scenery. Prior to the logging we could look into our woods and see forest as far as you could see. Clearly that's changed because of the clear cutting \_\_\_\_\_ . I prefer not to look through our woods and see bright yellow \_\_\_\_\_. INAUDIBLE. I believe that's it.

NORR: Okay. Let's see if we can get some answers \_\_\_\_\_ for you. Mrs. Horn, do you have any questions or comments in addition to those of your husband? Okay.

All right, if you want to have a seat then we'll see if we can .....

Let me ask this, any other members of the public who have come in have any questions or comments for or against the proposed dwelling on Larch Mountain Road? Okay. We'll have the applicant's representative come back up and maybe answer some of these questions. Excuse me.

NORR: Mr. Grey again. One of the questions that Mr. Horn had is whether the drawing showed directly the approximate location of the house. He was saying ours should be about two-thirds of the way back on the piece of property line. Do you have any comment on that?

GREY: To tell you the truth, I don't have a comment on that. I haven't shown the footage myself personally, so.....

NORR: Okay. Do you have any comments in response to his concerns that the application is not compatible with the primary uses in the area?  
\_\_\_\_\_?

GREY: Simply stated, its basically residential areas all the way around. The lot sizes and zoning might vary, but there's still homes everywhere, you know, to the east and west and north. I don't see where it doesn't comply.

NORR: What about the 30-foot fire lane? Any comments about that?

GREY: On, it has a 30-foot fire lane moving, you know, 5-feet one way or the other. I mean, that could be done. I don't know that its going to make a big difference unless we move it several feet, and then the way that lays we would be going down the hill, and it wouldn't, you just couldn't build there.

NORR: Am I correct in understanding that those properties slope generally to Larch Mountain Road, down into the valley?

GREY: What it does is it goes down and then there's a little-like finger or whatever that comes back up where the house is planned to be built and then it slopes back down again.

NORR: So, \_\_\_\_\_ kind of slopes down and then comes up and then goes back down?

GREY: Right. What he was talking earlier about having it built back up a ways, that's down, there's a small area down at the bottom of the driveway, about the middle of the driveway, where you may or may not be easily able to build a house there. Check it out, but I think you would incur some drainage problems as far as ....

NORR: Okay. What would happen if the location of the house were moved more towards the center of the site?

GREY: You would be going down the hill.

NORR: Because it slopes down there?

GREY: Right. It slopes down to the west and to the south.

NORR: Okay. Anything else you want to say in response to anything...? I'm sorry. Do you have any particular plans to replant any of these forest areas?

MAN: I haven't been told of anything and, as representative, I don't know for sure. I did want to say just simply that the house we're building is not going to be one that is going to detract from the surrounding scenery; it won't be painted pink or anything like that. It will be something that will blend in with the natural environment.

NORR: You don't know if there's any particular plan selected or anything?

MAN: As far as I know there isn't. No, I know they usually \_\_\_\_\_ and they're going with lighter colors as beige. More colors like that.

NORR: Okay. Is this being built as a spec house or...?

MAN: No, Jim is an owner. Jim and Claudia are intending to....

NORR: They're designing a house they want to live in?

MAN: Well, actually the house is chosen and already designed. Its just a matter of getting the approval here and continuing on.

NORR: I guess I'm trying to understand \_\_\_\_\_

MAN: Correct.

NORR: Anything else you want to say?

MAN: Not at this time.

NORR: Bob, anything further you have, any comments on the requirements that the house be located as close as possible to the street?

HALL: Well, that's always been a little confusing. It says as close to the street as possible and then it goes on to say if its more than 500-foot you need to indicate in writing why, and Staff has always looked at it as long as its within that 500-feet it satisfies that requirement. This is the first time I guess that issue has been raised with that \_\_\_\_\_. If there is a concern about the color or the types of materials and texture of those materials of the building, it might be possible that a Design Review condition be added.

With respect to the 30-foot fire lane, a person can only be required to provide that on their own property, and if surrounding properties invade that fire lane, again, we have no way of providing for maintenance on adjacent property.

With respect to the productivity, the gentleman was correct. Again, by Ordinance definition a property is unsuited for farm or forest, or considered to be unsuited for farm or forest practices, therefore the entire site is considered to be, have equal low productivity.

NORR: What about the requirement that the building be set back at least 200 feet, when possible, but the site has a little under 400 feet, about 360 feet approximately, and we have not \_\_\_\_\_ a setback 200 feet from \_\_\_\_\_?

HALL: The applicant responded to that as per that particular standard that lesser setbacks may be allowed if, to allow for some clustering with adjacent properties. And, his response was that a lesser distance with respect to the easterly property line would allow clustering with the residences in \_\_\_\_\_.

NORR: About like one of those standards were to promote to the general benefit, the idea cluster the house so that more of the forest area remains undeveloped and puts them closer to the neighbor's property and the forest has already been taken out on that property.

Okay. Anything further from anybody else? Mr. Horn, did you have a question?

HORN: Spoken away from the microphone.

NORR: Okay. You have to come up here and then we'll wrap up.

HORN: I guess I wanted to raise a question about the description of this whole general area, as you show on your map. Larch Mountain goes up; Louden goes down. But there a lot of houses I would not disagree along this roadway and down Louden. The corridor that goes to the valley and Howard Canyon is not developed. To my knowledge only one house anywhere along this three mile stretch sits back down in the valley. Just allowing this house to be built where its going to be will be the first in that regard. That's why I raise the question why, like other houses, it can't be \_\_\_\_\_. Obviously it would not be as attractive in terms of \_\_\_\_\_. Clearly my motivation is not to look at the back of the house.

NORR: Anything further? Okay, then. What I'd like to do then is close the record on this case rather than making a decision this afternoon I'll make a decision within the time limits provided for me, but the record in this matter is closed.

Okay. Those of you who are here this afternoon give us your names and addresses and we'll send you a copy of the decision in the mail. That will take care of the business on that item for this afternoon. Thank you.

End

Meeting Date: August 25, 1992

Agenda No.: P-12

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: Planning Commission Decision

BCC Informal \_\_\_\_\_ (date) BCC Formal August 25, 1992 (date)

DEPARTMENT DES DIVISION Transportation

CONTACT Sharon Cowley TELEPHONE 2610

PERSON(S) MAKING PRESENTATION Ed Pickering

ACTION REQUESTED:

INFORMATIONAL ONLY  POLICY DIRECTION  APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 9 Minutes

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

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

C 8-91 Review the Decision of the Planning Commission of June 1, 1992, amending the recommended East Multnomah County Bikeway Plan Map and recommending adoption of an Ordinance which amends the Bikeway Plan Maps in Comprehensive Framework Plan Policy 33C.

Second Reading

BOARD OF  
COUNTY COMMISSIONERS  
1992 AUG 18 AM 11:29  
MULTNOMAH COUNTY  
OREGON

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL \_\_\_\_\_

Or

DEPARTMENT MANAGER <sup>RSP</sup> *[Signature]*

(All accompanying documents must have required signatures)

*Copies of Ordin. 730 sent to Ordin. Dist. List on 9-1-92.*

**BEFORE THE PLANNING COMMISSION  
FOR MULTNOMAH COUNTY**

In the Matter of Amending the Recommended )  
East Multnomah County Bikeway Plan Map )  
and Recommending Adoption of an Ordinance )  
which Amends the Bikeway Plan Maps in )  
Comprehensive Framework Plan Policy 33C )

**RESOLUTION  
C 8-91  
(AMENDED)**

**WHEREAS**, The Planning Commission at a public hearing on September 3, 1991 heard public testimony on the East Multnomah County Bikeway Plan Map and recommended the adoption of a proposed ordinance captioned "An Ordinance amending the Bikeway Plan Map of Comprehensive Framework Plan Policy 33C"; and

**WHEREAS**, Additional public information and education was sought by residents of the affected Springdale/Corbett area, resulting in the formation of a committee of concerned residents as part of the Northeast Multnomah County Community Association; and

**WHEREAS**, There is widespread support to amend the recommended Bikeway Plan Map to delete Bell Road as a future County bikeway; and

**WHEREAS**, Bell Road has substantial topographic and alignment constraints that would make implementation of shoulder bikeways difficult and expensive; and

**WHEREAS**, Other suitable bikeway routes are planned that connect to Corbett and Springdale that provide recreational loop routes connecting to Crown Point Highway; and

**WHEREAS**, The motion to approve a Resolution recommending the adoption of the proposed amended Ordinance by the Multnomah County Board of County Commissioners received a Planning Commission vote of \_\_\_ in favor, \_\_\_ opposed, and \_\_\_ abstain; and

**WHEREAS**, For recommendation for approval of revision of an adopted plan the Multnomah County Code subsections 11.05.190 (B) and (C) require an affirmative vote of at least five members of the Planning Commissioners.

**NOW, THEREFORE BE IT RESOLVED** that Resolution C 8-91 and the corresponding portions of the Ordinance captioned "An Ordinance amending the Bikeway Plan Map of Framework Plan Policy 33C" is hereby amended and recommended for approval by the Board of County Commissioners.

