



MULTNOMAH COUNTY OREGON

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

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

AGENDA OF
MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS
FOR THE WEEK OF
November 27 - December 1, 1989

Tuesday, November 28, 1989 - 9:30 AM - Planning Items . . . Page 2
Tuesday, November 28, 1989 - 1:30 PM - Informal Meeting . . Page 3
Thursday, November 30, 1989 - 9:30 AM - Formal. Page 4

Tuesday, November 28, 1989 - 9:30 AM

Multnomah County Courthouse, Room 602

In the matter of review of the Planning Commission Decision of October 9, 1989, Case LE 10-89, Deny requested Lot of Exception, based upon a tie vote of the Planning Commission, for property located at 35800 NE Chamberlain Road, Corbett. The Planning Commission considered Findings and Conclusions in addition to oral and written testimony. A tie vote on the request constitutes a denial.

SCOPE OF REVIEW: Denovo

Tuesday, November 28, 1989 - 1:30 PM

Multnomah County Courthouse, Room 602

INFORMAL

1. In the matter of recognition of National Family Caregivers Week (November 20-26, 1989) - Bobbie Haggerty and Louise Dunn, Good Samaritan Hospital
2. Briefing on the Human Restoration Project - Norm Monroe, Merlin Reynolds, Maggie Garreau, Cecile Pitts
3. Informal Review of Formal Agenda of November 30

PUBLIC TESTIMONY WILL NOT BE TAKEN AT INFORMAL MEETINGS

Thursday, November 30, 1989, 9:30 AM

Multnomah County Courthouse, Room 602

Formal Agenda

CONSENT CALENDAR

DEPARTMENT OF JUSTICE SERVICES

- C-1 Liquor License applications submitted by Sheriff's Office with recommendation that same be approved as follows:
- a) Package Store: Plaid Pantry Market #154, 16216 SE Division; Plaid Pantry Market #113, 13521 SE Powell Blvd.; Orient Country Store, 29822 SE Orient Drive, Gresham
 - b) Dispenser Class A - Royal Chinook Inn, 2609 East Corbett Hill Road, Corbett
 - c) Retail Malt Beverage - Happy Landing Tavern, 520 SE 148th Ave.; Papa-Sons, 12525 SE Powell Blvd.

REGULAR AGENDA

BOARD OF COUNTY COMMISSIONERS

- R-2 Introduction of William Tramosch, new Executive Director of the Oregon Historical Society, and description by Mr. Tramosch of his plans for the Society and its relationship with Multnomah County

DEPARTMENT OF HUMAN SERVICES

- R-3 In the matter of ratification of an intergovernmental agreement with Washington County whereby Washington County turns over responsibility to Multnomah County for Emergency Medical Services when Portland annexes into Washington County
- R-4 In the matter of ratification of an intergovernmental agreement with Oregon State Health Division, whereby State authorizes County sanitarians to annually inspect for sanitary compliance the 8 licensed farm labor camps in Multnomah County, for period November 1, 1989 through December 31, 1990

DEPARTMENT OF JUSTICE SERVICES

- R-5 Budget Modification DJS #9 reflecting additional revenue in the amount of \$180,243 from Federal Grant, Office of Substance Abuse Prevention, to Office of Women's Transition Services, various line items, for ADAPT: Pregnant drug abusing women in jail project

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-6 In the matter of ratification of a lease with U.S. Soil Conservation Service, to lease 730 sq. ft. of office space at 21st and Morrison, for period November 1, 1989 to October 31, 1994

ORDINANCES - DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-7 First Reading - An Ordinance authorizing forfeiture of redemption for tax foreclosed property upon abandonment or waste; requiring the tax collector to deed property to the County after hearing; to permit affected persons to appear to redeem to avoid forfeiture of redemption right; and declaring an emergency

ORDINANCES - DEPARTMENT OF GENERAL SERVICES

- R-8 Second Reading - An Ordinance relating to establishment of a retiree medical insurance account

NONDEPARTMENTAL

- R-9 Budget Modification Nondepartmental #2 reallocating \$43,000 within Nondepartmental, Charter Review Committee from Professional Services to appropriate line items for operation of Committee function
- R-10 Resolution in the Matter of Participation in Funding Activities of the Dispute Resolution Commission
- R-11 Resolution in the matter of certifying the results of the election on County Measure 62-1 - "Three Year Serial Levy: Fund Jail Space and Drug Treatment" as being approved by the voters

- R-12 Discussion of time table and contents of Tax Resource Study to provide direction for Planning & Budget staff
- R-13 In the Matter of appointments to the Income Tax Study Committee of the following: Andrea Dobson, Jim Richardson, Donald S. McClave, Jim Owens, Richard R. Harris (continued from November 21)

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

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

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

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

0501C.53-58

NAME

David A Moulton

Date 28 Nov 89

ADDRESS

35800 NE Chamberlain

Street

Corbett OR

97019

City

Zip

I wish to speak on Agenda Item #

Subject



FOR

☐ AGAINST

Date 11/28/89

NAME

Larry Epstein

ADDRESS

1020 SW Taylor St, Ste 370

Street

Portland

City

97205

Zip

I wish to speak on Agenda Item #

LE 10-89

Subject



FOR

☐ AGAINST

Date Nov. 28
1989

NAME

Sandra Mershon

ADDRESS

PO Box 179 - 35735 ECPH.

Street

Corbett, Ore

City

97019

Zip

I wish to speak on Agenda Item #

Subject

Muir aware of
Lot of Excitation

 FOR

✓ AGAINST

LE10

NAME

Ed Sullivan

Date _____

ADDRESS

101 SW Main #2000

Street
Portland, Or. 97204

City

Zip

I wish to speak on Agenda Item #

LE 10-89

Subject

Moir Lot # 10-89

☒ FOR

☐ AGAINST

PL Acc

Date 11-28-89

NAME

BRAD & KATHY HEINIGE

ADDRESS

35741 E. Crown Point Hwy.

Street

Corbett, OR

City

97019

Zip

I wish to speak on Agenda Item # LE 10-89

Subject Lot of Exception Land Division

 FOR

X

AGAINST

Yielded funds Done
NAME Tom Doty Blane Date 11/26/85

ADDRESS 35729 E.C.P. Hwy
Street
Corbett 97019
City Zip

I wish to speak on Agenda Item # Mol. By/CA
Subject 2. E. 10

 FOR

X AGAINST

Date 11-28-89

NAME

Al Brenaman

ADDRESS

35735 E Crown Pt. Highway

Street

Corbett, Oregon

City

97019

Zip

I wish to speak on Agenda Item #

Moor Appeal

Subject

Lot of Exception

 FOR

✓

AGAINST

LE10

Date 11-28-89

NAME

Donna L. Blanc

ADDRESS

35729 E. Crown Point Hwy.

^{Street}
Corbett

City

Oregon

97019

Zip

I wish to speak on Agenda Item #

Moir appeal

Subject

LE10

 FOR

X

AGAINST

Date 11/28/29

NAME

Chuck Poetz

ADDRESS

35713 E. Crown Pt. Hwy.

Street

Corbett

Oregon

97019

City

Zip

I wish to speak on Agenda Item # LE10

Subject

 FOR

 X AGAINST

Date 11-28-89

NAME

CAROL REVELLE

ADDRESS

P.O. Box 81 35739 E CROWN PT Hwy
Co.

Street

Corbett Oregon

City

97019
Zip

I wish to speak on Agenda Item #

Subject

LE 10

 FOR

X AGAINST

Date _____

NAME

Tim Hall

ADDRESS

32423 E Bell Rd

Street

Corbett

ONE

97019

City

Zip

I wish to speak on Agenda Item #

L.E. 1089

Subject

Parti

____ FOR

X AGAINST

MINUTES
MULTNOMAH COUNTY BOARD OF COMMISSIONERS
NOVEMBER 28, 1989 MEETING

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

In the Matter of Review of the Planning Commission Decision of October 9, 1989, Case LE 10-89, Deny Requested Lot of Exception, Based upon a Tie Vote of the Planning Commission, for Property Located at 35800 NE Chamberlain Road, Corbett. The Planning Commission Considered Findings and Conclusions in Addition to Oral and Written Testimony. A Tie Vote on the Request Constitutes a Denial. SCOPE OF REVIEW: Denovo

Commissioner Kafoury convened the meeting and explained that with two members of the Board absent, a unanimous vote is required to reverse the decision of the Planning Commission, as a single no vote would constitute denial of the application.

At the request of Commissioner Kafoury, County Counsel John DuBay explained the procedure for a de novo hearing, advising the appellants would go first, then opponents, followed by rebuttal. Commissioner Kafoury recommended a thirty minute time limit.

Commissioners Kafoury, Bauman and Kelley stated they had no ex parte contacts.

Planner Mark Hess presented the staff report, giving a history of the request which resulted in a denial by the Planning Commission.

Larry Epstein, 1020 SW Taylor, Portland, attorney representing applicants David and Christine Moir, explained the proposed property use and advised that approval of this lot of exception would not set precedence. Mr. Epstein outlined the eight approval criteria used by the Gorge Commission, advised his clients complied with same and requested that the County concur.

David Moir, 35800 NE Chamberlain Road, Corbett, described where he intends to place the houses and explained how he will comply with the Gorge Commission Act.

In response to a question of Commissioner Bauman, Mr. Moir confirmed he intends to sell part of the land but would keep at least five acres of the parcel in question to minimize impact.

Brad Heinege, 3741 E Crown Point Highway, Corbett, testified in opposition to the application and expressed concern about adequate fire and police protection.

Ed Sullivan, 101 SW Main, Suite 2000, Portland, attorney representing opponents Mershaun and Brenneman, testified in opposition to the application, stating it did not satisfy the letter or spirit of the criteria and should be denied.

Al Brenneman, 35735 E Crown Point Highway, Corbett, testified in opposition to the application and expressed concern over emergency service vehicles getting up a steep road grade during inclement weather.

Sandra Mershon, 35735 E Crown Point Highway, Corbett, testified in opposition to the application.

Donna Blank, 35729 E Crown Point Highway, Corbett, testified in opposition to the application and statements of Mr. Epstein. Ms. Blank read opposition letters from Mr. Van Hee and the superintendent of Corbett Schools and showed a video of the site and surrounding property.

Several citizens who signed up to testify waived their right to do so, due to the length of time taken by the previous speakers.

Tim Hall, 32423 E Bell Road, Springdale, testified in opposition to the application.

Tom Doty, 35729 E Crown Point Highway, Corbett, testified in opposition to the application and clarified a portion of the video presented by Ms. Blank.

Mr. Epstein presented his rebuttal and restated his position in favor of the application.

In response to questions of Commissioner Kelley, Mr. Hess explained that County road and private drive standards do not specify width or grade and that there are no applicable safety standards for a single dwelling house.

Commissioner Bauman moved to set a date to have the findings brought forward for final action which would affirm the decision of the Planning Commission and deny the lot of exception.

Commissioner Kelley expressed concern over the lack of standards for this particular case, stating it would be difficult to deny the application except on the basis of accessibility and the geographic area involved.

In response to a suggestion of Commissioner Kelley, Mr. DuBay advised that the Board options are to affirm, reverse or modify the Planning Commission decision or to continue the matter to a later date.

Commissioner Bauman presented his arguments against the application.

UPON MOTION of Commissioner Bauman, seconded by Commissioner Kelley, it was UNANIMOUSLY ORDERED that the Planning Commission to deny the application be upheld, based on County ordinance criteria, and that staff and County Counsel prepare findings based on the inadequacy of the roadway, criteria five, of Minimum Standards of Access.

There being no further business, the meeting was adjourned.

OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON

By Deborah A. Boush

0034C/1-3/db

COLUMBIA RIVER GORGE COMMISSION

P.O. Box 730 • 288 E. Jewett Blvd. • White Salmon, WA 98672 • (509) 493-3323

Richard P. Benner, Executive Director

Development Review

APPLICANT: Dave Moir and Frank A. Windust

FILE NO.: C89-0139-M-G-12

REQUEST: To divide a 7.14 acre parcel into two parcels of 5 acres and 2.14 acres in size.

LOCATION: The subject parcel is located south of and adjacent to Chamberlain Road within the SW 1/4 of Section 27, Township 1 North, Range 4 East, W.M., Multnomah County, Oregon.

NATIONAL SCENIC AREA DESIGNATION: General Management Area

COMMENTS FROM OTHER AGENCIES/INDIVIDUALS:

In addition to owners of property within 250 feet of the subject property, notice of the subject request was mailed to the following agencies/individuals:

Yakima Indian Nation
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of Warm Springs
Nez Perce Tribe
WA Department of Community Development
OR Land Conservation and Development Commission
U.S. Forest Service NSA Office
OR State Historic Preservation Office
Multnomah County Planning
Multnomah County Assessor

Comments were received from Columbia Gorge United, Friends of the Columbia Gorge, Ted Davenport, Sandra J. Mershon, Carol A. Revelle, Charles L. and Robin K. Poetz, Donna L. Blanc.

FINDINGS OF FACT:

A. Conversion of Land

1. The total contiguous ownership of the subject parcel encompasses 8.14 acres. The property is bisected by a line defining the rural residential zone and the Corbett rural center. Approximately one acre of the southern portion of the contiguous ownership is in the rural center zone. Multnomah County considers the one acre as a separate legal parcel created by the bisecting zoning line. The request is to divide the remaining 7.14 acres into a 5 acre parcel and a 2.14 acre parcel.

2. The subject parcel is covered with a variety of deciduous and coniferous trees with associated underbrush. A 24 foot wide road from the Historic Columbia River Highway serves the parcel. This roadway would be used to access the proposed new parcels. A single-family dwelling exists on the property.
3. Adjacent land use to the north, south, east and west is rural residential.
4. The subject parcel and adjacent parcels are not used for agricultural or forest purposes.

Conclusion:

The proposed development does not represent conversion of agricultural or forest land. It would be impracticable to consolidate the subject parcel into a viable agricultural or forest operation. The current size of the parcel precludes the ability to manage the property for resource uses.

The proposed single-family dwelling would not have an adverse affect to the agricultural or forest land base within the Scenic Area, either individually or cumulatively.

B. Scenic Resources

1. The Columbia River Gorge National Scenic Area Final Interim Guidelines, Chapter III, Section B(1) and (2) state that "proposed uses or developments shall protect or enhance the scenic resources by avoiding change in the particular landscape setting, and/or by minimizing the impact from site-specific development." Furthermore, "proposed uses or developments shall not change the landscape setting of a site or its immediate surroundings from an undeveloped to a rural or developed setting, or from a rural to a developed setting."
2. Within the immediate surroundings of the subject parcel, there are 24 parcels which range in size from .94 to 5.23 acres. This area is described as the land which lies between the boundaries of Chamberlain Road to the north, the rural center zoning line to the south, a line which lies approximately 100 feet west of the west property line of the subject parcel, and the east line of the Carson West Estates subdivision. Twenty-two of these parcels are less than three acres in size. The average parcel size within the described rural residential enclave is 2.2 acres.
3. The subject parcel is situated in a rural landscape setting, characterized as a rural residential enclave of a relatively moderate density. The proposed land

division would create parcels at a density consistent with that of the identified rural residential enclave.

Three parcels, including the subject parcel, within this cluster of residential development have the potential of being further divided without creating lots uncharacteristically small for the area. The density created by this proposal is consistent with that of parcels within the immediate area.

The greater Corbett area outside the identified enclave, is characteristic of lower densities. If the densities proposed in this application were applied to these lands, a cumulative adverse scenic effect resulting from a change to a developed setting would occur. However, because the densities created by the proposed land division would only apply within the described rural residential enclave, the proposal will not change the landscape setting, either individually or cumulatively.

4. The subject parcel is seen from the Columbia River, Washington State Route 14 and the Burlington Northern Railroad, all identified as key viewing areas in the Final Interim Guidelines. Future proposals for development on the vacant 2.14 acre parcel will require a review by the Columbia River Gorge Commission for scenic impacts and possible mitigation to these impacts.

Conclusion:

The proposed land division will not change the landscape setting of the subject parcel or the immediate surroundings.

The proposed land division will not adversely affect scenic resources within the Scenic Area, either individually or cumulatively.

C. Cultural Resources

1. Michael Boynton, archaeologist with the U.S.D.A. Forest Service National Scenic Area Office examined the application for potential effects to cultural resources and submitted comment recommending that the project will not have an effect, beneficial or adverse, to historic or prehistoric cultural resources and is consistent with the Act in this respect.
2. The Oregon State Historic Preservation Office was notified of the proposal and has not submitted comment.

Conclusion:

A condition requiring the applicant to cease work and notify the Commission should any cultural resource be uncovered during site

development would protect any unknown historic and prehistoric cultural resources.

D. Recreation Resources

The subject parcel is accessed from the Historic Columbia River Highway via a 24 foot access way. The highway is highly used by the traveling public as a scenic highway.

Conclusion:

The proposed development would not have an adverse affect to recreational resources in the Scenic Area.

E. Natural Resources

1. No endangered or threatened animals or significant wildlife habitat have been identified on the subject parcel.
2. No endangered, threatened, or sensitive plants or significant plant communities have been identified on the subject parcel.
3. No streams or wetlands exist on or near the subject parcel.

Conclusion:

The proposed single-family dwelling would not adversely affect any natural resources.

DECISION:

Based upon the preceding findings of fact, the land use application by Dave Moir and Frank Windust, Jr. to divide a 7.14 acre parcel into two parcels of 5 acres and 2.14 acres in size is found to be consistent with the standards of Section 6 and the purposes of P.L. 99-663, and Commission Rule 350-20, and is hereby approved with the following condition:

1. If any historic or prehistoric cultural resources are discovered during project activities, such activities shall cease immediately and the applicant shall notify the Gorge Commission.

DATED AND SIGNED THIS 7th day of August, 1989 at White Salmon, Washington.


Richard P. Benner, Executive Director

Note: Any new residential development, related accessory structures such as garages, workshops and satellite dishes and additions or alterations not included in this approved site plan, will require a new application and review.

As per section 350-20-014 of the Commission's Review and Approval of Major Development Actions and New Residential Development Rule, no development shall be undertaken or initiated within twenty (20) working days of the date of this decision, the time period within which this decision may be appealed.

As per section 350-20-010(6) the decision of the Director approving a proposed development action shall become void in one year if the development action is not undertaken within that year, or when the development action is discontinued for any reason for one continuous year or more.

This land use approval does not exempt the development from any other requirements, standards or permits required by local government or other jurisdictions. The developer should check with the appropriate city or county planning and/or building departments regarding local land use and building regulations.

APPEAL PROCESS

The decision of the Executive Director shall be final unless a notice of appeal is filed with the Commission within twenty (20) working days of the date of this decision by the applicant or any person who submitted comment. Any three (3) members of the Commission may appeal this decision by filing a notice within the same time period. Notice of Appeal forms may be obtained at Commission offices.

No development approved by the Executive Director shall be undertaken or initiated during the appeal filing period if the Director received any adverse comments during the comment period. If the Director received no adverse comments, the development action approved by the Director may be undertaken or initiated during the appeal filing period, subject to the risks and consequences of an appeal or Commission initiated review. The development remains subject to the rules and regulations of other state and local authorities with jurisdiction over the proposed development.

SK:jmb
FIND0139.89

cc: U.S. Forest Service - NSA Office
WA Dept. of Community Development
OR Land Conservation and Development Comm.
Yakima Indian Nation
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of Warm Springs
Nez Perce Tribe
OR State Historic Preservation Office

Multnomah County Planning
Multnomah County Assessor
Multnomah County Sanitarian
Columbia Gorge United
Friends of the Columbia Gorge
Ted Davenport
Sandra J. Mershon
Carol A. Revelle
Charles L. and Robin K. Poetz
Donna L. Blanc

EXISTING
RESIDENCE

ROAD

PROPOSED
RESIDENCE

5 A.

2.14 A.
LOT OF
EXCEPT.

RB

EXISTING DRIVEWAY
AND SERVICES

NORV'S
WOODS MFG.

CORRETT 6
CORRETT 4

COMPTON
ARCHITECT

CASCADE
UTILITIES
(PHONEX CO.)

DUPLEX
OFFICE
CORRETT
HARDWARE
CORRETT
CO.

Hwy.

CORRETT
WATKE
DIST

CROWN POINT

CORRETT
HIGH SCHOOL

MFG
B.D.G.

POMER
DIL CO.

PRELIMINARY MATTERS

Before reviewing the applicable standards, Opponents wish to raise a number of preliminary matters all of which militate toward denial of this application:

1. Only real access is to unnamed county road -- The applicants candidly admit they have no intention of using the 50 foot frontage on Chamberlain Road, but will rather use the access over the one-acre parcel to the south of the subject property, but which still part of Tax Lot 19. If this be true, the applicant must be made to comply with MCC 11.15.2228, which states:

"Any lot in this district shall abut a street, or shall have such other access determined by the Hearings Officer to be safe and convenient for pedestrians and passenger and emergency vehicles."

To do otherwise allows the applicant to create a flag lot without using the flag pole, but to evade the purpose of the access requirements, i.e. the provision of safe access.

2. Access over the one acre parcel on the south end of Tax Lot 19 not before the Board -- As the Board may see from the description of the subject property and the notice given in this case, property to the south of the section line, i.e. the one acre parcel which connects with the unnamed county road, is not

uses, when these uses are shown to be compatible with the natural resource base, the character of the area, and applicable county policies."

1 before the Board in these proceedings.²

2 The applicants ask the Board either to allow it to create a
3 street or road for the purpose of partitioning land (which would
4 be the case if the applicants were to use an easement from the
5 proposed new parcel to the unnamed county road) which requires
6 county approval of an application to that effect under ORS
7 92.014³, or, if the new lot were to have ownership of the
8 accessway to the unnamed county road, the one acre parcel would
9 be brought below the minimum lot size.⁴

10 2. Opponents object to Board consideration of matters not in
11 the hearing notice and not applied for and assert their
12 substantial rights are affected by having the Board proceed
13 without jurisdiction and effectively considering the creation of
14 a street or way to partition land without county approval or,
15 alternatively, reducing the minimum lot size of the southerly
16 parcel below one acre. Opponents are prepared only to deal with
17 matters which are lawfully before the Board. If the Board
18 wishes to consider these additional other matters, opponents
19 believe it should continue these proceedings pursuant to sec.
20 10a, ch. 761, Or. Laws, 1989.

21 3. ORS 92.014 states:

22 "(1) No person shall create a street or road for the
23 purpose of partitioning an area or tract of land
24 without the approval of the city or county having
25 jurisdiction over the area or tract of land to be
26 partitioned.

"(2) No instrument dedicating land to the public use
shall be accepted for recording in this state unless
such instrument bears the approval of the city or
county authorized by law to accept such dedication."

Under ORS 92.010 (11), "road" in this context means a public or
private road created to provide ingress or egress to lots,
parcels, areas, or tracts of land.

4. Opponents also note that to the South of the section line
is a different zone. The applicants wish to gain approval of a
rural residential use over rural center property.

3 -- OPPONENTS' MEMORANDUM

Page

1 3. Three building parcels created from Tax Lot 19 -- The
2 applicants approach these proceedings as if only two lots are
3 before the Board for consideration. However, if the proposed Lot
4 of Exception were created, there would be three separate building
5 parcels created from Tax Lot 19 -- the two north of the section
6 line and the one south of that line.⁵ This is especially
7 important when considering the access to the unnamed county road,
8 for at least two of the parcels would use this access.

9 Moreover, creation of three lots, only one of which is five
10 acres or more, violates MCC 11.15.2220 (B) (2), which prohibits
11 creation of more than one lot which is less than five acres.

12 CRITERIA FOR APPROVAL OF A LOT OF EXCEPTION APPLICATION

13 The following are the criteria from MCC 11.15.2220 (A),
14 along with opponents' commentary on the same:

15 "* * * Any exception shall be based on findings that the
16 proposal will:

17 1. "Substantially maintain or support the character and
18 stability of the overall land use pattern of the area" -- In
19 Sweeten v. Clackamas County, ___ Or. LUBA ___ (LUBA No. 89-024),
20 LUBA construed similar language to require a three step approach:

21 1. An area must be selected for consideration;

22 5. Applicants will no doubt rely on MCC 11.15.222 (C), which
23 purports to give separate lot of record status to land
24 intersected by a zoning boundary. However, such a zoning
25 decision would be ineffective unless and until the County
26 approved a partition of those lands. That issue is not before
the Board and was not a subject of notice in this case.
Opponents request the Board to take the same action as that set
forth in note 2 supra.

4 -- OPPONENTS' MEMORANDUM

Page

1 2. The types of uses existing in the area must be examined,
2 although the lot or parcel sizes are not dispositive of the types
3 of uses on those lots or parcels⁶; and

4 3. The County must determine that the proposed use will not
5 materially alter the stability of existing uses.

6 Opponents note that the subject parcel is at the edge of the
7 Rural Residential District and borders a resource district (the
8 MUF-19 Zoning District). In dealing with the rural character of
9 the area, the County must not only consider a gerrymandered area
10 which includes parcels created before any zoning regulations,
11 much less the present five acre minimum, but also the need to
12 avoid a pattern which would overtax rural services and urbanize
13 an area outside the Metropolitan Urban Growth Boundary.

14 Opponents suggest exclusion of Top Cliff and the inclusion
15 of Rural Residential parcels to the section line to the south of
16 the subject property north to the Columbia in Section 27. Doing
17 so, while it excludes the MUF 19 parcels of 48 and 115 acres, and
18 the state park of 25.5 acres, does represent a different kind of
19 rural residential use not as committed to small (now illegal)
20 lots as that to the east. Thus, eleven parcels⁷, totalling 44.43
21 acres are averaged to 4.04 acres per parcel. A 2.2 acre parcel

22 6. In Sweeten, LUBA also found that the existence of lots of
23 record were irrelevant to the determination of whether the
24 overall land use pattern would remain unaltered. The applicant
has not shown how many of the parcels used in their calculations
were lots of record.

25 7. Tax Lots 3, 14, 15, 17, 18, 19, 21, 22, 23, 24, and 25.
26

1 is inconsistent with this average and with the area's land use
2 pattern, which is neither maintained or supported.

3 In this case, the character of the existing area is not
4 maintained or supported by the creation of three building lots of
5 5, 2.2, and 1 acre from an 8.2 acre parcel. The existing land
6 use pattern is shown by the aerial photo, which is not cluttered
7 with houses or "lots of record" which may not be lawful. The
8 existing land use pattern is not maintained or supported by
9 creating access problems on the unnamed county road or conflicts
10 at the intersection of that road and the existing accessways, or
11 by allowing a substandard accessway. Opponents contend the grant
12 of this application would "tip the balance" and make the area
13 around the site more dense, more dangerous, and convert the rural
14 area from medium and larger lots into a suburban area with
15 inadequate access.

16 2. "Be situated on land generally unsuitable for the
17 production of farm crops and livestock or for forest use,
18 considering the terrain, adverse soil or land conditions,
19 drainage and flooding, vegetation, and the location or size of
20 the tract" -- The applicants' response on this point is that
21 existing alder, maple, fir, and cedar trees have little
22 commercial value. That is a different matter from saying the
23 land is not able to be cultivated for crops or trees or used for
24 pasture land. In fact, the applicants admit an adjacent three-
25 acre parcel was used for pasture land. Finally, the fact that
26 the area surrounding the applicants' land is not in commercial

1 farm or forest use does not, by that fact, render the subject
2 parcel so unsuitable.

3 The fact that the land may not be usable for commercial farm
4 or forest use does not render the land unsuitable for such
5 purposes. See Rutherford v. Armstrong, 31 Or. App. 1319, 572
6 P.2d 1331 (1977); Blosser v. Yamhill County, ___ Or. LUBA ___
7 (LUBA No. 89-084, October 27, 1989); Sweeten v. Clackamas County,
8 supra., and Smith v. Baker County, 14 Or. LUBA 167 (1985).
9 Neither the findings nor the record in this case explain why the
10 subject parcel is unsuitable for farm or forest use.

11 3. "Be compatible with accepted farming or forestry
12 practices on adjacent lands" -- Contrary to the contentions of
13 the staff and the applicants, many properties in the area are
14 devoted to farm and forest use, at least on a part-time basis.
15 And there are two large parcels (Tax Lots 8 and 9) zoned MUF,
16 which allows for farm and forest uses, either adjacent to, or one
17 lot removed from the subject property.⁸

18 The applicant has not dealt with the effects of a new home
19 on the subject parcel (e.g. domestic animals, fire, vandalism) on
20 the MUF and other lands used for farm and forest purposes, nor
21 the effect of farm and forest practices (e.g. spraying, noise,
22 smells etc.) on these other parcels on the subject parcel.

23 4. "Be consistent with the purposes described in .2202" --

24 8. Even if there were no farm or forest uses in the area,
25 the lands surrounding the site have farm and forest potential and
26 the applicant must address future non-interference in these
proceedings.

1 This section states:

2 "The purposes of the Rural Residential District are to
3 provide areas for residential use for those persons who
4 desire rural living environments; to provide standards
5 for rural land use and development consistent with
6 desired rural character, the capability of the land and
7 natural resources; to manage the extension of public
8 services; to provide for public review of non-
9 residential use proposals and to balance the public's
10 interest in the management of community growth with the
11 protection of individual property rights through review
12 procedures and flexible standards." (Emphasis supplied)

13 The applicants' state that approval will allow the property
14 to remain substantially in its present condition and that tree
15 removal will not occur. The second statement is largely
16 irrelevant and the first is clearly wrong, for three building
17 parcels are authorized by the proposal, if granted. The staff
18 uses the erroneous computation of lot sizes and finds the
19 proposal consistent with the "area" described.

20 The "desired rural character" of this area is set by the
21 five acre minimum lot size, not by any artificially gerrymandered
22 construct made to secure a desired end. Neither the capabilities
23 of the lands, nor the provision of services, especially road
24 services, have been dealt with by the applicant. Finally, the
25 balance between property rights and the public's interest in
26 management of community growth is met by the five acre minimum
27 lot size. If that lot size remained, the applicants would still
28 have their argument for the one acre parcel on the south end of
29 Tax Lot 19. Even if they did not have that parcel, no property
30 rights have been taken from them.

31 5. "Satisfy the applicable standards of water supply,

32 8 -- OPPONENTS' MEMORANDUM

Page

1 sewage disposal and minimum access"

2 6. "Not require public services beyond those existing or
3 programmed for the area" --

4 The concern under these headings is access. The applicants
5 first indicate they have access via a 28 foot wide driveway to
6 the unnamed county road; in their appeal, however, this 28 feet
7 becomes 12 feet, which, they indicate, meets county standards.
8 This, too, is not true.

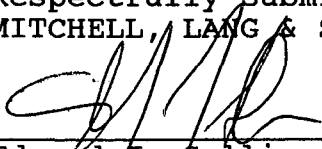
9 In sec. 5.220 (b) of the access standards, driveway width is
10 set forth in table 5.3 as a range of 12 to 25 feet. In that this
11 driveway is to serve at least two homes and is immediately
12 adjacent to Opponents accessway, 12 feet is insufficient.

13 Moreover, the unnamed county road does not satisfy the
14 minimum right of way and improvement standards of MCC ch. 11.60,
15 table 5.2, also found in the access standards referred to by the
16 Applicants. There is no reasonable prospect that this road will
17 be brought up to standards in the near future. Thus, the subject
18 proposal should be denied on these grounds as well.

19 CONCLUSION

20 Based on the above, Opponents request the Board deny the
21 subject application.

22 Respectfully Submitted,
23 MITCHELL, LANG & SMITH

24 
25 Edward J. Sullivan, of
26 Attorneys for Opponents

"The proposed land division would create parcels at a density consistent with that of the identified rural residential enclave... The density created by the proposal is consistent with that of parcels in the immediate area."

There is no evidence that approval of the proposed Lot of Exception will lead to rampant development or a suburban character. An additional rural residence will not change the character of the area. The predominant use of the Lot of Exception, in terms of the amount of land used, will be open space and forest. A typical 2000 square foot, one story dwelling will occupy about 2 percent of the 2.2-acre parcel. The facts do not justify the opponents' paranoia.

The facts also do not substantiate the malicious and hypocritical testimony of opponents, some of which bordered on actionable slander.

Contrary to the opponents' testimony, the applicants have not removed timber from the site other than one tree. We will offer testimony from public officials to support this statement.

Contrary to opponents' testimony, the applicants do not intend to further divide the property. Moreover the zoning does not allow the applicants or owners of other properties in the area to divide into more than 2 lots that are smaller than 5 acres. Opponent concerns about rampant development is not warranted, based on the applicable zoning regulations. In this case, testimony by staff shows that only 2 lots can be created in the appropriate study area, and only 8 to 12 additional lots can be created in the whole Rural Residential area north of Corbett, assuming a much larger study area is used. This potential does not warrant a finding that the proposed Lot of Exception will lead to additional development.

Contrary to the opponents' testimony, there are no commercial farm or forest uses in the area. Two horses in a pasture does not make a farm. Moreover the opponents did not show the Lot of Exception would conflict farm or forest uses. In this context, the Gorge Commission Director's decision says:

"It would be impracticable to consolidate the subject parcel into a viable agricultural or forest operation. The current size of the parcel precludes the ability to manage the property for resource use."

Many of the concerns raised during the hearing in this matter dealt with rural residential development and future development in the Corbett area generally. It is appropriate to consider those concerns in the Plan Update process or in some other comprehensive study or legislative process. But it is not appropriate to address these concerns in a quasi-judicial context, where it cannot be shown by substantial evidence that the proposed Lot of Exception would have areawide effects. Approval of the Lot of Exception in this case does not mandate approval of other land divisions in the area. It is not a binding precedent.

The opponents effectively call for a moratorium on all development in the area. That is not consistent with the law, and the Board should instruct the Planning Commission accordingly. If the Planning Commission wants to study the issue more broadly, it should do so in a legislative setting, with appropriate public notice and hearings, not a quasi-judicial one.

5. The opponents' position in this case is contrary to the adopted policy of the County and the Columbia River Gorge National Scenic Area legislation.

November 28, 1989

Multnomah County Board of Commissioners
Multnomah County Courthouse
Portland, Oregon

Dear Commissioners:

I wish to refute Mr. Epstein's comment in Mr. Moir's Notice of Review that "contrary to the opponents' testimony, there are no commercial farm or forest uses in the area."

I live on Tax Lot 39, adjacent to Mr. Moir's property on Tax Lot 19. I currently use my property for commercial agricultural purposes. I have over 800 trees planted as nursery stock.

I oppose the proposed lot of exception and the misleading comments contained in the original application as well as the Notice of Review.

Sincerely,

A handwritten signature in cursive script, reading "Terry Van Hee".

Terry Van Hee
35943 E. Crown Pt. Hwy.
Corbett, Oregon 97019

Sept 8, 1989

Bill of Sale

I agree to pay \$1900 for the 1959
Northwestern trailer, plate # X1172207
ID # N59104725. The deposit for
trailer is \$400 paid on Sept 8, 1989
with balance due in five weeks as
follows.

Sept 16	235.00
Sept 23	250.00
Oct 8	320.00
Oct 16	350.00
Oct 29	205.00
Nov 1	140.00
	<hr/>
	\$1500.00

Seller agrees to carpet front room and
pay taxes due on trailer.

Seller: Donna L. Blanc
Donna L. Blanc
Buyer: Victor M. Haley
Victor M. Haley

COLUMBIA RIVER GORGE COMMISSION

P.O. Box 730 • 288 E. Jewett Blvd. • White Salmon, WA 98672 • (509) 493-3323

Richard P. Benner, Executive Director

Development Review

APPLICANT: Dave Moir and Frank A. Windust

FILE NO.: C89-0139-M-G-12

REQUEST: To divide a 7.14 acre parcel into two parcels of 5 acres and 2.14 acres in size.

LOCATION: The subject parcel is located south of and adjacent to Chamberlain Road within the SW 1/4 of Section 27, Township 1 North, Range 4 East, W.M., Multnomah County, Oregon.

NATIONAL SCENIC AREA DESIGNATION: General Management Area

COMMENTS FROM OTHER AGENCIES/INDIVIDUALS:

In addition to owners of property within 250 feet of the subject property, notice of the subject request was mailed to the following agencies/individuals:

Yakima Indian Nation
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of Warm Springs
Nez Perce Tribe
WA Department of Community Development
OR Land Conservation and Development Commission
U.S. Forest Service NSA Office
OR State Historic Preservation Office
Multnomah County Planning
Multnomah County Assessor

Comments were received from Columbia Gorge United, Friends of the Columbia Gorge, Ted Davenport, Sandra J. Mershon, Carol A. Revelle, Charles L. and Robin K. Poetz, Donna L. Blanc.

FINDINGS OF FACT:

A. Conversion of Land

1. The total contiguous ownership of the subject parcel encompasses 8.14 acres. The property is bisected by a line defining the rural residential zone and the Corbett rural center. Approximately one acre of the southern portion of the contiguous ownership is in the rural center zone. Multnomah County considers the one acre as a separate legal parcel created by the bisecting zoning line. The request is to divide the remaining 7.14 acres into a 5 acre parcel and a 2.14 acre parcel.

2. The subject parcel is covered with a variety of deciduous and coniferous trees with associated underbrush. A 24 foot wide road from the Historic Columbia River Highway serves the parcel. This roadway would be used to access the proposed new parcels. A single-family dwelling exists on the property.
3. Adjacent land use to the north, south, east and west is rural residential.
4. The subject parcel and adjacent parcels are not used for agricultural or forest purposes.

Conclusion:

The proposed development does not represent conversion of agricultural or forest land. It would be impracticable to consolidate the subject parcel into a viable agricultural or forest operation. The current size of the parcel precludes the ability to manage the property for resource uses.

The proposed single-family dwelling would not have an adverse affect to the agricultural or forest land base within the Scenic Area, either individually or cumulatively.

B. Scenic Resources

1. The Columbia River Gorge National Scenic Area Final Interim Guidelines, Chapter III, Section B(1) and (2) state that "proposed uses or developments shall protect or enhance the scenic resources by avoiding change in the particular landscape setting, and/or by minimizing the impact from site-specific development." Furthermore, "proposed uses or developments shall not change the landscape setting of a site or its immediate surroundings from an undeveloped to a rural or developed setting, or from a rural to a developed setting."
2. Within the immediate surroundings of the subject parcel, there are 24 parcels which range in size from .94 to 5.23 acres. This area is described as the land which lies between the boundaries of Chamberlain Road to the north, the rural center zoning line to the south, a line which lies approximately 100 feet west of the west property line of the subject parcel, and the east line of the Carson West Estates subdivision. Twenty-two of these parcels are less than three acres in size. The average parcel size within the described rural residential enclave is 2.2 acres.
3. The subject parcel is situated in a rural landscape setting, characterized as a rural residential enclave of a relatively moderate density. The proposed land

division would create parcels at a density consistent with that of the identified rural residential enclave.

Three parcels, including the subject parcel, within this cluster of residential development have the potential of being further divided without creating lots uncharacteristically small for the area. The density created by this proposal is consistent with that of parcels within the immediate area.

The greater Corbett area outside the identified enclave, is characteristic of lower densities. If the densities proposed in this application were applied to these lands, a cumulative adverse scenic effect resulting from a change to a developed setting would occur. However, because the densities created by the proposed land division would only apply within the described rural residential enclave, the proposal will not change the landscape setting, either individually or cumulatively.

4. The subject parcel is seen from the Columbia River, Washington State Route 14 and the Burlington Northern Railroad, all identified as key viewing areas in the Final Interim Guidelines. Future proposals for development on the vacant 2.14 acre parcel will require a review by the Columbia River Gorge Commission for scenic impacts and possible mitigation to these impacts.

Conclusion:

The proposed land division will not change the landscape setting of the subject parcel or the immediate surroundings.

The proposed land division will not adversely affect scenic resources within the Scenic Area, either individually or cumulatively.

C. Cultural Resources

1. Michael Boynton, archaeologist with the U.S.D.A. Forest Service National Scenic Area Office examined the application for potential effects to cultural resources and submitted comment recommending that the project will not have an effect, beneficial or adverse, to historic or prehistoric cultural resources and is consistent with the Act in this respect.
2. The Oregon State Historic Preservation Office was notified of the proposal and has not submitted comment.

Conclusion:

A condition requiring the applicant to cease work and notify the Commission should any cultural resource be uncovered during site

development would protect any unknown historic and prehistoric cultural resources.

D. Recreation Resources

The subject parcel is accessed from the Historic Columbia River Highway via a 24 foot access way. The highway is highly used by the traveling public as a scenic highway.

Conclusion:

The proposed development would not have an adverse affect to recreational resources in the Scenic Area.

E. Natural Resources

1. No endangered or threatened animals or significant wildlife habitat have been identified on the subject parcel.
2. No endangered, threatened, or sensitive plants or significant plant communities have been identified on the subject parcel.
3. No streams or wetlands exist on or near the subject parcel.

Conclusion:


The proposed single-family dwelling would not adversely affect any natural resources.

DECISION:

Based upon the preceding findings of fact, the land use application by Dave Moir and Frank Windust, Jr. to divide a 7.14 acre parcel into two parcels of 5 acres and 2.14 acres in size is found to be consistent with the standards of Section 6 and the purposes of P.L. 99-663, and Commission Rule 350-20, and is hereby approved with the following condition:

1. If any historic or prehistoric cultural resources are discovered during project activities, such activities shall cease immediately and the applicant shall notify the Gorge Commission.

DATED AND SIGNED THIS 7th day of August, 1989 at White Salmon, Washington.


Richard P. Benner, Executive Director

Note: Any new residential development, related accessory structures such as garages, workshops and satellite dishes and additions or alterations not included in this approved site plan, will require a new application and review.

As per section 350-20-014 of the Commission's Review and Approval of Major Development Actions and New Residential Development Rule, no development shall be undertaken or initiated within twenty (20) working days of the date of this decision, the time period within which this decision may be appealed.

As per section 350-20-010(6) the decision of the Director approving a proposed development action shall become void in one year if the development action is not undertaken within that year, or when the development action is discontinued for any reason for one continuous year or more.

This land use approval does not exempt the development from any other requirements, standards or permits required by local government or other jurisdictions. The developer should check with the appropriate city or county planning and/or building departments regarding local land use and building regulations.

APPEAL PROCESS

The decision of the Executive Director shall be final unless a notice of appeal is filed with the Commission within twenty (20) working days of the date of this decision by the applicant or any person who submitted comment. Any three (3) members of the Commission may appeal this decision by filing a notice within the same time period. Notice of Appeal forms may be obtained at Commission offices.

No development approved by the Executive Director shall be undertaken or initiated during the appeal filing period if the Director received any adverse comments during the comment period. If the Director received no adverse comments, the development action approved by the Director may be undertaken or initiated during the appeal filing period, subject to the risks and consequences of an appeal or Commission initiated review. The development remains subject to the rules and regulations of other state and local authorities with jurisdiction over the proposed development.

SK:jmb
FIND0139.89

cc: U.S. Forest Service - NSA Office
WA Dept. of Community Development
OR Land Conservation and Development Comm.
Yakima Indian Nation
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of Warm Springs
Nez Perce Tribe
OR State Historic Preservation Office

ROAD

EXISTING
RESIDENCE

PROPOSED
RESIDENCE

SA.

2.14A
LOT OF
EXCISE

RR

EXISTING DRIVEWAY
AND SERVICES

NORVIS
MOULDS MFG.

CORBETT &
S.

COMPTON
ARCHIVE

CASCADE
UTILITIES
(PHONDR CO.)

DUPLEX
OFFICE
CORBETT
HARDWARE
CORBETT
COW

CROWN POINT
CORBETT
HIGH SCHOOL DUPLEX

MFG
BIDG.

POUNDR
OIL CO.

CORBETT
WATER
DIST



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

Decision
October 9, 1989

LE 10-89, #646

Lot of Exception
(Land Division)

Applicant requests a land division under "Lot of Exception" provisions of the RR, rural residential zoning district, to divide a 7.2-acre parcel into a 2.2-acre and a 5-acre parcel.

Location: 35800 NE Chamberlain Road

Legal: Tax Lot '19', Section 27, 1N-4E, Except that portion
lying south of the Section line for Section 34, 1N-4E
1989 Assessor's Map

Site Size: Approximately 7.2 Acres

Size Requested: Same

Property Owner: David and Christine Moir
35800 NE Chamberlain Road
Corbett, Oregon 97019

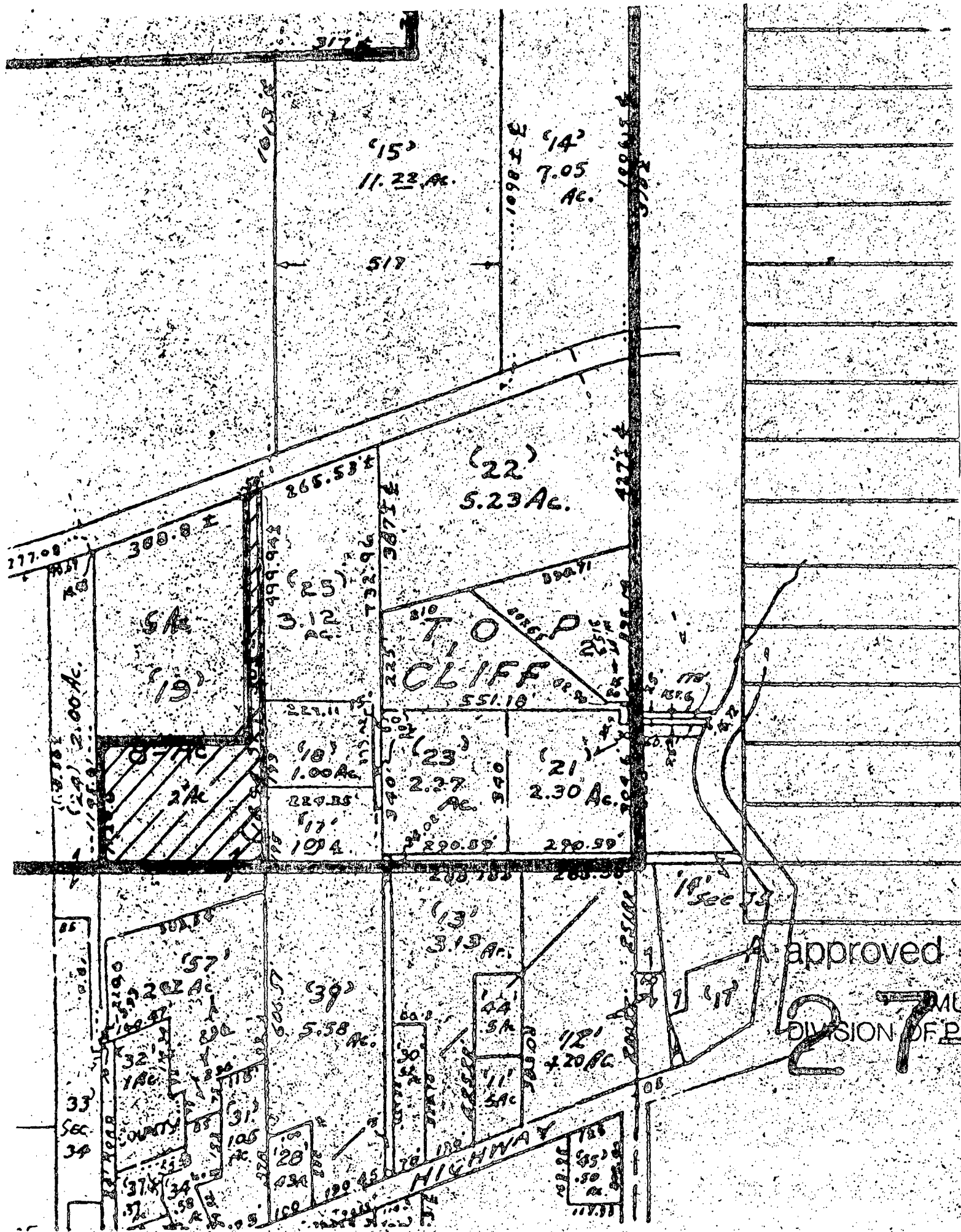
Applicant: David Moir & Frank A. Windust, Jr., c/o Oregon Realty Company
36039 East Crown Point Highway, Corbett, 97019

Comprehensive Plan: Rural Residential/Area of Significant Environmental Concern

Present Zoning: RR, Rural Residential District
SEC, Area of Significant Environmental Concern Area

PLANNING COMMISSION

DECISION: Deny the requested Lot of Exception based on a tie vote of the Planning Commission. The Planning Commission considered the following findings and conclusions in addition to oral and written testimony. A tie vote on the request constitutes a denial.



Columbiad

→ Taylor's Landing

Low Water Line

5725 E

CORBETT

MUF-19
(9)
47.73Ac

RURAL RESIDENTIAL

PROPOSED
LOT OF
EXCEPTION

TOP
CLIFF

CASON - WEST
ESTATES

CORBETT RURAL CENTER

MUA ^{500 Ac.} - 20

27

FREEWAY I-84

Union Pacific Railroad

(7)
14.00 Ac.



Case #: LE 10-89

Location: 35800 NE Chamberlain Road

Scale: 1 inch to 400 feet

Shading indicates subject property

CORBETT

S 73° 04' 30" W
472.44'
1312.93
708.49'

1686.54'
1657.16 (MP)

(30)
19.97 Ac.

(15)
11.22 Ac.

(14)
7.05 Ac.

LD 01-84

CHAMBERLAIN ROAD

(22)
5.23 Ac.

T.O.P.
CLIFF

(25)
2.00 Ac.

(18)
2.13 Ac.

(23)
2.27 Ac.

(21)
2.30 Ac.

(90)

CROWN POINT HIGHWAY 9-A-60

DIST. 39
HIGH SCHOOL
(15)
6.61 Ac.

VINDUST

Findings:

1. **Applicant's Proposal:** Applicant requests approval of a Lot of Exception to create a 2.2-acre and a 5-acre parcel out of the 7.2 acre parent lot. The proposed 5-acre parcel contains a single family residence.
2. **Site and Vicinity Information:** The subject site lies south of Chamberlain Road. A mix of mature coniferous and deciduous trees covers most of the site. The land slopes up from Chamberlain Road. The house on the property, near the north boundary adjacent to Chamberlain Road, was built in 1979. Tax Lot '19' also has access to Crown Point Highway (to the south) through an unnamed 24-foot wide public right-of-way.

The area west and east of the site is zoned RR, Rural Residential. Land immediately north and further west is zoned MUF-19, Multiple Use Forest District. Lands to the south are within the RC, Rural Center District for Corbett. The land between the Corbett Rural Center District and Chamberlain Road is divided into small-acreage residential parcels (see lot size discussion under Criteria #1. below) with several single family homes nestled into this heavily wooded north facing slope. The land north of Chamberlain Road is generally flatter and more open in character. South of the site, the Corbett Rural Center District contains a mix of uses, including the local elementary and high schools, retail shops, offices, light manufacturing businesses, a post office and several residences. The entire Corbett area, including the subject site, is within the Columbia River Gorge National Scenic Area.

3. **Ordinance Considerations:** The subject lot (Tax Lot '19') actually contains 8.14-acres. County zoning provisions recognize this lot as two distinct Lots of Record since it straddles a zone boundary [Reference MCC 11.15.2222(C) & 2262(C)]. The south portion of the lot (approximately 1-acre) lies within the RC, Rural Center District; most of the lot (Approximately 7.2-acres) lies within the RR, Rural Residential District (see attached maps).

