

BOARD OF COUNTY COMMISSIONERS
 FORMAL BOARD MEETING
 RESULTS

MEETING DATE: 5-28-91 *Planning*

Agenda Item #	Motion	Second	APP/NOT APP
<u>1</u> <i>CS3-91</i>	_____	_____	_____
<u>2</u> <i>CU7-91</i>	_____	_____	_____
<u>3</u> <i>CU8-91</i>	_____	_____	_____
<u>4</u> <i>CU9-91</i>	_____	_____	_____
<u>5</u> <i>CU10-91</i>	_____	_____	_____
<u>6</u> <i>H25-91</i> } <i>WR95-91</i> }	_____	_____	_____
<u>7</u> <i>CS5-91</i>	_____	_____	_____
<u>8</u> <i>LD1-91</i>	<i>Hearing set for Appeal June 25, 91</i>		
<u>9</u> <i>SD17-89a</i> } <i>MC2-89a</i> }	<i>Hearing set for Appeal June 25, 91</i>		
<u>10</u> <i>PR3-91</i> } <i>ZC3-91</i> }	<i>GH</i>	<i>PA</i>	<i>App</i>
<u>11</u> <i>C3-91b</i>	<i>PA</i>	<i>SK</i>	<i>App</i>
<i>↓</i>	<i>Code 11.15</i>	<i>PA</i>	<i>App</i>
<i>↓</i>	<i>Policy</i>	<i>- UC Item -</i>	<i>App</i>
<i>↓</i>	<i>SK</i>	<i>PA</i>	<i>App</i>
_____	_____	_____	_____



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 606, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

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

AGENDA

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

May 27 - 31, 1991

- Monday, May 27, 1991 - HOLIDAY - COURTHOUSE CLOSED.
- Tuesday, May 28, 1991 - 9:30 AM - MEETING CANCELLED
- Tuesday, May 28, 1991 - 1:30 PM - Planning Items. . . .Page 2
- Tuesday, May 28, 1991 - 2:15 PM - Board Briefings . . .Page 3
- Tuesday, May 28, 1991 - 3:15 PM - Agenda ReviewPage 3
- Thursday, May 30, 1991 - 9:30 AM - Regular Meeting. . .Page 4

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

- Thursday, 10:00 PM, Channel 11 for East and West side subscribers
- Friday, 6:00 PM, Channel 27 for Paragon Cable (Multnomah East) subscribers
- Saturday 12:00 PM, Channel 21 for East Portland and East County subscribers

Tuesday, May 28, 1991 - 1:30 PM

Multnomah County Courthouse, Room 602

PLANNING ITEMS

The Following May 6, 1991 Decisions of the Planning Commission are Reported to the Board of County Commissioners for Acknowledgement by the Presiding Officer:

- Ask*
1. CS 3-91 APPROVE, SUBJECT TO CONDITIONS, a Modification in the CS, Community Service Overlay Designation, to Allow the Installation of an Ammoniation Facility, for Property Located at 6704 SE Cottrell Road
 2. CU 7-91 APPROVE, SUBJECT TO CONDITIONS, a Two-Acre Mortgage Lot for the Subject Property Located at 9949 NW Kaiser Road
 3. CU 8-91 APPROVE, SUBJECT TO CONDITIONS, Conditional Use Permit for Development of the Subject Property with a Non-Resource Related Single Family Residence, for Property Located at 43220 SE Trout Creek Road
 4. CU 9-91 APPROVE, SUBJECT TO CONDITIONS, Conditional Use Permit to Allow for the Construction of a 24' x 40' Garage on the Subject Property for the Storage of 'Motor Vehicles of Special Interest', for Property Located at 2321 SE 142nd Avenue
 5. CU 10-91 APPROVE, SUBJECT TO CONDITIONS, Conditional Use Permit for Development of the Subject Property with a Non-Resource Related Single Family Residence, for Property Located at 14660 NW Rock Creek Road
-

The Following May 7, 1991 Decisions of the Planning Commission are Reported to the Board of County Commissioners for Acknowledgement by the Presiding Officer:

- Ask*
6. HV 5-91 APPROVE, SUBJECT TO CONDITIONS, Requested Height Variance to Allow Construction of a Two-Story Addition to an Existing Single Family Residence;
WRG 5-91 APPROVE a Willamette River Greenway Permit, as Contained in MCC 11.15.6350, for Property Located at 12610 SW Elk Rock Road
 7. CS 5-91 APPROVE, SUBJECT TO CONDITIONS, Requested Community Service Use Expansion for West Orient School, for Property Located at 29805 SE Orient Drive
 8. LD 1-91 DENY Requested Appeal of Planning Director's Decision;
Appeal Hearing date set 5-25-91
APPROVE, SUBJECT TO CONDITIONS, the Requested Type III Land Division, a Minor Partition Resulting in Two Lots, Including a Flag Lot, for Property Located at 6075 SW Mill Street

*Appeal
Hearing Set
Date Set
6-25-91*

LD 17-89a APPROVE Requested Modification of Condition 8 of LD 17-89, Regarding Water Supply, to Read as Shown on Page 4 of the Planning Commission Decision of May 7, 1991;
MC 2-89a APPROVE Requested Modification of Conditions 5 and 6 of MC 2-89, Regarding the Private Road, to Read as Shown on Page 4 of the Planning Commission Decision of May 7, 1991, all for Property Located at 12200 NW Rock Creek Road

The Following May 7, 1991 Decisions of the Planning Commission are Reported to the Board for Acceptance and Implementation by Board Order:

10. PR 3-91 APPROVE, SUBJECT TO CONDITIONS, Amendment of the Comprehensive Plan Map Changing the Designation of the Subject Site from BPO, Business and Professional Office District to EC, Extensive Commercial District;
ZC 3-91 APPROVE, SUBJECT TO CONDITIONS, Amendment of Sectional Zoning Map #708, Changing the Subject Property from BPO, Business and Professional Office District to EC, Extensive Commercial District, all for Property Located at 2628 SE 98th Avenue

App.

11. C 3-91b First Reading and Possible Adoption of an ORDINANCE Amending the Multnomah County Code Chapter 11.15 by Permitting, Under Certain Siting Standards, the Placement of Mobile Homes on Individual Lots in Low Density and Single Family Residential Districts, and Declaring an Emergency

*App.
u.c. did.
APP.*

Tuesday, May 28, 1991 - 2:15 PM

Multnomah County Courthouse, Room 602

BOARD BRIEFINGS

12. Oregon Legislative Update. Presented by Fred Neal and Howard Klink. (2:15-3:15 PM TIME CERTAIN)

Tuesday, May 28, 1991 - 3:15 PM

Multnomah County Courthouse, Room 602

AGENDA REVIEW

13. Review of Agenda for Regular Meeting of May 30, 1991

Thursday, May 30, 1991 - 9:30 AM

Multnomah County Courthouse, Room 602

REGULAR MEETING

CONSENT CALENDAR

DEPARTMENT OF HUMAN SERVICES

C-1 Ratification of an Intergovernmental Agreement Between Multnomah County Health Division and the State Health Division's Public Health Laboratory to continue low-cost testing for hepatitis patients for FY 1991-92.

REGULAR AGENDA

DEPARTMENT OF HUMAN SERVICES

R-1 Budget Modification DHS #38 Authorizing an Increase in the Social Services Division MED Program Office Budget by a Net Total of \$629,690 to Reflect Additional Funding for Contracted Services via the State Mental Health Grant through Amendment #49

R-2 Budget Modification DHS #39 Authorizing an Increase in the Social Services Division DD Program Office Budget by a Net Total of \$57,350 Making Technical Year End Adjustments and Appropriating Increase Funding from the State Mental Health Division through Amendment #49

DEPARTMENT OF GENERAL SERVICES

R-3 RESOLUTION In the Matter of the Issuance of Short-Term Promissory Notes (Tax Anticipation Notes, Series 1991) in the Amount of Not to Exceed \$9,000,000 for the Purpose of Meeting Current Expenses of the County for the 1991-1992 Fiscal Year

NON-DEPARTMENTAL

R-4 RESOLUTION In the Matter of Efficiencies in Multnomah County Government

0103C/39-42
cap



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 606, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
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SHARRON KELLEY • DISTRICT 4 • 248-5213
CLERK'S OFFICE • 248-3277

M E M O R A N D U M

TO: Vice-Chair Rick Bauman
Commissioner Pauline Anderson
Commissioner Sharron Kelley
Commissioner Gary Hansen
Sheriff Robert Skipper
Michael Schrunk, District Attorney
Gary Blackmer, County Auditor

FROM: Chair Gladys McCoy
VIA: Office of the Board Clerk

DATE: May 17, 1991

RE: Meeting Cancellation

Due to the lack of a quorum, the Board's Tuesday, May 28th, A.M. SESSION ONLY, has been cancelled. The Board is scheduled to consider land use planning and other agenda items commencing at 1:30 P.M. on Tuesday, May 28th.

If you have any questions, do not hesitate to call the Office of the Board Clerk.

cc: Department Managers

0516C/cap

SHARRON KELLEY
Multnomah County Commissioner
District 4



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

May 15, 1991

TO: Office of the Clerk of the Board
Board of County Commissioners

FROM: Sharron Kelley

RE: Absence from Board Meeting, May 28, 1991

I plan to attend the grand opening ceremony of Great Start at Delaunay Mental Health Center on Tuesday, May 28th, at 10:00 a.m. I will miss the morning BCC meeting.

Following the Great Start grand opening, I will go to the opening celebration at Ecumenical Ministeries new facility for recovering women. I will be available for the afternoon BCC meeting at 1:30 p.m.

RECORDED
MULTNOMAH COUNTY
OREGON
1991 MAY 16 PM 2 28

GARY HANSEN
Multnomah County Commissioner
District 2



605 County Courthouse
Portland, Oregon 97204
(503) 248-5219

May 15, 1991

TO: Office of the Clerk of the Board
Board of County Commissioners

FR: Gary Hansen

RE: Absence from Board meeting, May 28, 1991

I plan to attend the grand opening ceremony of Great Start at Delaunay Mental Health Center on Tuesday, May 18, 10:00 a.m. I will miss the morning BCC meeting, but will be available for the afternoon meeting.

BOARD OF
COUNTY COMMISSIONERS
1991 MAY 15 PM 1:56
MULTNOMAH COUNTY
OREGON

RICK BAUMAN
Multnomah County Commissioner
District 3



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

May 15, 1991

To: Office of the Clerk of the Board
Board of County Commissioners

From: Rick Bauman *RB*

Re: Absence on the morning of Tuesday, May 28.

On the morning of Tuesday, May 28th I will attend the grand opening of the Great Start Parent Child Development Center at Delauney Mental Health Center. Since the ceremony begins at 10 a.m. I will be unable to attend the morning BCC meeting. I will be available for the afternoon BCC meeting.

1991 MAY 15 AM 11:35
CLERK OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON

PAULINE ANDERSON
Multnomah County Commissioner
District 1



605 County Courthouse
Portland, Oregon 97204
(503) 248-5220

May 14, 1991

To: Office of the Clerk of the Board
Board of County Commissioners

From: Pauline Anderson *pa*

Re: Absence from office, Tuesday, May 28, morning.

I plan to attend the grand opening ceremony of Great Start at Delaunay Mental Health Center on Tuesday, May 28. The ceremony begins at 10 a.m. and so I will miss the morning BCC meeting.

Following the Great Start grand opening, I will go to the opening celebration at Ecumenical Ministeries new facility for recovering women, Clare House. So I will be away from my office all morning, but I will be back in time for the afternoon BCC meeting.

BOARD OF
COUNTY COMMISSIONERS
1991 MAY 15 AM 9:35
MULTNOMAH COUNTY
OREGON



GLADYS McCOY, Multnomah County Chair

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

M E M O R A N D U M

TO: Board of County Commissioners
Department Managers
Auditor
District Attorney
Sheriff
✓ Clerk of the Board

FROM: Gladys McCoy *G. McCoy*
County Chair

DATE: May 7, 1991

RE: Absence

Please be advised, I will take a week of vacation May 27 through May 31. Therefore, I will not attend the board meetings on May 28 and May 30.



GLADYS McCOY, Multnomah County Chair

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

M E M O R A N D U M

TO : Vice-Chair Rick Bauman
Commissioner Pauline Anderson
Commissioner Gary Hansen
Commissioner Sharron Kelley
Office of the Board Clerk

FROM : *Gladye McCoy*
Multnomah County Chair

DATE : May 28, 1991

RE : Cancellation of Legislative Briefing

The Legislative briefing scheduled for this afternoon has been canceled because Fred Neal and Howard Klink will be unable to attend.

GM:ddf
7239G

BOARD OF
COUNTY COMMISSIONERS
1991 MAY 28 AM 10:58
MULTNOMAH COUNTY
OREGON



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 606, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
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SHARRON KELLEY • DISTRICT 4 • 248-5213
CLERK'S OFFICE • 248-3277

BOARD OF COUNTY COMMISSIONERS

Tuesday, May 28, 1991

9:30 a.m., Room 602

A G E N D A

The following Decisions are reported to the Board for acceptance and implementation by Board Order:

- PR 3-91** Approve, subject to conditions, amendment of the Comprehensive Plan Map changing the designation of the subject site from BPO, business and professional office district to EC, extensive commercial district;
- ZC 3-91** Approve, subject to conditions, amendment of Sectional Zoning Map #708, changing the subject property from BPO, business and professional office district to EC, extensive commercial district, all for property located at 2628 SE 98th Avenue

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

- HV 5-91** Approve, subject to conditions, requested height variance to allow construction of a two-story addition to an existing single family residence;
- WRG 5-91** Approve a Willamette River Greenway Permit, as contained in MCC 11.15.6350, all for property located at 12610 SW Elk Rock Road.
- CS 3-91** Approve, subject to conditions, a modification in the C-S, community service overlay designation, to allow the installation of an ammoniation facility, for property located at 6704 SE Cottrell Road.

- CS 5-91** Approve, **subject to conditions**, requested community service use expansion for West Orient School, for property **located at 29805 SE Orient Drive.**
- CU 7-91** Approve, **subject to conditions**, a two-acre Mortgage Lot for the subject property, **located at 9949 NW Kaiser Road.**
- CU 8-91** Approve, **subject to conditions**, conditional use permit for development of the subject property with a non-resource related single family residence, for property **located at 43220 SE Trout Creek Road.**
- CU 9-91** Approve, **subject to conditions**, conditional use permit to allow for the construction of a 24' x 40' garage on the subject property for the storage of 'motor vehicles of special interest', for property **located at 2321 SE 142nd Avenue.**
- CU 10-91** Approve, **subject to conditions**, conditional use permit for development of the subject property with a non-resource related single family residence, for property **located at 12660 NW Rock Creek Road.**
- LD 1-91** Deny requested appeal of Planning Director's Decision;
Approve, **subject to conditions**, the requested Type III land division, a minor partition resulting in two lots, including a flag lot, for property **located at 6075 SW Mill Street.**
- LD 17-89a** Approve requested modification of Condition 8 of LD 17-89, regarding water supply, to read as shown on Page 4 of the Planning Commission Decision of May 7, 1991;
- MC 2-89a** Approve requested modification of Conditions 5 and 6 of MC 2-89, regarding the private road, to read as shown on Page 4 of the Planning Commission Decision of May 7, 1991, all for property **located at 12200 NW Rock Creek Road.**

Other Item for Board Action

- C 3-91b** In the Matter of Recommending Adoption of Ordinances Amending Comprehensive Plan Policy 25, Mobile Homes, and MCC Chapter 11.15, to permit Mobile Homes on Individual Lots in Low Density and Single Family Residential Districts, **and Declaring an Emergency**



MULTNOMAH COUNTY OREGON

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SHARRON KELLEY • DISTRICT 4 • 248-5213
CLERK'S OFFICE • 248-3277

BOARD OF COUNTY COMMISSIONERS

Tuesday, May 28, 1991

9:30 a.m., Room 602

A G E N D A

BOARD OF COUNTY COMMISSIONERS
1991 MAY 20 PM 1:39
MULTNOMAH COUNTY
OREGON

The following Decisions are reported to the Board for acceptance and implementation by Board Order:

- PR 3-91 **Approve, subject to conditions,** amendment of the Comprehensive Plan Map changing the designation of the subject site from BPO, business and professional office district to EC, extensive commercial district;
5-7
- ZC 3-91 **Approve, subject to conditions,** amendment of Sectional Zoning Map #708, changing the subject property from BPO, business and professional office district to EC, extensive commercial district, all for property located at 2628 SE 98th Avenue
5-7

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

- HV 5-91 **Approve, subject to conditions,** requested height variance to allow construction of a two-story addition to an existing single family residence;
5-7
- WRG 5-91 **Approve a Willamette River Greenway Permit,** as contained in MCC 11.15.6350, all for property located at 12610 SW Elk Rock Road.
5-7
- CS 3-91 **Approve, subject to conditions,** a modification in the C-S, community service overlay designation, to allow the installation of an ammoniation facility, for property located at 6704 SE Cottrell Road.
5-6

- 8) **CS 5-91** 5-7 Approve, subject to conditions, requested community service use expansion for West Orient School, for property located at **29805 SE Orient Drive.**
- 3) ✓ **CU 7-91** 5-6 Approve, subject to conditions, a two-acre Mortgage Lot for the subject property, located at **9949 NW Kaiser Road.**
- 4) ✓ **CU 8-91** 5-6 Approve, subject to conditions, conditional use permit for development of the subject property with a non-resource related single family residence, for property located at **43220 SE Trout Creek Road.**
- 5) ✓ **CU 9-91** 5-6 Approve, subject to conditions, conditional use permit to allow for the construction of a 24' x 40' garage on the subject property for the storage of 'motor vehicles of special interest', for property located at **2321 SE 142nd Avenue.**
- 6) ✓ **CU 10-91** 5-6 Approve, subject to conditions, conditional use permit for development of the subject property with a non-resource related single family residence, for property located at **12660 NW Rock Creek Road.**
14660
- 9) **LD 1-91** 5-7 Deny requested appeal of Planning Director's Decision; Approve, subject to conditions, the requested Type III land division, a minor partition resulting in two lots, including a flag lot, for property located at **6075 SW Mill Street.**
- 10) **LD 17-89a** 5-7 Approve requested modification of Condition 8 of LD 17-89, regarding water supply, to read as shown on Page 4 of the Planning Commission Decision of May 7, 1991;
- MC 2-89a** 5-7 Approve requested modification of Conditions 5 and 6 of MC 2-89, regarding the private road, to read as shown on Page 4 of the Planning Commission Decision of May 7, 1991, all for property located at **12200 NW Rock Creek Road.**

Other Item for Board Action

- 11) **C 3-91b** 5-6 In the Matter of Recommending Adoption of Ordinances Amending Comprehensive Plan Policy 25, Mobile Homes, and MCC Chapter 11.15, to permit Mobile Homes on Individual Lots in Low Density and Single Family Residential Districts, and Declaring an Emergency

Meeting Date: May 28, 1991

Agenda No.: /

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: _____

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

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 2 Minutes

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

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

CS 3-91 Decision of the Planning Commission of May 6, 1991 with recommendation to the Board for approval, subject to conditions

BOARD OF
COUNTY COMMISSIONERS
MULTI-NOMAH COUNTY
OREGON
1991 MAY 20 PM 1:35

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER Paul Yarbrough / bkw

(All accompanying documents must have required signatures)



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

Decision

This Decision consists Conditions, Findings of Fact and Conclusions

May 6, 1991

CS 3-91, #715

**Community Service Use Request
(Water Ammoniation Facility)**

Applicant requests that the existing CS, Community Service designation overlay, be modified to allow installation of an ammoniation facility. The proposed ammoniation facility would include, among other features, a pre-engineered metal building which would house the ammonia storage and feeding equipment, a paved access road to the new facility from SE Cottrell Road, an eight-foot high chain-link fence around the new facility and access roads for security purposes, etc.

Location: 6704 SE Cottrell Road

Legal: Tax Lot '30', Section 22, T. 1 S., R. 4 E., 1990 Assessor's Map

Site Size: 17.98 Acres

Size Requested: Same

Property Owners: City of Portland Bureau of Water Works
1120 SW Fifth Avenue, 97204

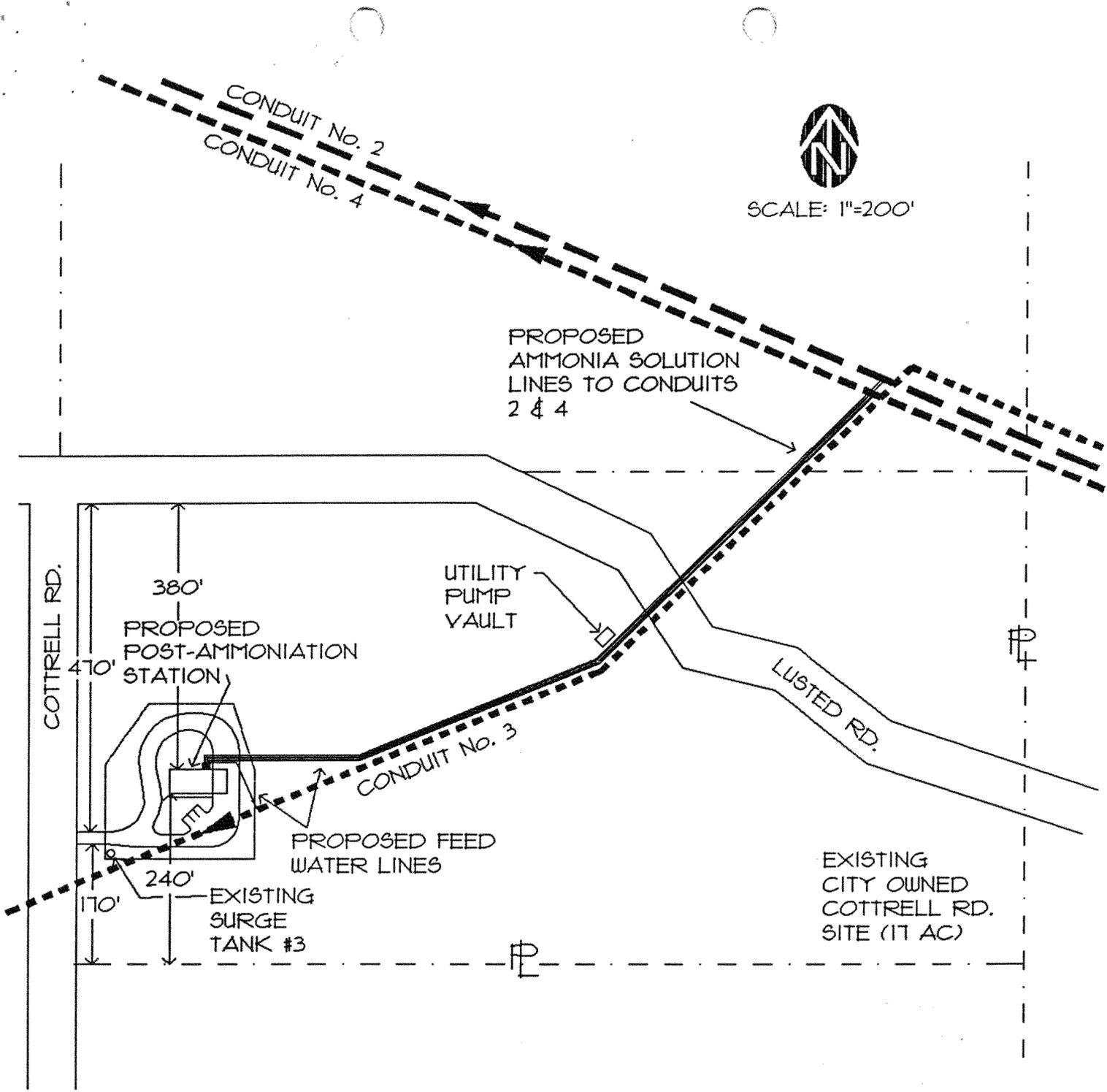
Applicant: Same

Comprehensive Plan: Multiple Use Forest

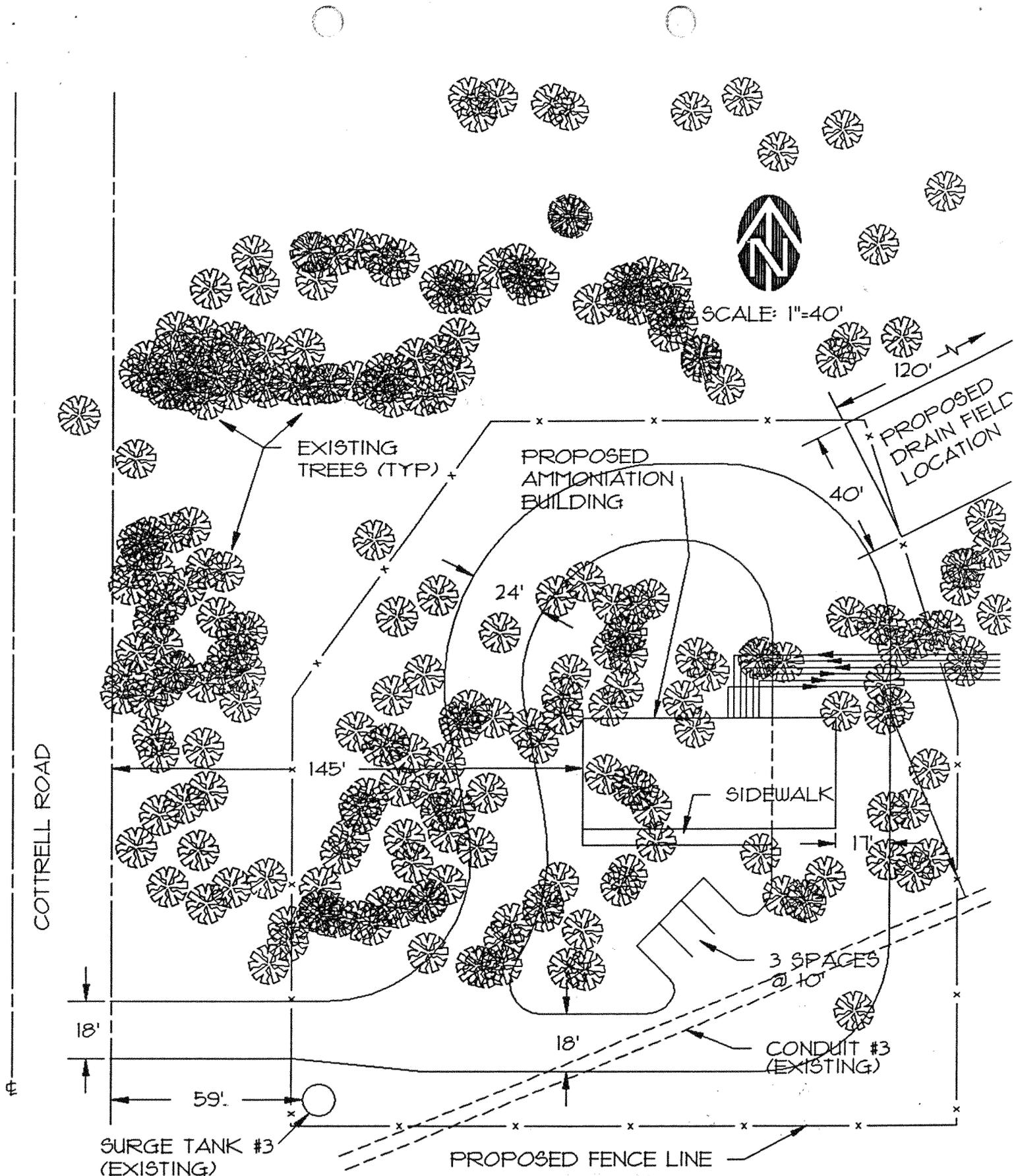
Present Zoning: MUF-19, CS Multiple Use Forest-19, Community Service District

Planning Commission

Decision: Approve, subject to conditions, a modification in the CS, community service overlay designation to allow the installation of an ammoniation facility, based on the following Findings and Conclusions.



LUSTED HILL AMMONIATION FACILITY
SITE PLAN



LUSTED HILL AMMONIATION FACILITY
 BUILDING & DRIVEWAY LOCATION

Conditions of Approval:

1. Obtain Design Review approval of all proposed site improvements including, but not limited to, grading, clearing, landscaping, fencing and exterior building designs. Site work shall not proceed until required Design Review approvals are obtained or as determined by the Director. Specific design features represented in the CS application shall be reflected in plans submitted for Design Review.
2. Approval of this use shall expire two years from the date of the final Board of County Commissioner's decision, if substantial construction or development has not taken place pursuant to MCC .7010 (C).

Findings of Fact:

Note : (quotes from the submitted application are in *italic type*).

1. Project Description:

A. The applicant describes the project as follows :

INTRODUCTION

The City of Portland, Bureau of Water Works is faced with numerous upcoming Federal and State regulations which will require that the Bureau consider changing their current water treatment and supply practices. Of primary interest is the Surface Water Treatment Rule (SWTR), a U.S. Environmental Protection Agency mandate that will require more stringent treatment criteria for all U.S. surface waters including Portland's Bull Run supply. All unfiltered surface waters, which includes the Bull Run supply, must meet these new treatment criteria by December 31, 1991.

Currently, the Bull Run supply is treated by coarse screening followed by chlorine addition followed immediately by ammonia addition. This treatment is accomplished at the Bull Run Headworks facility. This form of treatment is referred to as "Chloramine Disinfection". This process has been used by the Bureau for over 60 years, but the SWTR has deemed that this type of treatment is now unsatisfactory in order to protect all consumers from possible illnesses due to waterborne diseases.

The Bureau has been studying many alternatives over the past two years in anticipation of the new SWTR requirements. Recently, the decision was made to change their disinfection process from Chloramine Disinfection to Chlorine Disinfection and to implement this change prior to January 1, 1992 in order to meet the new regulations. This decision was made after reviewing over ten alternatives and was based on many factors including cost, technical feasibility, impacts to the current water supply system and scheduling concerns.

In order to implement this new disinfection process, the Bureau must now delay the addition of ammonia to the water until approximately two hours after chlorine addition. Chlorine addition will still be accomplished at the Bull Run Headworks. However, a new facility for adding ammonia must be constructed. Based on the alignment of the existing pipelines that deliver water into Portland and surrounding communities, the most-feasible location for this new facility has been determined to be on a piece of Bureau-owned property in an area generally referred to as Lusted Hill. This property is near the intersection of Lusted Road and Cottrell Road.

DESCRIPTION OF PROPOSAL

The proposed ammoniation facility would include the following major features:

- *A 2,900 square foot (approximate) pre-engineered metal building which would house the ammonia storage and feeding equipment as well as an operations control room and a diesel-powered emergency electrical generator.*
- *A paved access road to the new facility from Cottrell Road approximately 450 feet south of the intersection of Lusted Road and Cottrell Road.*
- *Chain-link fencing, 8 feet high, around the new facility and access roads for security purposes.*
- *A septic tank/leachfield system to dispose of domestic wastewater produced at the facility.*
- *A buried concrete vault containing 5 small water pumps to deliver water from the large pipelines to the new facility.*
- *Small pipes (2" to 4") carrying ammonia solution from the new facility across Lusted Road down to the Bureau's large pipelines .*
- *New access manholes over the three large pipelines in order to provide ammonia injection points to the water.*

B. Staff Comment:

- (1) It is expected that there would be one employee on the site for four to six hours a day during the time span of 8:00 a.m. to 4:30 p.m., Monday through Friday.
- (2) The proposed 2,900 square foot building would be 14 feet in height at the eaves and be 20 feet at the highest point. This size structure is similar in scale to many of the agricultural buildings in the vicinity and would be a fraction of the height of the existing surrounding trees.
- (3) The proposed building and access road improvements would be located on the westerly portion of the acreage and occupy less than seven percent of the total property.

2. Site and Vicinity Information:

- A. The 17.98 acre site is located on the southeast corner of the intersection of SE Lusted Road and SE Cottrell Road. All of the proposed development would be located near and be accessed from SE Cottrell Road. There is an existing unimproved (grass) driveway 170 feet north of the south property line that would be paved. Fifty nine feet back from SE Cottrell Road adjacent to the driveway is an existing above ground surge tank fifteen feet in height. Except for the area near the surge tank which is in mowed lawn, the portion of the site that would contain the new structure and other improvements is heavily wooded with tall evergreen trees. The Bull Run Water Conduit No. 3 crosses the site underground from the northeast corner of the property to the southwest adjacent to the proposed development.
- B. The subject property and properties to the northeast and east are large, mostly forested, lots zoned Multiple Use Forest. Land northwest of the site is zoned Exclusive Farm Use and contains large lots in cultivation. Both of these areas contain very few homes. South and west of the Water Bureau parcel, the zoning is Multiple Use Agriculture-20, which is an "exception" zone to the State farm and forest protection goals. This area contains lots of record ranging in size from one to 12 acres with existing homes on the majority of the lots.
- C. Within 600 feet of the proposed ammoniation building there are five homes, the closest being about 240 feet away located directly across from the Water Bureau driveway on SE Cottrell Road. Adjacent to the subject site on the south is a 12 acre tree farm.

3. Community Service Zoning Code (MCC 11.15) Considerations:

- A. Conditional uses allowed in the MUF -19 District are specified in MCC 11.15.2172. Subsection (A) specifies "Community Service Uses pursuant to the provisions of MCC .7005 through .7041." MCC .7020(A)(12) identifies a "Power Substation or other public utility building or use" as a CS Use; approval criteria are specified in MCC .7015.
- B. The property on which this facility is proposed currently has a Community Service overlay zone designation. The "CS" zone was placed on the map in 1962 when the City of Portland Water Bureau installed an above-ground tank and pump vault related to one of the Bull Run Water pipelines which runs through this property.
- C. MCC .7015 lists the Community Service Approval Criteria. The approval authority must find that the proposal:
 - (1) Is consistent with the character of the area;
 - (2) Will not adversely affect natural resources;

- (3) Will not conflict with farm or forest uses in the area;
- (4) Will not require public services other than those existing or programmed for the area;
- (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;
- (6) Will not create hazardous conditions;
- (7) Will satisfy the applicable policies of the Comprehensive Plan; and
- (8) Will satisfy such other applicable Approval Criteria, as are stated in this Section.

4. Compliance With Ordinance Criteria:

Note : (quotes from the submitted application are in *italic type*).

A. Consistent with the character of the area:

Generally speaking, the area of Multnomah County where the proposed facility is recommended for construction can be considered rural/agricultural. Currently, the site is used for Bureau pipeline facilities including a 15 foot high surge tank. There are some private homes near the proposed facility and there are also some agricultural concerns (nurseries). Two private homes are directly across Cottrell Road (to the west) from the proposed main access road of the new facility. A tree farm fronts the Bureau's property to the south. A nursery and a private home are located to the north of the Bureau's property across Lusted Road. To the east of the Bureau's property, far from the proposed building and at the bottom of Lusted Hill, are other nurseries and private homes.

With the proposed set-back of the building from Lusted Road and Cottrell Road and with the proposed screening of the building by native trees and landscaping, there will not be a major visual impact to the homeowners and property owners nearby. Currently, the proposed site is dense with evergreen trees and the intent of the site layout will be to minimize removal of trees in order to keep as much native vegetation on the property as possible. The proposed building style (prefabricated with metal siding) conforms to many similar buildings in the general area.

Staff Comment: Staff concurs that the scale of the building is in character with agricultural buildings in the vicinity and also can be screened adequately by the existing large trees on the site.

B. Will not adversely affect natural resources:

The proposed building site is currently heavily-wooded as mentioned above. There are also numerous blackberry bushes intermingled with the trees. The property's topography is relatively flat on the western side where the proposed building would be located. No erosion problems are expected there. On the eastern side, there is a steep hill upon which the small ammonia solution pipes will be installed. Construction methods for these pipes will include erosion control and mitigation techniques.

The Bureau owns this property and there is no activity currently on this land other than occasional maintenance work by Bureau employees on one of their large pipelines and surge tank which runs through the site. It is anticipated that some trees would have to be cleared from the site in order to construct the access road and building, but one of the objectives of this project is to leave as many trees as possible in order to create a visual barrier for the proposed building. No affects on natural resources of the proposed site or on adjacent natural resources are anticipated.