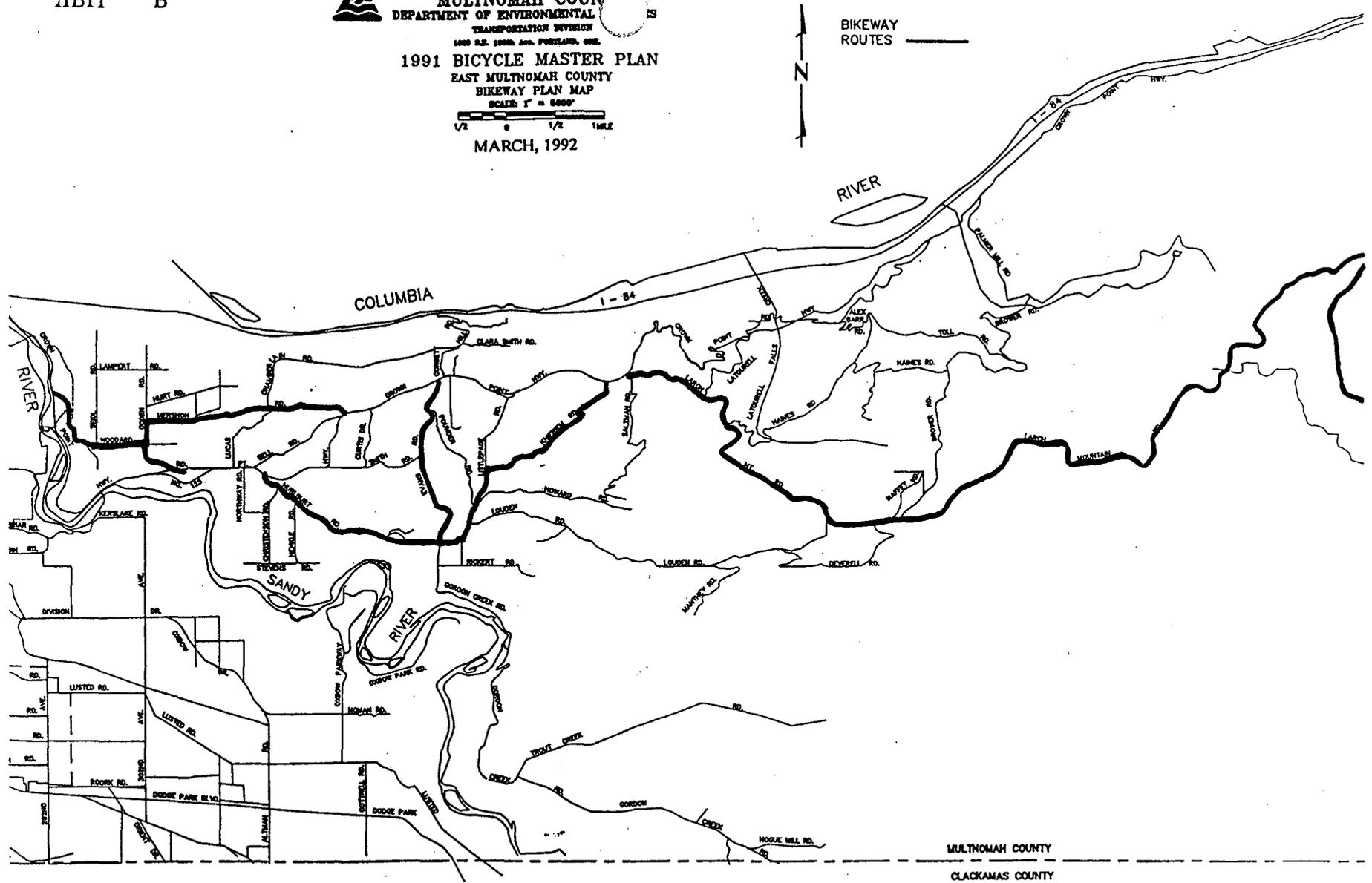
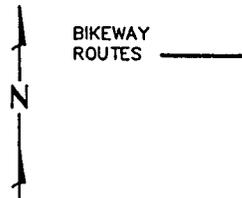
Approved this 1<sup>st</sup> day of June, 1992



Richard T. Leonard, Chair  
Multnomah County Planning Commission



**MULTNOMAH COUNTY**  
 DEPARTMENT OF ENVIRONMENTAL  
 TRANSPORTATION DIVISION  
 1400 S.E. 100TH AVE., PORTLAND, OR  
**1991 BICYCLE MASTER PLAN**  
 EAST MULTNOMAH COUNTY  
 BIKEWAY PLAN MAP  
 SCALE: 1" = 5000'  
 1/2 0 1/2 1 MILE  
 MARCH, 1992



MULTNOMAH COUNTY  
 CLACKAMAS COUNTY

## EXHIBIT C

### ISSUE RESOLUTION

June 1, 1992

**C 8-91 (Amended) Adoption of the Comprehensive Plan Amendment  
of the Bikeways Map in Policy 33C**

- Recognizing East County's concerns for preserving the rural character and existing road shoulders, and preservation of private property, bikeway development shall occur with the least possible impact on the community.
- The type of bikeway facility to be developed will be determined on a case-by-case basis through the County capital improvement and project development processes, so that community concerns can be addressed prior to project construction.
- Based on Bicycle Planning Task Force (BPTF) input, a rural countywide standard for lane-sharing will be established and applied to East County bikeways where appropriate, instead of paved shoulders.
- If shoulder bikeways are appropriate and existing gravel shoulders are at least four-foot wide, then paved shoulders will be constructed at the time of road resurfacing.
- At the suggestion of BPTF, where gravel shoulders are narrower than four feet wide because of roadside obstructions (ditches, banks, landscaping), paved shoulder bikeways will be narrower but no less than three feet wide.
- Bicycle facilities require a higher standard of maintenance than facilities for motor vehicles; cyclists will ride in the travel lane if there is debris or other hazards on the paved shoulder. The Transportation Division responds to all notifications of hazardous conditions on County roads. Countywide maintenance standards will be developed for bikeways. East County bikeways will be maintained as frequently as necessary to assure their safe use in accordance with the adopted standards.
- County Transportation Division will support the community's efforts to have existing paved shoulders on Crown Point Highway swept and made more useable for cyclists.
- Icy road conditions are hazardous to travelers in East County. The Transportation Division has proposed testing "open-grated" asphalt which is more porous and coarser than existing pavement, as a means to reduce the hazards from road ice.
- Transportation Division will support the community's efforts to provide additional law enforcement capabilities in East County, (safety action team, town constable, other), and will provide public information to cyclists and motorists regarding rules of the road, safety and property concerns.

- The "Getting There by Bike" brochure produced by the County will include information on restroom and drinking water facilities in East County.
- Multnomah County has not previously condemned private property for bikeway purposes. There are no plans to condemn property as a result of the East Multnomah County Bikeway Plan, and we do not foresee the need to condemn private property to implement the plan. Condemnation proceedings are established by state and local statutes and require a public process and hearing.
- Transportation Division will support the community's efforts to provide public facilities in East County, such as restrooms at Women's Forum.
- A countywide Bicycle Advisory Committee will be formed to provide public input for the county's Bicycle Program, including a representative from East County.
- Equestrians use gravel shoulders to ride along County roads in East County. Wherever possible, gravel shoulders will be retained for horseback riding.

1                   BEFORE THE BOARD OF COUNTY COMMISSIONERS  
2                   FOR MULTNOMAH COUNTY, OREGON  
3                   ORDINANCE NO. \_\_\_\_\_  
4

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6 Plan Policy 33C.

7  
8                   Multnomah County Ordains as follows:  
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15                  (B). The Multnomah County Transportation Division updated the Bicycle portions of  
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20                  (D). All affected local, regional, and State governmental agencies were contacted in  
21 order to assure a coordinated countywide bicycle network.

22                  (E). The resulting East Multnomah County Bikeways Plan Map, March, 1992, and the  
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24 1, Citizen Involvement; Goal 8, Recreation; Goal 12, Transportation; and Goal 13, Energy  
25 Conservation, as demonstrated in the Findings of Exhibit A.  
26

1 (F). Policy 33C of the Multnomah County Comprehensive Framework Plan was  
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7  
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9  
10 ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 1992, being the date of its  
11 second reading before the Board of County Commissioners of Multnomah County.

12  
13  
14 (SEAL)

15  
16 By \_\_\_\_\_  
17 Gladys McCoy, County Chair  
18 MULTNOMAH COUNTY, OREGON

19  
20 REVIEWED:

21  
22 \_\_\_\_\_  
23 John DuBay, Deputy County Counsel  
24 of Multnomah County, Oregon  
25  
26



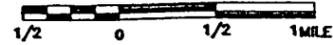
MULTNOMAH COUNTY  
DEPARTMENT OF ENVIRONMENTAL SERVICES

TRANSPORTATION DIVISION  
1680 S.E. 190th Ave. PORTLAND, ORE.

1991 BICYCLE MASTER PLAN

EAST MULTNOMAH COUNTY  
BIKEWAY PLAN MAP

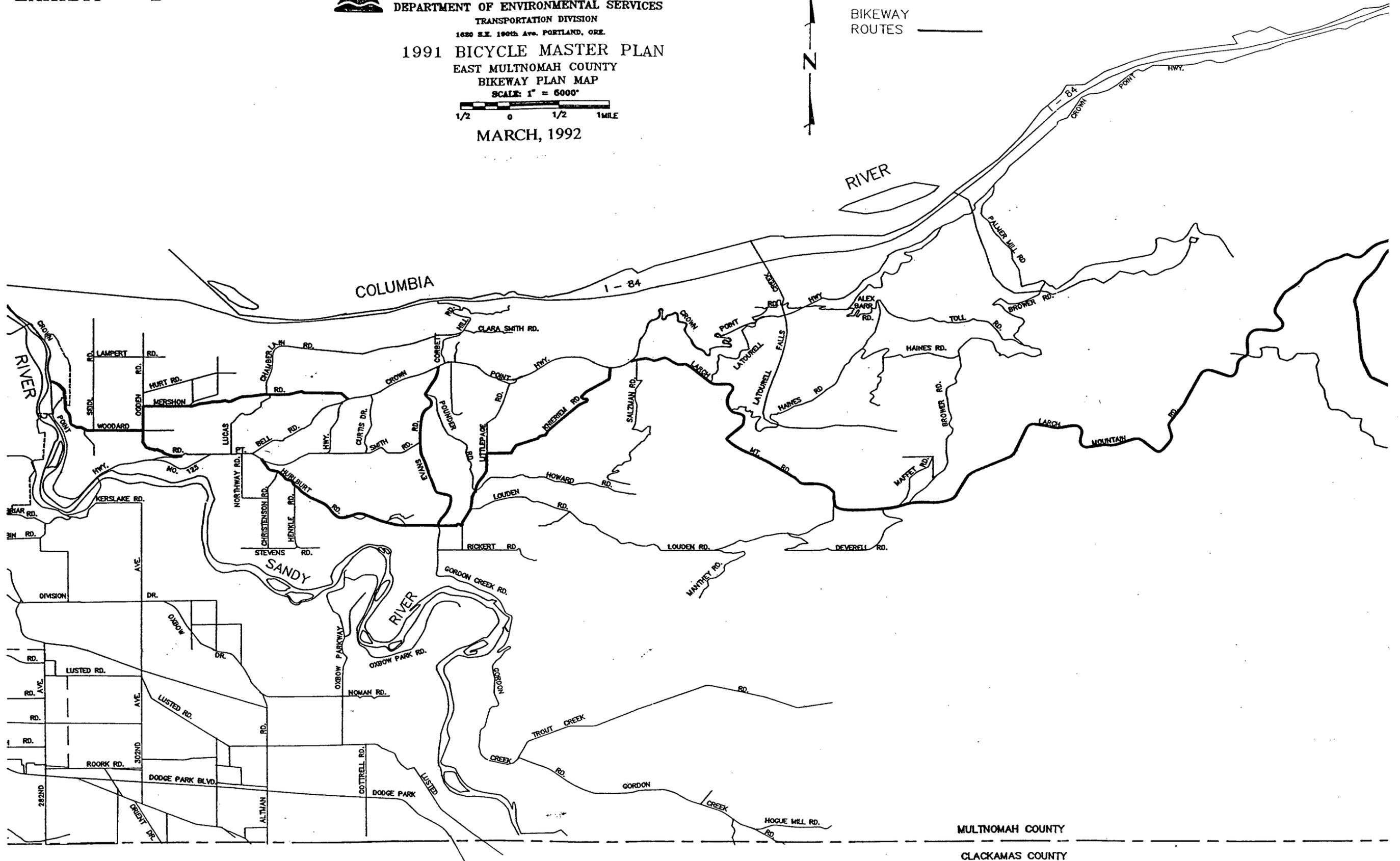
SCALE: 1" = 6000'