Section 11.15.2220(A) specifies findings necessary to create lots with less than 5-acres in the RR District. The following section presents findings regarding the proposed Lot of Exception; the applicable standard is in ***bold italics***. Applicant's responses are presented first (*in italics*), followed by staff comments:

A. ***Any exception shall be based on findings that the proposal will:***

- (1) ***Substantially maintain or support the character and stability of the overall land use pattern of the area;***

"The proposed lot of exception is located within the the RR-5 zone, and immediately adjacent to the RC zone for the community of Corbett. This is defined by the close proximity to the Grade, Middle, and high school, the hardware store, post office, water district and telephone company.

The predominant landuse is one and two acre lot sizes with residential homes. The largest parcel adjacent to the subject parcel is two acres and no other adjacent parcel supports farm or forest use.

The lot of exception requested is on the same plateau as the community of Corbett. The remainder of the parcel is steep, being part of the terrain that creates the physical northern boundary of the community.

The 3 acre parcel directly to the south did support limited grazing until recently. Currently, the owner of that parcel has a home, rents a building to a 3 man machine shop that produces custom injection plastic molds. The owner uses the pasture to repair and store dump trucks, a caterpillar, a mobile home and other vehicles."

Staff Comments:

The above findings are incorporated and supplemented as follows:

The Columbia River Gorge Commission approved the requested land division in an August 7, 1989 decision by Richard Benner, Executive Director (File No. C89-0139-M-G-12). In item B(2) on page 2 of the decision, the Director found that ...

"Within the immediate surroundings of the subject parcel, there are 24 parcels which range in size from .94 to 5.23 acres. This area is described as the land which lies between the boundaries of Chamberlain Road to the north, the rural center zoning line to the south, a line which lies approximately 100 feet west of the west property line of the subject parcel, and the east line of the Cason West Estates subdivision. Twenty-two of these parcels are less than three acres in size. The average parcel size within the described rural residential enclave is 2.2 acres."

The "area" described above is suitable for assessing this proposal for several reasons: all properties in the described area are zoned RR, Rural Residential; all are within the generally north facing wooded slope between the Corbett Rural Center and the "shelf" or plateau north of Chamberlain Road; and most parcels are small acreages with rural non-farm residences.

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

"Currently the parcel is forested with alder, maple and a few fir and cedar; all with little commercial value. For proper forest management the parcel would have to be clear cut and replanted. Since more than four acres of the site is steep, several erosion problems would be created with a clear cut action. Timber cutting would be hazardous to nearly every adjacent property. Only two acres could be used for farm use, the rest being too steep for safe equipment use or erosion control."

Staff Comments

Staff concurs with applicant's response; the following supplements their findings:

The size and location of the subject property render it "generally unsuitable" for farm or forest production. The parcel covers only 7.2 acres and is located within an area of much smaller residentially developed properties. Adjacent parcels are not used for agricultural or forest purposes. Farm and forest resource lands typical to the greater Corbett area typically require much larger tracts of land and lower residential densities.

(3) *Be compatible with accepted farming or forestry practices on adjacent lands;*

"There is no forestry or farming use on adjacent properties. With the exception of one parcel all are suburban like houses or mobile homes situated on very small parcels. The remaining parcel has an open field that was overgrazed and no longer is in production. It is now used to store vehicles, a mobile home and equipment."

Staff Comment:

Staff concurs with applicant's findings.

(4) *Be consistent with the purposes described in MCC .2202;*

11.15.2202 Purposes

The purposes of the Rural Residential District are to provide areas for residential use for those persons who desire rural living environments; to provide standards for rural land use and development consistent with desired rural character, the capability of the land and natural resources; to manage the extension of public services; to provide for the extension of public services; to provide for public review of non-residential use proposals and to balance the public's interest in the management of community growth with the protection of individual property rights through review procedures and flexible standards.

"The granting of this application will insure that the property will remain in substantially the same condition as it is currently. The approval by the Columbia River Gorge Commission stipulates that tree removal will not occur. This will insure that the adjacent property owners will not be adversely affected in the future."

Staff Comments:

The proposed Lot of Exception will provide a 2.2 acre building site in an area characterized by rural residential development on lots of the same general size (reference finding #1. above). The Gorge Commission Director's decision referenced above makes the following finding on pages 2 and 3 ...

"The subject parcel is situated in a rural landscape setting, characterized as a rural residential enclave of a relatively moderate density. The proposed land division would create parcels at a density consistent with that of the identified rural residential enclave.

Three parcels, including the subject parcel, within this cluster of residential development have the potential of being further divided without creating lots

uncharacteristically small for the area. The density created by this proposal is consistent with that of parcels in the immediate area.

The greater Corbett area outside the identified enclave, is characteristic of lower densities. If the densities proposed in this application were applied to these lands, a cumulative effect resulting from a change to a developed setting would occur. However, because the densities created by the proposed land division would only apply within the described rural residential enclave, the proposal will not change the landscape setting, either individually or cumulatively."

Staff concurs that the 2.2-acre lot size is consistent with the described "area" and the resulting single family residential site is consistent with the purposes of the RR District. Further, by defining the "area" somewhat narrowly as in the Gorge Commission decision, the Lot of Exception in this case would not create a precedent supporting further land divisions in the described "area". This conclusion is based on the fact that only one other parcel in the "area" exceeds 5-acres in size; that being Tax Lot '22' in the same section with 5.23 acres. This size is impracticable for a Lot of Exception (refer to criteria B(1)&(2) below).

- (5) *Satisfy the applicable standards of water supply, sewage disposal and minimum access;*

"Corbett water district currently has more than adequate pressure and volume to the proposed 2.2 acre parcel. The existing home is currently served by a water line on Chamberlain Road.

The soil on the property is considered excellent for septic systems, failures in the area have not occurred and permits have not been denied in the area.

Access to the property is via a 25' country road from Crown Point Highway; then via a jointly owned driveway approximately 28' wide. This driveway was constructed approximately 25 years ago, jointly to serve the southern portion of the subject and adjacent properties. Electric and telephone services already border the 2.2 acre parcel."

Staff Comments:

Engineering Services indicates the division of the property will require deed restrictions along both right-of-way frontages.

- (6) *Not require public services beyond those existing or programmed for the area.*

"Corbett water district serves the property. More than adequate flow and pressure is available. Portland General Electric provides the electricity and has service lines to the property. Cascade Utilities provides telephone service and has a line to the property. Corbett Fire District provides fire protection and the property is within one mile of the fire station. Corbett School District provides educational services. The grade, middle and high schools are less than 1/2 mile from the property. The property is served by a county road and although the gravel surface is narrow, the road is flat and straight and has a deeded width of 24'.

The grass shoulders are flat and in most places vehicles can pass. Minimal maintenance in brush clearing and graveling would allow two full lanes of traffic. The remaining distance to the property is via a co-owned lane built by the previous owner of subject property, approximately 25 years ago, to serve said property. The lane is gently sloping, straight, 28'wide, by approximately 200' long. It currently serves one home."

Staff Comments:

The proposed Lot of Exception has its required frontage on Chamberlain Road. Applicant indicates the lot will have driveway access through an easement on the one acre lot immediately south of the Lot of Exception. County Planning Commission approval is not required for an easement access if a lot has legal frontage on a right-of-way. Staff has not identified new public services which would be required to serve the Lot of Exception.

B. *No Lot of Exception shall be approved unless:*

- (1) *The Lot of Record to be divided exceeds the area requirements of MCC .2218(A), and***
- (2) *The division will create no more than one lot which is less than the minimum area required in MCC .2218(A).***

Staff Comments:

MCC .2218(A) specifies a five acre minimum lot size for the RR District except as provided by the Lot of Exception process. The subject site covers approximately 7.2 acres and therefore exceeds the five acre requirement noted in item B(1) above. The proposed division would create only one lot with less than five acres; therefore this request complies with item B(2) above.

CONCLUSIONS

- 1. The proposal satisfies standards for granting a Lot of Exception in the RR, Rural Residential District.**
- 2. Conditions of approval are necessary to assure the partition satisfies the County Land Division Ordinance requirements and that future development on the new building site is consistent with the Columbia River Gorge Area of Significant Environmental Concern.**



COLUMBIA RIVER GORGE COMMISSION

P.O. Box 730 288 E. Jewett Blvd. White Salmon, WA 98672 509-493-3323

November 20, 1989

Donna L. Blanc
35729 E. Crown Point Hwy.
Corbett, OR 97019

Dear Donna:

In regards to our telephone conversation on Thursday, November 16, I would like to follow up with a couple of points.

Any revisions to site plans, landscaping plans, elevation plans, etc. that have been approved by the Executive Director require new review for consistency with the Director's order and the Scenic Area Act and Interim Guidelines. The Director can ministerially approve the revisions if he determines that the changes are not significant. If the Director determines that the changes are significant, then a new application must be filed and a new review completed.

Development in the National Scenic Area requires both Commission approval and county approval. Some counties will take applications and make decisions on them before a decision has been made on an application filed with our office. An individual at any time can make application to the county or discuss any issue with the county offices and commission. Even if an appeal is pending before the Commission, an appellant can discuss the issue with the county and can even ask that it placed on the county's commission or planning commission agenda for discussion.

If you have any questions on the above or need additional information, please do not hesitate to call me.

Sincerely,

Jan Brending
Development Review Assistant

jb

manner deter or hinder the fire department from gaining immediate access to said equipment or hydrant. A minimum 3-foot clear space shall be maintained around the circumference of the fire hydrants except as otherwise required or approved by the chief.

(b) **Identification of Hydrants or Equipment.** All fire protection equipment or hydrants shall be clearly identified in a manner approved by the chief to prevent parking or other obstruction.

Fire Apparatus Access Roads

Sec. 10.207. (a) **General.** Fire apparatus access roads shall be provided and maintained in accordance with the provisions of this section.

(b) **Where Required.** Fire apparatus access roads shall be required for every building hereafter constructed when any portion of an exterior wall of the first story is located more than 150 feet from fire department vehicle access.

EXCEPTIONS: 1. When buildings are completely protected with an approved automatic fire sprinkler system, the provisions of this section may be modified.

2. When access roadways cannot be installed due to topography, waterways, nonnegotiable grades or other similar conditions, the chief may require additional fire protection as specified in Section 10.301 (b).

3. When there are not more than two Group R, Division 3 or Group M Occupancies, the requirements of this section may be modified, provided, in the opinion of the chief, fire-fighting or rescue operations would not be impaired.

More than one fire apparatus road may be required when it is determined by the chief that access by a single road may be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

For high-piled combustible storage, see Section 81.109.

(c) **Width.** The unobstructed width of a fire apparatus access road shall be not less than 20 feet.

(d) **Vertical Clearance.** Fire apparatus access roads shall have an unobstructed vertical clearance of not less than 13 feet 6 inches.

EXCEPTION: Upon approval vertical clearance may be reduced, provided such reduction does not impair access by fire apparatus and approved signs are installed and maintained indicating the established vertical clearance.

(e) **Permissible Modifications.** Vertical clearances or widths required by this section shall be increased when, in the opinion of the chief, vertical clearances or widths are not adequate to provide fire apparatus access.

(f) **Surface.** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

(g) **Turning Radius.** The turning radius of a fire apparatus access road shall be as approved by the chief.

(h) **Turnarounds.** All dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus. **APPROVED CUL DE-SAC.**

(i) **Bridges.** When a bridge is required to be used as access under this section, it shall be constructed and maintained in accordance with the applicable sections of the Building Code and using designed live loading sufficient to carry the imposed loads of fire apparatus.

(j) **Grade.** The gradient for a fire apparatus access road shall not exceed the maximum approved by the chief.

(k) **Obstruction.** The required width of any fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Minimum required widths and clearances established under this section shall be maintained at all times.

(l) **Signs.** When required, approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both.

Premises Identification

Sec. 10.208. (a) **General.** Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background. **5" NUMERALS.**

(b) **Street or Road Signs.** When required by the chief, a street or road shall be identified with approved signs.

Key Box

Sec. 10.209. When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the chief may require a key box to be installed in an accessible location. The key box shall be a type approved by the chief and shall contain keys to gain necessary access as required by the chief.

Division III

INSTALLATION AND MAINTENANCE OF FIRE-PROTECTION, LIFE-SAFETY SYSTEMS AND APPLIANCES

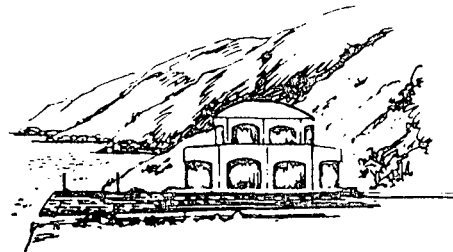
Installation

Sec 10.301. (a) **Type Required.** The chief shall designate the type and number of fire appliances to be installed and maintained in and upon all buildings and premises in the jurisdiction other than private dwellings. This shall be done according to the relative severity of probable fire, including the rapidity with which it may spread. Such appliances shall be of a type suitable for the probable class of fire associated with such building or premises and shall have approval of the chief.

(b) **Special Hazards.** In occupancies of an especially hazardous nature or where special hazards exist in addition to the normal hazard of the occupancy, or

DR. DALE R. NEES
Superintendent
VICTORIA L. MIJARES
Deputy Clerk
SUSAN T. SULLIVAN
Elementary Principal
LAWRENCE G. McCLELLAN
High/Middle School Principal

MULTNOMAH COUNTY
CORBETT SCHOOL DISTRICT NO. 39
35800 E. Crown Point Highway
Corbett, Oregon 97019
(503) 695-2236



November 21, 1989

Multnomah County Oregon
Board of Commissioners
County Courthouse
Portland, OR 97204

RE: POTENTIAL HOUSING DEVELOPMENT

I am informed that a housing development is currently being proposed in an area adjacent to the present Corbett High School campus. The specific access road is almost directly across the Crown Point Highway from the exit of the high school parking lot. In addition, the access road entrance is within 50 feet of a major school bus entrance into the high school campus.

The specific concern is that further expansion and escalation of the traffic patterns in close proximity of the school campus could add to the congestion and problems we already experience. Should approval be granted for this development, I would strongly encourage the commissioners to postpone any final decision pending a thorough review of the traffic patterns in this school area.

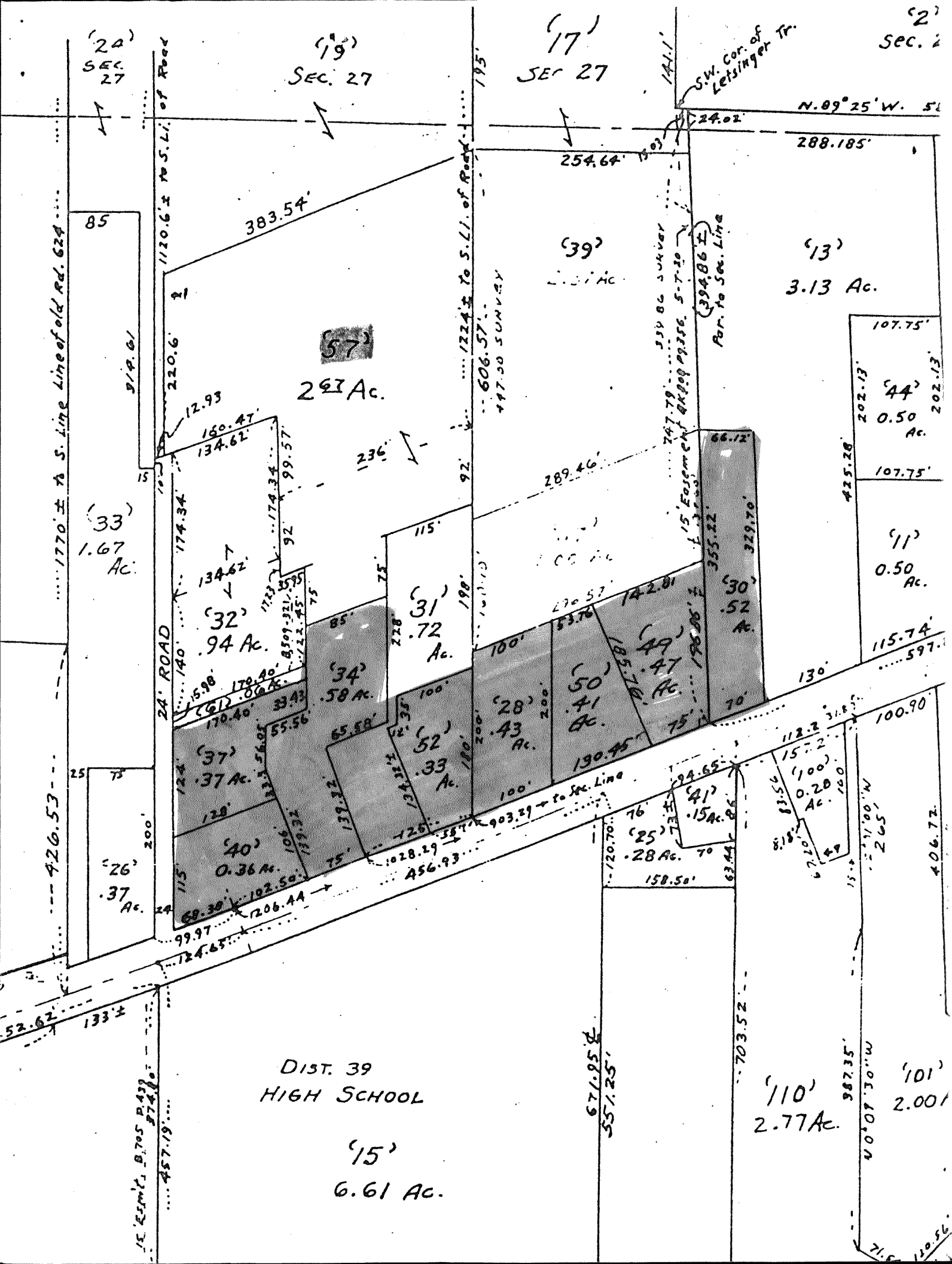
I would be happy to meet and discuss these concerns with any of the parties or officials involved in this important decision.

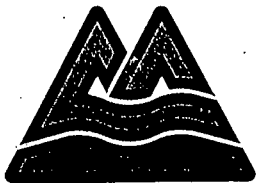
Sincerely,

Dale R. Nees
Superintendent

iv

commssnr.let





MULTNOMAH COUNTY OREGON

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

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

BOARD OF COUNTY COMMISSIONERS

Tuesday, November 7, 1989

9:30 a.m., Room 602

AGENDA

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

- ✓ **LE 10-89** Deny requested Lot of Exception, based upon a tie vote of the Planning Commission. The Planning Commission considered the attached Findings and Conclusions in addition to oral and written testimony. A tie vote on the request constitutes a denial.
- LE 11-89** Deny requested 1.5-acre Lot of Exception, based upon a tie vote of the Planning Commission. The Planning Commission considered the attached Findings and Conclusions in addition to oral and written testimony. A tie vote on the request constitutes a denial.

Other Item for Board Action

Auto Wrecker's License - Original

Submitted to the Board with a recommendation that the same be approved.

Jack H. Benson
(A and B Automotive and Towing, Inc.)
5838 SE 111th Avenue

1989 NOV 15 PM 4:09
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON



DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING AND DEVELOPMENT
2115 SE MORRISON STREET 4861 29
PORTLAND, OREGON 97214 (503) 248-3043

W50.91 EC

NOTICE OF REVIEW

1. Name: Moir, David & Christine
2. Address: 35800 NE Chambelain Rd, Corbett, OR 97019
3. Telephone: () -

4. If serving as a representative of other persons, list their names and addresses:

5. What is the decision you wish reviewed (e.g., denial of a zone change, approval of a subdivision, etc.)?

Denial of a lot of exception: LE 10-89 #646

6. The decision was announced by the Planning Commission on October 9, 1989

7. On what grounds do you claim status as a party pursuant to MCC 11.15.8225?

The appellant is the applicant for the Lot of Exception

Please return this original form

*Filing fee \$150.00
Last day to file notice of review
Monday 11/6/89
4:30pm*

8. Grounds for Reversal Decision (use additional sheets if necessary):

The application was denied by a 2 to 2 tie vote. It was an error of fact or law that lead two of the commissioners to vote against the applicant. See further on attached sheets.

9. Scope of Review (Check One):

- (a) ☐ On the Record
- (b) ☐ On the Record plus Additional Testimony and Evidence
- (c) ☒ De Novo (i.e., Full Rehearing)

10. If you checked 9(b) or (c), you must use this space to present the grounds on which you base your request to introduce new evidence (Use additional sheets if necessary). For further explanation, see handout entitled *Appeal Procedure*.

Full rehearing is required, because a transcript of the hearing will not be prepared. The Board should accept new testimony and evidence so it can make an informed decision.

If de novo review is denied, then the appellant requests that the transcript be prepared and that additional testimony and evidence be allowed regarding the adequacy of access to the site. In particular, the appellant wants to introduce a topographic survey of the proposed driveway to show the slope is reasonable. Opponents testified that its slope exceeds 17%, without providing substantial evidence to support their claim. This is incorrect, and constituted a surprise which the applicant could not have been reasonably expected to rebut, based on the staff report and the record before the hearing. Two of the planning commissioners relied on the incorrect, unsubstantiated statement.

Signed: Harry J. Smith Date: November 6, 1989
for the appellant

For Staff Use Only

Fee:

Notice of Review = \$150.00

Transcription Fee:

Length of Hearing _____ x \$1.75/minute = \$ _____

Total Fee = \$ 150.00

Received by: David Crowley Date: 11/6/89 Case No. SE 10-89

Larry Epstein, PC
Attorney At Law

Larry Epstein, member
Oregon State Bar and
American Institute of Certified Planners

1020 SW Taylor Street, Suite 370
Portland, Oregon 97205-2543
(503) 223-4855 • FAX (503) 222-1923

November 6, 1989

Multnomah County Board of Commissioners
1120 SW Fifth Avenue
Portland, OR 97204

SUBJECT: NOTICE OF REVIEW FOR LOT OF EXCEPTION NO. 10-89

Dear Commissioners:

On behalf of the appellants, David and Christine Moir, I provide the following grounds for approval of the Lot of Exception noted above. The application for that Lot of Exception was denied by a tie vote of the Planning Commission (2 to 2 with 4 commissioners present).

The Planning Commission did not adopt findings or a conclusion, and the staff report contains findings for approval, so the appellants' arguments respond to the testimony and stated reasons for the "no" votes made at the planning commission hearing.

To summarize the application, the applicant proposes to create a 5-acre lot, consistent with the minimum lot size in the RR (Rural Residential) zone, and a 2.2-acre lot as a Lot of Exception. The 2.2 acre lot will be a flag lot in shape, with a 50-foot flag pole connecting it to Chamberlain Road at the north. But access to the site will be from an unnamed public street and across an easement over an intervening 1-acre parcel to the south. If the Lot of Exception is approved, the applicant will apply for a Significant Environmental Concern permit and Gorge Commission approval for a single family detached dwelling on the proposed 2.2-acre lot. The applicants' home is built on the proposed 5-acre lot; it has access to Chamberlain Road.

1. The two planning commissioners who voted against the Lot of Exception concluded that access to the parcel does not comply with MCC 11.15.2228, the access provisions in the RR (Rural Residential) zone, because they considered the access to the site to be other than safe and convenient for pedestrians and passenger and emergency vehicles. Their conclusion was incorrect as a matter of law, policy, and fact.

MCC 11.15.2228 provides:

Any lot in this district shall abut a street, or shall have other access determined by the hearings officer to be safe and convenient for pedestrians and passenger and emergency vehicles. (Emphasis added)

The proposed Lot of Exception has 50 feet of frontage along and abuts NE Chamberlain Road. Because it abuts a street, it was improper as a matter of law for two of the planning commissioners to conclude the Lot of Exception does not comply with MCC 11.15.2228. In fact, it does comply with that section, because the lot abuts a street.

2. The two planning commissioners who voted against the Lot of Exception concluded that access to the parcel does not comply with MCC 11.15.2220(A)(5), because they concluded access to the site does not satisfy applicable standards of minimum access. Their conclusion was incorrect as a matter of law and fact.

ORS 215.416(8) and (9) provide:

(8) Approval or denial of a permit application shall be based on standards and criteria which shall be set forth in the zoning ordinance or other appropriate ordinance or regulation of the county and which relate approval or denial of a permit application to the zoning ordinance and comprehensive plan for the area in which the proposed use of land would occur and to the zoning ordinance and comprehensive plan for the county as a whole.

(9) Approval or denial of a permit shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards, and facts set forth.

It violates ORS 215.416(8) to base a denial on standards that do not appear in a zoning ordinance or other regulation of the County. It violates ORS 215.416(9) to deny an application without adopting reasons therefore explaining the basis of the decision. The planning commission decision in this case violates both statutory criteria, because it denies approval based on the failure to comply with a standard that does not exist and does not include findings that explain the basis for the decision.

The Multnomah County Code does not contain standards for minimum access for a lot with street frontage except as provided in the Administrative Rules for Street Standards, (the Rules), in MCC 11.60.

Section 70.100 of the Rules requires an applicant to obtain an encroachment permit for a driveway approach to a public street. Granting of a permit is conditioned upon replacement or restoration of the road right of way to an equal or better condition than that which existed before the work authorized by the permit.

Section 2.100 provides the following regarding direct access improvement requirements:

Any new construction or alteration which increases occupancy or traffic, or any land partition or change in land use shall cause the property owner thereof to be responsible for a pro rata share, as determined by the Director, of the right of way dedication and improvements necessary to bring the affected ... public streets and other facilities within and abutting the development to the current County standard...

Section 2.300 provides the following regarding off-site improvement requirements:

Any development, **other than one single family unit**, accessing to a public street not county maintained must provide a road at least 20 feet in width and with minimum standards surfacing section from their road frontage to the nearest publicly maintained road. (Emphasis added)

Section 5.220 provides the minimum width required for a driveway serving a single family residence is 12 feet. The applicant is proposing to create a lot for one additional single family dwelling. That lot will have a minimum 12-foot wide driveway.

County law requires the applicant to improve or to contribute a pro rata share for improvement of the right of way adjoining the site, to obtain an encroachment permit, and to provide a minimum 12-foot wide drive. County law does not require more than a 12-foot drive. It is contrary to law to deny the application for lack of access when the proposed development complies with applicable standards.

Section 86 of the Rules deals with accessways. An accessway is defined as a private street 200 feet in length or less built on land separate from the lots it serves. The applicant does not propose to provide an accessway in this case, because the driveway to serve the proposed lot will cross and be part of one of the two lots it will serve, and will be more than 200 feet long. But the accessway provisions are illustrative of what the public health and safety requires in the circumstances similar to those in this case, i.e., where a private drive will serve two dwellings.

Section 86.300 provides that an accessway that serves only two residences is required to have a paved width of only 10 feet with a 12-foot concrete approach. If such improvements are adequate for an accessway, then they are adequate for a driveway serving two dwellings.

3. Even if the County can consider the adequacy of the proposed access, beyond the considerations relevant to adopted standards and regulations, the facts show that the access is adequate to serve the proposed Lot of Exception.

Although there is no standard for the maximum grade of a driveway, opponents argued the driveway would be unsafe because it is sloped 17.7 percent. Their argument was not based upon substantial evidence in the record. It was based on their impressions. Their impression is not correct. Based on the attached survey, the driveway is sloped less than 10 percent. A 10 percent slope is acceptable for a public arterial street, so it certainly is safe for a private driveway.

The driveway will be limited to one lane of traffic. Such a limitation is common on driveways generally in the area and given the Rules allowance of a 10-foot wide accessway drive for two dwellings. It does not make access inconvenient or unsafe. The proposed use has no greater need for emergency access than other single family dwellings in the area.

The adjoining public right of way south of the site is not improved to County rural public street standard with an all weather surface 24 feet wide. It has a 14- to 17-foot wide gravel surface road that is not maintained by the County. Vegetation has grown in the right of way restricting vision and access. Obstacles have been placed in or adjoining the right of way to restrict traffic.

However the street adequately serves five dwellings. It can serve a dwelling on the Lot of Exception as conveniently and safely as it serves those existing homes. The new dwelling will cause about 10 vehicle trips per day, based on the Institute of Traffic Engineers Trip Generation Manual. An increase of 10 trips per day does not significantly reduce the safety or convenience of the road.

Moreover the County can require the applicant to build or pay for a pro rata share of frontage improvements to make the north end of the road more safe and convenient, i.e., by building a turn-around.

The existing public road surface generally allows traffic to travel one way at a time. Passing is possible by using a portion of the road and an adjoining drive or, where vegetation allows, by using the adjoining unimproved right of way.

In severe weather, the unimproved part of the right of way may be too wet to use, slowing traffic speed on the road and impeding passing. This makes access temporarily inconvenient, and may isolate vehicles temporarily, like in other high elevation, rural residential parts of the County. But these conditions are not unusual, and do not warrant denial of the Lot of Exception. Moreover they can be mitigated by clearing and improving the existing public right of way to provide a shoulder or turn-out for passing.

The right of way the applicant proposes to use for access is a public right of way. It is not a private street for the enjoyment of the 5 existing residents adjoining it, as they argue. It is intended to provide public circulation. It is contrary to public right of way policy and denies the applicants equal protection of the law to preserve the road for only some members of the public and not for others. If the whole road should be improved to ensure access is safer and more convenient for the whole neighborhood, then the applicant will contribute a pro rata share for its improvement as required by law.

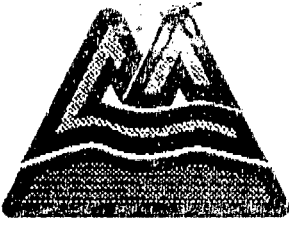
4. One planning commissioner concluded he could not find the proposed Lot of Exception was consistent with the character of the area, because he disagreed with the size of the area used by the Gorge Commission Executive Director and County planning staff for this purpose.

The Gorge Commission Director and County planning staff concluded the appropriate area for purposes of determining whether the proposed Lot of Exception would be consistent with the character of the area is bounded by the RC/RR zoning boundary on the south, the MUF boundary on the west, Chamberlain Road on the north, and a rural residential subdivision known as Cason-West Estates on the east. They concluded this was a relevant area, because all of the land is zoned RR, adjoins the north edge of the Corbett Rural Center, shares the same or an adjoining geologic bench as the Corbett Center, and has similar lot sizes, ownership patterns, access, and land uses.

One planning commissioner argued the relevant area should be all of the area zoned RR near the Corbett Rural Center. His fellow planning commissioners disagreed, because enlarging the area considered would reduce the relevance of the character of the area immediately around the site, where the effect of the Lot of Exception would be greatest.

In the context of evaluating a single Lot of Exception, it is more relevant to study a reasonably defined area around the site rather than to study a much larger area of East County so that the study focuses on more easily detectable impacts in the vicinity of the proposed lot. Recent LUBA decisions also require a defined small area to be studied. It is not possible to detect changes in the character of the whole Rural Residential area north of Corbett as a result of the approval of one Lot of Exception. Each Lot of Exception must be evaluated on its own merits to provide due process and equal protection of the law.

As the findings by the Gorge Commission Director and County staff show, the area that is relevant to determining the impact on area character contains 24 parcels that range in size from .94 to 5.23 acres. Twenty-two of these parcels are less than 3 acres in size. The average parcel size in the area is 2.2 acres. The applicants submitted a detailed map illustrating lot sizes in the area. Only 2 additional Lots of Exception could be approved in the area. The Gorge Commission decision says:



MULTNOMAH COUNTY

Film and Video Commission
2115 SE Morrison Street
Portland, Oregon 97214

Phone # (503) 248-3582
Fax # (503) 248-3389

Fax Transmittal

Date: 11-27-89

To: Carrie

From: Mypna

Re: LE 10-89- Page 5

Comments: _____

Pages Transmitted 2

includes cover

"The proposed land division would create parcels at a density consistent with that of the identified rural residential enclave... The density created by the proposal is consistent with that of parcels in the immediate area."

There is no evidence that approval of the proposed Lot of Exception will lead to rampant development or a suburban character. An additional rural residence will not change the character of the area. The predominant use of the Lot of Exception, in terms of the amount of land used, will be open space and forest. A typical 2000 square foot, one story dwelling will occupy about 2 percent of the 2.2-acre parcel. The facts do not justify the opponents' paranoia.

The facts also do not substantiate the malicious and hypocritical testimony of opponents, some of which bordered on actionable slander.

Contrary to the opponents' testimony, the applicants have not removed timber from the site other than one tree. We will offer testimony from public officials to support this statement.

Contrary to opponents' testimony, the applicants do not intend to further divide the property. Moreover the zoning does not allow the applicants or owners of other properties in the area to divide into more than 2 lots that are smaller than 5 acres. Opponent concerns about rampant development is not warranted, based on the applicable zoning regulations. In this case, testimony by staff shows that only 2 lots can be created in the appropriate study area, and only 8 to 12 additional lots can be created in the whole Rural Residential area north of Corbett, assuming a much larger study area is used. This potential does not warrant a finding that the proposed Lot of Exception will lead to additional development.

Contrary to the opponents' testimony, there are no commercial farm or forest uses in the area. Two horses in a pasture does not make a farm. Moreover the opponents did not show the Lot of Exception would conflict farm or forest uses. In this context, the Gorge Commission Director's decision says:

"It would be impracticable to consolidate the subject parcel into a viable agricultural or forest operation. The current size of the parcel precludes the ability to manage the property for resource use."

Many of the concerns raised during the hearing in this matter dealt with rural residential development and future development in the Corbett area generally. It is appropriate to consider those concerns in the Plan Update process or in some other comprehensive study or legislative process. But it is not appropriate to address these concerns in a quasi-judicial context, where it cannot be shown by substantial evidence that the proposed Lot of Exception would have areawide effects. Approval of the Lot of Exception in this case does not mandate approval of other land divisions in the area. It is not a binding precedent.

The opponents effectively call for a moratorium on all development in the area. That is not consistent with the law, and the Board should instruct the Planning Commission accordingly. If the Planning Commission wants to study the issue more broadly, it should do so in a legislative setting, with appropriate public notice and hearings, not a quasi-judicial one.

5. The opponents' position in this case is contrary to the adopted policy of the County and the Columbia River Gorge National Scenic Area legislation.

The proposal complies with the spirit and intent of County law. The County allow a Lot of Exception for a good reason, a reason included as one of the purposes of the Rural Residential zone. That purpose is:

"To balance the public's interest in the management of community growth with the protection of individual property rights through review procedures and flexible standards."

The RR zone is not intended to prevent rural residential development. It is intended to allow that development, subject to certain flexible standards. A Lot of Exception is one way to provide flexibility. It allows an oversize lot to be divided into one standard-size lot and one smaller-size lot. It allows a Lot of Exception to be created from a given parcel only once, so it cannot be abused. This achieves a balance between maintaining rural lot sizes in the abstract and in fact, and allows rural residential development consistent with the character of the area.

In this case, the lot of exception is warranted by facts and complies with public policy, in part, because it is consistent with the land use pattern in an appropriate area. It allows rural residential development, the main purpose of the zone, without creating an unusually small lot. It means the applicants' property will be treated the same as the properties around it. It results in equal application of the law within a logically defined area. That equality balances public and private interests in this case.

The Gorge legislation recognizes a similar purpose and provides for a similar balancing outside the special management areas of the Gorge. The Gorge Commission director, no wimp in these matters, approved the request, because of the facts --- the location of the site in relation to adjoining parcels and the gorge in general. Even under the Gorge legislation, the balance is in favor of the request.

The 2.2 and 5 acre lots that result from the proposed land division are as large as the average lot size in the area. They do not result in a suburban density. Homes will continue to be visually private and surrounded mostly by open space.

If you approve the lot of exception, it does not result in rampant development. It results in one additional lot. It does not commit you to make any particular decision in other cases, because all land is different. You can distinguish this case from other cases. There is no potential for a significant change in land use as a result of the proposed lot of exception.

Some of the applicants' neighbors do not want another neighbor. They want to use the applicants' property as a private park, perhaps because the opponents all live on parcels that are smaller than the minimum lot size in the zone. But the law does not give them veto power, and their fears and speculation are not enough to rebut the findings that the proposed Lot of Exception complies with the law.

The applicants are not asking to do any more than each of their neighbors has done --- build a rural residence on a similarly-sized parcel. I respectfully request that the Board of Commissioners approve the Lot of Exception as recommended by the County Department of Environmental Services, consistent with the approval granted by the Gorge Commission Executive Director.

On behalf of the applicants,

LARRY EPSTEIN, PC

Larry Epstein, AICP

SHARRON KELLEY
Multnomah County Commissioner
District 4



606 County Courthouse
Portland, Oregon 97204
(503) 248-5213

October 17, 1989

HE 10-89

Sandra Mershon
P. O. Box 179
Corbett, OR 97019

Dear Ms. Mershon,

I appreciated your thoughtful letter. It provided me with valuable feedback both about your views and about your perception of my views and values. How you perceived what I said comes as a surprise to me, as I felt that I said something different. I did not intend to offend. Frankly, it pulled at my heartstrings, as I have based much of my political career on protecting the interests of small communities and have been an advocate of individual community values.

What does all that really mean? It means that I will always attempt to ensure that everyone is heard and will always work to be sure that I truly understand what folks are concerned about. It means that I probably need to spend more time with you and others in the Gorge who feel as you do. I intended to do so anyway. I would appreciate any opportunity to do so.

A key value in my belief system is that of respect for processes and legal rules. My feeling is that many processes are flawed in the sense that they do not gather sufficient comment from all parties affected. Where I can, I generally can be counted upon to broaden public input rather than narrow it.

One of the limits that I face in representing your views is the fact that there are legally constituted processes that need to be respected. For instance, I would have to publicly declare any contact I had with you about the particular land use matter before the Planning Commission. As County Commissioners, we are routinely cautioned against getting involved in matters which we may ultimately act as a quasi-judicial body, rather than as a legislative body. Within that limit, I am very eager to understand and represent you.

I understand your desire to protect your community and would like to know more. It may be best if that effort took place

SHARRON KELLEY
MULTNOMAH COUNTY COMMISSIONER
DISTRICT 4

Sandra Mershon
October 17, 1989
Page Two

after any hearing on the current issue that you are concerned about. Should that matter come before me, I would like to think that I will be sensitive to the rights of individuals and communities and will make a decision that is as fair and pertinent to the legal issues presented as possible.

Sincerely,

Sharron Kelley

Sharron E. Kelley,
Multnomah County Commission

cc: Gladys McCoy, Chair
✓ Dept. of Environmental Services
Columbia River Gorge Commission
Friends of the Gorge

SEK:ycal287L

RECEIVED
OCT 20 1989

Multnomah County
Zoning Division



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

Decision
October 9, 1989

LE 10-89, #646

Lot of Exception
(Land Division)

Applicant requests a land division under "Lot of Exception" provisions of the RR, rural residential zoning district, to divide a 7.2-acre parcel into a 2.2-acre and a 5-acre parcel.

Location: 35800 NE Chamberlain Road

Legal: Tax Lot '19', Section 27, 1N-4E, Except that portion
lying south of the Section line for Section 34, 1N-4E
1989 Assessor's Map

Site Size: Approximately 7.2 Acres

Size Requested: Same

Property Owner: David and Christine Moir
35800 NE Chamberlain Road
Corbett, Oregon 97019

Notices
20
mailed on 10-12-89
by M.B.

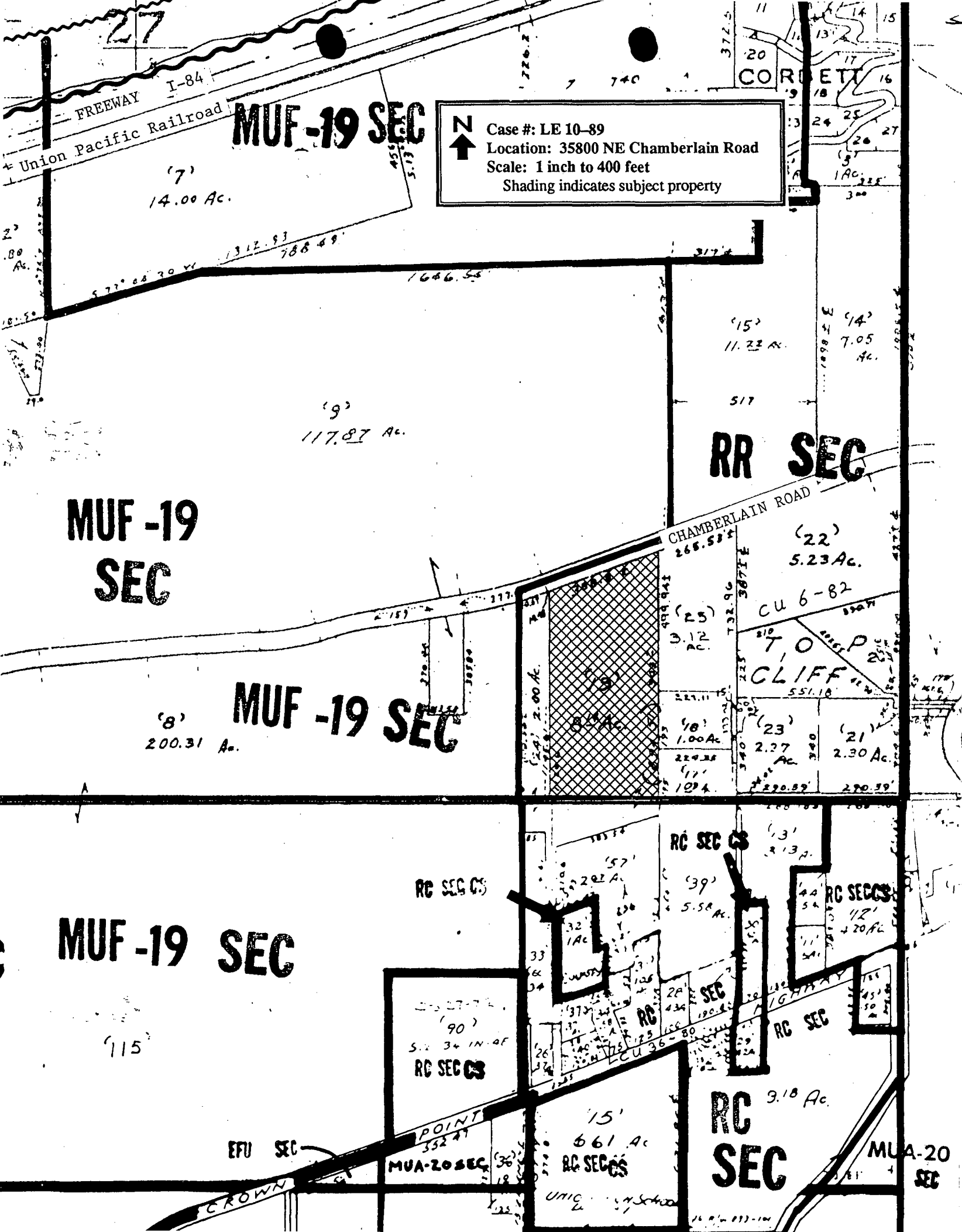
Applicant: David Moir & Frank A. Windust, Jr., c/o Oregon Realty Company
36039 East Crown Point Highway, Corbett, 97019

Comprehensive Plan: Rural Residential/Area of Significant Environmental Concern

Present Zoning: RR, Rural Residential District
SEC, Area of Significant Environmental Concern Area

PLANNING COMMISSION

DECISION: Deny the requested Lot of Exception based on a tie vote of the Planning Commission. The Planning Commission considered the following findings and conclusions in addition to oral and written testimony. A tie vote on the request constitutes a denial.



Case #: LE 10-89

Location: 35800 NE Chamberlain Road

Scale: 1 inch to 400 feet

Shading indicates subject property

MUF-19 SEC

CORRETT

FREEWAY I-84

Union Pacific Railroad

'7'
14.00 Ac.

'9'
117.87 Ac.

'15'
11.23 Ac.

'14'
7.05 Ac.

RR SEC

MUF-19 SEC

CHAMBERLAIN ROAD

'22'
5.23 Ac.

'8' **MUF-19 SEC**
200.31 Ac.

CU 6-82
T.O.P. CLIFF

'25'
3.12 Ac.

'18'
1.00 Ac.

'23'
2.27 Ac.

'21'
2.30 Ac.

MUF-19 SEC

RC SEC CS

RC SEC CS

RC SEC CS

'90'
5.23 Ac. IN. OF
RC SEC CS

'39'
5.58 Ac.

SEC

RC SEC

RC SEC

MUA-20 SEC

RC SEC CS

EFU SEC

MUA-20 SEC

UNIC School

27

FREEWAY I-84

Union Pacific Railroad



Case #: LE 10-89

Location: 35800 NE Chamberlain Road

Scale: 1 inch to 400 feet

Shading indicates subject property

(7)
14.00 Ac.

CORBETT

1 AC.

(30)
19.97 Ac.

(9)
47.73 Ac.

(15)
11.22 Ac.

(14)
7.05 Ac.

LD 01-84

CHAMBERLAIN ROAD

(22)
5.23 Ac.

(25)
2.00 Ac.

(18)
2.13 Ac.

TOP CLIFF

(23)
2.27 Ac.

(21)
2.20 Ac.

(24)
2.00 Ac.

(57)
2.41 Ac.

LD 6-85

(90)
Ac.

CROWN POINT HIGHWAY E-A-60

DIST. 39 HIGH SCHOOL

(15)
6.61 Ac.

TAX LOT IN SE 1/4 35 IN.

INDUST

Columbiæ

Taylor's Landing

Low Water

§ 747 E

CORBETT

(5)
25.48 Ac.

MUF-19

47.73Ac

RURAL RESIDENTIAL

~~PROPOSED
LOT OF -
EXCEPTION~~

TOP
CLIFF

CASON- WEST
ESTATES

CORBETT RURAL CENTER

MUA-20 ^{500 Ac.}

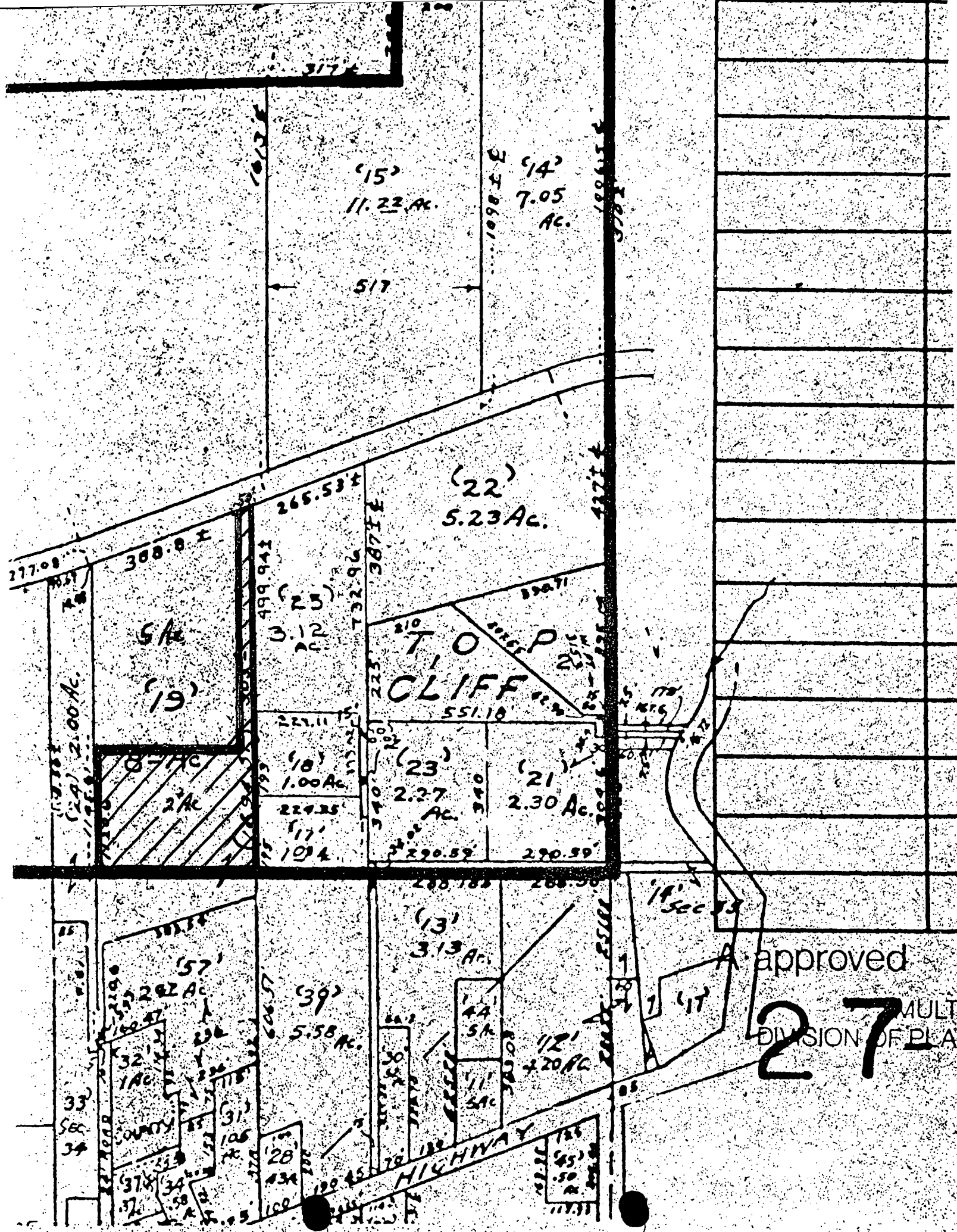
23.63 Ac

55'

'74'

(86)

(81)
200A



Findings:

1. **Applicant's Proposal:** Applicant requests approval of a Lot of Exception to create a 2.2-acre and a 5-acre parcel out of the 7.2 acre parent lot. The proposed 5-acre parcel contains a single family residence.
2. **Site and Vicinity Information:** The subject site lies south of Chamberlain Road. A mix of mature coniferous and deciduous trees covers most of the site. The land slopes up from Chamberlain Road. The house on the property, near the north boundary adjacent to Chamberlain Road, was built in 1979. Tax Lot '19' also has access to Crown Point Highway (to the south) through an unnamed 24-foot wide public right-of-way.

The area west and east of the site is zoned RR, Rural Residential. Land immediately north and further west is zoned MUF-19, Multiple Use Forest District. Lands to the south are within the RC, Rural Center District for Corbett. The land between the Corbett Rural Center District and Chamberlain Road is divided into small-acreage residential parcels (see lot size discussion under Criteria #1. below) with several single family homes nestled into this heavily wooded north facing slope. The land north of Chamberlain Road is generally flatter and more open in character. South of the site, the Corbett Rural Center District contains a mix of uses, including the local elementary and high schools, retail shops, offices, light manufacturing businesses, a post office and several residences. The entire Corbett area, including the subject site, is within the Columbia River Gorge National Scenic Area.

3. **Ordinance Considerations:** The subject lot (Tax Lot '19') actually contains 8.14-acres. County zoning provisions recognize this lot as two distinct Lots of Record since it straddles a zone boundary [Reference MCC 11.15.2222(C) & 2262(C)]. The south portion of the lot (approximately 1-acre) lies within the RC, Rural Center District; most of the lot (Approximately 7.2-acres) lies within the RR, Rural Residential District (see attached maps).