C. Will not conflict with farm or forest uses in the area:

As mentioned above, one of the goals of this project is to leave the site as natural as possible (by minimizing tree and brush removal) in order to not disrupt the visual impact to the general area. Immediately south of the Bureau's property is a Christmas tree farm. The proposed building would be set back more than 100 feet from the southerly property line and all of the trees on Bureau property would remain in place as a buffer between the tree farm. There is a nursery to the northwest of the Bureau's property across Lusted Road, but it will not be impacted. The same can be said of a nursery at the east end of the Bureau's property. No disruption of that farmland will occur due to this proposed project.

D. Will not require public services other than those existing or programmed:

There are no requirements for additional public services for this proposed project above and beyond what is existing or programmed for the area. A new electrical service will be required from PGE from their existing service in the area. Sanitation will be provided by on-site disposal. Drinking water will be provided by Pleasant Home Water District via an existing 6" water main in Cottrell Road. Phone service will be provided by GTE from their existing service in the area.

E. Big game winter habitat area:

It is understood that some elk may winter in the Sandy River canyon, which is somewhat adjacent to, but downhill from the proposed facility. It

is not expected that this facility will impact the wintering habitat of the elk. This is not an area identified by the Oregon Department of Fish and Wildlife as critical to big game winter habitat.

F. Will not create hazardous conditions:

There are two areas of concern with respect to potential hazardous conditions for this proposed project. One has to deal with the transport and storage of ammonia at the new facility. The other has to deal with transport of the ammonia solution in small pipes from the new facility to the large pipelines. Each will be discussed separately.

The transport and storage of ammonia for this new facility has been given a great deal of consideration by the Bureau. Two types of ammonia are available for use, either anhydrous ammonia gas stored in pressurized cylinders or aqueous ammonia solution stored in nonpressurized tanks. Anhydrous ammonia gas is considerably more hazardous to transport and store compared to aqueous ammonia because it is considered explosive. Therefore, the safety precautions that would be necessary to use this gas in order to protect the Bureau's employees and the surrounding neighbors are extensive.

The Bureau has decided to use aqueous ammonia at the new facility based on safety and cost issues. The hazardous nature of this liquid is considerably less than anhydrous ammonia and the methods for transporting it, storing it, handling it and feeding it are less-costly. This type of chemical is commonly used in agricultural areas as a fertilizer, hence its presence in the Lusted Hill area should not be considered a problem. The Bureau will design the new facility with all precaution and according to codes to ensure that the neighbors in the area will not be exposed to nuisance odors or possible leaks. Tanker trucks will deliver the aqueous ammonia solution to the proposed facility once every two weeks on average.

The new facility will be designed to pump the aqueous ammonia solution from the building to the 3 large pipelines. The solution would be diluted with water prior to being carried in 2" to 4" pipes to the point of application. To minimize the possibility of the ammonia solution leaking from the pipes into the ground, the pipes will be double-walled with a leak detector provided in the annular space between the inside pipe and the outside pipe. If a leak in the pipe should occur, the leak detector will allow the Bureau to respond as quickly as possible.

Another potential area of concern is any hazardous condition that could be created during construction. Based on the current understanding of construction requirements, there do not appear to be any major issues which need to be addressed. However, a geotechnical consultant is prepar-

ing a soils report for this project which will offer additional insight.

The Bureau is committed to minimizing the potential hazards to their employees and the surrounding neighbors from this new facility. To this end, they are taking all precautions necessary during the study and design of this facility.

5. Applicable policies of the Comprehensive Plan:

A. Comprehensive Framework Plan (CFP) Policy 12: MULTIPLE USE FOREST AREA.

As previously stated, the Bureau-owned property where this facility is proposed for construction is currently zoned MUF-19 CS. The purpose of the Multiple Use Forest Area classification is to conserve those lands suited to the production of wood fibre by virtue of their physical properties and lack of intensive development. However, in areas where the lands are suitable and the use does not impact existing forestry or agricultural uses, other uses will be allowed.

The zoning of this property was re-classified in 1962 to allow Community Service (CS) Use for installation of Bureau pipeline appurtenances. The proposed use for the new facility falls within the same category of Community Services and the intent of this project is not to interfere with existing forestry or agricultural uses in adjacent areas. The proposed use is considered to be compatible with adjacent forest lands and the Bureau will minimize the removal of trees in the project area in order to minimize visual impacts to the public from the facility and also to maintain the forested nature of the property.

B. CFP Policy 13: AIR, WATER AND NOISE QUALITY

It is Multnomah County's policy to: C. Maintain healthful air quality levels in the regional airshed; to maintain healthful ground and surface water resources; and to prevent or reduce excessive sound levels while balancing social and economic needs.

The proposed project will not impact any of these areas of concerns. The facility is to be designed to post-ammoniate the drinking water supply for the City of Portland and surrounding communities in an effort to improve drinking water quality for all consumers.

The installation and routine operation of the proposed facility should not negatively impact air quality. However, emergency conditions could occur very infrequently which would result in the release of low concentrations of ammonia vapors from the building (during a tank leak) or the discharge of diesel generator exhaust fumes (during a power outage).

The new facility should not adversely impact ground or surface water quality in the area. Construction methods will be utilized to minimize surface erosion into bodies of water. The facility will not produce or discharge materials that could harm the groundwater. The ammonia storage tanks inside the building will have containment walls around them to contain any potential leaks. The ammonia solution piping will be double-walled and leak-alarmed to minimize the potential for leaks into the groundwater.. The diesel generator fuel storage tank will be mounted inside the building above-ground inside a containment barrier to contain potential spills.

The only operation at the proposed facility that has the potential for creating nuisance noise is the standby diesel generator. This unit will not be operating continuously, but rather only during power outages and for routine testing. The building will be designed with insulation to minimize exterior noise levels.

C. CFP Policy 14: DEVELOPMENT LIMITATIONS

The County's policy is to direct development and land form alterations away from areas with development limitations except upon showing that design and construction techniques can mitigate any public harm or associated public cost, and mitigate any adverse effects to surrounding persons or properties. Development limitations areas are those which have any of the following characteristics: slopes exceeding 20%, severe soil erosion potential, land within the 100 year flood plain, high seasonal water table within 24 inches of the surface for 3 or more weeks of the year, a fragipan less than 30 inches from the surface, or land subject to slumping, earth slides or movement.

None of these characteristics apply to the proposed project site with the possible exception of some soil erosion where the small ammonia solution pipes will be buried on the slope down Lusted Hill to the valley floor. Four pipes would be installed, each being approximately 2" in diameter with total trench dimensions of 2 feet wide by 3 feet deep. Design and construction techniques will be utilized to maximize soil stability along the piping route.

The groundwater table in the area of the proposed building is approximately 3 feet below the surface. The design of the onsite sanitary disposal system will be based on recommendations made by the County Sanitarian who is reviewing this site as part of the permit application process.

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

D. CFP Policy 16: NATURAL RESOURCES

The County's policy is to protect natural resources, conserve open space, and to protect

scenic and historic areas and sites.

The County's policy is to protect areas which are important for their natural resource value. Areas of interest include mineral and aggregate sources, energy resource areas, domestic water supply watersheds, fish and wildlife habitat areas and ecologically and scientifically significant areas.

The Bureau's proposed project should not impact any of these areas of interest. Previously, it was mentioned that elk may winter in the Sandy River Canyon, but they are not likely to be found on the proposed site.

Staff Comment: There are no inventoried significant Statewide Planning Goal 5 resources on the property.

E. CFP Policy 37: UTILITIES

The installation of a new facility will typically require certain utilities such as sewer, water, storm water drainage, energy and communication systems. The purpose of this policy is to ensure that no long-range health hazard areas are created and that excess water runoff will not damage property or adversely affect water quality. Also, the policy attempts to ensure that a particular development proposal does not reduce the energy supply to a level which would preclude the development of other properties in the area.

The proposed facility will receive potable water from the local private water system (Pleasant Home Water District). The District is capable of providing the water service from an existing 6" water main in Cottrell Road. The proposed facility will have a subsurface sewage disposal system (probably a septic tank and leach field) that will be designed and installed per Department of Environmental Quality standards. The County Sanitarian is currently reviewing the applicability of the site for a septic tank.

Storm water run-off can be handled on the site and any runoff from the site will not adversely affect water quality in adjacent bodies of water nor will it alter drainage on adjoining lands. This proposed facility will not create a significant excess of run-off compared to what occurs on the property now. Also, there is adequate energy supply for this proposed facility to be provided by PGE.

F. CFP Policy 38: FACILITIES (Schools, Fire Protection and Police)

The purpose of this policy is to assure that adequate police and fire protection is available to new development and to provide school districts with the opportunity to be advised of proposals which may affect their capital improvement programs.

The proposed facility would be provided police protection by the County's Sheriff's Office. Multnomah County Fire District #10 would provide fire protection and they have been contacted regarding fire protection service at the facility. The proposed facility would have no impact on school districts.

Conclusions:

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

Signed May 6, 1991

A handwritten signature in cursive script that reads "Richard Leonard, ps".

By Richard Leonard, Chairman

Filed With the Clerk of the Board on May 16, 1991

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 9:00 a.m. on Tuesday, May 28, 1991 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision in this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, May 28, 1991 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development at 248-3043.

Meeting Date: May 28, 1991

Agenda No.: 2

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: _____

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

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 2 Minutes

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

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

CU 7-91 Decision of the Planning Commission of May 6, 1991 with recommendation to the Board for approval, subject to conditions

BOARD OF
COUNTY COMMISSIONERS
MULLENBATH COUNTY
OREGON
1991 MAY 20 PM 1:36

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER Paul Yarbrough/bkw

(All accompanying documents must have required signatures)



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

Decision

This Decision consists of Conditions of Approval, Findings of Fact and Conclusions.
May 6, 1991

CU 7-91, #90

Conditional Use Request (Creation of a Mortgage Lot)

Applicant requests conditional use approval to allow for the creation of a two-acre Mortgage Lot from an existing 28.73-acre parcel. The purpose of the Mortgage Lot is to obtain conventional financing for a single family residence; the Mortgage Lot designation is required because the parcel is in an EFU zoning district - 38-acre minimum lot size. No additional dwellings will be permitted or requested.

Location: 9949 NW Kaiser Road

Legal: Tax Lot '60', Section 6, 1N-1W, 1990 Assessor's Map

Site Size: 28.73 Acres

Size Requested: 2 acres

Property Owner: DP and MM Roy
9949 NW Kaiser Road, 97231

Applicant: David P Roy
9949 NW Kaiser Road, 97231

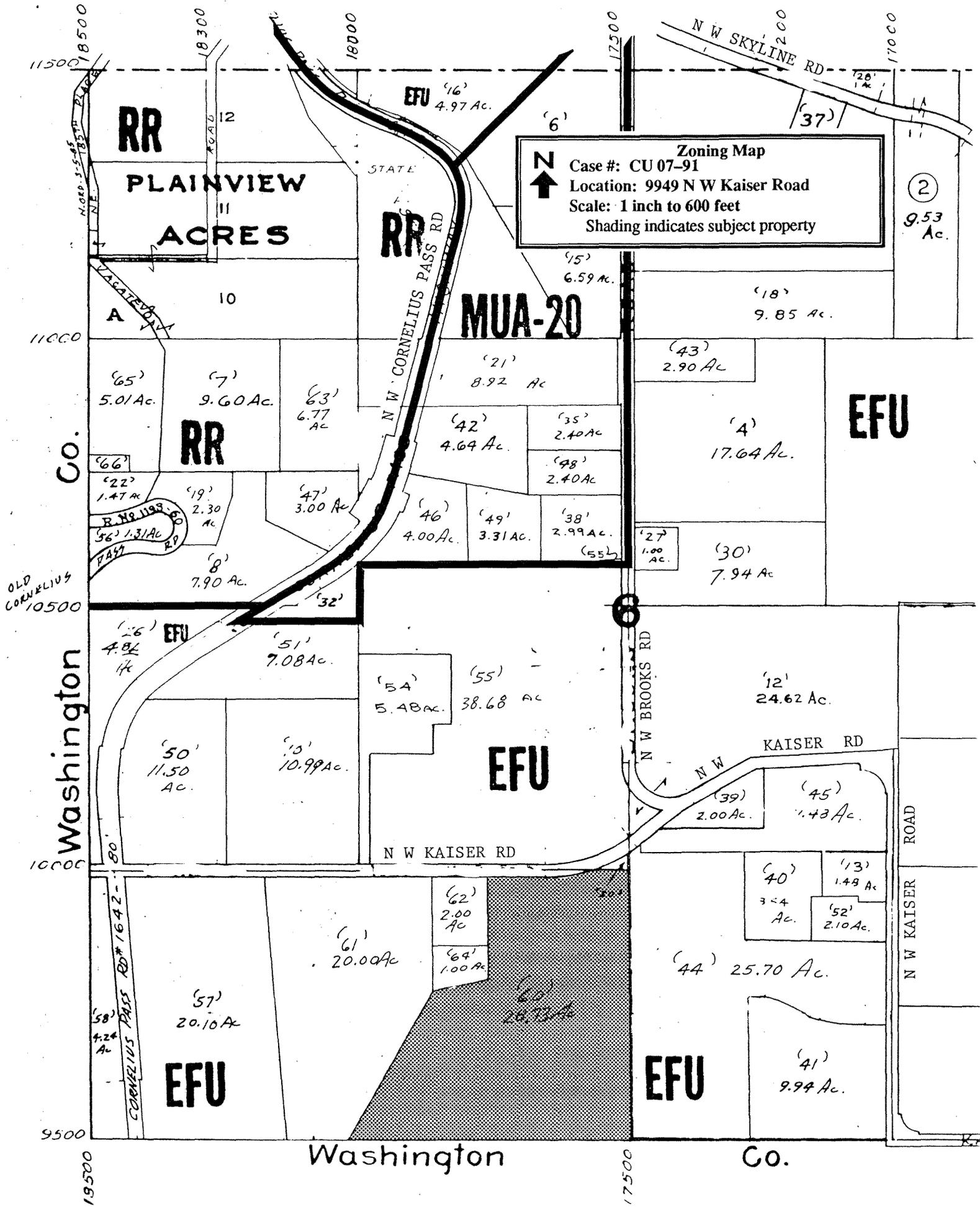
Comprehensive Plan: Exclusive Farm Use

Present Zoning: EFU, Exclusive Farm Use District

Planning Commission

Decision: APPROVE, subject to conditions, a two acre Mortgage Lot on this property based on the following Findings and Conclusions.

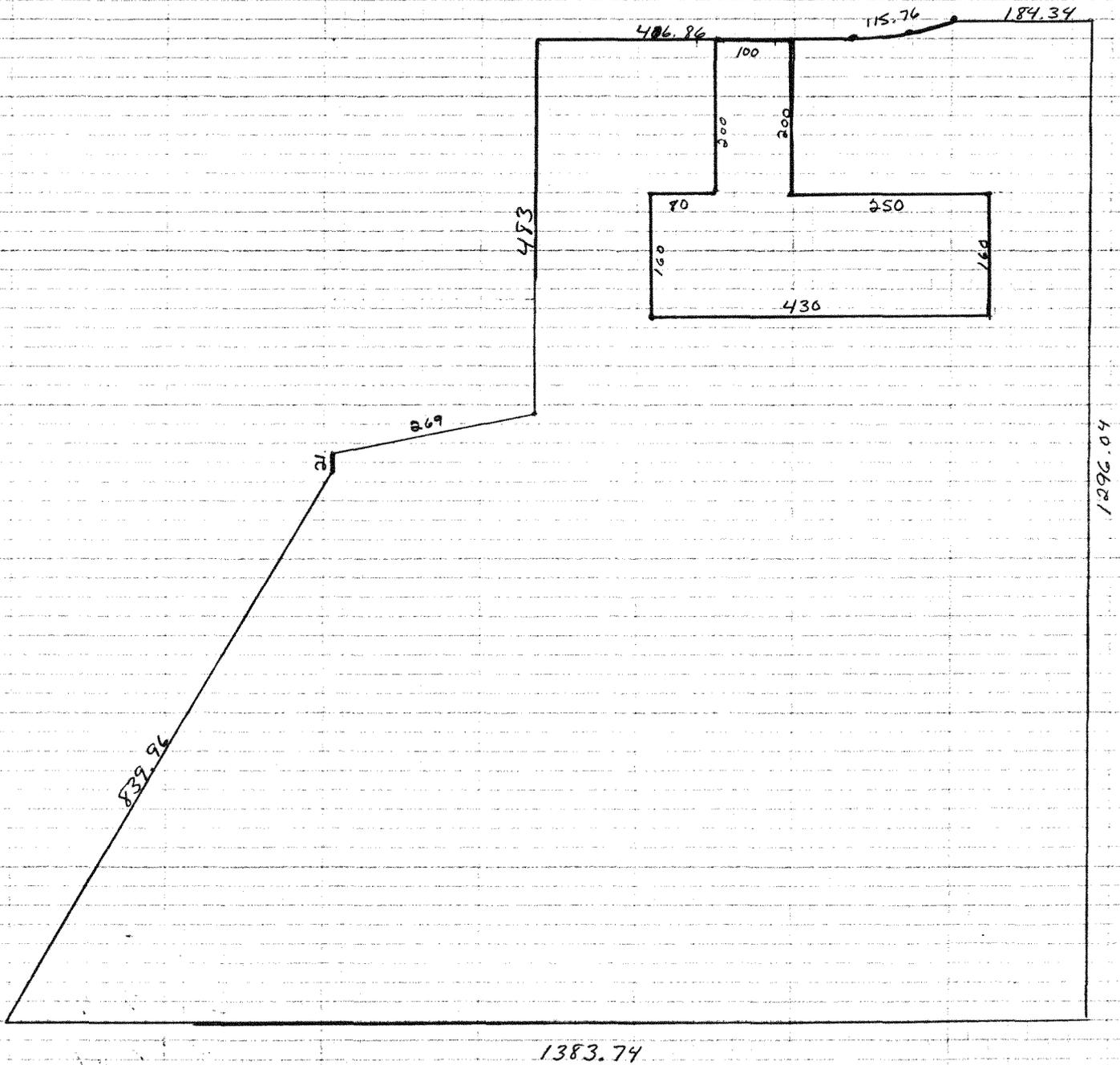
CU 7-91



David P. & Michele M Roy
9949 N.W Kaiser Rd
Portland OR 97231
(503) 629-5464

Tax Lot 60
Sec. 6, T. 1N, R. 1 W

CU 7-91



Mortgage Lot = 2.039 Acres

Scale 1" = 200'

CONDITIONS OF APPROVAL:

- (1) The applicant shall satisfy the conditions of the administrative Lot Line Adjustment (LE 1-90) approved for the parent property.
- (2) The owner shall record a statement that except as may otherwise be provided by law, the 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.

FINDINGS OF FACT:

1. Applicant's Proposal:

Applicant requests conditional use approval to allow for the creation of a two-acre Mortgage Lot from an existing 28.73-acre parcel. The purpose of the Mortgage Lot is to obtain conventional financing for a single family residence; the Mortgage Lot designation is required because the parcel is in an EFU zoning district - 38-acre minimum lot size. No additional dwellings will be permitted or requested.

2. Ordinance Considerations:

The Planning Commission may approve a residential use consisting of single family dwelling in conjunction with a primary use listed in MCC .2008 located on a mortgage lot created after August 14, 1980, subject to the following:

- (a) The minimum lot size for the mortgage lot shall be two acres;
- (b) 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.
- (c) 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.

3. Site and Vicinity Characteristics:

The subject property is a Lot of Record of 28.73 acres located on the south side of NW Kaiser Road approximately one-eighth of a mile westerly of its intersection with NW Brooks Road. The property is currently developed with a single family residence constructed in 1985. That residence was approved under a farm and woodlot management plan that is in operation (PRE 13-83). Approval of the Mortgage Lot would not allow any additional residences to be constructed on the Lot of Record, nor will it jeopardize the realization of that management plan.

4. Compliance with Code Provisions:

This proposal satisfies the applicable approval criteria as follows:

Decision

May 6, 1991

4 of 5

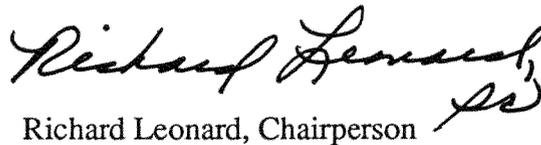
CU 7-91

- (1) The proposed mortgage lot is two acres in size as required by the Zoning Ordinance;
- (2) Condition #2 requires that the owner record a statement that the mortgage lot does not constitute a separate zoning lot; and,
- (3) The applicant is the owner of the subject Lot of Record and is, by this action, put on notice that the sole purpose of the mortgage lot is for financing.

CONCLUSIONS:

1. Conditions are necessary to insure compliance with all Code provisions.
2. The applicant has carried the burden necessary for the approval of a mortgage lot in the EFU zoning district.

Signed: May 6, 1991


Richard Leonard, Chairperson

Filed with Clerk of the Board on May 16, 1991

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 9:00 am on Tuesday, May 28, 1991 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision in this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, May 28, 1991 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development at 248-3043.

Meeting Date: May 28, 1991

Agenda No.: 3

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: _____

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

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 2 Minutes

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

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

CU 8-91 Decision of the Planning Commission of May 6, 1991 with recommendation to the Board for approval, subject to conditions

BOARD OF
COUNTY COMMISSIONERS
1991 MAY 20 PM 1:36
MULTNOMAH COUNTY
OREGON

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER Paul Yarbrough / bk

(All accompanying documents must have required signatures)



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

Decision

This Decision consists of Conditions, Findings of Fact and Conclusions.
May 6, 1991

CU 8-91, #812

Conditional Use Request (Non-Resource Related Single Family Dwelling)

Applicant requests conditional use approval for a non-resource related single family dwelling on this 8.69-acre Lot of Record in the MUF-19 zoning district

Location: 43220 SE Trout Creek Road

Legal: Tax Lot '21', Section 17, 1S-5E, 1990 Assessor's Map

Site Size: 8.69 Acres

Size Requested: Same

Property Owner: William C. Weeks
3563 NE 121st Avenue, 97220

Applicant: JE and CA Harrington
2301 SW Kendall Court, Troutdale, 97060

Comprehensive Plan: Multiple Use Forest

Present Zoning: MUF-19, Multiple Use Forest District

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.

MUF-38

Zoning Map
 Case #: CU 08-91
 Location: 43220 S E Trout Creek Road
 Scale: 1 inch to 800 feet (approx)
 Shading indicates subject property

(12)
100 Ac.

(14)
40.00 Ac.

(10)
40.00 Ac.

MUF-38

MUF-38

1018.66'

(13)
61 Ac.

(15)
39.58 Ac.

(11)
40.00 Ac.

(5)
20 A

MUF-38

MUF-38

TROUT CREEK ROAD

17

(25) 4.54 Ac.	(17) 4.22 Ac.	(26) 4.20 Ac.
---------------------	---------------------	---------------------

MUF-19

HOLD PERMITS
SEE LD

(45)
4.89
Ac.

(20)
3.31 Ac.

(47)
4.04 Ac.

(46)
6.68 Ac.

(34)
4.27 Ac.

(27)
2.00
Ac.

MUF-19

MUF-19

(49)
18.62 Ac.

(50)
18.53 Ac.

(21)
4.00 Ac.

(16)
5.58 Ac.

(37)
5.00
Ac.

MUF-19

(19)
65.95 Ac.

MUF-38

(9)
20 A

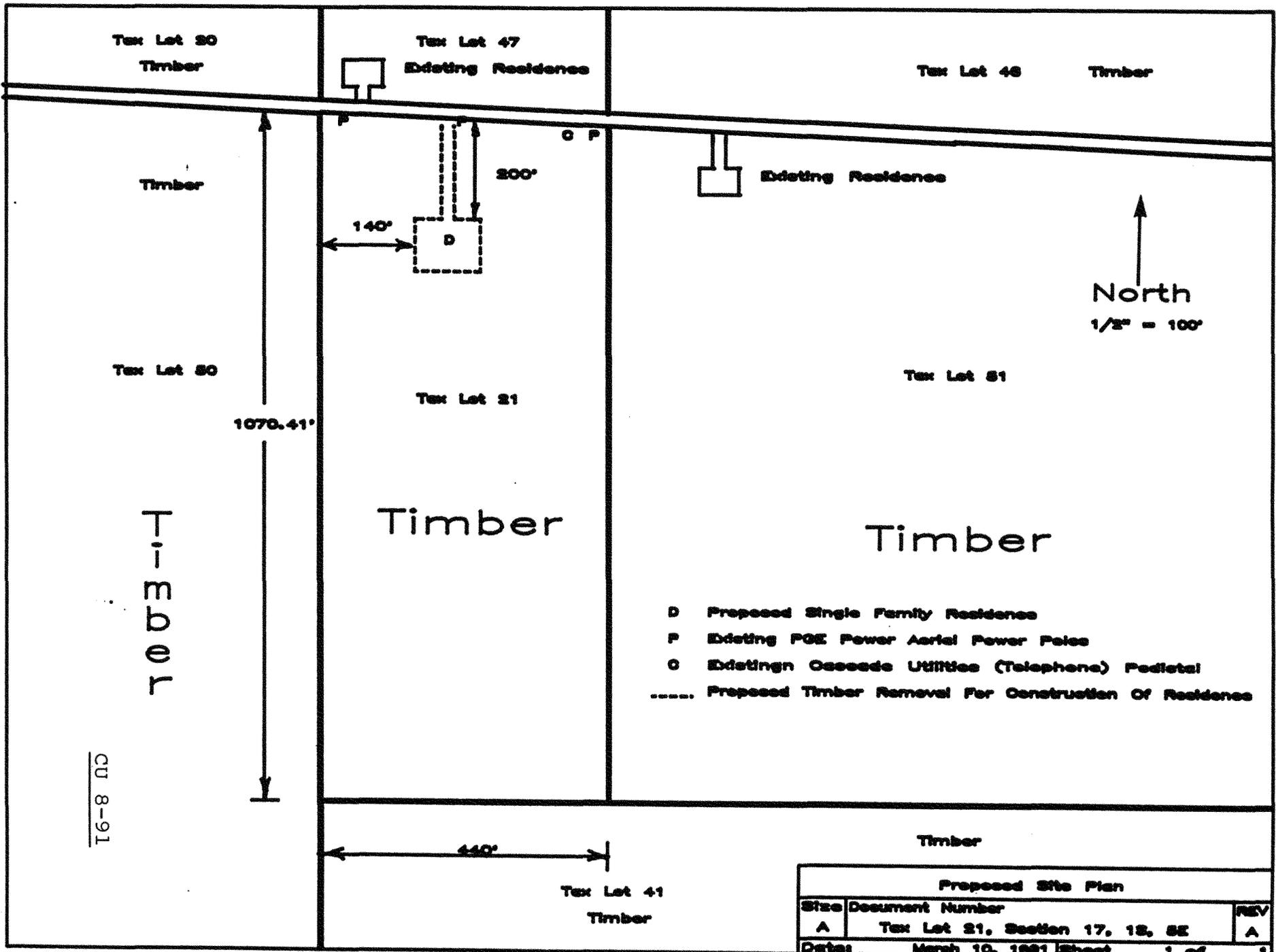
(48)
37.99 Ac.

(41)
40.00 Ac.

MUF-38

MUF-38

(6)
20.1



Tax Lot 20
Timber

Tax Lot 47
Existing Residence

Tax Lot 46
Timber

Timber

Existing Residence

North
1/2" = 100'

Tax Lot 20

Tax Lot 51

1070.41'

Tax Lot 21

Timber

Timber

T-1-2001

- D Proposed Single Family Residence
- P Existing PGE Power Aerial Power Pole
- O Existing Gas/Co Utility (Telephone) Pedestal
- Proposed Timber Removal For Construction Of Residence

CU 8-91

Tax Lot 41
Timber

Timber

Proposed Site Plan		
Size	Document Number	REV
A	Tax Lot 21, Section 17, 18, SE	A
Date:	March 10, 1991	Sheet 1 of 1

CONDITIONS OF APPROVAL:

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

FINDINGS OF FACT:

1. Applicant's Proposal:

The applicant requests Planning Commission approval to develop the above described 8.69 acre Lot of Record with a non-resource related single family dwelling.

2. Ordinance Considerations:

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

management practices or materially alter the stability of the overall land use pattern of the area.

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

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

3. Site and Vicinity Characteristics:

The subject property is a Lot of Record of 8.69 acres located on the north side of SE Trout Creek Road approximately two and one-half miles easterly of its intersection with SE Gordon Creek Road. The property is vegetated with a mixture of conifer and deciduous trees. The property is not within a designated big game winter habitat area.

Properties in the surrounding area range in size from nearly two acres to over 40 acres in size. Most of the smaller lots are developed with rural residences, while most of the larger parcels are undeveloped and used for commercial resource uses consisting mainly of forestry.

The applicant proposes to locate the residence on the property in compliance with the Residential Location Standards of the MUF zone. Water will be provided by private well, and the property will need to be found suitable for subsurface sewage disposal. Telephone and power facilities are available along the SE Trout Creek Road frontage.

4. Compliance With Ordinance Considerations:

The applicant provides the following responses (in *italic*) to the applicable approval criteria:

COMPLIANCE WITH SPECIFIC CONDITIONAL USE APPROVAL CRITERIA MCC 11.15.7172(C) specifies the following approval criteria for the

1. Minimum Lot Size Identical to Lot of Record Size

The property's lot size is 8.69 acre Lot of Record.

2. Land Incapable of Sustaining Farm or Forest Use

The lot is less than ten acres in size; therefore, incapable of sustaining a farm or forest use.

3. Dwelling Compatible with Primary Uses in the Area

This dwelling would be located on an 8.69 acre Lot of Record and will be compatible with the primary use as outlined in MCC .2168 (E), residential use consisting of a single-family dwelling. This residence would not interfere with any resources in the area.

4. Public Services Other than Those Existing not Required

A well and septic system is planned as there is no public water or sewer systems available. Public services such as fire protection and police are in existence for this area.

5. Owner Record Acknowledgment of Forestry or Farming Practices

The owner agrees to do this condition upon approval of this application.

6. Residential Use Development Standards

MCC 11.15.2194 establishes the following standards which apply to a residential use located in the MUF District after 8 -14-80:

A. Fire Safety Measures

A. The proposal use will adhere to the Fire Safety Considerations for Development in Forested Areas as published by the Northwest Interagency Fire Prevention Group, namely:

The proposed dwelling site would be at least 30 feet from any forested area.

This area is in Multnomah County Rural Fire Protection District No. 10 and will be developed to meet their criteria for fire protection.

B. Access Drive to Water Source

The proposed well site will have an access drive of 16 feet from the property access road.

C. Dwelling Located Close to a Publicly Maintained Street

The driveway is well within the 500 foot limitation of (D) below.

D. Driveway in Excess of 500 Feet

The proposed access road would be approximately 205 feet from the edge of Trout Creek Road.

E. Dwelling Location on Lot Portion Having Lowest Productivity

This lot is 8.69 acres in size and the proposed use is residential, therefore the location of the proposed dwelling would not impact any productivity characteristics.

F. Building Setbacks of at least 200 Feet.

The setback from the public road will be in excess of 200 feet.

G. Building Code Standards

The owner agrees to comply with these standards.

H. The dwelling shall be attached to a foundation for which a building permit has been obtained.

The owner agrees to obtain a building permit prior to construction.

I. The dwelling shall have a minimum floor area of 600 square feet.

The proposed dwelling is to have a floor space area of between 2000 to 3000 square feet.

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

The property is not within a big game habitat area.

Staff Comment: The staff concurs with the applicant's analysis of compliance with the applicable approval criteria.

CONCLUSIONS:

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

In the Matter of CU 8-91

May 6, 1991


Richard Leonard, Chairperson

Filed with Clerk of the Board on May 16, 1991

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 9:00 am on Tuesday, May 28, 1991 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision in this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, May 28, 1991 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development at 248-3043.

Meeting Date: May 28, 1991

Agenda No.: 4

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: _____

BCC Informal _____ (date) BCC Formal May 28, 1991 (date)

DEPARTMENT DES DIVISION Planning

CONTACT Sharon Cowley TELEPHONE 2610

PERSON(S) MAKING PRESENTATION Planning Staff

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 2 Minutes

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

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

CU 9-91 Decision of the Planning Commission of May 6, 1991 with recommendation to the Board for approval, subject to conditions

BOARD OF
COUNTY COMMISSIONERS
MULTIOMAH COUNTY
OREGON
1991 MAY 20 PM 1:37

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER Paul Yarbrough / bkw

(All accompanying documents must have required signatures)



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

Decision

This Decision consists of Conditions, Findings of Fact and Conclusions.
May 6, 1991

CU 9-91, #399

**Conditional Use Request
(Automobile Storage Garage)**

Applicant requests conditional use approval to allow construction of one custom designed 24' wide x 40' long x 8' eaves storage garage for storage purposes for "motor vehicles of special interest".

Location: 2321 SE 142nd Avenue
Legal: North 1/2 of Lot 8, Blk. 2, Parktown Addition
Site Size: 50' x 186'
Size Requested: Same
Property Owner: Robert D. Patchin
2321 SE 142nd Avenue, 97233
Applicant: Mark J. Reilly
2321 SE 142nd Avenue, 97233

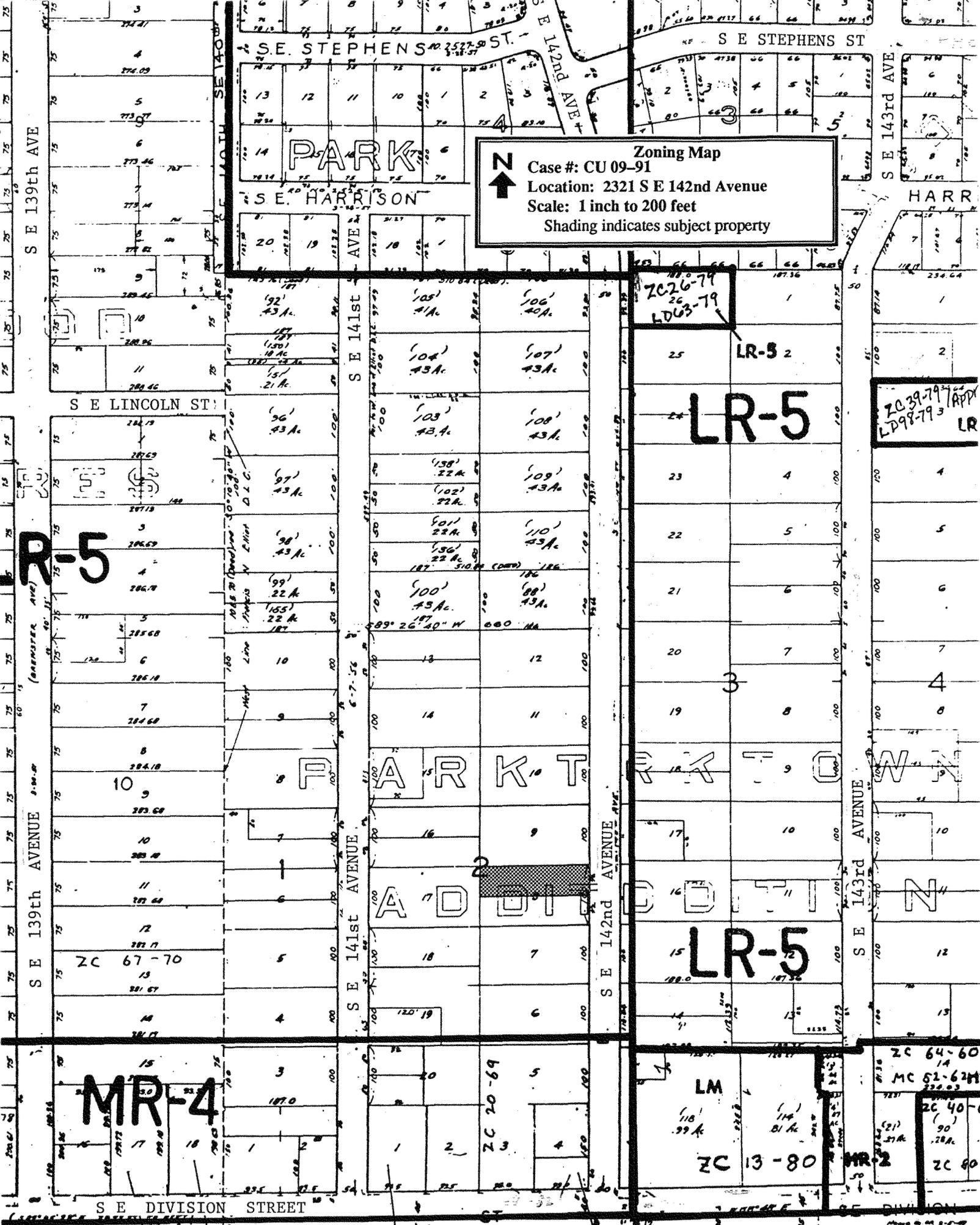
Comprehensive Plan: Low Density Residential

Present Zoning: LR-5, Urban Low Density Residential District
Minimum lot size of 5,000 square feet for one dwelling

Planning Commission

Decision: APPROVE, subject to conditions, construction of a 24' x 40' garage on this property for the storage of "motor vehicles of special interest", based on the following Findings and Conclusions.