MARCH, 1992



BIKEWAY  
ROUTES



MULTNOMAH COUNTY

CLACKAMAS COUNTY

Meeting Date: August 11, 1992 **AUG 25 1992**

Agenda No.: P-3

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: C 8-91 Decision

BCC Informal \_\_\_\_\_ BCC Formal August 11, 1992  
(date) (date)

DEPARTMENT DES DIVISION Planning

CONTACT Sharon Cowley TELEPHONE 2610

PERSON(S) MAKING PRESENTATION Ed Pickering

ACTION REQUESTED:

INFORMATIONAL ONLY  POLICY DIRECTION  APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 10 Minutes

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

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

C 8-91 Review the Decision of the Planning Commission of June 1, 1992, amending the recommended East Multnomah County Bikeway Plan Map and recommending adoption of an Ordinance which amends the Bike-way Plan Maps in Comprehensive Framework Plan Policy 33C.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL \_\_\_\_\_

or

DEPARTMENT MANAGER *[Signature]*

(All accompanying documents must have required signatures)

BOARD OF  
COUNTY COMMISSIONERS  
1992 AUG -5 PM 2:14  
MULTNOMAH COUNTY  
OREGON



# MULTNOMAH COUNTY OREGON

---

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

BOARD OF COUNTY COMMISSIONERS  
GLADYS McCOY • CHAIR OF THE BOARD  
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER  
GARY HANSEN • DISTRICT 2 COMMISSIONER  
RICK BAUMAN • DISTRICT 3 COMMISSIONER  
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

---

---

**Date: 08/11/92    Time: 10:30 a.m.    Place: Room 602, Multnomah County Courthouse**

---

**C 8-91    Public Hearing - First Reading**

**Proposed Ordinance Amendment - Bikeways Plan Map**

Review the Decision of the Planning Commission of June 1, 1992, amending the recommended East Multnomah County Bikeway Plan Map and recommending adoption of an Ordinance which amends the Bikeway Plan Maps in Comprehensive Framework Plan Policy 33C.

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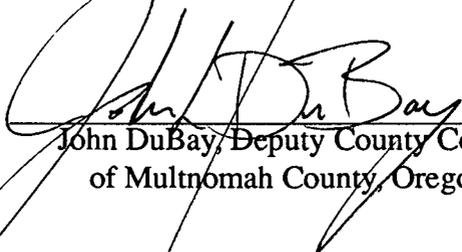
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ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 1992, being the date of its  
second reading before the Board of County Commissioners of Multnomah County.

(SEAL)

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

REVIEWED:

  
\_\_\_\_\_  
John DuBay, Deputy County Counsel  
of Multnomah County, Oregon

East Multnomah County Bikeway Plan

ISSUE RESOLUTION

*Planning*  
*P.3*  
*8-11-92*  
*Handout #1*  
*Exhibit C*

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bptf2:5.19.91

# Ambitious transport plan looks 40 years down the road

By ANITA MARKS

It's 6 o'clock and you've zipped into Union Station just in time to catch the 6:04 bullet train to make that 7 a.m. Rotary breakfast in Eugene. At least that's the scenario forecasters envision for the metro area 20 years from now in Oregon's new statewide transportation plan.

The plan will kick off a 22-city tour around the state beginning May 28 to present those and other ideas for public comment, in preparation for its submission to the 1993 Legislature.

The proposed plan is designed to give a coordinated, statewide vision for all types of transportation, said Dave Bishop, transportation plan manager for the Oregon Department of Transportation. "Even though the system elements are only projected on a 20-year horizon, the policy assumptions behind this are the foundation for a 40-year vision," said Bishop.

Some of the plan's key assumptions are that most services will be provided by private rather than public sources, that statewide objectives will be coordinated with local land-use plans and urban growth boundaries, and that transportation decisions should help achieve state economic and livability goals.

The system element—the way trains, boats, planes and cars will move people and cargo—has some innovative and some mundane elements. Among the more unusual projections:

- Installation of intelligent vehicle guidance systems along Interstate 5 and Interstate 84 beginning in the Portland area. Such systems let the driver of a properly equipped vehicle program the route he wishes to travel, and then the car literally

drives itself. The guidance systems take into account the most efficient lane and route changes based on current traffic patterns.

- Shipping commodities such as wheat from Pendleton by pipeline to the ports of Portland or Astoria.

*"(While) the system elements are projected on a 20-year horizon, the policy assumptions are for a 40-year vision."*

—Dave Bishop

- Creating a high-speed train route between Portland and Vancouver, British Columbia. Such a train would travel anywhere from 150 to 300 miles per hour, probably only stopping in Seattle—and perhaps Tacoma or Olympia—along the way. As population and ridership demands, the route could be extended south to Eugene or even Medford.

- Developing hourly passenger train service connecting Portland and Eugene and stopping at various cities in between. "This would probably be initiated as an intracity bus service, but it might eventually lead to a rail line along that route," Bishop said.

- Introducing toll roads in metropolitan areas. Tolls would discourage the use of cars and "more fairly spread the transportation cost burden," said Bishop.

But not all the plan's elements are a surprise. Other provisions are simply an expansion of existing transportation goals,

he said. Some of those elements include:

- Continued expansion of Portland's light-rail system and a major expansion of other Tri-Met routes throughout the metro area.

- Major investments in airport and marine facilities to accommodate growing international trade.

- Increased investments in urban arterial routes to free highways for intercity and interstate travelers.

- Reviving the use of designated high occupancy vehicle (HOV) lanes on heavily traveled thoroughfares.

- Increasing pedestrian and bicycle traffic by encouraging high population density within urban growth boundaries.

- Creating additional bike paths for commuting and recreation.

- Using rail to haul more freight and relieve truck congestion on major highways.

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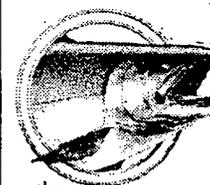
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Planning  
p. 3  
8-11-92  
Handled #2

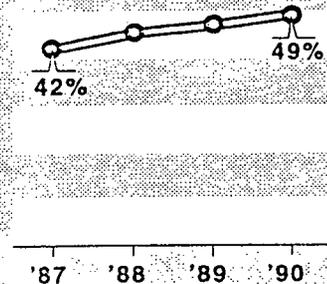
**U.S. RISKS LOWER: PROBLEMS REMAIN**

A new report measures the trends for consumer health and safety issues; some highlights:

**Good news**

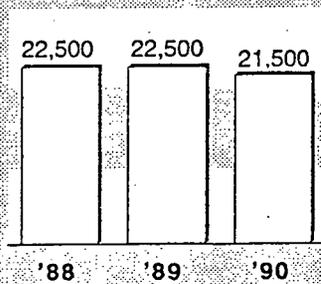
**Safety belt usage**

Car driver survey in 19 cities



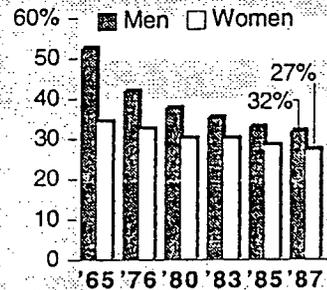
**Accidental home deaths**

Includes falls, fires, poisonings



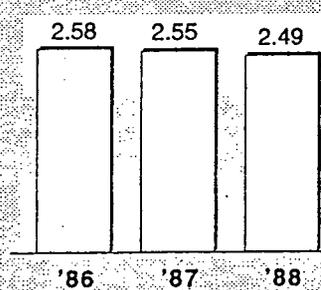
**Cigarette smoking down**

Percent of adult men, women



**Alcohol consumption**

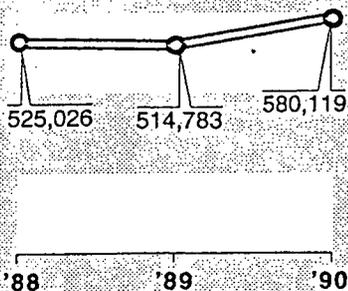
Gallons per person per year



**Bad news**

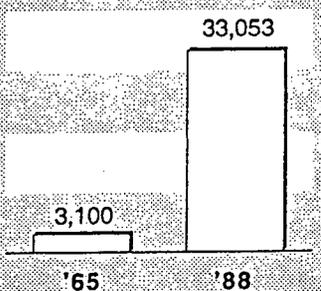
**Bicycle accidents**

Includes bicycles or accessories



**Lung cancer in women**

Deaths from cigarette smoking



Source: Coalition for Consumer Health and Safety

# Americans healthier, safer, report claims

By **CHRISTOPHER SCANLAN**  
*Knight-Ridder News Service*

WASHINGTON — America is becoming a healthier and safer place, a nationwide consumer coalition reported Thursday.

The Coalition for Consumer Health and Safety made this upbeat claim as it released a report that focused not on crime rates or a nationwide drug epidemic, but on such health and safety areas as smoking, drinking, driving and eating.

"This report contains some good news," said Stephen Brobeck, chairman of the 36-member coalition of consumer, health and insurer groups. "Motor vehicle fatalities are down, household product-related deaths are down and Americans are smoking and drinking less... (and) eating more healthfully.

"If you look across the spectrum, the numbers are looking better and better," he said.