Section 11.15.2220(A) specifies findings necessary to create lots with less than 5-acres in the RR District. The following section presents findings regarding the proposed Lot of Exception; the applicable standard is in ***bold italics***. Applicant's responses are presented first (*in italics*), followed by staff comments:

A. ***Any exception shall be based on findings that the proposal will:***

- (1) ***Substantially maintain or support the character and stability of the overall land use pattern of the area;***

"The proposed lot of exception is located within the the RR-5 zone, and immediately adjacent to the RC zone for the community of Corbett. This is defined by the close proximity to the Grade, Middle, and high school, the hardware store, post office, water district and telephone company.

The predominant land use is one and two acre lot sizes with residential homes. The largest parcel adjacent to the subject parcel is two acres and no other adjacent parcel supports farm or forest use.

The lot of exception requested is on the same plateau as the community of Corbett. The remainder of the parcel is steep, being part of the terrain that creates the physical northern boundary of the community.

The 3 acre parcel directly to the south did support limited grazing until recently. Currently, the owner of that parcel has a home, rents a building to a 3 man machine shop that produces custom injection plastic molds. The owner uses the pasture to repair and store dump trucks, a caterpillar, a mobile home and other vehicles."

Staff Comments:

The above findings are incorporated and supplemented as follows:

The Columbia River Gorge Commission approved the requested land division in an August 7, 1989 decision by Richard Benner, Executive Director (File No. C89-0139-M-G-12). In item B(2) on page 2 of the decision, the Director found that ...

"Within the immediate surroundings of the subject parcel, there are 24 parcels which range in size from .94 to 5.23 acres. This area is described as the land which lies between the boundaries of Chamberlain Road to the north, the rural center zoning line to the south, a line which lies approximately 100 feet west of the west property line of the subject parcel, and the east line of the Cason West Estates subdivision. Twenty-two of these parcels are less than three acres in size. The average parcel size within the described rural residential enclave is 2.2 acres."

The "area" described above is suitable for assessing this proposal for several reasons: all properties in the described area are zoned RR, Rural Residential; all are within the generally north facing wooded slope between the Corbett Rural Center and the "shelf" or plateau north of Chamberlain Road; and most parcels are small acreages with rural non-farm residences.

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

"Currently the parcel is forested with alder, maple and a few fir and cedar; all with little commercial value. For proper forest management the parcel would have to be clear cut and replanted. Since more than four acres of the site is steep, several erosion problems would be created with a clear cut action. Timber cutting would be hazardous to nearly every adjacent property. Only two acres could be used for farm use, the rest being too steep for safe equipment use or erosion control."

Staff Comments

Staff concurs with applicant's response; the following supplements their findings:

The size and location of the subject property render it "generally unsuitable" for farm or forest production. The parcel covers only 7.2 acres and is located within an area of much smaller residentially developed properties. Adjacent parcels are not used for agricultural or forest purposes. Farm and forest resource lands typical to the greater Corbett area typically require much larger tracts of land and lower residential densities.

(3) *Be compatible with accepted farming or forestry practices on adjacent lands;*

"There is no forestry or farming use on adjacent properties. With the exception of one parcel all are suburban like houses or mobile homes situated on very small parcels. The remaining parcel has an open field that was overgrazed and no longer is in production. It is now used to store vehicles, a mobile home and equipment."

Staff Comment:

Staff concurs with applicant's findings.

(4) *Be consistent with the purposes described in MCC .2202;*

11.15.2202 Purposes

The purposes of the Rural Residential District are to provide areas for residential use for those persons who desire rural living environments; to provide standards for rural land use and development consistent with desired rural character, the capability of the land and natural resources; to manage the extension of public services; to provide for the extension of public services; to provide for public review of non-residential use proposals and to balance the public's interest in the management of community growth with the protection of individual property rights through review procedures and flexible standards.

"The granting of this application will insure that the property will remain in substantially the same condition as it is currently. The approval by the Columbia River Gorge Commission stipulates that tree removal will not occur. This will insure that the adjacent property owners will not be adversely affected in the future."

Staff Comments:

The proposed Lot of Exception will provide a 2.2 acre building site in an area characterized by rural residential development on lots of the same general size (reference finding #1. above). The Gorge Commission Director's decision referenced above makes the following finding on pages 2 and 3 ...

"The subject parcel is situated in a rural landscape setting, characterized as a rural residential enclave of a relatively moderate density. The proposed land division would create parcels at a density consistent with that of the identified rural residential enclave.

Three parcels, including the subject parcel, within this cluster of residential development have the potential of being further divided without creating lots

uncharacteristically small for the area. The density created by this proposal is consistent with that of parcels in the immediate area.

The greater Corbett area outside the identified enclave, is characteristic of lower densities. If the densities proposed in this application were applied to these lands, a cumulative effect resulting from a change to a developed setting would occur. However, because the densities created by the proposed land division would only apply within the described rural residential enclave, the proposal will not change the landscape setting, either individually or cumulatively."

Staff concurs that the 2.2-acre lot size is consistent with the described "area" and the resulting single family residential site is consistent with the purposes of the RR District. Further, by defining the "area" somewhat narrowly as in the Gorge Commission decision, the Lot of Exception in this case would not create a precedent supporting further land divisions in the described "area". This conclusion is based on the fact that only one other parcel in the "area" exceeds 5-acres in size; that being Tax Lot '22' in the same section with 5.23 acres. This size is impracticable for a Lot of Exception (refer to criteria B(1)&(2) below).

- (5) *Satisfy the applicable standards of water supply, sewage disposal and minimum access;*

"Corbett water district currently has more than adequate pressure and volume to the proposed 2.2 acre parcel. The existing home is currently served by a water line on Chamberlain Road.

The soil on the property is considered excellent for septic systems, failures in the area have not occurred and permits have not been denied in the area.

Access to the property is via a 25' country road from Crown Point Highway; then via a jointly owned driveway approximately 28' wide. This driveway was constructed approximately 25 years ago, jointly to serve the southern portion of the subject and adjacent properties. Electric and telephone services already border the 2.2 acre parcel."

Staff Comments:

Engineering Services indicates the division of the property will require deed restrictions along both right-of-way frontages.

- (6) *Not require public services beyond those existing or programmed for the area.*

"Corbett water district serves the property. More than adequate flow and pressure is available. Portland General Electric provides the electricity and has service lines to the property. Cascade Utilities provides telephone service and has a line to the property. Corbett Fire District provides fire protection and the property is within one mile of the fire station. Corbett School District provides educational services. The grade, middle and high schools are less than 1/2 mile from the property. The property is served by a county road and although the gravel surface is narrow, the road is flat and straight and has a deeded width of 24'.

The grass shoulders are flat and in most places vehicles can pass. Minimal maintenance in brush clearing and graveling would allow two full lanes of traffic. The remaining distance to the property is via a co-owned lane built by the previous owner of subject property, approximately 25 years ago, to serve said property. The lane is gently sloping, straight, 28' wide, by approximately 200' long. It currently serves one home."

Staff Comments:

The proposed Lot of Exception has its required frontage on Chamberlain Road. Applicant indicates the lot will have driveway access through an easement on the one acre lot immediately south of the Lot of Exception. County Planning Commission approval is not required for an easement access if a lot has legal frontage on a right-of-way. Staff has not identified new public services which would be required to serve the Lot of Exception.

B. *No Lot of Exception shall be approved unless:*

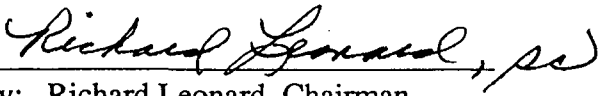
- (1) *The Lot of Record to be divided exceeds the area requirements of MCC .2218(A), and*
- (2) *The division will create no more than one lot which is less than the minimum area required in MCC .2218(A).*

Staff Comments:

MCC .2218(A) specifies a five acre minimum lot size for the RR District except as provided by the Lot of Exception process. The subject site covers approximately 7.2 acres and therefore exceeds the five acre requirement noted in item B(1) above. The proposed division would create only one lot with less than five acres; therefore this request complies with item B(2) above.

CONCLUSIONS

1. The proposal satisfies standards for granting a Lot of Exception in the RR, Rural Residential District.
2. Conditions of approval are necessary to assure the partition satisfies the County Land Division Ordinance requirements and that future development on the new building site is consistent with the Columbia River Gorge Area of Significant Environmental Concern.


By: Richard Leonard, Chairman
October 9, 1989

Filed With the Clerk of the Board on October 19, 1989

Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 4:30 p.m. on Monday, November 6, 1989 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision on this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, November 7 1989 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development Division at 248-3043.

Sept. 30, 1989

Commissioner Sharron Kelley
Multnomah County Commission
1021 S.W. 4th
Room 606
Portland, Ore. 97204

Dear Commissioner Sharron Kelley:

I talked to you after the Kiwanis meeting which you attended in Corbett on Thurs., Sept. 28, 1989. I expressed to you my concern for preserving the character of Corbett as a small, rural community as future growth and development occur. I mentioned that I was unhappy with much of the recently proposed development for this area.

Your reply to me was that I should not worry because a lot of people shared my views and that once certain adjustments were made to accommodate "fairness" to long-time land owners in the area, the development would probably slow down.

I found your answer to be somewhat disconcerting. I am not assured by easy platitudes that after awhile things will level out on their own. I was also offended during the meeting itself, to your reference toward the Gorge Commission as being "on the back" of the community. This remark gave the unfortunate impression of a bias on your part that would favor development over preservation of the small community. Commissioner Kelley, we need someone to protect us. My concern is that the Gorge Commission along with the Planning Commission can't do enough. In spite of regulations designed to protect the scenic value of the Gorge and the rural character of the Corbett community, the intent of these regulations are frequently subverted by irresponsible and exploitive development interests. There are three businessmen in our community, Ted Davenport, Frank Windust, and David Moir, who appear to be interested in developing as much of the area as they possibly can for personal financial gain. It is my understanding that one of these men, Frank Windust, alone has had at least eight applications for land division and/or development filed with the county in the past year. The ramifications of this inundation of development requests are evident.

Consequently, Commissioner Kelley, I was distressed by what I sensed as a failure to take seriously the threat of development to our community. There are several of us living here who are worried by the establishment of a precedent for rampant, self-serving development. We need more definitive assurance from you that our interests will be protected. I would appreciate the courtesy of a response. Thankyou.

Sincerely,

Sandra J. Mershon

Sandra Mershon
P.O. Box 179
Corbett, Ore. 97019
695-5498

cc. Gladys McCoy, Chair
Planning and Development Division
Columbia River Gorge Commission
Friends of the Gorge

PO Box 179
Corbett, Ore 97019



Planning Commission
2115 SE Morrison
Portland Ore 97214

Oct. 9, 1989

Planning Commission
2115 S.E. Morrison
Portland, Ore.

Dear Commission Members:

The people of Corbett are routinely subjected to ploys of intimidation and out-right threats when they assert any effort to limit development in the community. I have heard of several cases, but have personal knowledge of two such incidents.

Mr. David Moir and Mr. Frank Windust are currently seeking a 2.2 acre lot of exception on a piece of property adjacent to me. Early on, in July, when Mr. Moir and Mr. Windust had submitted an application to the Gorge Commission, I wrote a letter in opposition. In response to my opposition, Mr. Moir called me and said that if he were unable to get approval for his lot of exception he would donate the acreage as a public park in Polly Casterline's memory. He reminded me that his wife, Chris Moir, had worked for Ms. Casterline for a number of years and that this could be a likely use for the property. (A magnanimous offer to be sure, but very unlikely considering Mr. Moir's entrepreneurial goals!)

In the same phone conversation, Mr. Moir asked me about the possibility of a cross-easement. He said that if an easement could not be agreed upon, that he would cut off access to our house. At that point, I sought legal counsel and was advised that Mr. Moir's threat could not be legally carried out.

The second incident involved my neighbor, Donna Blanc, who is also an adjacent property owner to the lot in question. In a letter received by Ms. Blanc on Oct. 4, Mr. Moir makes a very pointed threat to call her on certain zoning ordinance violations if she mentions her concerns over the use of the county access road at the public hearing. The access road is a dedicated county road which is not maintained and is already heavily used. Ms. Blanc immediately checked on the zoning ordinances with Multnomah County and was told that she was in complete compliance. (Mr. Moir's letter to Ms. Blanc is enclosed.)

There are certain individuals in the area, Mr. Moir and Mr. Windust among them, who appear to be seeking to shape the future development of the Corbett community according to their own private agenda. Unfortunately, it appears that in this agenda, personal financial gain takes precedence over

conscientious and responsible development decisions which would maintain the rural character of the community. There are many people in this community who are extremely concerned about the efforts of these individuals to develop and suburbanize the Corbett area, but when one tries to exercise his or her legal rights in thwarting these efforts, he or she is subjected to harassment and intimidation.

Keeping this in mind, it is your responsibility as the planning commission to base your decisions on the public good and defend our rights against those who seek to bully us into complying with their desires.

Sincerely,

Sandra J. Mershon

Sandra Mershon
P.O. Box 179
Corbett, Ore. 97019

cc. Columbia River Gorge Commission
Commissioner Sharron Kelley
Gladys McCoy, Commission Chair
Friends of the Gorge

To Donna Blank

One of the issues that Sandra Mershon has raised is that My Lot of Exception Application, if granted will lead to more land development. Under current planning laws there is no other property in the area defined by the county and Gorge Commission. There are some possibilities for land divisions in the Rural Center Zone designation that your land lies within.

Another issue is the use of the County lane that serves both your property and mine. The County engineer has expressed a willingness to help the property owners served by the lane develop a Local Improvement District so that all may share in the cost of road maintenance. I will be happy to join in such a project.

Mershon, Poetz, Revelle and yourself have stated in letters that the road is already overused. If that issue is raised at the hearing I shall have to respond that I should not be penalized because of the traffic generated by an illegally operated business. Mr Doty's Rodd Construction and Logging business, his mobile home storage are expressly forbidden by zoning ordinances. This is not an issue I care to address but I will, if forced to do so. If the issue is raised publicly about a zoning violation the county and the Gorge Commission will be forced to address that issue legally.

Please, go to the county and read the staff report, talk to the staff person assigned the case. What I am asking for, to create a parcel that will be about 2.4 acres, is the same size as most in the area and larger than Sandra Mershaw's. This land division is allowed only once and the parent parcel must be 5 acres. I doubt that most reasonable people would call this rampant development.

If you have any questions about this matter you may call myself, or Frank Windust or my attorney Larry Epstein.

David A. Mon.
35800 NE Chamberlain
Corbett OR 97019
695-5652

Frank Windust 695-2222
Larry Epstein 223-4855

cc, Frank Windust
Larry Epstein

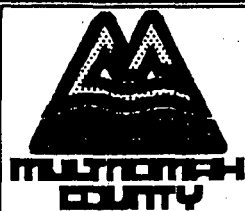
We, the undersigned, wish to register our concerns about development within the Corbett Community. Any developments that would threaten the existing rural character of the community and the scenic value of the Gorge are of particular concern to us.

NAME ADDRESS PRECINCT #

1. Sandra Marshon
Tamara Farris
35735 E. Crown Pt. Hwy, Corbett 97019 5425
2. Tamara Farris
41210 Trout Creek
Corbett, OR 97019
3. Penny Pastner
505 NE Thompson Hill
Corbett, OR 97019
4. Sheryl VanHee
35943 East Crown Point Hwy
Corbett, OR 97019 5425
5. Linda Sue Moran
523 SE Red Elder Grove
Corbett Oregon 97019
6. Mary Jean Wilson
41500 SE Gordon Creek
Corbett OR 97019
7. Mary Jean Wilson
35943 E Crown Pt Hwy
Corbett OR 97019 5425
8. Jerry Van Hee
43015 NE 2nd
Corbett, OR 97019
9. Joni Huggins
24635 E WOOD RD
TRAIL CR 97060
10. Peter Grant
31424 NE Hunt
1 ROUTDALE 97060
11. Albert H. Benjamin
35735 E Crown Pt. Hwy
Corbett, Ore 97019 5425
12. Randall Markin
31926 NE Ward
Troutdale, OR 97060
13. Debbie Markin
31926 NE Ward
Troutdale, OR 97060
14. Patricia A. Lucas
7608 St John's Reser
Corbett, OR 97019 5434
15. Tobie Ervin
42905 NE 320
Corbett, OR 97019 5425
16. Carol Revell
P.O. Box 51
Corbett Oregon 97019 5425
17. Marshall A. Narris
34015 E. Crown Pt. Hwy
Corbett OR 97019
18. Lynne Quinn
36421 E. Crown Pt. Hwy
Corbett OR 97019 5425
19. Bill Quinn
36421 E Crown Pt Hwy
Corbett OR 97019 5425
20. Bill Quinn
523 SE Red Elder Grove
Corbett OR 97019 5425
21. Fred Ramsey
505 NE Thompson Hill Rd
Corbett, OR 97019
22. Carol Dalay
38600 E CPH
Corbett, Oregon 97019 5425
23. Ole Wilson
41500 SE Gordon Creek Rd
24. Terrene Ramsey
38543 SE Loring Rd
Corbett, OR 97019 5425
25. Tania Ramsey
P.O. Box 4 - Buda, TX 78011 5425A

We, the undersigned, wish to register our concerns about development within the Corbett Community. Any developments that would threaten the existing rural character of the community and the scenic value of the Gorge are of particular concern to us.

NAME	ADDRESS	PRECINCT #
1. Karen L. Avers	P.O. Box 34 Corbett OR 97019	5434
2. Michelle A. Thompson	3631 N.E. Chamberlain Rd. Astoria	5425
3. Linda Schimmel	4330 E. Kinnear Rd Corbett	
4. Dianne Green	3433 SE Smith Rd Corbett	5245
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25.		



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

Staff Report

This Staff report consists of Conditions, Findings of Fact and Conclusions.

October 9, 1989

LE 10-89, #646

Lot of Exception
(Land Division)

Line 3.

Applicant requests a land division under "Lot of Exception" provisions of the RR, rural residential zoning district, to divide a 7.2-acre parcel into a 2.2-acre and a 5-acre parcel.

Location: 35800 NE Chamberlain Road

Legal: Tax Lot '19', Section 27, 1N-4E, Except that portion lying south of the Section line for Section 34, 1N-4E 1989 Assessor's Map

Site Size: Approximately 7.2 Acres

Size Requested: Same

Property Owner: David and Christine Moir
35800 NE Chamberlain Road
Corbett, Oregon 97019

*Available 10-3-89
2. Mailed
M.B.*

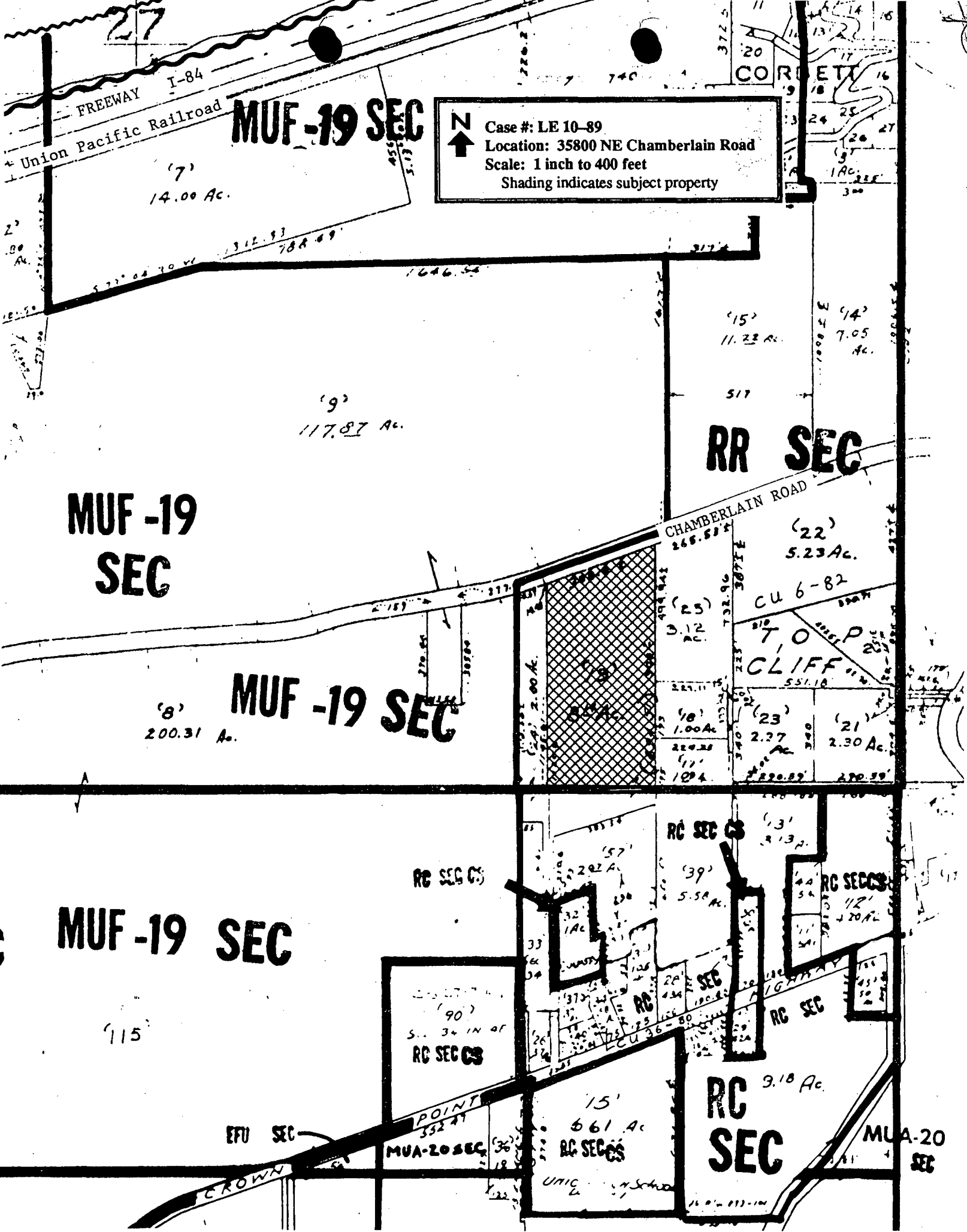
Applicant: David Moir & Frank A. Windust, Jr., c/o Oregon Realty Company
36039 East Crown Point Highway, Corbett, 97019

Comprehensive Plan: Rural Residential/Area of Significant Environmental Concern

Present Zoning: RR, Rural Residential District
SEC, Area of Significant Environmental Concern Area

RECOMMENDED PLANNING COMMISSION

DECISION: Approve, subject to conditions, a 2.2-acre Lot of Exception to allow this 7.2 acre Lot of Record to be divided into lots of 2.2 and 5.0 acres in the Rural Residential District, based on the following findings and conclusions



MUF-19 SEC



Case #: LE 10-89
Location: 35800 NE Chamberlain Road
Scale: 1 inch to 400 feet
Shading indicates subject property

CORRETT

RR SEC

MUF-19 SEC

MUF-19 SEC

MUF-19 SEC

RC SEC

MUA-20 SEC

RC SEC CS

RC SEC CS

RC SEC CS

RC SEC

RC SEC

RC SEC

RC SEC CS

RC SEC CS

EFU SEC

MUA-20 SEC

3.18 Ac.

6.61 Ac.

14.00 Ac.

117.87 Ac.

11.23 Ac.

7.05 Ac.

5.23 Ac.

3.12 Ac.

1.00 Ac.

2.27 Ac.

2.30 Ac.

5.58 Ac.

4.20 Ac.

3.34 IN AC

RC SEC CS

POINT

352.41

RC SEC CS

UNIC

School

CU 6-82

T.O.P

CLIFF

551.10

2.27

2.30

3.13

4.20

5.58

6.61

7.05

7.23

7.41

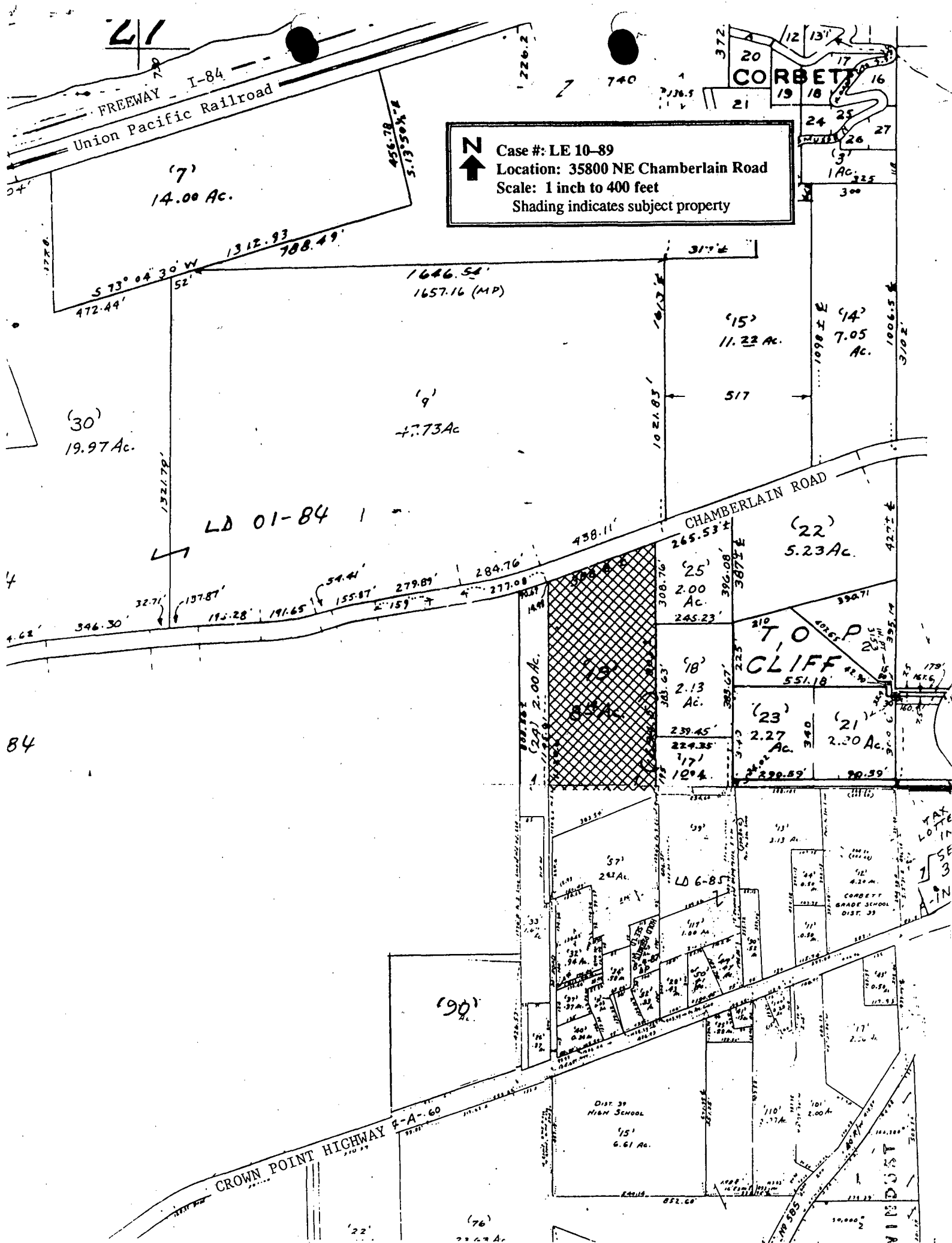
7.59

7.77

7.95

8.13

8.31



Co Lum b i a

Taylor's Landing

Line

5727 E

CORBETT

(5)
25.48 Ac.

MUF-19

47.73Ac

RURAL RESIDENTIAL

~~PROPOSED
LOT OF -
EXCEPTION~~

TOP
CLIFF

CASON- WEST

ESTATES

CORBETT RURAL CENTER

MUA-20 ^{500 Ac.}

(87)
5.22 Ac.

'22'
4.76
Ac

(76)
23.63 Ac.

55'

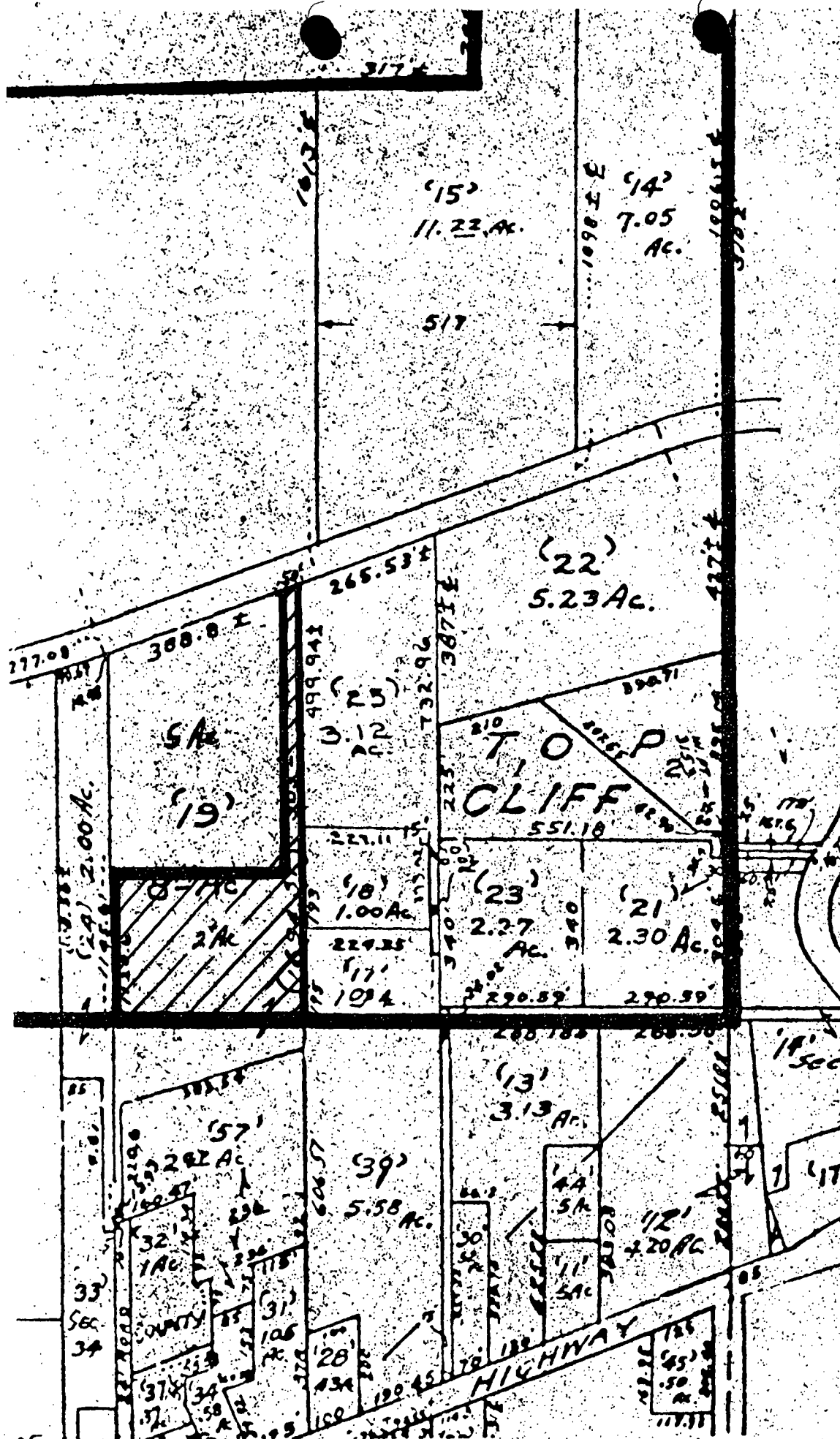
58'

59' | 77
422A

(—)

(86)
5.02 Ac.

(81)



A. approved

MUL

DIVISION OF PL

27

Conditions of Approval:

1. Prior to issuance of building permits on the Lot of Exception, obtain tentative plan approval of a Type III Land Division and record the final partition map for said land division pursuant to County Land Division Ordinance procedures.
2. Prior to issuance of building permits on the Lot of Exception, obtain SEC Permit approval of proposed structures and associated site development.

Findings:

1. **Applicant's Proposal:** Applicant requests approval of a Lot of Exception to create a 2.2-acre and a 5-acre parcel out of the 7.2 acre parent lot. The proposed 5-acre parcel contains a single family residence.
2. **Site and Vicinity Information:** The subject site lies south of Chamberlain Road. A mix of mature coniferous and deciduous trees covers most of the site. The land slopes up from Chamberlain Road. The house on the property, near the north boundary adjacent to Chamberlain Road, was built in 1979. Tax Lot '19' also has access to Crown Point Highway (to the south) through an unnamed 24-foot wide public right-of-way.

The area west and east of the site is zoned RR, Rural Residential. Land immediately north and further west is zoned MUF-19, Multiple Use Forest District. Lands to the south are within the RC, Rural Center District for Corbett. The land between the Corbett Rural Center District and Chamberlain Road is divided into small-acreage residential parcels (see lot size discussion under Criteria #1. below) with several single family homes nestled into this heavily wooded north facing slope. The land north of Chamberlain Road is generally flatter and more open in character. South of the site, the Corbett Rural Center District contains a mix of uses, including the local elementary and high schools, retail shops, offices, light manufacturing businesses, a post office and several residences. The entire Corbett area, including the subject site, is within the Columbia River Gorge National Scenic Area.

3. **Ordinance Considerations:** The subject lot (Tax Lot '19') actually contains 8.14-acres. County zoning provisions recognize this lot as two distinct Lots of Record since it straddles a zone boundary [Reference MCC 11.15.2222(C) &.2262(C)]. The south portion of the lot (approximately 1-acre) lies within the RC, Rural Center District; most of the lot (Approximately 7.2-acres) lies within the RR, Rural Residential District (see attached maps).

Section 11.15.2220(A) specifies findings necessary to create lots with less than 5-acres in the RR District. The following section presents findings regarding the proposed Lot of Exception; the applicable standard is in *bold italics*. Applicant's responses are presented first (*in italics*), followed by staff comments:

A. Any exception shall be based on findings that the proposal will:

- (1) Substantially maintain or support the character and stability of the overall land use pattern of the area;**

"The proposed lot of exception is located within the the RR-5 zone, and immediately adjacent to the RC zone for the community of Corbett. This is defined by the close proximity to the Grade, Middle, and high school, the hardware store, post office, water district and telephone company.

The predominant landuse is one and two acre lot sizes with residential homes. The largest parcel adjacent to the subject parcel is two acres and no other adjacent parcel supports farm or forest use.

The lot of exception requested is on the same plateau as the community of Corbett. The remainder of the parcel is steep, being part of the terrain that creates the physical northern boundary of the community.

The 3 acre parcel directly to the south did support limited grazing until recently. Currently, the owner of that parcel has a home, rents a building to a 3 man machine shop that produces custom injection plastic molds. The owner uses the pasture to repair and store dump trucks, a caterpillar, a mobile home and other vehicles."

Staff Comments:

The above findings are incorporated and supplemented as follows:

The Columbia River Gorge Commission approved the requested land division in an August 7, 1989 decision by Richard Benner, Executive Director (File No. C89-0139-M-G-12). In item B(2) on page 2 of the decision, the Director found that ...

"Within the immediate surroundings of the subject parcel, there are 24 parcels which range in size from .94 to 5.23 acres. This area is described as the land which lies between the boundaries of Chamberlain Road to the north, the rural center zoning line to the south, a line which lies approximately 100 feet west of the west property line of the subject parcel, and the east line of the Cason West Estates subdivision. Twenty-two of these parcels are less than three acres in size. The average parcel size within the described rural residential enclave is 2.2 acres."

The "area" described above is suitable for assessing this proposal for several reasons: all properties in the described area are zoned RR, Rural Residential; all are within the generally north facing wooded slope between the Corbett Rural Center and the "shelf" or plateau north of Chamberlain Road; and most parcels are small acreages with rural non-farm residences.

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

"Currently the parcel is forested with alder, maple and a few fir and cedar; all with little commercial value. For proper forest management the parcel would have to be clear cut and replanted. Since more than four acres of the site is steep, several erosion problems would be created with a clear cut action. Timber cutting would be hazardous to nearly every adjacent property. Only two acres could be used for farm use, the rest being too steep for safe equipment use or erosion control."

Staff Comments

Staff concurs with applicant's response; the following supplements their findings:

The size and location of the subject property render it "generally unsuitable" for farm or forest production. The parcel covers only 7.2 acres and is located within an area of much smaller residentially developed properties. Adjacent parcels are not used for agricultural or forest purposes. Farm and forest resource lands typical to the greater Corbett area typically require much larger tracts of land and lower residential densities.

(3) *Be compatible with accepted farming or forestry practices on adjacent lands;*

"There is no forestry or farming use on adjacent properties. With the exception of one parcel all are suburban like houses or mobile homes situated on very small parcels. The remaining parcel has an open field that was overgrazed and no longer is in production. It is now used to store vehicles, a mobile home and equipment."

Staff Comment:

Staff concurs with applicant's findings.

(4) *Be consistent with the purposes described in MCC .2202;*

11.15.2202 Purposes

The purposes of the Rural Residential District are to provide areas for residential use for those persons who desire rural living environments; to provide standards for rural land use and development consistent with desired rural character, the capability of the land and natural resources; to manage the extension of public services; to provide for the extension of public services; to provide for public review of non-residential use proposals and to balance the public's interest in the management of community growth with the protection of individual property rights through review procedures and flexible standards.

"The granting of this application will insure that the property will remain in substantially the same condition as it is currently. The approval by the Columbia River Gorge Commission stipulates that tree removal will not occur. This will insure that the adjacent property owners will not be adversely affected in the future."

Staff Comments:

The proposed Lot of Exception will provide a 2.2 acre building site in an area characterized by rural residential development on lots of the same general size (reference finding #1.

above). The Gorge Commission Director's decision referenced above makes the following finding on pages 2 and 3 ...

"The subject parcel is situated in a rural landscape setting, characterized as a rural residential enclave of a relatively moderate density. The proposed land division would create parcels at a density consistent with that of the identified rural residential enclave.

Three parcels, including the subject parcel, within this cluster of residential development have the potential of being further divided without creating lots uncharacteristically small for the area. The density created by this proposal is consistent with that of parcels in the immediate area.

The greater Corbett area outside the identified enclave, is characteristic of lower densities. If the densities proposed in this application were applied to these lands, a cumulative effect resulting from a change to a developed setting would occur. However, because the densities created by the proposed land division would only apply within the described rural residential enclave, the proposal will not change the landscape setting, either individually or cumulatively."

Staff concurs that the 2.2-acre lot size is consistent with the described "area" and the resulting single family residential site is consistent with the purposes of the RR District. Further, by defining the "area" somewhat narrowly as in the Gorge Commission decision, the Lot of Exception in this case would not create a precedent supporting further land divisions in the described "area". This conclusion is based on the fact that only one other parcel in the "area" exceeds 5-acres in size; that being Tax Lot '22' in the same section with 5.23 acres. This size is impracticable for a Lot of Exception (refer to criteria B(1)&(2) below).

- (5) *Satisfy the applicable standards of water supply, sewage disposal and minimum access;*

"Corbett water district currently has more than adequate pressure and volume to the proposed 2.2 acre parcel. The existing home is currently served by a water line on Chamberlain Road.

The soil on the property is considered excellent for septic systems, failures in the area have not occurred and permits have not been denied in the area.

Access to the property is via a 25' country road from Crown Point Highway; then via a jointly owned driveway approximately 28' wide. This driveway was constructed approximately 25 years ago, jointly to serve the southern portion of the subject and adjacent properties. Electric and telephone services already border the 2.2 acre parcel."

Staff Comments:

Engineering Services indicates the division of the property will require deed restrictions along both right-of-way frontages.

(6) *Not require public services beyond those existing or programmed for the area.*

"Corbett water district serves the property. More than adequate flow and pressure is available. Portland General Electric provides the electricity and has service lines to the property. Cascade Utilities provides telephone service and has a line to the property. Corbett Fire District provides fire protection and the property is within one mile of the fire station. Corbett School District provides educational services. The grade, middle and high schools are less than 1/2 mile from the property. The property is served by a county road and although the gravel surface is narrow, the road is flat and straight and has a deeded width of 24'. The grass shoulders are flat and in most places vehicles can pass. Minimal maintenance in brush clearing and graveling would allow two full lanes of traffic. The remaining distance to the property is via a co-owned lane built by the previous owner of subject property, approximately 25 years ago, to serve said property. The lane is gently sloping, straight, 28' wide, by approximately 200' long. It currently serves one home."

Staff Comments:

The proposed Lot of Exception has its required frontage on Chamberlain Road. Applicant indicates the lot will have driveway access through an easement on the one acre lot immediately south of the Lot of Exception. County Planning Commission approval is not required for an easement access if a lot has legal frontage on a right-of-way. Staff has not identified new public services which would be required to serve the Lot of Exception.

B. *No Lot of Exception shall be approved unless:*

- (1) *The Lot of Record to be divided exceeds the area requirements of MCC .2218(A), and*
- (2) *The division will create no more than one lot which is less than the minimum area required in MCC .2218(A).*

Staff Comments:

MCC .2218(A) specifies a five acre minimum lot size for the RR District except as provided by the Lot of Exception process. The subject site covers approximately 7.2 acres and therefore exceeds the five acre requirement noted in item B(1) above. The proposed division would create only one lot with less than five acres; therefore this request complies with item B(2) above.

CONCLUSIONS

1. The proposal satisfies standards for granting a Lot of Exception in the RR, Rural Residential District.
2. Conditions of approval are necessary to assure the partition satisfies the County Land Division Ordinance requirements and that future development on the new building site is consistent with the Columbia River Gorge Area of Significant Environmental Concern.

In the Matter of LE 10-89

By: Richard Leonard, Chairman
October 9, 1989

Filed With the Clerk of the Board on October 19, 1989

Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 4:30 p.m. on Monday, November 6, 1989 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision on this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, November 7 1989 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development Division at 248-3043.



GLADYS McCOY, Multnomah County Chair

Room 134, County Courthouse
1021 S.W. Fourth Avenue
Portland, Oregon 97204
(503) 248-3308

LE 10-89

September 26, 1989

RECEIVED
OCT 4 1989

Sandra J. Mershon
P. O. Box 179
Corbett, Oregon 97019

Multnomah County
Zoning Division

RE: Moir/Windust Lot of Exception Request

Dear Ms. Mershon:

This letter regards issues raised in your August 22, 1989 letter to Commissioner Sharron Kelley. As you know, the Columbia River Gorge Commission recently reviewed and approved two land divisions on the Moir property adjacent to your residence. The County has not typically involved itself in Gorge Commission reviews when a corresponding County review is required. The County Planning Division informs me that Dave Moir and Frank Windust have filed a "Lot of Exception" request with the County (File LE 10-89). That request will be heard before the County Planning Commission on October 9, 1989. All property owners surrounding (within 250 feet) the Moir property will be mailed notice at least ten days prior to the hearing.

The County review of the request will consider points raised in your August letter as well as approval criteria for granting a "Lot of Exception". A staff report detailing the Planning Staff's review and recommendation to the Planning Commission should be available by October 3, 1989.

Thank you for taking time to write your concerns. If you have further questions regarding the pending application or how to participate in the County's decision making process, contact Mark Hess in the Planning Division at 248-3043.

Sincerely,

Gladys McCoy
Multnomah County Chair

GM:ddf

cc: Commissioner Sharron Kelley
Mark Hess, Planning Division



Notice of Public Hearing Planning Commission

Department of Environmental Services
Division of Planning and Development

2115 SE Morrison Street
Portland, Oregon 97214

You are invited to attend or send written comment regarding a public hearing to be held on the following item on the date and at the time and place indicated below. The exact time may be later depending on the agenda schedule. The hearing will be conducted pursuant to the Planning Commission's *Rules of Procedure* (enclosed). All interested parties may appear and testify. Failure to raise an issue in person, or by letter, or failure to provide sufficient specificity to allow the Planning Commission an opportunity to respond to the issue precludes appeal to LUBA on that issue.

A recommendation on the item will be announced at the close of the hearing, or upon continuance to a time certain. A written recommendation will be filed with the Clerk of the Board of County Commissioners within ten days of the announcement. Recommendations may be appealed to the Board of County Commissioners by either the applicant or those opposed. Appeals must be filed with the Division of Planning and Development within ten days after the decision is filed with the Clerk of the Board. Appeal forms are available at 2115 SE Morrison Street.

A Staff Report will be available at no cost seven days prior to the hearing. All materials submitted by the applicant will be available for inspection at least 20 days prior to the hearing, and may be purchased at reasonable cost. For further information, call Sharon Cowley at 248-3043.

Planning Commission Members: Alterman - Chiedu - Douglas - Fry - Fritz - Hunt - Leonard - Spetter

Date: 10/09/89 **Time:** 5:50 pm **Place:** Room 602, Multnomah County Courthouse

LE 10-89, #643

Lot of Exception
(Land Division)

Line 2.

Applicant requests a land division under "Lot of Exception" provisions of the RR, rural residential zoning district, to divide a 7.2-acre parcel into a 2.2-acre and a 5-acre parcel.

Location: 35800 NE Chamberlain Road

Legal: Tax Lot '19', Section 27, 1N-4E,
Except that portion lying South of the Section Line
(Within Section 34, 1N-4E, 1988 Assessor's Map)

Site Size: Approximately 7.2 Acres

Size Requested: Same

Property Owner: David / Chris Moir, 35800 NE Chamberlain Road, Corbett, 97019

Applicant: David Moir / Frank A. Windust, Jr., c/o Oregon Realty Company
36039 East Crown Point Highway, Corbett, 97019

Comprehensive Plan: Rural Residential

Present Zoning: RR, Rural Residential District

MH

LE 10-89

*21 Kesteven
Fench
9-22-89
JC*

Approval Criteria for a Lot of Exception in the Rural Residential District

The Planning Commission may grant an exception to permit creation of a lot of less than 5 acres, after October 6, 1977, when in compliance with the dimensional requirements of MCC .2218(C) through (E). Any exception shall be based on findings that the proposal will:

- (1) Substantially maintain or support the character and stability of the overall land use pattern of the area;
- (2) Be situated upon land generally unsuitable for the production of farm crops and livestock or for forest use, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, and the location or size of the tract;
- (3) Be compatible with accepted farming or forestry practices on adjacent lands;
- (4) Be consistent with the purposes described in MCC .2202;
- (5) Satisfy the applicable standards of water supply, sewage disposal and minimum access; and
- (6) Not require public services beyond those existing or programmed for the area.

Except as provided in MCC .2220(D), no Lot of Exception shall be approved unless;

- (1) The Lot of Record to be divided exceeds the area requirements of MCC .2218 (A), and
- (2) The division will create no more than one lot which is less than the minimum area required in MCC .2218(A).

The Planning Commission may attach conditions to the approval of any Lot of Exception to insure that the use is consistent with the Comprehensive Plan and the purposes described in MCC .2122.

27

FREWAY I-84
Union Pacific Railroad

MUF-19 SEC



Case #: LE 10-89

Location: 35800 NE Chamberlain Road

Scale: 1 inch to 400 feet

Shading indicates subject property

CORBETT

'7'
14.00 Ac.

'9'
117.87 Ac.

'15'
11.22 Ac.

'14'
7.05 Ac.

RR SEC

MUF-19 SEC

CHAMBERLAIN ROAD

'22'
5.23 Ac.

CU 6-82

T.O.P.
CLIFF

MUF-19 SEC

'8'
200.31 Ac.

RC SEC CS

MUF-19 SEC

RC SEC CS

RC SEC CS

RC SEC CS

RC SEC

RC SEC

MUA-20 SEC

EFU SEC

MUA-20 SEC

RC SEC CS

CROWN

POINT

UNIC

27

FREWAY I-84
Union Pacific Railroad



Case #: LE 10-89
Location: 35800 NE Chamberlain Road
Scale: 1 inch to 400 feet
Shading indicates subject property

CORBETT

(7)
14.00 Ac.

(30)
19.97 Ac.

(9)
4.73 Ac.

(15)
11.22 Ac.

(14)
7.05 Ac.

LD 01-84

CHAMBERLAIN ROAD

(22)
5.23 Ac.

T O P
CLIFF

(18)
2.13 Ac.

(23)
2.27 Ac.

(21)
2.20 Ac.

LD 6-85

(90)
Ac.

CROWN POINT HIGHWAY R-A-60

DIST. 39
HIGH SCHOOL
(15)
6.61 Ac.

TAX
LOTTED
IN
SEC.
35
N-41

INDUST

EXISTING
RESIDENCE

ROAD

5 A.

PROPOSED
RESIDENCE

2.14A
LOT OF
EXCISE

EXISTING DRIVEWAY
AND SERVICES

NORVIS
MOLDS MFG.

CORAST 6
CORAST 4

COMPTON
ARCHERY

CASCADE
UTILITIES
(PUD CO.)

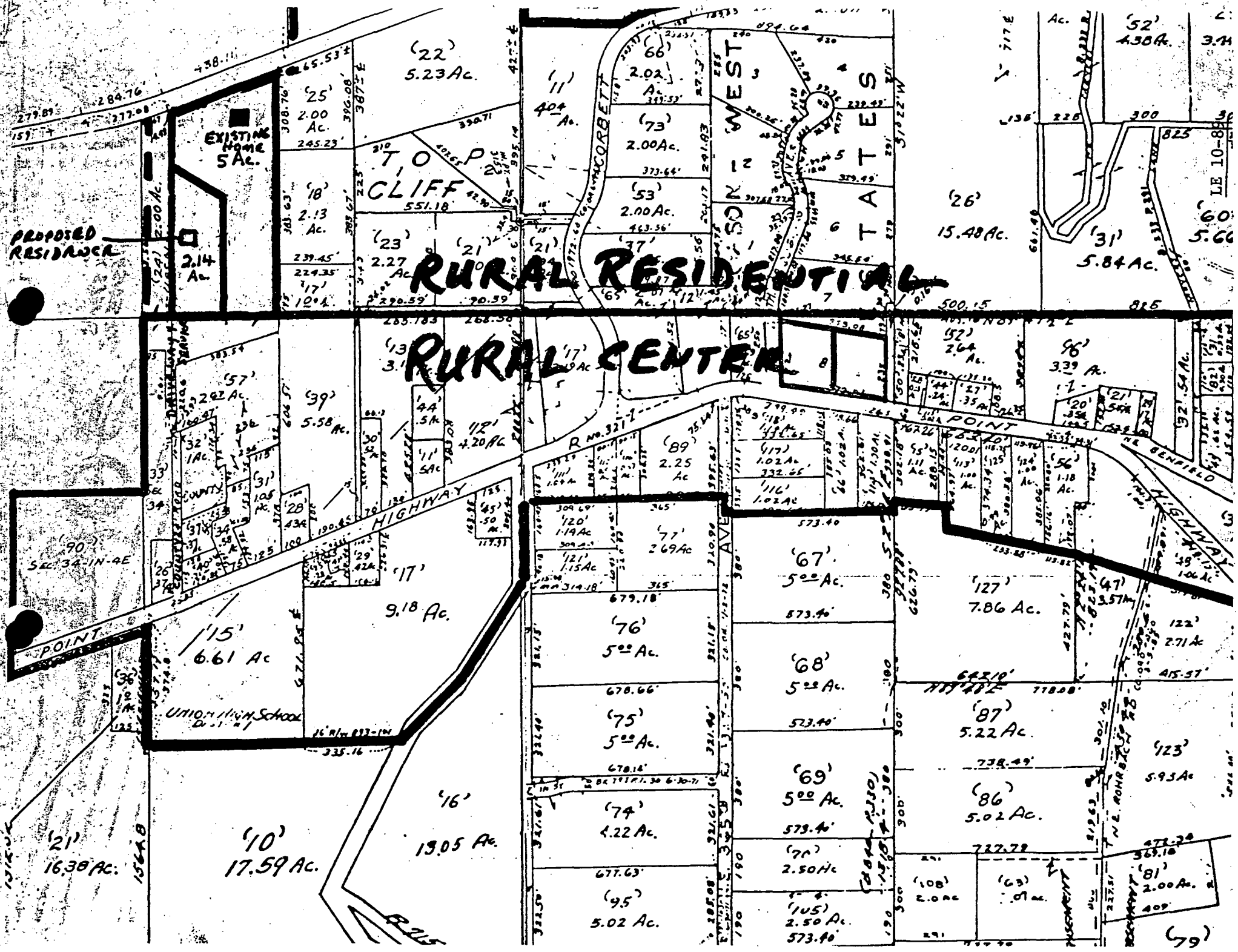
WILLY'S
OFFICE
CORAST
HARDWARE
CORAST
CON

CROWD POINT
CORAST
HIGH SCHOOL

MOLEY
MFG.
ADDG.