CU 9-91



Zoning Map
 Case #: CU 09-91
 Location: 2321 SE 142nd Avenue
 Scale: 1 inch to 200 feet
 Shading indicates subject property

SE 139th Ave

SE 139th Avenue

SE DIVISION STREET

ZC 43-64
 ZC 44-64

SE STEPHENS ST
 SE HARRISON

SE 141st Ave

SE LINCOLN ST

SE 141st Avenue

SE 142nd Ave

SE 142nd Avenue

SE STEPHENS ST
 SE 143rd Ave

SE 143rd Avenue

SE DIVISION

SE DIVISION ST

R-5

MR-4

PARK TOWN

ADDITION

2

LR-5

LR-5

LR-5 2

ZC 39-79
 LD 98-79
 LR

ZC 26-79
 LD 63-79

ZC 13-80

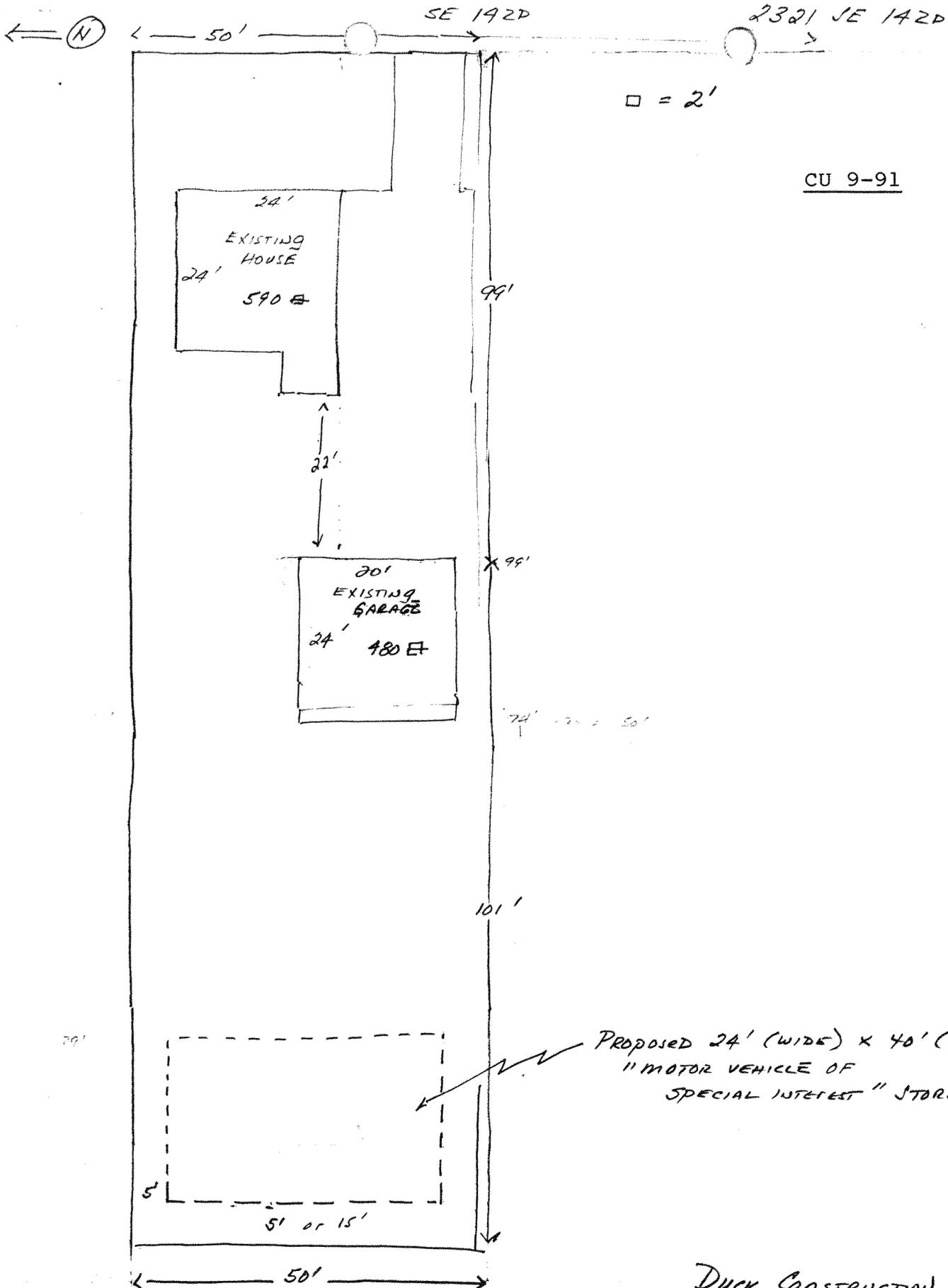
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 MC 62-62M

ZC 40-6

ZC 60

LM

MR 2

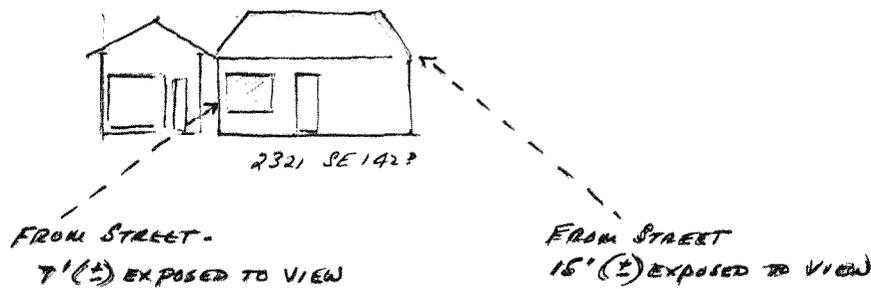
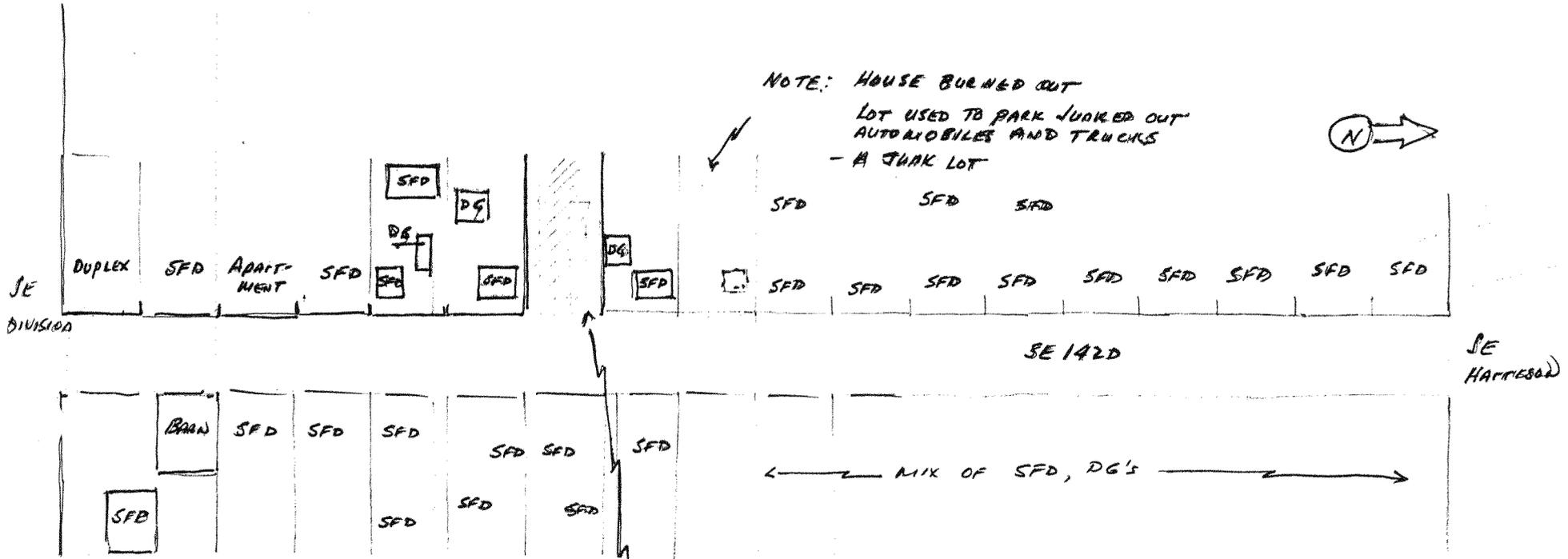


□ = 2'

CU 9-91

Proposed 24' (wide) x 40' (long)
 "MOTOR VEHICLE OF
 SPECIAL INTEREST" STORAGE SHED

Duck Construction Co
 1590 EK ROAD
 WEST Linn, OR 97068
 BB # 63608



NEIGHBORHOOD CHARACTERISTICS

WELL MAINTAINED HOMES OR YARDS IS NOT COMMON

OF 18 WEST SIDE LOTS

- 1 SUB-DIVIDED INTO TWO LOTS
- 2 MULTI-FAMILY RESIDENCES

STREET MAP / PERSPECTIVE FOR
CONDITIONAL USE PERMIT
O'REILLY 2321 SE 142D

STREET PERSPECTIVE

CU 9-91

SFD = SINGLE FAMILY DWELLING
DG = DETACHED GARAGE

CONDITIONS OF APPROVAL:

1. Satisfy the requirements of Engineering Services regarding any future improvements of SE 142nd Avenue.
2. Prior to the issuance of any development permits, obtain appropriate Design Review approvals.
3. The garage may be used only for the storage of "motor vehicles of special interest". No commercial or industrial use of the building or property is authorized by this approval.

FINDINGS OF FACT:

I. Applicant's Proposal:

The applicant requests Planning Commission approval to construct a 24' x 40' garage for the storage of "motor vehicles of special interest". He currently owns four "motor vehicles of special interest" and may acquire additional vehicles in the future. The garage will allow them to be stored in a secure are; thereby, preventing theft or vandalism.

2. Ordinance Considerations:

In approving the storage of "motor vehicles of special interest", the Planning Commission shall find that the proposal:

- (A) Is consistent with the character of the area;
- (B) Will not adversely affect natural resources;
- (C) Will not conflict with farm or forest uses in the area;
- (D) Will not require public services other than those existing or programmed for the area;
- (E) Will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable;
- (F) Will not create hazardous conditions;
- (G) Will satisfy the following applicable policies of the Comprehensive Plan.
 - (1) No. 2 — Off Site Effects
 - (2) No. 9 — Community Design,
 - (3) No. 36 — Transportation System Development Requirements

3. Site and Vicinity Characteristics:

This property is located on the west side of SE 142nd Avenue 500 feet north of SE Division Street. It is developed with a single family residence and a detached garage. The proposed storage building would be located on the rear portion (west) of the lot.

This property, as are properties on either side of SE 142nd is zoned LR-5 and is developed with a single family residence. Properties abutting SE Division Street are zoned for medium density residential purposes, and many are developed with apartments and a variety of commercial uses.

4. Compliance with Code Provisions:

This proposal satisfies the approval criteria as follows:

(A) Character of the Area:

The character of the area surrounding this site is residential. A garage will be consistent with, and will not alter that residential character. It will need to satisfy the same setback, design and height standards as other structures in the area.

(B) Natural Resources:

There are no natural resources that have been identified that would be impacted by the proposed use.

(C) Farm or Forest Uses and Big Game Winter Habitat:

The property is within an urbanized portion of the UGB; therefore there are no surrounding farm or forest uses, or big game winter habitats.

(D) Public Services:

All public facilities and services necessary for the residential use of this property are available along the SE 142nd Avenue frontage.

(E) Hazardous Conditions:

There are no hazardous conditions that have been identified that would result from the proposed use of the property.

(F) Comprehensive Plan Policies:

This proposal complies with the following applicable Comprehensive Plan policies:

#2 & #19- Off-Site Effects and Community Design- Design Review will insure that the proposed garage is designed, constructed and screened to be compatible with the resi-

dential character of this and surrounding properties.

#36 – Transportation System Development Requirements – Engineering Services is requiring the recording of deed restrictions to insure participation in any future improvements of SE 142nd Avenue.

CONCLUSIONS:

1. The applicant has carried the burden necessary for approval of a garage for the storage of “motor vehicles of special interest” as a conditional use in the LR-5 zoning district..
2. Conditions are necessary to insure compliance with all Code provisions and other County regulations.

May 6, 1991


Richard Leonard, Chairperson

Filed with Clerk of the Board on May 16, 1991

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 9:00 am on Tuesday, May 28, 1991 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision in this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, May 28, 1991 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development at 248-3043.

Meeting Date: May 28, 1991

Agenda No.: 5

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: _____

BCC Informal _____ (date)	BCC Formal _____ (date)	May 28, 1991
DEPARTMENT <u>DES</u>	DIVISION _____	Planning
CONTACT <u>Sharon Cowley</u>	TELEPHONE _____	2610
PERSON(S) MAKING PRESENTATION _____	Planning Staff	

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 2 Minutes

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

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

CU 10-91 Decision of the Planning Commission of May 6, 1991 with recommendation to the Board for approval, subject to conditions

BOARD OF
COUNTY COMMISSIONERS
MULTI-COUNTY
OREGON
1991 MAY 20 PM 1:37

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER Paul Yarnborough / bkw

(All accompanying documents must have required signatures)



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

Decision

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

May 6, 1991

CU 10-91, #57D Conditional Use Request **(Non-Resource Related Single Family Residence)**

Applicant requests conditional use approval of a non-resource related single family residence on this 5.00 acre Lot of Record in the MUF-19 zoning district.

Location: 14660 NW Rock Creek Road

Legal: Tax Lot '37', Section 26, 2N-2W, 1990 Assessor's Map

Site Size: 5 Acres

Size Requested: Same

Property Owner: Kevin Bender
20285 NW Cornell Road, Hillsboro, 97124

Applicant: Same

Comprehensive Plan: Multiple Use Forest

Present Zoning: MUF-19

Planning Commission

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

MUF-19

Zoning Map
 Case #: CU 10-91
 Location: 14660 N W Rock Creek Road
 Scale: 1 inch to 600 feet
 Shading indicates subject property

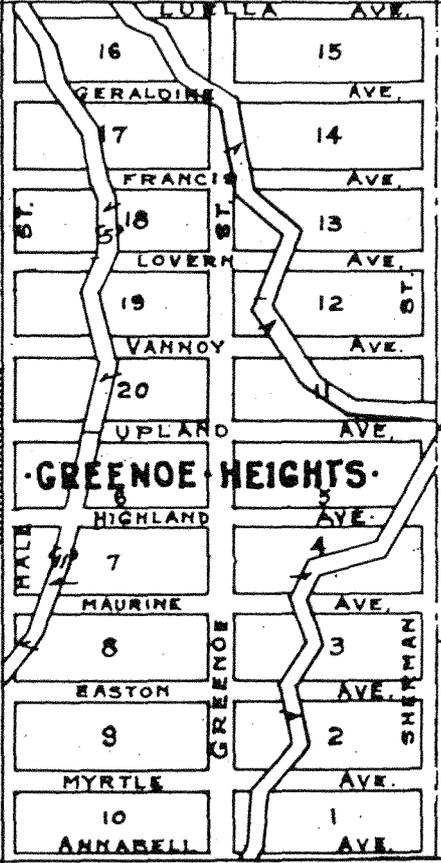
MUF-19

MUF-38

'24'
33.37 AC.

CREEK ROAD
'30'
13.99 AC.

MUF-19



GREENOE HEIGHTS

MUF-19

MUF-19

'7'
80 Ac.

'29'
19.14 Ac

'28'
18.50 Ac

N W ROCK CREEK RD
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(3)

(4)
9.92 Ac

(54)
9.21 Ac

(41)
6.63 Ac.

(44)
4.66 Ac.

(52)
4.63 Ac.

(58)
3.77 Ac.

(39)
1.95 Ac.

(61)
13.50 Ac.

'18'
11.46 Ac

(6)
20.25 Ac.

'20'
17.72 Ac.

'15'
2.40 Ac.

'34'
.90 Ac.

'36'
1.007 Ac.

'17'
23.94 Ac

'9'
18.50 Ac.

'48'
8.00 Ac.

'50'
4.00 Ac.

'46'
10.42 Ac.

'25'
9.83 Ac

'27'
9.90 Ac

'26'
9.93 Ac.

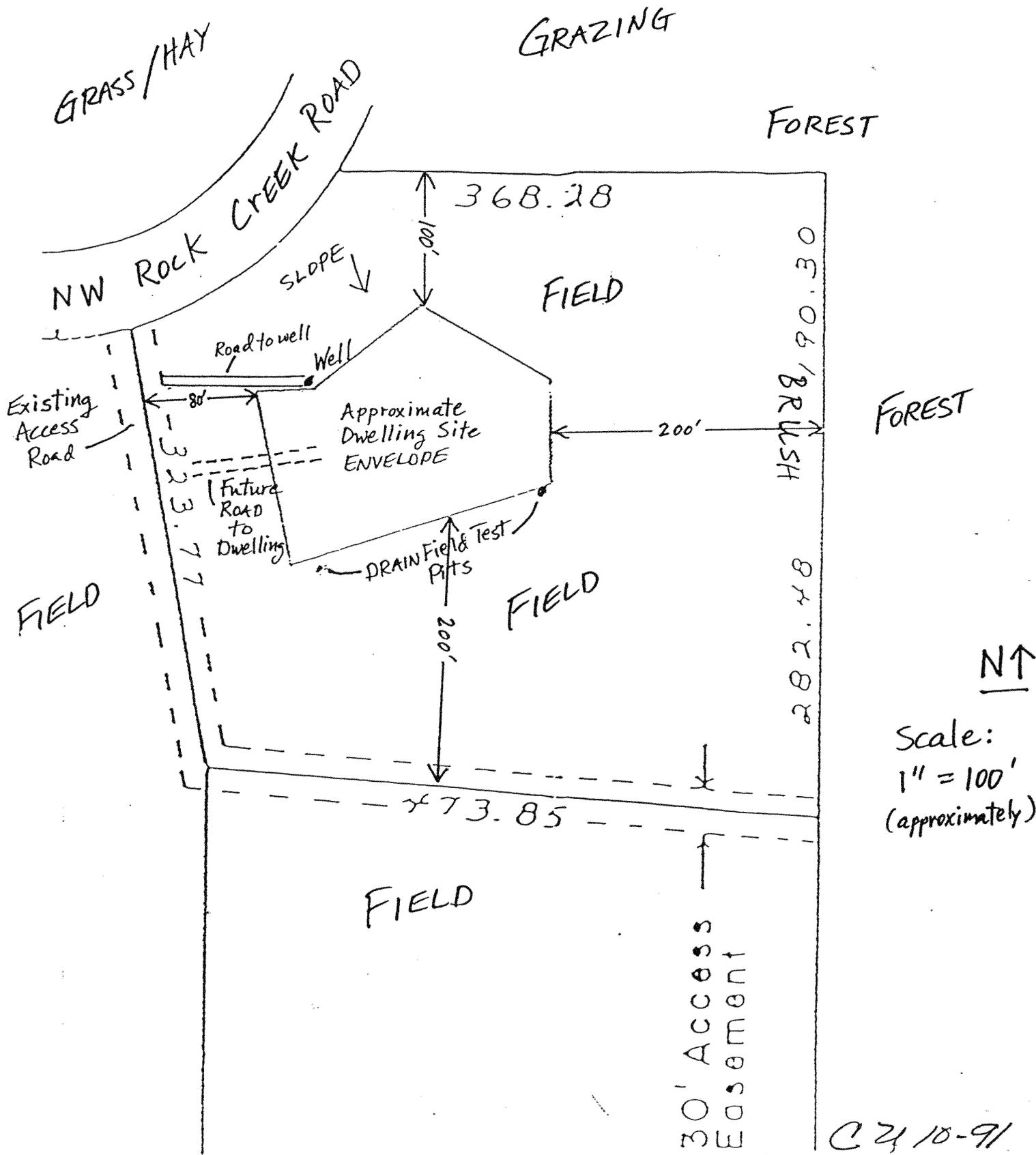
'32'
12.22 Ac.

'31'
2.45 Ac.

'38'
14.32 Ac.

N W ROCK CREEK ROAD
'112'
'111'

Approximate Site Plan
 5.00 Acres
 2N, 2W, Sec 26, TL 37



CONDITIONS OF APPROVAL:

1. Prior to the issuance of building permits, the property owner shall provide the Land Development Section with a copy of the recorded restrictions required under MCC 11.15.2172(A)(5). A prepared blank copy of this deed restriction is available at the Land Development Offices.
2. Satisfy the requirements of Engineering Services regarding any further improvements of NW Rock Creek Road.
3. Site clearing or grading occurring after February 20, 1990 may require a *Hillside Development and Erosion Control Permit* pursuant to MCC .6700-6730. Contact the Division of Planning and Development for application materials.

FINDINGS OF FACT:

1. Applicant's Proposal:

The applicant requests Planning Commission approval to develop the above described 5.00 acre Lot of Record with a non-resource related single family dwelling.

2. Ordinance Considerations:

- A. A non-resource related single family dwelling is permitted in the MUF zoning district as a Conditional Use where it is demonstrated that:
 - (1) The lot size shall meet the standard of MCC 11.15.2178(A) or .2182(A) to (C).
 - (2) The land is incapable of sustaining a farm or forest use, based upon one of the following:
 - (a) A Soil Conservation Service Agriculture Capability Class of IV or greater for at least 75% of the lot area, and physical conditions insufficient to produce 50 cubic feet/acre/year or any commercial trees species for at least 75% of the area;
 - (b) Certification by the Oregon State University Extension Service, the Oregon Department of Forestry, or a person or group having similar agricultural and forestry expertise, that the land is inadequate for farm and forest uses and stating the basis for the conclusions; or
 - (c) The lot is a Lot of Record under MCC 11.15.2182(A) through (C) and is ten acres or less in size.
 - (3) A dwelling, as proposed, is compatible with the primary uses as listed in MCC 11.15.2168 on nearby property and will not interfere with the resources or the resource management practices or materially alter the stability of the overall land use pattern of the area.

- (4) The dwelling will not require public services beyond those existing or programmed for the area.
 - (5) The owner shall record with the Division of Records and Elections a statement that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct accepted forestry or farming practices.
 - (6) The residential use development standards of MCC .2194 will be met.
- B. A residential use located in the MUF district after August 14, 1980 shall comply with the following:
- (1) The fire safety measures outlined in the "Fire Safety Considerations for Development in Forested Areas", published by the Northwest Inter-Agency Fire Prevention Group, including at least the following:
 - (a) Fire lanes at least 30 feet wide shall be maintained between a residential structure and an adjacent forested area;
 - (2) An access drive at least 16 feet wide shall be maintained from the property access road to any perennial water source on the lot or an adjacent lot;
 - (3) The dwelling shall be located in as close proximity to a publicly maintained street as possible, considering the requirements of MCC II.15.2058(B). The physical limitations of the site which require a driveway in excess of 500 feet shall be stated in writing as part of the application for approval;
 - (4) The dwelling shall be located on that portion of the lot having the lowest productivity characteristics for the proposed primary use, subject to the limitations of subpart #3 above;
 - (5) Building setbacks of at least 200 feet shall be maintained from all property lines, wherever possible, except:
 - (a) a setback of 30 feet or more may be provided for a public road, or
 - (b) the location of dwelling(s) of adjacent lots at a lesser distance which allows for clustering of dwellings or sharing of access;
 - (6) The dwelling shall comply with the standards of the Uniform Building Code or as prescribed in ORS 446.002 through 446.200, relating to mobile homes;
 - (7) The dwelling shall be attached to a foundation for which a building permit has been obtained;
 - (8) The dwelling shall have a minimum floor area of 600 square feet; and

- (9) The dwelling will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable.

3. Site and Vicinity Characteristics:

The subject property is a Lot of Record of 5.00 acres. A lot line adjustment was approved in 1990 which reduced the lot by .26 of an acre and slightly moved the west and south property lines.

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

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

The applicant's description of the site is as follows (in *italic* type style):

The property is about 3.5 miles north of the intersection with Cornelius Pass Road. The lot slopes at about 3% to 15% from northwest to southeast on Cascade silt loam soil. The property is served by an existing well and has an approved septic system drainfield area. The drainfield is downhill from the well. Although the specific site and building plans have not been drawn, the dwelling will be sited somewhere below the well and above the drainfield. An existing access road leads from Rock Creek Road along the west and south boundaries of the lot. The lot and much of the neighboring property is cleared of timber and is not in resource use.

4. Compliance With Ordinance Considerations:

A. The applicant provides the following responses to the applicable Conditional Use approval criteria:

- (1) The lot size shall meet the standards of MCC .2178(A) or .2182(A) to (C);

This lot is a Lot of Record and therefore meets the standards of .2182(A)(2). Attached to this application is a copy of the decision LE 2-90, dated February 21, 1990, which created this lot in its present size. The application had been filed August 8, 1989, and the paperwork creating this parcel was in recordable form at the time of application. The decision shows that an instrument creating the parcel was in recordable form prior to February 20, 1990, that it satisfied all applicable laws when the parcel was created, that it does not meet the minimum lot size of 19 acres for this dis-

trict, and that it is not contiguous to another substandard parcel under the same ownership. Accordingly, this is a Lot of Record pursuant to .2182 (A) to (C). Thus, standard (l) is met.

- (2) The land is incapable of sustaining a farm or forest use, based upon one of the following:

- (c) The lot is a Lot of Record under MCC.2182 (A) through (C), and is ten acres or less in size:

As noted above, this is a Lot of Record, under .2182(A) through (C), of less than ten acres. Therefore this standard is met.

- (3) Dwelling compatible with the primary uses in the area:

The proposed dwelling is compatible with the primary uses allowed in the district, including farming and forest uses. The subject lot is almost entirely a cleared field, with some brush along the eastern boundary. The dwelling site will be in the northwest quarter of the lot. The adjacent lots to the west and south are also cleared. The nearest forest land is at the eastern and northeastern lot boundaries, at least 200 feet from the dwelling site.

There is no active farming in the area. There are a few cows on the lot to the north. The land across Rock Creek Road is cleared of trees, and is harvested only once a year as dry land grass hay, because of limited water supply. Because of the location of the homesite well away from the nearest forest and the limited livestock range, the proposed dwelling on this lot will not interfere with any of the neighboring land uses. There are other dwellings in the area. There is a house about 500 feet to the north along the road, and another house about 1500 feet to the west. This dwelling will not alter the existing land use pattern.

For the above reasons, this standard is met.

- (4) Not require public services beyond those existing or programmed for the area:

The proposed dwelling would use the existing public road system for general access, existing PGE electric utility lines and existing US West Communications telephone lines. A well and pump providing potable water has been drilled, installed and tested. There is an approved standard pipe septic system drainfield on the lot. The site is within the Multnomah County RFPD #20 area of coverage. The proposed dwelling will not require any new public services, and this standard is met.

- (5) Acknowledge the rights of owners of nearby property to conduct accepted forestry or farming practices.

The owner will comply with this requirement at the appropriate time.

- (6) The residential use development standards of MCC .2194 will be met.

See "B" below.

- B. MCC 11.15.2194 A residential use located in the MUF district after August 14, 1980, shall comply with the following:

- (1) Fire lanes at least 30 foot wide shall be maintained between a residential structure and an adjacent forested area.

The proposed dwelling site will be surrounded by open fields with a much greater than the required 30 feet. The homesite is about 200 feet away from the nearest forest. Therefore this standard is met.

- (2) Maintenance of a water supply and of fire fighting equipment sufficient to prevent fire from spreading from the dwelling to adjacent forested areas.

The existing well will pump water at 9 gallons per minute. The applicant will make sure there is sufficient fire fighting water supply and equipment on the lot. The lot is cleared and does not have any trees within 200 feet of the proposed home site. Because the lot is cleared, and because the existing well provides a reliable source of water, this standard can be met.

- (3) An access drive at least 16 feet wide shall be maintained from the property access road to any perennial water source on the lot or an adjacent lot.

There is an existing graveled road at least 16 feet wide from the access road along the west boundary of the lot to the well. Therefore, this standard is met.

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

The dwelling will be placed in the area indicated on the site plan, between the well and the approved septic drainfield area. The site will be within 100-200 feet of Rock Creek Road.

- (5) The physical limitations of the site which require a driveway in excess of 500 feet shall be stated in writing as part of the application for approval.

The driveway will not be in excess of 500 feet. This standard does not apply.

- (6) The dwelling shall be located on that portion of the lot having the lowest productivity characteristics for the proposed primary use.

The dwelling placement is dictated by the location of the approved septic drainfield and the existing well. The dwelling will be sited above the drainfield.

- (7) Building setbacks of at least 200 feet shall be maintained from all property lines, wherever possible, except from a public road.

A setback of at least 200 feet will be maintained to the east and south. As shown on the site plan, the setback from the north may be approximately 100 feet or more, because of the location of the well and the septic drainfield and the terrain. The setback to the north from Rock Creek Road will [be] 100 - 200 feet. The setback to the west may be less than 200 feet in order to make the best use of the existing access road along the west boundary of the lot. That road access easement is 30 feet wide, and continues along the southern lot boundary. It is intended to provide access to the lots to the south and east of this lot. The proposed dwelling will share the access road from the intersection at Rock Creek Road until a new driveway access branches off to the east from the main access road to the proposed homesite.

- (8) Standards of the building code.

The proposed dwelling will be constructed according to code standards. The dwelling will be attached to an approved foundation. However, building plans and an exact location have not yet been decided.

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

According to the Comprehensive Plan findings on wildlife habitat, the Oregon Department of Fish and Wildlife maps do not list this area among the sensitive areas important to the survival of big game.

C. Applicant's Conclusion:

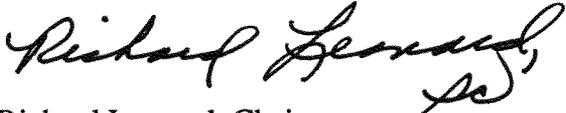
As detailed in the above application, the proposed dwelling meets the requirements of MCC 11.15.2172 (C) for a conditional use in the MUF-19 district, including the residential use development standards of MCC.2194. The request for conditional use approval for a dwelling not in conjunction with a primary use should be approved.

Staff Comment: The staff concurs with the applicant's analysis of compliance with the applicable approval criteria.

CONCLUSIONS:

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

Signed May 6, 1991


Richard Leonard, Chairperson

Filed with Clerk of the Board on May 16, 1991

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 9:00 a.m. on Tuesday, May 28, 1991 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision in this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, May 28, 1991 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development at 248-3043.

Meeting Date: May 28, 1991

Agenda No.: 6

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: _____

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

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 2 Minutes

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

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

HV 5-91 Decision of the Planning Commission of May 7, 1991 with recommendation to the Board for approval, subject to conditions

BOARD OF
COUNTY COMMISSIONERS
1991 MAY 20 PM 1:35
MULTIOMAH COUNTY
OREGON

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER Paul Yarbrough/bkw

(All accompanying documents must have required signatures)



DEPARTMENT OF ENVIRONMENTAL SERVICES

Division of Planning and Development

2115 SE Morrison Street

Portland, Oregon 97214 (503) 248-3043

DECISION

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

7 May 1991

HV 5-91, #194

Height Variance

WRG 5-91, #194

Request for Willamette River Greenway Permit

Applicants request approval of a minor variance to construct a two-story addition that will exceed the height limit of 35 feet by 8 feet. Addition, which will add 2,500 sq ft of living space, will be above the existing garage.