That includes numbers with dollar signs in front. After a decade of cuts, or flat budgets, the coalition said, federal spending on consumer health and safety is up. The Consumer Product Safety Commission's current budget is \$40 million, up from \$34 million in 1989. Federal anti-smoking spending rose to \$90 million last year, up more than \$11 mil-

lion since 1989.

But not all the news is rosy.

The coalition noted that millions of Americans, especially minorities, women and young people, remain at risk from AIDS, tobacco, alcohol, unsafe products and their own carelessness.

"We do not want to minimize the dangers and risks that exist in the marketplace today," said Brobeck.

He said 49 million Americans still smoke, about 20 million drink heavily, and more than 20,000 are killed every year in household accidents. And although seat-belt use is up 48 percent since 1983, two in five drivers still don't buckle up.

The group based its second annual health and safety status report on the most recent government statistics that track deaths, injuries, causes, economic costs and federal spending in seven areas: motor vehicle safety, home and product safety, indoor air quality, food safety and nutrition, cigarette and alcohol consumption and AIDS.

For the second year in a row, motor vehicle deaths declined. The 1990 toll of 44,529 was the lowest in 30 years.

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## RURAL (12 PERCENT OF TOTAL)

### 1. **Bicyclist Going Wrong Way (15 percent):**

The greatest hazard associated with this behavior is at intersections and driveways: drivers making a right turn often look only to the left, and fail to see on-coming, wrong-way riders to their right.

### 2. **Bicyclist Turning/Swerving Movement (12 percent):**

This type of accident occurs when a cyclist suddenly moves out into a travel lane; this could be due to inattention, or to avoid hazards on the shoulder (gravel, broken glass, holes, or abrupt narrowing of shoulder)

### 3. **Bicyclist Enters or Leaves Driveway/Alley @ Mid-Block Location (11 percent):**

A category dominated by young riders: 72 percent under age 16.

### 4. **Bicyclist Hit from Behind by Motor Vehicle (11 percent):**

This is the only time this category shows up in the top five. Most rural roads do not have adequate, paved shoulders. Many accidents occur in areas of poor visibility (hill crests, curves), or at night.

### 5. **Motorist Enters or Leaves Driveway/Alley @ Mid-Block Location (10 percent):**

Motorists fail to see cyclists, or misjudge the speed at which they approach them, *especially if the cyclist is riding on a sidewalk.*

## CONCLUSIONS

Accidents at intersections are less prevalent. TYPE D and E accidents act as reminders of the importance of providing and maintaining shoulders in good condition. The high incidence of accidents at mid-block locations underlines the importance of riding and driving prudently in suburban areas, where young riders will often ride out unexpectedly. Wrong-way riding is the number one problem in the rural environment. A disproportionate number of the accidents were fatal: 7 out of 140 (5 percent); the statewide ratio is 23 out of 1144 (2 percent).

Most people can't take the isolation, so the job takes a different type of person, according to Ron Kubat, who is the lookout trainer for the Forest Service. "He's got to be level-headed and responsible because when he reports a fire he starts in motion a series of events that affect many people."

Arvidson spends part of the day walking on the catwalk surrounding his home, composing folk songs on a guitar. "I roll off a few tunes serenading the wildlife," he said.

that was put out by the rain.

If lightning storms flare around Hickman Butte, fire watchers stand on a 10-by-18-inch stool that has insulated glass feet.

Arvidson's day begins with sunrise. There are no blinds, and it gets warm and bright early.

Fuel and 5-gallon water jugs are supplied by the Forest Service, but Arvidson brings his own food. He has a rope and pulley to haul his gear, water and food up, but he usually packs it up

tions three times daily. Rarely does headquarters use the radio phone to call him.

Arvidson, who is a native of Alaska, said he likes to wander. He spent last winter among Indians on the Yucatan peninsula in Mexico and rode the rails to get back to Oregon for his lookout job.

Next year, he said, he'd like to work for the Forest Service in a lookout tower or in fighting forest fires. "I'm a devotee of the wilderness."

representative districts.

The deadline to file with the Multnomah County Elections Office is Aug. 25.

Herb Brown and Bill Stallings, both incumbents, have filed recently created District 1 seat with Vogl, another incumbent who is in the same area, said he would only if one of the two candidates were to reconsider before the line.

Brown and Stallings, who disagreed on PUD issues, have campaigned against each other. They both ran unsuccessfully for the county commission in 1990.

They face each other again because of the new districts. When PUD was formed in 1990, members were elected at-large, the top five vote-getters being elected.

Three of the five commissioners live in the same neighborhood, and the same district will be drawn. Board members drew boundary lines this year. State law requires to elect board members from evenly portioned districts.

In District 2, Jean Hood, PUD director and Rockwood District commissioner, has filed for a second term. Rich Scarian

## THE OREGONIAN METRO EAST 8/13/92

# County board will take final vote on bikeways plan

By BARBARA PESCHIERA

Correspondent, The Oregonian

The Multnomah County Board of Commissioners will take a final vote on a bikeways plan for the Corbett-Springdale area next week, and will consider a related "trust-building" resolution.

The bikeways plan met with opposition from area residents concerned about the impact of additional recreational traffic in a community with few public services. The county delayed acting on the plan for five months while a citizens group stud-

ied local concerns.

Commissioner Sharron Kelley said that now, the problem is ensuring that the task force suggestions for constructing the bikeways are carried forward. The 20 miles of bikeways envisioned on seven county roads would be developed gradually.

The issues raised by the task force do not mesh well with the county's comprehensive plan, but should not be lost, Kelley said. John DuBay, county counsel, said that Kelley could write a resolution for the board when it gives the bikeways plan a second reading Tuesday.

"I'll do it," Kelley said. "There was a great deal of skepticism about the need and the routes. This is an issue of trust and commitment on our part to resolve some of these issues as we proceed."

She said that she hoped a majority of the board would support her request to act formally on the issue resolution. Chairwoman Gladys McCoy said that she thought it was unnecessary because the list of suggestions was in the file as an exhibit.

Among the suggestions raised by the task force are for bikeways built to have as small an impact on the

appearance of the roads as possible and for the community to comment on details of each project.

The issue paper also stated that gravel shoulders should be retained for horseback riders when possible. It also commits the county to produce a bikeways guide listing east county restrooms and drinking fountains.

Approving the east county routes would complete the county's bikeways plan. Counties are required to spend a portion of their road money building bikeways, which usually are paved or widened shoulders.

# Troutdale council orders a study for extending water, sewer

## Requests and possible developments along Jackson Park Road prompt the action

TROUTDALE — The City Council tabled action on nearly all the items it was considering Tuesday, but it managed to order an engineering study on extending water and sewer services on Jackson Park Road.

City Administrator Pam Christian said recent partition of big lots along

Jackson Park Road prompted the study.

Jim Galloway, city engineer, said 15 Jackson Park Road homes are on spring or well water.

Three householders on spring water are worried about supply and quality and have asked for extension of city water. So have some residents who have partitioned their land for potential development. They also have asked for an extension of the sewer system.

Galloway said the area paralleling the Sandy River's west bank is within city limits, but water and sewer lines never have been extended on Jackson Park road.

Homes there are on septic tanks.

Galloway said the consulting firm of Economic and Engineering Services, Portland, will do the water-sewer line study, which is to be completed and submitted to the City Council by Oct. 13.

In another matter, the council de-

layed approval of a comprehensive land-use inventory and zoning district map that are part of the rezoning project for the 280-acre former Multnomah County Farm property.

The council decided the zoning plan adopted last month for the farm property needed an amendment — a minor change in some wording the Planning Commission had drafted and sent to the council.

Christian said the two other ordinances — the land-use plan invento-

ry and the zoning district map must wait on the zoning amendment. The council is expected to take action on all three farm measures Sept. 8.

GSL Homes Inc., Portland, bought 80 acres on the south end of the property in June and announced plans to develop a village-style residential division — homes with some commercial development.

The rezoning effort by the City Advisory Committee and the

Oregonian East Metro  
8-26-92  
P-12

too far to disrupt so much of the area.

Stevens said neighbors have contacted the Federal Communications Commission and have been told there was nothing the agency could do.

Kreitz said he's received complaints from neighbors during the past three weeks, although

er a transceiver was causing static in the neighborhood.

He has since replaced the transceiver but said the issue is not the static anymore, its that the neighbors want the tower removed.

"That's not going to happen," he said. "Their

he said he has already built a large fence around his property to provide a buffer between the neighbors and the tower.

"I'm trying to do the right thing," he said.

But the neighbors are not convinced.

"We just don't feel it's appropriate for our neighborhood," Watkins said.

# Kelley urges county to place library tax on ballot

By SURA RUBENSTEIN

of The Oregonian staff

Multnomah County Commissioner Sharron Kelley on Tuesday challenged her fellow commissioners to refer a proposed library utility tax to voters before opponents force a vote of the public on the tax.

"I'm just asking you to think about it," said Kelley, who opposes the 4 percent tax on electric, natural gas and heating oil sales to support county library operations.

She said opponents likely would gather enough signatures to refer the tax for a vote — but that vote would come next spring, when the county is in the midst of preparing its 1993-94 budget.

If the tax were rejected, commis-

sioners would have just three months to find another replacement for the expiring special levy that provides about half of the library's \$18.6 million annual budget.

"This board has the opportunity to refer it in November," she said. "If we don't — and if it's referred — we may run into serious problems in the spring."

The second reading of the ordinance creating the tax will be at Thursday's regular commission meeting. The 3-2 majority that approved the tax at the first reading last week is expected to hold.

Kelley and Commissioner Gary Hansen opposed the tax. Chairwoman Gladys McCoy and Commissioners Rick Bauman and Pauline Anderson supported it.

The tax on suppliers of natural

gas, electricity and petroleum products used for heating would raise an estimated \$18 million annually when fully implemented in 1993-94 and would provide an independent source of money for the library system. The library now relies on the special levy, the county general fund and other revenues.

Opponents said the tax would discourage business development, that it placed an undue burden on some utility customers, that it bore no direct relation to library operations and that it was too narrow.

Instead of a specialized, dedicated tax that they said was a disguised sales tax, they urged county commissioners to submit another serial levy to voters or to hold off until there is a comprehensive statewide plan for tax reform.

# Corbett bikeways compromise plan approved

By BARBARA PESCHIERA

Correspondent, The Oregonian

Multnomah County Commissioner Sharron Kelley thrust her arms toward the ceiling in victory Tuesday after her colleagues approved a bikeways plan for Corbett.