POUND
DIL CO.

CORAST
WATER
TIST



Taylor's Landing

(9)
47.73Ac

RURAL RESIDENTIAL

~~PROPOSED
LOT OF -
EXCEPTION~~

TOP
CLIFF

CASON - WEST
ESTATES

CORBETT RURAL CENTER

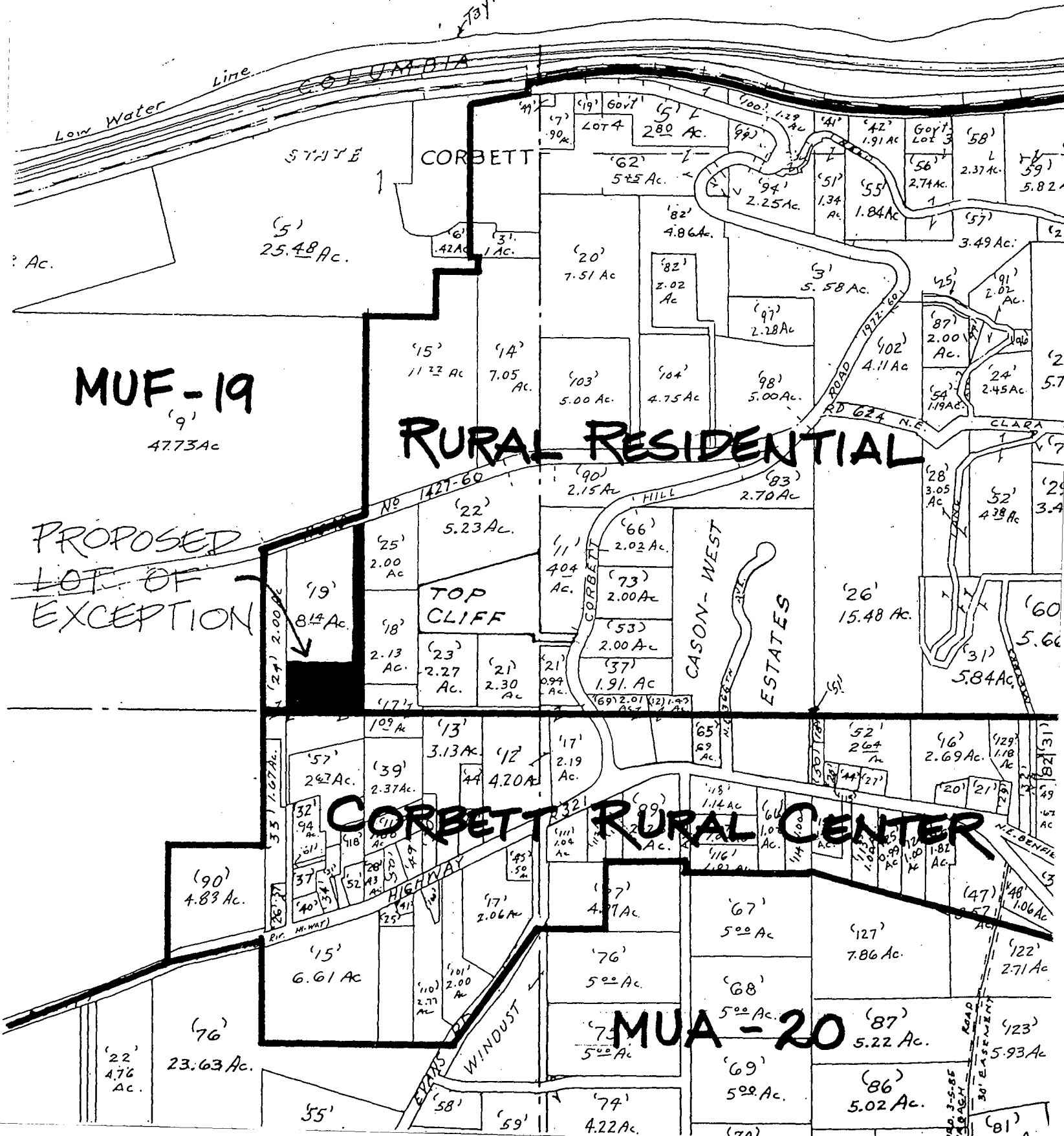
MUA-20 ^{500 Ac.}

(87)
5.22 Ac.

(86)
502 Ac.

Columbiæ

Taylor's Landing



092579249,28p00,36p10,,

PUBLICATION				GALLEY		M.D.		DESK		OP. DAY	
MONDAY				00		JS				09/19	
NAME MULTNOMAH COUNTY				S.P. 305		CLASS 000		SIZE 1x4			
I.D. #	RUNDATE	AD#	SECT or PAGE I.D.	RUNDATE	AD#	SECT or PAGE I.D.	PROOFS				
092579249	09/25/89	79249	MAIN	-	-	-	03				
-	-	-	-	-	-	-	-				
-	-	-	-	-	-	-	-				



**MULTNOMAH COUNTY
BOARD OF COUNTY COMMISSIONERS**

**Will hold a public
hearing on the following:**

Time: 5:30 p.m., Monday, October 9, 1989

Place: Room 602, Multnomah County Courthouse
1021 SW Fourth Avenue, Portland, 97204

Subject of the hearing will be:

CU 13-89 34100 NE Chamberlain Road
5:45 pm Applicant requests conditional use approval to develop this approximately two acre Lot of Record with a non-resource-related single family residence.

✓ LE 10-89 35800 NE Chamberlain Road
5:50 pm Applicant requests a land division under "Lot of Exception" provisions of the RR, rural residential zoning district to divide a 7.2-acre parcel into a 2.2-acre and a 5-acre parcel.

LE 11-89 2207 NE Corbett Hill Road
5:55 pm Applicant requests a land division under "Lot of Exception" provisions of the RR, rural residential zoning district, to divide a 6.5-acre parcel into a 1.5-acre and a 5-acre parcel.

**For further information contact Sharon
Cowley at 248-3043, Multnomah
County Department of Environmental
Services, Division of Planning and
Development
2115 SE Morrison Street, Portland**

RECEIVED

SEP 29 1989

AFFIDAVIT OF POSTING

File # LE 10-89

Multnomah County
Zoning Division

I, Frank Wendland being first duly sworn upon oath, depose and say that I am (represent) the party initiating an action before the Multnomah County Planning Commission for a Lot of Exception affecting land located at 35800 NE Chamberlain Road; that pursuant to MCC 11.15.8220(E), I did on the 27th day of SEPT. 1989, personally post THREE notice(s) of public hearing to be held before the Planning Commission on the 9th day of October, 1989, in Room 602 of the Multnomah County Courthouse, Portland, Oregon; that pursuant to MCC 11.15.8220(E), the content, design and size of said notices posted were as determined by the Planning Director and were identical in content to the notice attached hereto and by this reference made a part of this affidavit; and that pursuant to MCC 11.15.8220(E), I posted one such notice for each 300 feet, or part thereof, of frontage of the above described property on any street.

Dated this 27th day of September, 1989

Frank Wendland

Signature

Subscribed and sworn to before me this 27th day of September, 1989.

Shirley E. Stokes

Notary

DES/DPD/8-85

0362P

My Commission Expires 6/6/92



OFFICE MEMORANDUM . . . DEPARTMENT OF ENVIRONMENTAL SERVICES

TO: Planning Division,
Ike Azar and John Dorst/Transportation Division .

FROM: Dick Howard/Transportation Division *Dick Howard*

DATE: October 2, 1989

SUBJECT: 35800 NE Chamberlain Road/Tax Lot 19,
Section 27/T1N, R4E/LE 10-89

LE 10-89

☐ Dedicate:

☒ No right-of-way dedications are required.

☐ No right-of-way improvements are required.

☒ Furnish deed restrictions committing property owner to participate in future right-of-way improvements.

☐ Construct the following improvements:

RTH/js
cc: Fred Veith

4058V

RECEIVED
OCT 3 1989

Multnomah County
Zoning Division



Multnomah County Planning & Development

2115 S.E. Morrison St.
Portland, Oregon 97214
(503) 248-3043

Case # LE 10-89

A & T Account Numbers												
#	Property Description	R	X	X	X	X	X	-	X	X	X	X
1	SUBJECT PROPERTY							-				
2	SE 1/4 SEC 27, T1N, R4E, WM	R	9	4	4	2	7	-				
3	Tax Lot 15							-	0	1	9	0
4								-				
5	SURROUNDING PROPERTIES							-				
6	SE 1/4 SEC 27, T1N, R4E, WM	R	9	4	4	2	7	-				
7	Tax Lot 9							-	0	0	9	0
8	" " 15							-	0	1	5	0
9	" " 22							-	0	2	2	0
10	" " 25							-	0	2	5	0
11	" " 18							-	0	1	8	0
12	" " 17							-	0	1	7	0
13	" " 23							-	0	2	3	0
14	" " 21							-	0	2	1	0
15	" " 24							-	0	2	4	0
16								-				
17	TOP CLIFF	R	8	3	7	8	0	-	8			
18	Lot 1							-	0	0	1	0
19	Lot 2							-	0	0	5	0
20								-				
21								-				
22								-				

TWIMC:

Number of addresses printed corresponds with number of Tax Roll Accounts entered.

20 SEP 89

JHE



Multnomah County Planning & Development

2115 S.E. Morrison St.
Portland, Oregon 97214
(503) 248-3043

Case # LE 10-89

A & T Account Numbers												
#	Property Description	R	X	X	X	X	X	-	X	X	X	X
1	Surrounding Properties, Cont'd							-				
2	NEX SEC 34, TIN, R4E, WM	R	9	4	4	3	4	-				
3	T&Y Lot 39							-	0	3	9	0
4	" " 13							-	0	1	3	0
5	" " 31							-	0	3	1	0
6	" " 34							-	0	3	4	0
7	" " 57							-	0	5	7	0
8	" " 37							-	0	3	7	0
9	" " 61							-	0	6	1	0
10	" " 32							-	0	3	2	0
11	" " 33							-	0	3	3	0
12	" " 90							-	0	9	0	0
13	" " 26							-	0	2	6	0
14	" " 115							-	1	1	5	0
15								-				
16								-				
17								-				
18								-				
19								-				
20								-				
21								-				
22								-				

SHARRON KELLEY
Multnomah County Commissioner
District 4



606 County Courthouse
Portland, Oregon 97204
(503) 248-5213

August 31, 1989

Sandra J. Mershon
P. O. Box 179
Corbett, OR 97019

9

Dear Ms. Mershon,

Thank you for your letter of August 22, detailing your concerns about the recent land use decision by the Columbia River Gorge Commission.

As you know, my role here at the County does not include making those decisions. I have forwarded your letter to the Commission, the County's Planning Department and to the Office of Gladys McCoy, County Chair.

Although new to this position, the quality of life in the Gorge and it's value as a multifaceted resource is of intense interest to me. I intend to seek opportunities to be well informed and to take actions that are both appropriate and dictated by my reason and conscience. I am asking that the Planning Department and the Chair's Office respond to your concerns and to inform me of the issues raised.

Again, thank you for writing.

Sincerely,

Sharron Kelley
Multnomah County Commission

cc: Gladys McCoy, Chair of the Board
Planning & Development Division
Dept. of Environmental Services
Columbia River Gorge Commission

Enclosure 1

SEK/ycal287L

August 22, 1989

Commissioner Sharron Kelley
Multnomah County Commission
1021 S.W. 4th
Room 606
Portland, Oregon 97204

Dear Commissioner Sharron Kelley:

I am writing to express my disappointment in the Columbia River Gorge Commission. I own property in the General Management Area of the Columbia River Gorge. Recently my neighbors to the east, David and Christine Moir, and a local realtor, Frank Windust, applied for approval of the division and development of the Moir's 8.14 acre parcel into 3 separate parcels. One application involved a one acre parcel that was a separate lot of record. The other application, however, was for a 2.14 acre Lot of Exception. Both applications were approved by the Gorge Commission.

I have been a supporter of the designation and the management of the Gorge as a national scenic area. It was my understanding that as a scenic area, growth and development would be monitored to "protect or enhance the scenic resources" of the region. In their letter of approval, the Gorge Commission notes that the density of development proposed by these applications would be detrimental to the scenic resources if applied to the greater Corbett area, but since the subject parcels exist within a residential enclave of characteristically smaller lots they see no reason to prohibit further development. I would like to point out that there is tremendous potential for future development within this and other "residential enclaves" of the area. I think that the Gorge Commission's decision creates a potential for unbridled development which would change the rural characteristic of the area and create an area more suburb-like in nature. With management like this, it won't be long before we'll find ourselves living in a development with a name something like "East Wind Estates" or some other equally insipid title typical to housing developments in the suburbs.

I'm beginning to think that we were better off under the old county guidelines before the Gorge Commission came into existence. It seems that the County guidelines were more restrictive toward new development in the Gorge. In fact, with the advent of the Gorge Commission, there has been a development boon in this area. I find the Gorge Commission's approval of David Moir's and Frank Windust's

application for a Lot of Exception to be hypocritical with the Commission's stated purpose and theme. The development of 3 residences on Mr. Moir's property is excessive, rapaciously exploitive, and not in keeping with the intent of recent legislation and public demand for keeping the Columbia River Gorge unspoiled.

There are several of us in the area with these similar concerns who would be interested in hearing your response to this matter. Thankyou.

Sincerely,

Sandra J. Mershon

Sandra J. Mershon
P.O. Box 179
Corbett, Ore. 97019
695-5498 (home)
667-1037 (work)

1989 AUG 23 AM 10:28
CLATSOP COUNTY
OREGON

DAVID MOIR PROPERTY

(LOT OF EXCEPTION APPLICATION)

Applicant requests a land division of a 7.2 acre parcel into a 2.2 acre parcel and a 5 acre parcel. The 5 acre parcel meets the lot size standard of the RR-5 and applicant requests approval of a lot of exception for the 2.2 acre parcel as allowed under MCC 11.15.2180.

Any exception shall be based on findings that the proposal will:

1. Substantially maintain or support the character and stability of the overall land use patterns of the area.

The proposed lot of exception is located within the RR-5 zone, and immediately adjacent to the RC zone for the community of Corbett. This is defined by the close proximity of the Grade, Middle, and high school, the hardware store, post office, water district and telephone company.

The predominate land use is one and two acre lot sizes with residential homes. The largest parcel adjacent to the subject parcel is two acres and no other adjacent parcel supports farm or forest use.

The lot of exception requested is on the same plateau as the community of Corbett. The remainder of the parcel is steep, being part of the terrain that creates the physical Northern boundary of the community.

The 3 acre parcel directly to the south did support limited grazing until recently. Currently, the owner of that parcel has a home, rents a building to a 3 man machine shop that produces custom injection plastic molds. The owner uses the pasture to repair and store dump trucks, a caterpillar, a mobile home and other vehicles.

2. Be situated upon land generally unsuitable for commercial forest use or the production of farm crops and livestock considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation and the location of size of the tract:

Currently the parcel is forested with alder, maple and a few fir and cedar; all with little commercial value. For proper forest management the parcel would have to be clear cut and replanted. Since more than four acres of the parcel is steep, several erosion problems would be created with a clear cut action. Timber cutting would be hazardous to nearly every adjacent property. Only two acres could be used for farm use, the rest being too steep for safe equipment use or erosion control.

3. Be compatible with accepted farming or forestry practices on adjacent lands:

There is no forestry or farming use on adjacent properties. With the exception of one parcel all are suburban like houses or mobile homes situated on very small parcels. The remaining parcel has an open field that was overgrazed and no longer is in production. It is now used to store vehicles, a mobile home and equipment.

4. Be consistent with the purposes described in MCC 2162:

The granting of this application will insure that the property will remain in substantially the same condition as it is currently. The approval by the Columbia River Gorge Commission stipulates that tree removal will not occur. This will insure that the adjacent property owners will not be adversely affected in the future.

5. Satisfy the applicable standards of water supply, sewage disposal and minimum access:

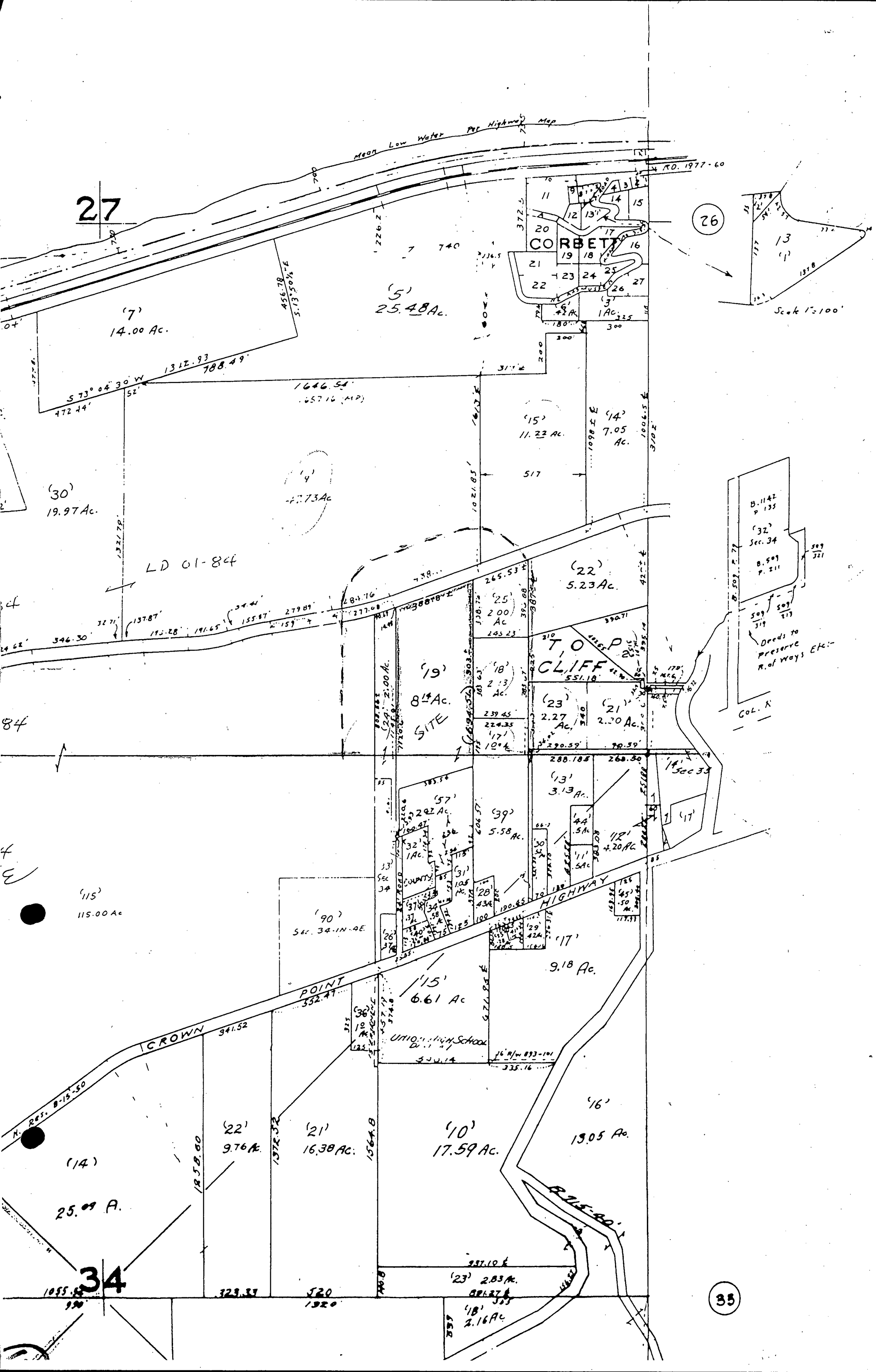
Corbett water district currently has more than adequate pressure and volume to the proposed 2.2 acre parcel. The existing home is currently served by a water line on Chamberlain Road.

The soil on the property is considered excellent for septic systems, failures in the area have not occurred and permits have not been denied in the area.

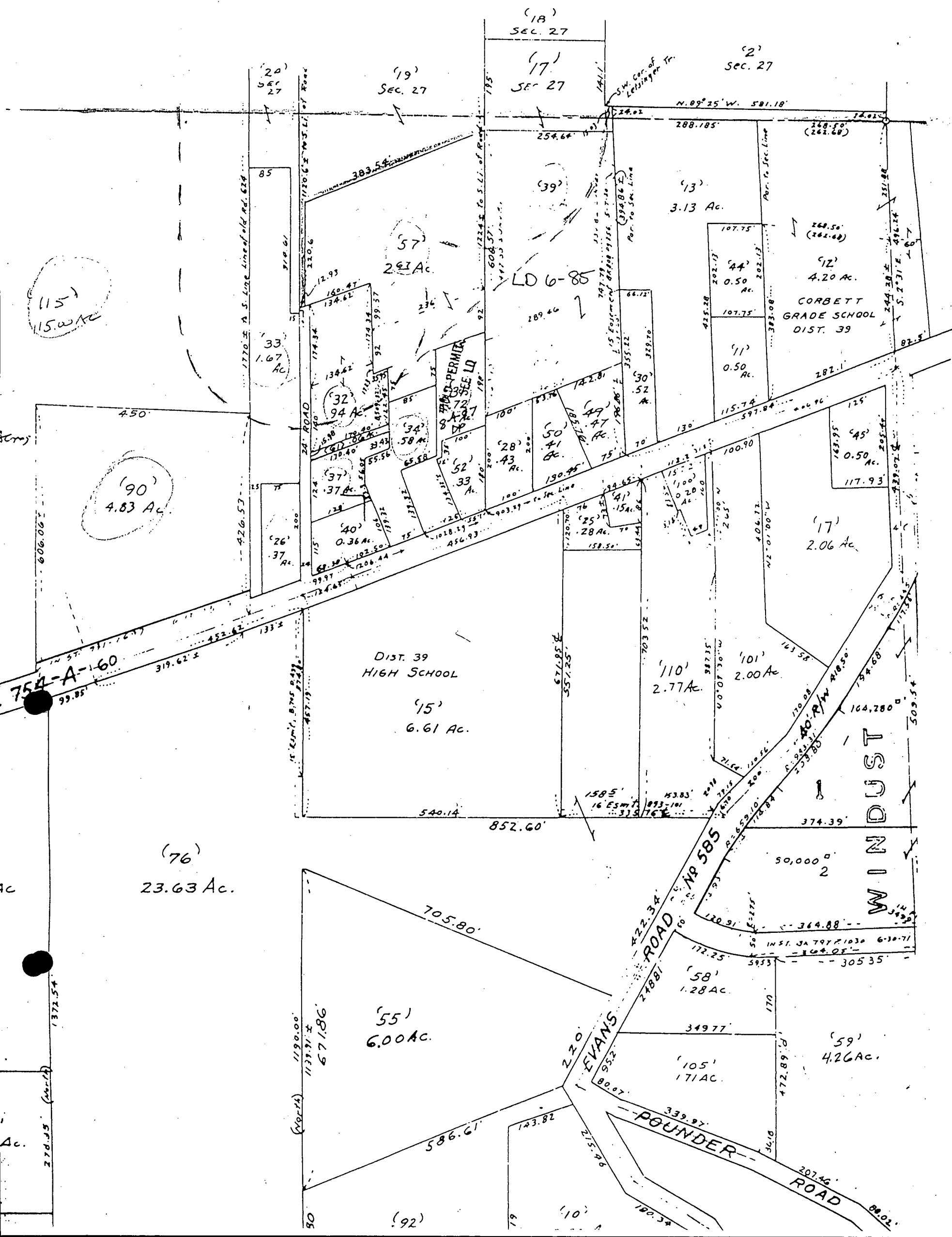
Access to the property is via a 25' country road from Crown Point Highway; then via a jointly owned driveway approximately 28' wide. This driveway was constructed approximately 25 years ago, jointly to serve the southern portion of the subject and adjacent properties. Electric and telephone services already boarder the 2.2 acre parcel.

6. Not require public services beyond those existing or programmed for the area:

Corbett water district serves the property. More than adequate flow and pressure is available. Portland General Electric provides the electricity and has services lines to the property. Cascade Utilities provides telephone service and has a line to the property. Corbett Fire District provides fire protection and the property is within one mile of the fire station. Corbett School District provides educational services. The grade, middle and high schools are less than 1/2 mile from the property. The property is served by a county road and although the graveled surfaced is narrow, the road is flat and straight and has a deeded width of 24'. The grass shoulders are flat and in most places vehicles can pass. Minimal maintenance in brush clearing and graveling would allow two full lanes of traffic. The remaining distance to the property is via a co-owned lane built by the previous owner of subject property, approximately 25 years ago, to serve said property. The lane is gently sloping, straight, 28' wide, by approximately 200' long. It currently serves one home.



34



EXISTING
RESIDENCE

ROAD

S.A.

PROPOSED
RESIDENCE

2.14A
LOT OF
EXCEPT

EXISTING DRIVEWAY
AND SERVICES

NORVIS
MOLDS MFG.

CORRETT 6
CORRETT 4

COMPTON
ARCHITECT

CASCADE
UTILITIES
(PUB. CO.)

DUPLEX
OFFICE
CORRETT
HARDWARE
CORRETT
CON.

CROW'S POINT

CORRETT
HIGH SCHOOL

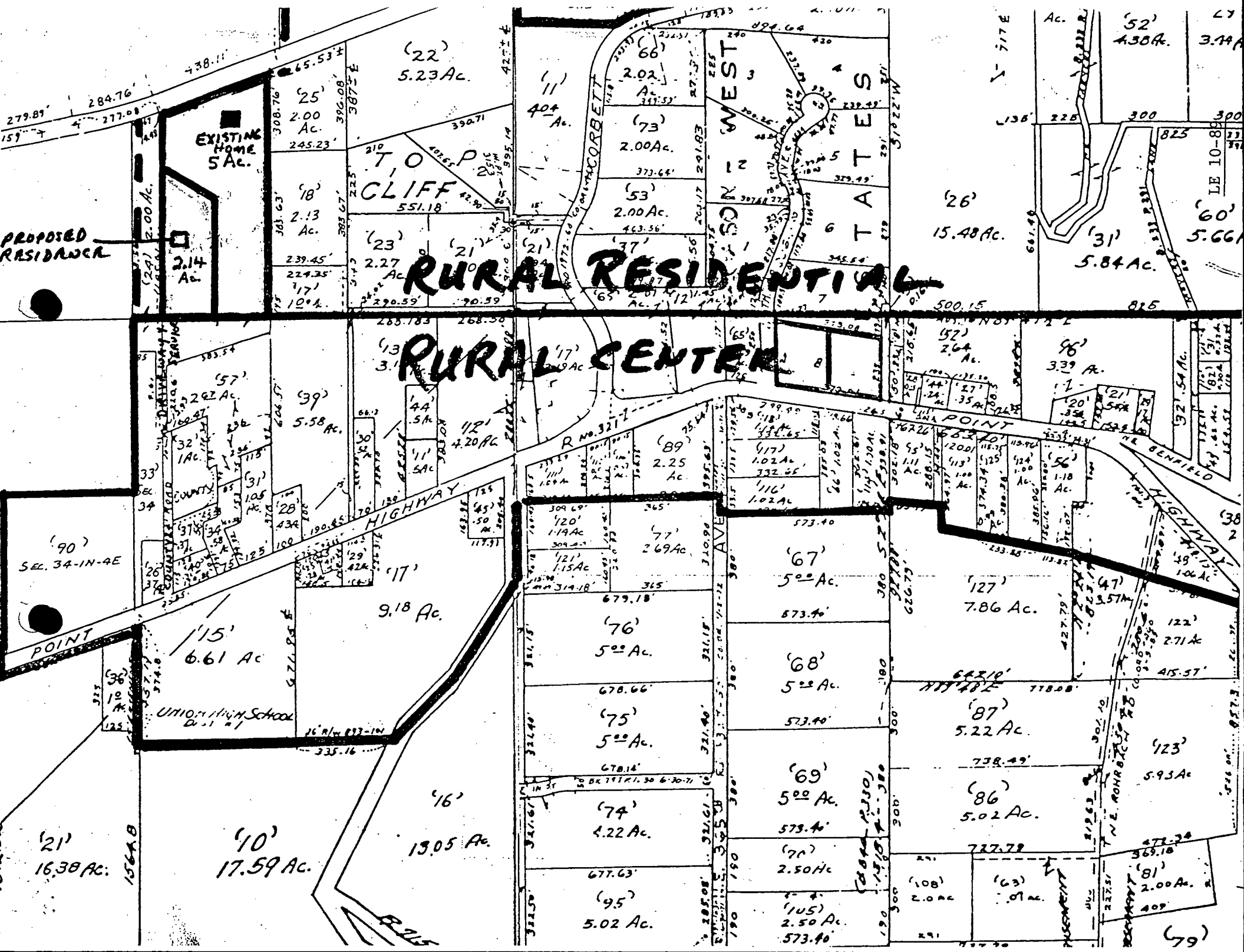
MFG
Bldg.

Hwy.

PRUNER
DIL CO.

CORRETT
WATER
DIST

LE 10-89



GENERAL APPLICATION FORM

DEPT. OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING AND DEVELOPMENT
LAND DEVELOPMENT SECTION

2115 S.E. MORRISON ST.
PORTLAND, OREGON 97214
(503) 248-3043

4276 11
253 4276 8/30/89



PROPERTY ADDRESS 35800 NE Chamberlain Rd.

LEGAL DESCRIPTION The northernmost approximately 7.2 acres of
Tax Lot 19, Section 27 & 34, 1N, 4E, WM.
Except that portion lying S. of the Section line
SITE SIZE 7.2 acres approximately.

PROPERTY OWNER/DEED HOLDER David and Chris Moir (w/in Sec. 34)

ADDRESS 35800 NE Chamberlain Rd. PHONE 695-5652 43.
CITY Corbett, OR ZIP 96019

APPLICANT David Moir and Frank A. Windust, Jr.
ADDRESS % Oregon Realty Co. PHONE 695-2222
CITY Corbett, OR ZIP 97019

TO BE COMPLETED BY APPLICANT ONLY IN THE PRESENCE OF A NOTARY PUBLIC

STATE OF OREGON
COUNTY OF MULTNOMAH

I, FRANK A. WINDUST, JR.

EACH BEING FIRST DULY SWORN, DEPOSE AND SAY THAT I AM (ONE OF) THE
APPLICANT(S) IN THE FOREGOING APPLICATION AND THAT THE SAME IS TRUE
AS I VERILY BELIEVE.

SUBSCRIBED AND SWORN TO BEFORE ME THIS 29th DAY OF AUGUST 19 89

NOTARY Frank A. Windust, Jr.

MY COMMISSION EXPIRES 15 AUG 92

FOR STAFF USE ONLY

CASE NUMBER:

LE 10-89

ASSOCIATED CASES:

N-4E

11 1350.00
29 18.00
97073-89 862.00

INTERNAL PROCESSING

ACCEPTED FOR DEC APP.:

Y. H. E.
BY: 23 AUG 89

PRE-APP. 31 AUG 89, 4 PM
DATE AND TIME: PA 39-89

ACCEPTED FOR DECISION:

9/6/89
BY: R.

HEARING DATE:

10/9/89
DECISION FILED:

DECISION/S.R. BY:

ACCEPTED FOR APPEAL:

BY:

DATE OF HEARING:

DESCRIPTION

COMP. PLAN DESIG.:

Rural

COMMUNITY:

Gorge

ZONING DISTRICT:

RR, SEC

ZONING MAP NO.:

643

QUARTER SECTION NO.:

2866

GENERAL DESCRIPTION OF APPLICATION:

Applicant requests a land division under the Lot of Exception
provision of the zoning ordinance to divide a 7.2 acre parcel
into a 2.2 acre and a 5 acre parcel.

APPLICATION FOR CERTIFICATION OF WATER SERVICE

DEPT. OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING AND DEVELOPMENT
LAND DEVELOPMENT SECTION

2115 S.E. MORRISON ST.
PORTLAND, OREGON 97214
(503) 248-3043

CASE NUMBER

ADDRESS OF SITE _____

LEGAL DESCRIPTION OF SITE The ~~XXXXXX~~ Southwesterly approximately 2.2 acres
of Tax Lot 19, Section ~~34~~ 27, 1N, 4E, WM. lying north of the Section line
between Sections 34 & 27.
DESCRIPTION OF PROPOSED USE _____

IF RESIDENTIAL USE, DESCRIBE TOTAL NUMBER OF UNITS one

SOURCE OF WATER: ☒ PUBLIC ☐ PRIVATE

—TO THE APPLICANT—

ANY LAND USE INVOLVING A NEW OR EXPANDED USE OR INVOLVING CREATION OF A NEW PARCEL REQUIRES ADEQUATE WATER SERVICE. THEREFORE, PLEASE COMPLETE THE APPLICABLE SECTIONS OF THIS FORM.

IF YOU PROPOSE TO USE A PUBLIC WATER SUPPLY, DELIVER THIS FORM TO THE APPROPRIATE WATER DISTRICT PRIOR TO MAKING ANY APPLICATION. AFTER THE WATER DISTRICT REVIEWS AND RETURNS THE FORM TO YOU, INCLUDE IT WITH YOUR APPLICATION.

APPLICANT David Moir and Frank A. Windust, Jr.
% Oregon Realty Co.
ADDRESS 36939 E. Crown Point Hwy. PHONE 695-2222
CITY Corbett, Oregon ZIP 97019

—TO THE WATER DISTRICT—

THE PROPOSED USE CAN BE ADEQUATELY SERVED WITH WATER AT A PRESSURE OF 180 P.S.I.
THE DISTRICT WILL PROVIDE SERVICE FROM A 2 INCH LINE LOCATED ENDING AT NORDEN
SHASTERS SHOP. THE PROPOSED USE SHOULD BE REQUIRED TO MAKE THE
FOLLOWING WATER SYSTEM IMPROVEMENTS AS A CONDITION OF APPROVAL:

DATE 8-28-89

RETURN THIS FORM TO THE APPLICANT

Corbett Water Dist.
NAME OF WATER DISTRICT
Randy Stark
NAME OF OFFICIAL
Assistant Superintendent
OFFICE HELD BY OFFICIAL

APPLICATION FOR SANITARIAN'S REVIEW

DEPT. OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING AND DEVELOPMENT
LAND DEVELOPMENT SECTION

2115 S.E. MORRISON ST.
PORTLAND, OREGON 97214
(503) 248-3043

CASE NUMBER

ADDRESS OF PROPOSED USE OR PARCEL 35800 NE Chamberlain Rd.

LEGAL DESCRIPTION OF SITE The northermost 7.2 acres of Tax Lot 19, Section 27
& 34, 1N, 4E, WM. ASSESSOR'S MAP NO. _____

DESCRIPTION OF PROPOSED USE Lot of Exception Land Division.

IF RESIDENTIAL USE, DESCRIBE TOTAL NUMBER OF BEDROOMS 3 bdrms

—TO THE APPLICANT—

ANY LAND USE INVOLVING A NEW OR EXPANDED USE OR INVOLVING CREATION OF A NEW PARCEL REQUIRES AUTHORIZATION BY THE COUNTY SANITARIAN. THEREFORE, PLEASE COMPLETE THE APPLICABLE SECTIONS OF THIS FORM AND DELIVER IT TO THE COUNTY SANITARIAN AT THE ADDRESS ABOVE, PRIOR TO MAKING ANY APPLICATIONS. AFTER THE SANITARIAN HAS REVIEWED AND RETURNED THIS FORM TO YOU, INCLUDE IT WITH YOUR APPLICATION. IF YOU PROPOSE TO CREATE A FLAG LOT OR A LOT SERVED BY AN ACCESSWAY, OR ANY USE ON A SITE WHERE AN EXISTING RESIDENCE WILL BE RETAINED, YOU MUST ACCOMPANY THIS FORM WITH A SCALED SITE PLAN SHOWING THE LOCATION OF THE EXISTING RESIDENCE'S SEWAGE AND STORM WATER DISPOSAL SYSTEMS WHEN SUBMITTING THIS FORM TO THE SANITARIAN.

APPLICANT David Noir & Frank A. Windust, Jr.

%Oregon Realty Co.

ADDRESS 36039 E. Crown Point Hy.

PHONE 695-2222

CITY Corbett, OR

ZIP 97019

—APPLICANT SHOULD NOT WRITE IN SHADED SPACE—

BASED ON PRESENT KNOWLEDGE OF THE AREA AND OF THE PROPOSED USE DESCRIBED ABOVE, AND ON CURRENT REGULATIONS OF THE OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY, THE COUNTY SANITARIAN HEREBY FINDS THAT THE PROPOSED USE CAN BE SERVED BY:

(PLEASE CHECK APPROPRIATE BOX AND CROSS OUT INAPPROPRIATE INFORMATION.)

☐ A SANITARY SEWER SYSTEM WHOSE NEAREST CONNECTION IS LOCATED AT _____

AND IS LOCATED IN THE INVERNESS/GRESHAM/PORTLAND SERVICE AREA.

OTHER (DESCRIBE) _____

☐ A SUBSURFACE SANITATION SYSTEM IN THE FORM OF: A CESSPOOL/SEPTIC TANK/
SEPTIC TANK AND DRAINFIELD/SEPTIC TANK AND SEEPAGE PIT/OTHER (DESCRIBE) _____

☐ PRESENT KNOWLEDGE OF THIS AREA IS INCONCLUSIVE AND FURTHER STUDIES WILL BE REQUIRED TO DETERMINE SUITABLE MEANS OF SANITARY WASTE DISPOSAL.

LAND FEASIBILITY STUDY NO. _____ WAS CONDUCTED ON THIS SITE ON (DATE): _____

(PLEASE ATTACH COPY.)

DATE _____

RETURN THIS FORM TO THE APPLICANT

COUNTY SANITARIAN

POSTING SIGNS

This is to filled out by the staff personnel that received the application,
ready for public hearing.

How many sign

3

Signs issued

yes

Mail agenda(s) for sign(s) to:

Dave Moir & Frank A. Windust, Jr.

(Name)

%Oregon Realty Co.

36039 E. Crown Point Hwy.

Corbett, OR 97019

(Mailing Address)

97019

(Zip code)

695-2222

(Telephone No.)

I hereby authorize Frank Windust-Tr
to act as my agent.

Carol A. Mann

31 Aug 89

COLUMBIA RIVER GORGE NATIONAL SCENIC AREA
LAND USE APPLICATION FORM

Columbia River Gorge Commission
288 Jewett Blvd.
P.O. Box 730
White Salmon, WA 98672
(509) 493-3323

USDA Forest Service
902 Wasco Avenue
Suite 200
Hood River, OR 97031
(503) 386-2333

Applicant: Dave Moir & Frank A. Windust, Jr.

%Oregon Realty Co.

Address: 36039 E. Crown Point Hwy.

Corbett, Oregon 97019

(Windust)

(Moir)

Telephone: (Wk) 503695-2222 (H) 503695-5652

Location of Property:

County: Multnomah

Township: 1N Range: 4E

Section: SW Qtr. Section: 27

Property Owner: Dave & Chris Moir

Tax Lot #(s): 19 (northernmost 7.2)

Address: 35800 NE Chamberlain Rd.

Corbett, OR 97019

Tax Assessment Category:

Rural Residential & Timber defe:

Daytime Telephone: (503)695-5652

Parcel Size (acres): approx 7.2 ac.

Existing Use of Parcel: Rural residential

Adjacent Land Use: Rural residential

Proposed Project Description: To divide an approx. 7.2 acre parcel into two parcels, a 5 acre parcel and a 2.2 acre parcel. A dwelling exists on the 5 acre parcel and a dwelling is hereby requested on the 2.2 acre parcel.

SCENIC/VISUAL RESOURCES

Check the key viewing areas from which your project would be visible:

- | | |
|--|---|
| <input type="checkbox"/> I-84 including reststops | <input type="checkbox"/> Washington S. R. 14 |
| <input type="checkbox"/> Highway 197 | <input type="checkbox"/> Historic Columbia River Hwy/Hwy 30 |
| <input type="checkbox"/> Cook-Underwood Road | <input type="checkbox"/> Railroads |
| <input type="checkbox"/> Columbia River | <input type="checkbox"/> Highway 35 at Panorama Point |
| <input type="checkbox"/> Bridal Veil State Park | <input type="checkbox"/> Beacon Rock State Park |
| <input type="checkbox"/> Portland Women's Forum State Park | <input type="checkbox"/> Multnomah Falls |
| <input type="checkbox"/> Dog Mountain Trail | <input type="checkbox"/> Sorosis Park |
| <input type="checkbox"/> Crown Point State Park | <input type="checkbox"/> Bonneville Dam Visitor Centers |
| <input type="checkbox"/> Rooster Rock State Park | <input type="checkbox"/> Larch Mountain |
| <input type="checkbox"/> Cape Horn | <input type="checkbox"/> Beacon Rock |
| <input type="checkbox"/> Rowena Plateau | <input type="checkbox"/> Seven Mile Hill |

From what other public locations would your project be visible: None

Will the project visually break the skyline as seen from key viewing areas?

Yes ☐ No ☒

If your project has structures proposed, describe the height, exterior color(s) and construction materials: To be determined prior to issuance of building and Senic Environmental Concern permits.

CULTURAL RESOURCES

Do you know of any historical, archaeological or cultural features on or adjacent to the site? Yes ☐ No ☒ . If yes, describe: _____

RECREATION RESOURCES

Would the proposed project affect existing recreational uses or create new recreational opportunities? Yes ☐ No ☒ . If yes, describe: _____

NATURAL RESOURCES

Would the proposed project have any effect on the following natural resources on the site? (Check if applicable.)

☐ air quality ☐ water quality ☐ water quantity ☐ wildlife
☐ threatened and endangered plants or animals ☐ wetlands
☐ agricultural lands ☐ forest lands ☐ sound ☐ fisheries

If checked, describe: _____

Additional comments: _____

SITE PLAN

A site plan drawn in black ink at appropriate scale shall be included as part of this application. The following must be shown:

- | | |
|--|---|
| * applicant(s) name | * outdoor lighting |
| * scale and north arrow | * existing and proposed structures including size; and utilities |
| * boundaries of parcel with dimensions | * significant topographic features |
| * existing and proposed roads including width | * type and size of trees 6+" diameter at breast height and other existing and proposed vegetation |
| * boundary and depth of grading and excavation | * water courses and bodies of water |
| * easements & rights of way | |


For surface mining operations, also show:


- | | |
|--------------------------------------|-------------------------------|
| * boundaries of the area to be mined | * depth of excavation |
| | * proposed final site contour |

For forest practices in the Special Management Area, also show:

- * boundaries of proposed harvest areas and roads on topographic map

This application shall be accompanied by copies of any pertinent applications required for county, city, state or federal approvals that have been deemed as complete or accepted for processing by the jurisdiction. A signed statement from the applicable jurisdiction must be attached if no such approvals or permits are required.


APPLICANT'S SIGNATURE


OWNERS SIGNATURE

May 23, 1989
DATE

PROPERTY INQUIRY/RESPONSE SHEET 1/SEC

1/4 SECTION 34 SZM 658 ZONE RR and RC/SEC ADDRESS Chamberlain RoadDATE May 22, 1989 LEGAL T.L. '19', Sections 27 - 1N-4EUSE Single Family Residence (Proposed) OWNER David and Chris MoirFILE # _____ RESPONSE BY Mark Hess, Multnomah CountyNATURE OF INQUIRY:

The zoning provisions effecting proposed single family development on the southerly one acre (approximately) of the above referenced tax lot. The provisions allow development of a single family house on one acre or more in the RC zone and on five acres or more on land in the RR zone. The southerly one acre lies inside the RC zone and hence could be developed with one house upon a showing of adequate setbacks and approval of a sub-surface disposal system. If a third house site is desired on the site, it could conceivably be permitted under the "Lot of Exception" procedures applicable to the RR zoned (7-acres approx.) area. This would permit a 2-acre lot of exception and a 5 acre parcel, upon a showing that approval criteria are satisfied (Public Hearing Required).

524364 WARRANTY DEED—STATUTORY FORM DOCK 1690 PAGE 1767
Myron R. Shaffer and Margaret Shaffer, husband and wife

Grantor,
conveys and warrants to David A. Moir and Christine A. Moir, husband and wife
Grantee, the following described real property free of encumbrances except as specifically set forth herein situated in Multnomah County, Oregon, to-wit:

EXHIBIT "A"

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)
The said property is free from encumbrances except easement, farm use classification and 1983-84 taxes a lien but not yet payable.

The true consideration for this conveyance is \$ (Here comply with the requirements of ORS 93.030)

Dated this 30th day of August, 1983

Myron R. Shaffer

Margaret Shaffer

STATE OF OREGON, County of Multnomah ss. August 30, 1983
Personally appeared the above named Myron R. Shaffer and Margaret Shaffer

and acknowledged the foregoing instrument to be their voluntary act and deed.

(OFFICIAL SEAL)

Before me: *William J. Thomas*
Notary Public for Oregon—My commission expires: 10-15-86

WARRANTY DEED

GRANTOR
GRANTEE

GRANTEE'S ADDRESS, ZIP

After recording return to:

David A. Moir
35800 N.E. Chamberlain
Portland, OR 97019

NAME, ADDRESS, ZIP

Until a change is requested, all tax statements shall be sent to the following address:

Same as above

NAME, ADDRESS, ZIP

STATE OF OREGON,

County of ss.

I certify that the within instrument was received for record on the day of 1983, at o'clock M., and recorded in book/reel/volume No. on page or as document/fee/file/instrument/microfilm No. Record of Deeds of said county.

Witness my hand and seal of County attested.

NAME TITLE

By Deputy

60085

COURTESY OF
FIDELITY NATIONAL TITLE CO
223-8338

DESCRIPTION SHEET

EXHIBIT "A"

BOOK 1690 PAGE 1768

See page 1 for vesting and encumbrances, if any.

Recorded By
Floor Title
Insurance Company

Description of the tract of land which is the subject of this report:

A tract of land situated in Sections 27 and 34, Township 1 North, Range 4 East of the Willamette Meridian, in the County of Multnomah and State of Oregon, described as follows:

Beginning at the Northeast corner of said Section 34; thence South 2° 31' East 496.16 feet to the Northerly line of Crown Point Highway; thence South 68° 11' 35" West along said Northerly line 903.29 feet; thence North 790.17 feet to a point in the East line of that certain tract described in Book 961 page 575, Deed Records, said point being the true point of beginning of the tract herein to be described; thence from the above described true point of beginning South 68° 11' 35" West 383.54 feet; thence South 220.6 feet to a point in the South line of that certain tract described in Book 961 page 575, Deed Records; thence South 68° 11' 35" West along said South line 12.93 feet to the Southwest corner of said tract; thence North along the West line of said tract 1120.6 feet to the Northwest corner thereof and the South line of County Road 624; thence Northeasterly along said South line 388.8 feet, more or less, to the Northeast corner of that certain tract described in Book 961 page 575; thence South along the East line of said tract 903 feet, more or less, to the true point of beginning.

60085

Report No.

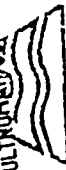
F-223 REV 11-61

STATE OF OREGON
Multnomah County

I, Deputy for the Recorder of Conveyances, do hereby certify that this instrument is a true and correct copy of the original as recorded in the records of said County.

1983 SEP -9 PM 12:58

RECORDING SECTION
MULTNOMAH CO. OREGON



Book 1690 Page 1767

Witness my hand and seal of office at said office.

Recorder of Conveyances

M. Butts

60085

SEP 9 1983

G. Michael Abbaté , ASLA

3935 S.E. Lincoln
Portland, OR 97214
503/231-2401

November 24, 1989

Multnomah County Board of County Commissioners
1021 S.W. 4th
Portland, OR 97204

Re: Application of David Moir

Dear Board,

As a landscape architect (Oregon State License No. 223), I was contacted by Mr. Moir to evaluate a parcel of land which he is attempting to divide in order to construct two houses. It is my understanding that Mr. Moir wishes to build one single family residence on a one acre parcel which is zoned "Rural Center", and then to divide the remaining land into two parcels; one approximately 5 acres and the other 2.5 acres in size. The 2.5 acre parcel would also have a new residence built upon it, with the remaining 5 acre parcel containing the existing residence with no new construction. I was asked to evaluate the proposal in terms of two major issues:

1. The current condition of the woodland management on the site.
2. The feasibility of constructing the aforementioned residences and the resulting visual impact on the adjacent area.

As I walked the site on November 22nd, I saw no evidence of any mismanagement of the woodlands. The vegetation consists mainly of bigleaf maple and red alder as the dominant tree species, with an occasional 30 year old douglas fir and several 5-20 year old hemlock or western red cedars. There are very few mature middle-story shrub species present. There is however, a dense understory of "weedy" species, primarily nettles, which cover the site. In the area closest to the access lane, Mr. Moir has mowed down this weedy understory in the past year to allow access through the normally impenetrable barrier of nettles. In my judgement, this is a completely reasonable approach and results in no long term damage to the ecological system of the site. There is still adequate cover to prevent erosion and actually many of the more desirable shrub species such as snowberry and others now stand a much better chance of becoming established. Mr. Moir showed me the flush-cut stump of an approximately 18" diameter big-leaf maple which he has cut down in the past few months. It is my understanding that the tree was dead prior to being cut. Its location is so far back into the east end of the one acre parcel, and down in a draw, that it is highly doubtful that its removal can be noticed from any of the adjacent properties. There are still a number of trees in the area of comparable height to the one which was removed.