Applicants are also requesting approval of a Willamette River Greenway permit

Location: 12610 S W Elk Rock Road

Legal: Lot 13, Elk Rock Villas

Site Size: 18,180 Square Feet

Size Requested: Same

Property Owners Baron G & Barbara M Barnett
PO Box 595
Lake Oswego, Oregon - - 97035

Applicants Same

Comprehensive Plan Single Family Residential

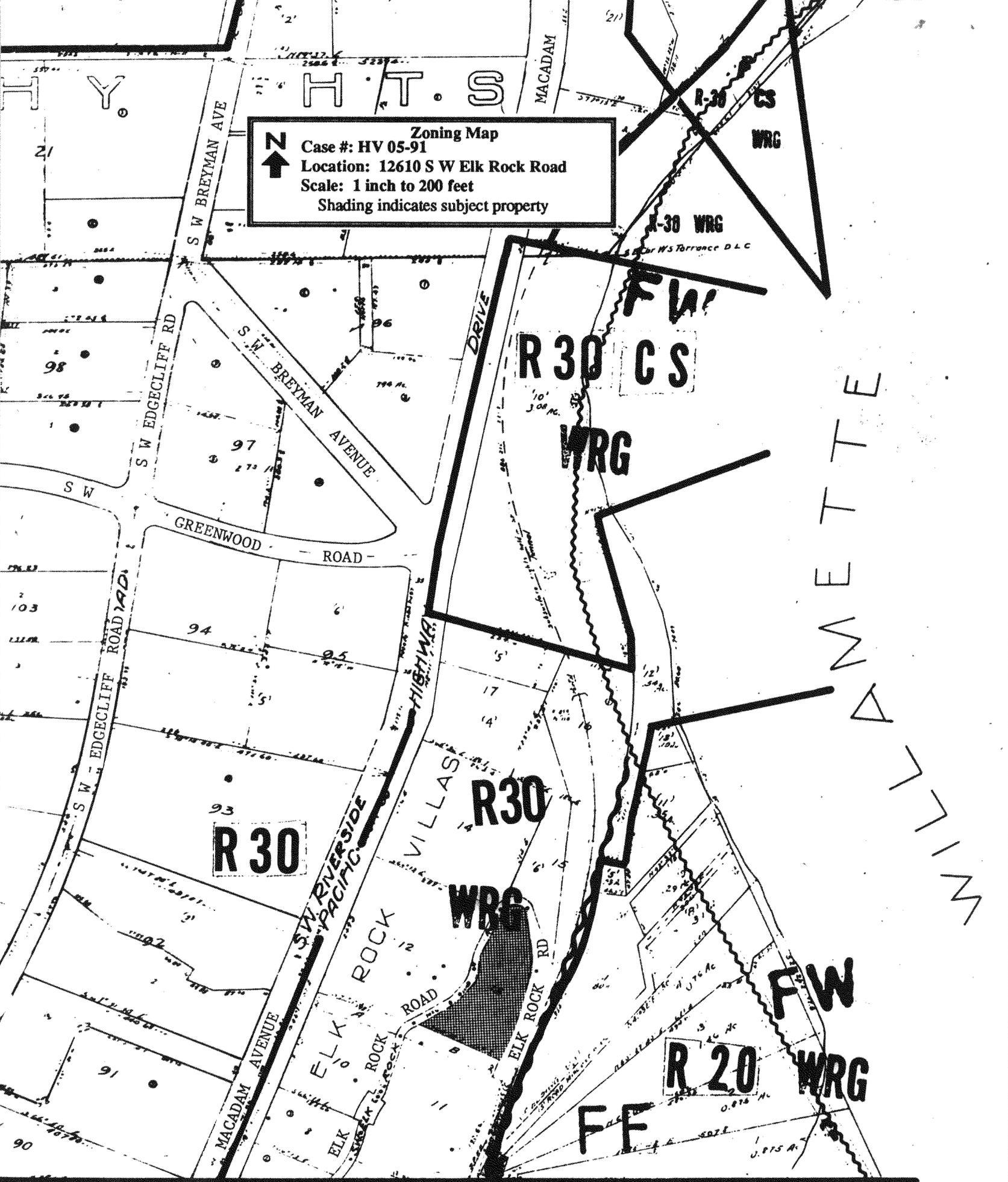
Present Zoning: R-30, WRG, Single-Family Residential District
Area of Significant Environmental Concern
Minimum lot size of 30,000 square feet per single family dwelling

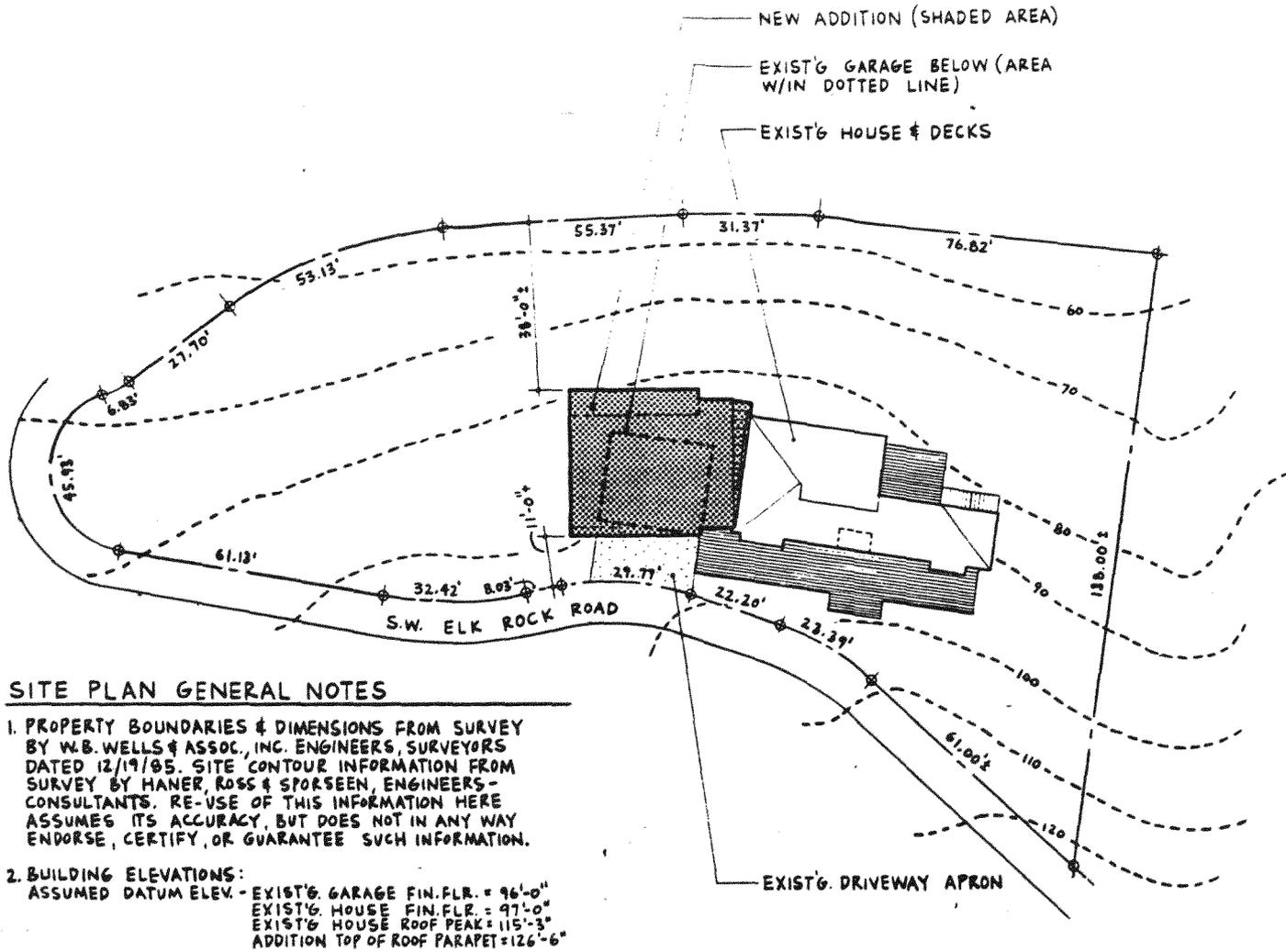
Planning Commission

Decision #1: Approve, subject to conditions, requested height variance to allow construction of a two-story addition to an existing single family residence;
(HV 5-91)

Decision #2: Approve, subject to conditions, a Willamette River Greenway Permit, as contained in MCC 11.15.6350.
(WRG 5-91)

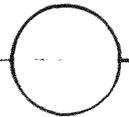
Zoning Map
 Case #: HV 05-91
 Location: 12610 S W Elk Rock Road
 Scale: 1 inch to 200 feet
 Shading indicates subject property





SITE PLAN GENERAL NOTES

1. PROPERTY BOUNDARIES & DIMENSIONS FROM SURVEY BY W.B. WELLS & ASSOC., INC. ENGINEERS, SURVEYORS DATED 12/19/85. SITE CONTOUR INFORMATION FROM SURVEY BY HANER, ROSS & SPORSEEN, ENGINEERS-CONSULTANTS. RE-USE OF THIS INFORMATION HERE ASSUMES ITS ACCURACY, BUT DOES NOT IN ANY WAY ENDORSE, CERTIFY, OR GUARANTEE SUCH INFORMATION.
2. BUILDING ELEVATIONS:
 ASSUMED DATUM ELEV. - EXIST'G. GARAGE FIN. FLR. = 96'-0"
 EXIST'G. HOUSE FIN. FLR. = 97'-0"
 EXIST'G. HOUSE ROOF PEAK = 115'-3"
 ADDITION TOP OF ROOF PARAPET = 126'-6"



SITE PLAN DATE 3/4/91

SCALE 1" = 30'-0"
 TAX LOT 13, ELK ROCK VILLAS, MULTNOMAH COUNTY, OREGON
 12610 S.W. ELK ROCK RD., LAKE OSWEGO, OREGON 97034



HD 5-91

CONDITIONS OF APPROVAL: (Decision #1)

1. That no additional variances be requested.
2. That application be made for and approval received regarding a Willamette River Greenway Permit
- 3 Applicant must wait until after the Board of County Commissioners has acted on this matter before applying for a building permit for the two-story addition over the existing garage.
4. The variance approval shall expire at the end of 18 (eighteen) months if no substantial construction or expenditure of funds has occurred on the subject property.
 - A. Application for extension can be made, but must be filed with the Planning Director at least 30 days prior to the expiration date.
 - B. The Planning Director will issue a written decision on the application for extension and mail notice as appropriate.
5. Fulfill fire code regulations as may be applicable for the proposed over height residential addition.

VARIANCE REQUESTED

A height variance to allow construction of a two story addition above an existing garage which will be 8 feet higher than the maximum of 35 feet allowed, a percentage difference of 22.8 percent.

SUMMARY OF THE PROPOSAL

1. Under "General Description of Application", Applicant states the following:
 - A. Variance to exceed height limit of 35 feet by 8 feet.
 - B. (Would be admin. minor variance except could not get all signatures.)
2. Under "Attachment to Variance General Application" Applicant notes the following:
 - A. With respect to the Variance Request;

A minor variance is requested to allow proposed construction as described here and in accompanying drawings. The addition adds approximately 2,500 square feet of living space, the majority of which is on two new floors above the existing garage structure.

B. With respect to Existing Site Conditions;

- (1). The property is an irregularly shaped parcel, bounded on three sides by street.
- (2). The site is steeply sloping, from an elevation at the westerly (or upper) edge of the site of 100 ft down to 55 ft at the easterly (or lower) edge of the site. Slope is about 61 percent.

C. With respect to Design of Addition to Existing House:

- (1). Due to very steep topography of the subject property and surrounding area, adjacent houses are situated significantly above or below the existing house.
- (2). Proposed addition will have little or no impact on views of adjacent houses.
- (3). Addition will have minimal impact on subject site since new construction will be on top of existing structure. Little or no disruption of existing topography, drainage, or vegetation is anticipated.

SITE AND VICINITY INFORMATION

1. The property is situated on the west bank of the willamette River close to the Clackamas County line, near the south portal of Elk Rock tunnel.
 - A. The site is very steeply sloping from the west side down towards the river.
 - B. The site has an existing residence which the applicants wish to enlarge.
 - C. The house obtains its access from Elk Rock Road, a narrow street connected to S W Macadam Avenue to the west.
 - D. The east (or lower) edge of the property is adjacent to the Portland to Lake Oswego trolley line (formerly Southern Pacific RR).
2. The subject property is surrounded by numerous single-family residences
3. Applicant has submitted a site plan which shows the following:
 - A. Existing house and decks.
 - B. Proposed addition (shaded area).
 - C. Topography of site, using 20 foot contour intervals.

COMPREHENSIVE PLAN & ZONING DESIGNATIONS

1. The Comprehensive Plan designates the site as Low Density Residential and Willamette River Greenway.
2. The site is zoned:
 - A. R-30, "Single-Family Residential" and
 - B. WRG, "Willamette River Greenway"

ORDINANCE CONSIDERATIONS :

1. Multnomah County Code, Chapter 11.15 (aka the "Zoning Ordinance") requires the following with respect to building heights in the R-30, "Single-Family Residential" Zoning District.

MCC 11.15.2844 "Restrictions":

"E" Height Restrictions

"Maximum height of any structure shall be 35 feet."

2. Variance Classification (MCC 11.15.8515 "B"):

A minor variance is one that is within 25 percent of an applicable dimensional requirement.

3. Variance Approval Criteria (MCC 11.15.8505 "A" (3) and (4):

A. The Approval Authority may permit and authorize a variance from the requirements of this Chapter only when they cause practical difficulties in the application of the Chapter. A Minor Variance shall meet criteria (3) and (4).as follows:

(3). *The authorization of the variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located, or adversely affects the appropriate development of adjoining properties.*

(4). *The granting of the variance will not adversely affect the realization of the Comprehensive Plan nor will it establish a use which is not listed in the underlying zone.*

FINDINGS OF FACT

1. Applicable Zoning standards will appear in *bold italics*
2. Applicant's response, if provided, will be in *italics*.
3. Staff comment will follow in plain type.

1. Variance Classification (MCC 11.15.8515 "B"):

A minor variance is one that is within 25 percent of an applicable dimensional requirement.

"A minor variance is requested to allow proposed construction as described ...the majority of which is on two new floors above the existing garage structure."

Variance requested does not exceed 25 percent more than the maximum height allowed in the R-30 Zoning District, and therefore can be classed as minor.

2. Variance Approval Criteria (MCC 11.15.8505 "A" (3) and (4):

(3). The authorization of the variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located, or adversely affects the appropriate development of adjoining properties.

A Authorization of the variance will not be materially detrimental to the public welfare. No adverse effect is foreseen by allowing the construction of an addition to an existing house above the garage.

B. Constructing an addition to an existing house, even one that exceeds the height limitation by 22 percent, is not seen as being injurious to other property in the vicinity.

C. Granting of the height variance will not adversely affect development of adjoining properties.

(1). Adjacent properties in the immediate area are already "developed" in that they have existing residences.

(2).

(4). The granting of the variance will not adversely affect the realization of the Comprehensive Plan nor will it establish a use which is not listed in the underlying zone.

- A. Authorization of the variance will not adversely affect the realization of the Comprehensive Plan.
- a. The Comprehensive Plan shows the property to be suitable for single-family residential development.
 - b. Construction of an addition to an existing single-family residence is an allowed use in the R-30, "Single-Family Residential" Zoning District.
 - c. Constructing the addition to the existing house, even though it exceeds the height limitation (by 22 percent), will not adversely affect the realization of the Comprehensive Plan.
 - d. Authorization of the variance will not establish a use which is not listed in the underlying zone.
 - (1). The underlying zone for this area is R-30, "single-Family Residential" (as shown on Sectional Zoning Map # 194 in the Southwest Zoning Map Book).
 - (2). The construction of an addition to an existing single-family residence qualifies as an an allowed use in the R-30 District.
 - (3). Authorization of a minor variance to construct an over height addition to an existing single-family residence will not establish a use not listed in the underlying zone.

3. Minor Variances can be administratively approved as a Planning Director's Decision if therequest has the approval of adjoining property owners [per MCC 11.15.8515 "B", (1)].

Application shall be made on forms provided by the Planning Director and shall be accompanied by the written consent of the owner or owners of each lot adjoining and across any street from the subject property.

"(Would be admin. minor variance except could not get all signatures.)"

The applicant was not able to obtain the required number of affirmative signatures

The variance request must now be considered at a public hearing by the Planning Commission.

CONCLUSIONS

1. Requiring the new structure to conform to the 35 ft maximum height restriction, by spreading-out the addition over a larger part of the site, would necessitate placing it on an excessive fill, stilts, or a deep cut with retaining wall.
2. Even though the variance requested qualifies as an administratively approvable "Minor" Variance, a public hearing is necessary because not all of the required affirmative signatures were obtainable on the petition.
3. Allowing the use of an increased height of structure (from 35 ft to 43 ft), would not permit development of the property in a manner that would be more hazardous or detrimental to the public safety than development with the required height.
4. Placement of the addition on top of of the existing structure is advantageous because it will not increase the "footprint" of the structure on the steep terrain. This will result in:
 - A. Little or no disruption of the existing drainage pattern.
 - B. No extensive cutting or filling.
4. The proposed construction project qualifies for a height variance because the proposal meets the applicable "Criteria for a Minor Variance" as noted under Finding number 2.
5. Impact on view from houses on adjacent properties will be minor
6. Development of adjacent properties will not be affected.

CONDITIONS OF APPROVAL: (Decision #2)

1. Construct and install proposed structural addition above existing garage as shown on site plan.
2. WRG permit does not authorize grading, tree removal, or other bank work on site, except as noted on site plan. Any disturbed areas to be replanted and stabilized as soon as practicable
3. Issuance of occupancy permit subject to compliance with conditions 1 and 2 above.

SITE AND VICINITY INFORMATION

1. The property is situated on the west bank of the willamette River close to the Clackamas County line, near the south portal of Elk Rock tunnel.
 - A. The site is very steeply sloping from the west side down towards the river.
 - B. The site has an existing residence which the applicants wish to enlarge.
2. The subject property is surrounded by numerous single-family residences

COMPREHENSIVE PLAN & ZONING DESIGNATIONS

1. The Comprehensive Plan designates the site as Low Density Residential and Willamette River Greenway.
2. The site is zoned:
 - A. R-30, "Single-Family Residential" and
 - B. WRG, "Willamette River Greenway"

ORDINANCE CONSIDERATIONS

1. MCC 11.15.6354, Greenway Permit Required

All uses permitted under the provisions of the underlying district are permitted on lands designated WRG; provided, however, that any development, change of use, or intensification of use, shall be subject to a Greenway Permit issued under the provisions of MCC 11.15.6362.

The proposed addition to the existing house is considered to be an intensification of use. A Greenway Permit is required.

2. MCC 11.15.6360, Greenway Permit Application

An application for a Greenway Permit shall address the elements of the Greenway Design Plan...

3. MCC 11.15.6372, Greenway Design Plan

Contains 19 elements which must be addressed.

FINDINGS OF FACT

NOTE: Findings will be shown as follows:

1. Applicable Ordinance standards will appear in *bold italics*.
2. Applicant's response, if provided, will appear in italics.
3. Staff comment will follow in plain type.

1. Greenway Design Plan (MCC 11.15.6372)

"A".The maximum possible landscaped area, scenic and aesthetic enhancement, open space, or vegetation shall be provided between any use and the river.

The addition to the existing house will be located more than 400 feet from the river.

- (1). Because of this great separation from the river bank, there will be no adverse effects to shoreline vegetation.
- (2). Construction of the addition will not require removal of any significant trees since it is being built over the existing garage.

"B".Reasonable public access to and along the river shall be provided by appropriate legal means to the greatest possible degree and with emphasis on urban and urbanizable areas.

This requirement not applicable since site is not abutting the river.

"C".Developments shall be directed away from the river to the greatest possible degree, provided, however, that lands in other than rural and natural resource districts may continue in urban uses.

Not applicable

"D".Agricultural lands shall be preserved and maintained for farm use.

Subject property is not located in an area that is agricultural.

“E”.The harvesting of timber, beyond the vegetative fringes, shall be conducted in a manner shall insure that the natural scenic qualities of the Greenway will be maintained to the greatest extent practicable or will be restored within a brief period of time on those lands inside the Urban Growth Boundary.

Above not applicable to subject property.

“F”.Recreational needs shall be satisfied by public and private means in a manner consistent with the carrying capacity of the land and with minimum conflicts with farm uses.

Above not applicable since subject property is over 300 feet from the river..

“G”.Significant fish and wildlife habitats shall be preserved.

Above not applicable to subject property

“H”.Significant natural and scenic areas and viewpoints and vistas shall be preserved.

Above not applicable to subject property.

“I”.Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.

Construction of an addition to an existing single-family residence should have no adverse public safety effects.

“J”.The natural vegetation along the river, lakes, wetlands, and streams shall be enhanced and protected to the maximum extent practicable to assure scenic quality, protection from erosion, screening of uses from the river, and continuous riparian corridors.

Above not applicable to subject property.

“K”.Extraction of known aggregate deposits may be permitted, pursuant to the provisions of MCC 11.7105 through .7640, when economically feasible and when conducted in a manner designed to minimize adverse effects on water quality, fish, and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise, safety, and to guarantee necessary reclamation.

Site is over 300 feet away from any stream flow. Also, no aggregate extraction from the site is proposed.

“L”.Areas of annual flooding, flood plains, water areas and wetlands shall be preserved in their natural state to the maximum possible extent to protect the water retention, over flow, and natural functions.

There are no areas of annual flooding, flood plains, water areas or wetlands on or adjacent to the site. The site is very steep.

"M". Significant wetland areas shall be protected as provided in MCC 11.15.6376.

This requirement does not apply since there are no significant wetlands on or near the site.

"N". Areas of ecological, scientific, historical, or archeological significance shall be protected, preserved, restored, or enhanced to the maximum extent possible.

The site does not contain any areas of ecological, scientific, historical, or archeological significance.

"O". Areas of erosion or potential erosion shall be protected from loss by appropriate means which are compatible with the character of the Greenway.

The site is steeply sloping, from an elevation at the westerly (or upper) edge of the site of 100 ft down to 55 ft at the easterly (or lower) edge of the site. Slope is about 61 percent.

Addition will have minimal impact on subject site since new construction will be on top of existing garage. Little or no disruption of existing topography, drainage, or vegetation is anticipated.

Applicant has made appropriate response.

"P". The quality of the air, water, and land resources in and adjacent to the Greenway shall be preserved in development, change of use, or intensification of use of land designated WRG.

The addition to the existing house and its use for human habitation should not significantly alter the quality of the air, water, or land resources in the area.

"Q". A building setback line of 150 feet from the ordinary low waterline of the Willamette River shall be provided in all rural and natural resource districts, except for non-dwellings provided in conjunction with farm use and except for buildings and structures in conjunction with a water-related or water-dependent use.

The above does not apply since subject property is not located in a rural or natural resource district.

"R". Any development, change of use, or intensification of use of land classified WRG, shall be subject to design review, pursuant to MCC 11.15.7805 through .7865, to the extent that such design review is consistent with the elements of the Greenway Design Plan.

Design Review does not apply to single-family residential development (per MCC 11.15.7820).

"S".The applicable policies of the Comprehensive Plan must be satisfied.

The proposal meets the applicable policies of the Comprehensive Plan.

CONCLUSIONS

1. Proposal to construct addition is compatible with Policy 15 of the Comprehensive Plan regarding scenic qualities and views and protection of the vegetative fringe along the Willamette River
2. The criteria for approval of a WRG permit are satisfied.

Signed May 7, 1991

By Richard Leonard
Richard Leonard, Chairman

Filed with the Clerk of the Board of County Commissioners on May 17, 1991.

APPEAL TO THE BOARD OF COUNTY COMMISSIONERS:

Any person who appears and testifies at the Planning Commission hearing on Tuesday, 07 May 1991, 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 9:00 AM on Tuesday, 28 May, 1991 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 S E Morrison Street.

The Decision on this item will be reported to the Board of County Commissioners for review at 9:30 A M on Tuesday, May 28, 1991 in Room 602 of the Multnomah County Courthouse (1021 S W 4th Avenue). For further information 'phone the Multnomah County Planning and Development Office at 248-3043.

Meeting Date: May 28, 1991

Agenda No.: 7

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: _____

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

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 2 Minutes

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

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

CS 5-91 Decision of the Planning Commission of May 7, 1991 with recommendation to the Board for approval, subject to conditions

1991 MAY 20 PM 1:36
MULTI-NOMINATING COUNTY
OREGON

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER Paul Yarbrough/bkw

(All accompanying documents must have required signatures)



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

Decision

This Decision consists of Conditions, Findings of Fact and Conclusions

May 7, 1991

CS 5-91, #704/#706 Community Service Use Request
(West Orient School and Parking Expansion).

Applicant requests expansion of the existing community service designation to allow remodeling of the existing school office and construction a building addition of approximately 22,000 square feet. The proposal includes new off-street parking. The new building will contain a gymnasium, locker rooms, and classrooms for science, music and general classes.

Location: 29805 SE Orient Drive

Legal: Tax Lots '5', '33', and '173'; Section 19-1S-4E

Site Size: 15 Acres

Size Requested: Same

Property Owner: Orient School District No. 6JT
29805 SE Orient Drive, Gresham Or. 97080-8823

Applicant: Same

Comprehensive Plan Designation: Rural Center

Zoning: RC, Rural Center District
RC/CS, Rural Center/Community Service Use District

PLANNING COMMISSION

DECISION: Approve, with conditions, the requested CS Use expansion for West Orient School based on the following Findings and Conclusions.

CS 5-91

4.62 Ac.

EFU

MUA-20

JACKSON ROAD



Zoning Map

Case #: CS 05-91

Location: 29805 S E Orient Drive

Scale: 1 inch to 400 feet

Shading indicates subject property

ROORK ROAD

RC

RC CS

MUA-20

DODGE PARK BOULEVARD

6-74/D
JULIES
ACRES
S E SHORT ROAD
C4 3-84
ZC 21-63

RC

RC CS

MUA-20

S E ORIENT DRIVE

S E ORIENT DRIVE

S E 302nd AVE

MUA-20

EFU

RC

RC CS

RC

BLUFF ROAD

MUA-20

MUA-20

S E SHORT RD

HH 4-82

ZC 16-72

MUA-20

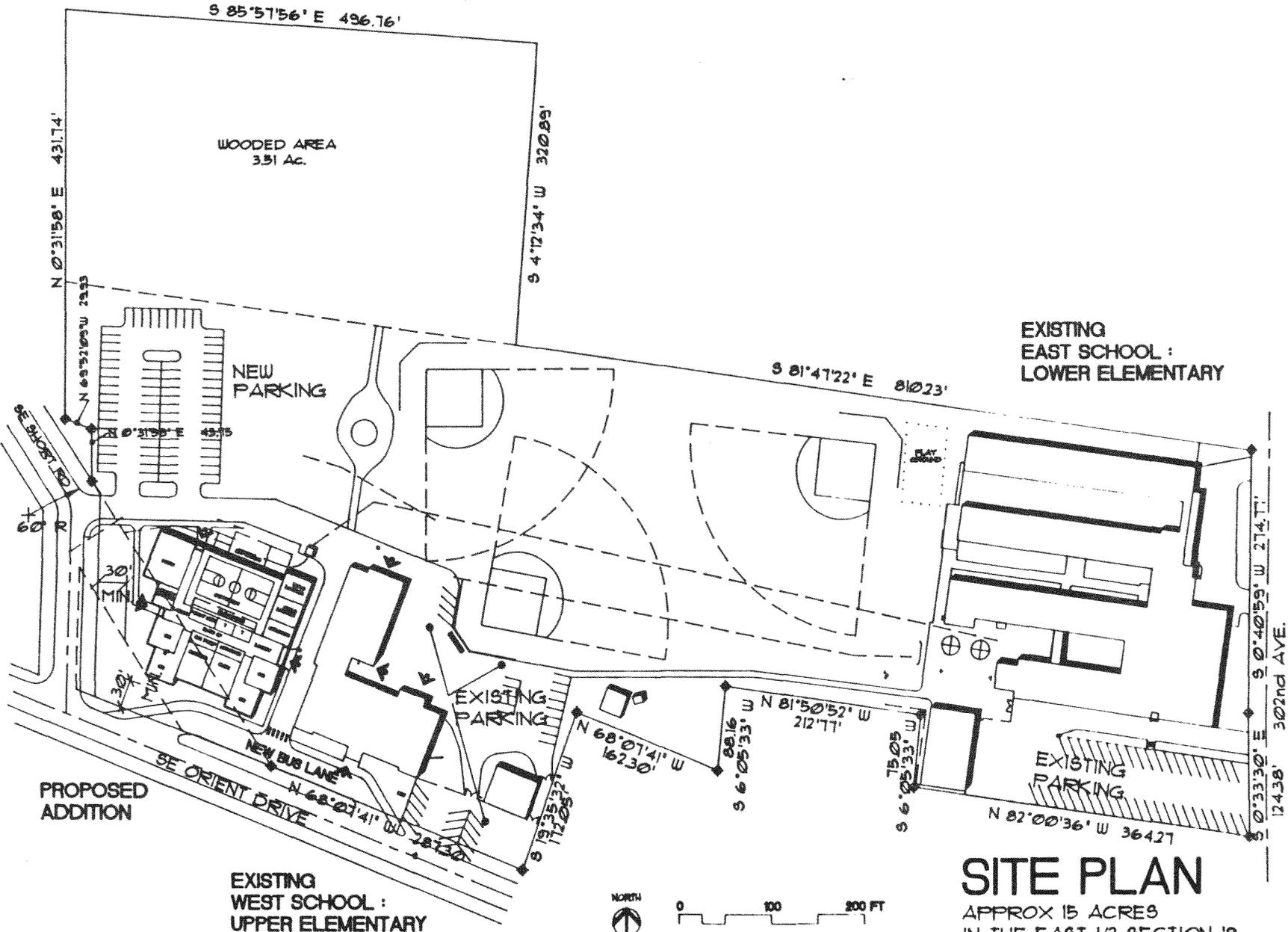
RC

Mc 88-59

(Mc Hood Loop Hwy)



C55-91



SITE PLAN
 APPROX 15 ACRES
 IN THE EAST 1/2 SECTION 19,
 T.15, R. 4 E., WM.
 MULTNOMAH COUNTY, OREGON

SELIG/LEE/RUEDA
 LAND SURVEYORS
 200 S.W. 4th Street, Suite 200 - Portland, Oregon 97204

ORIENT SCHOOL

0-8779
 SITE
 12/1/8

Conditions of Approval:

1. Obtain Design Review approval of all proposed site improvements including, but not limited to, grading, clearing, landscaping, fencing and exterior building designs. Site work shall not proceed until required Design Review approvals are obtained or as determined by the Director. Specific design features represented in the CS application shall be reflected in plans submitted for Design Review.
2. Obtain a *Grading and Erosion Control Permit* as specified in MCC .6710(B) for any cut or fill work or alterations to the stream on the site.
3. Prior to occupancy or final approvals for the new school building, complete Conditions of Approval for Vacation No.4993 and Engineering Services requirements for improvements to Short Road and Orient Drive.

Findings of Fact:

1. Project Description:

Applicant describes the project as follows:

“Continued Community Service Use designation is request for the existing West Orient School in order to remodel interior space for expanded support services and to construct a new addition of approximately 22,000 SF west of the existing Building. The addition will be detached from the existing structure and comprised of a gymnasium, locker rooms, music rooms, science rooms, general classrooms, toilets, storage and circulation space. Off street parking will also be provided, per MCC 11.15.6142 B(9).”

The approximately 15 acre Site is shared by both West and East Orient Schools, with a combined current enrollment in grades K-8 of 700 students. In addition, the Multnomah County Transportation Department advised the Orient School District to purchase the triangular piece of property bounded by S.E. Short Road and S.E. Orient Drive, and suggested that the portion of S.E. Short Road between be vacated to improve current traffic patterns. The District has recently purchased the property and the street Vacation process has been initiated.

Improvement for student bus loading is proposed by creating a separate bus lane in front of the school, along S.E. Orient Drive.

The proposed work is required to meet projected increasing enrollment and to provide new or improved space for expanding and current school programs. The community successfully voted construction bonds in May,1990.”

The street vation mentioned above was completed on March 28, 1991. Board Order 91-36 adopting Final Vacation No. 4993 is attaced as an appendix to this report.

2. Site and Vicinity Information:

The site is located within the Orient Rural Center at the intersection of Orient Drive and Short Road. The school property extends east to 302nd Avenue and north to Dodge Park Boulevard. The rural center is typified by small rural businesses and several residences. Lands to the east and further south and north are primarily in agricultural use. Nearby uses within the rural center include the Orient Country Store, Powell Valley Iron (a metal facrication shop), a nursery, and a beauty shop.

3. Ordinance Considerations:

Conditional uses allowed in the Rural Center District are specified in MCC 11.15.2252. Subsection (A) specifies "*Community Service Uses pursuant to the provisions of MCC .7005 through .7041.*" MCC .7020(A)(20) identifies a school as a CS Use; approval criteria are specified in MCC .7015.

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

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

The proposal:

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

The proposal is consistent with the surrounding area. Expanded facilities are at the existing West Orient School, a facility permitted under Community Service Use, MCC 11.15.7020 (A)(20). Playgrounds provide open space compatible with RC zone.

Staff Comment: The proposal expands a shool use which has operated on the site for several years. The additional property added to the west and north of the current school site provides additional opportunities to buffer and screen the use from surrounding residences and commercial activities along Orient Driave. The added property also provides site area to redesign the parking and bus loading areas for the school, thereby removing the head-in street-side parking along Orient Drive and providing a safer, more direct bus loading area on-site.

A(2) Will not adversely affect natural resources;

"There will be no foreseeable affect on natural resource. The new addition is proposed to be sited partially on a currently paved play area and the proposed vacated portion of S.E. Short Road."

Staff Comment: Condition #1 requires Design Review of the site development. Design Review criteria stipulate that the design shall preserve natural landscape features and existing grades to the maximum practical degree [11.15.7850(A)(4)]. There would be a few large Fir trees removed for the new school building. There is a stream which runs under Short Road approximately at the new parking area access point. The watercourse is already piped through the school site and therefore not a significant natural resource. Condition # 2 requires a grading and Erosion Control Permit if significant grading or alteration of the stream is required for the proposed development.

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

"The proposal does not conflict with farm or forest uses in the area. All work is at the current West Orient School site."

Staff Comment: The new development proposed on the site is within a rural center district and separated from nearby agricultural uses by rural residences and small commercial uses.

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

"No foreseeable additional public services, other than those existing are required for the proposed work."

Staff Comments: Staff concurs

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

"The proposed work at the existing school site is not within a big game winter habitat area."

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

A(6) Will not create hazardous conditions;

"No hazardous conditions are associated with the proposed work. Work merely expands current school facilities."

Staff Comment: The added property provides sufficient site area to redesign the parking and bus loading areas for the school, thereby removing head-in street-side parking along Orient Drive and providing a safer, more direct bus loading area on the school site. The Street Vacation associated with the request also eliminates an unsafe acute-angle intersection (ref. Final Vacation No.4993).

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

The following policies of the County's Comprehensive Plan are found applicable to this request: Policy 2 (Off-site Effects); Policy 7 (Rural Centers); Policy 13 (Air, Water and Noise Quality), Policy 14 (Development Limitations); Policy 16 (Natural Resources); Policy 31 (Community Facilities and Uses); Policy 37 (Utilities); Policy 38 (Facilities).

a. Policy 2 – Off-site Effects.

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

b. Policy 7 – Rural Center Land Area.

"The Proposal is consistent with Policy 7, Rural Centers: the proposal is an expansion of the existing Orient School District Community Service Use designation."

Staff Comments: It is County policy to allow for community services within rural centers to serve the needs of residents in rural areas of the County. The school expansion is intended to serve educational needs of residents in rural east county and is therefore consistent with this policy.

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

Staff Comment: The expanded school facilities should not significantly effect air quality in the area. Potential water quality effects would be addressed through application of Grading and Erosion Control provisions under Condition #2, and the sub-surface disposal review required as part of the Building Permit process. Noises associated with a school are in part mitigated by adding additional property to the school site (the wooded area to the northwest for a buffer) and partially containing the outdoor play areas behind the new building.

d. Policy 14 – Development Limitations.

Staff Comment: Condition #1 requires Design Review of all proposed grading, clearing, or fill associated with the project. This review incorporates and implements the County's development limitations policy. The site does not contain steep slopes and is not identified in the County's Slope Hazards Maps.

e. Policy 16 – Natural Resources.

he Proposal is consistent with Policy 16, Natural Resources: there is no apparent foreseeable indication that the Proposal will affect natural resources.

Staff Comment: Condition #1 requires Design Review of the site development. Design Review criteria stipulate that the design shall preserve natural landscape features and existing grades to the maximum practical degree [11.15.7850(A)(4)]. There would be a few large Fir trees removed for the new development. There is a stream which runs under Short Road approximately at the new parking area access point. The watercourse is already piped through the school site and therefore not a significant natural resource. Condition # 2 requires a grading and Erosion Control Permit if significant grading or alteration of the stream is required for the proposed development.

f. Policy 31 – Community Facilities and Uses

The Proposal is consistent with Policy 31, Community Centers: the "grade" and "middle" schools are minor community facilities because access does not occur through local neighborhood streets. There is direct access to S.E. Orient Drive, a collector street.

Staff Comment: Staff concurs

g. Policy 37 - Utilities

"The Proposal is consistent with Policy 37, Utilities: the existing water service from Pleasant Home Water District appears adequate for the expansion.

The site is served by an on-site septic tank: any modification resulting from the addition will be included in the proposed work.."

Staff Comment: The site is served by an on-site holding tank and sewage is trucked from the site for treatment. The County Sanitarian (Phil Crawford) indicates the current disposal method is adequate for the proposed addition.

h. Policy 38 Facilities -

"The Proposal is consistent with Policy 38: regarding school service, the District in this case is the client and the proposed work is to address the policy by providing space to meet .the growing student population in the community.

Fire and Police service will continue as provided at this existing school site."

Staff Comment: Staff concurs.

Conclusions:

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

Signed May 7, 1991


By Richard Leonard, Chairman *RL*

Filed With the Clerk of the Board on May 17, 1991

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 **9.00 AM. on Tuesday, May 28, 1991** on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision on this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, May 28, 1991 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development Division at 248-3043.