The new bikeways ordinance outlines about 20 miles of bike paths along widened shoulders of seven county roads. Its approval completes the county's goal of writing general plans for designating bikeways countywide.

But Kelley was celebrating approval of a resolution that spells out local concerns about the plan. The 14-point resolution suggests con-

struction ideas to lessen the impact on the rural community.

The task force's recommendations include using gravel instead of pavement for paths in some places, as a courtesy to horse riders. The task force also suggested that bicyclists share the road with vehicles in some places and that bike paths should be 3 feet wide, instead of 5 feet wide, on narrow stretches of road.

Kelley said she wanted the citizens task force, who generated the 14 points, formally recognized. Debate over the bikeways plan had threatened to split the community, she said.

Many Corbett-Springdale residents oppose developing bikeways

that would attract tourists to a community that has few public services.

"It was a long and arduous process," Kelley said. "These are the final words of peace."

Commissioner Pauline Anderson said she needed more information about some of the suggestions if approving the resolution would commit the county to new policies.

In other business, the board upheld four land-use decisions made Aug. 3 by a hearings officer on East Multnomah County requests. The board:

- Approved a community service use for God's Kids Caring, a nonprofit group, to operate its headquarters at 12920 S.E. Holgate Boulevard.

Bauman, a strong advocate of the utility tax, said that he would be willing to refer it to voters if opponents would agree to a campaign spending limit of under \$100,000.

"The utilities have been willing to spend whatever resources they can bring to bear to get the results they want — never with the public interest as a standard," he said.

He added that utility representatives have threatened to spend up to \$2 million to defeat the library tax, which all have opposed.

"Our job is to make good public policy," Bauman said. "If they want to abuse it, that's their prerogative."

If commissioners elect not to refer the tax, opponents have 90 days after final approval of the ordinance to gather the 9,600 valid voter signatures needed to put the tax to a vote.

The Nov. 3 election first since the PUD action subdistricts: change the board's composition.

Two seats are open of the incumbents 1 District 3 or District will pit two incumbents Brown and Bill Sta each other.

John Vogl, who also trict 1 with Brown and declined to seek re-election.

Richard Lauderback the PUD, also decided election.

Jean Hood, an incumbent District 2, has filed term. She will be challenged by Scariano, who ran for the Gresham City 1990.

Because of a last-minute withdrawal from the race, voters will run unopposed for a seat in January.

## POLICE BLITZ

### Gresham police rape in parking

GRESHAM — Gresham police reported a woman was raped early Monday morning in her car in the parking lot of the B & I Tavern, 18828 S.E.

The rapist was described as being 32 to 35 years old, 5-foot-5-inches tall. He had thick black hair, a mustache and a burn mark on his neck.

He was wearing black pants and boots. According to police report, the man was seen running before the rape.

### Gresham police arrest

GRESHAM — Gresham police have arrested Norman Schwab, 55, 36 N.E. 198th, in connection with a investigation of sodomy and child abuse.



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

## **EXHIBIT A**

### **Staff Report**

**This Staff Report consists of Findings of Fact and Conclusions**

**June 1, 1992**

**C 8-91 (Amended) Adoption of the Comprehensive Plan Amendment  
of the Bikeways Map in Policy 33C**

#### **AMENDMENTS TO THE MARCH 2, 1992 STAFF REPORT**

At its March 2, 1992 meeting, the Multnomah County Planning Commission continued the hearing on Item C 8-91, the East Multnomah County Bikeway Plan Map, at the request of the Bicycle Planning Task Force of the NE Multnomah County Community Association so that remaining issues between East Multnomah County residents and the County could be resolved. The Findings of Fact in Exhibit A, the staff report of March 2, 1992 are amended as follows: paragraphs H., I., and J. added to section 1; and section 11 replaced in its entirety.

#### **STAFF RECOMMENDATION:**

**Approve the submitted Ordinance that amends the Bikeways Map in Multnomah County Comprehensive Framework Plan Policy 33C.**

#### **Findings of Fact:**

##### **1. Compliance with Statewide Planning Goal No. 1, Citizen Involvement:**

**GOAL:** To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

- A.** The proposed Plan amendment was presented to the Executive Committee of the Northeast Multnomah County Community Organization in December 1990 for their review and input.
- B.** The revised Plan amendment was presented at the annual meeting of the Northeast Multnomah County Community Organization March 13, 1991.
- C.** Copies of the recommended Plan amendment were displayed in various public places in the East Multnomah County area of concern, with an invitation to inquire of additional information, and testify at the Planning Commission Hearing.

- D. Written responses were received from East Multnomah County residents and businesses, which resulted in revisions to the recommended East Multnomah County Bikeways Plan Map.
- E. A public meeting was held September 23, 1991, in the Springdale/Corbett community where the public was provided the opportunity to ask questions and express concerns; responses were provided in writing to all persons in attendance.
- F. A committee of residents was formed to study the Plan and recommend potential revisions which were submitted to the Northeast Multnomah County Community Association for their consideration and action.
- G. Based on community input and general consensus, a revised East Multnomah County Bikeway Plan Map was submitted to the Planning Commission on March 2, 1992.
- H. Two meetings were held with the Bicycle Planning Task Force (BPTF) where ideas were exchanged and solutions negotiated leading to Issue Resolution included in the Staff Report as Exhibit C.
- I. Staff attended an area-wide meeting sponsored by BPTF where issue resolutions were presented to the public for their comment and staff responded to questions.
- J. Multnomah County has agreed to provide to the Northeast Multnomah County Community Association (NEMCCA) a list of East County roads within NEMCCA's area of concern with proposed paving dates, and certain notifications concerning timely public input regarding proposed revisions to the County Transportation Capital Improvement Plan.

**2. Compliance with Statewide Planning Goal No. 8, Recreational Needs:**

**GOAL:** To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Designating and developing bike routes that have high scenic value and lead to recreational destinations, in close proximity to a relatively dense urban population, satisfies a recreational need of residents and visitors to East Multnomah County and the Columbia River Gorge National Scenic Area. Promoting safe and convenient bicycling transportation maximizes energy conservation both in transportation to recreational destinations and as a recreational activity of itself.

**3. Compliance with Statewide Planning Goal No. 12, Transportation:**

**GOAL:** To provide and encourage a safe, convenient and economic transportation system.

Bikeway route additions are based on criteria of providing safe and convenient bicycle travel with an economically cost-efficient bikeway system.

**4. Compliance with Statewide Planning Goal No. 13, Energy Conservation:**

GOAL: To conserve energy.

Development of County bikeways, based upon an up-to-date Bikeways Map, provides for a highly energy-efficient mode of travel and a reasonable alternative to motorized travel for certain types of trips. A comprehensive and connected bikeway system promotes bicycling and conservation of energy through a relative reduction in depletion of non-renewable energy resources.

**5. Consistency of revisions to the Bikeway Plan Map with the Multnomah County Comprehensive Framework Plan (CFP) Policy 33C:**

- A. Streets with good bicycle access and travel potential are identified.
- B. Identification and approval of bikeway routes provides for future bike route projects.
- C. Future street improvement projects on newly designated bike routes will be designed to accommodate bicycles.
- D. East County routes will provide for scenic and recreational bicycle travel.

**6. Criteria for the addition of East Multnomah County Bikeways to the Bikeways Plan Map in CFP Policy 33C:**

- A. Provide bicycle access to Springdale and Corbett rural services centers.
- B. Provide bicycle access to area schools.
- C. Provide scenic routes for recreational cycling.
- D. Roads with relatively low average daily traffic (ADT) volumes.
- E. Loop routes that connect to, and parallel Columbia Highway as alternative and supplemental routes to cycling on Columbia Highway.
- F. Compatibility with Columbia River Gorge Management Plans and Multnomah County Bicycle Master Plan.

**7. The East Multnomah County Bikeways Plan Map is a component of the Multnomah County Master Transportation Plan and the 1990 Multnomah County Bicycle Master Plan.**

**8. East Multnomah County Bikeways include:**

Evans Road - Columbia Highway to Hurlburt Road.

Hurlburt Road - Columbia Highway to Littlepage Road.

Larch Mountain Road - Columbia Highway to end.

Littlepage and Knieriem Roads - Columbia Highway to Hurlburt Road.

Mershon Road - Columbia Highway to Ogden Road.

Ogden Road - Woodard Road to Mershon Road.

Woodard Road - Columbia Highway to Columbia Highway.

9. Bicycling is an increasingly popular recreational activity and mode of travel such that there is an increasing need to provide a bicycle-friendly street system, and to further develop the unbuilt County bikeways network.
10. The objective of the East Multnomah County Bikeways Plan is to develop and maintain an extensive network of bicycle transportation facilities that provide safe, efficient, and enjoyable bicycle travel, that is consistent with land uses.
11. Multnomah County has agreed to investigate establishing a countywide standard for lane sharing on rural roads with input from the County Bicycle Citizen Advisory Committee and community groups, and present it's findings to the Planning Commission for possible amendment to the County's Bicycle Master Plan.

**Conclusion:**

1. The East Multnomah County Bikeways Plan Map, March, 1992, fulfills the applicable Statewide Planning Goals.
2. The amendments to the Bikeways Map in CFP Policy 33C comply with the stated Policies of CFP Policy 33C.
3. Designation of East County bikeways is a prerequisite to implementing bikeway facilities that support recreational activities and visitation to the Columbia River Gorge and surrounding areas.