The second issue has to do with the suitability of the sites for construction of single-family residences. I am evaluating this strictly in terms of visual compatibility with other existing land uses, and the ability to make these new residences "blend in" with the natural landscape rather than being visually obtrusive. It is my professional opinion that if the buildings were properly sited, painted with dark exterior colors, and landscaped with native species in such a way to help screen the buildings, that these sites could easily accommodate Mr. Moir's proposal. The key factor for me is the siting of the buildings. If done sensitively, and with attention given to views from off site, the new houses could fit quite nicely into the woodland setting. I would also recommend installation of wide angle cut off shields on any exterior lights that are included in the residences, to eliminate glare across property lines.

If I can be of any further assistance, or if you would like me to discuss this in person, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "G. Michael Abbate". The signature is written in a cursive, flowing style. The "G" is large and loops around the first part of the name. The "Abbate" part is written with a long, horizontal stroke for the "a" and a short, horizontal stroke for the "e".

G. Michael Abbate, ASLA
Landscape Architect



MULTNOMAH COUNTY OREGON

ENVIRONMENTAL SERVICES/PERMIT SECTION
2115 SE MORRISON STREET
PORTLAND, OREGON 97214

DENNIS BUCHANAN
COUNTY EXECUTIVE

Inspection	(503) 248-5272	Sewage	248-3671
Building	248-3047	Right-of-Way Use	248-3582
Plumbing	248-3668		

June 10, 1985

Brad Heinige
35741 E. Crown Point Hwy.
Corbett, Oregon 97019

RE: Septic System @ 35741 E. Corwn Point Hwy.

One June 5, 1985 I conducted an evaluation and inspection of the existing septic system at the above referenced address.

The existing septic tank is partially on the adjoining property and the leachfield is completely on the neighboring property. It would be prudent to repair this septic system. A repair septic system will require a new 1000 gallon septic tank and 225 lineal feet of disposal trench. No portion of the disposal trench is to be installed deeper than 36 inches. This may require pumping of the sewage effluent to either of two locations, one being the front yard which can present some problem due to a water line (see diagram) and the other area is west of the front yard between Crown Point Hwy. and easement road. However, this area is not without problem since a horse is presently fenced in this area. No live stock is permitted in the area designated for drainfield purposes.

Should a sewage effluent pump be required a 450 gallon wet well will be needed with the necessary on and off floats with audio and visual warning alarms. Some septic tank manufacturerers make a 1100 gallon septic tank that provided for sump pump installation into the tank. The existing septic tank will have to be pumped and property abandoned.

Should you have any further questions feel free to contact me at 243-3671.

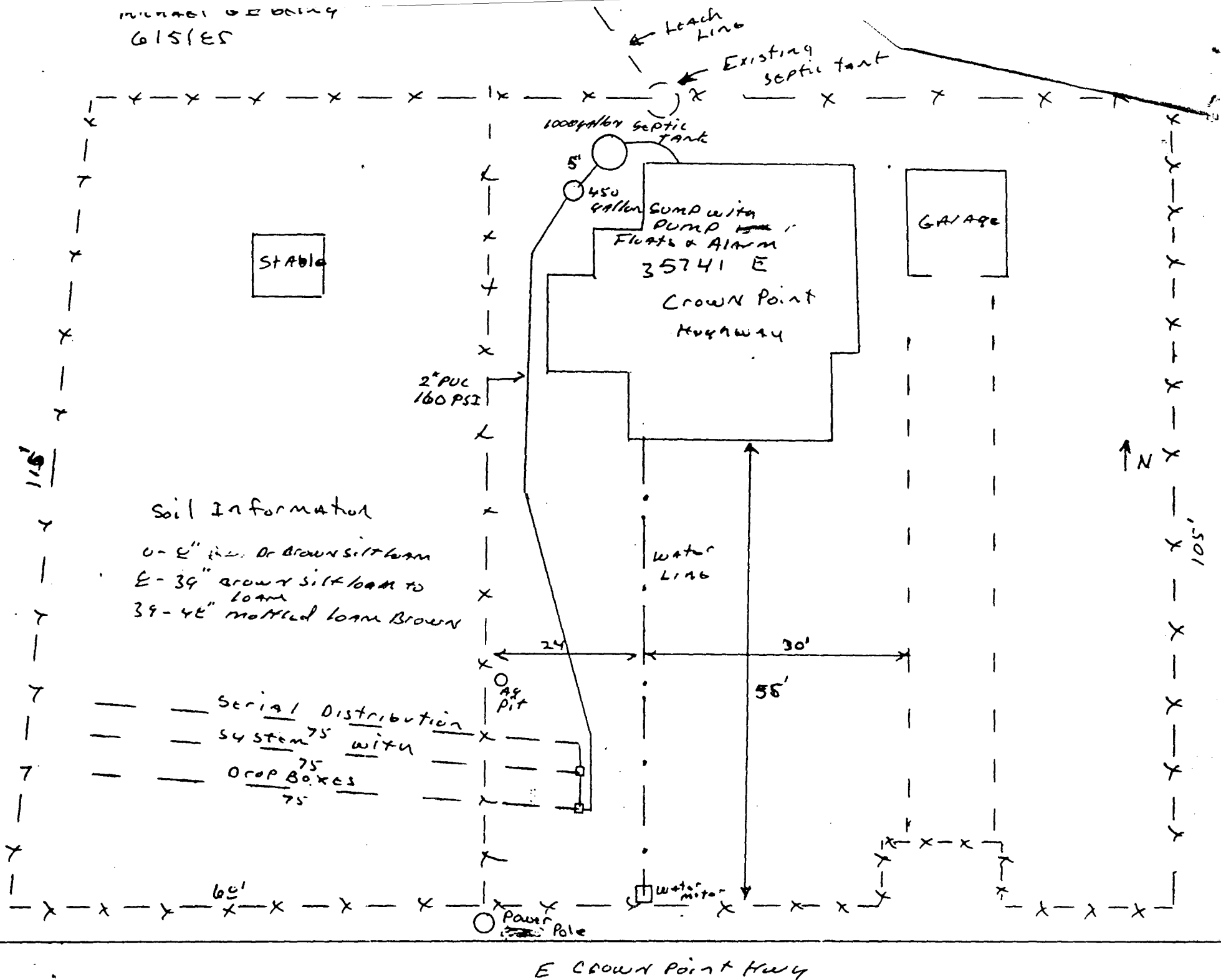
Sincerely,

Michael G. Ebeling .RS
Michael G. Ebeling, RS

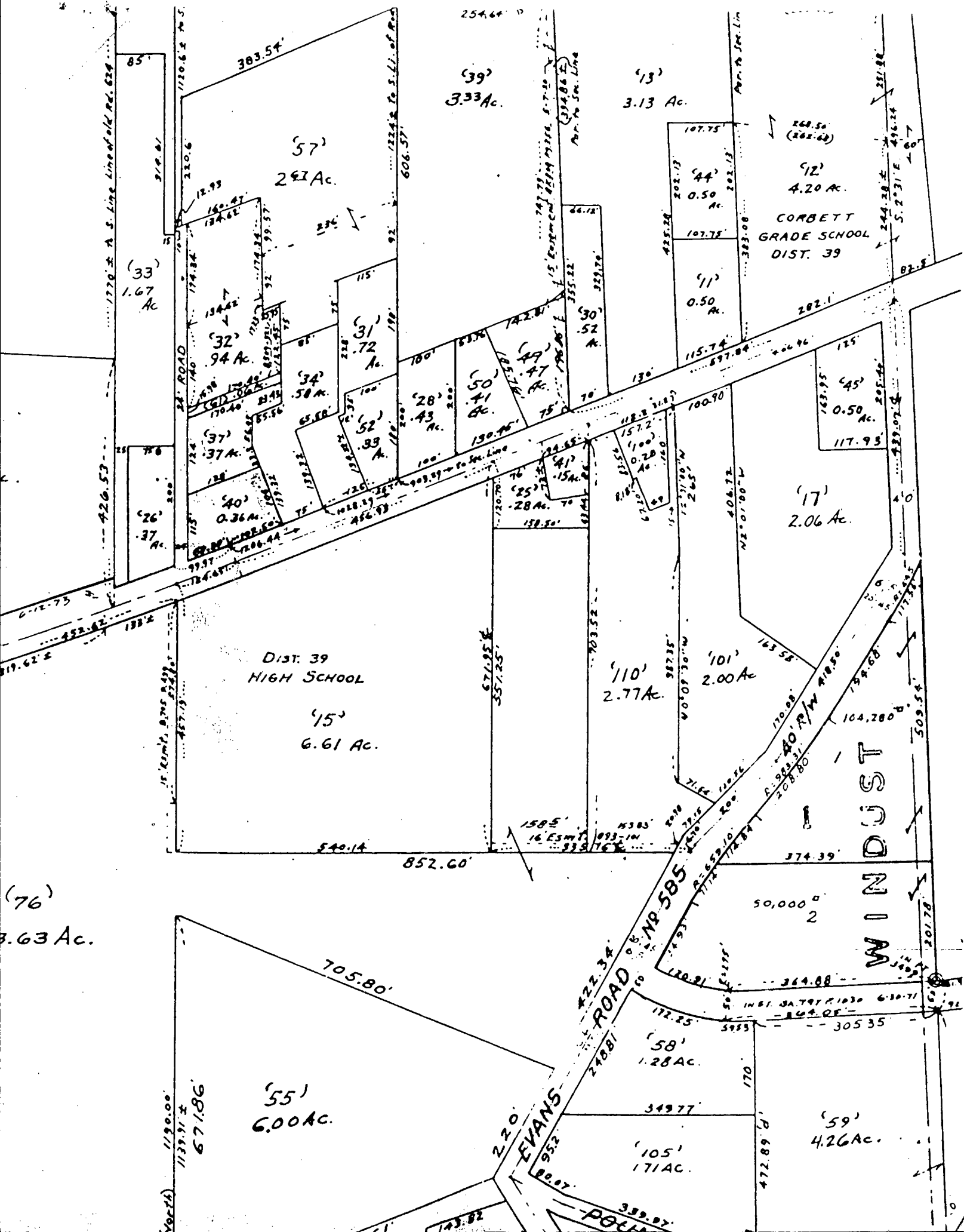
MGE/em

cc: Rafael Jackson
f11.

Michael G. Boring
6151ES



E Crown Point Hwy



TOM R. LANCASTER, P.E.

Transportation Engineering

Traffic Studies
Planning
Safety

Union Station, Suite 206
800 N.W. 6th Avenue
Portland, OR 97209
(503) 248-0313

November 27, 1989

Mr. Ed Sullivan
Mitchell, Lang & Smith
101 SW Main Street
Portland, OR 97204

Dear Mr. Sullivan:

As you requested, I have conducted a sight distance investigation on the Crown Point Highway at an unnamed County road west of Corbett Hill Road in the community of Corbett.

The County road intersects the Highway from the north to form a T-shaped intersection. To the east, sight distance is restricted by a row of ever-green tree branches in the northeast quadrant of the intersection. To the west, sight distance is restricted by a row of utility poles, fence posts, and mailboxes, and by a crest vertical curve.

Sight distances were measured based on a driver eye height of 3.5 feet and an object height of 4.25 feet as recommended by *A POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND STREETS*, 1984, published by the American Association of State Highway and Transportation Officials (AASHTO). Initial measurements were made from a point 15 feet from the edge of the traffic lane on the highway, also as recommended by the AASHTO manual.

The posted speed zone on this section of Crown Point Highway is 35 mph. Informal observations of vehicle speeds during the sight distance measurements indicate that 35 mph is probably a reasonable estimate of the 85th percentile speed on this road.

The minimum required sight distance for safe operation of the intersection is based on the minimum stopping distance for traffic on the highway. Sight distance must be sufficient to allow highway traffic to come to a stop safely if a vehicle enters the highway just as the vehicle on the highway comes into view. At 35 mph, this distance is 250 feet.

Sight distance measurements indicate that the evergreen branches restrict the available sight distance to the east to about 200 feet. To the west, the crest vertical curve restricts sight distance to about 840 feet. The utility poles, fence posts, and mailboxes also result in visibility obstructions, but a driver using some care can discern approaching vehicles between the obstructions.

Due to the limited sight distance to the east, it is expected that most drivers will approach the edge of the traffic lane as closely as possible to maximize their sight distance. This will typically place the driver about ten feet from the edge of the lane. Sight distance measurements were therefore also made from this point.

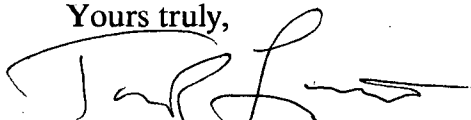
At ten feet from the traffic lane, the sight distance to the east was found to be about 600 feet. The sight distance to the west as limited by the hillcrest remained at 840 feet, and the sight distance obstructions resulting from the poles, posts, and mailboxes were eliminated.

It should be noted that because the tree branches are located close to the intersection, a slight change in the length of the branches could have a large effect on the sight distance. A small amount of growth could substantially reduce sight distance, and a small amount of trimming could substantially increase sight distance. The trees and branches appear to be on public right-of-way.

The width of the unnamed County road may also have an effect on operation of the intersection. The width of the road is not sufficient to permit the free passage of opposing vehicles. This restriction has the potential to result in congestion both at the intersection and along the length of the County road.

If you have any questions regarding this analysis, please let me know.

Yours truly,



Tom R. Lancaster, PE





OREGON TITLE INSURANCE COMPANY

1515 Southwest Fifth Avenue
Portland, Oregon 97201

TITLE PLANT

TELECOPY TRANSMISSION COVER SHEET

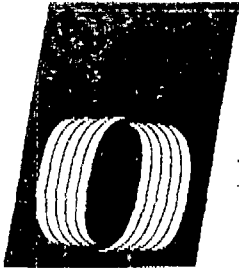
PLEASE DELIVER THE FOLLOWING TO:

NAME: Peggy Hennessy LOCATION: _____
FROM: _____ RE: Moir Tract
DATE: _____ TIME: _____ SPEED: _____
NUMBER OF PAGES (including cover sheet): 5

WE ARE TRANSMITTING FROM A PANAFAX UF-250

IF YOU DO NOT RECEIVE ALL OF THE DESCRIBED MATERIAL, TELEPHONE:
BUSINESS PHONE: (503)220-0015 TELECOPY PHONE: (503)273-8325.

SENDER'S NAME: PN



**OREGON TITLE
Insurance Company**

PLANT SERVICE REPORT

OTIC NO.756324 M
FEE \$85.00

OREGON TITLE INSURANCE COMPANY,
herein the Company

has provided the attached information as a special service based on the records and indices listed herein. THIS IS NOT A PRELIMINARY TITLE REPORT, NOR A COMMITMENT TO ISSUE TITLE INSURANCE, since no examination has been made of the title to the herein described property, other than as specifically set forth herein. Liability for errors and/or omissions is limited to the amount of fee paid, and the company will not otherwise be responsible. The Company has no liability for any error or omission which does not result in actual loss to the named customer.

The charge for this service will not include supplemental reports, updates, or any other additional services.

If additional services are requested, the following charges will be assessed by the Company:

(1) Fifteen dollars (\$15.00) for each supplemental, update, or related service, verbal or written within a 90 day period, provided that the Company will assess a minimum \$25.00 charge for any work done at the courthouse.

(2) After 90 days, the charge shall be thirty-five dollars (\$35.00) per hour. One hour minimum.

Copies of documents may be assessed at the rate of ten cents (\$.10) a page, or at the rate charged by a government agency, e.g., copies of court filings.

Mitchell Lang & Smith
1 Main Place Bldg.
Portland, OR

Attention: Peggy Hennessy

DATED: November 28, 1989

OREGON TITLE INSURANCE COMPANY

BY Patricia Welday
Patricia Welday

Customer Reference: MIOR

OTIC NO. 756324 M

PLANT SERVICE REPORT:

Subject to the limitations specified on the cover sheet, the Company has examined its title plant records, and the Company reports as follows:

According to the Company's tract indices as to the land described as follows:

A tract of land situated in Sections 27 and 34, Township 1 North, Range 4 East of the Willamette Meridian, in the County of Multnomah and State of Oregon, described as follows:

Beginning at the Northeast corner of said Section 34; thence South 2° 31' East 496.16 feet to the Northerly line of Crown Point Highway; thence South 68° 11' 35" West along said Northerly line 903.29 feet; thence North 790.17 feet to a Point in the East line of that certain tract described in Book 961, Page 575, Deed Records, said point being the true point of beginning of the tract herein to be described; thence from the above described true point of beginning South 68° 11' 35" West 383.54 feet; thence South 220.6 feet to a point in the South line of that certain tract described in Book 961, Page 575, Deed Records, thence South 68° 11' 35" West along said South line 12.93 feet to the Southwest corner of said tract; thence North along the West line of said tract 1120.6 feet to the Northwest corner thereof and the South line of County Road 624; thence Northeasterly along said South line 388.8 feet, more or less, to the Northeast corner of that certain tract described in Book 961, Page 575; thence South along the East line of said tract 903 feet, more or less, to the true point of beginning.

for a period of time from August 17, 1971 through November 16, 1989 at 5:00 o'clock P.M., the Company finds the following matters, which affect said property:

1. An easement created by instrument, including the terms and provisions thereof,
Recorded : June 7, 1978 Book: 1269 Page: 1425
In favor of : Portland General Electric Company
For : Underground distribution line
Affects : The Westerly six feet of subject property

(CONTINUED)

Number: 756324 M
Page 2

2. Easement Agreement, including the terms and provisions thereof,
By and Between: David A. Moir and Christine A. Moir and
D. Pariseau and Rosella G. Pariseau
Dated : December 12, 1988
Recorded : December 20, 1988 Book: 2161 Page: 998
Pertaining to : Perpetual easement for retaining storage sheds
See Recorded Document For Detail

Based on a review of the above tract indices, the apparent vested owner is:

DAVID A. MOIR AND CHRISTINE A. MOIR,
as tenants by the entirety

NOTE: ORS 93.040 (amended 1985 by House Bill 2359) requires that any instrument transferring or contracting to transfer fee title to real property, e.g. contracts and/or deeds, to real property contain the following language:

"THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES."

NOTE: A transfer, conveyance or encumbrance of the herein described property may be subject to a public land corner preservation account fee under ORS 203.148 and as implemented under a local county ordinance. The fee may be as high as \$10.00. Any instrument affecting an interest in real property may be subject to the fee and includes, but is not limited to, deeds (any type), trust deed, mortgages, contracts, assignments (any type), satisfactions, reconveyances and any instrument of foreclosure.

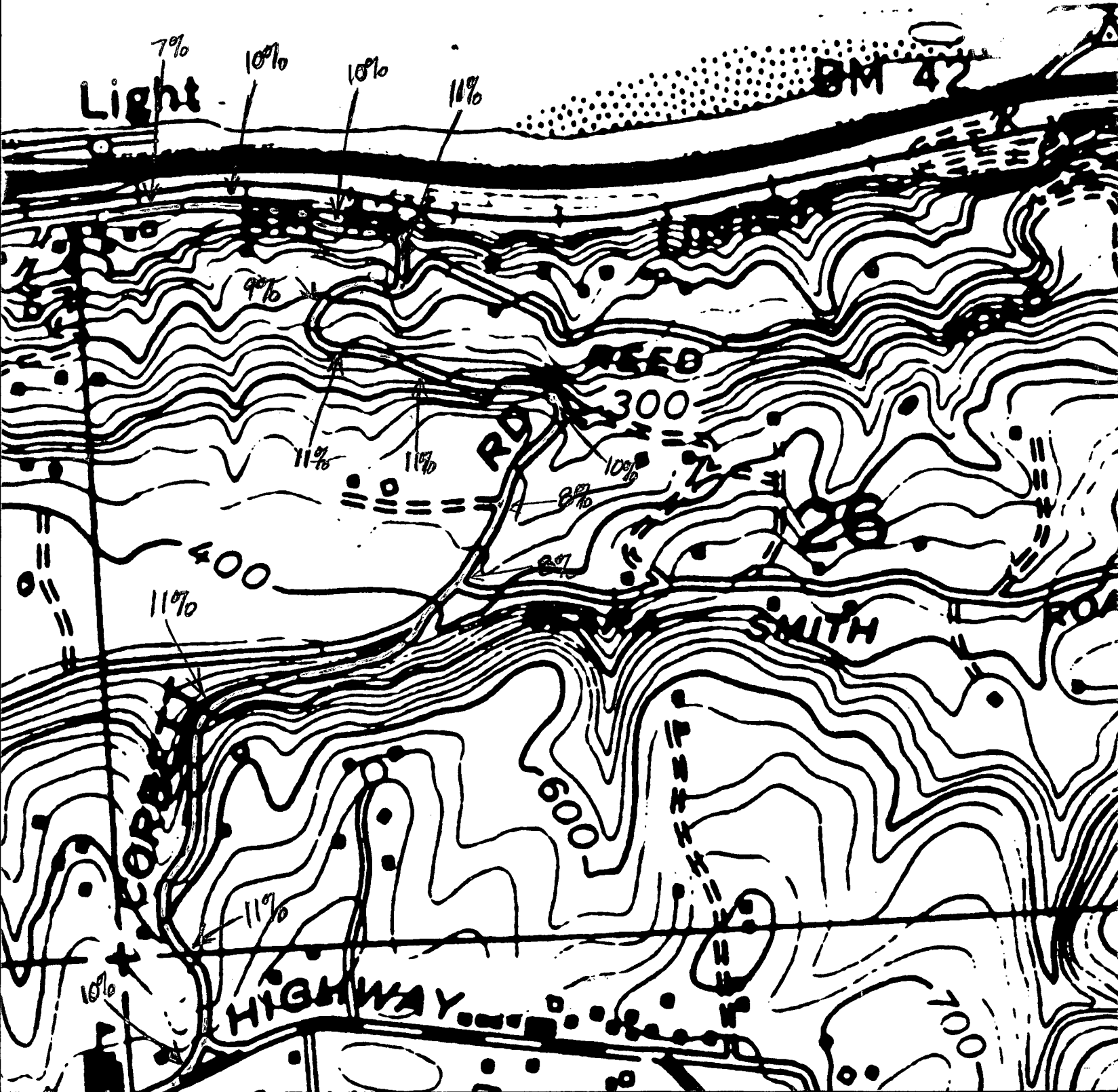
PW/ch pre 1118

Slope analysis - Corbett Hill Road
Al Breneman

R
OUGHTON

Mile
127

Tunnel



CHAMBERLIN & LATER
Attorneys at Law
500 Yamhill Plaza Building
815 S.W. Second Avenue
Portland, Oregon 97204
Fax Number (503) 223-1516
Telephone (503) 221-1792

John Chamberlin

William Later

October 30, 1989

Mr. Michael Morris
Bennett, Hartman, Tauman & Reynolds
Suite 1450
One S.W. Columbia
Portland, Oregon 97258

Re: Your File No. 4484-00

Dear Mr. Morris:

I am representing Dave Moir regarding the boundaries of his land adjacent to the Mershon/Brenamen property. I have read your letter dated August 18, 1989, and I have advised my client that I disagree with your opinion that your clients have acquired prescriptive rights in Mr. Moir's property and that Mr. Moir has no rights. It is my opinion that the driveway has been used under a friendly arrangement between neighbors, and that no rights have accrued to anyone except those rights which are properly recorded.

As your clients know, Mr. Moir recently paid for a survey of his property. Upon inspection of the area around the driveway, he noticed that new posts had been sunk on either side of the driveway, and that survey markers had been removed. Oregon law makes it a crime to deface or remove survey markers. The penalty is not less than \$250.00, plus costs of suit, plus the costs of a new survey. In order to replace the survey markers and to permit access to Mr. Moir's property, it will be necessary for your clients to remove the post at their corner of the property immediately. If your clients have any information about this matter, please have them contact me as soon as possible.

In addition, at least one prospective buyer has complained that "neighbors" have been discouraging prospective land sale negotiations involving Mr. Moir's property. I have advised my client that false statements which interfere with business negotiations may be actionable under Oregon law. If your clients have information regarding this matter, please have them contact me as soon as possible.

Michael Morris
October 30, 1989
Page 2.

The present arrangement regarding the driveway is unacceptable to Mr. Moir. If you wish to work out an amicable arrangement, please call me by November 8, 1989. Otherwise, access to and from the Mershon/Brenaman property will no longer be permitted through the Moir property.

Sincerely,

William N. Later

WL/st

cc: Dave Moir

~~Sandra~~ Mershon and Al Brenaman

Sandra Mershon

27 July 89

Fr: David Moir

Re: Cross Easement proposal on developed
Driveway on property owned by Mershon
(15' strip) & Moir (12.5' strip).

Since Mershon developed the drive Moir
will agree to

1. Improve and maintain the drive from the
southern boundary north to the point it
turns completely onto Mershons property
2. Will pay all costs for improvements +
Maintenance
3. Provide a high quality lock for the gate
so that security can be maintained
4. Agree to leave a visual barrier of
trees and undergrowth between the
Mershon home and any development.

July 28, 1989

Dear Mr. Moir,

My husband and I have discussed your cross-easement proposal and have decided that it would not be in our best interest to agree to such a contract. We abide by our original contention stated in our letter to the Gorge Commission that the development of three residences on your original 8.14 acre parcel is excessive and will create a suburb-like atmosphere.

Regarding the matter of the road, we have consulted our attorney, Michael Morris. He has informed us of the following:

- a. You cannot cut us off from our property.
- b. We already possess some easement rights by virtue of the fact that we have used the road daily for the past twelve years.
- c. Before any re-alignment of roads or placement of fences occurs, a survey must be conducted and property lines established.

If you wish, I will have Mr. Morris write you a letter concerning our legal rights in this matter. Thankyou.

Sincerely,

Sandra Mershon Al Brenaman

Sandra Mershon and Al Brenaman

LAW OFFICES OF
RAPPLEYEA, BECK, HELTERLINE & ROSKIE

1200 THE BANK OF CALIFORNIA TOWER

707 S. W. WASHINGTON STREET

PORTLAND, OREGON 97205

TELEPHONE (503) 224-5560

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ALBERT J. BANNON
VINCENT P. CACCIOTTOLI
CLARENCE H. GREENWOOD
RUSSELL M. HELTERLINE
JOHN M. MAGUIGAN
JAMES E. MCCOBB
MICHAEL O. MORAN
THOMAS K. O'SHAUGHNESSY
GERALD H. ROBINSON
RICHARD N. ROSKIE
DAVID P. ROY
STEVEN R. SCHELL
GUY J. RAPPLEYEA
OF COUNSEL

STARK ACKERMAN
JAMES M. BAUMGARTNER
PATRICIA S. EITING
ERIC J. FJELSTAD
PAUL R. HRIBERNICK
ANITA G. MANISHAN
ROBERT J. PRESTON
STEVEN E. ROSENBAUM
KERRY M. SMITH
SUSAN J. WIDDER
HARVEY N. BLACK (1986)
BORDEN F. BECK, JR. (1989)
JOHN D. PICCO
COUNSEL

November 27, 1989

OUR FILE NUMBER
S152-1

HAND DELIVERY

Richard A. Leonard, Chair
Multnomah County Planning Commission
Multnomah County Division of Planning
and Development
2115 S. E. Morrison Street
Portland, Oregon 97214

Reference: County Goal 5 Update
Howard Canyon Quarry

Dear Chairman Leonard and Commission Members:

We have reviewed the county's November 21, 1989 staff report regarding changes to the county's Goal 5 mineral and aggregate resource program. Several deficiencies still remain.

Roads.

Goal 5 requires three things:

1. Define an impact zone;
2. Tell the resource owner, in clear and objective terms, what standards are required within that impact zone; and
3. Regulate potential conflicting uses within any impact zone.

The staff continues to require that the county engineer must certify that "commonly used routes" from a mineral and aggregate resource site are "adequate to

safely accommodate" traffic generated by the activity. The county engineer's certification requirement violates Goal 5 in that the county has not defined an impact area for mineral and aggregate resources. Mr. Smith suggested a 1,500-foot impact area for road purposes. The county staff has rejected this suggestion as an "arbitrary" distance. It is clear that the county intends to vary the impact zone for mineral and aggregate resources based on what it feels are the "commonly used routes" to travel to the site. However, the county has refused to regulate other uses such as rural residential uses, which might adversely impact the Goal 5 mineral and aggregate resource within the "flexible" impact area defined by the county. Further, these are not clear and objective standards which will guide the county's decision on a permit application.

We request that the planning commission adopt a 500-foot impact zone for all purposes. The staff will undoubtedly criticize this as an "arbitrary" distance and argue that impacts may be greater. However, Goal 5 requires an impact zone to be established and requires that the impact zone be applied in equal and reciprocal fashion to Goal 5 mineral and aggregate uses and conflicting uses. The staff's refusal to adopt an impact zone, which by its very nature is arbitrary, defeats Goal 5's purpose of protecting mineral and aggregate resources.

I have enclosed a copy of Multnomah County Department of Environmental Services Street Standard Code. Section 02.200 entitled "Improvement Methods" lists ways in which a developer can guarantee that street improvements will be built. For all development in Multnomah County which requires street construction, improvements may be guaranteed by the following three methods:

- (a) Construction of the improvements by the property owner;
- (b) Payments by the property owner in lieu of construction; and

- (c) Waiver of right of remonstrance and an establishment of a Local Improvement District ("LID").

With mineral and aggregate resources, staff has eliminated the LID option. This requires a resource owner to either construct roads or pay to construct roads before the application can be approved. This puts Goal 5 mineral and aggregate resources, which are supposed to be protected by the county under Goal 5, at a significant disadvantage with any other development in the county. The staff argues that LID's "seldom" occur and the LID process would be "inequitable" in this situation. The county is mandated by Goal 5 to protect significant mineral and aggregate resources. The county's arbitrary refusal to allow the LID process because it "seldom occurs" or because it is "inequitable" does not protect mineral and aggregate resources as required by Goal 5. The county should be required to allow mineral and aggregate resources to provide for adequate roads in the same manner as any other development in the county. Failure to do so is a refusal by the county to protect the Goal 5 resource.

"Up Front" ESEE Analysis.

We have previously commented that the ESEE analysis should be done at the beginning of the Goal 5 Periodic Review process. The staff has insisted that a resource owner go through a second ESEE process at the time of permit application. Staff states that the level of information at the up front stage "may not be sufficient to allow a balancing of the resource values." With respect to the Howard Canyon Quarry, lack of information simply is not an issue. The Howard Canyon Quarry site is outside designated wildlife habitat areas. The quarry is located on a ridge top far away from a Class I stream in the valley below. The staff's ESEE analysis indicates that it does not believe there is any conflict with wildlife or with

the Class I stream. This finding should be conclusive and the owner of the quarry should not have to do a second ESEE analysis at the time of permit application. Goal 5 requires the county to do an "up front" ESEE analysis which precludes the Howard Canyon Quarry from any requirement of an ESEE analysis at the permit application stage.

"3A" Versus "3C" Classification.

The county has insisted on using single-family residences as a potential conflict with the Howard Canyon Quarry. Howard Canyon Quarry is located in MUF zoning where single-family residences are discouraged under both Multnomah County Code and case law decided by the Oregon Supreme Court. Despite the fact that Mr. Smith owns or controls most of the MUF land in the vicinity of the proposed quarry, the staff continues to insist that discouraged single-family residences are a conflicting use. The county then takes these "conflicting uses" and determines their relative importance under the ESEE analysis. Based on the analysis, the county will continue to allow disfavored single-family residences at the expense of the Goal 5 mineral and aggregate resources. Simply put, in a county which is heavily dependent on imported mineral and aggregate materials to meet its demand, the county cannot justify allowing disfavored single-family residential uses on rural land as a conflict with a significant mineral and aggregate resource site. Even if the county were correct in its conflict analysis, the county has not provided specific standards, specific mechanisms, or clear and objective standards under which Mr. Smith may make an application for use of the Goal 5 mineral and aggregate resource. We request the planning commission to:

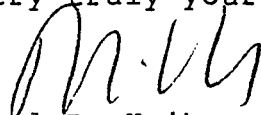
1. Establish a fixed and reasonable impact area under which the analysis will occur;
2. Analyze the potential conflicts keeping in mind that rural residences are disfavored in the MUF zone;

Richard A. Leonard, Chair
November 27, 1989 - Page 5

3. Redesignate the Howard Canyon Quarry as a "2A" or "3A" site;
4. Protect the Howard Canyon Quarry by prohibiting conflicting uses in the impact area; and
5. If designation is not changed from a "3C" designation, limit uses which conflict with the Goal 5 mineral and aggregate resources under clear and objective standards as required by Goal 5.

Thank you for your consideration.

Very truly yours,



Paul R. Hribernick

PRH:mmd
Enclosure

cc: Mr. Raymond Smith
Mr. Greg Wolf
Department of Land Conservation and Development
Mr. Jim Sitzman
Department of Land Conservation and Development

(Periodic Updates) — — — — — → 1 COLLECT, DEVELOP DATA ON GOAL 5 RESOURCES ← — — — — (Plan Amendments)

ANALYZE, REFINE DATA; DETERMINE SUFFICIENCY, SIGNIFICANCE, ETC.

1A
AVAILABLE INFORMATION ON LOCATION, QUALITY AND QUANTITY INDICATES RESOURCE SITE NOT IMPORTANT:

NOT INCLUDED ON PLAN INVENTORY;
NO FURTHER ACTION REQUIRED OR APPROPRIATE FOR GOAL 5 COMPLIANCE

1B
SOME INFORMATION AVAILABLE BUT INADEQUATE TO IDENTIFY THE RESOURCE SITE:

INCLUDE ON PLAN INVENTORY AS A SPECIAL CATEGORY;

ADOPT PLAN STATEMENT TO ADDRESS THE RESOURCE SITE AND GOAL 5 PROCESS IN FUTURE, STATING TIME FRAME;

1C
INFORMATION AVAILABLE:

PROVIDE INFORMATION ON LOCATION, QUALITY, AND QUANTITY AND INCLUDE ON PLAN INVENTORY

NO SPECIAL RESTRICTING PLAN POLICIES, ZONING ORDINANCE PROVISIONS, OR INTERIM REVIEW MECHANISMS REQUIRED OR APPROPRIATE FOR GOAL 5 COMPLIANCE

2 IDENTIFY CONFLICTING USES

2A
NO CONFLICTING USES IDENTIFIED:

MANAGE RESOURCE SITE SO AS TO PRESERVE ORIGINAL CHARACTER

2B
CONFLICTING USES IDENTIFIED:

DETERMINE ECONOMIC, SOCIAL, ENVIRONMENTAL, ENERGY CONSEQUENCES OF CONFLICTING USES

3 DEVELOP A PROGRAM TO ACHIEVE THE GOAL:

RESOLVE CONFLICTS BASED ON PRESENTLY AVAILABLE INFORMATION AND DETERMINATION OF ECONOMIC, SOCIAL, ENVIRONMENTAL, ENERGY CONSEQUENCES:

- 3A PRESERVE THE RESOURCE SITE;
- 3B ALLOW CONFLICTING USE; OR
- 3C SPECIFICALLY LIMIT CONFLICTING USE

(Pre-acknowledgment)

(Post-acknowledgment)

PERIODIC UPDATES
THROUGH PLAN AMENDMENTS

ADDRESS AS STATED IN THE PLAN,
AS A PLAN AMENDMENT

IT IS THE COUNTY'S POLICY TO PROTECT AREAS OF MINERAL AND AGGREGATE SOURCES FROM INAPPROPRIATE LAND USES WHICH COULD DESTROY THEIR FUTURE USE.

STRATEGIES

- A. As a part of the ongoing planning program the County will engage in a survey of mineral and aggregate sources within the County utilizing data, criteria and standards from the most recent study of rock material resources compiled by the State Department of Geology and Mineral Industries.
- B. During County initiated Comprehensive Plan updates, the County will utilize information made available from other sources regarding the location, quality and quantity of mineral and aggregate resources when that information is verified by such qualified professionals as certified engineering geologists and recognized testing laboratories.
- C. Determination that a particular mineral and aggregate resource site is both "Important" and should be included in the plan inventory is to be based upon the site's proven ability to yield more than 25,000 cubic yards of resource within a five year time period.
- D. "Important" sites should be reviewed using the Statewide Planning Goal 5 "Economic, Social, Environmental, and Energy analysis" (ESEE) procedure as outlined in OAR 660-16-000 through 660-16-025 and only those sites receiving a "2A", "3A", or "3C" designation should be considered for conditional use approval for mineral and aggregate extraction.
- E. In between scheduled plan updates, additional sites may be added to the plan inventory of "Important" sites and receive an ESEE designation by means of the standard plan amendment process initiated by the owner of the resource.
- F. The Zoning Code should include provisions for:
 - 1. Mineral and aggregate extraction, processing, and distribution as a special conditional use with performance oriented criteria of approval for those sites receiving a "2A", "3A", or "3C" designation as part of the ESEE analysis.
 - 2. Associated processing and distribution activities as a conditional use that must meet all conditional use requirements if the site is not a "2A", "3A", or "3C" resource location.
 - 3. The exemption of small scale and farm and forest practice extraction sites from conditional use review.
 - 4. The establishment of extraction and rehabilitation standards for mineral and aggregate resources in compliance with DOGAMI regulations as applicable.

5. Protection of natural resources.
 6. Verification that all potential adverse on and off-site impacts resulting from the extraction activities as identified in the ESEE analysis and Comprehensive Plan for the specific site have been, or can be resolved or minimized in satisfying the general operation requirements and standards of the code.
 7. A standard setback buffer between "noise-sensitive" land uses and extraction activities.
 - (a). The location of proposed extraction activities should be setback from existing "noise-sensitive" uses.
 - (b). The location of "noise-sensitive" land uses should be setback from both existing mining activities and designated ESEE "2A", "3A", and "3C" resource site boundaries.
 - (c). Some reduction in the setback buffers may be appropriate if the "noise-sensitive" land use property owner agrees to record a non-remonstrance deed restriction agreeing to the reduced distance.
-

POLICY 16-C ENERGY SOURCES

IT IS THE COUNTY'S POLICY TO PROTECT SITES REQUIRED FOR GENERATION OF ENERGY.

STRATEGIES

- A. Maintain an inventory of energy sources within the county.
 - B. Coordinate with appropriate regulatory or licensing authorities in the protection of sites required for energy generation.
 - C. The Zoning Code should include provisions for energy generation facilities as a conditional use.
-

- (1) The minimum lot size for the mortgage lot shall be two acres;
- (2) Except as may otherwise be provided by law, a mortgage lot shall not be conveyed as a zoning lot separate from the tract out of which it was created or such portion of the tract as conforms with the dimensional requirements of the zoning ordinance then in effect. The purchaser of a mortgage lot shall record a statement referring to this limitation in the Deed Records pertaining to said lot.
- (3) No permit shall be issued for improvement of a mortgage lot unless the contract seller of the tract out of which the mortgage lot is to be created and the mortgagee of said mortgage lot have agreed in writing to the creation of the mortgage lot.

11.15.2178 Dimensional Requirements

- (A) Except as provided in MCC .2180, .2182, .2184 and .7720, the minimum lot size shall be according to the short-title zone district designation on the Zoning Map, as follows:

MUF-38.....38 acres
MUF-19.....19 acres

- (B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.

- (C) Minimum Yard Dimensions - Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet.

- (D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by ordinance.
- (E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.
- (F) **The minimum yard or setback requirement shall be increased to 400 feet from the property line of a lot or parcel on which there is an existing or approved mineral and/or aggregate extraction use listed in MCC .7320, or on which there is a mineral and/or aggregate resource that is designated “2A”, “3A”, or “3C” in the ESEE analysis made part of the supporting documentation of the comprehensive plan. This yard or setback requirement may be reduced as follows:**
 - (1) **To 150 feet if the property owner records with the Department of General Services a statement that the owner and the successors in interest acknowledge the rights of owners of nearby mineral and/or aggregate resources to conduct legally operating extraction uses.**
 - (2) **To the yard specified in the zoning district if the Planning Director determines that potential mineral and/or aggregate extraction uses would not**

occur closer than 500 feet to the proposed noise sensitive location taking into consideration the resource information available.

11.15.2182 Lot of Record.

(A) For the purposes of this district, a Lot of Record is ~~a parcel of land~~:

(1) ~~For which a deed or other instrument dividing land was recorded with the Department of Administrative Services, or was in recordable form, prior to August 14, 1980, and~~ A parcel of land:

(a) For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to August 14, 1980;

(b) Which satisfied all applicable laws when the parcel was created; and

(c) Which satisfies the minimum lot size requirements of MCC .2178, or

(2) ~~Which, when established, satisfied all applicable laws.~~ A parcel of land:

(a) For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to (— *adoption date* —);

(b) Which satisfied all applicable laws when the parcel was created;

(c) Does not meet the minimum lot size requirements of MCC .2178; and

(d) Which is not contiguous to another substandard parcel or parcels under the same ownership, or

(3) A group of contiguous parcels of land:

(a) For which deeds or other instruments creating the parcels were recorded with the Department of General Services, or were in recordable form prior to (— *adoption date* —);

(b) Which satisfied all applicable laws when the parcels were created;

(c) Which individually do not meet the minimum lot size requirements of MCC .2178, but, when considered in combination, comply as nearly as possible with a minimum lot size of nineteen acres, without creating any new lot line; and

(d) Which are held under the same ownership.

(B) ~~A Lot of Record which has less than the area or front lot line minimum required may~~

back requirement shall be increased to 400 feet from the property line of a lot or parcel on which there is an existing or approved mineral and/or aggregate extraction use listed in MCC .7320, or on which there is a mineral and/or aggregate resource that is designated "2A", "3A", or "3C" in the ESEE analysis made part of the supporting documentation of the comprehensive plan. This yard or setback requirement may be reduced as follows:

- (1) To 150 feet if the property owner records with the Division of Records and Elections a statement that the owner and the successors in interest acknowledge the rights of owners of nearby mineral and/or aggregate resources to conduct legally operating extraction uses.
- (2) To the yard specified in the zoning district if the Planning Director determines that potential mineral and/or aggregate extraction uses would not occur closer than 500 feet to the proposed noise sensitive location taking into consideration the resource information available.

X. Subsections of the CU – Conditional Use Subdistrict are amended, added to, or deleted as follows:

11.15.7305 Definitions

- (A) Mining means the removal of minerals, whether extracted from land or water, by any method, including but not limited to shoveling, blasting, scooping, and dredging.
- (B) Minerals include any and all mineral products, metallic and non-metallic, solid, liquid or gaseous, and mineral waters of all kinds extracted for commercial, industrial or construction use from natural deposits.
- (C) Geothermal Resources shall have the meaning contained in ORS 522.005.
- (D) Reclamation Plan shall have the meaning contained in ORS 517.750.
- (E) Noise Sensitive Uses include dwellings, schools, public parks, churches, hospitals, public libraries, offices or other similar uses determined to be noise-sensitive uses by the Department of Environmental Quality.
- (F) Dust Sensitive Uses include dwellings, schools, public parks, churches, hospitals, public libraries, offices, food service or other similar uses determined to be dust-sensitive uses by the Department of Environmental Quality.
- (G) ESEE is an abbreviation for the "Economic, Social, Environmental, and Energy" analysis procedure for Goal 5 resources described in OAR 660-16-000 through 660-16-025 and which is adopted as a part of the Comprehensive Plan.

11.15.7315 Purposes

The purposes of the Mineral Extraction section are to promote the public health, safety and general welfare, all in accordance with ORS 215, ORS 517, and 522, LCDC Statewide Planning Goal #5, and the Multnomah County Comprehensive Plan. The regulation of uses within this district are designed to:

- (A) Recognize mineral and aggregate resource extraction as a land use influenced largely by the location of the natural resource and the location of the market;
- (B) Provide maximum flexibility for location of the extraction process within a variety of underlying zones, while at the same time minimizing potentially adverse effects on the public and property surrounding the extraction site;
- (C) ~~Recognize the potential for future changes in the character of the area in which the extraction site may be located, and allow for periodic modification of restrictions which may be placed upon the extraction operation in recognition of these changes~~ Recognize mineral and aggregate resource sites which receive an ESEE designation of "2A", "3A", or "3C" as being appropriate for extraction operations when in compliance with MCC .7325 - .7332; and
- (D) Recognize mineral extraction as a temporary use dependent to a large degree upon market conditions and resource size and that reclamation and the potential for future use of the land for other activities must also be considered.

11.15.7322 Exceptions

Exempted from the requirements of this section are those mineral extraction sites and activities which:

- (A) If zoned EFU, produce less than 1,000 cubic yards of material and affect less than one acre .
- (B) Produce less than 5,000 cubic yards of material and affect less than one acre in any consecutive 12 month period, and which over time affect less than a total of five acres.
- (C) Produce materials which are used by the owner or tenant for construction and maintenance of on-site access roads, and farming or forest practices.

11.15.7325 Criteria for Approval

The approval authority shall find that the following requirements and standards are met:

- (A) ~~An economic deposit of the mineral resource proposed to be extracted exists~~ The site is designated "2A", "3A", or "3C" through an ESEE analysis.
- (B) There is a proposed reclamation plan which ~~is in conformance with~~ will return the property to those uses envisioned by the Comprehensive Plan and the underlying district .
- (C) ~~Adverse impacts on surrounding areas with regard to the following have been, or can be mitigated~~ The following general operation requirements and standards have been, or will be met:
 - (1) Access and traffic;.
 - (a) Prior to any surface mining activity, all on-site roads used in the mining operation and all roads from the site to a public right-of-way shall be designed and constructed to accommodate the vehicles and equipment which will use them.

- (b) All on-site and access roads shall be paved or adequately maintained to provide a dust-free surface within 100 feet of a public right-of-way or 250 feet of a dust sensitive land use.
 - (c) Additional access road improvements shall be required for particular sites if specified in the Comprehensive Plan for that site.
 - (d) The County roads which serve the site are adequate to safely handle the additional traffic created by the extraction operation for the duration of the activity. When it is determined that the County roads along the most used routes of travel from the site are not adequate to safely handle such additional traffic, improvements or fees in lieu of improvements may be required as determined by the Planning Director or Approval Authority in consultation with the appropriate County departments. If a fee in lieu of improvements is required, the amount of the fee shall reflect the actual total cost of the capital expenditure of the road building or upgrading project necessitated by the extraction activity. Discounts for taxes already paid, such as licensing fees and road taxes for vehicles and for roadway already improved shall be considered.
- (2) Screening, landscaping, ~~lighting~~, and visual appearance;
- (a) All existing vegetation and topographic features within 50 feet of the boundary of the proposed area of extraction activities which would provide screening shall be preserved.
 - (b) If existing natural vegetation and topography is found to be insufficient to obscure views of the site, the site shall be screened with landscape berms, hedges, trees, walls, fences or similar features. Required screening shall be in place prior to commencement of the extraction activities.
 - (c) The Approval Authority may grant exceptions to the screening requirements when it is found that:
 - (i) There is nothing to screen from, or
 - (ii) The area is part of the completed portion of a reclamation plan.
- (3) Signing~~†~~ shall be controlled by the standards of MCC .7932(A)-(D), except that only one sign for each point of access to each differently named improved street may be allowed for any operation not in a GC, EC, LM, GM, HM, C-2, M-4, M-3, M-2, and M-1 district.
- (4) Hours of operation~~†~~ shall be as follows:
- (a) 7:00 am to 6:00 pm, Monday through Saturday for sites located within one-half mile of any noise or dust sensitive use existing on (eff. date of ord. amend.).
 - (b) 6:00 am to 10:00 pm, Monday through Saturday on all other sites.
 - (c) Operations shall not be conducted on Sundays or on New Year's Day,

Memorial Day, July 4th, Labor Day, Thanksgiving Day, and Christmas Day.

(5) Air, water, and noise ~~pollution~~ quality.

- (a) The discharge of airborne contaminants and dust created by the extraction operation shall comply with the air quality standards established by the Department of Environmental Quality.**
- (b) Sedimentation and erosion resulting from the extraction operation shall comply with the standards established by the Department of Environmental Quality.**
- (c) Sound generated by an operation shall comply with the noise standards of the Department of Environmental Quality. Methods to control and minimize the effects of sound on off-site locations generated by the operations may include, but not be limited to, the installation of earth berms, equipment location, limitations on the hours of operation, and relocation of access roads.**

(6) ~~Insurance and liability~~ Fish and wildlife protection.

- (a) Fish and wildlife habitat identified by the Comprehensive Plan, the ESEE analysis, or as part of the proposal review shall be protected to the maximum possible or, where appropriate, compensated for by such enhancement measures as the provision of additional feed and cover for wildlife or fish stream habitat.**
- (b) Streamside riparian vegetation shall be retained for all streams not a part of direct extraction activities.**
- (c) The Approval Authority may place restrictions on extraction activities which impact fish and wildlife habitat including, but not limited to, restrictions on time of year and size or location of operation.**
- (d) The extent of the operation's impact on and the importance of the fish and wildlife values present shall be determined in consultation with the State Department of Fish and Wildlife.**

(7) ~~Architectural designs of structures~~ Setbacks.

- (a) The processing of mineral and aggregate material, and placement and storage of operational equipment which creates noise and dust, shall not be closer than 500 feet to a property line.**
- (b) All other mineral and aggregate extraction operations and related activities shall not be closer than 100 feet to a property line or 500 feet to a noise sensitive land use existing on (eff. date of ord. amend.).**
- (c) Exceptions to the setback standard shall apply to access roads and residences located on the same parcel.**

(8) Excavation depths, lateral support, and slopes. All final surfaces proposed for

reclamation shall be stabilized by sloping, benching, or other ground control methods. Reclaimed surfaces shall not contain slopes greater than one and one-half horizontal unit to one vertical unit. Steeper slopes may be approved for material found to be capable of maintaining more vertical slopes when those slopes blend into the natural landforms of the immediately surrounding terrain, or are consistent with an approved subsequent beneficial land use.

- (9) ~~Blasting and other vibration-causing actions;~~ shall be restricted to the hours of 9:00 am to 5:00 pm, Monday through Friday. No blasting shall occur on Saturdays, Sundays or those holidays listed in (4) above.
 - (10) ~~A safety and security;~~ plan shall be submitted by the applicant which addresses fencing, gates, lighting, and other measures intended to protect the public from the hazards of steep slopes, water impoundments, and similar attractive nuisances.
 - (11) ~~Phasing program;~~ ~~and.~~ All phases of an extraction operation shall be reclaimed before beginning the next, except where the Approval Authority finds that the different phases cannot be operated and reclaimed separately.
 - (12) **Reclamation Schedule.** The reclamation plan shall include a timetable for continually protecting the land during the extraction activity and for reclaiming the land. The timetable shall provide for beginning reclamation within twelve (12) months after extraction activity ceases on any segment of the area and for completing reclamation within three (3) years after all mining ceases. This does not apply to any land being used as plant site, stockpile, or work area for an ongoing extractive operation.
- (D) The proposed operations will not result in the creation of a geologic hazard to surrounding properties, such as through slumping, sliding, or drainage modifications, and have been certified by a registered soils or mining engineer, or engineering geologist as meeting this requirement.
 - (E) ~~Setbacks for the proposed operations are appropriate for the nature of the use and the area where the use is to be conducted~~ Potential adverse impacts of the extraction and related activities identified by the ESEE analysis and Comprehensive Plan have been or will be resolved or minimized. If it is not possible to fully resolve the conflicts, the applicant shall provide the following information:
 - (1) An explanation of the options which have been considered in resolving the conflict.
 - (2) An explanation of why it is not feasible to fully resolve the conflicts.
 - (3) Documentation that all reasonable steps have been taken to minimize identified conflicts.
 - (F) Conditional or preliminary approval for all phases of the proposed operation, including reclamation, has been received from all governmental agencies having jurisdiction over mineral extraction, and the applicable requirements in ORS 517 and ORS 522 have been complied with.