APPENDIX

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the Matter of Vacation of)
S.E. Short Road, County Road)
No. 535, Adjacent to Tax)
Lot 33, Section 19, T1S, R4E,)
W.M., Multnomah County, Oregon)

ORDER OF
FINAL VACATION NO. 4993
91-36

A Consent to Vacation in proper legal form of Orient School District, for vacation of a portion of S.E. Short Road in Section 19, T1S, R4E, W.M., Multnomah County, Oregon, more specifically described below, having been filed herein; and

It appearing to the Board that the petition contains the signatures of the owner of 100% of the abutting property; and

It further appearing that the Director of Environmental Services has investigated the advisability of vacating the aforementioned county road, which is unnecessary for any public purpose, and the Director having filed a report indicating that the proposed vacation is in the public interest, and recommends that said right-of-way be vacated subject to certain conditions; and

It further appearing to the Board that the portion of the road to be vacated is 60 feet in width, approximately 400 feet in length, and is a portion of County Road No. 535 established in 1891, and has been in continuous use since that date; and

It further appearing to the Board that a safer and more convenient road alignment is available to the public, utilizing S.E. Short Road, County Road No. 645; and

It further appearing to the Board that the property adjacent to the road to be vacated is owned by Orient School District, which intends to incorporate the vacated roadway area as part of its school property; and

It further appearing to the Board that it is not advisable to preserve this road as part of the county road system, and that the public would be benefitted by this vacation; and

It further appearing that, in accordance with the Oregon law, the Board of County Commissioners has determined that no further notice be given or hearing held in this matter;

IT IS THEREFORE ORDERED, that the portion of S.E. Short Road, County Road No. 535, described as follows:

Commencing at the southeast corner of that parcel of land conveyed to Orient School District 6-300JT, by instrument recorded January 31, 1991, in Book 2382, Page 2033, Deed Records of Multnomah County, Oregon, which is the intersection of the north right-of-way line of S.E. Orient Drive, County Road No. 1091, with the southwesterly right-of-way line of S.E. Short Road (formerly Powell Valley Road, County Road No. 535); thence N 32°48'16" W along said southwesterly right-of-way line of S.E. Short Road, a distance of 17.30 feet to the true point of beginning; thence S 68°07'41" E parallel to, and 10.00 feet northerly (when measured at right angles), of said north right-of-way line of S.E. Orient Drive, a distance of 103.77 feet to a point in the northeasterly right-of-way line of said S.E. Short Road; thence N 32°48'16" W along said northeasterly right-of-way line, a distance of 336.04 feet to a point in the northerly extension of a line which is parallel to, and 20.00 feet easterly (when measured at right angles) of the east right-of-way line of S.E. Short Road, County Road No. 645; thence S 0°07'47" E along said parallel line, a distance of 111.14 feet to a point in aforementioned southwesterly right-of-way line of S.E. Short Road (formerly Powell Valley Road, County Road No. 535); thence S 32°48'16" E along said southwesterly right-of-way line, a distance of 212.17 feet to the true point of beginning of this description.

be and is hereby vacated, subject to the following conditions:

1. That County Counsel find the consents to vacation are in proper legal form and meet all requirements of Oregon Revised Statutes.
2. That the Order of Final Vacation be recorded in the Deed Records of Multnomah County, Oregon.
3. That Orient School District, as the owner of Tax Lot 33, Section 19, T1S, R4E, W.M., dedicate 20 feet of right-of-way for reconstruction of S.E. Short Road, County Road No. 645; 10 feet of right-of-way for widening S.E. Orient Drive, County Road No. 1901, with a radius of 20 feet at the intersection; improve County Road No. 645 to Multnomah County Standards, and commit to participate in future improvements to S.E. Orient Drive through Deed Restrictions.
4. Relocate facilities of the following public utilities to County Road No. 645 at petitioner's expense:

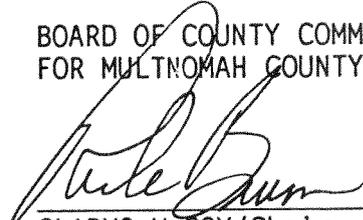
Pleasant Home Water District
Portland General Electric Company
General Telephone & Electric Company
Paragon Cable
Multnomah County drainage facilities

Order
S.E. Short Road
Vacation No. 4993
Page 3

DATED this 28th day of March, 1991.

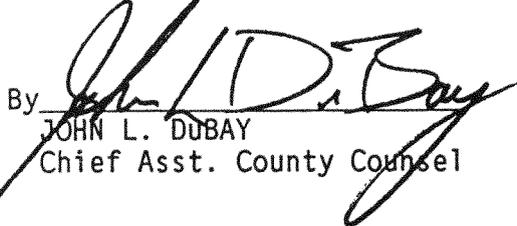


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


GLADYS McCOY/Chair

REVIEWED

LAURENCE KRESSEL
County Counsel
for Multnomah County, Oregon

By 
JOHN L. DUBAY
Chief Asst. County Counsel

2049W

RECEIVED
APR 01 1991

Multnomah County
Zoning Division

Meeting Date: May 28, 1991

Agenda No.: 8

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: _____

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

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 2 Minutes

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

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

LD 1-91 Decisions of the Planning Commission of May 7, 1991 with recommendation to the Board for denial and approval, subject to conditions

1991 MAY 20 PM 1:37
MULTI-COUNTY COMMISSION
OREGON

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER Paul Yarborough

(All accompanying documents must have required signatures)



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

Decision

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

May 7, 1991

LD 1-91, #138

**Two-Lot Land Division
(Appeal of Administrative Decision)**

Appellant has appealed a Planning Director's Decision, approving a two-lot land division, to create lots containing 41,100 square feet and 20,150 square feet, in the R-20, single family residential zoning district.

Location: 6075 SW Mill Street
Legal: Tax Lot '254', Section 6, 1S-1E, 1990 Assessor's Map
Site Size: 175' x 350'
Size Requested: same
Property Owner: S.F. Steinberg
6075 SW Mill Street, Portland 97221
Appellant: W.J. Brady (also representing three others)
6140 SW Mill Street, Portland 97221
Comprehensive Plan: Single Family Residential
Present Zoning: R-20, Single Family Residential
Minimum lot size of 20,000 square feet per dwelling

PLANNING COMMISSION DECISION

- #1** Deny the requested appeal.
- #2** Approve the Type III Land Division requested, a minor partition resulting in two lots including a flag lot, subject to the conditions and based on the findings and conclusions in the Tentative Plan Decision for Land Division Case LD 1-91 dated January 24, 1991.

Zoning Map
Case #: LD 01-91
Location: 6075 SW Mill Street
Scale: 1 inch to 200 feet
Shading indicates subject property

R20

city

CS-19-65

S.W. MILL ST.

city

R20
CS

CS-16-60

R20
CS

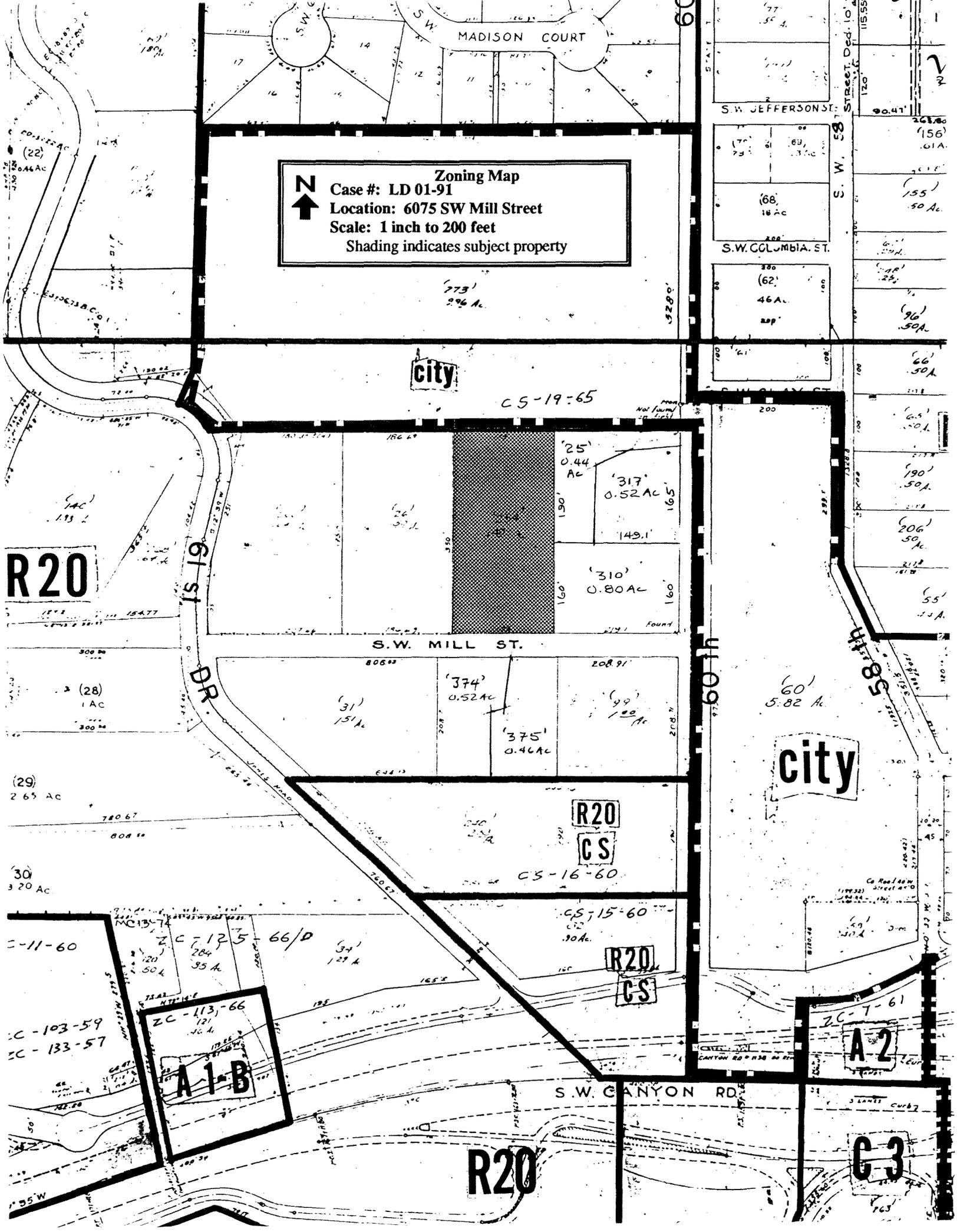
S.W. CANYON RD.

A-1-B

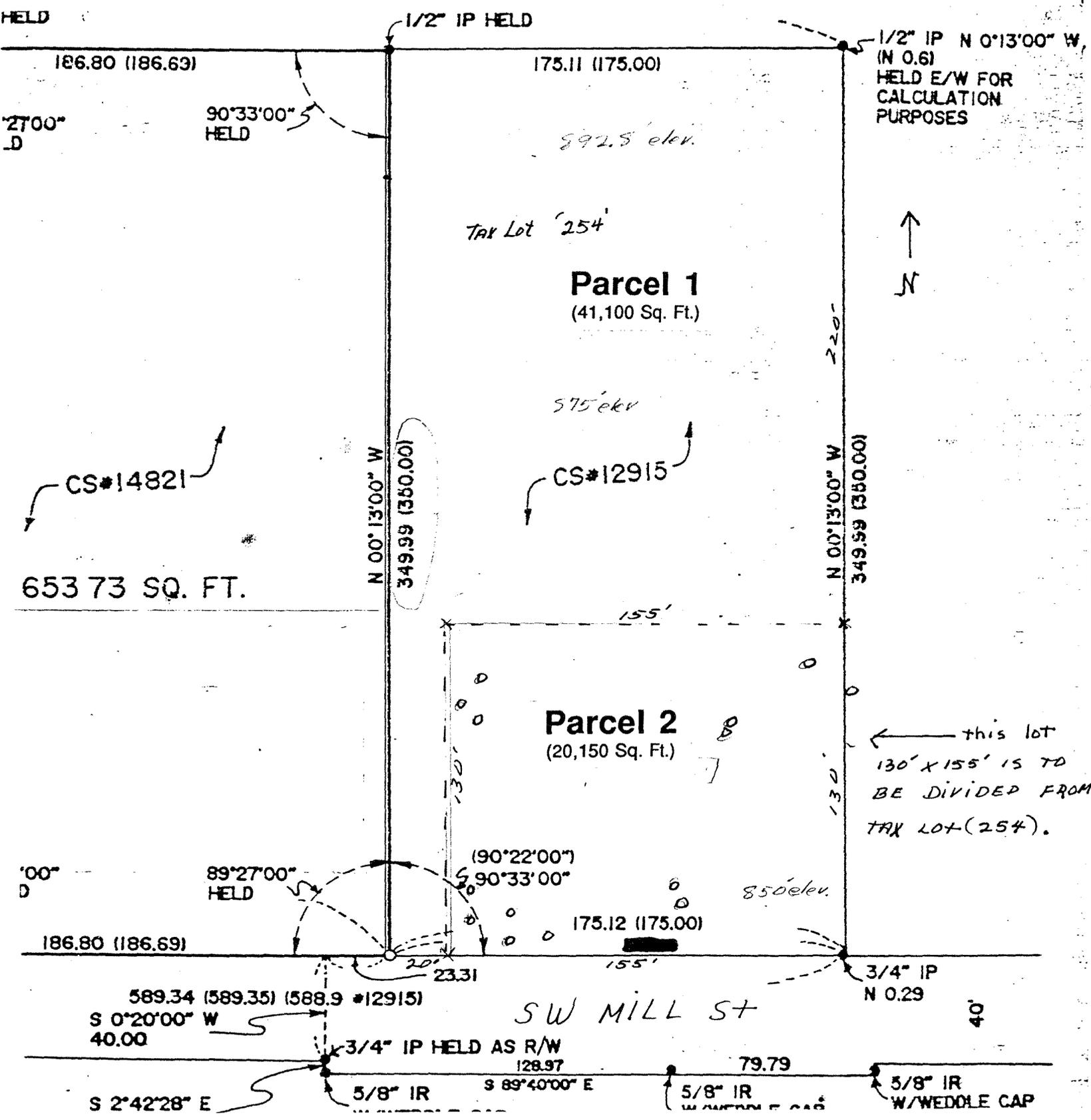
A-2

R20

C-3



TENTATIVE MAP PLAN



653 73 SQ. FT.

Parcel 2
(20,150 Sq. Ft.)

Parcel 1
(41,100 Sq. Ft.)

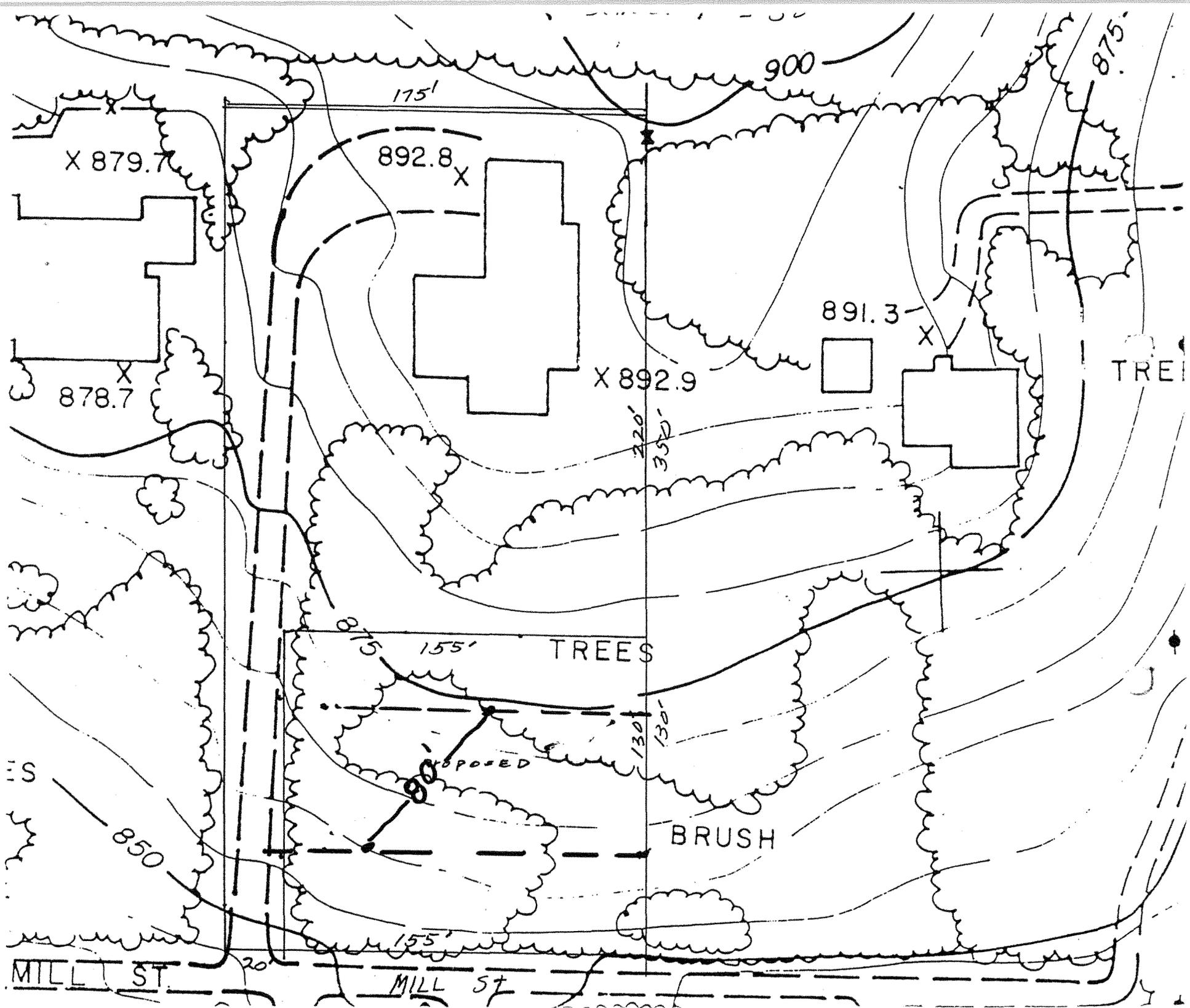
SW MILL ST

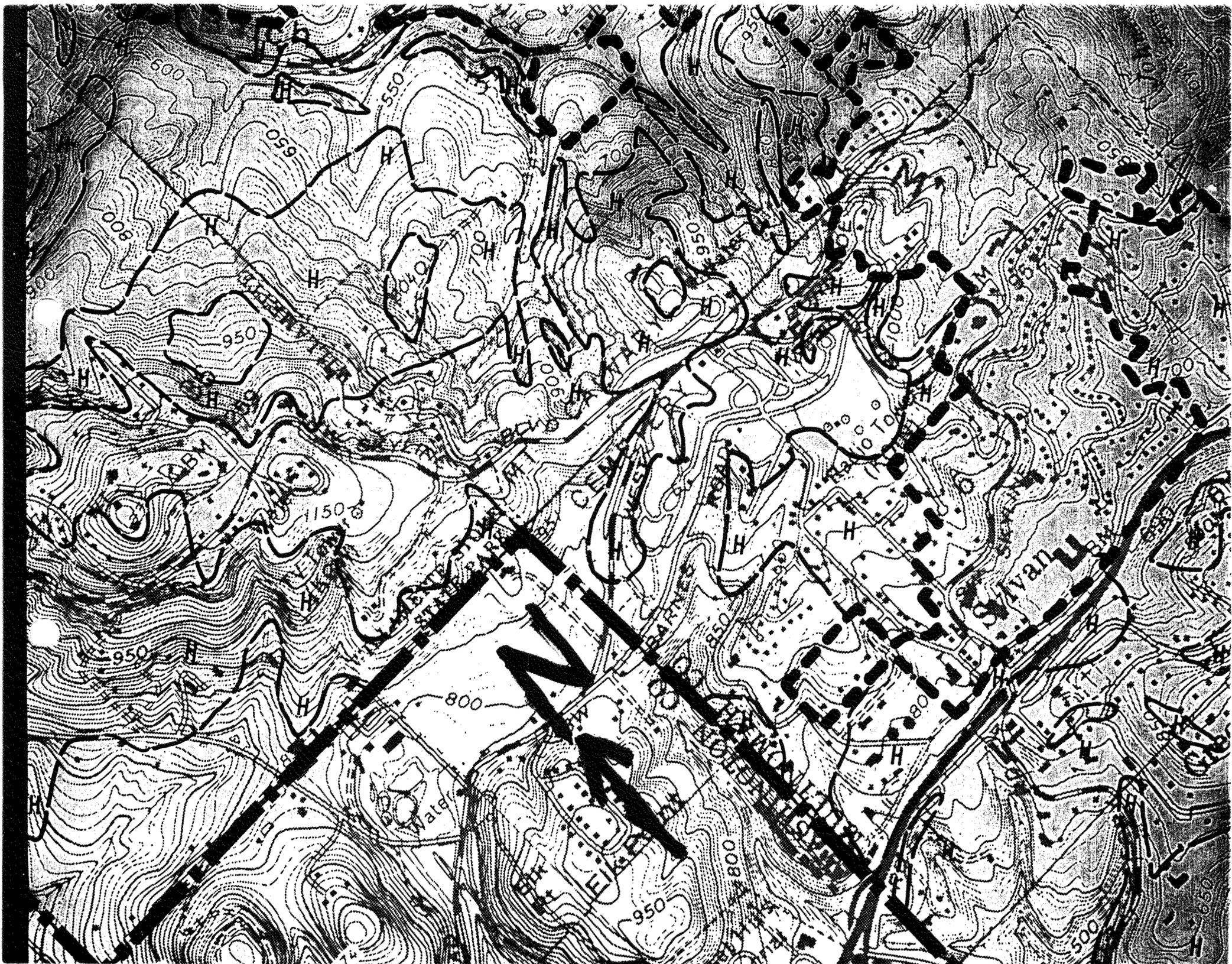
SEE DEED FOR
METES AND BOUNDS
DESCRIPTION

SCALE: 1" = 50'

TREES: = 0

LD 1-91
6075 SW Mill Street





Findings of Fact NOTE: Attached to this report are (1) the Tentative Plan Decision dated January 24, 1991 and (2) the Notice of Review dated February 4, 1991. The Findings below refer to parts of those documents. The Type III Land Division Approval Criteria appear on pages 2-3 of the attached Tentative Plan Decision. Those criteria are contained in the Land Division Ordinance and were used for evaluating the proposed land division.

1. **Background:**

A. **Original Staff Decision:** On January 24, 1991, staff issued a Tentative Plan Decision for a Type III Land Division. That decision approved a request to divide a 1.4-acre lot on SW Mill Street into two parcels. One parcel is a flag lot with an existing residence. The other parcel is vacant.

B. **Approval Criteria for Staff Decision:** 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. **Appeal of Staff Decision:** On February 4, 1991, appellants filed a Notice of Review regarding the Tentative Plan approval. The Notice of Review lists three grounds for reversal and requests introduction of new evidence in four areas. Following, *in italic type*, are appellants' grounds for reversal and requests for introduction of new evidence. Staff comments follow each item.

2. **Appellants' Grounds for Reversal of Decision**

"A. *All deed restrictions and agreements regarding Policy No. 36 to affect both Parcel 1 and Parcel 2.*"

Staff Comment:

The meaning of the above statement is not clear, but it appears that appellants believe that the condition of approval requiring deed restrictions for future street improvements applies to only one parcel in the proposed land division.

Finding 4A(2)(e) on page 4 of the January 24, 1991 Tentative Plan Decision addresses Policy 36 regarding Transportation System Development Requirements. As determined by the County Engineer, commitment by the owner of the site to participate in future improvement of SW Mill Street through deed restrictions is a condition of approval (page 1, condition 2). The condition applies to both Parcels 1 and 2

Finding 4A(2)(e) addresses part of the Type III Land Division Approval Criteria that were used for evaluating the proposed land division. In the above-quoted item A of their "Grounds for Reversal," appellants present no evidence that the finding for Policy 36 in the January 24 Decision is incorrect.

"B. *The decision does not satisfy the comprehensive plan goal 'of protecting property values, furthering the health, safety and general welfare....'*"

Staff Comment:

Appellants have quoted part of the Land Division Ordinance's purpose section. Findings 4C(1)(a) through (d) on pages 4 and 5 of the January 24, 1991 Tentative Plan Decision address the purpose of the Land Division Ordinance.

Findings 4C(1)(a) through (d) on pages 4 and 5 of the January 24, 1991 Tentative Plan Decision address part of the Type III Land Division Approval Criteria that were used for evaluating the proposed land division. In the above-quoted item B of their "Grounds for Reversal," appellants present no evidence that Findings 4C(1)(a) through (d) in the January 24 Decision are incorrect.

"C. *The decision does not comply with 4.C(2)(A) of the tentative plan. The approval will increase street congestion by \pm 20% and may further impact safety from fire and other dangers.*"

Staff Comment:

Finding 4C(2)(a) on Page 5 of the Tentative Plan Decision states that "The proposal minimizes street congestion by providing public street access to the proposed lots as shown on the Tentative Plan Map"

While another house would increase the number of vehicle trips generated on Mill Street, increased "traffic" does not mean increased "congestion." According to County Transportation Division staff, the increase in vehicle trips attributable to a new house on the new lot would be six per day. Even with nine houses instead of the present eight, a two-lane partially improved street such as Mill would yield a Level of Service of "A." The Institute of Transportation Engineers (ITE) considers a street that functions at Service Level D or better as not "congested."

Findings 4C(2)(a) on page 5 of the January 24, 1991 Tentative Plan Decision address part of the Type III Land Division Approval Criteria used in evaluating the proposed land division. In the above-quoted item C of their "Grounds for Reversal," appellants present no evidence that Finding 4C(2)(a) in the January 24 Decision is incorrect.

3. Appellants' Request to Introduce New Evidence

"A. Impact on Property Values.

This neighborhood consisting of seven ownerships is unique to the area. The lot sizes were originally a minimum of one acre lots for the purposes of establishing large lots with close proximity to the city thereby creating its own unique environment. The neighbors have gone out of the way to maintain the properties as single home sites with improved landscaping, sprinkler systems, grounds maintenance, and the like."

Staff Comment #1:

Five lots near the site have less than one acre. Adjacent land to the east was partitioned into three parcels of .44 acres, .52 acres and .80 acres some time before adoption of the County Land Division Ordinance (MCC 11.45) in 1978. Land directly across Mill Street was partitioned into parcels of .52 and .46 acres in 1987.

"Only in one of the six ownerships has the property been divided into less than one acre lots, and there is no intention on further building on that property. There is strong feeling on behalf of the majority of owners of affected property to establish covenants, limiting the property to one residential unit per acre in order to preserve the area as it was intended."

Staff Comment #2

The R-20 zoning that was adopted for the area in 1958 envisioned lots with less than one-half acre. The Comprehensive Plan designates the area as appropriate for residential development at urban densities, and the current zoning is consistent with that plan designation. The County does not recognize or enforce private covenants that require lot sizes greater than those required by zoning. The above evidence presented by appellants does not address any of the applicable land division approval criteria.

"In fact, two years ago the applicant stated to several neighboring property owners how valuable the property was due to the larger lots with such close proximity to the city of Portland."

Staff Comment #3

Nothing in the Zoning Ordinance prohibits an application to divide the subject site, given the size of the site and the current Comprehensive Plan and zoning designations. The above evidence presented by appellants does not address any of the applicable land division approval criteria.

"The parties listed herein believe there exists grave danger of decreasing property values as a result of destroying the character of the neighborhood by allowing a small house on a small lot. Dividing the property "breaks the pact" of the neighborhood."

Staff Comment #4

House size and "character of the neighborhood" are not mentioned in the Type III Land Division approval criteria. The above evidence presented by appellants does not address any applicable criteria

"B. Street Congestion, Maintenance and Safety

Mill Street is a dedicated county road; however, it is only partially improved to within about 50 feet of the easterly property line of the property in question. Further, SW 60th Avenue and Clay Street are unimproved dirt and/or gravel roads.

Mill Street is not maintained by the public but by the property owners. As a result of the partial improvement of Mill Street, there is only one way in and out, which is off SW 61st. By adding one more residence to the existing street, the roadway is negatively impacted by 20% (increase of 5 to 6

Further, additional development will have a negative impact on:

(1) The existing road--not meant to handle heavy construction vehicles necessary for delivering materials to the site."

Staff Comment

Construction vehicle size is not mentioned in the Type III Land Division approval criteria. The above evidence presented by appellants does not address applicable criteria.

"(2) An increase in the potential for vandalism and burglary as a result of increased traffic in the area."

Staff Comment

Potential for vandalism or burglary are not mentioned in the Type III Land Division approval criteria. The above evidence presented by appellants does not address any applicable criteria.

"(3) If construction is allowed and the road is deteriorated, the neighbors should not be responsible for maintenance and repair. Therefore, the applicant requesting the two-lot division should be responsible for constructing SW Mill Street to full county standards as a condition of approval."

Staff Comment

Finding 4A(2)(e) on page 4 of the January 24, 1991 Tentative Plan Decision addresses Policy 36 on Transportation System Development Requirements. The finding addresses part of the Type III Land Division Approval Criteria. Condition 2 of the Tentative Plan Decision lists street improvement requirements imposed by the County Transportation Division as authorized by the Street Standards Ordinance (MCC 11.60). The above evidence presented by appellants does not address applicable criteria.

"Notice.

No notice was received by the affected neighbors of the intent to divide the property prior to the Tentative Plan Approval LD-1-91."

Staff Comment

Neither County ordinance nor state law require notice in advance of a decision approving a land division such as the one under consideration. The above evidence presented by appellants does not address any applicable land division approval criteria or public notice requirements.

"Annexation.

The affected neighborhood is bounded by the City of Portland on the north and east and is within an area where annexation has been attempted by the City in the past.

Currently, the City has plans to annex this area in the next fiscal year, if neighborhood action has not previously caused annexation.

Further, as a condition of issuing a building permit, the property must connect to City of Portland water. In order to receive such a permit, the property must be annexed as a condition of issuing the permit.

Since it is inevitable that the neighborhood be annexed to the City of Portland, any approval of a minor partition described in LD 1-91 should

require that all standards be met in compliance with the City of Portland comprehensive plan goals, zoning code and permitting process. This is important since the standards are substantially different in some areas. The City has a procedure for preservation of healthy, substantial trees on property to be developed. This property should be considered for such a plan. As a result of compliance to city standards, all property would therefore be reviewed under a consistent set of criteria."

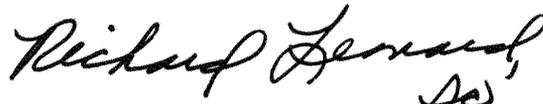
Staff Comment

Annexation is not required in order to divide the site. The above evidence presented by appellants does not address applicable land division approval criteria.

Conclusions

The January 24, 1991 Tentative Plan decision approving LD 1-91 contains specific conditions of approval for the tentative plan as well as findings in support of the decision. Those findings adequately address the criteria for approval of a Type III Land Division.

Signed May 7, 1991



By Richard Leonard, Chairman

Filed With the Clerk of the Board on May 7, 1991

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 9:00 a.m. on Tuesday, May 28 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 May 28, 1991 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development Division at 248-3043.

**Decision
May 7, 1991**

10

**LD 1-91
End**



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

NOTICE OF REVIEW

1. Name: Brady J William
Last Middle First
2. Address: 6140 SW Mill Street Portland Oregon 97221
Street or Box City State and Zip Code
3. Telephone: (503) 292 - 6834

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

Bruce J. Korter 6135 SW Mill Street

Peter Thoeresz 6060 SW Mill Street

Henry J. Burmeister, Attorney in Fact for Susan Burmeister 1601 SW 60th Avenue

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

LD- 1-91: Approval of a two-lot land division

6. The decision was announced by the Planning Commission on January 24 , 1991

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

All named persons are residents, neighbors, or owners of property affected by the decision and are persons entitled under MCC.8220(C).

ATTACHMENT TO NOTICE OF REVIEW FOR LD 1-91

8. Grounds for Reversal of Decision.

- A. All deed restrictions and agreements regarding Policy No. 36 to affect both Parcel 1 and Parcel 2.
- B. The decision does not satisfy the comprehensive plan goal "of protecting property values, furthering the health, safety and general welfare...."
- C. The decision does not comply with 4.C(2)(A) of the tentative plan. The approval will increase street congestion by $\pm 20\%$ and may further impact safety from fire and other dangers.

10. Request to Introduce New Evidence.

A. Impact on Property Values.

This neighborhood consisting of seven ownerships is unique to the area. The lot sizes were originally a minimum of one acre lots for the purposes of establishing large lots with close proximity to the city thereby creating its own unique environment. The neighbors have gone out of the way to maintain the properties as single home sites with improved landscaping, sprinkler systems, grounds maintenance, and the like.

Only in one of the six ownerships has the property been divided into less than one acre lots, and there is no intention on further building on that property. There is strong feeling on behalf of the majority of owners of affected property to establish covenants, limiting the property to one residential unit per acre in order to preserve the area as it was intended.

In fact, two years ago the applicant stated to several neighboring property owners how valuable the property was due to the larger lots with such close proximity to the city of Portland.

The parties listed herein believe there exists grave danger of decreasing property values as a result of destroying the character of the neighborhood by allowing a small house on a small lot. Dividing the property "breaks the pact" of the neighborhood.

B. Street Congestion, Maintenance and Safety.

Mill Street is a dedicated county road; however, it is only partially improved to within about 50 feet of the easterly property line of the property in question. Further, SW 60th Avenue and Clay Street are unimproved dirt and/or gravel roads.

Mill Street is not maintained by the public but by the property owners.

As a result of the partial improvement of Mill Street, there is only one way in and out, which is off SW 61st. By adding one more residence to the existing street, the roadway is negatively impacted by 20% (increase of 5 to 6).

Further, additional development will have a negative impact on:

- (1) The existing road--not meant to handle heavy construction vehicles necessary for delivering materials to the site.
- (2) An increase in the potential for vandalism and burglary as a result of increased traffic in the area.
- (3) If construction is allowed and the road is deteriorated, the neighbors should not be responsible for maintenance and repair. Therefore, the applicant requesting the two-lot division should be responsible for constructing SW Mill Street to full county standards as a condition of approval.

C. Notice.

No notice was received by the affected neighbors of the intent to divide the property prior to the Tentative Plan Approval LD-1-91.

D. Annexation.

The affected neighborhood is bounded by the City of Portland on the north and east and is within an area where annexation has been attempted by the City in the past.

Currently, the City has plans to annex this area in the next fiscal year, if neighborhood action has not previously caused annexation.

Further, as a condition of issuing a building permit, the property must connect to City of Portland water. In order to receive such a permit, the property must be annexed as a condition of issuing the permit.

Since it is inevitable that the neighborhood be annexed to the City of Portland, any approval of a minor partition described in LD 1-91 should require that all standards be met in compliance with the City of Portland comprehensive plan goals, zoning code and permitting process. This is important since the standards are substantially different in some areas. The City has a procedure for preservation of healthy, substantial trees on property to be developed. This property should be considered for such a plan. As a result of compliance to city standards, all property would therefore be reviewed under a consistent set of criteria.



MULTNOMAH COUNTY OREGON

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

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

TYPE III LAND DIVISION

TENTATIVE PLAN DECISION

LD 1-91

January 24, 1991

Location: 6075 SW Mill Street

Legal Description: Tax Lot 254, Section 6, T 1S, R 1E
(Map #3223)

Legal Owner and Applicant: Stanley I. Steinberg
6075 SW Mill Street
Portland, Oregon 97221

DECISION: The Tentative Plan for the Type III Land Division requested, a minor partition resulting in two lots including a flag lot, 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 plat and other required attachments to the Planning and Development Division of the Department of Environmental Services in accordance with ORS Chapter 92 as amended. **Please refer to the enclosed applicant's and surveyor's *Instructions for Finishing a Type III Land Division*.**
2. Prior to recording the final partition plat, comply with the following Transportation Division requirements:
 - A. Dedicate 5 feet of additional right-of-way along SW Mill Street to provide a total of 25 feet from centerline where the subject property abuts SW Mill Street.
 - B. Commit to participate in future improvements on SW Mill Street through deed restrictions. Contact Ike Azar at 248-5050 for additional information.
 - C. Either there shall be at least one hundred (100) feet of separation between the driveway serving the flag lot (Parcel 1) and the driveway serving any future residence on Parcel 2 or there shall be a single driveway to serve both parcels.
3. In conjunction with issuance of building permits for either parcel construct on-site water retention and/or control facilities adequate to insure that surface runoff volume after development is no greater than that before development per MCC 11.45.600. Plans for the

retention and/or control facilities shall be subject to approval by the County Engineer with respect to potential surface runoff on the adjoining public right-of-way.

4. Because the site is identified on the "Slope Hazard Map," *prior to issuance of building permits* obtain a Hillside Development Permit as required by MCC 11.15.6710(A) as adopted February 20, 1990 by Ordinance No. 643, Section 2.