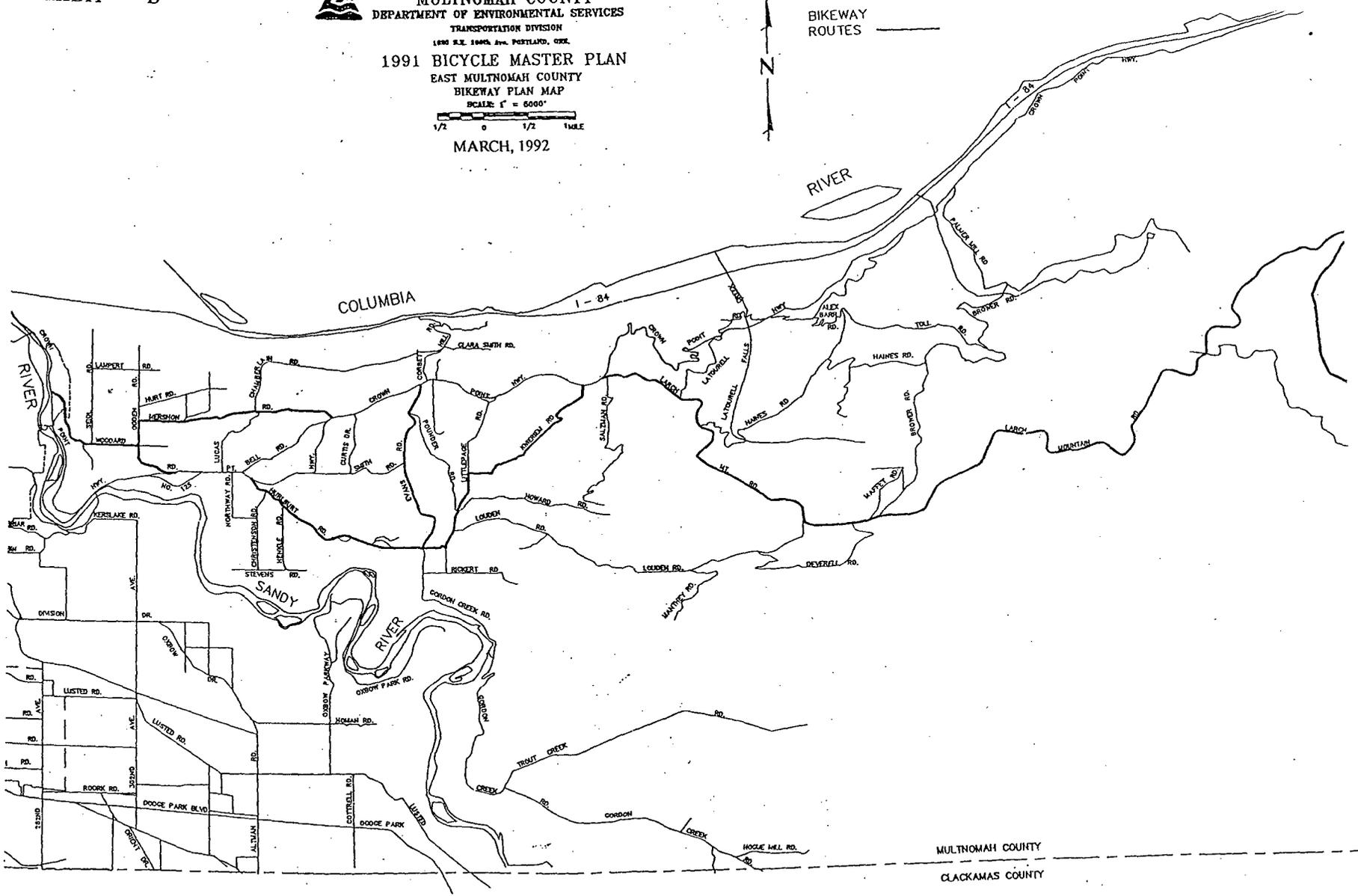
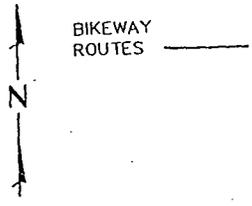


MULTNOMAH COUNTY  
DEPARTMENT OF ENVIRONMENTAL SERVICES  
TRANSPORTATION DIVISION  
1400 S.W. 100th Ave. PORTLAND, ORE.

1991 BICYCLE MASTER PLAN  
EAST MULTNOMAH COUNTY  
BIKEWAY PLAN MAP

SCALE: 1" = 6000'  
1/2 0 1/2 MILE

MARCH, 1992

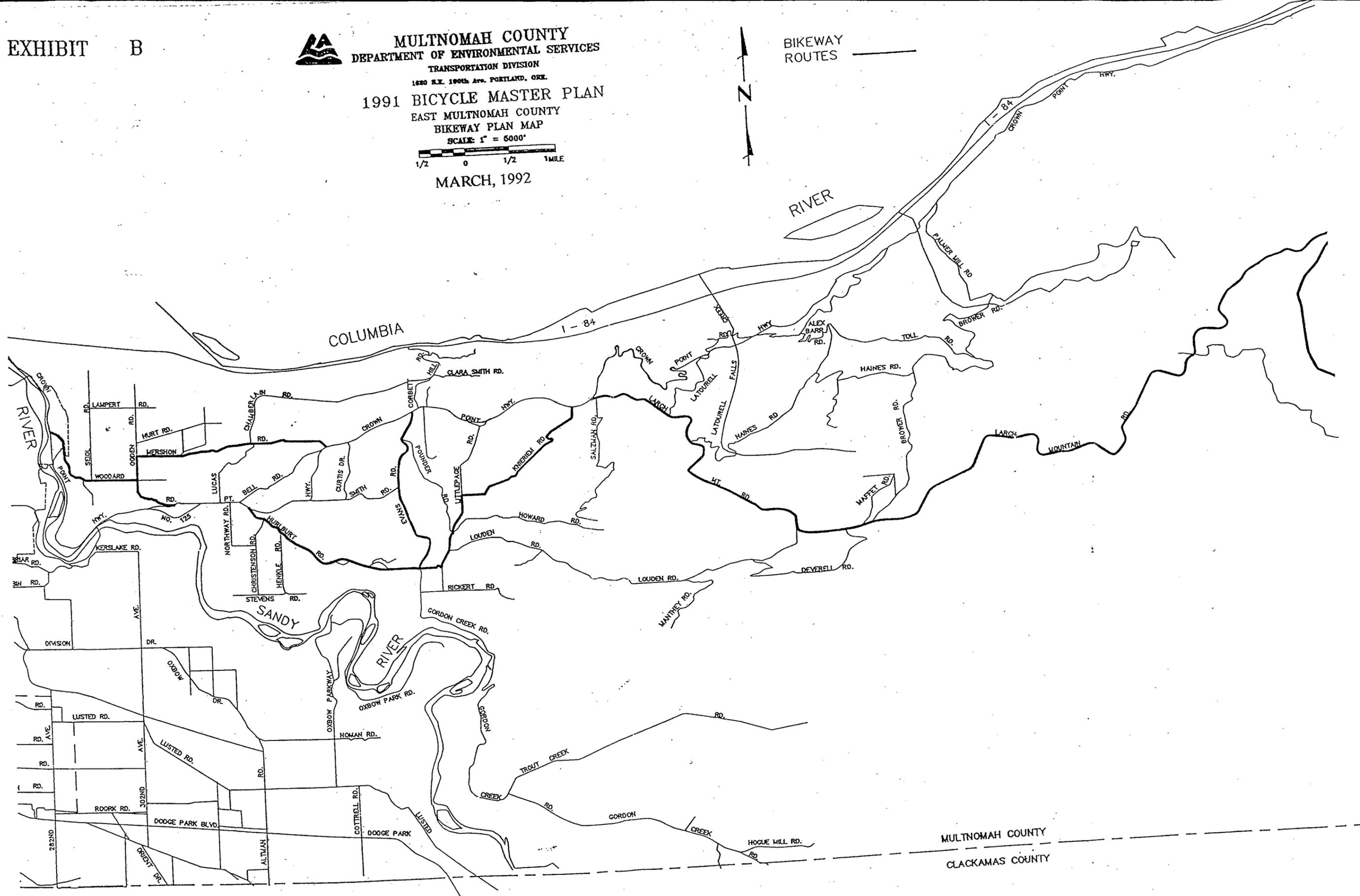
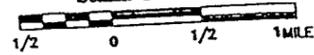


MULTNOMAH COUNTY  
CLACKAMAS COUNTY



MULTNOMAH COUNTY  
 DEPARTMENT OF ENVIRONMENTAL SERVICES  
 TRANSPORTATION DIVISION  
 1680 E.E. 190th Ave. PORTLAND, ORE.  
 1991 BICYCLE MASTER PLAN  
 EAST MULTNOMAH COUNTY  
 BIKEWAY PLAN MAP  
 SCALE 1" = 6000'  
 MARCH, 1992

BIKEWAY ROUTES



MULTNOMAH COUNTY  
CLACKAMAS COUNTY

1                   BEFORE THE BOARD OF COUNTY COMMISSIONERS

2                               FOR MULTNOMAH COUNTY, OREGON

3                                       ORDINANCE NO. 730

4  
5           An ordinance amending the Bikeways Plan Map of the Comprehensive Framework  
6 Plan Policy 33C.

7  
8           Multnomah County Ordains as follows:

9  
10 Section I. Findings.

11           (A). Comprehensive Framework Plan Policy 33C states the County's policy to identify  
12 streets with good bicycle access and travel potential for designation of future bike route  
13 construction projects and to assure that future street improvements will be designed to  
14 accommodate bicycles.

15           (B). The Multnomah County Transportation Division updated the Bicycle portions of  
16 the Framework Plan in 1983 and in 1990. An additional amendment to the Framework Plan is  
17 necessary to incorporate a Bikeways Plan Map for East Multnomah County.

18           (C). The Northeast Multnomah County Community Association advised in the  
19 preparation of the East Multnomah County Bikeways Plan Map.

20           (D). All affected local, regional, and State governmental agencies were contacted in  
21 order to assure a coordinated countywide bicycle network.

22           (E). The resulting East Multnomah County Bikeways Plan Map, March, 1992, and the  
23 amendment of the Framework Plan Policy 33C Bikeways Map fulfill Statewide Planning Goal  
24 1, Citizen Involvement; Goal 8, Recreation; Goal 12, Transportation; and Goal 13, Energy  
25 Conservation, as demonstrated in the Findings of Exhibit A.

26

1 (F). Policy 33C of the Multnomah County Comprehensive Framework Plan was  
2 acknowledged to be in conformance with the Statewide Planning Goals by the State  
3 Department of Land Conservation and Development (DLCD) in 1980. Later amendments of  
4 Policy 33C in 1983 and 1990 were also approved by DLCD. Adoption of the East Multnomah  
5 County Bikeways Plan Map does not change any text in Plan Policy 33C.

6 (G). Exhibit A, Sections 5 through 10 (the Staff Report) and Exhibit B (the East  
7 Multnomah County Bikeways Plan Map, March, 1992), incorporated as part of these Findings,  
8 explain how all amendments to the Bikeways Map in Policy 33C comply with Comprehensive  
9 Framework Plan Policies and are necessary to provide for safe and enjoyable bicycle travel in  
10 East Multnomah County, and that portion of the Columbia Gorge National Scenic Area thereof.