- (G) ~~The applicable standards in MCC .7120 have been complied with~~ A monitoring and reporting program shall be proposed and approved.

11.15.7327 Off-Site Stockpiling and Processing

Stockpiling, processing, and distribution activities listed in MCC .7320, related to but not including extraction, may be approved by the Approval Authority on sites other than ESEE designated "2A", "3A", and "3C" resource locations upon a finding that the applicable standards of MCC .7325 and .7120 have been met.

~~11.15.7330 Time Limit~~

~~A Conditional Use permit hereunder shall be valid for a maximum of five years from date of final approval. The applicant may apply for renewal not less than 90 days prior to the expiration of such permit. The renewal application may be denied, approved subject to previous conditions, or approved subject to new conditions in light of the following factors, among others:~~

- ~~(A) Previous impacts of the use upon surrounding lands and activities;~~
- ~~(B) Changes in surrounding land uses and activities; and~~
- ~~(C) Changes in technology and activities of the operation which will impact the surrounding lands and activities.~~

11.15.7332 Monitoring

The Planning Director shall periodically monitor all extraction operations based upon the approved monitoring programs. If the Director determines that an extraction operation is not in compliance with MCC .7325 and any conditions of its approval such enforcement proceedings deemed appropriate by the Multnomah County Legal Counsel shall be instituted to require compliance.

Y. Subsections MCC .7705 – .7760 (Rural Planned Development) are deleted:

Z. Subsections of the Action Proceedings are amended, added to, or deleted as follows:

11.15.8220 Notice of Hearing – Contents

- (A) Notice of hearing before the Planning

Commission or Hearings Officer shall contain the following:

- (1) The date, time and place of the hearing;
- (2) A legal description of the subject property;
- (3) A street address or other easily understood geographical reference to the subject property;
- (4) The nature of the proposed action and the proposed use or uses that could be

these areas are not diminished as new development occurs.

- B. Coordinate reviews of development proposals within SEC areas with other affected agencies (i.e., Columbia River Gorge Commission, National Forest Service, State Parks and Recreation Division Rivers Program, County Parks Division).
 - C. Enforce large lot zoning regulations in resource areas to conserve scenic qualities associated with farm and forest lands.
 - D. Apply the WRG overlay zone to lands within the Willamette River Greenway. Review new development within the greenway to assure scenic values are not diminished.
 - E. Administer Design Review provisions to enhance visual qualities of the built environment.
-

POLICY 16-G WATER RESOURCES AND WETLANDS

IT IS THE COUNTY'S POLICY TO PROTECT, AND WHERE APPROPRIATE DESIGNATE AS AREAS OF SIGNIFICANT ENVIRONMENTAL CONCERN, THOSE WATER AREAS, WETLANDS, WATERSHEDS, AND GROUNDWATER RESOURCES HAVING SPECIAL PUBLIC VALUE IN TERMS OF THE FOLLOWING:

- A. ECONOMIC VALUE;
- B. RECREATION VALUE;
- C. EDUCATIONAL RESEARCH VALUE (ECOLOGICALLY AND SCIENTIFICALLY SIGNIFICANT LANDS);
- D. PUBLIC SAFETY, (MUNICIPAL WATER SUPPLY WATERSHEDS, FLOOD WATER STORAGE AREAS, VEGETATION NECESSARY TO STABILIZE RIVER BANKS AND SLOPES);
- E. NATURAL AREA VALUE, (AREAS VALUED FOR THEIR FRAGILE CHARACTER AS HABITATS FOR PLANT, ANIMAL OR AQUATIC LIFE, OR HAVING ENDANGERED PLANT OR ANIMAL SPECIES).

STRATEGIES

- A. Wetland areas that attain 45 or more points of the possible 96 points on the "Wildlife Habitat Assessment" (WHA) rating form will be designated "Significant". Sites with ratings of 35 or more may be determined "Significant" if they function in providing connections between and enhancement of higher rated adjacent habitat areas.

The WHA is a standardized rating system for evaluating the wildlife habitat values of a site. The form was cooperatively developed by staff from the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, The Oregon Department of Fish and Wildlife, the Audubon Society of Portland, The Wetlands Conservancy, and the City of Beaverton Planning Bureau.

- B. Significant water and wetland areas identified as a "2A", "3A", or "3C" site using the Statewide Planning Goal 5 "Economic, Social, Environmental, and Energy analysis" procedure as outlined in OAR 660-16-000 through 660-16-025 should be designated as "Areas of Significant Environmental Concern" and protected by either the SEC or WRG overlay zone.
- C. Wetlands information gathered by and made available to the county should be utilized as follows:
 - 1. The U.S. Fish and Wildlife National Wetland Inventory (NWI) maps should be consulted at the beginning stages of any development proposal in order to alert the property owner/developer of the U.S. Corps of Engineers and Division of State Lands permit requirements.
 - 2. Wetlands shown on the NWI maps which are determined to not be important by the county after field study should be indicated as such on 1"-200' aerial photographs made part of the State Goal 5 supporting documents.
 - 3. Boundaries of "Significant" wetlands located within the SEC and WRG overlay zones should be depicted on 1"-200' aerial photographs.
 - 4. Additional information on wetland sites should be added to the plan and supporting documents as part of a scheduled plan update or by the standard plan amendment process initiated at the discretion of the county.
- C. The zoning code should include provisions requiring a finding prior to approval of a legislative or quasi-judicial action that the long-range availability and use of domestic water supply watersheds will not be limited or impaired.

POLICY 16-H WILDERNESS AREAS

IT IS THE COUNTY'S POLICY TO RECOGNIZE THE VALUE OF WILDERNESS AMONG THE MANY RESOURCES DERIVED FROM PUBLIC LANDS.

STRATEGIES

- A. The Columbia Wilderness shall be designated as a Goal 5 Resource Site.
- B. The SEC overlay zone shall be applied to the Columbia Wilderness.
- C. The county shall coordinate with federal land management agencies and

U. Subsections of the Significant Environmental Concern Subdistrict are amended, added to, or deleted as follows:

11.15.6400 Purposes

The purposes of the Significant Environmental Concern subdistrict are to protect, conserve, enhance, restore, and maintain significant natural and man-made features which are of public value, including among other things, river corridors, streams, lakes and islands, domestic water supply watersheds, flood water storage areas, natural shorelines and unique vegetation, **wetlands**, wildlife and fish habitats, significant geological features, tourist attractions, ~~historical and~~ archaeological features and sites, and scenic views and vistas, and to establish criteria, standards, and procedures for the development, change of use, or alteration of such features or of the lands adjacent thereto.

11.15.6404 Uses – SEC Permit Required

- (A) All uses permitted under the provisions of the underlying district are permitted on lands designated SEC; provided, however, that the location and design of any use, or change or alteration of a use, except as provided in MCC .6406, shall be subject to an SEC permit. The excavation of any archaeological site shall require an SEC permit, under MCC .6412, regardless of the zoning designation of the site.
- (B) Any excavation or any removal of materials of archaeological, historical, prehistorical or anthropological nature shall be conducted under the conditions of an SEC permit.
- (C) **A building, structure, or physical improvement within 25 feet of the normal high water level of a Class I stream, as defined by the State of Oregon Forest Practice Rules, shall require an SEC permit under MCC .6412, regardless of the zoning designation of the site.**

11.15.6406 Exceptions

An SEC permit shall not be required for the following:

- (A) Farm use, as defined in ORS 215.203(2)(a), including buildings and structures accessory thereto;
- (B) Except as provided in MCC .6420(C), the propagation of timber or the cutting of timber for public safety or personal use or the cutting of timber in accordance with the State Forest Practices Act ~~from a farm woodlot or less than 20 acres as described in the definition of farm use in ORS 215.203;~~
- (C) Customary dredging and channel maintenance, but not the placement of spoils;
- (D) The placing, by a public agency, of signs, markers, aids, etc., to serve the public;
- (E) Activities to protect, conserve, enhance, and maintain public recreational, scenic, historical, and natural uses on public lands;
- (F) Activities regulated pursuant to the provisions of ORS 390.805 to 390.925 on lands designated as scenic waterways under the Oregon Scenic Waterways System;
- (G) The expansion of capacity, or the replacement, of existing communication or energy distribu-

tion and transmission systems, except substations;

- (H) The maintenance and repair of existing flood control facilities; and
- (I) Uses legally existing on the effective date of this Chapter; provided, however, that any change or alteration of such use shall require an SEC permit as provided herein.

11.15.6420 Criteria for Approval of SEC Permit

- (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, **wetland**, or floodwater storage area.
- (B) Agricultural land and forest land shall be preserved and maintained for farm and forest use.
- (C) The harvesting of timber on lands designated SEC **inside the Urban Growth Boundary** shall be conducted in a manner which will insure that natural, scenic, and watershed qualities will be maintained to the greatest extent practicable or will be restored within a brief period of time.
- (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.
- (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 conflict with areas of environmental significance.
- (F) The protection of the public safety and of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.
- (G) Significant fish and wildlife habitats shall be protected.
- (H) The natural vegetative fringe along rivers, lakes, **wetlands**, and streams shall be protected and enhanced to the maximum extent practicable to assure scenic quality, ~~and~~ protection from erosion, **and continuous riparian corridors**.
- ~~(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.~~
- (I) Archaeological areas shall be preserved for their historic, scientific, and cultural value and protected from vandalism or unauthorized entry.
- (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 archaeological features, vegetation, erosion, stream flow, visual quality, noise, and safety, and to guarantee necessary reclamation.
- (K) Areas of annual flooding, floodplains, 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.

- (L) **Significant wetland areas shall be protected as provided in MCC .6422.**
- (M) Areas of erosion or potential erosion shall be protected from loss by appropriate means which are compatible with the environmental character.
- (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.
- (O) The design, bulk, construction materials, color and lighting of buildings, structures and signs shall be compatible with the character and visual quality of areas of significant environmental concern.
- (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.
- (Q) The applicable policies of the Comprehensive Plan shall be satisfied.

11.15.6422 Significant Wetlands

Significant wetlands consist of those areas designated as *Significant* on aerial photographs of a scale of 1"=200' made a part of the supporting documentation of the Comprehensive Framework Plan. Any proposed activity or use requiring an SEC permit which would impact those wetlands shall be subject to the following:

- (A) In addition to other SEC Permit submittal requirements, the application shall also include:
 - (1) A site plan drawn to scale showing the wetland boundary as determined by a documented field survey, the location of all existing and proposed structures, roads, watercourses, drainageways, stormwater facilities, utility installations, and topography of the site at a contour interval of no greater than five feet;
 - (2) A description and map of the wetland area that will be affected by the proposed activity. This documentation must also include a map of the entire wetland, an assessment of the wetland's functional characteristics and water sources, and a description of the vegetation types and fish and wildlife habitat;
 - (3) A description and map of soil types in the proposed development area and the locations and specifications for all proposed draining, filling, grading, dredging, and vegetation removal, including the amounts and methods;
 - (4) A study of any flood hazard, erosion hazard, or other natural hazards in the proposed development area and any proposed protective measures to reduce such hazards;
 - (5) Detailed Mitigation Plans as described in subsection (D), if required;
 - (6) Description of how the proposal meets the approval criteria listed in subsection (B) below.

(B) In addition to the criteria listed in MCC .6372, the applicant shall demonstrate that the proposal:

- (1) Is water-dependent or requires access to the wetland as a central element of its basic design function, or is not water dependent but has no practicable alternative as described in subsection (C) below.**
- (2) Will have as few adverse impacts as is practical to the wetland's functional characteristics and its existing contour, vegetation, fish and wildlife resources, shoreline anchoring, flood storage, general hydrological conditions, and visual amenities. This impact determination shall also consider specific site information contained in the adopted wetlands inventory and the economic, social, environmental, and energy (ESEE) analysis made part of the supporting documentation of the comprehensive plan;**
- (3) Will not cause significant degradation of groundwater or surface-water quality;**
- (4) Will provide a buffer area of not less than 25 feet between the wetland boundary and upland activities for those portions of regulated activities that need not be conducted in the wetland;**
- (5) Will provide offsetting replacement wetlands for any loss of existing wetland areas. This Mitigation Plan shall meet the standards of subsection (D).**

(C) A finding of no practicable alternative is to be made only after demonstration by the applicant that:

- (1) The basic purpose of the project cannot reasonably be accomplished using one or more other practicable alternative sites in Multnomah County that would avoid or result in less adverse impact on a wetland. An *alternative site* is to be considered *practicable* if it is available for purchase and the proposed activity can be conducted on that site after taking into consideration costs, existing technology, infrastructure, and logistics in achieving the overall project purposes;**
- (2) The basic purpose of the project cannot be accomplished by a reduction in the size, scope, configuration, or density of the project as proposed, or by changing the design of the project in a way that would avoid or result in fewer adverse effects on the wetland; and**
- (3) In cases where the applicant has rejected alternatives to the project as proposed due to constraints, a reasonable attempt has been made to remove or accommodate such constraints.**

(D) A Mitigation Plan may be approved upon submission of the following:

- (1) A site plan and written documentation which contains the applicable information for the replacement wetland as required by MCC .6372 and .6376 (A);**
- (2) A description of the applicant's coordination efforts to date with the requirements of other local, State, and Federal agencies;**

- (3) A Mitigation Plan which demonstrates retention of the resource values addressed in MCC .6376 (B)(2);
- (4) Documentation that replacement wetlands were considered and rejected according to the following order of locational preferences:
 - (a) On the site of the impacted wetland, with the same kind of resource;
 - (b) Off-site, with the same kind of resource;
 - (c) On-site, with a different kind of resource;
 - (d) Off-site, with a different kind of resource.

V. A Hillside Development and Erosion Control Subdistrict is added as follows:

11.15.6700 Purposes

The purposes of the Hillside Development and Erosion Control subdistrict are to promote the public health, safety and general welfare, and minimize public and private losses due to earth movement hazards in specified areas and minimize erosion and related environmental damage in unincorporated Multnomah County, all in accordance with ORS 215, LCDC Statewide Planning Goal No. 7, and the Multnomah County Comprehensive Framework Plan Policy No. 14. This subdistrict is intended to:

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

11.15.6710 Permits Required

- (A) All persons proposing development, construction, or site clearing (including tree removal) on property located in hazard areas as identified on the "Slope Hazard Map", or on lands with average slopes of 25 percent or more shall obtain a Hillside Development Permit as prescribed by this subdistrict, unless specifically exempted by MCC .6715.
- (B) All persons proposing site grading where the volume of soil or earth material disturbed, stored, disposed of or used as fill exceeds 50 cubic yards, or which obstruct or alter a drainage course, shall obtain a Grading and Erosion Control Permit as prescribed by this subdistrict, unless exempted by MCC .6715(B)(2) through (8) or .6715(C). Development projects subject to a Hillside Development Permit do not require a separate Grading and Erosion Control

- (3) A Mitigation Plan which demonstrates retention of the resource values addressed in MCC .6376 (B)(2);
- (4) Documentation that replacement wetlands were considered and rejected according to the following order of locational preferences:
 - (a) On the site of the impacted wetland, with the same kind of resource;
 - (b) Off-site, with the same kind of resource;
 - (c) On-site, with a different kind of resource;
 - (d) Off-site, with a different kind of resource.

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

11.15.6710 Permits Required

- (A) All persons proposing development, construction, or site clearing (including tree removal) on property located in hazard areas as identified on the "Slope Hazard Map", or on lands with average slopes of 25 percent or more shall obtain a Hillside Development Permit as prescribed by this subdistrict, unless specifically exempted by MCC .6715.
- (B) All persons proposing site grading where the volume of soil or earth material disturbed, stored, disposed of or used as fill exceeds 50 cubic yards, or which obstruct or alter a drainage course, shall obtain a Grading and Erosion Control Permit as prescribed by this subdistrict, unless exempted by MCC .6715(B)(2) through (8) or .6715(C). Development projects subject to a Hillside Development Permit do not require a separate Grading and Erosion Control

Permit.

11.15.6715 Exempt Land Uses and Activities

The following are exempt from the provisions of this Chapter:

- (A) Development activities approved prior to (— adoption date —); except that within such a development, issuance of individual building permits for which application was made after (— adoption date —) shall conform to site-specific requirements applicable herein.**
- (B) General Exemptions – All land-disturbing or land-filling activities or soil storage shall be undertaken in a manner designed to minimize earth movement hazards, surface runoff, erosion, and sedimentation and to safeguard life, limb, property, and the public welfare. A person performing such activities need not apply for a permit pursuant to this sundistrict, if :**
 - (1) Natural and finished slopes will be less than 25 %;**
 - (2) The disturbed or filled area is 20,000 square feet or less;**
 - (3) Volume of soil or earth materials to be stored is 50 cubic yards or less;**
 - (4) Rainwater runoff is diverted, either during or after construction, from an area smaller than 10,000 square feet;**
 - (5) Impervious surfaces, if any, of less than 10,000 square feet are to be created;**
 - (6) No drainageway is to be blocked or have its stormwater carrying capacities or characteristics modified;**
 - (7) The activity will not take place within 100 feet by horizontal measurement from the top of the bank of a watercourse, the mean high watermark (line of vegetation) of a body of water ,or within the wetlands associated with a watercourse or water body, whichever distance is greater; and**
 - (8) Any tree clearing work will be subject to the State Forest Practices Act.**
- (C) Categorical Exemptions – Notwithstanding MCC .6715(A) and (B)(1) through (8), the following activities are exempt from the permit requirements:**
 - (1) An excavation below finished grade for basements and footings of a building, retaining wall, or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation, nor exempt any excavation having an unsupported finished height greater than five feet.**
 - (2) Cemetery graves, but not cemetery soil disposal sites.**
 - (3) Refuse disposal sites controlled by other regulations.**
 - (4) Excavations for wells.**

- (5) Mineral extraction activities as regulated by MCC .7305 through .7335.
- (6) Exploratory excavations under the direction of certified engineering geologists or geotechnical engineers.
- (7) Routine agricultural crop management practices.
- (8) Emergency response activities intended to reduce or eliminate an immediate danger to life, property, or flood or fire hazards.

11.15.6720 Application Information Required

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

- (A) A map showing the property line locations, roads and driveways, existing structures, trees with 8-inch or greater caliper or an outline of wooded areas, watercourses and include the location of the proposed development(s) and trees proposed for removal.
- (B) An estimate of depths and the extent and location of all proposed cuts and fills.
- (C) The location of planned and existing sanitary drainfields and drywells.
- (D) Additional narrative, map or plan information necessary to demonstrate compliance with MCC .6730(A),

11.15.6725 Hillside Development Permit Process and Standards

- (A) A Hillside Development permit may be approved by the Director only after the applicant provides:
 - (1) Additional topographic information showing that the proposed development to be on land with average slopes less than 25 percent, and located more than 200 feet from a known landslide, and that no cuts or fills in excess of 6 feet in depth are planned. High groundwater conditions shall be assumed unless documentation is available, demonstrating otherwise; or
 - (2) A geological report prepared by a Certified Engineering Geologist or Geotechnical Engineer certifying that the site is suitable for the proposed development; or
 - (3) An HDP Form-1 completed, signed and certified by a Certified Engineering Geologist or Geotechnical Engineer with his/her stamp and signature affixed indicating that the site is suitable for the proposed development.
 - (a) If the HDP Form-1 indicates a need for further investigation, or if the Director requires further study based upon information contained in the HDP Form-1, a geotechnical report as specified by the Director shall be prepared and submitted .

(B) Geotechnical Report Requirements

- (1) A geotechnical investigation in preparation of a Report required by MCC .6725(A)(3)(a) shall be conducted at the applicant's expense by a Certified Engineering Geologist or Geotechnical Engineer. The Report shall include specific investigations required by the Director and recommendations for any further work or changes in proposed work which may be necessary to ensure reasonable safety from earth movement hazards.**
 - (2) Any development related manipulation of the site prior to issuance of a permit shall be subject to corrections as recommended by the Geotechnical Report to ensure safety of the proposed development.**
 - (3) Observation of work required by an approved Geotechnical Report shall be conducted by a Certified Engineering Geologist or Geotechnical Engineer at the applicant's expense; the geologist's or engineer's name shall be submitted to the Director prior to issuance of the Permit.**
 - (4) The Director, at the applicant's expense, may require an evaluation of HDP Form-1 or the Geotechnical Report by another Certified Engineering Geologist or Geotechnical Engineer.**
- (C) Development plans shall be subject to and consistent with the Design Standards For Grading and Erosion Control in MCC .6730(A) through (D). Conditions of approval may be imposed to assure the design meets those standards.**

11.15.6730 Grading and Erosion Control Permit Standards

Approval of development plans on sites subject to a Grading and Erosion Control Permit shall be based on findings that the proposal adequately addresses the following standards. Conditions of approval may be imposed to assure the design meets the standards:

(A) Design Standards For Grading and Erosion Control

(1) Grading Standards

- (a) Fill materials, compaction methods and density specifications shall be indicated. Fill areas intended to support structures shall be identified on the plan. The Director 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) Stripping of vegetation, grading, or other soil disturbance shall be done in a manner which will minimize soil erosion, stabilize the soil as quickly as practicable, and expose the smallest practical area at any one time during construction;
- (b) Development Plans shall minimize cut or fill operations and ensure conformity with topography so as to create the least erosion potential and adequately accommodate the volume and velocity of surface runoff;
- (c) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development;
- (d) Whenever feasible, natural vegetation shall be retained, protected, and supplemented;
- (e) Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical;
- (f) Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development. The rate of surface water runoff shall be structurally retarded where necessary;
- (g) Sediment in the runoff water shall be trapped by use of debris basins, silt traps, or other measures until the disturbed area is stabilized;
- (h) Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills by installation of temporary or permanent drainage across or above such areas, or by other suitable stabilization measures such as mulching or seeding;
- (i) All drainage provisions shall be designed to adequately carry existing and potential surface runoff to suitable drainageways such as storm drains, natural watercourses, drainage swales, or an approved drywell system;
- (j) Where drainage swales are used to divert surface waters, they shall be vegetated or protected as required to minimize potential erosion;
- (k) Erosion and sediment control devices shall be required where necessary to prevent polluting discharges from occurring. Control devices and measures which may be required include, but are not limited to:
 - (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.

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

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

(B) Responsibility

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

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

(C) Implementation

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

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

(D) Final Approvals

A certificate of Occupancy or other final approval shall be granted for development subject to the provisions of this subdistrict only upon satisfactory completion of all applicable requirements.

11.15.6735 Hillside Development and Erosion Control Related Definitions:

- (A) *Certified Engineering Geologist* – Any person who has obtained certification by the State of Oregon as an engineering geologist.**
- (B) *Cut***
 - (1) An excavation;**
 - (2) The difference between a point on the original ground surface and the point of lowest elevation on the final grade;**
 - (3) The material removed in excavation work.**
- (C) *Development Area* – The total area of alteration of the naturally occurring ground surface resulting from construction activities whether permanent or temporary.**
- (D) *Drainage Area* – The subject property together with the watershed (acreage) contributing water runoff to and receiving water runoff from the subject property.**
- (E) *Drainageway* – Any natural or artificial stream, swale, creek, river, ditch, channel, canal or other open water-course.**
- (F) *Earth Movement* – Any type of land surface failure resulting in the downslope movement of material . The term includes, but is not limited to, soil creep, mud-flow, rockslides, block failures, and massive landslides.**
- (G) *Erosion* – The wearing away or removal of earth surface materials by the action of natural elements or forces including, but not limited to, wind, water or gravity.**
- (H) *Excavation* – Any act by which earth, sand, gravel, rock or any similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed, including the conditions resulting therefrom.**
- (I) *Fill*:**
 - (1) Any act by which earth, sand, gravel, rock or similar material is pushed, placed, dumped, stacked, pulled, transported, or in any way moved to a new location above the existing natural surface of the ground or on the top of a stripped surface, including the condition resulting therefrom.**
 - (2) The difference in elevation between a point on the original ground surface and the point of higher elevation on a finished grade.**
 - (3) The material used to make a fill.**
- (J) *Geotechnical Engineer* - A Civil Engineer, licensed to practice in the State of Oregon, who by training, education and experience is competent in the practice of geotechnical or soils engineering practices.**

- (K) **Geotechnical Report** – Any information required in addition to Form 1 which clarifies the geotechnical conditions of a proposed development site. Examples of this would be reports on test hole borings, laboratory tests or analysis of materials, or hydrologic studies.
- (L) **Grading** – Any stripping, cutting, filling, stockpiling or any combination thereof, including the land in its cut or filled condition.
- (M) **HDP Form-1** – The form required for specified developments subject to the Hillside Development and Erosion Control subdistrict. It contains a geotechnical reconnaissance and stability questionnaire which must be filled out and certified by a Certified Engineering Geologist or Geotechnical Engineer.
- (N) **Landscaping Activities** – The artistic adornment or improvement of a section of ground or site by contouring the land and by planting flowers, shrubs, trees, lawns or groundcover plants.
- (O) **Mulch** – Materials spread over the surface of the ground, especially freshly graded or exposed soils, to prevent physical damage from erosive agents such as storm water, precipitation or wind, and which shield soil surfaces until vegetative cover or other stabilization measures can take effect.
- (P) **Slope:**
- (1) Any ground whose surface makes an angle from the horizontal; or
 - (2) The face of an embankment or cut section.
- (Q) **Slope Hazard Map** – A series of maps (Figures 1A. through 6A.) prepared by Shannon & Wilson, Inc., dated September, 1978, and on file in the Office of the Director, Department of Environmental Services;
- (R) **Spoil Material** – Any rock, sand, gravel, soil or other earth material removed by excavation or other grading activities.
- (S) **Topographic Information** – Surveyed elevation information which details slopes, contour intervals and drainageways. Topographic information shall be prepared by a registered land surveyor or a registered professional engineer qualified to provide such information and represented on maps with a contour interval not to exceed 10 feet.
- (T) **Vegetation** – All plant growth, especially trees, shrubs, grasses and mosses.
- (U) **Vegetative Protection** – Stabilization of erosive or sediment-producing areas by covering the soil with:
- (1) Permanent seeding, producing long-term vegetative cover;
 - (2) Short-term seeding, producing temporary vegetative cover;
 - (3) Sodding, producing areas covered with a turf or perennial sod-forming grass; or

(4) Netting with seeding if the final grade has not stabilized.

W. A Subsection of the CS – Community Service Subdistrict is added as follows:

11.15.7025 Restrictions

A building or use approved under MCC .7020 through .7030 shall meet the following requirements:

(A) Minimum yards in EFU, CFU, F-2, MUA-20, MUF, RR, RC, UF-20, UF-10, LR-40, LR-30, LR-20, LR-10, R-40, R-30, R-20, and R-10 Districts:

- (1) Front yards shall be 30 feet.
- (2) Side yards for one-story buildings shall be 20 feet; for two-story buildings, 25 feet.
- (3) Rear yards shall be as required in the district.

(B) Minimum yards in LR-7.5, LR-7, LR-5, MR-4, MR-3, HR-2, HR- 1, R-7.5, R-7, R-4, A-2, BPO, and A-1-B Districts:

- (1) Front yards shall be 30 feet.
- (2) Side yards for buildings 25 feet or less in height shall be 15 feet; for buildings over 25 feet, 20 feet.
- (3) Rear yards shall be as required in the district.

(C) Minimum yards in other districts shall be as required in the district.

(D) Minimum Site Size;

- (1) A day nursery or kindergarten shall provide not less than 100 square feet per child, of outdoor play area located other than in a required front yard.
- (2) Primary (kindergarten through fourth grade), private and parochial schools shall be on sites of one acre for each 90 pupils or one acre for each three classrooms, whichever is greater.
- (3) Elementary public schools shall be on sites of one acre for each 75 pupils or one acre for each two and one-half classrooms, whichever is greater.
- (4) Churches shall be on sites of 15,000 square feet.

(E) Off-street parking and loading shall be provided as required in MCC .6100 through .6148.

(F) Signs for Community Service Uses located in districts in MCC .2002 - .2966 pursuant to the provisions of MCC .7902 - .7982.

(G) Other restrictions or limitations of use or development not required under this subsection shall be provided in the district.

(H) For noise sensitive uses as defined in MCC .7305(E) the minimum yard or set-



Notice of Public Hearing Planning Commission

Department of Environmental Services
Division of Planning and Development

2115 SE Morrison Street
Portland, Oregon 97214

You are invited to attend or send written comment regarding a public hearing to be held on the following item on the date and at the time and place indicated below. The hearing will be conducted pursuant to the Planning Commission's *Rules of Procedure* (enclosed). All interested parties may appear and testify.

A recommendation on the item will be announced at the close of the hearing, or upon continuance to a time certain. A written recommendation will be filed with the Clerk of the Board of County Commissioners within ten days of the announcement.

A Staff Report will be available at no cost seven days prior to the hearing. For further information, call Gary Clifford at 248-3043.

Planning Commission Members: Alterman - Chiedu - Douglas - Fry - Fritz - Hunt - Leonard - Spetter

Date: 10/23/89 **Time:** 6:00 pm **Place:** Room 602, Multnomah County Courthouse

C 1-88 Periodic Review Order

This will be the first of two hearings on the adoption of a Periodic Review Order. The second hearing will be held on Monday, November 13, 1989.

The topic of the hearings are changes to the Proposed Periodic Review Order adopted in February, 1989, as required by the Director of the Department of Land Conservation and Development. The major changes to the Order include:

- (1). Proposed amendments to the Significant Environmental Concern Comprehensive Plan Policies and Maps and corresponding Zoning Code section regarding wetland preservation; and
- (2). Amendment of the Comprehensive Plan Policies and Conditional Use section of the Zoning Code on Mineral Extraction.

There are also some modifications to the proposed Hillside Development and Erosion Control Ordinance and other minor Order changes.

Review of the "Economic, Social, Environmental and Energy Analysis" worksheets for mineral extraction sites will be heard on November 13, 1989.

GOVERNMENT



THE REGULATION THAT TIME FORGOT

By Charles Hales

OK kids, after fifteen years of land use planning, it's time for a test. Let's start with an easy question: Do you remember the statewide land use goals?

Now, most of us have heard of the goals. You know, Goal #10 is Housing. Goal #3 is preserving farmland. Goal #2 is Full Employment for Attorneys.

No! Wait! I got confused there for a minute. Goal #2 is really Public Involvement. Come to think of it, I might not have been too far off the first time, but you see what I mean. Most of us, builders or developers, local elected officials, planning commission members, have a general idea of a balanced set of goals which guide our system of land use planning.

So far so good. But like most policy statements, these goals are vague and sweeping. So, to give them some muscle in the real world, their state agency, LCDC, adopts administrative rules.

In Oregon, administrative rules have the force of law. You live under them every day, whether you know it or not. The building code you build houses under, the speed you drive on the highway, the penalty for doing business without a license...all are set by administrative rule.

The same goes for land use. So, here's a tougher question: Do you remember the Metro Housing Rule?

Some local governments in the metro area have been flunking this question lately. Flunking

it so badly that I had to explain the rule to the chairman (!) of a suburban city's planning commission during their meeting the other night. That's too bad, because the Metro Housing Rule is - and I know this sounds like a contradiction - a regulation which is good for development. It also applies to *governments*, rather than to businesses.

No wonder you've heard so little about it.

If I were a local government planner who didn't particularly like growth, I'd want my planning commission to know as little as possible about the Metro Housing Rule. Among other things, it lays down some strict housing density requirements and dictates how rezoning should take place.

But get this. Right up front, it contains a requirement which is really radical. Let me quote it for you:

"Local approval standards, special conditions and procedures regulating the development of needed housing must be clear and objective, and must not have the effect, either of themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay."

Gee, that doesn't sound much like Lake Oswego's Development Review Board process, does it? Or the design review process in Beaverton. Or, like Milwaukie just did, turning down a subdivision because it conflicts with the "identity and pride of the surrounding neighborhood."

LCDC TO EXAMINE URBAN GROWTH BOUNDARIES



LCDC Director Susan Brody leads the urban growth boundary study.

During the last session of the Legislature, changes to Oregon's land-use program were limited to specific actions, such as the bill limiting appeals of subdivisions sponsored by the HBA. One action was taken, however, that may have far-reaching implications for the program: the Legislature provided \$250,000 for a review of the effectiveness of the urban growth boundary.

At issue is whether or not the use of urban growth boundaries, or UGB's, has worked in limiting sprawl, and at what cost. In the words of the Department of Land Conservation and Development, "It will not only assess the performance of the program to date, but perhaps more importantly, it will recommend a strategic plan of actions, possible solutions, tools, and incentives for improving Oregon's growth management program and policies."

The Department staff, under the direction of Susan Brody, has developed three major objectives for implementing the study and developing recommendations. First, three to five urban areas will be evaluated to determine how the UGB process is working or not working. Issues to be considered will be transition from rural to urban, provision of services, the effect on the economy of the area, housing, transportation and the effect on resource lands.

Second, the study will examine future challenges to the UGB process that might require change in the current laws. A review of the experiences of other states will be used along with demographic data about how Oregon is changing in this period of high growth.

Third, the study will develop actions for improving the current policies for growth management. These recommendations could be the source of new legislation in the 1991 session.

The Department also plans to conduct a public opinion survey of Oregonians statewide. The poll will determine what the general population's attitudes are concerning urban growth boundaries and the LCDC program in general.

The housing industry, through the Association, plans to participate in the project. Charles Hales, HBAMP Director of Governmental Affairs, believes that, "This is our opportunity to open the book on the UGB process." Critics of the program have often complained about the unwillingness of the Legislature and the Commission to discuss the goals of the program objectively, according to Hales. It appears that over the next year both critics and supporters will have their chance to initiate change.

Just like the building code and the speed limit, a rule's no good if it's ignored. And when it comes to the Metro Housing Rule, there's been a whole lot 'o ignorin' goin' on.

The HBA has found a nice opportunity with the Milwaukie case (see page 1) to start reminding metro-area local governments that this rule does indeed exist. We want those cities and counties to understand that yes, it means you. And just as your rules aren't optional for builders, this one isn't optional for you, either.

We're looking for more opportunities like the Milwaukie case to hold "pop quizzes" on the Metro Housing Rule. A regulation which encourages development is just too good to forget.

HOUSING BRIEFS

MOTIVATED BUYER!!! HAS CASH!!! -- This motivated buyer is looking for 5, 10 and 20 acre sites in Washington County, especially in the Scholls Ferry/Cooper Mountain area. Our eager purchaser also has \$1 million in cash to spend.

Sounds too good to be true? Well, it is true. The buyer in this case is the Beaverton School District, which is in dire need of additional school sites, especially in the southwest portion of the district. The district is actively in the market for sites, thanks to rapid growth in enrollment in recent years.

Members who would like to explore a property transaction with the district should call Jerry Pflug at 591-4310.

BEAVERTON SIDE-TRACKS TREE ORDINANCE -- The Beaverton Planning Commission has delayed action on a proposed tree protection ordinance, thanks to testimony from HBAMP members and staff. Instead of moving ahead on the ordinance, the commission plans to urge the City Council to conduct an inventory of significant or historic trees.

The original ordinance would have regulated the cutting of trees in all new land development or construction. It would have also conferred special status to "historic" or "significant" trees. After that, no building or development, even of a single-family house, could occur on a site containing such a tree without a public hearing.

Joe Dills, a planner at Otak, Inc. and HBA staff both urged the commission to do the inventory first, before moving on any regulations intended to protect the inventory.

PORTLAND CHANGES SUBDIVISION AND PUD RULES -- Changes are in the works for how Portland processes PUD's and small subdivisions.

For subdivisions of ten units or less, the city has moved to comply with 1989 Oregon legislation which removes subdivisions from the category of a "land use decision." Thus, the city will change its regulations to allow processing small subdivisions through a completely administrative process.

In the case of PUD's, the HBA has proposed several

amendments to the city's Zoning Code which deal with preservation of natural features in a development. Problems have surfaced in a number of recent projects where planners have made widely differing interpretations of policies which encourage preserving water features, stands of trees, etc.

To solve these conflicts, the Association has submitted amendments which will clarify exactly what is a significant natural feature and how it should be handled in the approval process.

GRESHAM DRAFTS NEW PUBLIC IMPROVEMENT STANDARDS -- Gresham's engineering staff has drafted a comprehensive new set of technical requirements for street, water, sewer, and drainage improvements in the city. The staff plans to complete work on the standards in November.

For more information, or for a copy of the draft regulations, contact Greg DiLoreto or his staff at 661-3000.





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

Staff Report

This Staff report consists of Conditions, Findings of Fact and Conclusions.

CU 13-89

Conditional Use Request

Line 1

Non-Resource Related Single Family Residence

Applicant requests conditional use approval to permit construction of a non-resource related single family residence on a Lot of Record in the Exclusive Farm Use zoning district.

Location: 34100 NE Chamberlain Road

Legal: That portion of tax lot '12' lying south of NE Chamberlain Road
Section 28, T1N, R4E, 1989 Assessor's map

Site Size: ≈2 acres

Size Requested: Same

Property Owner: Martin Conley, *et.al.*
4332 NE Royal Court, Portland 97123

Applicant: Frank A. Windust, Jr. c/o Oregon Realty Company
36039 East Crown Point Highway, Corbett 97019

Comprehensive Plan: Exclusive Farm Use, Significant Environmental Concern

Present Zoning: EFU, SEC

Sponsor's Proposal: EFU, SEC

Recommended

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

COLUMBIA RIVER

FF

FF

S. 82° 30' W.

1584'

S. 75° W.

1128.6'

07 Year 1945

COLUMBIA RIVER HIGHWAY

Union Pacific Railroad

TAYLOR

MUF-19 SEC



Case #: CU 13-89
Location: °34100 NE Chamberlain Road
Scale: 1 inch to 400 feet
Shading indicates subject property

SEC
EFU

(11)
18.59 Ac.

430	224.2		
'13'	'15'	'14'	
4.00 Ac.	4.85 Ac.	4.85 Ac.	
		'12'	'16'
		9.54 Ac.	9.55 Ac.

MUF-19
SEC

EFU SEC

'21'
5.30 Ac.

CHAMBERLAIN ROAD

EFU
SEC

'55'
60.19 Ac.

'49' 5 Ac. '48' 5 Ac. '41' 5 Ac.

MUF-19 SEC

'112'

'113'

'100'
2.95 Ac.

'104'
2.91 Ac.

'44'
4.61 Ac.

'43'
5 Ac.

EFU

'114' MUF-19

'2' '62' '96' '92' '28'

COL

COLUMBIA RIVER

Year 1945

5.82° 30' N.

1584'

5.75° N.

1128.6'

COLUMBIA RIVER HIGHWAY

2 LANE

2 LANE

Mean Low Water

Per Highway

Cancelled T.L. No 4 - D. 438 - P. 58

Union Pacific Railroad

TAYLOR

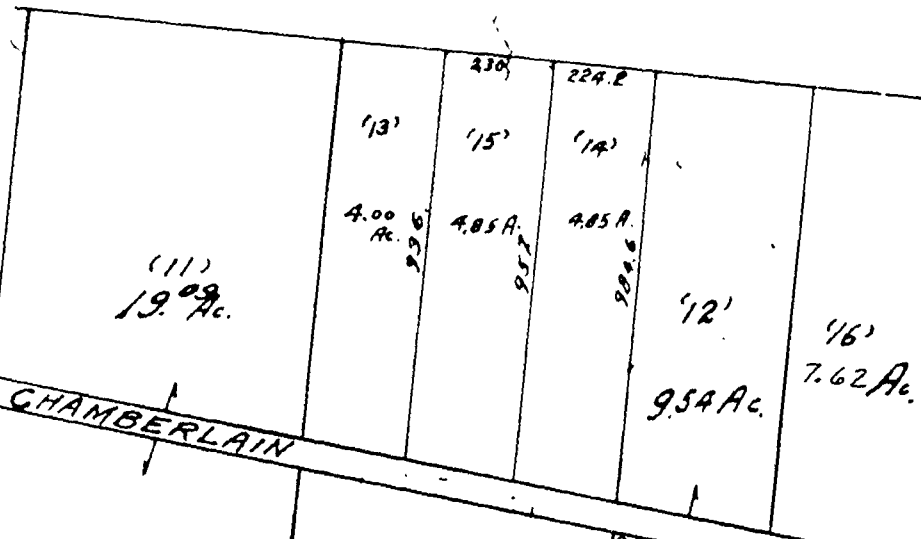


Case #: CU 13-89

Location: °34100 NE Chamberlain Road

Scale: 1 inch to 400 feet

Shading indicates subject property



752.77'

(27)

19.60 Ac.

(28)

21.89 Ac.

LD 01-84

CHAMBERLAIN

(21)
5.38 Ac.

CHAMBERLAIN ROAD

(28)
1.93 Ac.

727'

818'

188.90'

272.10'

96.51'

HOLD P
SEE

(49)
5 Ac.

(48)
5 Ac.

(41)
5 Ac.

(112)

18.48 Ac.

SEE SEC. 34

HOLD PERMITS
SEE LD

(113)

18.73 Ac.

SEE SEC. 34

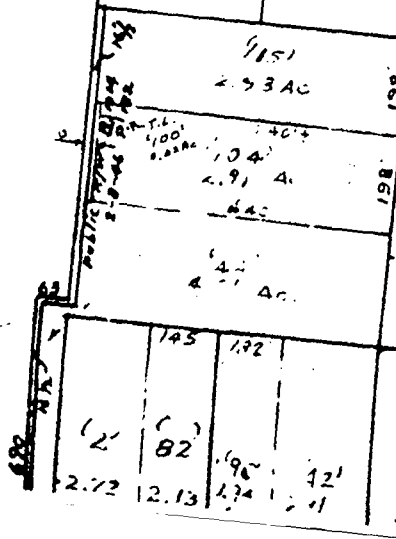
LD

(43)
5 Ac.

HOLD PERMITS
SEE LD

SEE LD 02-84

(55)
60.19 Ac.



State Highway Commission Year 1945

S. 82° 30' W.

1584'

2 LANES

HIGHWAY

COLUMBIA RIVER

2 LANES

(12)
40.80 Ac.

TAYLOR

MUF-19

CU 13-89



EFU

SEC

SEC

(25)
5.45
Ac.

(10)
14.33 Ac.

(11)
19.09 Ac.

(13)

4.00
Ac.

(15)

4.85 A.

(14)

4.25 A.

(12)

9.54 Ac.

(16)

9.55 Ac.

CHAMBERLAIN

(18)
1.09 Ac.

(21)
5.38 Ac.

PROPOSED
DWELLING
SITE

CONDITIONS OF APPROVAL:

Prior to the issuance of development permits, the owner shall:

1. 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 properties to conduct accepted farming practices.
2. Satisfy any requirements of the US Forest Service regarding residential development of the property.
3. Satisfy the requirements of Engineering Services regarding any further improvements of NE Chamberlain Road.

FINDINGS OF FACT:

1. Applicant's Proposal:

The applicant requests Planning Commission approval to develop the above described 2-acre Lot of Record with a non-resource related single family dwelling.

2. Ordinance Considerations:

A. Conditional use approval of a non-farm residence in the EFU district requires the applicant to demonstrate that the dwelling on the lot as proposed:

- (1) Is compatible with farm uses described in ORS 215.203 and is consistent with the intent and purposes set forth in ORS 215.243;
- (2) Does not interfere seriously with accepted farming practices, as defined in ORS 215.203, on adjacent lands devoted to farm use;
- (3) Does not materially alter the stability of the overall land use pattern of the area;
- (4) Is situated upon generally unsuitable land for the production of farm crops and live-stock considering the terrain, adverse soil and land conditions, drainage and flooding, vegetation, location and size of the tract;
- (5) Complies with subparts (1), (2), and (3) of MCC .2010(A) if constructed off-site;
- (6) Complies with such other conditions as Planning Commission considers necessary to satisfy the purposes of MCC .2002;
- (7) Construction shall comply with the standards of the Building Code or as prescribed under ORS 445.002 through 446.200, related to mobile homes;
- (8) The dwelling shall be attached to a foundation for which a building permit has been obtained;
- (9) The dwelling shall have a minimum floor area of 600 square feet.

B. ORS 215.203 defines farm use as:

"The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding, management and sale

of, or the produce of, livestock, poultry, fur-bearing animals or honey bees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. 'Farm Use' includes the preparation and storage of the products raised on such land for men's use and animal use and disposal by marketing or otherwise."

C. The intent and purpose of ORS 215.243 is stated as follows:

- (1) Open land used for agricultural use is an efficient means of conserving natural resources that constitute an important physical, social, aesthetic and economic asset to all of the people of this state whether living in rural, urban or metropolitan areas of the state.
- (2) The preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state's economic resources, and the preservation of such land in large blocks is necessary in maintaining the agricultural economy of the state and for the assurance of adequate, healthful and nutritious food for the people of the state and nation.
- (3) Expansion of urban development into rural areas is a matter of public concern because of the unnecessary increases in costs of community services, conflicts between farm and urban activities and the loss of open space and natural beauty around urban activities and the loss of open space and natural beauty around urban centers occurring as the result of such expansion.
- (4) Exclusive Farm Use zoning, as provided by law, substantially limits alternatives to the use of rural land and, with the importance of rural lands to the public, justifies incentives and privileges offered to encourage owners of rural lands to hold such lands in exclusive farm use zones.

D. "Accepted farming practices" is defined by ORS 215.203 2.c. as:

"A mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit for money, and customarily utilized in conjunction with farm use."

3. Site and Vicinity Characteristics:

This property is a Lot of Record located on the south side of NE Chamberlain Road approximately one mile northeasterly of the intersection with NE Mershon Road. Properties on the south side of NE Chamberlain Road raise steeply to the south, whereas those on the north side are level, forming Chamberlain Bench.

The agricultural activity in this area has historically occurred on Chamberlain Bench. There has been no such activity on the escarpment to the south of that Bench. The predominant soil of the property is Haplumbrepts which has an Agricultural Capability Classification of VI., indicating that it is not suited for agricultural production.

This property lacks the potential to be combined with any adjacent properties within the EFU zone to create a logical agricultural management unit. All surrounding properties are either of the same soil type or are currently developed with rural residential single family uses. Devel-

opment of this property with a non-resource related single family residence will not conflict with those resource activities that are separated by NE Chamberlain Road to the north, nor those separated by the escarpment and topographic difference to the south.

CONCLUSIONS:

1. The proposed non-farm residence will be in conformance with the applicable provisions of MCC .2012(B)(3) and MCC .2020 because it will be located on a parcel of a size and with soil conditions which make it unsuitable for commercial agricultural purposes.
2. The applicant has carried the burden necessary for the granting of approval for a single-family residence not in conjunction with farm use in an Exclusive Farm Use zoning district.

By _____
Richard Leonard, Chairperson

Filed with Clerk of the Board on November 23, 1989

Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 4:30 p.m. on Monday, December 4, 1989 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision in this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, December 5, 1989 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

STAFF REPORT

This Staff report consists of Conditions, Findings of Fact and Conclusions.
November 13, 1989

LD 24-89, #185

**Administrative Decision Appeal
(Conditions of Approval)**

Line 2.

Appellant has appealed a Type III land division Tentative Plan Decision Condition No. 6 which reads as follows:

"Prior to endorsement of the final partition map, modify the final partition map to show an easement to the City of Portland for railroad and utility purposes. The easement shall be in a strip of land 60 feet wide with 30 feet of the easement lying on either side of the rail line that crosses the subject property".

Location: 10900-11100 SWRiverwood Road

Legal: Tax Lot '3', '4' and '5' of Lot 1,
Palatine Hill, 1988 Assessor's Map

Property Owner: Lindquist Development Company, Inc.
POBox 42135, Portland, 97242

Appellant: Same

Comprehensive Plan: Single Family Residential

Present Zoning: R-30, WRG, FW, Single Family Residential,
Willamette River Greenway, Flood Way District
Minimum lot size of 30,000 square feet per dwelling

**RECOMMENDED
PLANNING COMMISSION**

DECISION: Approve, subject to conditions, requested 3-lot land division to create lots of 48,228, 30,000 and 30,000 square feet in R-30 zoning district, based on the following Findings and Conclusions in the attached Tentative Plan Decision dated September 6, 1989

LD 24-89

R 30
CS
MG-30-68

N
↑

Case #: LD 24-89
Location: 10900-11100 SW Riverwood Road
Scale: 1 inch to 400 feet
Shading indicates subject property

WILLAMETTE RIVER

'A L A T I N E

PD 3-82
LD 18-82p

~~R30~~

WRG

FW

HILL ROAD

PALATINE

PD 3-8

LD 18-

5

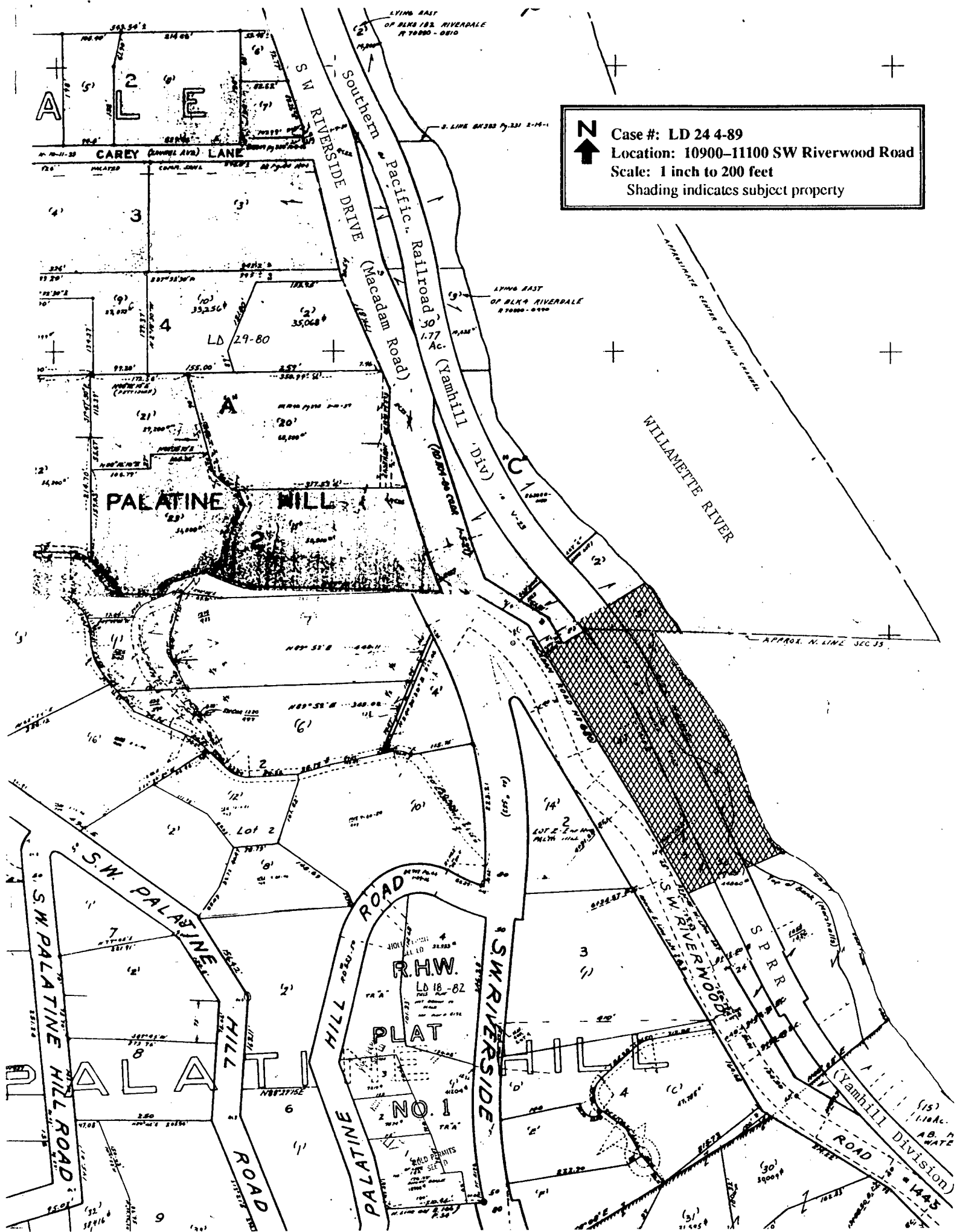
Z

E

CON RIVERSIDE

SPR

FW
Division)



MINOR PARTITION - LD 24-89

OF A PORTION OF LOT 1, PALATINE HILL
IN THE N.W. 1/4, SEC. 35, T.1S, R.1E, W.M.,
MULTNOMAH COUNTY, OREGON

PREPARED FOR: F. DALE LUMPKIN - OWNER
4928 S.W. NORTHWOOD AVE.
PORTLAND, OR 97201

PREPARED BY: BURTON ENGR. & SURVEYING
202 TIGARD PLAZA
TIGARD, OREGON 97223
PH: (503) 639-6116

JOB NO. 59-219
SURVEYED 10 JULY 1989

PORTLAND - LAKE OSWEGO HWY.