Findings of Fact:

1. **Applicant's Proposal:** The applicant proposes to divide a parcel containing 1.46 acres into two smaller lots. Parcel 1 has a house and detached garage and would be a flag lot and would contain 41,100 square feet. Parcel 2 is vacant and would contain about 20,150 square feet.
2. **Site Conditions and Vicinity Information:** Site conditions as shown on the Tentative Plan Map are as follows:
 - A. The site is located on the north side of SW Mill Street, between SW 60h Avenue and SW 61st Drive. Southwest Mill Street is a two-lane local street without curbs or sidewalks.
 - B. **Slope:** The subject site is identified on the "Slope Hazard Map" adopted as part of the Comprehensive Plan. MCC 11.15.6710(A), as adopted February 20, 1990 by Ordinance No. 643, Section 2, requires the obtaining of a Hillside Development Permit prior to issuance of building permits on the site.
 - C. **Street Dedication: (SW Mill Street):** The site abuts SW Mill Street. The County Engineer has determined that in order to comply with the provisions of the Street Standards Ordinance (MCC 11.60) it will be necessary for the owner to dedicate 5 feet of additional right-of-way in SW Mill Street abutting the site as a condition of approval.
 - D. **Future Street Improvements (SW Mill Street):** Southwest Mill Street is not fully improved to county standards at this time. The County Engineer has determined that in order to comply with the provisions of the Street Standards Ordinance (MCC 11.60) it will be necessary for the owner to commit to participate in future improvements to SW Mill Street through deed restrictions as 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 which will result in the creation of a flag lot* [MCC 11.45.100(C)]. Parcel 1 is a flag lot.
 - 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).*

4. **Response to Type III Land Division Approval Criteria:**

A. **Applicable Elements of the Comprehensive Plan [MCC 11.45.230(A)]**

- (1) **Statewide Goals and Regional Plan:** For the reasons stated below, the proposal satisfies the applicable policies of the Comprehensive Plan. The Multnomah County Comprehensive Plan has been found to be in compliance with Statewide Goals and the Regional Plan by the State Land Conservation and Development Commission.
- (2) **Applicable Comprehensive Plan Policies:** The following Comprehensive Plan Policies are applicable to the proposed land division. The proposal satisfies those policies for the following reasons:
 - (a) **Policy No. 13, Air, Water, and Noise Quality:** No significant impact on air pollution will result from the additional house allowed by the proposed land division. The County Sanitarian has verified that public sewer is available to the site.
 - (b) **Policy No. 14, Development Limitations:** The site is outside the 100 year flood zone. The site is identified on the "Slope Hazard Map" adopted as part of the Comprehensive Plan. MCC 11.15.6710(A), as adopted February 20, 1990 by Ordinance No. 643, Section 2, requires obtaining a Hillside Development Permit prior to issuance of building permits on the site. Surface run-off will be handled by storm drain facilities to be approved by the County Engineer. No slopes exceeding two percent exist on the site.
 - (c) **Policy No. 22, Energy Conservation:** The proposal will fully develop a partially developed parcel within the defined urban area of the county. Thus, the proposal will help discourage "urban sprawl," which is costly in energy consumption.

- (d) **Policy No. 35, Public Transportation:** Tri-Met Line #57 provides east/west service along SW Canyon Road. The nearest stop is within a quarter mile of the site at the Sylvan interchange
- (e) **Policy No. 36, Transportation System Development Requirements:** As stated in Findings 2C through 2D, the County Engineer has determined that dedication of additional right-of-way in SW Mill Street will be required in order for the proposed land division to comply with the provisions of the Street Standards Ordinance (MCC 11.60). That dedication is a condition of approval. Another condition of approval requires the owner to commit to the future improvement of SW Mill Street through deed restrictions. These improvements include sidewalks, curbs and additional paving in the right-of-way adjacent to the subject property. A third condition of approval requires that, if a new driveway is provided for any new house on Parcel 2, that driveway must be at least 100 feet away from the existing driveway in order to meet the access requirements of the Street Standards Ordinance.
- (h) **Policy No. 37, Utilities:** The Portland Water Bureau has verified that water service is available to the property from a 4-inch line in SW Mill Street. The County Sanitarian has verified that public sewer is available to the site.
- (i) **Policy No. 38, Facilities:** The property is located in the Portland School District, which can accommodate student enrollment from houses located on the site. Multnomah County Fire District No. 4 provides fire protection, and the Multnomah County Sheriff's Office provides police protection.

B. Development of Property [MCC 11.45.230(B)]: Approval of the land division will provide the opportunity for development of the site with a **single-family house** in accordance with the Comprehensive Plan and the R-20 zoning. Approval of the request will not affect one way or the other the ability to develop or provide access to adjacent properties. For these reasons, the proposed land division satisfies MCC 11.45.230(B).

C. Purposes and Intent of Land Division Ordinance [MCC 11.45.230(C)]

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

- (a) The size and shape of the proposed lots will accommodate proposed residential development without overcrowding, and will thereby protect property values.

- (b) As stated above, adequate public water supply is available for the proposed land division, as are fire and police protection. Public sewer is available to the site. For these reasons, the proposal furthers the health, safety, and general welfare of the people of Multnomah County.
 - (c) As stated above, the proposed land division complies with the applicable elements of the Comprehensive Plan. The State Land Conservation and Development Commission has found the Comprehensive Plan to be in compliance with Statewide Planning Goals.
 - (d) The proposal meets the purpose of "*providing classifications and uniform standards for the division of land and the installation of related improvements*" because the proposal is classified as a Type III Land Division and meets the approval criteria for Type III Land Divisions for the reasons stated in these findings. The conditions of approval assure the installation of appropriate improvements in conjunction with the proposed land division.
- (2) MCC 11.45.020 states that the intent of the Land Division Ordinance is to . . . "*minimize street congestion, secure safety from fire, flood, geologic hazards, pollution and other dangers, provide for adequate light and air, prevent the overcrowding of land and facilitate adequate provisions for transportation, water supply, sewage disposal, drainage, education, recreation and other public services and facilities.*" The proposal complies with the intent of the Land Division Ordinance for the following reasons:
- (a) The proposal minimizes street congestion by providing public street access to the proposed lots as shown on the Tentative Plan Map.
 - (b) As stated above, public fire protection is available to the property. The property is not located within the 100 year floodplain. Obtaining a Hillside Development Permit as required by the Zoning Ordinance is a condition of approval. The additional new house will not significantly increase air pollution levels. For these reasons, the proposal secures safety from fire, flood, geologic hazard, and pollution.
 - (c) The proposal meets the area and dimensional standards of the R-20 zoning district as explained in Finding 4.D and thereby provides for adequate light and air and prevents the overcrowding of land.
 - (d) Findings 2, 4.A(2)(d) and 4.A(2)(e) address street and public transportation. Finding 4.A(2)(h) addresses water supply and sewage disposal. Finding 4.A(2)(b) addresses storm drainage. Finding 4.A(2)(i) addresses education, fire protection and police service. 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.

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

- (1) The site is zoned R-20, Single-Family Residential District.
- (2) The following minimum area and dimensional standards apply per MCC 11.15.2854:
 - (a) The minimum lot size for a single-family dwelling shall be 20,000 square feet. As shown on the Tentative Plan Map, both lots exceed this requirement.
 - (b) The minimum average lot width shall be 80 feet. As shown on the Tentative Plan Map, both lots exceed this requirement.
 - (c) The maximum lot coverage shall be 30 percent. The lot coverage for existing buildings is less than 7 percent on Parcel 1. Compliance with the lot coverage requirement for Parcel 2 will be checked during the zoning review process before building permit issuance.
 - (d) The minimum yard setbacks shall be 30 feet front, 10 feet side, and 30 feet rear. Compliance with these requirements will be checked for Parcel 2 during the zoning review process before building permit issuance. The existing house on Parcel 1 exceeds all setback requirements as shown on the Tentative Plan Map.
 - (e) The proposed land division complies with the solar access provisions of the Zoning Ordinance. Parcels I and II meet the basic design standard of MCC 11.15.6815(A) because they each have a north-south dimension greater than 90 feet and a front lot line within 30 degrees of a true east-west orientation.

Conclusions:

1. The proposed land division satisfies the applicable elements of the Comprehensive Plan.
2. The proposed land division satisfies the approval criteria for Type III land divisions.
3. The proposed land division complies with the zoning ordinance.

IN THE MATTER OF LD 1-91:

MULTNOMAH COUNTY, OREGON
DIVISION OF PLANNING AND DEVELOPMENT

By David H. Prescott
David H. Prescott, AICP, Planner

For: Director, Planning & Development

This decision filed with the Director of the
Department of Environmental Services on
January 24, 1991.

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
11.45.380(C).

Meeting Date: May 28, 1991

Agenda No.: 9

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: _____

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

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 2 Minutes

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

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

LD 17-89a / MC 2-89a Decisions of the Planning Commission of May 7, 1991 with recommendation to the Board for approval

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER Paul Garbarg/bkw

(All accompanying documents must have required signatures)

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
1991 MAY 20 PM 1:37



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

Decision

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

May 7, 1991

LD 17-89a, #175
MC 2-89a, #175

Five-Lot Land Division
Access by Easement

(Modification of Conditions)

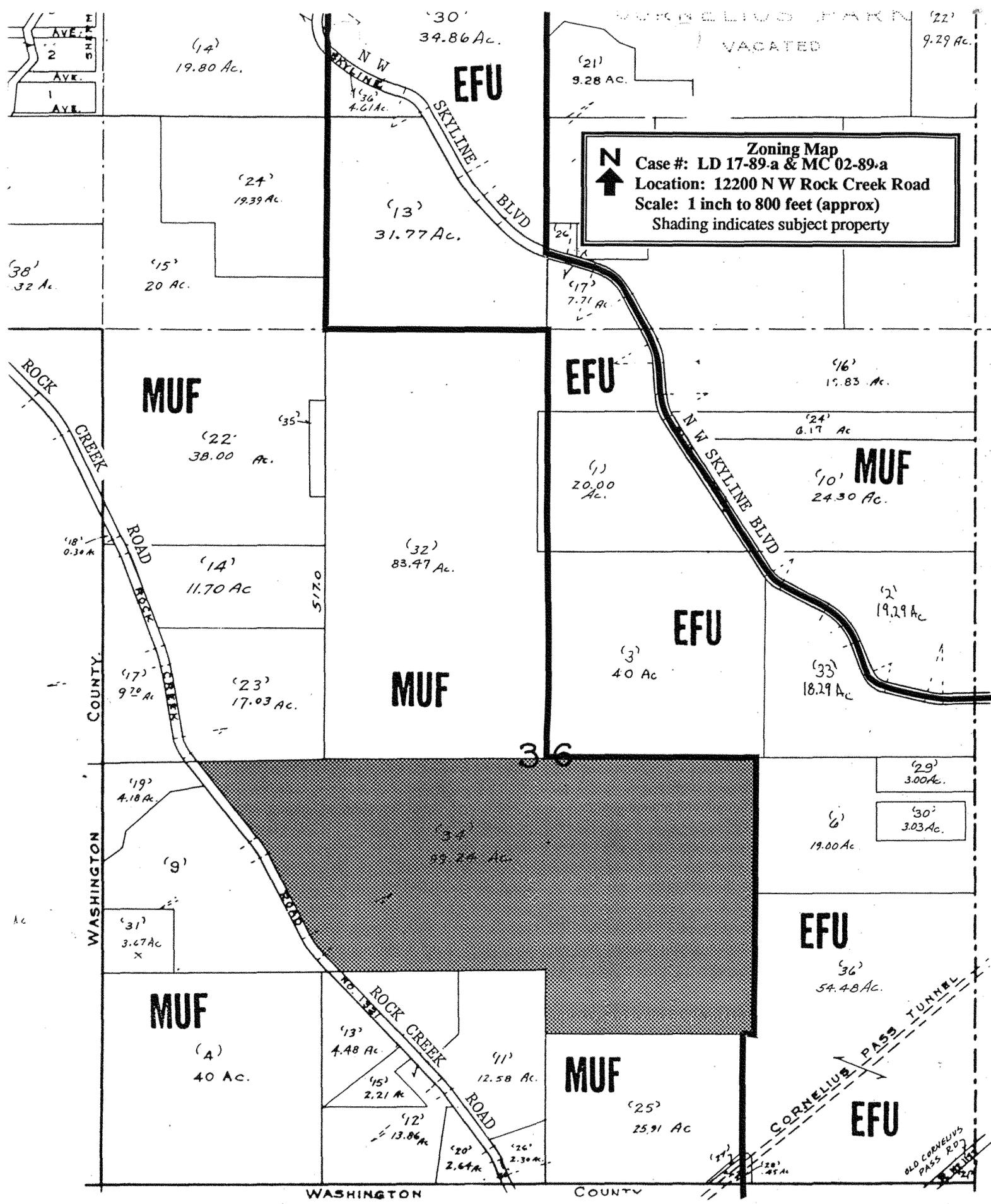
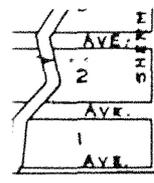
Appellant requests modification of Condition 8 of the Planning Commission's previous approval of LD 17-89, requiring the County Engineer to determine that an adequate water supply is available to the site. Appellant also requests modification of Condition 6 of the Planning Commission's previous approval of MC 2-89, requiring the County Engineer to approve the design of the proposed private road, particularly regarding slope stability and erosion control measures.

Location: 12200 NW Rock Creek Road
Legal: Tax Lot 34, Section 26, 2N-2W, 1990 Assessor's Map
Site Size: 99.24 Acres
Size Requested: Same
Property Owner: Western States Development Corporation
20285 NW Cornell Road, Hillsboro, 97124
Appellant: Same
Comprehensive Plan: Multiple Use Forest
Present Zoning: MUF-19, Multiple Use Forest District
Minimum lot size, 19 acres

PLANNING COMMISSION DECISION:

- #1** **Approve** modification of Condition 8 of LD 17-89, regarding water supply, to read as shown on page 4;
- #2** **Approve** modification of Conditions 5 and 6 of MC 2-89, regarding the private road, to read as shown on page 4, all based on the following Findings and Conclusions.

LD 17-89a/MC 2-89a



7

Skyline Ridge Estates

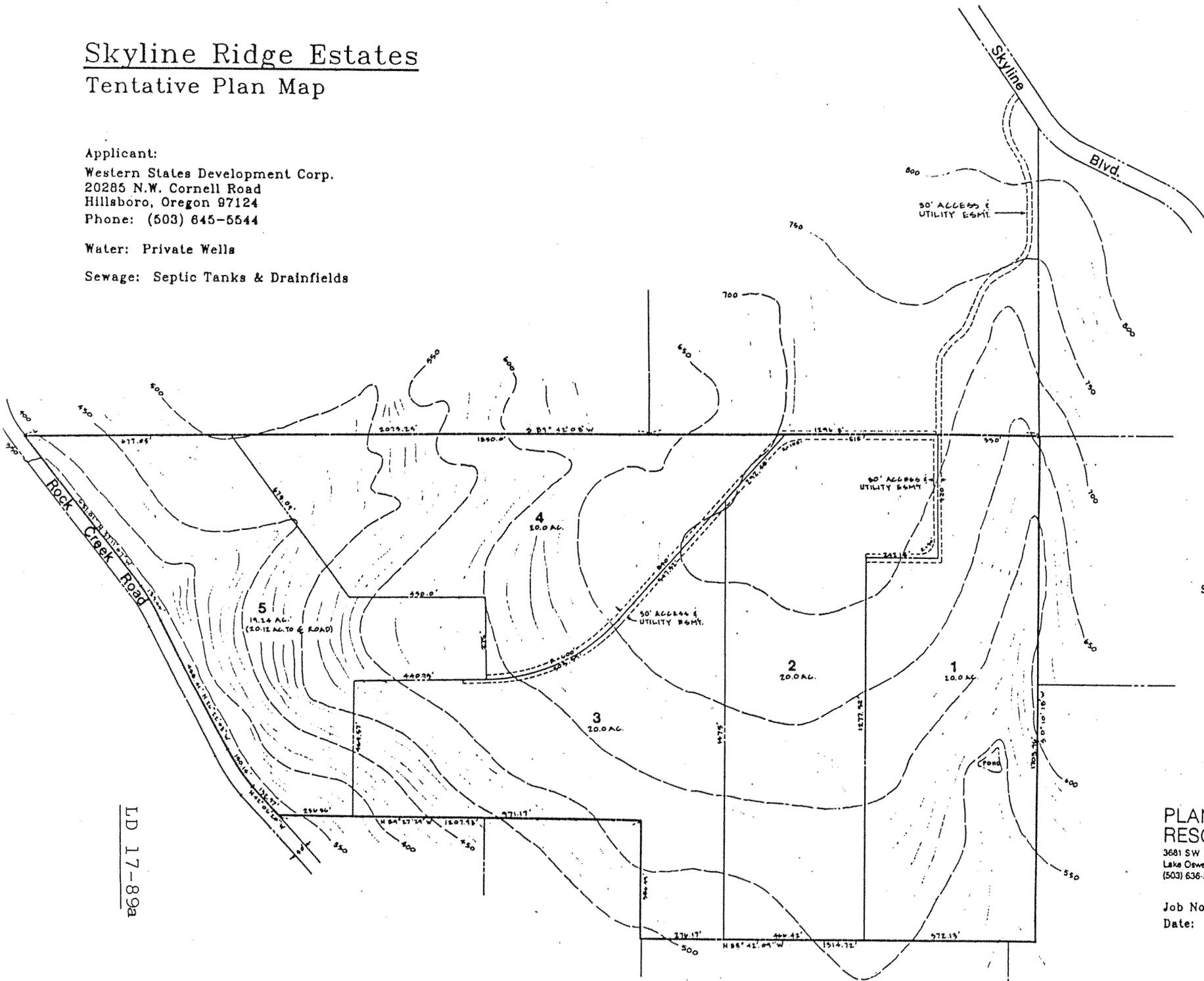
Tentative Plan Map

Applicant:

Western States Development Corp.
 20285 N.W. Cornell Road
 Hillsboro, Oregon 97124
 Phone: (503) 645-5544

Water: Private Wells

Sewage: Septic Tanks & Drainfields



N
 Scale: 1" = 200'

LD 17-89a

PLANNING RESOURCES, INC. Land Use & Site Planning Services
 3681 SW Carman Drive
 Lake Oswego, Oregon 97035
 (503) 636-5422

Job No.: 88-BND-150
 Date: February 7, 1989

Condition 8 of LD 17-89, regarding water supply, which originally read:

- "8 Prior to endorsement of the final plat, provide evidence acceptable to the County Engineer that water in sufficient amounts and pressure will be available to serve a house on each lot."

is recommended to be modified to read:

- "8. Prior to signing of the final plat, do one of the following:**
- A. Drill a well for each lot and provide written confirmation from the Oregon Department of Water Resources, the Oregon Department of Veterans' Affairs, or the U.S. Department of Housing and Urban Development that the wells produce water in sufficient amounts to serve a house on each lot; OR**
 - B. Prior to signing of the final plat, provide evidence acceptable to the Planning Commission that water in sufficient amounts and pressure will be available to serve a house on each lot."**

Condition 5 of MC 2-89, which originally read

- "5. In conjunction with issuance of the first building permit on one of the new lots, improve or upgrade the easement roadways with an all-weather surface to specifications satisfactory to the Skyline Fire Department."

is recommended to be modified to read:

- "5. In conjunction with issuance of the first building permit on one of the new lots, improve or upgrade the easement roadways with an all-weather surface."**

Condition 6 of MC 2-89, which originally read

- "6. The design of the road, including slope stability and erosion control measures shall be subject to approval by the County Engineer."

is recommended to be modified to read:

- "6. Prior to signing of the final plat, furnish the Planning and Development Division with plans for a private access road designed and stamped by an engineer licensed by the State of Oregon. The design of the road shall be:**
- A. with grades not exceeding an average of 10 percent with a maximum of 12 percent on short pitches, up to 15 percent with the approval of the Planning Director;**

- B. with a 20-foot wide all-weather road (gravel is permissible) with not less than a 45-foot radius at the dead end of the roadway;
- C. such that the road will be able to support a minimum wheel load of 12,500 pounds per square foot and a gross vehicle weight of 45,000 pounds; and
- D. consistant with best management practices and engineering principles regarding erosion control and storm water run-off within the Tualatin Basin."

Findings of Fact:

1. **Background:** On August 14, 1989, the Multnomah County Planning Commission approved a Tentative Plan for a 5-lot subdivision on a vacant 99.24-acre parcel owned by Western States Development Corporation (Case No. LD 17 89). At the same time, the Planning Commission approved the use of an existing easement as a means of access to the new lots (Case No. MC 2-90). The easement is on land adjacent to and north of the subject site. An existing private road within the easement runs from the site to NW Skyline Boulevard. The Tentative Plan calls for construction of a new private road on the site to serve the 5 lots. The new private road would connect to the existing road that runs in the easement from the north edge of the site to Skyline Boulevard.

With respect to the 5-lot Land Division, the applicant submitted the final plat for the subdivision prior to August 14, 1990 in accordance with Condition #1 of the Tentative Plan Decision. The applicant has made progress in satisfying most other applicable conditions but has been unable to satisfy Condition 8, which requires that evidence of adequate water supply for each lot be "acceptable to the County Engineer." Staff in the County Engineers office have advised the applicant and planning staff that determination of adequacy of private well water supply is outside their area of engineering expertise.

With respect to approval of the Access by Easement, the the applicant has made progress in satisfying most applicable conditions but is unable to satisfy Condition 6, which states that "The design of the road, including slope stability and erosion control measures shall be subject to approval by the County Engineer." Staff in the County Engineers office have advised the applicant and planning staff that they cannot approved the design of the private road serving the subdivision because it does not have standards for reviewing and approving the design of private roads.

2. **Zoning Ordinance Considerations (MCC 11.15):** Under MCC 11.15.8240(E), any change or alteration of conditions attached to conditional approvals shall be processed as a new action.

The recommended changes to the conditions listed above are intended to provide the applicant with conditions that it in fact has the ability to satisfy. The following findings provide a basis for supporting the recommended changes.

3. **Modification of Condition Regarding Well Water Supply (LD 17-89a)**
 - A. **Comprehensive Plan Policy 37** addresses Utilities, including water supply. However, the policy does not provide specific guidance for gaging the adequacy of private well output in areas not served by a public water provider.
 - B. **Land Division Ordinance section MCCC 11.45. 580** addresses Water Supply and states that the "provision of domestic water to every lot or parcel in a land division shall comply with the provisions of subsection (4)(a), (b), or (c) of ORS 92.090 and MCC 11.45.640. Staff considers ORS 92.090(4)(a) and (b) and MCC 11.45.640 inapplicable in this case because the provisions appear to relate to situations involving public water lines as opposed to private wells
 - C. **Oregon Revised Statutes 92.090(4)(c)** might be applicable in this case because it offers an alternative to actually diggings wells for each lot prior to recording the final plat. ORS 92.090(4)(c) allows a subdivider to furnish the County with a statement that no domestic water supply facilities will be provided to the purchasers of any lot in the subdivision, and file the statement with the State Real Estate Commissioner. The statement puts prospective buyers of lots on notice that there is no guarantee of water availability. The Planning Commission, however, does not consider creation of the new lots appropriate without first having sufficient evidence that adequate water will be available for a house on each lot. Therefore, the Commission does not consider reliance on ORS 92.090(4)(c) an appropriate means of addressing the issue of domestic water supply.
 - D. **Present Knowledge of Well Output:** The applicant has furnished a letter dated April 18, 1990 from Don Feakin of Turner Drilling Company regarding that company's experience in the area around the subject site. The letter states that a log check of 20 wells in the company's files for the areas surrounding the site "reveals depths ranging from 150 ft on the bottom of Rock Creek Rd to 855 ft up on Skyline Blvd. These wells have yields that range from 2 [gallons per minute] to 30 [gallons per minute]." Mr. Feakin stated his opinion that sufficient water is available on the subject site with "no adverse effect on existing wells in the area" based on the company's experience over the past 20 years. The Planning Commission, however, does not consider a yield of 2 gallons per minute a sufficient domestic water supply. The Commission finds that evidence furnished by the applicant to date does not adequately assure that sufficient water will be available.
 - E. **Past County Practice:** Staff has not found any case in which actual drilling of private wells on lots was required prior to plat approval.
4. **Modification of Condition Regarding Private Road (MC 2-89a)**
 - A. **Comprehensive Plan Policy 36** addresses Transportation System Development Requirements. However, the policy does not provide specific guidance for evaluating the design of private roads.
 - B. **Land Division Ordinance section MCCC 11.45. 500** addresses Street Design and states that the width, design, and configuration of streets in or abutting the land division shall comply with the Street Standards Ordinance for public streets and with the "Site Development Standards Ordinance" for private streets. However, the County has never adopted a Site Development Standards Ordinance.

- C. **Zoning Ordinance Section MCC 11.15.6730—6735** contains hillside development and erosion control measures and applies adopted in part to comply with OAR 340-41-455 for the Tualatin River Basin. Since the subject site is in the Tualatin Basin, residential construction on the site will be subject to applicable provisions of MCC ,67-30—.6735, including the obtaining of appropriate Hillside Development and Grading and Erosion Control Permits.. However, because the Tentative Plan for the land division in this case was approved before January 1, 1990, road construction in connection with the land division does not require permits under MCC 11.15.6730—6735.

Even though the applicant is not required to obtain a Hillside Development or Grading and Erosion Control Permit, staff will use the standards in MCC 11.15.6730—6735 to determinine whether the private road designed by the applicant's engineer is "consistant with best management practices and engineering principles regarding erosion control and storm water run-off within the Tualatin Basin" as required by sub-part D of the recommended revision to Condition 6.

The recommended revisions to Condition 6 provide a means of addressing concerns raised by the Planning Commission when it originally required review by the County Engineer of the design of the private road "including slope stability and erosion control measures " The recommended revision to Condition 6 also provides assurance that the plans for the road will be prepared and stamped by a qualified engineer licensed in Oregon.

- D. The Skyline Fire Department (RFPD #20) has reviewed the proposed land division and easement road and has advised staff that the proposed road will meet fire district requirements if built to the specifications contained in the memorandum dated July 26, 1990. Sub-parts B and C of the recommended revision to Condition 6 include specifications contained in the Fire District #20 memorandum.
- E. **Grade of Road:** Sub-part A of the recommended revision to Condition 6 specifies a maximum average grade of 8 percent with a maximum of 12 percent on short pitches based on the Oregon Department of Forestry;s *Recommended Fire Siting Standards for Dwellings and Structures*.
- F. **Timing of Road Construction:** The vice-president of the applicant Western States Development Corporation has expressed the company's intention not to market the lots in the immediate future. MCC 11.45.680 requires that adequate assurances (i.e., a schedule for the completion of required improvements, maintenance bond, and guarantee for required improvements) be provided prior to signing the final plat. Compliance with MCC 11.45.680 will secure future construction of the road if the applicant chooses not to build it before recording of the plat.

Conclusions:

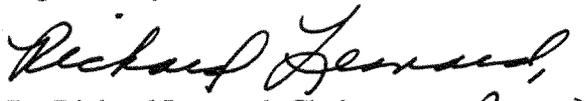
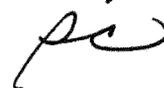
1. The applicant's inability to comply with Condition 8 of LD 17-89 and Condition 6 of MC 2-89 is due to lack of jurisdiction by the County Engineer over matters relating to private well water supply and private road design.

Decision
May 7, 1991

LD 17-89a/MC 2-89a
Continued

2. The recommended revisions to Condition 8 of LD 17-89 provide the applicants with options for complying with the Land Division Ordinance and State law.
3. The recommended revisions to Condition 5 and 6 of MC 2-89 provide assurance that the proposed private road will be designed and built in a manner that will maximize slope stability and control potential erosion.

Signed May 7, 1991


By Richard Leonard, Chairman 

Filed With the Clerk of the Board on May 17, 1991

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 9:00 a.m. on Tuesday, May 28 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 May 28, 1991 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development Division at 248-3043.

**Decision
May 7, 1991**

**LD 17-89a/MC 2-89a
End**

Meeting Date: May 28, 1991

Agenda No.: 10

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: _____

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

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 2 Minutes

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

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

PR 3-91 / ZC 3-91 Decision of the Planning Commission of May 7, 1991 with recommendation to the Board for approval, subject to conditions

BOARD OF COUNTY COMMISSIONERS
MILLING COUNTY
OREGON
MAY 20 PM 1:35

(If space is inadequate, please use other side)

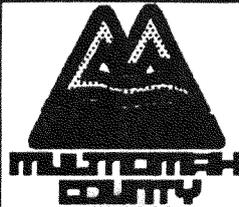
SIGNATURES:

ELECTED OFFICIAL 

Or

DEPARTMENT MANAGER Paul Yarborough/bkw

(All accompanying documents must have required signatures)



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

Decision

This Decision consists of Findings of Fact and Conclusions

May 7, 1991

PR 3-91, #708

Comprehensive Plan Revision

ZC 3-91, #708

EC, Extensive Commercial Zone

Applicant requests change in the Comprehensive Plan designation from Business and Professional Office, and amendment of Sectional Zoning Map #708, changing the described property from BPO, Business and Professional Office District to EC, Extensive Commercial District, in order to allow expansion of the existing abutting "Shurgard Storage" area to the north.

Location: 2628 SE 98th Avenue

Legal: Easterly 190-feet of Lot 12, Block 86, Plympton Acres

Site Size: 12,600 square feet

Size Requested: Same

Property Owner: Lester and Mildred Dow
13439 SE Foster Road, Portland, OR 97236

Applicant: Shurgard Capital Group
1201 Third Avenue, Suite 2200,
Seattle, Washington 98101

Present Comprehensive Plan and Zone: Business and Professional Office; BPO District

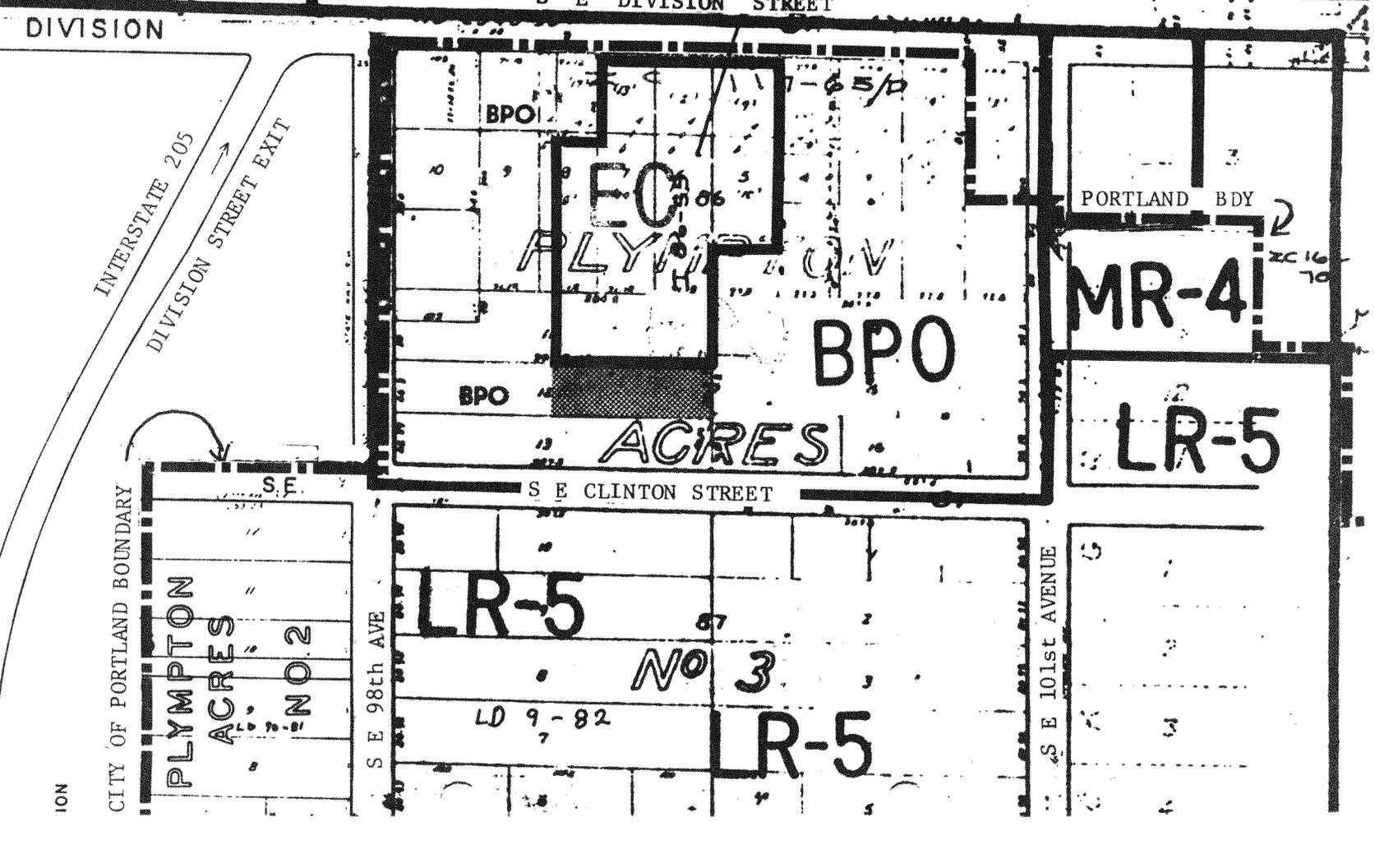
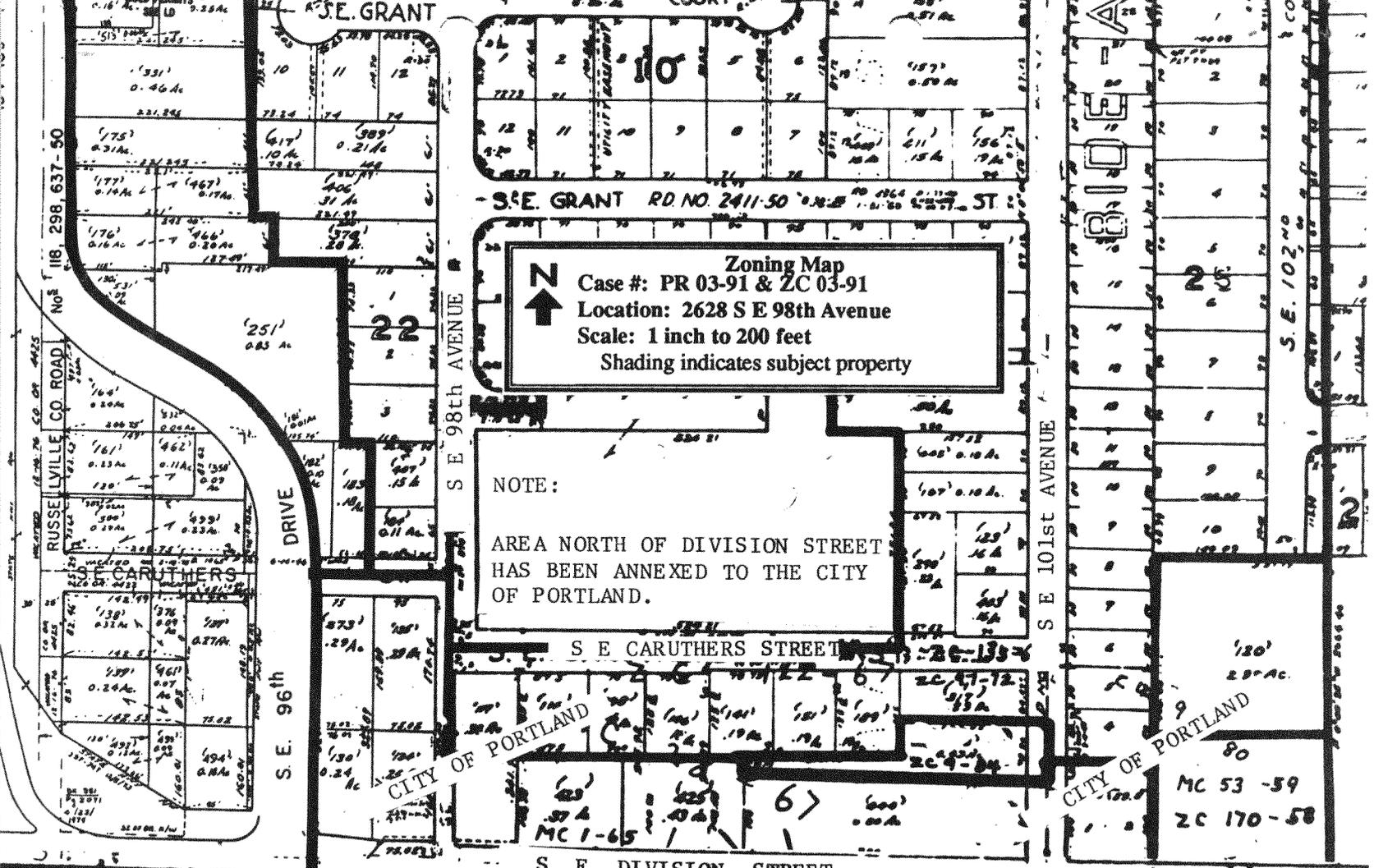
Sponsor's Proposal: Extensive Commercial; EC District