11 (H). The East Multnomah County Bikeways Plan Map will be a component of the  
12 Multnomah County Master Transportation Plan and the Multnomah County Bicycle Master  
13 Plan which supplement the Comprehensive Framework Plan.

14 (I). A 1991 East Multnomah County Bikeways Plan Map was approved at a public  
15 hearing on September 3, 1991 by the Planning Commission and, following additional public  
16 discussion and consideration by the Northeast Multnomah County Community Association, an  
17 amended East Multnomah County Bikeway Plan Map was considered and approved at a  
18 Planning Commission hearing on March 2, 1992. The March 2, 1992 East Multnomah County  
19 Bikeways Plan Map was then considered at public hearings on August 11, 1992 and August 25,  
20 1992 before the Board of County Commissioners. At each of the hearings all interested  
21 persons were given an opportunity to appear and be heard.

22

23

24

25

26

1 Section II. Plan Amendment.

2 (A). The East Multnomah County Bikeways Plan Map, March, 1992 (Exhibit B) is  
3 adopted as a component of the Master Transportation Plan of the Multnomah County  
4 Comprehensive Framework Plan.

5 (B). The East Multnomah County Bikeways Plan Map, March, 1992, adopted by this  
6 ordinance shall supplement the five Bikeways Plan Maps adopted in 1990.

7  
8  
9  
10 ADOPTED THIS 25th day of August, 1992, being the date of its  
11 second reading before the Board of County Commissioners of Multnomah County.



12  
13  
14  
15  
16 By Gladys McCoy  
17 Gladys McCoy, County Chair  
18 MULTNOMAH COUNTY, OREGON

19  
20 REVIEWED:

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



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

## EXHIBIT A

### Staff Report

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June 1, 1992

C 8-91 (Amended) Adoption of the Comprehensive Plan Amendment  
of the Bikeways Map in Policy 33C

#### AMENDMENTS TO THE MARCH 2, 1992 STAFF REPORT

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#### STAFF RECOMMENDATION:

Approve the submitted Ordinance that amends the Bikeways Map in Multnomah County Comprehensive Framework Plan Policy 33C.

#### Findings of Fact:

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**GOAL:** To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

- A. The proposed Plan amendment was presented to the Executive Committee of the Northeast Multnomah County Community Organization in December 1990 for their review and input.
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Woodard Road - Columbia Highway to Columbia Highway.

9. Bicycling is an increasingly popular recreational activity and mode of travel such that there is an increasing need to provide a bicycle-friendly street system, and to further develop the unbuilt County bikeways network.
10. The objective of the East Multnomah County Bikeways Plan is to develop and maintain an extensive network of bicycle transportation facilities that provide safe, efficient, and enjoyable bicycle travel, that is consistent with land uses.
11. Multnomah County has agreed to investigate establishing a countywide standard for lane sharing on rural roads with input from the County Bicycle Citizen Advisory Committee and community groups, and present it's findings to the Planning Commission for possible amendment to the County's Bicycle Master Plan.

#### **Conclusion:**

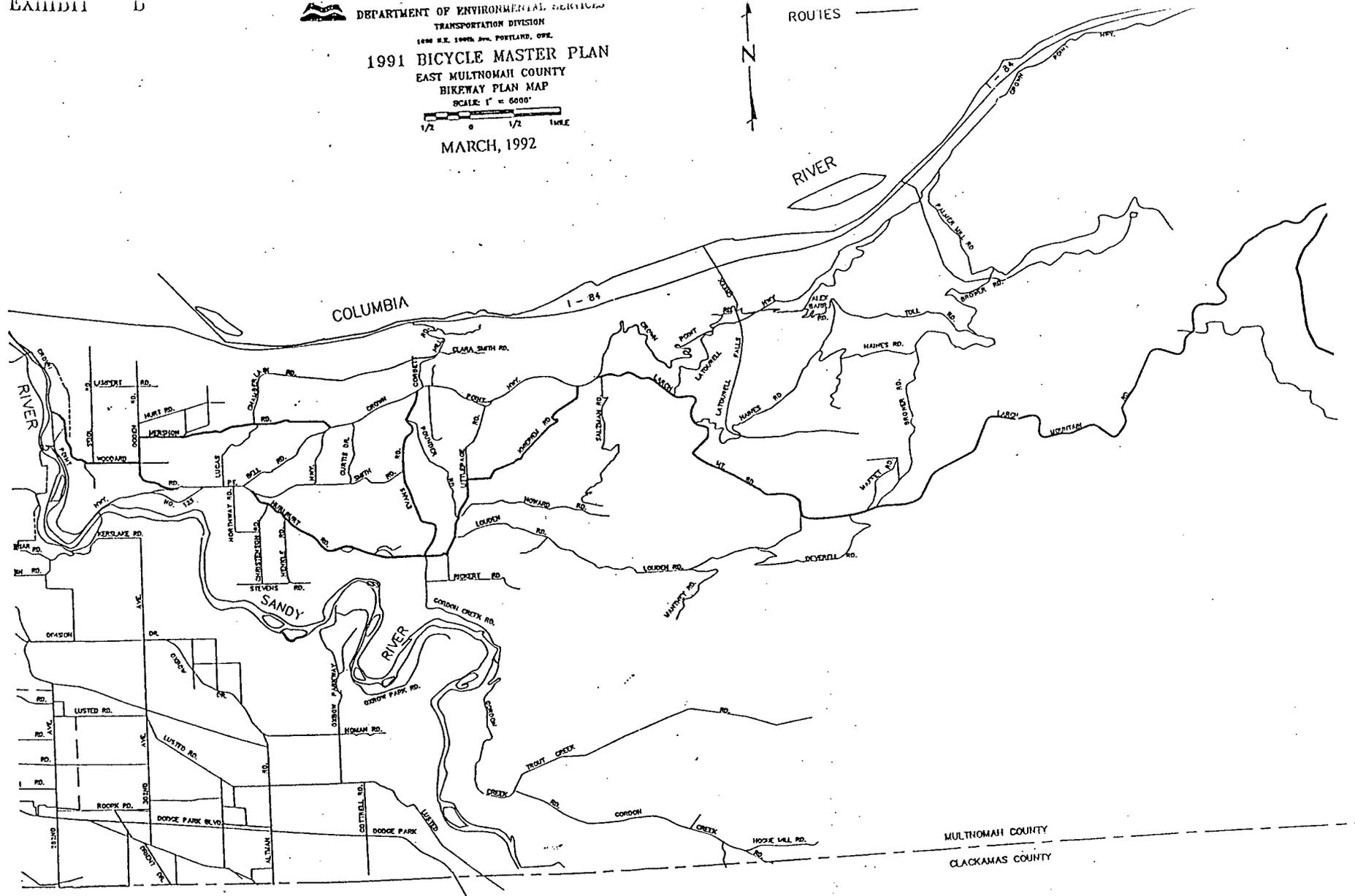
1. The East Multnomah County Bikeways Plan Map, March, 1992, fulfills the applicable Statewide Planning Goals.
2. The amendments to the Bikeways Map in CFP Policy 33C comply with the stated Policies of CFP Policy 33C.
3. Designation of East County bikeways is a prerequisite to implementing bikeway facilities that support recreational activities and visitation to the Columbia River Gorge and surrounding areas.



DEPARTMENT OF ENVIRONMENTAL SERVICES  
 TRANSPORTATION DIVISION  
 1000 N.E. 100th Ave. PORTLAND, ORE.  
**1991 BICYCLE MASTER PLAN**  
 EAST MULTNOMAH COUNTY  
 BIKEWAY PLAN MAP  
 SCALE: 1" = 6000'  
 MARCH, 1992



ROUTES



Meeting Date: AUG 18 1992 AUG 25 1992

Agenda No.: P-2 P-13

(Above Space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: Resolution on the Implementation of the East Multnomah County Bikeway Plan

BCC Informal August 18 BCC Formal \_\_\_\_\_  
(date) (date)

DEPARTMENT Non-Departmental DIVISION Commissioner Kelley

CONTACT Robert Trachtenberg TELEPHONE 248-5213

PERSON(S) MAKING PRESENTATION Sharron Kelley

ACTION REQUESTED

       INFORMATIONAL ONLY        POLICY DIRECTION   X   APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 10 minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN:       

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

Directs staff regarding the implementation of the East Multnomah County Bikeways Plan

(If space is inadequate, please use other side)

SIGNATURES

ELECTED OFFICIAL Sharron Kelley

Or

DEPARTMENT MANAGER \_\_\_\_\_

(All accompanying documents must have required signatures)

*Copies of Resolution 92-158 sent to Robert Trachtenberg, Paul Yarbrough, Charlie Cirako & Ed Pickering. 1/90*

BOARD OF COUNTY COMMISSIONERS  
517 E. 9th  
1992 AUG 13 AM 9:30  
MULTNOMAH COUNTY  
OREGON

"I brought a small library and thought I would be able to go through the books, but the vigilance of the job doesn't allow that," he said. Most reading is done at night before turning in, he added.

With Oregon in the seventh year of a drought and 1992 being the worst fire season in years, Arvidson said he must keep a constant lookout for fire.

Wednesday the fire danger was so great, visitors to the Bull Run watershed were banned.

Unlike past volunteer fire watchers who were paid a nominal \$15 a day, Arvidson is a U.S. Forest Service employee.

Most people can't take the isolation, so the job takes a different type of person, according to Ron Kubat, who is the lookout trainer for the Forest Service. "He's got to be level-headed and responsible because when he reports a fire he starts in motion a series of events that affect many people."

Arvidson spends part of the day walking on the catwalk surrounding his home, composing folk songs on a guitar. "I roll off a few tunes serenading the wildlife," he said.

lookout for the U.S. Forest Service, says he loves his solitude.

Writing poetry and essays and playing tapes of Woody Guthrie, American Indian myths, poetry, Moorish music and Sandberg folk songs also help pass his day while he scans the horizon.

Kubat, who spells Arvidson, has gone through several thunder and lightning storms, including one that started a fire 3½ miles away, but Arvidson has had no fires and only one distant lightning storm.

"It was spectacular," Arvidson said. "There were 17 strikes, one after another; some smoke that was put out by the rain."

If lightning storms flare around Hickman Butte, fire watchers stand on a 10-by-18-inch stool that has insulated glass feet.

Arvidson's day begins with sunrise. There are no blinds, and it gets warm and bright early.