S.W. RIVERWOOD ROAD

BASIS OF BEARING - P.S. 47069
N32°04'33"W - 499.73'

NARRATIVE: PURPOSE OF SURVEY IS TO
PARTITION A PORTION OF
LOT OR TRACT 1, PALATINE
HILL, AS SHOWN.
THIS PARTITION IS DIV-
IDING PART OF THAT
PROPERTY INCLUDED IN
THE SURVEY RECORDED AS
P.S. 47069, AND THE
BASIS OF BEARING AND
OUTER BOUNDARY CON-
TROL ARE FROM P.S. 47069,
EXCEPT FOR THE NELY
LINE, WHICH IS FROM A
BURTON SURVEY DATED
7-14-84.

LOCATION OF RIGHT-OF-WAY LINE OF THE
P&W VALLEY RAILWAY CO. WAS DETERMINED FROM
PORTLAND CITY ORD. NO. 5100.

PARCEL 3
30,000 SQ. FT.

PARCEL 2
30,000 SQ. FT.

PARCEL 1
48,228 S.F.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Daniel F. Burton

OREGON
JANUARY 25, 1987
DANIEL F. BURTON

WILLAMETTE RIVER



BACKGROUND

Attached to this report are the following documents:

1. Tentative Plan Decision for LD 24-89 dated September 6, 1989.
2. Notice of Review dated September 14, 1989

On September 6, 1989 staff issued a Tentative Plan Decision approving the division of the subject site into three parcels. Lindquist Development Co., Inc. (Lindquist) was the applicant. One condition of approval (No. 6) required the applicant to *"... modify the final partition map to show an easement to the City of Portland for railroad and utility purposes. The easement shall be in a strip of land sixty (60) feet wide with thirty (30) feet of the easement lying on either side of the rail line that crosses the subject property."*

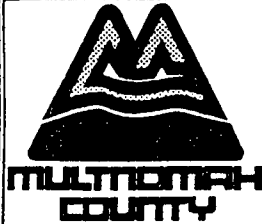
On September 14, 1989, the attorney for Lindquist filed a Notice of Review regarding the staff's Tentative Plan approval of LD 24-89. As stated in the Notice of Review, the grounds for reversal were that the condition requiring the easement is unnecessary if the City of Portland already holds an easement over the site, or "confiscatory and unconstitutional" if the City does not hold an easement.

DISCUSSION OF APPEAL

The subject site is bisected by the Jefferson Street Branch Rail Line that was purchased in 1988 from the Southern Pacific Railroad by a consortium of local governments including Multnomah County and the City of Portland among others. Staff submitted a copy of the proposed land division to the City of Portland pursuant to an April 1989 memorandum from the City requesting the opportunity to review land use applications by owners of property adjacent to the rail line. The condition requiring the easement was included in the tentative plan approval at the request of the City of Portland pursuant to a letter dated August 30, 1989 from the Portland City Engineer.

Finding 4.D of the Tentative Plan Decision addresses the easement requirement in terms of satisfying Comprehensive Framework Plan Policy 331 (Transportation Systems). Finding 5.A(2) addresses the easement requirement in terms of satisfying the purpose of the Land Division Ordinance to further "*. . . the health, safety and general welfare of the people of Multnomah County, . . .*"(emphasis supplied). The Land Division Ordinance authorizes approval of a Type III tentative plan with conditions [MCC 11.45.380(A)].

As of this writing, representatives for both Lindquist and the City have advised staff that they are attempting to resolve their differences over the easement in a manner satisfactory to both parties. Should Lindquist and the City reach such an agreement, staff has been advised by the attorney for Lindquist that the appeal would be withdrawn.



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

150.00 E
150.01

RECEIVED
Bureau of
Transportation Engineering

NOTICE OF REVIEW

SEP 15 1989

1. Name: Dickas, William
2. Address: 707 SW Washington, Suite 1300 Portland, OR 97205
Last Middle First
3. Telephone: (503) 222 - 3531
Street or Box City State and Zip Code
4. If serving as a representative of other persons, list their names and addresses:
Attorney for:
Lindquist Development Co., Inc.
P.O. Box 42135
Portland, Oregon 97242
5. What is the decision you wish reviewed (e.g., denial of a zone change, approval of a subdivision, etc.)? A condition imposed upon a minor
partition approval.
6. The decision was announced by the Planning Commission on Sept 6, 1989
7. On what grounds do you claim status as a party pursuant to MCC 11.15.8225?
The petitioner appellant is the owner of the land subject
to the partition and the applicant for the partition and the
person aggrieved by a condition that the petitioner be required
to convey an easement as a condition of approval.

8. Grounds for Reversal Decision (use additional sheets if necessary):

The Director approved petitioner's application for partition on the ground that petitioner convey an easement to the City of Portland. If the City already holds such an easement, the condition is unnecessary; if it does not, the condition is confiscatory and unconstitutional.

9. Scope of Review (Check One):

- (a) ☐ On the Record
- (b) ☐ On the Record plus Additional Testimony and Evidence
- (c) ☒ De Novo (i.e., Full Rehearing)

10. If you checked 9(b) or (c), you must use this space to present the grounds on which you base your request to introduce new evidence (Use additional sheets if necessary). For further explanation, see handout entitled *Appeal Procedure*.

Nothing in the record shows that the current easement width is unsafe. The issue will need to be addressed with outside evidence. In fact, the City and County desire by the condition not to insure safety, but to acquire a free easement for expansion of the railway to a dual track system. This also will require additional evidence.

Signed: _____

William Dickas

Date: _____

September 14, 1989

For Staff Use Only

Fee:

Notice of Review = \$150.00

Transcription Fee:

Length of Hearing _____ x \$1.75/minute = \$ _____

Total Fee = \$ 150.00

Received by: AC

Date: 9/14/89

Case No. SP24-89



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
2115 S.E. MORRISON
PORTLAND, OREGON 97214
(503) 248-5000

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

TYPE III LAND DIVISION

TENTATIVE PLAN DECISION

LD 24-89

September 6, 1989

Location: 10900-11100 S.W. Riverwood Road

Legal Description: Tax Lots 3, 4 and 5 of Lot 1, Palatine Hill
(Map #4131)

Legal Owner and Applicant: Lindquist Development Co., Inc.
P.O. Box 42135
Portland, Oregon 97242

DECISION: The Tentative Plan for the Type III Land Division requested, a minor partition resulting in three parcels, is hereby **approved** in accordance with the provisions of MCC 11.45.400.

Conditions of Approval:

1. Within one year of the date of this decision, deliver the final partition map and other required attachments to the Planning and Development Division of the Department of Environmental Services in accordance with MCC 11.145.710. The enclosed Summary Instruction Sheet contains detailed information regarding the final partition map and the remaining steps for completing the land division.
2. Prior to recording the final partition map, complete a Statement of Water Rights in accordance with the provisions of Senate Bill 142 as adopted by the 1987 Oregon Legislature (instructions enclosed).

Please contact the State Water Resources Department at 378-3066 for additional information.

3. Prior to recording the final partition map, comply with the following Engineering Services Division requirements:
 - A. Commit to participate in future improvements in S.W. Riverwood Road through deed restrictions. Contact Ike Azar at 248-5050 for additional information.
 - B. Construct on-site water retention facilities adequate to insure that surface runoff volume after development is no greater than that before development per MCC 11.45.600.
4. Prior to issuance of building permits for any parcel, connect that parcel to the sanitary sewer system in S.W. Riverwood Road.
5. Prior to endorsement of the final partition map, provide written certification from a geotechnical engineer or engineering geologist, licensed by the State of Oregon, that each parcel is suitable for the construction of a residence. Specifics to be covered include:
 - A. The ability to construct a single-family, detached dwelling, including two uncovered off-street parking spaces built to county standards even though the slopes are steep;
 - B. Measures to be taken to prevent soil erosion; and
 - C. That areas of the parcel with slopes exceeding 20 percent are not subject to slumping, earth slides, or movement.
6. Prior to endorsement of the final partition map, modify the final partition map to show an easement to the City of Portland for railroad and utility purposes. The easement shall be in a strip of land sixty (60) feet wide with thirty (30) feet of the easement lying on either side of the rail line that crosses the subject property.
7. Prior to endorsement of the final partition map, provide copies of the documents that will be recorded with the final partition map to create the easement to the City of Portland for railroad and utility purposes referenced in Condition 6.

8. Prior to issuance of a building permit for any parcel, provide a copy of the recorded easement referenced in Condition 6
9. Prior to issuance of a building permit for any parcel, obtain written approval from the City of Portland for any rail crossing on that parcel.

Findings of Fact:

1. **Applicant's Proposal:** The applicant proposes to create three parcels from a vacant tract of land containing about 108,228 square feet. Parcel 1 would contain about 48,228 square feet. Parcel 2 would contain about 30,000 square feet. Parcel 3 would contain about 30,000 square feet. A permit application has been filed for a single-family residence on Parcel 3.
2. **Site Conditions and Vicinity Information:** Site conditions as shown on the Tentative Plan Map area as follows:
 - A. The site is located on the easterly side of S.W. Riverwood Road between the road and the west bank of the Willamette River .
 - B. **Slope:** The site is extremely steep and contains slopes ranging from 32 percent to 77 percent. A condition of approval requires written certification by a geotechnical engineer that each parcel will accommodate a residence and two parking spaces without slides, slumping or other earth movement..
 - C. **Future Street Improvements (S.W. Riverwood Road):** S.W. Riverwood Road is not fully improved to county standards at this time. The County Engineer has determined that in order to comply with the provisions of MCC 11.60 (The Street Standards Ordinance) it will be necessary for the owners to commit to participate in future improvements to the road through deed restrictions as a condition of approval.
3. **Land Division Ordinance Considerations (MCC 11.45):**
 - A. The proposed land division is classified as a Type III because it is a *minor partition of land classified as Significant Environmental Concern (SEC), Willamette River Greenway, (WRG), Flood Hazard (FH) or Special Plan Area (SPA)*[MCC

11.45.100(F)]. The site occupies land classified as Willamette River Greenway (WRG) and partially as Flood Hazard (FH).

B. MCC 11.45.390 lists the approval criteria for a Type III 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 complies with the applicable provisions, including the purposes and intent of [the Land Division] chapter.[MCC 11.45.230(C)].*

(4) *. . . and that the tentative plan complies with the Zoning Ordinance. (MCC 11.45.390).*

C In response to the above approval criteria for a Type II Land Division, the following findings are given:

- (1) **Comprehensive Plan:** Finding 4 indicates that the proposal is in accord with 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. For these reasons, the proposed land division complies with MCC 11.45.230(A).

- (2) **Development of Property:** Following approval of the proposed land division, Parcels 1, 2 and 3 will contain about 48,228, 30,000 and 30,000 square feet, respectively. No further division of any parcel will be possible under the present R-30 zoning because the parcel sizes are as small as the zoning allows. Approval of the requested land division will have no effect one way or the other on development of or access to adjoining land. For these reasons, the proposed land division complies with MCC 11.45.230(B).
- (3) **Purposes and Intent of Land Division Ordinance:** Finding 5 indicates that the land division complies with the purposes and intent of the Land Division Ordinance.
- (4) **Zoning Ordinance:** Finding 6 indicates that the tentative plan complies with the Zoning Ordinance.

4. **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. **Policy No. 13 - Air, Water and Noise Pollution:** The maximum future development for the three parcels is one single-family residence per parcel. There will be no significant increase in noise levels generated as a result of such development considering that the site is in the middle of an urbanized metropolitan area. Water quality will be protected because a condition of approval requires connection to the existing public sewer system prior to issuance of a building permit for each parcel.
- B. **Policy No. 14 - Development Limitations:** The site is extremely steep and contains slopes ranging from 32 percent to 77 percent. Policy No. 14 states that development limitations areas include those which have slopes exceeding 20 percent. It further states that the County's policy is "to direct development and land form alterations away from areas with development limitations except upon a showing that design and construction techniques can mitigate any public harm or associated public costs, and mitigate any adverse effects to surrounding persons or properties. . . ." In order to comply with Policy No. 14, it will be necessary as a condition of approval to provide written

certification from a geotechnical engineer to assure that each parcel is suitable for construction of a single-family house and two, uncovered parking spaces.

- C. **Policy No. 15 - Areas of Significant Environmental Concern:** The site is in the Willamette River Greenway (WRG). In order to comply with the provisions of the WRG district it will be necessary to obtain a WRG permit prior to issuance of a building permit for each parcel. A WRG permit application (WRG 7-89) has been filed in conjunction with the building permit application for Parcel 3. Compliance with the terms of that WRG permit, and with future WRG permits for Parcels 1 and 2 will assure compliance with Policy 15.
- D. **Policy 33a, Transportation Systems:** The County's policy is to implement a "balanced, safe and efficient transportation system." As stated in a letter dated August 30, 1989 from Richard O. Schmidt, City Engineer, City of Portland (copy attached), the City "now holds title with administrative jurisdiction to the Jefferson Street Branch Rail Line corridor in order to preserve the corridor for future public mass transit use." The rail line runs through the site. Future use of the rail line for mass transit purposes requires that adequate provision be made for public safety by assuring that development on land adjacent to the rail line does not conflict with safe operation of that rail line. In order to maximize public safety in accordance with Policy 33a a condition of approval requires that the owner convey an easement to the City of Portland for railroad and utility purposes lying in a strip of land sixty (60) feet wide with thirty (30) feet of the easement lying on either side of the rail line. Ownership of the property will remain with the applicant and development may occur on each parcel up to the edge of the 60-foot easement. Provision of the easement will help provide a safe, functional and convenient transportation system in accordance with Strategy F of Policy 33a.
- E. **Policy No. 36, Transportation System Development Requirements:** The site abuts S.W. Riverwood Road. As stated above, the owner will be required to commit to future improvements of the road through deed restrictions as

conditions of approval, For these reasons the proposal complies with Policy 36..

F. **Policy No. 37 - Utilities:** The Palatine Hill Water District has indicated that water is available to the site from a 4-inch line in S.W. Riverwood Road. Connecting each parcel the the existing sanitary sewer system at the time of building construction is a condition of approval. For these reasons, the proposal complies with Policy 37.

G. **Policy No. 38 - Facilities:** The property is located in the Riverdale School District, which can accommodate student enrollment from houses built on the site. Fire protection is provided by the City of Portland. Police protection is provided by the Multnomah County Sheriff's Office. For the reasons stated above, the proposal complies with this policy.

5. **Purpose and Intent of Land Division Ordinance.**

A. 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:

- (1) The size and shape of the proposed lots accommodates proposed uses, thereby protecting property values.
- (2) Finding 4.F indicates that public well is available to each parcel. A condition of approval assures that each parcel will connect to the existing public sanitary sewer system prior to building permit issuance. Finding 4.D addresses public safety with respect to the rail line that runs through the site. Finding 4.G addresses fire and police protection. For these reasons, the proposal furthers the health, safety, and general welfare of the people of Multnomah County.

- (3) Finding 4 indicates that the proposed land division complies with the applicable elements of the Comprehensive Plan. Since the Comprehensive Plan has been found to be in compliance with Statewide Planning Goals by the State Land Conservation and Development Commission as stated in Finding 3.C, the proposed land division complies with the Statewide Planning Goals.
- (4) 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 III Land Division and meets the approval criteria for Type III Land Divisions as stated in Findings 3, 4, and 5. The conditions of approval assure the installation of appropriate improvements in conjunction with the proposed land division.

B. MCC 11.45.020 states that the intent of the Land Decision 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:

- (1) The proposal minimizes street congestion because commitment to future improvements to those roads is required through deed restrictions as stated in Finding 2.
- (2) As stated in Finding 4.G, public fire protection is available to the site. The extreme easterly portion of the property is located within the 100 year floodplain, but no building will occur on that portion of the property because it is a sharp drop-off into the river. Steep slopes on the balance of the property are addressed in Finding 4.B. Potential additional houses will not significantly increase air pollution levels. Potential danger from operation of the rail line that runs through the site will be minimized by conditions of approval requiring a 60-foot easement through the site along the rail line as explained in Finding

4.D. For these reasons, the proposal secures safety from fire, flood, geologic hazard, and pollution, *the danger*

- (3) The proposal meets the area and dimensional standards of the R-30 zoning district as explained in Finding 6 and thereby provides for adequate light and air and prevents the overcrowding of land.
- (4) Road issues are addressed in Findings 2. Water supply and sewage disposal are addressed in Finding 4.F. Storm drainage is addressed in Condition 3.B. Education, fire protection and police service are addressed in Finding 4.G. Based on the above Findings, the proposed land division facilitates adequate provision for transportation, water supply, sewage disposal, drainage, education, and other public services and facilities.

5. **Zoning Ordinance Considerations:** The applicable Zoning Ordinance criteria (MCC 11.15) are as follows:

A. The site is zoned R-30, Single-Family Residential District.

B. The following minimum area and dimensional standards apply per MCC 11.15.2844

- (1) The minimum lot size for a single family dwelling shall be 30,000 square feet. As shown on the Tentative Plan Map and as stated in Finding 1, all three parcels exceed this requirement.
- (2) The minimum average lot width shall be 80 feet. As shown on the Tentative Plan Map, all three parcels exceed this requirement.
- (3) The minimum yard setbacks shall be 30 feet front, 10 feet side, and 30 feet rear. All three parcels contain sufficient area to accommodate single-family residences within the required setbacks.
- (5) The proposed land is exempt from the solar access provisions of the Zoning Ordinance because, based in information shown on the tentative plan map, the site is sloped more than 20 percent in a direction more than 45

degrees east of true north. Therefore, the proposal meets one of the exemption requirements in MCC 11.15.6920(A).

Conclusions:

1. Based on Finding 4, the proposed land division satisfies the applicable policies of the Comprehensive Plan.
2. Based on Findings 3 through 5 the proposed land division satisfies the approval criteria for Type III land divisions.
3. Based on Finding 6, the proposed land division complies with the zoning ordinance

MULTNOMAH COUNTY, OREGON
DIVISION OF PLANNING AND DEVELOPMENT

By David H. Prescott
David H. Prescott, Planner

For: Director, Planning & Development

This decision filed with the Director of the
Department of Environmental Services on
September 6, 1989.

cc: Ike Azar, Engineering Services
Phil Crawford/Mike Ebeling, Sanitarians
John Dorst, Right-of-Way Use Permits
Dick Howard, Engineering Services

DP:mb

NOTICE: This decision may be appealed within ten (10) days under the provisions of MCC 11.45.3880(C).



CITY OF
PORTLAND, OREGON
OFFICE OF TRANSPORTATION

Earl Blumenauer, Commissioner
Transportation Engineering
1120 S.W. Fifth Avenue
Room 802
Portland, Oregon 97204-1971
(503) 796-7004

August 30, 1989

MR DAVE PRESCOTT
MULT CO PLANNING & DEV
2115 SE MORRISON ST
PORTLAND OR 97214

SUBJECT: ID 24-89 (Tax Lots 3, 4 and 5, Lot 1, Palatine Hill)

Your letter requesting comments concerning the proposed development of the above-reverenced property was received by this office on August 14.

As you know, the railroad right-of-way, which bisects the above-referenced was acquired in October 1988, from the Southern Pacific Transportation Company by a consortium of local governments including Multnomah County, Tri-Met, Metro, Lake Oswego, Clackamas County and the City of Portland. Under the terms of the consortium's intergovernmental agreement (copy attached) the City of Portland now holds title with administrative jurisdiction to the entire Jefferson Street Branch Rail Line corridor in order to preserve the corridor for future public mass transit use.

While a recorded easement or deed for the railroad right-of-way at the subject location has yet to be found, Multnomah County Assessor's maps, City Street one-quarter Section maps, and Southern Pacific right-of-way maps show a 60-foot easement width at this location.

Accordingly, the City requests that Multnomah County require as a condition of this minor partition that the developer convey to the City of Portland an easement for railroad and utility purposes over a strip of land 60 feet wide, as shown in red on the attached plat map, in order for the City of Portland to prudently fulfill its obligation to preserve the Rail Line corridor as discussed above.

Thank you for the opportunity to comment. Please call Paul Niles, Right-of-Way Agent, at 796-7069, if you have questions.

Very truly yours,

Richard O. Schmidt, P.E.
City Engineer

RO3:mmv.pln

c: Roger Millar
Don Gardner
Paul Niles
Adrianne Brockman
Mulvey Johnson

(Letter-Prescott)

RECEIVED

Multnomah County
Zoning Division

CE - A PORTION OF LOT 1, PALATINE HILL
NW 1/4, SEC. 35, T.15, R.1E, W.M.,
WASAH COUNTY, OREGON

PREPARED FOR: F. DALE LUMPKIN - OWNER
4938 S.W. NORTHWOOD AVE.
PORTLAND, OR 97201

PREPARED BY: BURTON ENGR & SURVEYING
302 TIGARD PLAZA
TIGARD, OREGON 97223
PH: (503) 639-6116

JOB NO. 89-219
SURVEYED 10 JULY 1989

PORTLAND - LAKE OSWEGO HWY.

S.W. RIVERWOOD ROAD

BASIS OF BEARING - P.S. 47069
N32°04'33" - 499.73

NARRATIVE: PURPOSE OF SURVEY IS TO
PARTITION A PORTION OF
LOT OR TRACT, PATENTED 5/12/18
HIL, AS SHOWN.
THIS PORTION IS DIV-
IDING PART OF THAT
BEING INCLUDED IN
THE SURVEY RECORDED AS
P.S. 27069, AND THE
BASIS OF BEARING AND
DISTANCE BOUNDARY
TRAIL ARE FROM P.S. 27069,
EXCEPT FOR THE NLY
LINE, WHICH IS FROM A
BOUNDARY SURVEY DATED
JAN 1904

5/12/18
N.D. 25
W.D. 12

LOCATION OF RIGHT-OF-WAY LINE OF THE
P.E.N. RAILWAY CO. WAS DETERMINED FROM
P.E.N. LAND CITY ORD. NO. 5100.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 18, 1967
DANIEL T. BUNTON

WILLAMETTE RIVER

PARCEL 1
48,228 S.F.

PARCEL 3
30,000 SQ. FT.

PARCEL 2
30,000 SQ. FT.

Multnomah County Planning Commission



AGENDA

Date: November 13, 1989

Time: 5:45 p.m.

Place: Room 602, Multnomah County Courthouse
1021 SW 4th Avenue, Portland

I. Roll Call

II. Manager's Report

III. General Planning

General Planning

Agenda A

1. CU 13-89 34100 NE Chamberlain Road East County
6:00 pm

Owner: Martin Conley, Et Al
4332 NE Royal Court, 97213

Applicant: Frank A. Windust, c/o Oregon Realty Company
36039 East Crown Point Highway, Corbett, 97019

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

Agenda B

1. LD 14-88 12270 SW Boones Ferry Road West Hills
6:00 pm

Owner: B. Douglas Pratt
2025 SE 10th Avenue, 97214

Appellant: Margaret M. Creary
1647 SW Englewood Drive, Lake Oswego, 97034

Appellant has appealed a Type III land division Tentative Plan Decision, approving a requested partition resulting in three parcels, each parcel containing at least 40,000 square feet.

2. **LD 24-89** **10900-11100 SW Riverwood Road** **West Hills**
 6:15 pm

Owner: Lindquist Development Company, Inc.
 PO Box 42135, Portland, 97242

Appellant: Same

Appellant has appealed a Type III land division Tentative Plan Decision Condition No. 6, which reads as follows:

"Prior to endorsement of the final partition map, modify the final partition map to show an easement to the City of Portland for railroad and utility purposes. The easement shall be in a strip of land 60 feet wide with 30 feet of the easement lying on either side of the rail line that crosses the subject property".

Agenda C

1. **C 1-88** **Periodic Review Order**

This is the second of two hearings on the adoption of a Periodic Review Order.

The topics of this hearing are changes to the Proposed Periodic Review Order adopted in February, 1989, as required by the Director of the Department of Land Conservation and Development. The major changes to the Order include:

- (1). Proposed amendments to the Significant Environmental Concern Comprehensive Plan Policies, Maps and corresponding Zoning Code section regarding wetland preservation; and
- (2) Amendment of the Comprehensive Plan Policies, Conditional Use section of the Zoning Code, and review of the "Economic, Social, Environmental and Energy Analysis" worksheets for mineral extraction.
- (3) There are also some modifications to the proposed Hillside Development and Erosion Control Ordinance and other minor Order changes.



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
GRETCHEN KAFOURY • DISTRICT 2 COMMISSIONER
RICK BAUMAN • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

November 21, 1989

MEMORANDUM

TO: Multnomah County Planning Commission

FROM: Lorna Stickel and the Planning Staff 28

RE: Responses to November 13, 1989 PC Hearing Testimony and Written Testimony on the Final Periodic Review Order

This memorandum will go through written comments the testimony received on November 13, 1989 at the Planning Commission's second hearing on the proposed Final Periodic Review Order. Rather than list each person's comments and the Staff response, the Staff has grouped the comments into the main subject areas that were mentioned. General topic headings follow with a description of proposed changes that the Staff would recommend as a result of the testimony received. This will require that the referenced pages of the Periodic Review Order be amended for each item listed. Names of individuals who testified at the Planning Commission hearing of November 13 appear in parenthesis within the introduction of the item on which they testified.

Topic #1 - The West Hills Wildlife Corridor and Scenic Resource

1. On page 62 the following language is proposed to be added at the end of the existing Fish and Wildlife section to recognize the County's commitment to investigate the potential of a wildlife corridor in the West Hills (Houck, Canning, Lightcap and Sjulín).

Recent studies suggest that the Tualatin Mountains, or West Hills area of the County may serve as an important corridor for wildlife movement. The great diversity of species found within the City of Portland's Forest Park may be due primarily to the ability of wildlife to interact with populations in the larger natural area of the Coast Range. The rural, relatively undeveloped character of northwest Multnomah County, therefore, would play a key role in maintaining the richness of the Forest Park ecosystem.

The West Hills area has for some time been recognized as containing important wildlife habitat. The following is from the 1974 Sauvie Island/West Hills study conducted for the County by Skidmore, Owings, and Merrill: "The habitat in the West Hills consists of dense stands of conifer and alder. These lands support innumerable bird species, over 14 amphibian and reptile species, and over 25 mammal species. Mammals include black-

tailed deer, bear, fox, bobcat, raccoon, and weasel."

The relationship of this area with Forest Park was noted in a 1982 study for the Oregon Parks Foundation by wildlife biologist Marcy Cottrell Houle:

A primary factor behind Forest Park's species richness is due to its location: at the present time, wide corridors of natural habitat inter-link Forest Park with the rural Coast Range. These corridors, extending from Forest Park's northwestern boundary, are presently free from urbanization, and allow for recruitment of flora and fauna from other natural species pools.

Further strengthening of the West Hills-Coast Range connection was cited in the 1986 Wildwood Landfill Site Study by CH2M-Hill, which recognized that the West Hills area is "part of the Oregon Coast Range biological province and contains vegetation and wildlife habitats typical of that region." Most recently, a 1988 map commissioned by the Metropolitan Service District (METRO) delineating Portland metropolitan "natural areas", indicates the presence of a "natural corridor" expanding to the northwest along the West Hills area of northwest Multnomah County.

The County recognizes the potential of the West Hills area to function as an important wildlife corridor. An ESEE analysis of the potential corridor area indicates that further information regarding wildlife resources and habitat requirements is needed. Therefore, the entire potential corridor area has been designated "1B".

In addition to this added language in the Final Periodic Review Order the staff also recommends adding an ESEE analysis sheet to the Goal 5 inventory on the wildlife corridor and that sheet is attached to this memo. In addition another Goal 5 ESEE inventory sheet is recommended to be added to the Scenic inventory for the West Hills. In both cases a 1B designation is recommended because adequate quantity and quality information is not yet available.

Topic # 2 - Wetlands and natural resource protection

1. On page 135 add the following section in subsection T (WRG) prior to 11.15.6364 to bring County's farm practices exemptions in line with SB 3 (Houck and Ketchum).

11.15.6358 Exceptions

A Greenway Permit shall not be required for the following:

- (A) Farm Use, as defined in ORS 215.203(2)(a), including buildings and structures accessory thereto on "converted wetlands" as defined by ORS 541.695(9) or on upland areas;
- (B) The propagation of timber or the cutting of timber for public safety or personal use;
- (C) Gravel removal from the bed of the Willamette River, conducted under a permit from the State of Oregon;
- (D) Customary dredging and channel maintenance;
- (E) The placing, by a public agency, of signs, markers, aids, etc., to serve the public;
- (F) Activities to protect, conserve, enhance and maintain public recreational, scenic, historical and natural uses on public lands;

- (G) On scenic easements acquired under ORS 390.332(2)(a), the maintenance authorized by that statute and ORS 390.368;
 - (H) The use of a small cluster of logs for erosion control;
 - (I) The expansion of capacity, or the replacement, of existing communications or energy distribution and transmission systems, except substations;
 - (J) The maintenance and repair of existing flood control facilities; and
 - (K) Uses legally existing on the effective date of this Chapter; provided, however, that any change or intensification of such use shall require a Greenway Permit.
2. On page 136 modify the WRG language to encourage the retention of natural vegetation (Houck).
- (J) The natural ~~vegetative~~ **vegetation fringe** along the river, lakes, wetlands, and streams shall be enhanced and protected to the maximum extent practicable to assure scenic quality, protection from erosion, ~~and~~ screening of uses from the river, and continuous riparian corridors.
3. On page 138 increase buffer area from 25 to 50 feet (Houck and Ketchum).
- (4) **Will provide a buffer area of not less than 50 feet between the wetland boundary and upland activities for those portions of regulated activities that need not be conducted in the wetland;**
4. On page 138 add provision to WRG for monitoring of proposed mitigation plan (Houck).
- (D) **A Mitigation Plan and monitoring program may be approved upon submission of the following:**
5. On page 139 increase buffer from 25 to 100 feet to match State of Oregon Forest Practices Act (Houck and Ketchum).
- (C) **Any building, structure, or physical improvement within 100 feet of the normal high water level of a Class I stream, as defined by the State of Oregon Forest Practice Rules, shall require an SEC permit under MCC .6412, regardless of the zoning designation of the site.**
6. On page 140 add the following section in subsection U (SEC) to bring County's farm practices exemptions in line with SB 3 (Houck and Ketchum).
- 11.15.6406 Exceptions
- An SEC permit shall not be required for the following:
- (A) Farm use, as defined in ORS 215.203(2)(a), including buildings and structures accessory thereto on **"converted wetlands" as defined by ORS 541.695(9) or on upland areas;**

7. On page 140 add the following language to clarify that SEC permits are not required on Class I streams within the Willamette River Greenway (Staff).

(J) Those Class 1 streams located:

(1) Within mineral and aggregate resource areas designated "2A", "3A" or "3C" by a Statewide Planning Goal 5 Economic, Social, Environmental and Energy analysis, or

(2) Within the Willamette River Greenway.

8. On page 141 modify the SEC language to encourage the retention of natural vegetation (Houck).

(H) The natural ~~vegetative~~ vegetation fringe along rivers, lakes, wetlands, and streams shall be protected and enhanced to the maximum extent practicable to assure scenic quality, and protection from erosion, and continuous riparian corridors.

9. On page 142 increase buffer from 25 to 50 feet (Houck and Ketchum).

(4) Will provide a buffer area of not less than 50 feet between the wetland boundary and upland activities for those portions of regulated activities that need not be conducted in the wetland;

10. On page 143 add provision to SEC for monitoring of proposed mitigation plan (Houck).

(D) A Mitigation Plan and monitoring program may be approved upon submission of the following:

11. On page 179 modify policy statement to use the same language as State Goal 5 (Houck and Ketchum).

POLICY 16

THE COUNTY'S POLICY IS TO PROTECT NATURAL RESOURCES, AREAS AND TO REQUIRE A FINDING PRIOR TO APPROVAL OF A LEGISLATIVE OR QUASI JUDICIAL ACTION THAT THE LONG RANGE AVAILABILITY AND USE OF THE FOLLOWING WILL NOT BE LIMITED OR IMPAIRED. CONSERVE OPEN SPACE, AND TO PROTECT SCENIC AND HISTORIC AREAS AND SITES. THESE RESOURCES ARE ADDRESSED WITHIN SUB-POLICIES 16-A THROUGH 16-L.

12. On page 180 change should to shall in designation list (Houck and Ketchum).

C. The following areas shall be designated as "Areas of Significant Environmental Concern":

13. On page 181 change setback from 25 to 100 feet (Houck and Ketchum); added exception for mineral and aggregate (Staff).

16. All Class 1 Streams (Oregon State Forestry Department designation) and the adjacent area within 100 feet of the normal high water line, except those within an ESEE designated "2A", "3A" or "3C" mineral and

aggregate resource site,

14. On page 185 amend item D statement to include water quality (Houck).

D. PUBLIC SAFETY, (MUNICIPAL WATER SUPPLY WATERSHEDS, WATER QUALITY, FLOOD WATER STORAGE AREAS, VEGETATION NECESSARY TO STABILIZE RIVER BANKS AND SLOPES);

15. On page 185 should is changed to shall in B and C (Ketchum).

B. Significant water and wetland areas identified as a "2A", "3A", or "3C" site using the Statewide Planning Goal 5 "Economic, Social, Environmental, and Energy analysis" procedure as outlined in OAR 660-16-000 through 660-16-025 shall be designated as "Areas of Significant Environmental Concern" and protected by either the SEC or WRG overlay zone.

C. Wetlands information gathered by and made available to the County shall be utilized as follows:

16. On page 186 add item D to indicate that State and Federal agencies may designate additional wetlands in the County (Houck).

D. Although a wetland area may not met the County criteria for the designation "Significant", the resource may still be of sufficient importance to be protected by State and Federal agencies.

Topic # 3 - Mineral and Aggregate Extraction code revision

1. On page 155 revise language to clarify that approvals for mineral extraction and processing activities do not expire (Hribernick).

11.15.7110 General Provisions

(A) Application for approval of a Conditional Use shall be made in the manner provided in MCC .8205 through .8280.

(B) The Approval Authority shall hold a public hearing on each application for a Conditional Use, modification thereof, time extension or reinstatement of a revoked permit.

(C) Except as provided in MCC .7330, ~~The approval of a Conditional Use shall expire two years from the date of such approval if substantial construction or development has not taken place, unless the Approval Authority shall have established a longer period.~~ of issuance of the Board Order in the matter, or two years from the date of final resolution of subsequent appeals, unless:

2. On page 156 eliminate proposed amendment of (E) and amend MCC .7120 to clearly indicate that mineral extraction and processing is considered under a separate set of standards (Hribernick).

(11.15.7110)

(E) The findings and conclusions made by the approval authority and the conditions, modifications or restrictions of approval, if any, shall specifically address the rela-

tionships between the proposal and the approval criteria listed in MCC .7120 and in the district provisions.

11.15.7120 Conditional Use Approval Criteria

(A) A Conditional Use shall be governed by the approval criteria listed in the district under which the conditional use is allowed. If no such criteria are provided, the approval criteria listed in this section shall apply. In approving a Conditional Use listed in this section, the approval authority shall find that the proposal:

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

(B 2) Will not adversely affect natural resources;

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

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

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

(F 6) Will not create hazardous conditions; and

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

(B) Except for off-site stockpiling, subpart (A) of this subsection shall not apply to applications for mineral extraction and processing activities. Proposals for mineral extraction and processing shall satisfy the criteria of MCC .7325.

3. On Page 156 amend definitions to specifically include aggregate (Jordan)

11.15.7305 Definitions

(A) Mining means the removal of minerals **or aggregate material**, whether extracted from land or water, by any method, including but not limited to shoveling, blasting, scooping, and dredging.

(B) Minerals include any and all **solid** mineral products, metallic and non-metallic, ~~solid, liquid or gaseous, and mineral waters of all kinds~~ extracted for commercial, industrial or construction use from natural deposits.

(C) ~~Geothermal Resources shall have the meaning contained in ORS 522.005~~
Aggregate material includes crushed or uncrushed gravel, crushed stone, or sand from natural deposits.

4. On page 157 no change is proposed to the definition of noise sensitive use since the owner exclude any dwellings from the setback requirements MCC .7325(C)(7) by consolidating contiguous ownerships (Hribernick).

5. On page 157 amend proposed language to indicate the items are disjunctive (Hribernick).

11.15.7322 Exceptions

Exempted from the requirements of this section are those mineral extraction sites and activities which:

- (A) If zoned EFU, produce less than 1,000 cubic yards of material and affect less than one acre, or**
- (B) Produce less than 5,000 cubic yards of material and affect less than one acre in any consecutive 12 month period, and which over time affect less than a total of five acres, or**
- (C) Produce materials which are used by the owner or tenant for construction and maintenance of on-site access roads, and farming or forest practices.**

6. On page 158 modify (c) to specify that situations which cause safety or maintenance shall not be allowed, but recognize that minor, incidental occurrences are possible. Also, modify (d) to require the applicant to identify the routes of travel to be used; thereby, eliminating any potential road improvement requirements imposed on unutilized routes (Hribernick and Jordan). The Hribernick proposed revisions of (d)(ii) are not suggested because:

(a) Local Improvement District waiver of remonstrance: Requires initiation of petition by a majority of property owners. Seldom occurs and is inequitable in this situation because the other participants in the LID would not impact the road to the same degree as a mining operation.

(b) 1500 foot improvement: An arbitrary distance. Impact may be greater.

(c) Truck Trip Trigger: Staff experience with such situations has found this to be unworkable due to policing problems.

(1) Access and traffic.

(a) Prior to any surface mining activity, all on-site roads used in the mining operation and all roads from the site to a public right-of-way shall be designed and constructed to accommodate the vehicles and equipment which will use them.

(b) All on-site and private access roads shall be paved or adequately maintained to minimize dust and mud generation within 100 feet of a public right-of-way or 250 feet of a dust sensitive land use.

(c) No material which creates a safety or maintenance problem shall be tracked or discharged in any manner onto any public right-of-way.

(d) The applicant shall identify the most commonly used routes of travel from the site and the County Engineer shall certify that those roads:

(i) Are adequate to safely accommodate any additional traffic created by the extraction operation for the duration of the activity, or

(ii) Are inadequate to safely accommodate any additional traffic created by the extraction operation for the duration of the activity, but the

applicant has committed to finance installation of the necessary improvements under the provisions of 02.200(a) or (b) of the *Multnomah County Rules for Street Standards*.

7. On page 159 in (c) change may to shall to guarantee granting of the variance if justified (Jordan and Hribernick).

(2) Screening, landscaping, ~~lighting~~, and visual appearance;

(a) All existing vegetation and topographic features which would provide screening and which are within 50 feet of the boundary of the proposed area of extraction shall be preserved.

(b) If existing natural vegetation and topography is found to be insufficient to obscure views of the site, the site shall be screened with landscape berms, hedges, trees, walls, fences or similar features. Required screening shall be in place prior to commencement of the extraction activities.

(c) The Approval Authority shall grant exceptions to the screening requirements only upon finding that:

(i) The proposed extraction area is not visible from any dwelling, school, public park, church, hospital, public library, or publicly maintained road, or

(ii) Screening will be ineffective because of the topographic location of the site with respect to surrounding properties, or

(iii) The area is part of the completed portion of a reclamation plan.

8. On page 159 eliminate operation hours exemption for operations further than one-half mile from a noise sensitive use. Language implied an impact area which was not intended (Hribernick).

(4) Hours of operation;

Operation shall be allowed from 6:00 am to 10:00 pm, except no blasting shall be allowed on Sundays or on New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and Christmas Day. Exceptions to the hours of operation may be approved pursuant to the provisions of MCC .8705.

9. On page 159 no changes proposed to the fish and wildlife protection section because Staff feels that the level of information available at the ESEE stage may not be sufficient to allow a balancing of resource values (Hribernick and Jordan).

10. On page 160 clarify that extraction is included in category (c) (Hribernick).

(c) For mineral extraction and all other activities:

(i) 50 feet to a property line, or

(ii) 250 feet to a noise sensitive land use existing on (date of ord. amend.).

11. On page 160 change blasting requirements to read (Staff):

- (9) ~~Blasting and other vibration causing actions;~~ shall be restricted to the hours of 9:00 am to 5:00 pm, Monday through Saturday.

12. On page 160 items (8) and (10) remain unchanged to allow the County to recognize possible unique local conditions, rather than being controlled by general State standards for reclamation and safety (Hribernick).

13. On page 161 no change is proposed of item (D) since these items are impossible to evaluate at the ESEE stage due to lack of knowledge of the configuration and magnitude of possible future mining operations. Further, there is no County employee qualified to evaluate these conditions and it is appropriate for the Approval Authority to weight expert testimony (Hribernick and Jordan).

14. On page 161 (E) is amended to add groundwater to distinguish from surface water, but no other changes are proposed (Hribernick and Jordan).

- (E) ~~Setbacks for the proposed operations are appropriate for the nature of the use and the area where the use is to be conducted~~ Proposed blasting activities will not adversely affect the quality or quantity of groundwater within wells in the vicinity of the operation.

15. On page 161 amend (G) to clarify that a proposed operation could not be denied on the basis of an inadequate monitoring and reporting proposal (Hribernick).

- (G) ~~The applicable standards in MCC 7120 have been complied with~~ The Approval Authority may establish a program for periodic monitoring and reporting.

16. On page 161 retain portions of time limit section to clarify that an approval does not expire as do other Conditional Use approvals (Staff).

11.15.7330 Time Limit

A Conditional Use permit hereunder shall ~~not expire. be valid for a maximum of five years from date of final approval. The applicant may apply for renewal not less than 90 days prior to the expiration of such permit. The renewal application may be denied, approved subject to previous conditions, or approved subject to new conditions in light of the following factors, among others:~~

~~(A) Previous impacts of the use upon surrounding lands and activities;~~

~~(B) Changes in surrounding land uses and activities; and~~

~~(C) Changes in technology and activities of the operation which will impact the surrounding lands and activities.~~

17. On page 182 change destroy to limit in policy statement (Jordan).

POLICY 16-B MINERAL AND AGGREGATE RESOURCES

IT IS THE COUNTY'S POLICY TO PROTECT AREAS OF MINERAL AND AGGREGATE SOURCES FROM INAPPROPRIATE LAND USES WHICH COULD LIMIT THEIR FUTURE USE.

18. On page 182 change survey to inventory in Strategy A (Jordan).

A. As a part of the ongoing planning program the County will engage in an inventory of mineral and aggregate sources within the County utilizing data, criteria and standards from the most recent study of rock material resources compiled by the State Department of Geology and Mineral Industries.

19. On page 182 "important" is not changed to "significant" since existing language conforms to that of OAR 660-16-000(5)(c). "...government has determined a site to be significant or important ..." (Jordan).

20. On page 182 eliminated reference to a five year time period (Jordan).

C. Determination that a particular mineral and aggregate resource site is both "Important" and should be included in the plan inventory is to be based upon the site's proven ability to yield more than 25,000 cubic yards of resource.

Topic # 4 - Mineral and Aggregate ESEE analysis for Angell Brothers and Smith sites

Comments were received on the recommended ESEE analysis for both the Angell Brothers and the Smith sites. The staff feels that they have correctly classified these sites and does not recommend any changes at this time. Further meetings are scheduled to occur with representatives of the Angell Brothers site and DLCD staff before the final PC hearing and any changes that occur as a result of that hearing will have to be presented at the November 27 Planning Commission hearing. The changes cited in Topic #1 are related to testimony received from Lightcap, Canning, Sanders, & Michelson on the Angell Brothers ESEE analysis.

Topic # 5 - Golf Courses in EFU zoned areas

The Planning Commission received a memorandum from Commissioner Pauline Anderson asking the Commission to consider the removal of golf courses from the EFU zone district because it was felt those uses constitute a change of circumstance. In addition 1,000 Friends through letter and in testimony requested the deletion, as did Portland Audubon in testimony and the Sauvie Island Conservancy through D. Matrazzo's testimony. The Staff recommendation on this matter is as follows:

Golf Courses have been allowed in the EFU zone in Multnomah County since that zone was established in 1977. Earlier agricultural zones in the County also allowed for golf courses. The language in ORS 215.283(2)(e) is permissive in nature, in that, a local gov-

erning body *may* allow golf courses in EFU zoned areas. So it is possible for the County to not allow them. The staff does not recommend that the County remove them during the Periodic Review process for two reasons:

- 1) No analysis has been done of the effect of removing golf courses from EFU designations, and
- 2) There is no justification under the change of circumstances criteria for removing them.

In the case of the former reason it would make sense to do an adequate evaluation of the effect of removing golf courses from EFU zoned areas. As a part of the study done by Touche Ross for a possible golf course at Blue Lake Park and analysis of the Portland Golf market indicated that there is an unmet demand for golf course facilities. One fact cited in the report was that Oregon ranked sixth in the nation in golfers per 18 holes, at 25% above the national average. The study also noted that municipal courses operated by the City of Portland "...are being played at capacity during peak summer months and that they are required to turn interested golfers away due to a lack of facilities." Even with the four courses planned in the Portland area this study still found unmet demand for at least four additional 18 hole courses. This study was done in January, 1989. More analysis is needed of the ability of new courses to locate inside Urban Growth Boundaries.

In regards to the latter issue of cumulative impact the Staff notes that there is approximately 20,000 acres of zoned EFU land in the County. Since 1977 two golf courses have been approved in EFU zoned areas in Multnomah County (Sauvie Island at 145 acres and Crystal Springs at 155 acres). These two golf courses amount to 300 acres or 0.015% of the land zoned EFU. Of this 300 acres about 108 acres is Agricultural Capability Class II and the balance is Class III. The bulk of the land zoned EFU in Multnomah County is Agricultural Capability Class III followed by Class II.

Within the tri-county Portland area, our phone survey indicates there are 8 golf courses on EFU zoned land (Clackamas County 3, Washington County 3, Multnomah County 2). Even at an average of 200 acres apiece (a high estimate) this amounts to 1,600 acres out of some 399,987 acres of zoned EFU land in the tri-county area (from DLCD figures) for a total of 0.004% of the total EFU acreage. These figures do not indicate a substantial cumulative impact. The Staff does, however, recommend that the Planning Commission take up the issue of potential cumulative impact of future applications for more golf courses based upon expression of interest by more course developers in all three of the metropolitan counties in recent months. This should be the next issue to be addressed in a separate study that would allow all geographic areas of the County and interested parties to participate.

Topic # 6 - Hillside and Erosion Control ordinance

An issue regarding the ability of our proposed Hillside Erosion Ordinance amendment to meet the requirements for the Tualatin Basin non-point pollution control plan mandated by DEQ was raised. In response to this issue, some minor changes are recommended to the

Hillside Erosion Control Ordinance.

1. On page 145 modify purpose statement to read:

The purposes of the Hillside Development and Erosion Control subdistrict are to promote the public health, safety and general welfare, and minimize public and private losses due to earth movement hazards in specified areas and minimize erosion and related environmental damage in unincorporated Multnomah County, all in accordance with ORS 215, LCDC Statewide Planning Goal No. 7 and OAR 340-41-455 for the Tualatin River Basin, and the Multnomah County Comprehensive Framework Plan Policy No. 14. This subdistrict is intended to:

2. On page 145 amend .6710 (B) to read:

(B) All persons proposing site grading where the volume of soil or earth material disturbed, stored, disposed of or used as fill exceeds 50 cubic yards, or which obstruct or alter a drainage course or on any sites within the Tualatin River Drainage Basin, shall obtain a Grading and Erosion Control Permit as prescribed by this subdistrict, unless exempted by MCC .6715(B)(2) through (8) or .6715(C). Development projects subject to a Hillside Development Permit do not require a separate Grading and Erosion Control Permit.

3. On page 146 add .6715(9):

(9) The site is not within the Tualatin River Drainage Basin.

4. On page 149 add a new .6730(A)(2)(a) and renumber the remainder of the subpart.

(2) *Erosion Control Standards*

- (a) On sites within the Tualatin River Drainage Basin, erosion control plans shall satisfy the requirements of OAR 340-41-455. [An *Erosion Control Plans Technical Guidance Handbook* (November, 1989) is available to assist applicants in meeting State erosion control standards in the Tualatin Basin.]**
- (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 wastewater shall be prevented from leaving the construction site through proper handling, disposal, continuous site monitoring and clean-up activities.**
5. Question of defining energy absorbing devices on page 148 .6730(A)(2)(k)(i) – (iii) (Lightcap). Such devices are used to limit erosion potential. Some examples include terracing or stepping a stream bed to slow the water velocity, placement of rocks or boulders to limit erosion potential. Staff feels a strict definition may limit other design solutions which may fall under a broad interpretation of "Energy Absorbing Devices".

MULTNOMAH COUNTY GOAL 5 INVENTORY

11/15/89

TYPE OF RESOURCE: Wildlife Habitat and Travel Corridor

LOCATION: Study area of approximately 25 square miles in the northwest portion of the County. The area is bounded by the County line on the north and west, Highway 30 on the east, and approximately the Portland City limits on the south. See map.

DESCRIPTION:

Recent studies suggest that the wide variety of wildlife found in Forest Park may be directly attributable to the opportunity for species interaction with the Coast Range ecosystem. Such interaction is possible due to the rural, relatively undeveloped character of the Tualatin Range (West Hills), which enables this area to function as a "corridor" for animal movement. Thus, the wildlife diversity of Forest Park may result from either migratory patterns or general long-term recruitment from more rural reservoirs. If this is the situation, the location of the "corridor" should be located and recognized for its role in maintaining the species diversity of Forest Park.