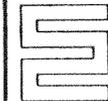
PLANNING COMMISSION

DECISION No. 1: **Approve, subject to conditions,** requested amendment of the Comprehensive Plan Map changing the designation of the subject property from Business and Professional Office to Extensive Commercial,
(PR 3-91)

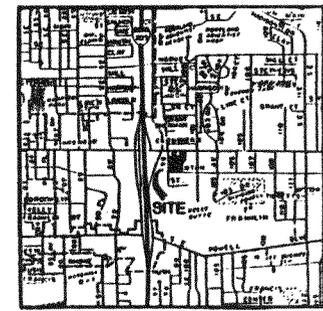
DECISION No. 2: **Approve, with conditions,** requested amendment of Sectional Zoning Map #708, changing the subject property from BPO, business and professional office District to EC, extensive commercial district.
(ZC 3-91)

PR 3-91/ZC 3-91





**MACKENZIE / SAITO
& ASSOCIATES, P.C.**
ARCHITECTURE, PLANNING & INTERIOR DESIGN
2001 W. BROADWAY STREET, 4TH FLOOR
DENVER, COLORADO 80202
TEL: 303.733.1100



VICINITY MAP

**SHURGARD STORAGE CENTER
98TH AND DIVISION**

SITE PLAN FOR ZONE CHANGE

DATE 12-14-91

DRAWN BY OPEN

CHECKED BY

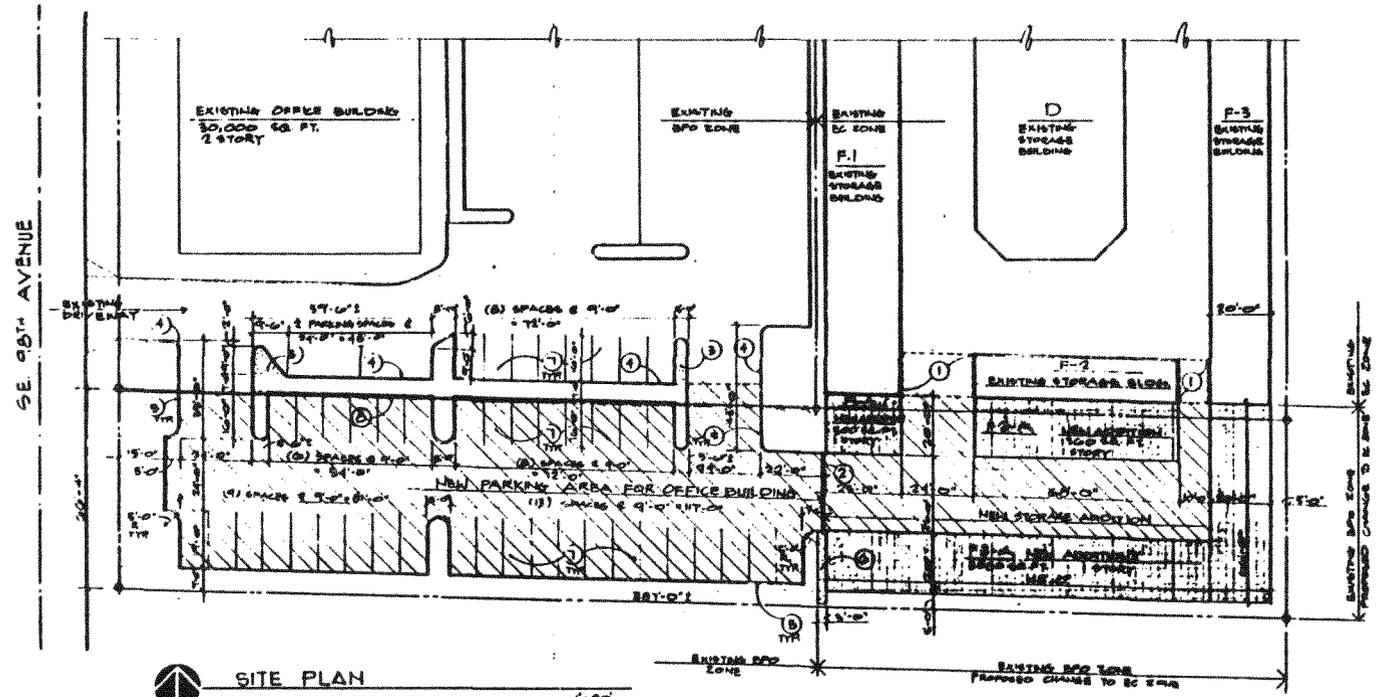
REVISIONS

PROJECT NO.

SHEET

1

JOB NO. 291076



SITE PLAN

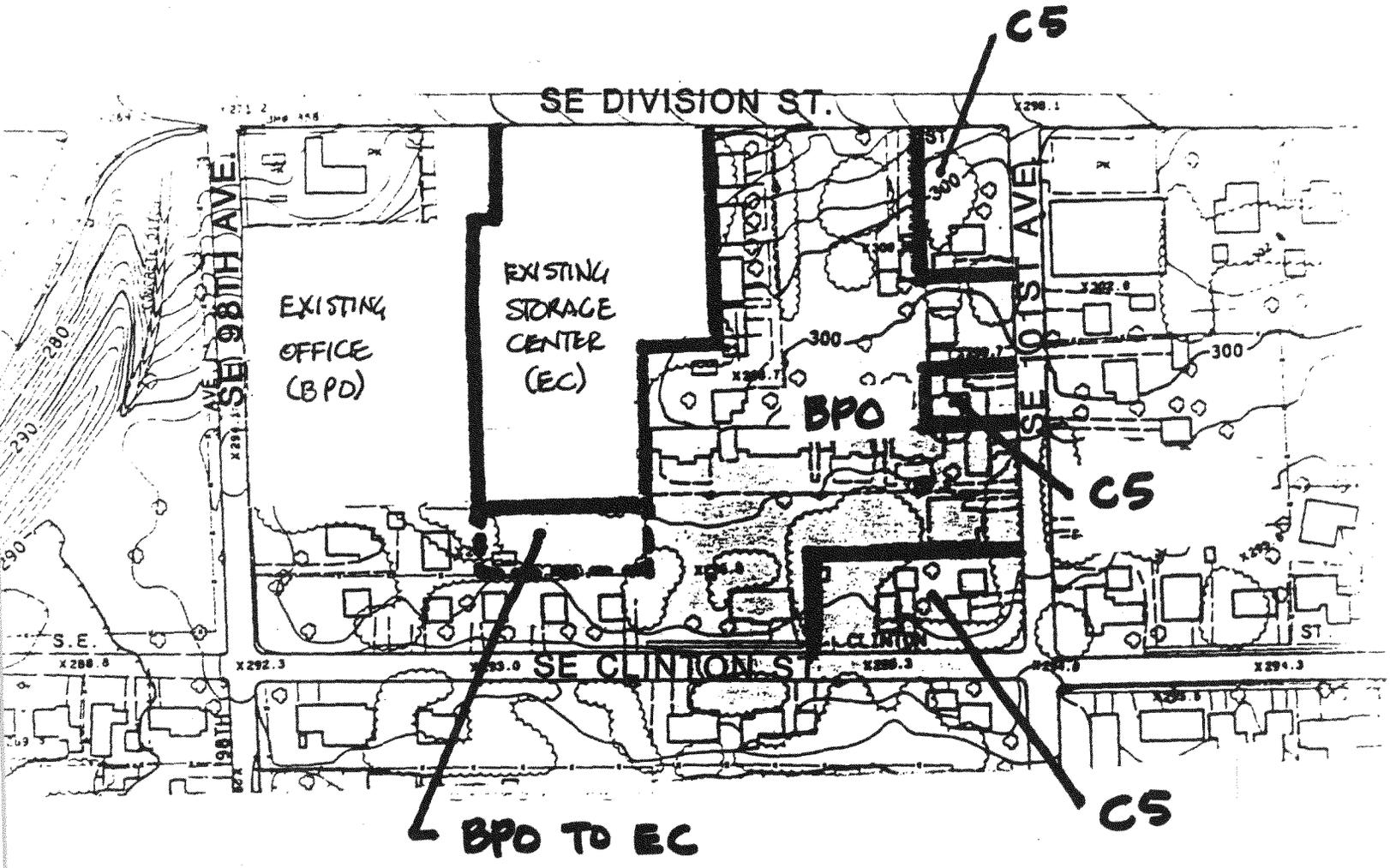
1"=20'

LEGEND

- NEW BUILDING
- NEW PAVING

KEYNOTES

1. EXISTING BUILDING TO BE REMOVED.
2. NEW SLOPING EMERGENCY ACCESS GATE
3. NEW LANDSCAPING ISLAND.
4. EXISTING CURB
5. NEW 6" EXTENDED CURB.
6. NEW 4" THICK SIDEWALK FOR SLOPING EMERGENCY GATE
7. NEW PARKING STRIPING
8. EXISTING FENCE TO BE REMOVED



SHURGARD STORAGE

VICINITY MAP
WITH ZONING
(NOT TO SCALE)

Conditions of Approval:

1. Obtain design review approval for all proposed site development or improvements prior to issuance of building permits for the project. As part of Design Review, address privacy and safety factors for property to the south.
2. Complete Engineering Services requirements for sidewalks, access points and right-of-way as applicable, prior to occupancy of proposed structures or new land uses. Contact Dick Howard at 248-3599 for assistance.

Findings of Fact:

1. **Proposal Summary and Background:** This application is for property located within the Powellhurst Community Land Use Plan which was adopted in April, 1979. The applicant provides the following description of the proposal:

"This is an application for a Comprehensive Plan Revision and Zone Change on the easterly 190 feet of Lot 12, Block 86, of "Plympton Acres." The existing zoning is BPO (Urban Business and Professional Office), while EC (Urban Extensive Commercial) is proposed.

In 1988, Multnomah County approved a similar proposal on the abutting property north of the subject site. Subsequently, the rezoned area was developed with a Shurgard Storage Center. The project also included a professional office building on the westerly portion of the site, fronting on S.E. 98th Avenue. Both elements of this project are now complete and in lease-up phase.

This Comprehensive Plan Revision/Zone Change will allow the expansion of the existing abutting storage area on approximately 14,000 sq. ft. of the subject property. The westerly portion of the property will be developed with parking to support the existing office building to the north. The storage facility expansion will include about 5,200 sq. ft. of storage space, and will be designed as an extension of the existing facility. A conceptual site plan to demonstrate the anticipated development is attached.

It should be noted that the subject site is being considered for annexation to the City of Portland. If approved, this annexation would be effective June 31, 1991. A formal City response to this Plan Revision/Zone Change will follow its submission to the County. However, preliminary discussions with the Planning Bureau indicate that the "conversion" of County EC zoning to City, v General Commercial (CG) would continue to allow the proposed storage facility. Also in this preliminary discussion, the Planning Bureau did not identify any policy difficulties with the proposed Plan Revision, but it was noted that the City's Development Standards would apply if actual construction permits were requested after June 31, 1991. These standards are reflected in the accompanying conceptual site plan."

2. **Site and Vicinity Information:** The 12,600 square foot site is located south of an existing Shurgard Storage Center recently completed at 9862 SE Division Street. It is the rear portion of a lot which fronts onto SE 98th Avenue, and is developed with one single family house. The site is generally flat with some fruit trees and ornamental plantings associated with the residence on the site. The property is currently zoned for business and professional office use.

The site lies within a large (super) block bounded by SE Division Street on the north, 101st Avenue on the east, Clinton Street on the south, and 98th Avenue on the west. The Interstate-205/Division Street intersection lies just west of 98th Avenue. A two-story office building ("Centre 205") was completed in 1990 on property immediately northwest of the subject site. The office building fronts onto 98th Avenue and is visible from I-205. Sites to the south and east – although zoned for office uses – are primarily in single family residential use. The area on the south side of Clinton Street is zoned and developed for single family residences.

3. **Ordinance Considerations:**

- A. MCC 11.05.290 specifies factors to consider in review of a quasi-judicial plan revision. MCC 11.05.120(B) classifies the proposed amendment as quasi-judicial since no Comprehensive Plan Policy amendments are proposed. The following section presents findings regarding applicable approval criteria. The criteria is presented first in *bold italics*; applicant's findings are presented in "italics", followed by Staff comments.

It must be demonstrated that the proposed plan map revision is:

(1) ***Consistent with standards in MCC 11.05.180 (LCDC goals);***

"The LCDC goals are embodied in the Comprehensive Plan through its policies and plan map designations. Therefore, consistency with the plan ensures goal compliance. Further, this is a proposed change from BPO to EC (within base use categories), rather than a proposal which would affect the inventory of residential or industrial lands. There is little, if any, impact on LCDC goal compliance. Nevertheless, it is possible to conclude that the proposed change will enhance the vitality of the existing storage center, thereby improving economic conditions in the area in compliance with the economy goal. It is also relevant to note that, due to the nature of the site and its lack of potential for non-storage use, there will be no effect of the change on public facilities and service, allowing the continued level of service in the area to other uses. In summary, the size and nature of the proposed change are such that no goal compliance issues are raised."

Staff Comment: Staff concurs.

(2) ***In the public interest; and***

"The public interest is served by the enhancement of economic activities, provision of needed services, and by ensuring that development can be accommodated by the public facility infrastructure. In this case, the subject site is available for expansion of the storage center, which will increase economic activity in the area. Under the existing BPO zoning, it is unlikely that redevelopment of the site will occur in the short term because of its isolation, poor access, shape, and surroundings.

The need in the area for the storage center expansion is documented by the success of the existing facility. The center opened for business on May 4, 1990, and was 50% rented by July 1990. As of this writing, the storage spaces are 77% rented, with full capacity expected by August 1991. The proposed expansion will provide additional space needed in the community.

Since no new water and sewer connections are needed with the expansion, and traffic generation is insignificant, no public infrastructure impacts will result from the Plan Revision/Zone Change. Development of the storage center expansion (rather than other more intensive uses) is ensured since the proposed EC area is "landlocked" and of little development potential for uses other than the storage center.

The public interest is therefore served by the proposed Plan Revision/Zone Change.

"...It should also be emphasized that the Plan Revision/Zone Change proposal applies to a portion of the subject property which would have no potential use under EC zoning nor benefit as a result of the Plan/Zone Change, without incorporation into the abutting Shurgard Storage Center. Further, due to the nature of the storage center use, abutting properties will not only experience no negative impacts, but will actually be enhanced by the buffering effect of this low intensity use."

Staff Comment: Staff concurs.

(3) In compliance with applicable elements of the Comprehensive Plan.

"The Comprehensive Framework Plan provides a series of policies and attendant criteria which guide various decision-making processes. The Powellhurst Community Plan amplifies these policies and applies specific land use designations. The nature of this proposal is such that most policies do not directly apply. However, it is relevant to address certain policies which are effected by the proposed Plan Revision and Zone Change."

The following Plan Policies are found applicable to subject request: Policy 14 (Development Limitations); Policy 19 (Community Design); Policy 23 (Redevelopment); Policy 27 (Commercial Location); Policy 37 (Utilities); Policy 38 (Facilities).

a. Policy 14 — Development Limitations

Staff Comment: Multnomah County policy is to direct development away from areas with significant natural limitations. Specifically listed in Policy No. 14 are: (a) slopes exceeding 20%; (b) severe soil erosion potential; (c) land within the 100 year flood plain; (d) high seasonal water table within 0 to 24 of the surface for three or more weeks of the year; (e) a fragipan less than 30 from the surface; and (f) land subject to slumping, earth slides, or movement.

The site of this zone change application is not subject to any of the aforementioned limitations. The property is not within the 100 year flood plain, nor is it a designated wetland area. The site is not subject to water table fluctuations that rise to within 2 feet of the surface at any season of the year.

No significant development limitations have been identified.

b. Policy 19 — Community Design

Policy 19 (Community Design) incorporates a series of design guidelines which are part of the basis for review of all land use action. In this case, because of the nature of the site and the proposal, only the last subsection of guidelines, which apply to commercial uses, is applicable-:

a. "Scale of Development" - The development facilitated by this proposal will be an extension of the existing storage center and will carry the same scale and design elements.

b. "Connect Parking" - The development will utilize existing access and driveways.

c. "Residential Orientation" - The proposed buildings will orient inward to the site in the same manner as the existing storage center.

d. "Access" - The site has access to S.E. Division Street.

e. "Traffic Safety" - The site utilizes only the existing access points, and new lighting is internal to the development.

f. "Screening" - Parking and access is screened from residential areas by the storage buildings.

Staff Comment: Staff concurs.

c. Policy 23 — Redevelopment

Policy 23 (Redevelopment) indicates the suitability of redevelopment of large lots in the Powellhurst Community. The suitability of non-residential use of the subject site has been recognized by the Plan; this proposed Plan Revision will allow redevelopment of the parcel in a manner compatible with its surroundings.

Staff Comment: Staff concurs. The storage site will not abut any residential district.

d. Policy 27 — Commercial Location

Policy 27 (Commercial Location) and the companion policy in the Framework Plan, provide locational criteria for Extensive Commercial area. The policy notes that such areas should be convenient to users, but located to have minimum impact on transportation and adjacent uses. The proposed Plan Revision site will utilize the existing storage center access, thereby minimizing traffic impact. The orientation of the planned site development ensures that existing residential areas will have minimal impact. It should also be noted that the adjacent sites are all zoned BPO, which further ensures a compatible land use pattern.

Staff Comment: Staff concurs.

e. Policy 37 — Utilities

Policy 37 (Utilities) applies to all development. In the case of the proposed Plan Revision, since no new utility connections are required, no impact on the utility system will result.

Staff Comment: Powell Valley Road and Water District provides public water facilities to the site. An 8 line extends along the south side of 98th Avenue.

f. Policy 38 — Facilities

Policy 38 (Facilities) also applies to all development. Similarly to Policy 37, since the proposed Plan Revision will facilitate the expansion of an existing storage center, no facility impacts will result.

It is also important to note that in the Plan Revision/Zone Change for the abutting storage center, it was found that the EC designation was consistent with the intent of the plan. Similarly, in this case, the current change would provide a needed service "convenient to the users," with "minimum impact on the transportation system." Finally, this proposed change would allow a land use with an established record of compatibility with adjacent uses, as evidence by the existing storage center which would be expanded.

Staff Comment: Staff concurs.

- B. MCC 11.05.290(B) provides that . . . ***“Proof that circumstances in the area affected by the proposed revision have changed since adoption of the plan . . . are . . . relevant factors which may be considered. . . ”***

“The 1988 Plan Revision/Zone Change to EC for the abutting storage center included a finding that the Powellhurst Plan, adopted in 1979, had not envisioned the effect of 1-205 and that this was, in fact, a change in area circumstances. This logic also applies to this proposal. Further, it is probable that, had the subject property been available in 1988, it would have been included in the 1988 Plan Revision/Zone Change application. It may also be noted that approval of the 1988 application is, in itself a change in circumstances, since without its approval and the subsequent storage center construction, there would be no need nor logic for the current application.”

Staff Comment: Staff concurs.

- C. MCC 11.15.8230(D) lists approval criteria for a change of zoning classification. It must be demonstrated that:

(1) Granting the request is in the public interest;
“(See discussion above)”

(2) There is a public need for the requested change and that need will be best served by changing the classification of the property in question as compared with other property;

“‘Public need’, in this case, is addressed by the preceding discussion of the market success of the abutting storage center. Also noted above, there is little, if any, potential EC use of the subject site other than for the storage center expansion. In this regard, public need for the change is established. A similar logic may be applied to the issue of alternate sites, since expansion of the existing storage center is the key issue. The site development of the existing center, as well as existing development and availability of other adjacent parcels, limits the potential alternatives to the subject site.

Staff Comment: Staff concurs.

(3) The proposed action fully accords with the applicable elements of the Comprehensive Plan.”

“(See discussion above)”

Conclusions:

"This proposed Plan Revision/Zone Change from BPO to EC effects an approximately 14,000-sq.-ft. portion of the subject property. The change to EC will allow expansion of the abutting storage center, but would have little, if any, potential for introduction of other EC land uses due to the parcel's size, shape, and location. The storage center expansion, itself, is needed in the area, and is a low intensity use that offers an excellent buffer for adjacent infrastructure. The proposed change, therefore, meets the County's criteria for a Plan Revision/Zone Change."

Staff Comments:

1. The findings and conclusions above adequately demonstrate the proposal's compliance with applicable criteria for a plan and zone change.
2. Conditions of approval are necessary to insure proposed land uses are compatible with surrounding properties.

Signed May 7, 1991

Richard Leonard
By Richard Leonard Chairman

Filed With the Clerk of the Board on May 17, 1991

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 9:00 AM on May 28, 1991 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision on this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, May 28, 1991 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development Division at 248-3043.

Meeting Date: May 28, 1991

Agenda No.: //

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: _____

BCC Informal _____ BCC Formal May 28, 1991
(date) (date)

DEPARTMENT DES DIVISION Planning

CONTACT Sharon Cowley TELEPHONE 2610

PERSON(S) MAKING PRESENTATION Planning Staff

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 5 Minutes

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

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

C 3-91b Resolution of the Planning Commission of May 6, 1991, recommending adoption by the Board, declaring an emergency

1991 MAY 20 PM 1:32
MULTIPLER COUNTY
OREGON
COUNTY CLERK'S OFFICE

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER Paul Yabonog / Hw

(All accompanying documents must have required signatures)

**BEFORE THE PLANNING COMMISSION
FOR MULTNOMAH COUNTY**

In the Matter of Recommending Adoption of Ord-)
inances Amending Comprehensive Plan Policy 25,)
Mobile Homes, and MCC Chapter 11.15 To Permit)
Mobile Homes on Individual Lots in Low Density)
and Single Family Residential Districts.)

**RESOLUTION
C 3-91b**

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

WHEREAS, Comprehensive Framework Plan Policy 25, Mobile Homes and the implementing code provisions in MCC Chapter 11.15 contain restrictions to the placement of Mobile Homes that conflict with 1989 amendments to the Oregon Revised Statutes (ORS 197.295 through ORS 197.313) defining Mobile Homes on individual lots as a "Needed Housing" type; and

WHEREAS, The State of Oregon Department of Land Conservation and Development has stated that the new ORS requirements can be met by defining mobile (manufactured) homes as a type of single family residence and permitting them on individual lots wherever a single family residence is allowed, subject to the siting standards listed in ORS 197.307; and

WHEREAS, The Planning Commission considered these Ordinances at public hearings on April 1, 1991 and May 6, 1991 where all interested persons were given an opportunity to appear and be heard,

NOW, THEREFORE BE IT RESOLVED that the Ordinances captioned "An Ordinance amending Comprehensive Framework Plan Policy 25, Mobile Homes to permit mobile homes on individual lots in all low density and single family residential districts, subject to siting standards allowed by Oregon Revised Statute subsection 197.307, and declaring an emergency," and "An ordinance amending the Multnomah County Code Chapter 11.15 by permitting, under certain siting standards, the placement of mobile homes on individual lots in low density and single family residential districts, and declaring an emergency" are hereby recommended for adoption by the Board of County Commissioners.

Approved this 6th day of May, 1991



Richard T. Leonard, Chair
Multnomah County Planning Commission



**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 Findings of Fact and Conclusions

May 6, 1991

**C 3-91b Adoption of an Ordinance Amending Comprehensive Plan Policy 25,
Mobile Homes, and an Ordinance Amending MCC Chapter 11.15 To Permit Mobile
Homes on Individual Lots in Low Density and Single Family Residential Districts**

STAFF RECOMMENDATION:

Recommend Approval to the Board of County Commissioners of the two Ordinances which amend Comprehensive Plan Policy 25, Mobile Homes and MCC Chapter 11.15 concerning mobile home location.

Findings of Fact:

1. Revisions of Plan and Zoning Code concerning location of mobile homes.

- A. The 1989 Oregon Legislature amended Oregon Revised Statute (ORS) subsection 197.303 by adding manufactured homes on individual lots zoned for single-family residential use to the list of "needed housing" types (House Bill 2863). A manufactured home is a mobile home that meets the 1976 Federal Housing and Urban Development (HUD) construction standards.
- B. Both ORS 197 and Statewide Planning Goal Number 10, Housing direct local comprehensive plans to project the need for this housing type and provide sufficient buildable land within the urban area to meet that demand.
- C. The Oregon Department of Land Conservation and Development, in a May, 1990 Technical Assistance Bulletin entitled "Planning for Manufactured Housing on Individual Lots," has stated that the simplest and surest way to meet the ORS and State Housing Goal requirements is to permit mobile (manufactured) homes outright in all single family zones. The mobile homes are included in the need for all single family dwellings and, therefore, no further analysis is required.

- D. The proposed ordinances will add mobile homes to the definition of "single family detached dwelling," permitting this housing type in all urban residential zones subject to certain siting standards. It is proposed to retain the term "mobile home" because this is the term used throughout the existing zoning ordinance for this type of dwelling. By establishing siting standards and a definition that includes references to different dates of manufacture, the "manufactured home" (after June 15, 1976) and "residential trailer" (before June 15, 1976) can both be referenced in the code by the name "mobile home".
- E. The 1989 ORS changes in 197.307(5) also allowed a jurisdiction to adopt any or all of the following placement standards, or any less restrictive standard:
- (1) The manufactured home shall be multisectional and inclose a space of not less than 1,000 square feet.
 - (2) The manufactured home shall be placed on an excavated and back-filled foundation and inclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.
 - (3) The manufactured home shall have a pitched roof, except that no standard shall require a slope of greater than a nominal three feet in height for each 12 feet in width.
 - (4) The manufactured home shall have exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.
 - (5) The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards of single-family dwellings constructed under the state building code as defined in ORS 455.010.
 - (6) The manufactured home shall have a garage or carport constructed of like materials. A jurisdiction may require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings.
 - (7) A county may also subject a manufactured home and the lot upon which it is sited to any development standard, architectural requirement and minimum size requirement to which a conventional single-family residential dwelling on the same lot would be subject.
- F. The proposed Plan and Code revisions include the above standards E.(1)-(7) as follows:
- (1) MCC 11.15.7705(D), "Have a minimum floor area of 1,000 square feet;" and .7705(F), "Be multisectional. A 'tip-out' or 'expandable' unit is not a multisectional home."
 - (2) MCC .7705(C), "Be set on a continuous, permanent foundation." A reinforced concrete foundation such as those built for uniform building code structures cannot be required.

The proposed foundation language is the same as that in the City of Portland's zoning ordinance. This language is recommended because the county contracts with the city for building inspection and it would be desirable to have a consistent interpretation of what a complying foundation would be.

The restriction on height above grade was not included because it would prevent using this housing type on sloping sites.

- (3) MCC .7705(E), "Have a pitched roof with a pitch of at least a nominal three feet in height for each 12 feet in width (3:12)."
- (4) The proposed ordinance does not include a provision regulating the type of exterior siding and roofing materials other than requiring that they meet the State and Federal standards. The zoning code does not presently regulate siding and roofing materials on Uniform Building Code (UBC) dwellings and, therefore, it would be very difficult to enact a "clear and objective" standard that would dictate those materials for mobile (manufactured) homes.
- (5) (Staff Comment) The City of Portland does not include this standard in their ordinance and with no in-house building inspection staff this provision would be unwieldy to coordinate with the city plans examiners and inspectors.

Note: The Planning Commission determined that this standard should be included in the ordinance and that the certification of thermal performance could be checked by planning staff. Multnomah County did not have to rely on city building inspectors to do that function. The Planning Commission also felt that the ORS language seemed to be missing some wording. The language that was adopted by the City of Tualatin was read to them and those additions were approved by the Commission. The words added to the statute language are in **bold type** as follows:

"The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which **reduce heat loss to** levels equivalent to the performance standards **required** of single-family dwellings constructed under the state building code as defined in ORS 455.010."

- (6) The county zoning code does not require a carport or garage for UBC dwellings and therefore it is recommended that it be the same for mobile (manufactured) homes.
- (7) In MCC .0010 the proposed definition of Mobile Home includes the phrase "...subject to the siting provisions of MCC .7705 through .7715 or as specified within the district...".

G. For ease of reference, it is proposed to setup a new subsection containing all the standards and criteria of approval for mobile homes and mobile home parks. Presently, the standards are in two different general provision sections. Combining the existing subsections results in a one-half reduction in the length of this portion of the Code. The entire Plan and Code text

amendments are not given in this staff report but are contained in the ordinances.

H. An "emergency" clause is proposed because there are residents and future residents of Multnomah County that have invested in building lots and mobile (manufactured) homes in anticipation of these amendments applying on January 1, 1991 as the statute directs.

I. Statewide Planning Goal No. 10, Housing: To Provide for the housing needs of citizens of the state.

Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

(1) As given in (A) - (D) above, the addition of mobile homes as a type of single family detached dwelling will comply with all State Housing Goal requirements for meeting the projected need for this price range of housing.

(2) The zoning code provisions for mobile home parks are proposed to be reorganized within the code text but remain unchanged in content except that the setbacks between mobile homes is proposed to be reduced from fifteen to ten feet. This revision will conform to State park standards and be consistent with the setbacks that are allowed between detached houses on individual lots in the same zoning districts.

J. County Comprehensive Framework Plan Policy 21, Housing Choice: The County's Policy is to support and assist in the provision of an adequate number of housing units at price ranges and rent levels affordable to the region's households and to allow for variety in housing location, type and density.

A. Encourage the provision of housing affordable to residents of all incomes. ...

I. Cooperate with the private sector to expand the supply of housing which is affordable to low and moderate income residents.

(1) The following statements and statistics are taken from the May, 1990 Technical Assistance Bulletin from Oregon's Department of Land Conservation and Development entitled "Planning for Manufactured Housing on Individual Lots":

(a) If manufactured (mobile) dwellings on individual lots are considered as single family housing, then the need for these dwellings is considered a part of the overall single family housing need. No change is required to the single family/multifamily split, owner/renter split, or income distributions in the comprehensive plan's housing needs projection or in the amount, density or location of the Plan's buildable land allocation for single family or multifamily housing.

(b) Based on a range of manufactured (mobile) housing structure costs from \$26,800 to \$46,488 and of lot costs from \$5,000 to \$9,000, the minimum income required to purchase a manufactured (mobile) dwelling on an individual lot is estimated to range from \$15,000 to \$26,000.

- (c) It could be assumed that households with incomes below \$15,000 will rent their dwellings and that households with incomes above \$15,000 will purchase single family dwellings, including manufactured (mobile) homes. It could be further assumed that households with incomes between \$15,000 and \$26,000 will purchase either manufactured (mobile) housing or conventional single family housing and that households with incomes above \$26,000 will only purchase conventional single family housing.
- (d) Based upon the preceding assumptions, for Multnomah County as a whole, including cities, it is estimated that 37 percent of single family housing buyers (incomes over \$15,000) can just afford a manufactured (mobile) home.
- (e) Manufactured (mobile) homes might then be expected to be 24 percent of all dwellings, including multifamily, added to the housing stock.

Conclusion:

The proposed mobile home amendments to the Plan and Zoning Code comply with Oregon Revised Statute requirements, Oregon Statewide Planning Goals dealing with housing, and the County Comprehensive Framework Plan.



MULTNOMAH COUNTY OREGON

*Handout #1
Planning
5-28-91*

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

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

MEMORANDUM

TO: Multnomah County Board of County Commissioners

FROM: Planning Staff
Division of Planning and Development

DATE: May 28, 1991

SUBJECT: C 3-91b, Change to Ordinance Language Regarding Foundations

The two proposed ordinances amending the Plan and Zoning Code regarding the location of manufactured homes were recommended for approval by the Planning Commission on May 6, 1991. On May 13th the Division of Planning received a letter from the State Department of Land Conservation and Development (DLCD) regarding those ordinances. It was stated in the letter that the ordinances meet the requirements of House Bill 2863 except for one technical standard regarding foundations. DLCD suggests that the wording of the statute [ORS 197.307(5)(b)] be adopted instead of the proposed language.

After subsequent telephone conversations with the State Plan Reviewers, County planning staff recommends to the Board of County Commissioners the following changes to the two ordinances recommended to the Board for adoption:

Amendment to Multnomah County Code 11.15, Page 13 of 16, Line 7.

Change: (C) Be set on a continuous, permanent foundation;

To read: (C). Be placed on an excavated and back-filled foundation and enclosed at the perimeter.

Amendment to Comprehensive Framework Plan, Page 4 of 5, Line 4.

Change: c. [be located outside of Developed Neighborhoods, as defined in the applicable community plan] be set on a continuous, permanent foundation;

To read: c. [be located outside of Developed Neighborhoods, as defined in the applicable community plan] be placed on an excavated and back-filled foundation and enclosed at the perimeter.

May 10, 1991

DEPT. OF LAND
CONSERVATION
AND
DEVELOPMENT

Gary Clifford
Department of Environmental Services
Multnomah County
2115 S.E. Morrison Street
Portland, Oregon 97214

Dear Gary:

We have reviewed the amendments to Comprehensive Plan Policy #25 and to the zoning ordinance proposed with the intent of complying with HB 2863. These amendments meet the HB 2863 need requirement for manufactured homes by permitting this type of housing in all urban residential zones. Our only concern is the proposed requirement for a "continuous, permanent foundation." With regard to foundations, ORS 197.307(5)(b) provides the following:

The manufactured dwelling shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured dwelling is located not more than 12 inches above grade.

We understand, based on finding F(2) (Staff Report, p. 2), that the county does not intend to require a continuous reinforced concrete perimeter foundation; however, we find that the proposed standard is ambiguous and that it could be interpreted to be more restrictive than the statute. To comply with the requirements of ORS 197.307, we recommend that the county adopt the standard as quoted above or adopt the foundation standards of the Oregon Manufactured Dwelling Administrative Rules 918-505-020.

If you have any questions, please feel free to contact Elaine Smith at 373-0086.

Sincerely,



Michael J. Rupp
Plan Review Manager

MJR/LS:pf

cc: Jim Sitzman
DLCD File 006-91

RECEIVED

MAY 13 1991

Multnomah County
Zoning Division

BARBARA ROBERTS
Governor



1175 Court Street NE
Salem, OR 97310-0590
(503) 373-0050
FAX (503) 362-6705

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS
2 FOR MULTNOMAH COUNTY, OREGON
3 ORDINANCE NO. 682
4

5 An Ordinance amending Comprehensive Framework Plan Policy 25, Mobile Homes to
6 permit mobile homes on individual lots in all low density and single family residential districts,
7 subject to siting standards allowed by Oregon Revised Statute subsection 197.307, and
8 declaring an emergency.

9 (Language in brackets [] is to be deleted; underlined language is new.)

10 Multnomah County Ordains as follows:

11
12 Section I. Findings.

13 (A). The 1989 Oregon Legislature amended Oregon Revised Statute (ORS) subsection
14 197.303 by adding manufactured homes on individual lots planned and zoned for single-family
15 residential use to the list of “needed housing” types (House Bill 2863). A manufactured home
16 is a mobile home that meets the 1976 Federal Housing and Urban Development (HUD)
17 construction standards.