Fuel and 5-gallon water jugs are supplied by the Forest Service, but Arvidson brings his own food. He has a rope and pulley to haul his gear, water and food up, but he usually packs it up

himself.

The bathroom is an outhouse on the ground, 45 feet below. He has a solar shower that provides hot water in two hours. "I have a wash basin and stay as clean as I would in town," Arvidson said.

Working hours run from 9 a.m. to 6 p.m. or, if there is a high fire danger like this week with high temperatures and winds, until 7 p.m.

Aside from checking in and out each day via radio, he reports wind speed and direction, relative humidity, temperature and weather conditions three times daily. Rarely does headquarters use the radio phone to call him.

Arvidson, who is a native of Alaska, said he likes to wander. He spent last winter among Indians on the Yucatan peninsula in Mexico and rode the rails to get back to Oregon for his lookout job.

Next year, he said, he'd like to work for the Forest Service in a lookout tower or in fighting forest fires. "I'm a devotee of the wilderness."

THE OREGONIAN METRO EAST 8/13/92

## County board will take final vote on bikeways plan

By BARBARA PESCHIERA

Correspondent, The Oregonian

The Multnomah County Board of Commissioners will take a final vote on a bikeways plan for the Corbett-Springdale area next week, and will consider a related "trust-building" resolution.

The bikeways plan met with opposition from area residents concerned about the impact of additional recreational traffic in a community with few public services. The county delayed acting on the plan for five months while a citizens group stud-

ied local concerns.

Commissioner Sharron Kelley said that now, the problem is ensuring that the task force suggestions for constructing the bikeways are carried forward. The 20 miles of bikeways envisioned on seven county roads would be developed gradually.

The issues raised by the task force do not mesh well with the county's comprehensive plan, but should not be lost, Kelley said. John DuBay, county counsel, said that Kelley could write a resolution for the board when it gives the bikeways plan a second reading Tuesday.

"I'll do it," Kelley said. "There was a great deal of skepticism about the need and the routes. This is an issue of trust and commitment on our part to resolve some of these issues as we proceed."

She said that she hoped a majority of the board would support her request to act formally on the issue resolution. Chairwoman Gladys McCoy said that she thought it was unnecessary because the list of suggestions was in the file as an exhibit.

Among the suggestions raised by the task force are for bikeways built to have as small an impact on the

appearance of the roads as possible and for the community to comment on details of each project.

The issue paper also stated that gravel shoulders should be retained for horseback riders when possible. It also commits the county to produce a bikeways guide listing east county restrooms and drinking fountains.

Approving the east county routes would complete the county's bikeways plan. Counties are required to spend a portion of their road money building bikeways, which usually are paved or widened shoulders.

## Troutdale council orders a study for extending

■ Requests and possible developments along Jackson Park Road prompt the action

TROUTDALE — The City Council tabled action on nearly all the items

Jackson Park Road prompted the study.

Jim Galloway, city engineer, said 15 Jackson Park Road homes are on spring or well water.

Three householders on spring water are worried about supply and quality and have asked for water

Galloway said the area paralleling the Sandy River's west bank is within city limits, but water and sewer lines never have been extended on Jackson Park road.

Homes there are on septic tanks. Galloway said the consulting firm of Economic and Engineering Serv-

laid approval of a comprehensive land-use inventory and zoning district map that are part of the rezoning project for the 280-acre former Multnomah County Farm property.

The council decided the zoning plan adopted last month for the farm property needed an amend-

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

In the Matter of the Implementation of the )  
East Multnomah County Bikeway Plan ) Resolution  
)

WHEREAS, on August 18, 1992, the Board of Commissioners has adopted an ordinance amending the Bikeway Plan Maps in Comprehensive Framework Plan Policy 33C; and

WHEREAS, the County Transportation Division and the local community have resolved a number of issues regarding the implementation of the Bikeway Plan; and

WHEREAS, a Resolution memorializing these understandings will facilitate the implementation of the Bikeway Plan.

THEREFORE, BE IT RESOLVED that the Board of Commissioners directs the Department of Environmental Services and the Division of Transportation to implement the Bikeways Plan in accordance the items identified on Exhibit A attached to this Resolution.

ADOPTED this \_\_\_\_\_ day of August, 1992.

MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Gladys McCoy, County Chair

REVIEWED:  
LAURENCE KRESSEL, COUNTY COUNSEL  
for Multnomah County, Oregon

By \_\_\_\_\_  
John L. DuBay  
1679-5

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

In the Matter of the Implementation of the )  
East Multnomah County Bikeway Plan ) Resolution  
)

WHEREAS, on August 25, 1992, the Board of Commissioners has adopted an ordinance amending the Bikeway Plan Maps in Comprehensive Framework Plan Policy 33C; and

WHEREAS, the County Transportation Division and the local community have resolved a number of issues regarding the implementation of the Bikeway Plan; and

WHEREAS, a Resolution memorializing these understandings will facilitate the implementation of the Bikeway Plan.

THEREFORE, BE IT RESOLVED that the Board of Commissioners expresses as Board policy that the Department of Environmental Services and the Division of Transportation implement the Bikeways Plan in accordance the items identified on Exhibit A attached to this Resolution.

ADOPTED this \_\_\_\_\_ day of August, 1992.

MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Gladys McCoy, County Chair

REVIEWED:  
LAURENCE KRESSEL, COUNTY COUNSEL  
for Multnomah County, Oregon

BY John L. Dubay  
John L. Dubay

1679-5

\*With ↑

*Need Amended Resolution*

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

In the Matter of the Implementation of the )  
East Multnomah County Bikeway Plan ) Resolution  
)

WHEREAS, on August 25, 1992, the Board of Commissioners has adopted an ordinance amending the Bikeway Plan Maps in Comprehensive Framework Plan Policy 33C; and

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WHEREAS, a Resolution memorializing these understandings will facilitate the implementation of the Bikeway Plan.

THEREFORE, BE IT RESOLVED that the Board of Commissioners expresses as Board policy that the Department of Environmental Services and the Division of Transportation implement the Bikeways Plan in accordance with the items identified on Exhibit A attached to this Resolution.

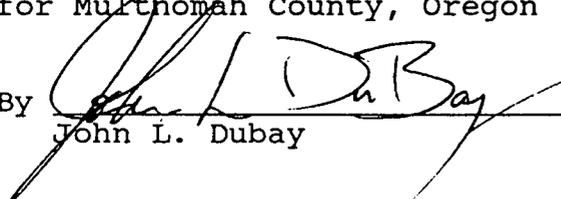
*with*

ADOPTED this \_\_\_\_\_ day of August, 1992.

MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Gladys McCoy, County Chair

REVIEWED:  
LAURENCE KRESSEL, COUNTY COUNSEL  
for Multnomah County, Oregon

By   
John L. Dubay

1679-5

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

In the Matter of the Implementation of the )  
East Multnomah County Bikeway Plan ) Resolution  
 ) 92-158

WHEREAS, on August 25, 1992, the Board of Commissioners has adopted an ordinance amending the Bikeway Plan Maps in Comprehensive Framework Plan Policy 33C; and

WHEREAS, the County Transportation Division and the local community have resolved a number of issues regarding the implementation of the Bikeway Plan; and

WHEREAS, a Resolution memorializing these understandings will facilitate the implementation of the Bikeway Plan.

THEREFORE, BE IT RESOLVED that the Board of Commissioners expresses as Board policy that the Department of Environmental Services and the Division of Transportation implement the Bikeways Plan in accordance, where practicable, with the items identified on Exhibit A attached to this Resolution.

ADOPTED this 25th day of August, 1992.

MULTNOMAH COUNTY, OREGON



By Gladys McCoy  
Gladys McCoy, County Chair

REVIEWED:  
LAURENCE KRESSEL, COUNTY COUNSEL  
for Multnomah County, Oregon

By John L. Dubay  
John L. Dubay

1679-5

EXHIBIT A

East Multnomah County Bikeway Plan

ISSUE RESOLUTION

- \* Recognizing East County's concerns for preserving the rural character and existing road shoulders, and preservation of private property, bikeway development shall occur with the least possible impact on the community.
- \* The type of bikeway facility to be developed will be determined on a case-by-case basis through the County capital improvement and project development processes, so that community concerns can be addressed prior to project construction.
- \* Based on Bicycle Planning Task Force (BPTF) input, a rural countywide standard for lane-sharing will be established and applied to East County bikeways where appropriate, instead of paved shoulders.
- \* If shoulder bikeways are appropriate and existing gravel shoulders are at least four-foot wide, then paved shoulders will be constructed at the time of road resurfacing.
- \* At the suggestion of BPTF, where gravel shoulders are narrower than four feet wide because of roadside obstructions (ditches, banks, landscaping), paved shoulder bikeways will be narrower but no less than three feet wide.
- \* Bicycle facilities require a higher standard of maintenance than facilities for motor vehicles; cyclists will ride in the travel lane if there is debris or other hazards on the paved shoulder. The Transportation Division responds to all notifications of hazardous conditions on County roads. Countywide maintenance standards will be developed for bikeways. East County bikeways will be maintained as frequently as necessary to assure their safe use in accordance with the adopted standards.
- \* County Transportation Division will support the community's efforts to have existing paved shoulders on Crown Point Highway swept and made more useable for cyclists.
- \* Icy road conditions are hazardous to travelers in East County. The Transportation Division has proposed testing "open-grated" asphalt which is more porous and coarser than existing pavement, as a means to reduce the hazards from road ice.
- \* Transportation Division will support the community's efforts to provide additional law enforcement capabilities in East County, (safety action team, town constable, other), and will provide public information to cyclists and motorists regarding rules of the road, safety and property concerns.
- \* The "Getting There by Bike" brochure produced by the County will include information on restroom and drinking water facilities in East County.

- \* Multnomah County has not previously condemned private property for bikeway purposes. There are no plans to condemn property as a result of the East Multnomah County Bikeway Plan, and we do not foresee the need to condemn private property to implement the plan. Condemnation proceedings are established by state and local statutes and require a public process and hearing.
- \* Transportation Division will support the community's efforts to provide public facilities in East County, such as restrooms at Women's Forum.
- \* A countywide Bicycle Advisory Committee will be formed to provide public input for the county's Bicycle Program, including a representative from East County.
- \* Equestrians use gravel shoulders to ride along County roads in East County. Wherever possible, gravel shoulders will be retained for horseback riding.

bptf2:5.19.91