

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

In the Matter of the Review of the Planning Commission Decision which denied the proposed “Alder Creek Marina”, in an EFU zoning district

**FINAL ORDER
Denying PR 6-91,
ZC 6-91, CS 6-91,
and WRG 7-91**

92-49

This matter came before the Board of Commissioners (Board) for a hearing on January 28, 1992. The Board continued the matter and heard testimony on February 4, 1992. The Board hereby affirms the decision of the Planning Commission regarding this application based on the findings and conclusions contained in this Order and in the December 2, 1991 Commission decision.

I. PROCEDURAL HISTORY

The Planning Commission (Commission) held a public hearing on the *Revised Application for “Alder Creek Marina”* on November 4, 1991. After hearing testimony from applicant’s representatives, proponents and opponents, the Commission closed the oral portion of the hearing, but kept the record open for 7-working-days (until November 14, 1991) to allow written evidence or rebuttal of evidence submitted during the hearing.

The record was held open an additional 4-working-days (until November 20, 1991) to allow parties to submit written rebuttal of any new material submitted during the first open record period. Evidence received during the first and second extension periods was distributed to the Commission on

1 November 21, 1991. On December 2, 1991, the Commission deliberated for
2 approximately five hours, and denied each of the requests.
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4 On December 23, 1991, an appeal of the Commission Decision was filed.
5 On December 24, 1991, the Board scheduled a hearing for January 28, 1992 to
6 review the record of the Planning Commission decision. On January 28, 1992,
7 the Board continued the hearing at the appellant's request to February 4, 1992.
8 The Board conducted a hearing on the record, with oral argument allowed on
9 February 4, 1992. After considering evidence, arguments from the appellants,
10 and opponents of the project, the Board, in 5 – 0 unanimous vote, affirmed the
11 Commission decisions and denied the requests.
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13 **II. EVALUATION OF THE APPLICATION**

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15 After hearing testimony, arguments and weighing the evidence, the
16 Board finds the proposal does not satisfy all approval criteria. The Board
17 adopts by reference the Planning Commission's PR 6-91/ ZC 6-91/ CS 6-91/
18 WRG 7-91 findings and conclusions.
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20 The Board emphatically agrees with the Planning Commission that the
21 record demonstrates that alternative areas not requiring exceptions could rea-
22 sonably accommodate the proposed use. Therefore, exceptions from Goals 3 and
23 14 are not justified. Further the Board is persuaded by substantial evidence in
24 the record that the proposed revision will adversely affect fish and wildlife
25 resources, open space resources, and scenic resources in the Greenway. The
26 application is therefore inconsistent with Goals 5 and 15.

1 **III. CONCLUSIONS AND DECISION**

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3 Based on the above, the Board of Commissioners concludes that the pro-
4 posal does not comply with applicable standards. Therefore, the Board affirms
5 the Planning Commission decision in this matter and denies the Plan Revision,
6 Goal Exceptions, Zone Change, Community Service Use, and Willamette River
7 Greenway Permit requested for the proposed "Alder Creek Marina".
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11 DATED this 16 day of April, 1992



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Gladys McCoy

Gladys McCoy, Multnomah County Chair

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

By: *John DuBay*

John DuBay, Chief Deputy County Counsel