18 (B). Both ORS 197 and Statewide Planning Goal Number 10, Housing direct local
19 comprehensive plans to project the need for this housing type and provide sufficient buildable
20 land within the urban area to meet that demand.

21 (C). The Oregon Department of Land Conservation and Development, in a May, 1990
22 Technical Assistance Bulletin entitled “Planning for Manufactured Housing on Individual
23 Lots,” has stated that the simplest and surest way to meet the ORS and State Housing Goal
24 requirements is to permit mobile (manufactured) homes outright in all single family zones.
25 The mobile homes are included in the need for all single family dwellings and therefore, no
26 further analysis is required. The mobile homes may be subject to the siting standards listed in

1 ORS 197.307.

2 (D). These amendments to Plan Policy 25 will allow mobile homes on individual lots
3 in those locations where a single family dwelling is permitted. The mobile or manufactured
4 home will be subject to certain siting standards allowed by State law.

5 (E). An emergency is declared because there are residents and future residents of
6 Multnomah County that have invested in building lots and mobile (manufactured) homes in
7 anticipation of these amendments applying on January 1, 1991 as the statute directs.

8

9 Section II. Amendments.

10 Multnomah County Comprehensive Framework Plan Policy 25: Mobile Homes is
11 amended to read as follows:

12 POLICY 25: MOBILE HOMES

13 INTRODUCTION

14 Since the original adoption of this Plan in 1977, new legislation has been adopted at the State
15 level, requiring local governments to provide for manufactured homes, as defined in ORS
16 197.295. Manufactured housing is to be permitted outright, since it is defined in ORS 197.303
17 as a "needed housing type." Certain placement standards for the approval of manufactured
18 homes located outside mobile home parks are permitted by ORS 197.307.

19 POLICY 25

20 THE COUNTY'S POLICY IS TO PROVIDE FOR THE LOCATION OF MOBILE HOMES
21 IN A MANNER THAT ACCORDS WITH:

22 A. THE APPLICABLE POLICIES IN THIS PLAN;

23 B. THE HOUSING POLICY LOCATIONAL CRITERIA APPROPRIATE TO THE SCALE
24 OF THE DEVELOPMENT (SEE POLICY NO. 24);

25 C. THE MOBILE HOME LOCATIONAL CRITERIA.

26 IN DETERMINING THE LOCATION OF MOBILE HOMES, THIS POLICY SHALL

1 CONTROL OVER CONFLICTING PROVISIONS OF COMMUNITY PLANS OR OTHER
2 PRE-EXISTING PLANS UNTIL THE INDIVIDUAL COMMUNITY PLANS ARE
3 UPDATED.

4 DEFINITIONS

5 Mobile Home Park: Any site where four or more mobile homes are located within 500 feet of
6 one another on a lot, tract or parcel of land [under the same ownership] where space is rented
7 or kept for rent to any person for a charge or fee paid or to be paid for the rental or use of
8 facilities or to offer space free in connection with securing the trade or patronage of such
9 person.

10 [Mobile Home Subdivision: A parcel of land subdivided for the purpose of siting no more
11 than one mobile home per lot.]

12 MOBILE HOME LOCATIONAL CRITERIA

13 A. Urban Area.

14 1. Mobile home parks must:

- 15 a. be located in the Medium Density Residential zoning districts[;] or be located in the
16 Low Density Residential LR-7 and LR-5 districts outside of a "Developed
17 Neighborhood" as designated in the applicable Community Plan; and
18 b. have a minimum individual space size of 1500 square feet and a maximum density of
19 16 units per acre; and
20 c. meet the most recent mobile home park standards as set forth by the State
21 Department of Commerce.

22 2. Mobile homes on individual lots in all Urban Residential Districts except Urban Future
23 must:

- 24 a. [be located in the Medium Density Residential or Low Density Residential zoning
25 districts on an interior accessway or a flag lot with no more than two units in a
26 cluster. A cluster could be two adjoining lots.] have a minimum floor area of 1,000

1 square feet:

- 2 b. [meet the requirements of the appropriate zoning district] have a pitched roof with a pitch of at
3 least a nominal three feet in height for each 12 feet in width (3:12);
- 4 c. [be located outside of Developed Neighborhoods, as defined in the applicable community plan]
5 be placed on an excavated and back-filled foundation and enclosed at the perimeter;
- 6 d. be manufactured after June 15, 1976, and carry a State insignia indicating compliance with
7 Oregon State mobile home construction or equipment standards[.] ;
- 8 e. be multisectional. A "tip-out" or "expandable" unit is not considered to be a multisectional
9 home; and
- 10 f. be certified by the manufacturer to have an exterior thermal envelope meeting performance
11 standards which reduce heat loss to levels equivalent to the performance standards required of
12 single family dwellings constructed under the state building code as defined in ORS 455.010.

13 [3. Mobile Home Subdivisions:

- 14 a. must be located in the Low Density and Medium Density Residential Districts in areas outside
15 of Developed Neighborhoods, as designated by the applicable community plan;
- 16 b. must be developed in compliance with the Land Division Chapter;
- 17 c. will allow only mobile homes manufactured after June 15, 1976, and carry a State insignia
18 indicating compliance with Oregon State mobile home construction or equipment standards.]

19 B. Rural and Natural Resource Areas.

- 20 1. Mobile homes within the rural and natural resource areas shall be permitted on individual lots,
21 subject to:
- 22 a. standards relating to foundations and other improvements specified in the Community
23 Development Ordinance; and
- 24 b. meeting the most recent mobile home standards, as set forth by the State Department of
25 Commerce.

26 STRATEGIES

1 The Zoning Article should provide for standards for the approval of mobile home parks with the intent and
2 policies of the Plan. Furthermore, it should:

3 1. Provide for mobile homes on individual lots as a use under prescribed conditions in [the] all rural
4 [natural resource] districts, all Urban Future districts, and all Residential districts within the Urban
5 Growth Boundary [Medium Density Residential, and Low Density Residential (LR-5, LR-7)
6 zones].

7 2. Provide for mobile home parks as a [use under prescribed conditions] conditional use in the
8 Medium Density Residential and Low Density Residential LR-7 and LR-5 zones outside of a
9 "Developed Neighborhood" as designated in the applicable Community Plan.

10 [3. Provide for mobile home subdivisions in Low Density Residential, LR-5 and LR-7.]

11 [4]3. Provide standards for site development for mobile homes on individual lots [, mobile home
12 subdivisions,] and mobile home parks.

13

14 Section III. Adoption.

15 This ordinance, being necessary for the health, safety, and general welfare of the people of
16 Multnomah County, an emergency is declared and the Ordinance shall take effect upon its execution by the
17 County Chair, pursuant to Section 5.50 of the Charter of Multnomah County.

18 ADOPTED THIS 28th day of May, 1991, being the date of its 1st
19 reading before the Board of County Commissioners of Multnomah County.

20

21

22

23

24

25

26



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

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

1 square feet:

- 2 b. [meet the requirements of the appropriate zoning district] have a pitched roof with a pitch of at
3 least a nominal three feet in height for each 12 feet in width (3:12);
4 c. [be located outside of Developed Neighborhoods, as defined in the applicable community plan]
5 be set on a continuous, permanent foundation;
6 d. be manufactured after June 15, 1976, and carry a State insignia indicating compliance with
7 Oregon State mobile home construction or equipment standards[.];
8 e. be multisectional. A "tip-out" or "expandable" unit is not considered to be a multisectional
9 home; and
10 f. be certified by the manufacturer to have an exterior thermal envelope meeting performance
11 standards which reduce heat loss to levels equivalent to the performance standards required of
12 single family dwellings constructed under the state building code as defined in ORS 455.010.

13 [3. Mobile Home Subdivisions:

- 14 a. must be located in the Low Density and Medium Density Residential Districts in areas outside
15 of Developed Neighborhoods, as designated by the applicable community plan;
16 b. must be developed in compliance with the Land Division Chapter;
17 c. will allow only mobile homes manufactured after June 15, 1976, and carry a State insignia
18 indicating compliance with Oregon State mobile home construction or equipment standards.]

19 B. Rural and Natural Resource Areas.

- 20 1. Mobile homes within the rural and natural resource areas shall be permitted on individual lots,
21 subject to:
22 a. standards relating to foundations and other improvements specified in the Community
23 Development Ordinance; and
24 b. meeting the most recent mobile home standards, as set forth by the State Department of
25 Commerce.

26 STRATEGIES

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS
2 FOR MULTNOMAH COUNTY, OREGON
3 ORDINANCE NO. 681
4

5 An ordinance amending the Multnomah County Code Chapter 11.15 by permitting,
6 under certain siting standards, the placement of mobile homes on individual lots in low density
7 and single family residential districts, and declaring an emergency.
8

9 (Language in brackets [] is to be deleted; underlined language is new.)

10 Multnomah County Ordains as follows:
11

12 Section I. Findings.

13 (A). The 1989 Oregon Legislature amended Oregon Revised Statute (ORS) subsection
14 197.303 by adding manufactured homes on individual lots planned and zoned for single-family
15 residential use to the list of “needed housing” types (House Bill 2863). A manufactured home
16 is a mobile home that meets the 1976 Federal Housing and Urban Development (HUD)
17 construction standards.

18 (B). Both ORS 197 and Statewide Planning Goal Number 10, Housing direct local
19 comprehensive plans to project the need for this housing type and provide sufficient buildable
20 land within the urban area to meet that demand.

21 (C). The Oregon Department of Land Conservation and Development, in a May, 1990
22 Technical Assistance Bulletin entitled “Planning for Manufactured Housing on Individual
23 Lots,” has stated that the simplest and surest way to meet the ORS and State Housing Goal
24 requirements is to permit mobile (manufactured) homes outright in all single family zones.
25 The mobile homes are included in the need for all single family dwellings and therefore, no
26 further analysis is required. The mobile homes may be subject to the siting standards listed in

1 ORS 197.307.

2 (D). Multnomah County, by the adoption of this ordinance, will add mobile homes to
3 the definition of “single family detached dwelling”, subject to certain siting standards allowed
4 by State law, and thereby permitting this housing type in all urban residential zones.

5 (E). It is advantageous to combine all placement standards for mobile homes that were
6 in several different locations within the Zoning Code to one new subsection (MCC 11.15.7705
7 through 11.15.7715).

8 (F). An emergency is declared because there are residents and future residents of
9 Multnomah County that have invested in building lots and mobile (manufactured) homes in
10 anticipation of these amendments applying on January 1, 1991 as the statute directs.

11

12 Section II. Repeals.

13 Multnomah County Code Subsections 11.15.2494, 11.15.2496, 11.15.2498, 11.15.2704,
14 11.15.2706 and 11.15.2708 are hereby repealed.

15

16 Section III. Amendments.

17 Multnomah County Code Chapter 11.15 is amended to read as follows:

18

19 **11.15.0010 Definitions**

20 As used in this Chapter, unless the context requires otherwise, the following words and their
21 derivations shall have the meanings provided below.

22 **Dwelling (Single Family Detached)** – A detached building designed for one dwelling unit,
23 including *Mobile Homes* under the provisions of MCC .7705 through .7715 or as
24 specified within the district.

25 **Manufactured Homes** – See *Mobile Home* [For purposes of MCC .6301 through .6324, a
26 structure, transportable in one or more sections, which is built on a permanent chassis

1 and is designed for use with or without a permanent foundation when connected to the
2 required utilities. For flood plain management purposes the term *manufactured home*
3 also includes park trailers, travel trailers, and other similar vehicles placed on a site for
4 greater than 180 consecutive days].

5 **Mobile Home** – A structure transportable in one or more sections, [each built on a
6 permanent chassis, and] which is designed to be used for permanent occupancy as a
7 dwelling and which is not constructed to the standards of the uniform building code (the
8 State of Oregon Structural Specialty Code and Fire and Life Safety Regulations) [,
9 including a *Manufactured Home* as defined in ORS 446.003(17)(c)]. Mobile homes
10 include residential trailers and manufactured homes subject to the siting provisions of
11 MCC .7705 through .7715 or as specified within the district:

12 (a) Residential Trailer - A mobile home which was not constructed in accordance
13 with federal manufactured housing construction and safety standards (HUD), in
14 effect after June 15, 1976. This definition includes the State definitions of
15 Residential Trailers and Mobile Homes stated in the Oregon Revised Statutes
16 (ORS) 446;

17 (b) Manufactured Home - A mobile home constructed in accordance with federal
18 manufactured housing construction and safety standards (HUD code) in effect
19 after June 15, 1976;

20 (c) For flood plain management purposes (MCC .6301 through .6324) only, the term
21 Manufactured Home also includes park trailers, travel trailers, and other similar
22 vehicles placed on a site for greater than 180 consecutive days.

23 **Mobile Home Park** – Any place where [two] four or more mobile homes are located within
24 500 feet of one another on a lot, tract or parcel of land where space is rented or kept for
25 rent to any person for a charge or fee paid or to be paid for the rental or use of facilities
26 or to offer space free in connection with securing the trade or patronage of such person.

1 **Residential Trailer - See *Mobile Home*.**

2

3 **11.15.2608 Uses Permitted Under Prescribed Conditions**

4 The uses permitted subject to prescribed conditions for each use are:

5 (A) Accessory buildings such as garages, carports, studios, pergolas, private workshops, playhouses,
6 private greenhouses or other similar structures related to the dwelling in design, whether attached or
7 detached, provided:

8 (1) The height or total ground floor area of accessory buildings shall not exceed the height or
9 ground floor area of the main building on the same lot.

10 (2) If attached to the main building, an accessory building shall comply with the yard
11 requirements of this district.

12 (3) If detached and located behind the rear-most line of the main building, or a minimum of 50
13 feet from the front lot line, whichever is greater, a one-story accessory building may be located
14 adjacent to or on a rear and/or side lot line not abutting on a street.

15 (4) A detached accessory building shall occupy no more than 25 percent of a required yard.

16 (B) Where the side of a lot abuts a commercial or industrial district, the following transitional uses are
17 permitted, provided they extend not more than 100 feet into the LR-7 district and otherwise
18 conform to all requirements of this Chapter which apply:

19 (1) A two-unit dwelling;

20 (2) A multiplex dwelling structure, when located in other than a "Developed Neighborhood", as
21 designated in the Community Plan;

22 (3) A business or professional office or clinic;

23 (4) Parking, developed as required in MCC .6100 through .6148; and

24 (5) Other uses of a transitional nature as determined by the Planning Commission.

25 (C) Farming, truck gardening, orchards and nurseries, provided that no retail or wholesale business
26 sales office shall be maintained on the premises, and no poultry or livestock, other than normal

1 household pets, shall be kept within 100 feet of any residence other than the dwelling on the same
2 lot. This subsection does not permit the raising of fowl or fur-bearing animals for sale, the keeping
3 of swine, or a feed lot.

4 (D) Except as otherwise authorized under Subsection (B) above or MCC .7105 through .7640, the
5 parking or storage of not more than five motor vehicles per dwelling unit. Non-operating vehicles
6 shall not be kept so as to be visible from a street;

7 (E) A two-unit dwelling, provided all of the following conditions are satisfied:

8 (1) Located outside a "Developed Neighborhood" as designated in the Community Plan;

9 (2) The site is a corner lot or on a corner lot and an adjoining lot, under MCC .2480(H);

10 (3) Development is in compliance with the minimum lot size requirement of MCC .2616(B) and
11 the other applicable dimensional requirements of this district; and

12 (4) Front entryways facing separate streets are provided.

13 (F) A two-unit dwelling, provided all of the following conditions are satisfied:

14 (1) Location is outside a "Developed Neighborhood" as designated in the Community Plan;

15 (2) The site is a flag lot or a lot having sole access from an accessway approved under the Land
16 Division Chapter;

17 (3) Development will not increase the volume of traffic beyond the capacity of the public street
18 serving the lot. The number of trips generated by the development shall be determined based
19 on the average trip generation rate for the kind of development proposed as described in "Trip
20 Generation" by the Institute of Traffic Engineers. The capacity of the street shall be
21 determined based on the capacity described in the County Functional Classification System
22 and Community Plan Policies No. 34 and No. 36;

23 (4) Development will meet the following design standards for privacy:

24 (a) Lights from vehicles on the site and from outdoor fixtures shall not be directed or reflected
25 onto adjacent properties. This may be accomplished by the layout of the development or
26 by the use of sight obscuring landscaping or fences;

1 (b) Windows of the dwelling units shall face away from windows in existing adjacent dwelling
2 structures;

3 (c) Balconies or outdoor private spaces shall be located so there are no direct views from them
4 to windows or private spaces of dwellings on adjacent properties;

5 (d) Active recreational use structures, such as permanent basketball or volleyball standards
6 shall be located outside of required side yards;

7 (5) The applicant shall file a plan showing existing trees of six-inch diameter measured five feet
8 from the base of the tree and existing shrubs and hedges exceeding a height of five feet. The
9 proposed development shall preserve these features unless they are:

10 (a) Located in the buildable portion of the lot;

11 (b) Located so as to eliminate useful solar access;

12 (c) Located in the only route by which access can be had to the site using driveways ten feet
13 wide with a minimum of five feet of buffer on either side;

14 (d) Diseased, damaged beyond restoration, or otherwise a danger to the public, or

15 (e) Replaced by an equal amount of landscaping, under a bond posted to ensure replacement;

16 (6) Development will be in compliance with the lot size requirement of MCC .2616(B) and the
17 other applicable dimensional requirements of this district.

18 (G) A mobile home on an individual lot subject to the development standards of MCC .[2494]7705.

19 (H) Home occupations, as defined in MCC .0010.

20 (I) Temporary uses under the provisions of MCC .8705-.8710.

21

22 **11.15.2628 Uses Permitted Under Prescribed Conditions**

23 The uses permitted subject to prescribed conditions for each use are:

24 (A) Accessory buildings such as garages, carports, studios, pergolas, private workshops, playhouses,
25 private greenhouses or other similar structures related to the dwelling in design, whether attached or
26 detached, provided:

- 1 (1) The height or total ground floor area of accessory buildings shall not exceed the height or
2 ground floor area of the main building on the same lot.
- 3 (2) If attached to the main building, an accessory building shall comply with the yard
4 requirements of this district.
- 5 (3) If detached and located behind the rear-most line of the main building, or a minimum of 50
6 feet from the front lot line, whichever is greater, a one-story accessory building may be located
7 adjacent to or on a rear and/or side lot line not abutting on a street.
- 8 (4) A detached accessory building shall occupy no more than 25 percent of a required yard.
- 9 (B) Where the side of a lot abuts a commercial or industrial district, the following transitional uses are
10 permitted, provided they extend not more than 100 feet into the LR-5 district and otherwise
11 conform to all requirements of this Chapter which apply:
 - 12 (1) A two-unit dwelling;
 - 13 (2) A multiplex dwelling structure;
 - 14 (3) A business or professional office or clinic;
 - 15 (4) Parking, developed as required in MCC .6100 through .6148; and
 - 16 (5) Other uses of a transitional nature as determined by the Planning Commission.
- 17 (C) Farming, truck gardening, orchards and nurseries, provided that no retail or wholesale business
18 sales office shall be maintained on the premises, and no poultry or livestock, other than normal
19 household pets, shall be kept within 100 feet of any residence other than the dwelling on the same
20 lot. This subsection does not permit the raising of fowl or fur-bearing animals for sale, the keeping
21 of swine, or a feed lot;
- 22 (D) Except as otherwise authorized under Subsection (B) above or MCC .7105 through .7640, the
23 parking or storage of not more than five motor vehicles per dwelling unit. Non-operating vehicles
24 shall not be kept so as to be visible from a street;
- 25 (E) A two-unit dwelling, in compliance with the lot size requirement of MCC .2634(B), and the other
26 applicable dimensional requirements of this district, provided the location is:

- 1 (1) A corner lot or a corner lot and adjoining lot under MCC .2480(H);
- 2 (2) A flag lot;
- 3 (3). A lot having sole access from an accessway approved under MCC 11.45, the Land Division
- 4 Chapter; or
- 5 (4) A lot having access from a public street created under MCC 11.45, the Land Division Chapter,
- 6 when not more than four such structures having access from the same public street are located
- 7 within 200 feet of each other.
- 8 (F) A mobile home on an individual lot subject to the development standards of MCC .[2494]7705.
- 9 (G) Home occupations, as defined in MCC .0010.
- 10 (H) Temporary uses under the provisions of MCC .8705-.8710.

11

12 **11.15.2748 Uses Permitted Under Prescribed Conditions**

13 The uses permitted subject to prescribed conditions for each use are:

- 14 (A) Accessory buildings such as garages, carports, studios, pergolas, private workshops, playhouses,
- 15 private greenhouses or other similar structures related to the dwelling structure in design, whether
- 16 attached or detached, provided:
 - 17 (1) The height or total ground floor area of accessory buildings shall not exceed the height or total
 - 18 ground floor area of the main building(s) on the same lot;
 - 19 (2) If attached to any main building, an accessory building shall comply with the yard
 - 20 requirements of this district;
 - 21 (3) If detached and located behind the rear line of the rearmost main building, or a minimum of 50
 - 22 feet from the front lot line, whichever is greater, any one-story accessory building may be
 - 23 located adjacent to or on a rear and/or side lot line not abutting on a street when in compliance
 - 24 with the Building Code; and
 - 25 (4) A detached accessory building shall occupy no more than 25 percent of the required yard area
 - 26 in which it is located.

- 1 (B) Where the side of a lot abuts a commercial or industrial district other than LC, the following
2 transitional uses are permitted, provided they extend not more than 100 feet into the MR-4 district
3 and otherwise conform to all requirements of this Chapter which apply:
- 4 (1) A business or professional office or clinic, developed as provided under MCC .2712;
 - 5 (2) Parking, developed as required in MCC .6100 through .6148; and
 - 6 (3) Other uses of a transitional nature as determined by the Planning Commission.
- 7 (C) Farming, truck gardening, orchards and nurseries, provided that no retail or wholesale business
8 sales office shall be maintained on the premises, and no poultry or livestock, other than normal
9 household pets, shall be kept on the lot.
- 10 (D) Except as otherwise authorized under MCC .7105 through .7640, the parking or storage of not more
11 than five motor vehicles per dwelling unit. Non-operating vehicles shall not be kept so as to be
12 visible from a street.
- 13 (E) A single family detached dwelling, subject to the provisions of MCC .2700.
- 14 (F) A mobile home on an individual lot subject to the development standards of MCC ~~.[2704]~~7705;
- 15 (G) Home occupations, as defined in MCC .0010.
- 16 (H) Temporary uses under the provisions of MCC .8705 - .8710.
- 17 (I) Ambulance service substations, subject to approval by the Planning Director when found to satisfy
18 the approval criteria of MCC 11.15.2719.

19

20 **11.15.2750 Conditional Uses**

21 The following uses may be permitted when found by the approval authority to satisfy the applicable
22 Ordinance standards:

- 23 (A) Community Service Uses under the provisions of MCC .7005 through .7041;
- 24 (B) Conditional Uses under the provisions of MCC .7105 through .7640;
- 25 (C) A mobile home park subject to the approval criteria of MCC ~~.[2706]~~7710, the development
26 standards of MCC ~~.[2708]~~7715, and the requirements of MCC .8230(D)(3);

1 (D) A business or professional office or clinic under the procedural provisions of MCC .7105 through
2 .7640, the approval criteria of MCC .2710, and the development standards of MCC .2712; and

3 (E) Wholesale or retail sales of farm, horticultural or forest products, raised or grown on the premises.
4

5 **11.15.2768 Uses Permitted Under Prescribed Conditions**

6 The uses permitted subject to prescribed conditions for each use are:

7 (A) Accessory buildings such as garages, carports, studios, pergolas, private workshops, playhouses,
8 private greenhouses or other similar structures related to the dwelling structure in design, whether
9 attached or detached, provided:

10 (1) The height or total ground floor area of accessory buildings shall not exceed the height or total
11 ground floor area of the main building(s) on the same lot.

12 (2) If attached to any main building, an accessory building shall comply with the yard
13 requirements of this district.

14 (3) If detached and located behind the rear line of the rear-most main building, or a minimum of
15 50 feet from the front lot line, whichever is greater, any one-story accessory building may be
16 located adjacent to or on a rear and/or side lot line not abutting on a street when in compliance
17 with the Building Code.

18 (4) A detached accessory building shall occupy no more than 25 percent of the required yard area
19 in which it is located.

20 (B) Where the side of a lot abuts a commercial or industrial district other than LC, the following
21 transitional uses are permitted provided they extend not more than 100 feet into the MR-3 district
22 and otherwise conform to all requirements of this Chapter which apply:

23 (1) A business or professional office or clinic, developed as provided under MCC .2712;

24 (2) Parking, developed as required in MCC. .6100 through .6148; and

25 (3) Other uses of a transitional nature as determined by the Planning Commission.

26 (C) Farming, truck gardening, orchards and nurseries, provided that no retail or wholesale business

1 sales office shall be maintained on the premises, and no poultry or livestock other than normal
2 household pets shall be kept on the lot.

3 (D) Except as otherwise authorized under MCC .7105 through .7640, the parking or storage of not more
4 than five motor vehicles per dwelling unit. Non-operating vehicles shall not be kept so as to be
5 visible from a street.

6 (E) A single family detached dwelling, subject to the provisions of MCC .2700.

7 (F) A mobile home on an individual lot subject to the development standards of MCC .[2704]7705;

8 (G) Home occupations, as defined in MCC .0010.

9 (H) Temporary uses under the provisions of MCC .8705 - .8710.

10 (I) Ambulance service substations, subject to approval by the Planning Director when found to satisfy
11 the approval criteria of MCC 11.15.2719.

12

13 **11.15.2770 Conditional Uses**

14 The following uses may be permitted when found by the approval authority to satisfy the applicable
15 Ordinance standards:

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

17 (B) Conditional Uses under the provisions of MCC .7105 through .7640;

18 (C) A mobile home park subject to the approval criteria of MCC .[2706]7710, the development
19 standards of MCC .[2708]7715, and the requirements of MCC .8230(D)(3);

20 (D) A business or professional office or clinic under the procedural provisions of MCC .7105 through
21 .7640, the approval criteria of MCC .2710, and the development standards of MCC .2712; and

22 (E) Wholesale or retail sales of farm, horticultural or forest products, raised or grown on the premises.

23

24 **11.15.6222 Permitted Uses**

25 In an underlying residential district, the following uses may be permitted in a Planned Development
26 District:

- 1 (A) Housing types may include single family detached or attached dwellings, duplexes, row houses,
2 town houses or apartments, except that in the MUA-20, RR and RC districts only duplexes and
3 single family detached or attached dwellings are permitted.
- 4 (B) In the LR-7 and the LR-5 districts, outside a *Developed Neighborhood* as designated in the
5 Community Plan, the housing type may include mobile homes [:
- 6 (1) On individual lots in a subdivision approved for the purpose under MCC 11.45, the Land
7 Division Chapter, subject to the development standards of MCC .2704, except subpart (A)(2)
8 thereof;
- 9 (2) [I]n a mobile home park, subject to the development standards of MCC .[2708]7715.
- 10 (C) A related commercial use which is designated to serve the development of which it is a part, upon
11 approval by the Planning Commission.
- 12 (D) A Community Service use listed in MCC .7005 through .7030, when designated to serve the
13 development or the adjacent area of which it is a part, upon approval by the Planning Commission.
- 14 (1) A Community Service use, when approved under the provisions of MCC .7005 through .7030,
15 may also be designed to serve the adjacent area outside the Planned Development if found by
16 the Planning Commission to be appropriate and consistent with Comprehensive Plan policies.
- 17 (E) A use or structure customarily accessory or incidental to a permitted or approved use.
- 18 (F) For an underlying commercial or industrial district, the following uses may be permitted in a
19 Planned Development District:
- 20 (1) Uses permitted in the underlying district.
- 21 (2) Community Service Uses when approved by the Planning Commission under the provisions of
22 MCC .7005 through .7030.
- 23 (3) Any other use as approved by the Planning Commission when found to be consistent with the
24 Development Plan and Program and the purposes of this Chapter.
- 25
- 26

1 **11.15.7705 Development Standards for Mobile Homes on Individual Lots Within Urban Districts**

2 A mobile home on an individual lot located in all Urban Districts except Urban Future shall:

3 (A) Be a *manufactured home* constructed after June 15, 1976, and carry a State insignia indicating
4 compliance with applicable Oregon State mobile home construction or equipment standards;

5 (B) Notwithstanding deterioration which may have occurred due to misuse, neglect, accident or other
6 cause, meet the State standards for mobile home construction evidenced by the required insignia;

7 (C) Be placed on an excavated and back-filled foundation and enclosed at the perimeter;

8 (D) Have a minimum floor area of 1,000 square feet;

9 (E) Have a pitched roof with a pitch of at least a nominal three feet in height for each 12 feet in width
10 (3:12);

11 (F) Be multisectional. A "tip-out" or "expandable" unit is not a multisectional home;

12 (G) Be certified by the manufacturer to have an exterior thermal envelope meeting performance
13 standards which reduce heat loss to levels equivalent to the performance standards required of
14 single family dwellings constructed under the state building code as defined in ORS 455.010.

15

16 **11.15.7710 Mobile Home Park Approval Criteria**

17 In approving a mobile home park the approval authority shall find that the proposal:

18 (A) Is located outside a "Developed Neighborhood" as designated in the Community Plan;

19 (B) Will have direct pedestrian and two-way vehicular access to a publically maintained road;

20 (C) Will be located on a site free from development limitations such as slopes exceeding 20%, severe
21 erosion or earth slide potential, or a high seasonal water table;

22 (D) Will provide for the privacy of the occupants of the mobile homes, of adjoining dwellings and of
23 outdoor living areas through such means as the placement of mobile homes and accessory
24 structures, the arrangement of landscaping, parking and circulation and the preservation of natural
25 vegetation and other features;

26 (E) Will provide for the conservation of energy through orientation of mobile homes, accessory

1 structures and open spaces with regard to solar exposure and climatic conditions (MCC .6835
2 through .6858):

3 (F) Will provide outdoor or indoor recreation spaces of a type and location suitable to the needs of the
4 residents of the park; and

5 (G) Will satisfy the mobile home park development standards of MCC .7715.

6
7 **11.15.7715 Mobile Home Park Development Standards**

8 A mobile home park approved under this Chapter shall comply with the State standards in effect at the
9 time of construction, the other applicable requirements of this Chapter, and the following:

10 (A) Application for a permit shall include evidence that the park will be eligible for a certificate of
11 sanitation required by State law;

12 (B) The space provided for each mobile home shall be supplied with piped potable water and electrical
13 and sewage disposal connections;

14 (C) Not more than 40 percent of the area of a mobile home space may be occupied by a mobile home
15 and any attached or detached structure used in conjunction with the mobile home;

16 (D) Only those accessory structures authorized by Oregon Administrative Rule may be attached to a
17 mobile home;

18 (E) The only detached structures located on a mobile home space shall be a carport or a fully-enclosed
19 storage building;

20 (F) A mobile home and any attached accessory structure shall not be located less than:

21 (1) Ten feet from any other mobile home or accessory structure attached thereto;

22 (2) Ten feet from any detached accessory building or other building located within the mobile
23 home park; or

24 (3) Five feet from a mobile home park property line.

25 (G) A permanent building in a mobile home park shall not be located less than ten feet from another
26 permanent building and shall meet the yards as required in the district;

1 (H) A sight-obscuring fence of not less than six feet in height, with openings only for required entrances
2 or exits to a street or public place, shall be provided between mobile homes and a mobile home park
3 property line;

4 (I) Each vehicular way in a mobile home park of 50 spaces or more shall be named and marked with
5 signs of a design similar to those for public streets. A map of the named vehicular ways and of the
6 mobile home space numbers shall be provided by the owner to the fire district;

7 (J) There shall be no outdoor storage of furniture, electrical appliances, tools, equipment, building
8 materials or supplies within a mobile home park;

9 (K) Any mobile home in a mobile home park within an LR-7 or LR-5 district shall:

10 (1) Be located in a mobile home space which complies with the standards of this subsection;

11 (2) Be a *manufactured home* constructed after June 15, 1976, and carry a State insignia indicating
12 compliance with applicable Oregon State mobile home construction or equipment standards;

13 (3) Notwithstanding deterioration which may have occurred due to misuse, neglect, accident or
14 other cause, the mobile home shall meet the State standards for mobile home construction
15 evidenced by the required insignia;

16 (4) Have a minimum floor area of not less than 800 square feet;

17 (5) Have a roof with a minimum slope of 16 percent (2:12); and

18 (L) Any mobile home in a mobile home park within an MR-4 or MR-3 district shall:

19 (1) Be located in a mobile home space which complies with the standards of this subsection;

20 (2) Be a *residential trailer or manufactured home* which has a state insignia or other
21 documentation indicating compliance with Oregon State mobile home construction and
22 equipment standards in effect at the time of manufacture, reconstruction or equipment
23 installation;

24 (3) Notwithstanding deterioration which may have occurred due to misuse, neglect, accident or
25 other cause, the mobile home shall meet the State standards for mobile home construction
26 evidenced by the required insignia;

- 1 (4) Have a minimum floor area of not less than 225 square feet;
- 2 (5) Be equipped with a water closet, lavatory, shower or bath tub, and with a sink in a kitchen or
- 3 other food preparation space;
- 4 (6) Be provided with a continuous skirting; and
- 5 (7) If a single-wide unit, be tied down with devices which meet state tie-down standards.

7 Section VI. Adoption.

8 This ordinance, being necessary for the health, safety, and general welfare of the people of
9 Multnomah County, an emergency is declared and the Ordinance shall take effect upon its execution by the
10 County Chair, pursuant to Section 5.50 of the Charter of Multnomah County.

11 ADOPTED THIS 28th day of May, 1991, being the date of its 1st
12 reading before the Board of County Commissioners of Multnomah County.



13
14
15
16 By *Gladys McCoy*
17 Gladys McCoy, County Chair
18 MULTNOMAH COUNTY, OREGON

19
20 REVIEWED:

21
22 *John DuBay*
23 John DuBay, Deputy County Counsel
24 of Multnomah County, Oregon

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4 compliance with applicable Oregon State mobile home construction or equipment standards;

5 (B) Notwithstanding deterioration which may have occurred due to misuse, neglect, accident or other
6 cause, meet the State standards for mobile home construction evidenced by the required insignia;

7 (C) Be set on a continuous, permanent foundation;

8 (D) Have a minimum floor area of 1,000 square feet;

9 (E) Have a pitched roof with a pitch of at least a nominal three feet in height for each 12 feet in width
10 (3:12);

11 (F) Be multisectional. A "tip-out" or "expandable" unit is not a multisectional home;

12 (G) Be certified by the manufacturer to have an exterior thermal envelope meeting performance
13 standards which reduce heat loss to levels equivalent to the performance standards required of
14 single family dwellings constructed under the state building code as defined in ORS 455.010.

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16 **11.15.7710 Mobile Home Park Approval Criteria**

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19 (B) Will have direct pedestrian and two-way vehicular access to a publically maintained road;

20 (C) Will be located on a site free from development limitations such as slopes exceeding 20%, severe
21 erosion or earth slide potential, or a high seasonal water table;

22 (D) Will provide for the privacy of the occupants of the mobile homes, of adjoining dwellings and of
23 outdoor living areas through such means as the placement of mobile homes and accessory
24 structures, the arrangement of landscaping, parking and circulation and the preservation of natural
25 vegetation and other features;

26 (E) Will provide for the conservation of energy through orientation of mobile homes, accessory

Meeting Date: May 28, 1991

Agenda No.: 12

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Oregon Legislative Update

AGENDA REVIEW/
BOARD BRIEFING May 28, 1991 REGULAR MEETING _____
(date) (date)

DEPARTMENT Nondepartmental DIVISION County Chair's Office

CONTACT Fred Neal TELEPHONE Fred Neal

PERSON(S) MAKING PRESENTATION _____

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 1 hour

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

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

Legislative Update

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL *Glady's Mc Coy*

Or

DEPARTMENT MANAGER _____

(All accompanying documents must have required signatures)

CLERK OF
COUNTY COMMISSIONERS
1991 MAY 23 AM 8:24
MULTI-NOMAH COUNTY
OREGON