A. AVAILABLE INFORMATION INDICATES SITE IS IMPORTANT?:

NO-DESIGNATE 1A: DO NOT INCLUDE IN PLAN INVENTORY

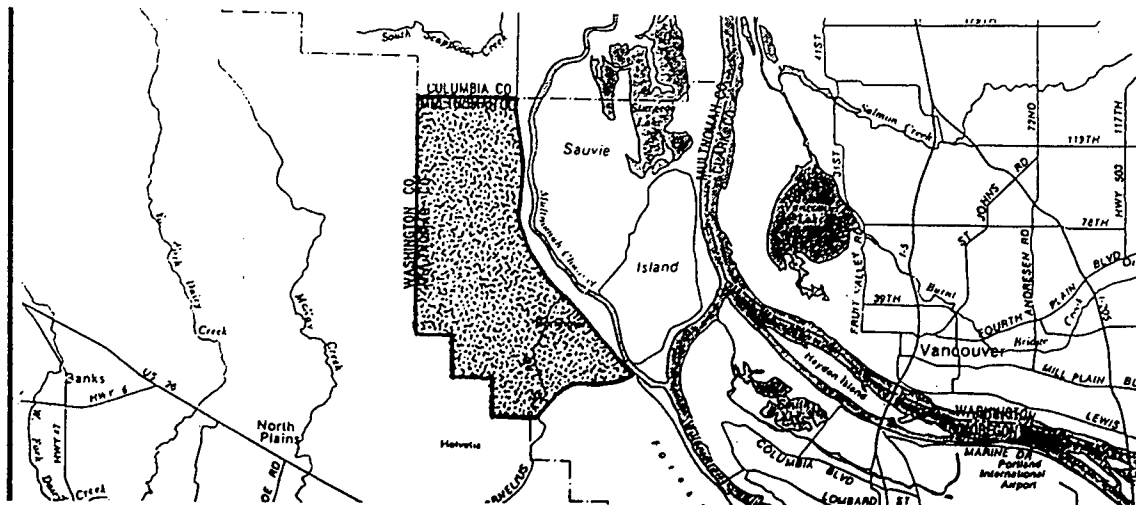
☒ YES - GO TO B

B. IS AVAILABLE INFORMATION SUFFICIENT TO DETERMINE THE SIGNIFICANCE OF SITE ?

☒ NO - DESIGNATE 1B : ADDRESS THE SITE IN FUTURE
WHEN INFORMATION BECOMES AVAILABLE

YES - INCLUDE IN PLAN INVENTORY AND GO TO C

The County has budgeted and expects to spend \$7,500 during fiscal year 1989-90 on a study of this issue. Phase 1 which is the initial research is currently underway.



**MULTNOMAH COUNTY
GOAL 5 INVENTORY**

11/15/89

TYPE OF RESOURCE: Scenic View

LOCATION: Tualatin Mountains (West Hills) ridgeline to Highway 30 from the Portland City Limits to the County line.

DESCRIPTION: The evergreen forested Tualatin Mountains provide an outstanding scenic backdrop for users of the aquatic recreational opportunities on the Multnomah Channel and visitors to the State owned significant natural areas on Sauvie Island. Other attractions to Sauvie Island include the Bybee Howell House Historical Landmark and Columbia River public beaches. The retention of the present views of the mountain from selected locations would be beneficial to not only the recreational and tourist population, but also the residents in the area. The potential impact of additional mineral and aggregate extraction, public roads, or housing on the mountain will have different visual impacts from different vantage points. A program should be undertaken to determine the needed areas to retain as outstanding scenic views.

A. AVAILABLE INFORMATION INDICATES SITE IS SIGNIFICANT:

NO - DESIGNATE 1A: DO NOT INCLUDE IN PLAN INVENTORY

X YES - GO TO B

B. IS AVAILABLE INFORMATION SUFFICIENT TO DETERMINE THE SIGNIFICANCE OF SITE ?

**X NO - DESIGNATE 1B : ADDRESS THE SITE IN FUTURE
WHEN INFORMATION BECOMES AVAILABLE**

YES - INCLUDE IN PLAN INVENTORY AND GO TO C

DATE SUBMITTED 11/6/89

(For Clerk's Use)

Meeting Date _____

Agenda No. _____

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: Human Restoration Project Briefing

Informal Only* 11/28/89
(Date)

Formal Only _____
(Date)

DEPARTMENT Nondepartmental DIVISION County Chair's Office

CONTACT Norm Monroe TELEPHONE 248-3308

*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD Norm Monroe, Merlin Reynolds, Maggie Garreau, Cecile Pitts

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

Human Restoration Project (Revitalization) Briefing

(IF ADDITIONAL SPACE IS NEEDED, PLEASE USE REVERSE SIDE)

ACTION REQUESTED:

☐ INFORMATION ONLY ☐ PRELIMINARY APPROVAL ☐ POLICY DIRECTION ☐ APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA 35 minutes

IMPACT:

☐ PERSONNEL

☐ FISCAL/BUDGETARY

☐ General Fund

☐ Other _____

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: Maddy McCay

BUDGET / PERSONNEL _____

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) _____

OTHER _____
(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

DATE SUBMITTED: November 17, 1989

(For Clerk's Use)
Meeting Date _____
Agenda No. _____

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: LIQUOR LICENSE

Informal Only* _____
(Date)

Formal Only _____
(Date)

DEPARTMENT Sheriff's Office DIVISION _____

CONTACT Sergeant Ed Hausafus TELEPHONE 255-3600

*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD Sergeant Ed Hausafus

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

Attached is the Package Store liquor license renewal for the Plaid Pantry Market #154, 16216 SE Division, Portland, Oregon 97211. The applicant(s) John G. Wiencken have no criminal record and we recommend that the application be approved.

ACTION REQUESTED:

() INFORMATION ONLY () PRELIMINARY APPROVAL () POLICY DIRECTION (xx) APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA Consent Agenda

IMPACT:

PERSONNEL

() FISCAL/BUDGETARY

() GENERAL FUND

Other _____

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, OR COUNTY COMMISSIONER Sgt. Ed Hausafus

BUDGET / PERSONNEL _____ / _____

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) _____

OTHER _____
(Purchasing, Facilities Management, Etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

EH/slr/47-AINT

DATE SUBMITTED: November 17, 1989

(For Clerk's Use)
Meeting Date _____
Agenda No. _____

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: LIQUOR LICENSE

Informal Only* _____
(Date)

Formal Only _____
(Date)

DEPARTMENT Sheriff's Office DIVISION _____

CONTACT Sergeant Ed Hausafus TELEPHONE 255-3600

*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD Sergeant Ed Hausafus

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

Attached is the Package Store liquor license renewal for the Plaid Pantry #113, 13521 SE Powell, Portland, Oregon 97236. The applicant(s) John G. Wiencken have no criminal record and we recommend that the application be approved.

ACTION REQUESTED:

() INFORMATION ONLY () PRELIMINARY APPROVAL () POLICY DIRECTION (xx) APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA Consent Agenda

IMPACT:

PERSONNEL

() FISCAL/BUDGETARY

() GENERAL FUND

Other _____

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, OR COUNTY COMMISSIONER: 

BUDGET / PERSONNEL _____ / _____

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) _____

OTHER _____
(Purchasing, Facilities Management, Etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

EH/slr/47-AINT

DATE SUBMITTED: November 20, 1989

(For Clerk's Use)

Meeting Date _____

Agenda No. _____

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: LIQUOR LICENSE

Informal Only* _____
(Date)

Formal Only _____
(Date)

DEPARTMENT Sheriff's Office DIVISION _____

CONTACT Sergeant Ed Hausafus TELEPHONE 255-3600

*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD Sergeant Ed Hausafus

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

Attached is the Package Store liquor license renewal for the Orient Country Store, 29822 SE Orient Drive, Gresham, Oregon 97030. The applicant(s) Danny G. and Kathy A. Cranford have no criminal record and we recommend that the application be approved.

ACTION REQUESTED:

(☐) INFORMATION ONLY (☐) PRELIMINARY APPROVAL (☐) POLICY DIRECTION (☒) APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA Consent Agenda

IMPACT:

PERSONNEL

(☐) FISCAL/BUDGETARY

(☐) GENERAL FUND

Other _____

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, OR COUNTY COMMISSIONER 

BUDGET / PERSONNEL _____ / _____

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) _____

OTHER _____
(Purchasing, Facilities Management, Etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

EH/slr/48-AINT

DATE SUBMITTED: November 20, 1989

(For Clerk's Use)
Meeting Date _____
Agenda No. _____

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: LIQUOR LICENSE

Informal Only* _____
(Date)

Formal Only _____
(Date)

DEPARTMENT Sheriff's Office DIVISION _____

CONTACT Sergeant Ed Hausafus TELEPHONE 255-3600

*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD Sergeant Ed Hausafus

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

Attached is the Dispenser Class A liquor license renewal for the Royal Chinook Inn, 2609 East Corbett Hill Road, Corbett, Oregon 97019. The applicant(s) Michaeline and Edward Stich have no criminal record and we recommend that the application be approved.

ACTION REQUESTED:

(☐) INFORMATION ONLY (☐) PRELIMINARY APPROVAL (☐) POLICY DIRECTION (☒) APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA Consent Agenda

IMPACT:

PERSONNEL

(☐) FISCAL/BUDGETARY

(☐) GENERAL FUND

Other _____

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, OR COUNTY COMMISSIONER: 

BUDGET / PERSONNEL _____ / _____

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) _____

OTHER _____
(Purchasing, Facilities Management, Etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

EH/slr/48-AINT

DATE SUBMITTED: November 21, 1989

(For Clerk's Use)
Meeting Date _____
Agenda No. _____

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: LIQUOR LICENSE

Informal Only* _____
(Date)

Formal Only _____
(Date)

DEPARTMENT Sheriff's Office DIVISION _____

CONTACT Sergeant Ed Hausafus TELEPHONE 255-3600

*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD Sergeant Ed Hausafus

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

Attached is the Retail Malt Beverage liquor license renewal for the Happy Landing Tavern, 520 SE 148th, Portland, Oregon 97233. The applicant(s) Thomas E. Workman have no criminal record and we recommend that the application be approved.

ACTION REQUESTED:

(☐) INFORMATION ONLY (☐) PRELIMINARY APPROVAL (☐) POLICY DIRECTION (☒) APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA Consent Agenda

IMPACT:

PERSONNEL

(☐) FISCAL/BUDGETARY

(☐) GENERAL FUND

Other _____

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, OR COUNTY COMMISSIONER: Sgt Ed Hausafus

BUDGET / PERSONNEL _____ / _____

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) _____

OTHER _____
(Purchasing, Facilities Management, Etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

EH/slr/49-AINT

DATE SUBMITTED: November 21, 1989

(For Clerk's Use)

Meeting Date _____

Agenda No. _____

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: LIQUOR LICENSE

Informal Only* _____
(Date)

Formal Only _____
(Date)

DEPARTMENT Sheriff's Office DIVISION _____

CONTACT Sergeant Ed Hausafus TELEPHONE 255-3600

*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD Sergeant Ed Hausafus

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

Attached is the Retail Malt Beverage liquor license renewal for the Papa-Sons, 12525 SE Powell, Portland, Oregon 97236. The applicant(s) Kenneth E. Trefz have no criminal record and we recommend that the application be approved.

ACTION REQUESTED:

() INFORMATION ONLY () PRELIMINARY APPROVAL () POLICY DIRECTION (☒) APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA Consent Agenda

IMPACT:

PERSONNEL

() FISCAL/BUDGETARY

() GENERAL FUND

Other _____

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, OR COUNTY COMMISSIONER: Sgt Ed Hausafus

BUDGET / PERSONNEL _____ / _____

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) _____

OTHER _____
(Purchasing, Facilities Management, Etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

EH/slr/49-AINT

DATE SUBMITTED 11/21/89

(For Clerk's Use)

Meeting Date _____

Agenda No. _____

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: Oregon Historical Society

Informal Only* _____
(Date)

Formal Only 11/30/89
(Date)

DEPARTMENT Nondepartmental DIVISION County Chair's Office

CONTACT Fred Neal TELEPHONE X-3308

*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD William Tramosch

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

Introduction of William Tramosch, new Executive Director of the Oregon Historical Society, to the Board of County Commissioners and description by Mr. Tramosch of his plans for the Society and its relationship with Multnomah County.

(IF ADDITIONAL SPACE IS NEEDED, PLEASE USE REVERSE SIDE)

ACTION REQUESTED:

☐ INFORMATION ONLY ☐ PRELIMINARY APPROVAL ☐ POLICY DIRECTION ☐ APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA 15 minutes

IMPACT:

☐ PERSONNEL
☐ FISCAL/BUDGETARY
☐ General Fund

☐ Other _____

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: *Glenn Phillips*

BUDGET / PERSONNEL /

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) _____

OTHER _____
(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

DATE SUBMITTED _____

(For Clerk's Use)

Meeting Date _____

Agenda No. _____

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: _____

Informal Only* _____
(Date)

Formal Only _____
(Date)

DEPARTMENT Human Services DIVISION Health

CONTACT Art Bloom TELEPHONE 3555

*NAME(S) OF PERSON MAKING PRESENTATION TO BOARD Duane Zussy/Scott Clement

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

Ratification of a \$600 Intergovernmental Revenue Agreement with Oregon State Health Division whereby State will authorize County sanitarians to annually inspect for sanitary compliance the 8 licensed farm labor camps in Multnomah County for period November 1, 1989 through December 31, 1990.

ORIGINAL COPY OF CONTRACT WITH CLERK OF THE BOARD

(IF ADDITIONAL SPACE IS NEEDED, PLEASE USE REVERSE SIDE)

ACTION REQUESTED:

☐ INFORMATION ONLY ☐ PRELIMINARY APPROVAL ☐ POLICY DIRECTION ☒ RATIFICATION

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA _____

IMPACT:

PERSONNEL

☐ FISCAL/BUDGETARY

☐ GENERAL FUND

OTHER _____

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: Duane Zussy (br)

BUDGET / PERSONNEL: _____

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) AA PZ

OTHER _____

(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

1989 OCT 31 PM 3:47
CLERK OF COUNTY COMMISSIONER
MULTNOMAH COUNTY
OREGON

**CONTRACT APPROVAL FORM**

(See Administrative Procedure #2106)

MULTNOMAH COUNTY OREGON

Contract # 102750

Amendment # _____

CLASS I	CLASS II	CLASS III
<input type="checkbox"/> Professional Services under \$10,000	<input type="checkbox"/> Professional Services over \$10,000 (RFP, Exemption) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue	<input checked="" type="checkbox"/> Intergovernmental Agreement

Contact Person Kennedy Phone 3674 Date OCT 19, 1989Department Human Services Division Health Bldg/Room 160/8Description of Contract State authorizes County to annually inspect for sanitary compliance the 8 licensed farm labor camps in Multnomah County.

RFP/BID # _____ Date of RFP/BID _____ Exemption Exp. Date _____

ORS/AR # _____ Contractor is ☐ MBE ☐ WBE ☐ QRFContractor Name Oregon Health Division
Environmental ServicesMailing Address 1400 SW 5th Ave.
Portland, OR 97201Phone 229-5497Employer ID # or SS # N/AEffective Date November 1, 1989Termination Date December 31, 1990Original Contract Amount \$ 600.00

Amount of Amendment \$ _____

Total Amount of Agreement \$ _____

Payment Term

- ☐ Lump Sum \$ _____
- ☐ Monthly \$ _____
- ☒ Other \$75 per camp quarterly invoices
- ☐ Requirements contract - Requisition required.
- Purchase Order No. _____
- ☐ Requirements Not to Exceed \$ _____

REQUIRED SIGNATURES:Department Manager *Droneussy (or)*Purchasing Director
(Class II Contracts Only) *[Signature]*County Counsel *[Signature]*

County Chair/Sheriff _____

Date 10/24/89

Date _____

Date 10-30-89

Date _____

VENDOR CODE			VENDOR NAME						TOTAL AMOUNT		\$	
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT	SUB OBJ	REPT CATEG	LGFS DESCRIPTION	AMOUNT	INC/ DEC IND	
	100		0232						4002			
01.	100	010	0600						Rev Code 0232	600.00		
02.												
03.												

INSTRUCTIONS ON REVERSE SIDE

WHITE - PURCHASING

CANARY - INITIATOR

PINK - CLERK OF THE BOARD

GREEN - FINANCE



MULTNOMAH COUNTY OREGON

DEPARTMENT OF HUMAN SERVICES
HEALTH DIVISION
426 S.W. STARK STREET, 8TH FLOOR
PORTLAND, OREGON 97204
(503) 248-3674
FAX (503) 248-3676

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

MEMORANDUM

TO: Gladys McCoy
Multnomah County Chair

VIA: Duane Zussy, Director *Duane Zussy (pc)*
Department of Human Services

FROM: *Belle* Bill Odegaard, Director
Health Services Division

DATE: October 18, 1989

SUBJECT: Intergovernmental Revenue Agreement With Oregon Health Division

Recommendation: The Health Division and the Department of Human Services recommend County Chair and County Board approval of this \$600 Intergovernmental Revenue Agreement with the Oregon Health Division for the period November 1, 1989 to December 31, 1990.

Analysis: This agreement authorizes County sanitarians to provide annual sanitary compliance inspections of State "licensed" labor camps in Multnomah County. The inspections are consultations only; all enforcement actions will be conducted by the State's Accident Prevention Division.

Background: The basis of this agreement with the Oregon Health Division is in an interagency agreement it has with Oregon Accident Prevention Division. The funds are available from the Federal Immigration Reform and Control Act (IRCA) and the State Impact Assistance Grant (SLIAG). The funds are \$75.00 for each of the 8 "licensed" camps inspected and are available through December 31, 1990.

[5920K-p]

BUDGET MODIFICATION NO. DJS#9

(For Clerk's Use) Meeting Date _____

Agenda No. _____

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR November 30, 1989
(Date)

DEPARTMENT of Justice Services

DIVISION Office of Women's Transition Services

CONTACT Joanne Fuller

TELEPHONE 248-5374

*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD Joanne Fuller/Grant Nelson

SUGGESTED

AGENDA TITLE (to assist in preparing a description for the printed agenda)

Budget modification to increase by \$180,243.00, the Office of Women's Transition Services budget for the ADAPT: Pregnant drug abusing women in jail project. Revenue from a Federal Grant from the Office of Substance Abuse Prevention.

(Estimated Time Needed on the Agenda)

2. DESCRIPTION OF MODIFICATION (Explain the changes this Bud Mod makes. What budget does it increase? What do the changes accomplish? Where does the money come from? What budget is reduced? Attach additional information if you need more space.)

[] PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET

This Budget Modification increases Department of Justice Services, Office of Women's Transition Services Budget for the ADAPT: Pregnant Drug Addicted Women in the Criminal Justice System Budget. The funds are the result of a grant from the Federal Government, Office of Substance Abuse Prevention. The grant funds will be used to provide alcohol and drug treatment, case management, cross discipline training and evaluation in the joint project between the Office of Women's Transition Services, the Health Division, the Alcohol and Drug Program, and Corrections Health. The funds shown are for fiscal year 1989-90. The grant total of \$958,583.00, will be expended over this fiscal year and three additional fiscal years. These services are a companion to the approximately \$200,000.00 allocated from General Funds for this fiscal year. The OSAP Grant allows for the full recovery of the County's indirect costs at the negotiated rate of 8.48 percent.

3. REVENUE IMPACT (Explain revenues being changed and the reason for the change)

Adds the OSAP Grant	\$180,243
Increases Svs Reim F/S to General Fund	18,183
Increase Svs F/S to Ins Fund	6,335
Increase Svs GF to Ins Fund	579
Increase Svs F/S to Telephone Fund	2,500

4. CONTINGENCY STATUS (to be completed by Finance/Budget)

Contingency before this modification (as of _____)	\$ _____
(Specify Fund) _____ (Date)	
After this modification	\$ _____

Originated By

Date

Department Manager

Date

Joanne Fuller 11/16/89

Grant Nelson 11/16/89

Budget Analyst

Date

Personnel Analyst

Date

Kathryn Jankle 11/17/89

Gerald W. Bittle 11/17-89

Board Approval

Date

PERSONNEL DETAIL FOR BUD MOD NO.

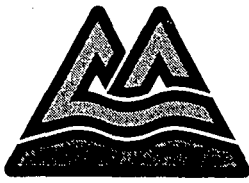
DJ3#9

5. ANNUALIZED PERSONNEL CHANGES (Compute on a full year basis even though this action affects only a part of the fiscal year.)

FTE Increase (Decrease)	POSITION TITLE	Annualized			
		BASE PAY Increase (Decrease)	Increase (Decrease) Fringe	Ins.	TOTAL Increase (Decrease)
1 FTE	Correction Counselor (\$11.35)	23,699	5,986	3,444	33,129
1 FTE	Administrative Specialist I (\$12.59)	26,288	6,640	3,522	36,450
.25 FTE	Nurse Practitioner Lead (Evaluation)	9,589	2,422	3,067	15,078
	TOTAL CHANGE (ANNUALIZED)	59,576	15,048	10,033	84,657

6. CURRENT YEAR PERSONNEL DOLLAR CHANGES (calculate costs or savings that will take place within this fiscal year; these should explain the actual dollar amounts being changed by this Bud Mod.)

Permanent Positions, Temporary, Overtime, or Premium	Explanation of Change	Current FY			
		BASE PAY Increase (Decrease)	Increase (Decrease) Fringe	Ins.	TOTAL Increase (Decrease)
.58	Corrections Counselor (\$11.35) 12/1/89 - 6/90	13,745	3,471	3,145	20,361
.58	Admin. Specialist I (\$12.59) 12/1/89 - 6/30/90	15,247	3,852	3,190	22,289
.15 FTE	Nurse Pract. Lead (390 hrs) 10 hrs. wk. @ \$19.42 11/20/89 - 6/30/90 (Corrections Health)	7,574	1,913	579	10,066
		36,566	9,236	6,914	52,716



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF FACILITIES AND
PROPERTY MANAGEMENT
2505 S.E. 11TH AVENUE
PORTLAND, OREGON 97202
(503) 248-3322

GLADYS McCOY
MULTNOMAH COUNTY CHAIR

MEMORANDUM

TO: Gladys McCoy, Chair
Board of County Commissioners
Paul Yarborough
John DuBay

FROM: Harold L. Holub, Property Officer
Property Management Section

DATE: November 13, 1989

RE: RETROACTIVE LEASE AGREEMENT
U.S. SOIL CONSERVATION SERVICE

Preliminary discussion with the Soil Conservation Services relative to leasing office space at 21st and Morrison took place the first part of September.

As a result of that and an inspection of the premises, a formal proposal was submitted to the Service by Facilities Management on September 26, 1989.

Facilities Management was notified of the Service's approval of the submitted proposal during the week of October 30, and received the lease agreement as prepared by the U.S. Government on November 9, 1989.

It is now submitted to the Board for consideration.

Please return all pertinent documents to:

Property Management
Building 421/3rd Floor
Attention: Holub

HLH:CLS

DATE SUBMITTED _____

(For Clerk's Use)

Meeting Date _____

Agenda No. _____

REQUEST FOR PLACEMENT ON THE AGENDA

Subject Lease to U. S. Soil Conservation Service

Informal Only* _____

(Date)

Formal Only _____

(Date)

DEPARTMENT Environmental Services

DIVISION Facilities and Property Mgmt.

CONTACT Harold Holub/Jim Emerson

TELEPHONE 3322

*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD Harold Holub/Jim Emerson

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

Request approval of lease to U. S. Government for approximately 730 Sq. Ft. of office space at 21st and Morrison for its Soil Conservation Service. Lease is for a period of five(5) years from November 1, 1989 to October 31, 1994 at a rental rate of \$8.75 per sq. ft. per year --\$532.30 per month. Either party may cancel the agreement with thirty (30) days written notice to the other.

(IF ADDITIONAL SPACE IS NEEDED, PLEASE USE REVERSE SIDE)

ACTION REQUESTED:

☐ INFORMATION ONLY ☐ PRELIMINARY APPROVAL ☐ POLICY DIRECTION ☒ APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA five (5) minutes

IMPACT:


PERSONNEL

☐ FISCAL/BUDGETARY

☒ - General Fund Annual revenue of \$6387.00

Other _____

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: 

BUDGET / PERSONNEL _____

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) _____

OTHER H. L. Holub Property Mgmt.
(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.



MULTNOMAH COUNTY OREGON

REAL PROPERTY LEASE DESCRIPTION FORM

☒ Revenue

☐ Expense

☐ Rent Free Agreement

☒ County Owned

☐ Road Fund

☐ Tax Title

☐ Sublease

☒ Intergovernmental Agreement

☐ Private

Property Management

Contact Person Harold Holub

Phone 3322 Date 11/13/89

Division Requesting Lease Facilities and Property Management

Contact Person Harold Holub

Phone 3322

Lessor Name Multnomah County

Mailing Address _____

Phone _____

Lessee name U. S. Gov't. Soil Cons. Service

Mailing Address Green/Wyatt Federal Bldg

Rm 1640

1220 S W Third Ave 97204

Phone _____

Address of 2115 S E Morrison St.

Lease Property _____

Effective Date November 1, 1989

Termination Date October 31, 1994

Term of Lease Five (5) years

Total Amount
of Agreement \$ 31,937.50

Payment Terms

☐ Annual \$ _____ ☒ Monthly \$ 532.30

☐ Other \$ _____

FUND	AGENCY	ORGAN- IZATION	ACTIVITY	OBJ	SUB OBJ	REV SOURCE	SUB REV	REPT CATEG
100	030	5650		46		4612		

Purpose of Lease Office and storage space for Soil Conservation Service

REQUIRED SIGNATURES:

Department Head [Signature] Date _____

County Counsel _____ Date _____

Budget Office _____ Date _____

Risk Manager _____ Date _____

Property Management [Signature] Date 11/13/89

County Executive/Sheriff _____ Date _____

CODE		FOR ACCOUNTING / PURCHASING ONLY									
VENDOR NAME		YEAR		AUTHORIZATION NOTICE				ENCUMBRANCE "APRON" ONLY			
LINE NO.	NUMBER	FUND	AGENCY	ORGANIZATION	ACTIVITY	OBJECT	SUB OBJ	REPT CATEG	DESCRIPTION	AMOUNT	INC. DEC. IND.

STANDARD FORM 2
FEBRUARY 1965 EDITION
GENERAL SERVICES
ADMINISTRATION
FPR (41 CFR) 1-16.601

U.S. GOVERNMENT LEASE FOR REAL PROPERTY

DATE OF LEASE

October 20, 1989

LEASE NO.

57 0436 0 2

THIS LEASE, made and entered into this date by and between Multnomah County Oregon
Facilities & Property Management

whose address is 2505 S.E. 11th Avenue
Portland, OR 97202

and whose interest in the property hereinafter described is that of owner

hereinafter called the Lessor, and the UNITED STATES OF AMERICA, hereinafter called the Government:

WITNESSETH: The parties hereto for the considerations hereinafter mentioned, covenant and agree as follows:

1. The Lessor hereby leases to the Government the following described premises:

Approximately 730 sq. ft. of office and storage space and 2
parking spaces located at 2115 S.E. Morrison Street, Portland, OR.

to be used for office and storage space.

2. TO HAVE AND TO HOLD the said premises with their appurtenances for the term beginning on

November 1, 1989 through October 31, 1994, subject to termination
and renewal rights as may be hereinafter set forth.

3. The Government shall pay the Lessor annual rent of \$ 6,387.50

at the rate of \$ 532.30 per month in arrears.

Rent for a lesser period shall be prorated. Rent checks shall be made payable to: ☒

Owner

Multnomah County

4. The Government may terminate this lease at any time by giving at least 30 days' notice in writing to the Lessor and no rental shall accrue after the effective date of termination. Said notice shall be computed commencing with the day after the date of mailing.

5. This lease may be renewed at the option of the Government, for the following terms and at the following rentals:

1 five year term from November 1994 through October 31, 1999.

provided notice be given in writing to the Lessor at least 30 days before the end of the original lease term or any renewal term; all other terms and conditions of this lease shall remain the same during any renewal term. Said notice shall be computed commencing with the day after the date of mailing.

All utilities except telephone
Reception Service
U.S. Mail distribution and/or repository for mail pickup

8. The following changes were made in this lease prior to its execution:

LESSOR

REVIEWED:

BY _____
GLADYS McCOY, COUNTY CHAIR (Signature)
IN PRESENCE OF:

by _____ (Signature)

IN PRESENCE OF:

(Signature)

(Address)

UNITED STATES OF AMERICA

BY

Contracting Officer
(Official title)

DATE SUBMITTED _____

(For Clerk's Use)

Meeting Date _____

Agenda No. _____

REQUEST FOR PLACEMENT ON THE AGENDA

SUBJECT: TAX FORECLOSURE REDEMPTION FORFEITURE ORDINANCE

Informal Only* _____

Formal Only _____

DEPARTMENT Environmental Services

DIVISION Tax Title

CONTACT Larry Baxter

TELEPHONE 248-3590

*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD Larry Baxter

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

See attached Ordinance Fact Sheet

☐ INFORMATION ONLY ☐ PRELIMINARY APPROVAL ☐ POLICY DIRECTION ☒ APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA 30 minutes

IMPACT:

PERSONNEL

☒ FISCAL/BUDGETARY

☒ General Fund

Other Tax Title

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: _____

BUDGET/PERSONNEL: _____

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) _____

OTHER _____

(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

ORDINANCE FACT SHEET

Title Multnomah County Tax Foreclosure Redemption Forfeiture Ordinance.

Effective Date _____.

Brief statement of purpose of ordinance (include the rationale for adoption of ordinance, a description of persons benefited, and other alternatives explored).

To implement provisions of HB 3395, which was passed as an emergency by the 1989 Legislature to enable counties to shorten the redemption period on tax foreclosed properties thereby preventing additional losses caused by waste and abandonment.

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

NONE

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

N/A

What authority is there for Multnomah County to adopt this legislation? (State statute, home rule charter). Are there constitutional problems?

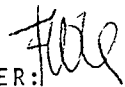
Chapter 687, Oregon Laws, 1989.

Fiscal Impact Analysis

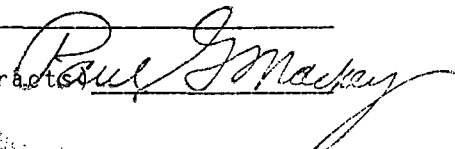
When tax foreclosed properties are vacant and abandoned, they are subject to deterioration, destruction and incur expenses for removing threats to public health and safety, substantially reducing the amount that can be recovered through sale of the properties. The proceeds from the sale of tax foreclosed properties are distributed among the tax levying agencies of the county to partially reimburse taxes cancelled by foreclosure.

(If space is inadequate, please use other side)

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: 

BUDGET/PERSONNEL: _____

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts): 

OTHER _____
(Purchasing, Facilities Management, etc.)

BEFORE THE BOARD OF COMMISSIONERS

FOR THE COUNTY OF MULTNOMAH

ORDINANCE NO. _____

An Ordinance authorizing forfeiture of redemption for tax foreclosed property upon abandonment or waste; requiring the tax collector to deed property to the County after hearing; to permit affected persons to appear or redeem to avoid forfeiture of redemption right and declaring an emergency.

Multnomah County ordains as follows:

Section I. Section Title and Pleading.

This ordinance shall be known as the Multnomah County Tax Foreclosure Redemption Forfeiture ordinance, may be so pleaded, and shall be referred to herein as "this ordinance."

Section II. Findings.

(A) Properties ordered foreclosed for delinquent taxes by the court do not legally pass into County ownership for two years thereafter during which period persons with recognized legal interests may pay all required taxes to redeem their property.

(B) During the two year redemption period many properties remain vacant or undeveloped resulting in significant deterioration and loss of value for the property as well as contributing to decline of neighborhoods, discouraging investment and attracting nuisances through accumulation of discarded material, occupancy by unauthorized persons and

1 establishment of criminal enterprises.

2 (C) The 1989 legislature created authority for counties to
3 enact ordinances to accelerate the expiration of the two year
4 redemption period for tax foreclosed properties which suffer
5 abandonment or waste and to require the tax collector to convey
6 title to the County, permitting earlier County intervention to
7 preserve the value of tax foreclosed property, enhancing
8 recovery of delinquent taxes and protecting and preserving
9 community interests.

10 (D) The interests of the County, through protection of the
11 health and welfare of its residents and preserving the value of
12 tax foreclosed properties, require that this ordinance be
13 enacted as an emergency measure to meet and effectively deal
14 with the problems attendant in the foreclosure of tax delinquent
15 properties.

16 Section III. Definitions.

17 For the purposes of this ordinance, unless the context
18 requires otherwise, the following terms are defined as follows:

19 (A) Abandonment: Property not occupied by the owner or
20 others authorized by the owner, or any entity appearing in the
21 records of the County to have a lien or other interest in the
22 property, for a period of six consecutive months, when such
23 property suffers a substantial depreciation in value or the
24 likelihood thereof if it remains unoccupied; or property vacant
25 for less than six months when conditions thereon constitute a
26 public nuisance or public safety hazard and the record owner

Page

1 refuses to abate such condition within thirty (30) days after
2 written demand of the Director is mailed by certified mail to
3 the last address recorded with the assessor's office.

4 (B) Board: Board of County Commissioners of Multnomah
5 County, Oregon.

6 (C) Director: Director of the Department of Environmental
7 Services for Multnomah County, or the Director's designee.

8 (D) Waste: The destruction, material alteration or
9 deterioration of land or improvements thereon, whether caused
10 directly by the person rightfully in possession thereof or
11 permitted to be done by others through failure to supervise such
12 property resulting in substantial loss of value, or the threat
13 thereof, to the property.

14 Section IV. Provisions.

15 (A) Subject to hearing hereinafter provided, the owner and
16 any person or entity that appears in the records of the County
17 to have a lien or other interest in tax foreclosed property, the
18 judicial sale of which has been ordered to the County pursuant
19 to ORS 312.100, shall forfeit any right of redemption in such
20 property thirty days after the Board has declared such right
21 forfeit, and upon execution of a deed by the tax collector to
22 such property all redemption rights in the property shall
23 terminate.

24 (B) Upon determining that any tax foreclosed property sold
25 to the County suffers waste or abandonment, the Director may
26 require a hearing to be conducted to determine whether such

Page

1 property should be deeded to the county, pursuant to this
2 ordinance. The Director may appoint a hearings officer to
3 perform all acts necessary to assure an adequate and complete
4 hearing is provided.

5 (C) Not less than 30 days prior to the hearing, the
6 Director shall notify the owner and any person or entity that
7 then appears in the records of the County as defined in ORS
8 312.125(6), to have a lien or other interest in the property
9 subject to the hearing, in writing and by both certified and
10 regular first class mail, of the following:

11 (1) The date, time and place of hearing;

12 (2) The date of the judgment and decree entered
13 pursuant to ORS 312.100;

14 (3) The normal date of expiration of the period of
15 redemption under ORS 312.120;

16 (4) A warning that a determination that the property
17 suffers waste or abandonment will result in forfeiture of the
18 remaining redemption period and issuance of a deed to the County
19 following expiration of 30 days from the date the Board makes
20 such determination and that all rights of effected persons will
21 be forfeit forever unless the property is redeemed within that
22 30 day period;

23 (5) Legal description of the property and its tax
24 account number;

25 (6) The name of the owner as it appears on the latest
26 tax roll.

Page

1 (D) The notice required herein shall be addressed in the
2 following manner, as appropriate:

3 (1) To an owner, to the owner or owners, as reflected
4 in the County deed records, at the true and correct address of
5 the owner as appearing on the instrument of conveyance under ORS
6 93.260, or as furnished under ORS 311.555, or as otherwise
7 ascertained pursuant to ORS 311.650; or

8 (2) To a lienholder or entity other than the owner
9 having or appearing to have a lien or other interest in the
10 property, to an address which the Director knows or after
11 reasonable inquiry, has reason to believe will most likely
12 result in receipt of actual notice. Reasonable inquiry shall
13 include reliance upon records on file with the state corporation
14 commissioner, or if the corporation or limited partnership is
15 not registered in this state, then by sending notice to the
16 principal office or place of business of the corporation or
17 limited partnership.

18 (E) The hearing provided for herein shall be conducted in a
19 manner calculated to permit full opportunity for the parties to
20 present and challenge evidence and for the receipt of evidence
21 without strict observance of formal evidentiary rules, to the
22 end that the Director may have sufficient basis on which to
23 recommend to the Board that forfeiture is appropriate. Parties
24 to the hearing may appear through a representative, so long as
25 written authorization of any non-attorney to represent the owner
26 or lienholder is included in the record. Electronic recording

Page

1 of the proceeding shall be made and preserved for 90 days after
2 the date of the Board's decision in paragraph (G) herein.

3 (F) Upon a finding by the Director that property is
4 subjected to waste or abandonment, resulting in forfeiture of
5 the remaining redemption period, the Director shall communicate
6 such finding to the Board for its determination. No further
7 evidence shall be taken by the Board, but it may remand to the
8 Director should it require further investigation.

9 (G) When the Board adopts the recommendation of the
10 Director, it may then direct the tax collector to deed the
11 property to the County not earlier than thirty (30) days from
12 the date of the Board declaration of forfeiture, during which
13 period the property may be redeemed by the affected parties.

14 (H) Upon failure of any affected party to redeem within 30
15 days after the Board acts, the tax collector shall issue a deed,
16 terminating all redemption rights and cancelling all taxes and
17 special assessments.

18 Section V. Review.

19 Review of the Board's decision provided in Section IV(G)
20 shall lie only by Writ of Review, pursuant to ORS Chapter 34.

21 Section VI. Savings and Severability.

22 If any section, subsection, sentence, clause, phrase or
23 portion of this ordinance is for any reason held invalid or
24 unconstitutional, that portion shall be considered a separate,
25 distinct and independent provision, and the holdings shall not
26 affect the validity of the remaining portions of this ordinance.

Page

Section VII. Emergency Clause.

This ordinance, being necessary for the health, safety and general welfare of the people of Multnomah County, an emergency is declared and the ordinance shall take effect upon its execution by the County Chair, pursuant to Section 5.50 of the Charter of Multnomah County.

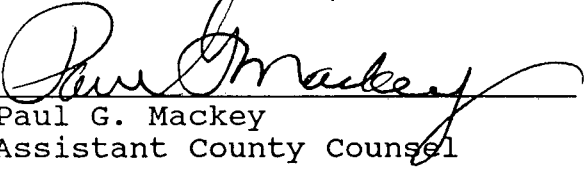
Adopted this _____ day of _____, 1989, being the date of its _____ reading before the Board of County Commissioners of Multnomah County.

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By _____
Gladys McCoy
Multnomah County Chair

REVIEWED:

LAURENCE KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By 
Paul G. Mackey
Assistant County Counsel

6115R/mw
11/9/89/1

Page

BUDGET MODIFICATION NO. Nov #2(For Clerk's Use) Meeting Date _____
Agenda No. _____**1. REQUEST FOR PLACEMENT ON THE AGENDA FOR _____**

(Date)

DEPARTMENT NondepartmentalDIVISION Charter Review CommitteeCONTACT Bill Rapp, AdministratorTELEPHONE 248-3525*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD Bill Rapp/Ann Porter, Chair**SUGGESTED****AGENDA TITLE** (to assist in preparing a description for the printed agenda)

Charter Review Committee: Reallocation of previously authorized expenditures.

(Estimated Time Needed on the Agenda)

- 2. DESCRIPTION OF MODIFICATION**
- (Explain the changes this Bud Mod makes. What budget does it increase? What do the changes accomplish? Where does the money come from? What budget is reduced? Attach additional information if you need more space.)
-
- ☒
- PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET**

The entire budget for the Charter Review Committee (\$43,000), as originally established in September, 1989, was put in the Professional Services category. The purpose of this Bud Mod is to separate the budget into specific line-item budget categories: temporary, fringe, insurance, printing, postage, supplies etc. This Bud Mod will neither increase nor decrease the budget as originally approved.

The Committee intends to carry-over \$1,909 from this fiscal year into next fiscal year (fy 90-91) and will need an additional \$2,246 for operational expenses through July 31, 1990.

3. REVENUE IMPACT (Explain revenues being changed and the reason for the change)

Increasing insurance fund and telephone funds.

4. CONTINGENCY STATUS (to be completed by Finance/Budget)Contingency before this modification (as of _____)
(Specify Fund) _____ (Date)

\$ _____

After this modification

\$ _____

Originated By _____ Date _____

Department Manager _____

Date _____

Bill Rapp 11/14/89

Budget Analyst _____ Date _____

Personnel Analyst _____

Date _____

Shawn M. Cordwell 11/15/89Donald H. Winkley 11/16/89

Board Approval _____

Date

PERSONNEL DETAIL FOR BUD MOD NO. NON #2

5. ANNUALIZED PERSONNEL CHANGES (Compute on a full year basis even though this action affects only a part of the fiscal year.)

		A n n u a l i z e d			
FTE Increase (Decrease)	POSITION TITLE	BASE PAY Increase (Decrease)	Increase (Decrease) Fringe	Ins.	TOTAL Increase (Decrease)
N/A	Program is expected to continue through August 3, 1990, therefore positions will not be annualized				
	TOTAL CHANGE (ANNUALIZED)				

6. CURRENT YEAR PERSONNEL DOLLAR CHANGES (calculate costs or savings that will take place within this fiscal year; these should explain the actual dollar amounts being changed by this Bud Mod.)

		C u r r e n t F Y			
Permanent Positions, Temporary, Overtime, or Premium	Explanation of Change	BASE PAY Increase (Decrease)	Increase (Decrease) Fringe	Ins.	TOTAL Increase (Decrease)
Temporary	Staff Assistant (9/13 - 6/30)	23,023	4,281	576	27,880
	Legislative Secretary (Half-time) (9/27 - 6/30)	<u>5,373</u>	<u>403</u>	<u>134</u>	<u>5,910</u>
		28,396	4,684	710	33,790

EXPENDITURE TRANSACTION EB []												
			GM [] TRANSACTION DATE			ACCOUNTING PERIOD			BUDGET FY			
Document Number	Action	Fund	Agency	Organi- zation	Activity	Reporting Category	Object	Current Amount	Revised Amount	Change Increase (Decrease)	Sub-Total	Description
		100	050	9305			5200			28,396		Temporary
							5500			4,684		Fringe
							5550			710		Insurance
											33,790	
							6060			1,909		Pass-Thru
							6110			(39,909)		Professional Services
							6120			600		Printing
							6200			500		Postage
							6230			1,000		Supplies
							6170			850		Rentals
							7,150			1,100		Telephone
											(33,950)	
							8400			160	160	Equipment
		400	040	7201			6580			710	710	Claims Paid
		402	040	7990			6140			1,100	1,100	Communications
TOTAL EXPENDITURE CHANGE											1,810	TOTAL EXPENDITURE CHANGE

REVENUE TRANSACTION RB []												
			GM [] TRANSACTION DATE			ACCOUNTING PERIOD			BUDGET FY			
Document Number	Action	Fund	Agency	Organi- zation	Activity	Reporting Category	Revenue Source	Current Amount	Revised Amount	Change Increase (Decrease)	Sub-Total	Description
		400	040	7201			6600			710	710	General Fund Svc. Reimb.
		402	040	7990			6600			1,100	1,100	General Fund Svc. Reimb.
TOTAL REVENUE CHANGE											1,810	TOTAL REVENUE CHANGE

DATE SUBMITTED 11-16-89

(For Clerk's Use)

Meeting Date _____

Agenda No. _____

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: Participation in Dispute Resolution
Commission Funding

Informal Only* 11-28-89
(Date)

Formal Only 11-30-89
(Date)

DEPARTMENT Non Departmental

DIVISION BCC -Kafoury

CONTACT Ramsay Weit/Fred Neal

TELEPHONE 248-5275

*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD Ramsay Weit

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

Resolution notifying State Dispute Resolution Commission of Multnomah County's intent to participate in State Funding of Dispute Resolution program.

(IF ADDITIONAL SPACE IS NEEDED, PLEASE USE REVERSE SIDE)

ACTION REQUESTED:

☐ INFORMATION ONLY ☐ PRELIMINARY APPROVAL ☐ POLICY DIRECTION ☒ APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA 10 minutes

IMPACT:

PERSONNEL

☐ FISCAL/BUDGETARY

☐ -General Fund

Other _____

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: [Signature]

BUDGET / PERSONNEL /

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) _____

OTHER

(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

1989 NOV 21 AM 9:09
MULTNOMAH COUNTY
CLERK OF COUNTY COMMISSIONERS

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the Matter of Participation in)
Funding Activities of the Dispute)
Resolution Commission)

RESOLUTION

WHEREAS the Board of County Commissioners believes that the settlement of disputes by mediation may lead to more long-lasting and mutually satisfactory agreements, and

WHEREAS mediation may reduce the need for time-consuming and costly litigation, and

WHEREAS the Board acknowledges the services currently provided in Multnomah County by numerous mediation specialists, and

WHEREAS the Oregon Legislature in the 1989 Session created the Dispute Resolution Commission, one of whose charges is to foster the development of community-based mediation programs by making available to participating counties funding from civil filing fees, and

WHEREAS any county wishing to participate must formally notify the Commission of its intentions,

NOW, THEREFORE BE IT RESOLVED THAT:

Multnomah County hereby notifies the Commission of its desire to be a participant in the expenditure of funds for dispute resolution programs within Multnomah County, and

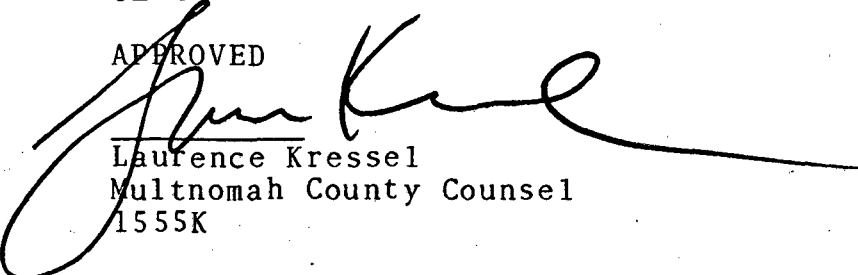
Multnomah County agrees to engage in a selection process and to select as funding recipients those entities both qualified by the standards and guidelines adopted by the Commission and capable of and willing to provide services according to the rules adopted by the Commission.

ADOPTED this _____ day of November, 1989

Gladys McCoy
Multnomah County Chair

SEAL

APPROVED


Laurence Kressel
Multnomah County Counsel
1555K

DATE SUBMITTED 11-22-89

(For Clerk's Use)

Meeting Date _____

Agenda No. _____

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: Tax Resources Study

Informal Only* _____
(Date)

Formal Only November 30, 1989
(Date)

DEPARTMENT DGS DIVISION _____

CONTACT Jack Horner TELEPHONE 3883

*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD Jack Horner

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

Discussion of time table and contents of Tax Resource

Study to provide direction for Planning & Budget staff

(IF ADDITIONAL SPACE IS NEEDED, PLEASE USE REVERSE SIDE)

ACTION REQUESTED:

☐ INFORMATION ONLY ☐ PRELIMINARY APPROVAL ☐ POLICY DIRECTION ☒ APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA 15 minutes

IMPACT:

☐ PERSONNEL

☐ FISCAL/BUDGETARY

☐ General Fund

☐ Other _____

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: Gladys McCarry

BUDGET / PERSONNEL /

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) _____

OTHER _____
(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

NOV 21 1989

Meeting Date 11/28/89

Agenda No. Inf #1

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: National Family Caregivers Week

Informal Only* 11/28/89
(Date)

Formal Only _____
(Date)

DEPARTMENT Human Services DIVISION Aging Services

CONTACT June Schumann or Laurie Olson TELEPHONE 248-3646

*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD Bobbie Haggerty and Louise Dunn
Good Samaritan Hospital

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

The Aging Services Division requests that the Board of County Commissioners recognize the significance of National Family Caregivers Week, which officially takes place November 20-26, 1989. No formal action requested.

(IF ADDITIONAL SPACE IS NEEDED, PLEASE USE REVERSE SIDE)

ACTION REQUESTED:

☒ INFORMATION ONLY ☐ PRELIMINARY APPROVAL ☐ POLICY DIRECTION ☐ APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA 10 minutes

IMPACT:

PERSONNEL

☐ FISCAL/BUDGETARY

☐ General Fund

Other: _____

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: Diane Tussy (pc)

BUDGET / PERSONNEL /

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) _____

OTHER _____
(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

BOARD OF
COUNTY COMMISSIONERS
1989 NOV 21 PM 4:20
MULTNOMAH COUNTY
OREGON



MULTNOMAH COUNTY OREGON

DEPARTMENT OF HUMAN SERVICES
AGING SERVICES DIVISION
ADMINISTRATIVE OFFICES
426 S.W. STARK, 5TH FLOOR
PORTLAND, OREGON 97204
(503) 248-3646

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

TO: Gladys McCoy, Chair
Board of County Commissioners

VIA: Duane Zussy, Director *Duane Zussy (w)*
Department of Human Services

FROM: James McConnell, Director *JMcC*
Aging Services Division

DATE: November 20, 1989

SUBJECT: NATIONAL FAMILY CAREGIVERS WEEK

RECOMMENDATION: The Aging Services Division recommends that the Board of County Commissioners recognize the significance of National Family Caregivers Week, which officially takes place November 20-26, 1989.

ANALYSIS: In recognizing this observance, the Board acknowledges the value of the family caregiver in our society. Without them, many older people would not be able to live in their own homes and community.

BACKGROUND: The annual week-long salute is spearheaded by the American Association of Retired Persons (AARP) through its Women's Initiative.

AARP estimates that family members currently provide 80 percent of the care needed by older relatives. This is significant, since a 1987 survey conducted by AARP and The Travelers Companies Foundation showed that almost 7 million United States households contain a caregiver.

A family caregiver (most often the daughter or daughter-in-law of the older person) provides help with daily living activities such as bathing, dressing, feeding, grocery shopping, transportation and housework. Often, the role of caregiver is a stressful one since it can conflict with other responsibilities such as employment, personal needs and the needs of other family members. Many government agencies, health organizations and non-profit groups throughout the country are working to develop resources and programs to assist caregivers.

DATE SUBMITTED 11/6/89

(For Clerk's Use)
Meeting Date 11/28/89
Agenda No. Env #12

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: Human Restoration Project Briefing

Informal Only* 11/28/89
(Date)

Formal Only _____
(Date)

DEPARTMENT Nondepartmental DIVISION County Chair's Office

CONTACT Norm Monroe TELEPHONE 248-3308

*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD Norm Monroe, Merlin Reynolds, Maggie Garreau, Cecile Pitts

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

Human Restoration Project (Revitalization) Briefing

(IF ADDITIONAL SPACE IS NEEDED, PLEASE USE REVERSE SIDE)

ACTION REQUESTED:

☐ INFORMATION ONLY ☐ PRELIMINARY APPROVAL ☐ POLICY DIRECTION ☐ APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA 35 minutes

IMPACT:

☐ PERSONNEL
☐ FISCAL/BUDGETARY
☐ General Fund
☐ Other _____

BOARD OF
COUNTY COMMISSIONERS
1989 NOV 21 PM 4:20
MULTI-COUNTY
OREGON

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: Madie McCoy

BUDGET / PERSONNEL _____

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) _____

OTHER _____
(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.